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SITTING DAYS—2005

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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.

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- **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—THIRD 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

Printed by authority of the Senate
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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.

(8) Chosen by the Parliament of New South Wales to fill a casual vacancy vice John Tierney, 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
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<tr>
<td>Deputy Prime Minister</td>
<td>The Hon. John Duncan Anderson MP</td>
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<tr>
<td>Treasurer</td>
<td>The Hon. Peter Howard Costello MP</td>
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<td>Minister for Trade</td>
<td>The Hon. Mark Anthony James Vaile MP</td>
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<td>Minister for Defence and Leader of the Government</td>
<td>Senator the Hon. Robert Murray Hill</td>
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<td>Minister for Foreign Affairs</td>
<td>The Hon. Alexander John Gosse Downer MP</td>
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<td>Minister for Health and Ageing and Leader of the</td>
<td>The Hon. Anthony John Abbott MP</td>
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<td>Minister for Finance and Administration, Deputy</td>
<td>Senator the Hon. Nicholas Hugh Minchin</td>
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<td>Leader of the Government in the Senate and</td>
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<td>Vice-President of the Executive Council</td>
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<tr>
<td>Minister for Agriculture, Fisheries and Forestry</td>
<td>The Hon. Warren Errol Truss MP</td>
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<td>Minister for Immigration and Multicultural and</td>
<td>Senator the Hon. Amanda Eloise Vanstone</td>
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<tr>
<td>Indigenous Affairs and Minister Assisting the Prime</td>
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<td>Minister for Indigenous Affairs</td>
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<tr>
<td>Minister for Education, Science and Training</td>
<td>The Hon. Dr Brendan John Nelson MP</td>
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<tr>
<td>Minister for Family and Community Services and</td>
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<td>and Minister Assisting the Prime Minister for</td>
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<td>Minister for Communications, Information Technology</td>
<td>Senator the Hon. Helen Lloyd Coonan</td>
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<td>and the Arts</td>
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<td>Minister for the Environment and Heritage</td>
<td>Senator the Hon. Ian Gordon Campbell</td>
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(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


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<th>Role and Responsibilities</th>
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<tr>
<td>Leader of the Opposition</td>
<td>The Hon. Kim Christian Beazley MP</td>
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<tr>
<td>Deputy Leader of the Opposition and Shadow Minister for Education, Training, Science and Research</td>
<td>Jennifer Louise Macklin MP</td>
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<td>Leader of the Opposition in the Senate and Shadow Minister for Social Security</td>
<td>Senator Christopher Vaughan Evans</td>
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<td>Deputy Leader of the Opposition in the Senate and Shadow Minister for Communications and Information Technology</td>
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<td>Shadow Minister for Health and Manager of Opposition Business in the House</td>
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<tr>
<td>Shadow Treasurer</td>
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<td>Shadow Minister for Industry, Infrastructure and Industrial Relations</td>
<td>Stephen Francis Smith MP</td>
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<td>Shadow Minister for Foreign Affairs and International Security</td>
<td>Kevin Michael Rudd MP</td>
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<td>Shadow Minister for Defence and Homeland Security</td>
<td>Robert Bruce McClelland MP</td>
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<td>Shadow Minister for Trade</td>
<td>The Hon. Simon Findlay Crean MP</td>
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<td>Shadow Minister for Environment and Heritage and Deputy Manager of Opposition Business in the House</td>
<td>Anthony Norman Albanese MP</td>
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<td>Shadow Minister for Public Administration and Open Government, Shadow Minister for Indigenous Affairs and Reconciliation and Shadow Minister for the Arts</td>
<td>Senator Kim John Carr</td>
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<td>Shadow Minister for Regional Development and Roads and Shadow Minister for Housing and Urban Development</td>
<td>Kelvin John Thomson MP</td>
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<td>Shadow Minister for Finance and Superannuation</td>
<td>Senator the Hon. Nicholas John Sherry</td>
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<td>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</td>
<td>Tanya Joan Plibersek MP</td>
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<td>Shadow Minister for Employment and Workplace Participation and Shadow Minister for Corporate Governance and Responsibility</td>
<td>Senator Penelope Ying Yen Wong</td>
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(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
Shadow Attorney-General                          Nicola Louise Roxon MP
Shadow Minister for Regional Services, Local Government and Territories
Shadow Minister for Manufacturing and Shadow Minister for Consumer Affairs
Shadow Minister for Defence Planning, Procurement and Personnel and Shadow Minister Assisting the Shadow Minister for Industrial Relations
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
Shadow Minister for Justice and Customs, Shadow Minister for Citizenship and Multicultural Affairs and Manager of Opposition Business in the Senate
Shadow Minister for Pacific Islands              Robert Charles Grant Sercombe MP
Shadow Parliamentary Secretary to the Leader of the Opposition
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
Shadow Parliamentary Secretary for Infrastructure
Shadow Parliamentary Secretary for Health        Ann Kathleen Corcoran MP
Shadow Parliamentary Secretary for Regional Development (House)
Shadow Parliamentary Secretary for Regional Development (Senate)
Shadow Parliamentary Secretary for Northern Australia and Indigenous Affairs

The Hon. Archibald Ronald Bevis MP
Senator Kerry Williams Kelso O’Brien
Senator Kate Alexandra Lundy
The Hon. Archibald Ronald Bevis MP
Senator Joseph William Ludwig
Senator Jan Elizabeth McLucas
Senator Joseph William Ludwig
John Paul Murphy MP
The Hon. Graham John Edwards MP
Jennie George MP
Bernard Fernando Ripoll MP
Ann Kathleen Corcoran MP
Catherine Fiona King MP
Senator Ursula Mary Stephens
The Hon. Warren Edward Snowdon MP
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The PRESIDENT (Senator the Hon. Paul Calvert) took the chair at 12.30 pm and read prayers.

BUSINESS

Rearrangement

Senator ELLISON (Western Australia—Minister for Justice and Customs) (12.31 pm)—by leave—I move:

That the order of the Senate of 16 June 2005 relating to the hours of meeting and routine of business for the remainder of the 2005 winter sittings be varied to omit paragraph (3)(b).

Question agreed to.

Consideration of Legislation

Senator ELLISON (Western Australia—Minister for Justice and Customs) (12.31 pm)—I move:

That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the Farm Household Support Amendment (Exceptional Circumstances Relief Payment) Bill 2005, allowing it to be considered during this period of sittings.

Question agreed to.

FARM HOUSEHOLD SUPPORT AMENDMENT (EXCEPTIONAL CIRCUMSTANCES RELIEF PAYMENT) BILL 2005

First Reading

Bill received from the House of Representatives.

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

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

Question agreed to.

Bill read a first time.

Second Reading

Senator ELLISON (Western Australia—Minister for Justice and Customs) (12.32 pm)—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—

FARM HOUSEHOLD SUPPORT AMENDMENT (EXCEPTIONAL CIRCUMSTANCES RELIEF PAYMENT) BILL 2005

Introduction

The Australian Government is proactively helping the farm sector to manage its challenges through its Exceptional Circumstances (EC) assistance, its Agriculture Advancing Australia (Triple A) package and industry specific initiatives—building farm sustainability and providing assistance directly to farmers experiencing severe downturns in farm income due to rare and severe climatic or other events.

On 30 May 2005, the Prime Minister committed an additional $254 million to assist farmers manage the impacts of drought. The Prime Minister announced a range of measures to enhance the support currently provided by the Australian Government to drought affected farmers and communities. He made this commitment in recognition that many Australian producers are facing the devastating impact that ongoing dry conditions have had on farm production and consequently farm income.

The Coalition’s commitment to drought-readiness and assistance measures now totals over $2.2 billion. The Prime Minister’s announcement brings the overall Australian Government commitment to drought response activities to more than $1.25 billion.

Features of the enhanced assistance package include:

- more generous Exceptional Circumstances (EC) Interest Rate Subsidies (ECIRS) with a doubling of the off-farm assets test ($196.3m);
• a more generous income test for EC Relief Payments (ECRP) ($49.32m) that the bill is seeking to implement;
• additional counselling and support services ($8.98m);
• a second round of drought Envirofund of grants ($10m from existing appropriation);
• an extension of the streamlined reassessment process for those EC declared areas nearing the end of their second year of assistance and a review by the National Rural Advisory Council (NRAC) of the 22 areas not recommended for an EC extension over the past year; and
• $3 million for the Country Women’s Association to help it meet immediate household needs of those producers and their families or to conduct community-based activities to assist local communities in drought-affected areas.

This is on top of the EC assistance already provided through EC arrangements. In fact, the Government has so far provided more than $680 million directly to Australian farmers, with the amount increasing by approximately $4 million each week. An additional $80 million is estimated to have been provided in auxiliary benefits such as Health Care Cards and Youth Allowance concessions. The Australian Government will continue to meet 90 per cent of the cost of ECIRS and, with the changes announced to the ECRP that is fully funded by the Australian Government, the Government will continue to meet about 96 per cent of the total cost of EC.

The Government has been able to make assistance available in a timely way for an unprecedented number of EC areas. Approximately 45 per cent of Australia’s agricultural land is currently covered by Australian Government EC declarations. These areas are deemed by the independent committee of farmers and agribusiness professionals, NRAC, to be experiencing a rare and severe drought event of the type that might be expected to occur only once in a generation.

Under the EC arrangements and the 9 December 2002 Additional Drought Assistance Package, the Government has approved more than 33,900 applications for income support and nearly 16,700 applications for interest rate relief.

The Farm Household Support Amendment (Exceptional Circumstances Relief Payment) Bill 2005 (the bill) will give effect to amendments that aim to improve the effectiveness and administration of ECRP and to further ensure that it assists farmers suffering the effects of drought.

These changes recognise that the severity and extent of the drought is continuing to have an immense impact on rural Australia and is unquestionably one of the most severe in the last 100 years. As a result, in many drought affected regions farmers and their partners are increasingly turning to employment opportunities off-farm to supplement their farm income.

To take these circumstances into account, the Prime Minister announced on 30 May 2005, that from 1 July 2005 farm families will benefit from a $10,000 annual exemption from off-farm wages and salaries against the income test for ECRP, in addition to existing exemptions.

The new test is to apply to all EC declared areas and will be reviewed before June 2006 to determine if the prevailing drought conditions and outlook warrant any extension.

The bill also brings into effect a change to the process in which farmers obtain an EC Certificate. A farmer applying to receive an EC Certificate will no longer need to contact their state Rural Adjustment Authority. This change reflects the Australian Government’s ongoing commitment to streamline the EC assistance arrangements to ensure they are more efficient and effective for farmers. The change will also address the concerns raised in the recent report by Australian National Audit Office (ANAO): “The Auditor-General Audit Report No.50 2004–05 Performance Audit. Drought Assistance” regarding the accuracy of information contained in the EC Certificates issued by the relevant state Rural Adjustment Authority.

I would like to highlight that the ANAO found that the Australian Government’s drought assistance measures have been responsive and effective and the agencies responsible for delivering these measures have worked hard to ensure assis-
tance reaches farmers and their families in a timely and user-friendly manner.

The bill seeks to streamline the EC Certificate process for farmers and address the ANAO concerns by using a consistent delivery mechanism—Centrelink. Subject to the passage of legislation, from 1 October 2005 EC certificates will be issued nationally by Centrelink to EC declared farmers. This will not require consequential amendment to other legislation which refers to EC certificates.

As I said earlier, the Australian Government is strongly committed to delivering EC assistance that best meets the needs of the nation’s farmers. But the widespread nature and ongoing impact of the drought has again highlighted inadequacies with the present EC arrangements.

As a Government, we have been trying since 2000 to reform these arrangements. The Drought Review Panel and the National Drought Roundtable both agreed on the need for reform.

As EC is a program run jointly with the states and territories, we are working with these governments to reform the program so EC provides the most effective, equitable and timely assistance possible. Part of this involves negotiating an equitable cost-sharing arrangement for the program—one that ensures the roles of the states and territories in the EC process are adequately reflected. One of the major milestones achieved through this process to date is the development of a National Monitoring System. Once introduced, the System will streamline the state EC application and assessment process, making it less burdensome for farmers, their respective communities and the states to lodge applications for EC and will result in EC assistance becoming available sooner for farmers in an EC event.

The Government supports the Drought Review Panel’s recommended broad approach to shift progressively the focus from drought support to drought preparedness. We are already making a substantial contribution to encourage farmers to improve drought preparedness through many of the Triple-A programmes and work is continuing in this area in the EC policy reform context.

I would like to take this opportunity to also highlight the Government’s efforts to support structural adjustment in rural and regional Australia—most notably through the Triple-A programmes and other industry specific assistance.

The Australian Government has committed over $1 billion in funding to Triple-A since it was launched as the flagship rural policy package. The package focuses on capacity building, risk management and self-reliance.

While facilitating this shift the Triple-A package has also included income and decision-support for farm families undergoing financial hardship.

The Triple-A package comprises an integrated suite of programmes, including Farm Help, FarmBis and Rural Financial Counselling Services. Triple-A Programmes provide:

- funding for business and natural resource management training and education;
- support for industries undergoing change;
- financial management tools;
- financial information, referral and decision-support;
- improved access to markets; and
- funding for professional advice and skills development.

A new Triple-A initiative introduced in the 2004 May Budget—the Industry Partnerships Program—is working to bring the Australian Government and rural industry together in a common cause, to build stronger, sustainable rural industries in Australia.

The continuing drought and adjustment pressures in the farm sector also make Triple-A assistance timely and targeted toward those in most need.

In relation to specific assistance for industry, the Government has also introduced a number of special assistance programs for discrete categories of primary producers who have been significantly affected by substantial structural or regulatory factors beyond the normal scope of their farming activities.

Examples of targeted support for Australia’s agricultural industries include the $1.94 billion Dairy Industry Assistance Package, the Sugar Industry Reform Program 2004, which allows for up to $444 million in industry assistance and up to $1.5
million through the Australian Government Citrus Canker Assistance Package.

Conclusion

I would like to reiterate that the Australian Government’s record on assisting farmers to manage drought and structural adjustment in rural and regional Australia is strong—and we remain committed to providing assistance when and where it is needed.

I appreciated the opportunity to hear from farmers first-hand during my visits to drought-affected areas and at the recent Parkes Drought Summit. I know that the Prime Minister and Deputy Prime Minister appreciated the response of farmers to their recent tour of some of the worst drought-affected areas. This package comes as a direct response to need in our rural communities and to the ongoing consultations on National Drought Policy, to prepare for the future.

The National Farmers’ Federation (NFF) has been a valued sounding board for the Government in the development of the package announced on 30 May—providing constructive feedback on the appropriateness of measures as they have been considered.

I would also like to thank the farmers, community and industry groups and volunteers who have all been involved in the success of the Government’s drought assistance measures. My thanks also go to the government agencies delivering EC assistance for their swift implementation of the 2005 Drought Assistance Package, ongoing EC, Triple-A and industry specific programmes.

Passage of this bill will ensure that our drought assistance is able to reach those most in need.

Senator O’BRIEN (Tasmania) (12.32 pm)—On behalf of the opposition, I rise to address the Farm Household Support Amendment (Exceptional Circumstances Relief Payment) Bill 2005, which, in quite unusual circumstances, is being introduced and debated immediately. The bill amends the Farm Household Support Act 1992 to give effect to some of the measures announced in the 2005 drought assistance package which the Prime Minister announced on 30 May this year. Most of the changes announced by the government can be done by ministerial direction. This piece of legislation is necessary to provide for changes to the income test for exceptional circumstances relief payments. It provides for an exemption of up to $10,000 from off-farm wages and salaries to a person and their partner as of 1 July 2005. It also provides that, in future, a person seeking exceptional circumstances relief payments will make an application directly to Centrelink instead of to a state or territory rural adjustment authority.

Labor welcome the measures announced by the Prime Minister on 30 May and welcome the measures included in this legislation. However, there are some other matters I want to touch on. We are disappointed that it has taken so long for the government to make even this tentative start to reforming and improving drought policy. Labor are also disappointed that a number of important concerns about the Howard government’s administration of drought policy were not addressed in either the Prime Minister’s announcement or the legislation we are considering here today.

Despite recent rain across significant parts of Western Australia, Victoria, New South Wales, parts of South Australia and Queensland, around 45 per cent of Australia’s farmland is currently drought declared. In New South Wales the figure is closer to 85 per cent. Some of the most productive areas of Queensland are also in drought, as are parts of Victoria, South Australia and Western Australia—and I believe your own property is waiting for rain as well, Mr President. In fact, large parts of New South Wales, southern Queensland and northern Victoria have been in drought since late 2002 or the early part of 2003. A significant number of families in these regions have had little or no income derived from their properties for three years in a row.

CHAMBER
The recent rains in Western Australia have considerably relieved the situation there, and crop forecasts for that state are now positive. The rains in the Eastern States have allowed some farmers to get a crop in and to at least have a chance of receiving some sort of income this year. However, the outlook remains bleak for many. The Bureau of Meteorology has advised that the first quarter of 2005 was the second driest on record. Only the first quarter of 1965 was drier. In addition, it has been the hottest start to the year ever, with temperatures right across the continent averaging 1.7 degrees above normal. The second hottest was in 1998, when temperatures were only averaging 1.3 degrees above normal. Each year since 2002 has been classed as a dry year, with rainfall below the historical norm.

The agencies responsible for long-range climate forecasts in Australia—that is, the Bureau of Meteorology, CSIRO and the Queensland climate centre—use a variety of models to make rainfall projections for the rest of the year. The overwhelming consensus of all these models is that we are in for a hotter and drier year than on average over most of the continent, especially in the east and south-east of the continent. In a recent review, forecasters have stated that they now think there is a 50 per cent chance of average or slightly better than average rains over winter this year. However, this obviously means that there is still a 50 per cent chance of lower than average rains over the winter, and the longer-term projections still indicate another dry year.

Most of the models used rely, to a greater or lesser extent, on the southern oscillation index, a measurement of the so-called El Nino effect. There is a strong consensus that the likelihood of a full-blown El Nino is still at least 50 per cent. The situation going into this El Nino event is more precarious than it was back in 2002 when only two per cent of farmland was drought declared compared with 45 per cent across the nation today.

The measures announced by the Prime Minister and the Minister for Agriculture, Fisheries and Forestry on 30 May in the main dealt with making it a bit easier for farmers to access drought relief once an area had been drought declared. It is disappointing to me that the government has not also gone back a step and reviewed the measures in place to help farmers prepare for the eventuality of a drought. The government has placed great store in the Farm Management Deposit Scheme as the centrepiece of its efforts to help farmers prepare for drought. In fact, the agriculture minister mentioned the Farm Management Deposit Scheme in his press release of 30 May this year announcing the package we are discussing here today. This is a very important scheme that has proven invaluable for many farm families as they have struggled over the recent dry years, but it is a bit rich for the minister and this government to claim credit for the scheme.

The Farm Management Deposit Scheme is, in most important respects, a successor to arrangements that operated under the former Labor government from at least 1992 onwards. These arrangements included the Income Equalisation Deposit Scheme and the Farm Management Bond Scheme as well as provisions for tax averaging. The Farm Management Deposit Scheme was not a new initiative by the Howard government but a re-badging of a Labor policy. However, the Howard government can rightly claim credit for two actions related to the ability of farmers to prepare for drought. They can claim credit for axing the drought investment allowance. Tax deductibility for investment in increased drought preparedness was introduced by the former Labor government to help farmers and give them more incentive to prepare their enterprises to cope with
drought. But in a very short-sighted decision in 1997, this important initiative was scrapped by the Howard government. It was none other than the current Leader of The Nationals, Mr John Anderson—as agriculture minister in 1997—who axed the drought investment allowance.

The government can also claim credit for another very short-sighted decision. Just before Christmas last year the government decided to reject the proposal for a cooperative research centre for climate risk technologies. Such a CRC could have played an important role in helping farmers prepare for severe droughts. The primary focus of the proposed CRC was to have been to convert our understanding of Australia’s complex climatic systems into easy-to-use products for farm businesses and rural communities to integrate in their farm, business, catchment and regional planning. In a very dry continent such as ours this sort of research is absolutely vital if our farmers and rural communities are to prepare adequately for drought. By rejecting this proposal the Howard government has deprived farmers and communities of the tools they need for their businesses to survive in the long term in the Australian climate.

Labor has long been concerned about the availability of advice to farmers who are suffering as a result of drought. I am pleased to see a small increase in the funding for the Rural Financial Counselling Service as part of this package. It performs a wonderful service with very limited resources in very trying conditions. The additional funding is welcome, but it does not address the concerns of the service itself or of farmer organisations about the long-term future of this service. It is time for the government to bite the bullet and announce secure long-term funding for this service at a level that will allow counsellors to get on with the job of helping farm families and communities without having to worry about the future of the service.

I am also concerned that there is nothing in the current exceptional circumstances arrangements that would help farm families complete a thorough assessment of the ongoing viability of their enterprise. I am thinking of the sort of assistance that is currently available under the Farm Help Program to access the services of a professional accountant skilled in assessing farm businesses and assisting with forward planning. There would, I think, be considerable benefit in allowing farmers to access this sort of assistance at a much earlier stage than is available under current arrangements.

The Howard government has clearly not done enough to help Australia prepare for drought. Farm organisations, including the National Farmers Federation, have long criticised the current drought assistance arrangements as having:

... restrictive eligibility criteria, unnecessary and complex declaration systems and discriminatory support measures ... resulting in more dollars finishing in bureaucracies, rather than farmers’ pockets.

Labor has long agreed with the NFF that improvements are needed to the way drought relief is structured and delivered. Labor has long called for changes to drought policy. And it is not just Labor and farm organisations that have been calling for drought reform; the Auditor-General has also called for changes. The Auditor-General has recently issued a report that contains scathing criticism of the Howard government’s performance in relation to drought. It is especially critical of the agriculture minister’s department in its contingency planning for drought and its response to drought. The Auditor-General found:

The Department of Agriculture, Fisheries and Forestry did not have a specific preparedness or contingency plan for drought, notwithstanding
previous recommendations made by a Taskforce of Australian and State and Territory Government officials to this effect.

This is a damning indictment of the minister’s administration of his portfolio and, in a country as dry as Australia where droughts are common, it shows that he has made no contingency plans for dealing with drought. The Auditor also found that, while the department did identify risks and problems associated with the delivery of exceptional circumstances assistance:

... there were no specific treatment strategies identified corresponding to these risks.

Nor did they identify the possibility that substantial additional measures might be needed ...

No wonder the minister seriously underestimated the impact of the drought in this year’s departmental budget. His department had no plans and did not even understand that additional measures might be needed.

The Auditor found that there was no whole-of-government implementation plan and that there was no integrated communication strategy. He also found serious problems in documentation by the department. There were gaps in some documentation on files, and the maps used for EC declarations did not line up with the areas described in press releases announcing EC assistance. No wonder the Auditor found that many farmers find the whole process of applying for drought assistance confusing. The minister has presided over serious failures in the administration of drought policy by his department. It seems that under the Howard government the delivery of drought assistance has been characterised by poor planning and poor administration.

The Howard government first promised drought reform more than five years ago and since then has announced breakthroughs in numerous press releases from the agriculture minister, with titles including: ‘Drought policy reform breakthrough’, on 13 April this year; ‘Taking the drought paperwork burden off farmers—headway made on streamlining EC’, on 3 December last year; ‘Truss welcomes EC drought reform support’, on 27 July last year; ‘Progress on drought reform’, on 19 May last year; ‘National drought policy: the way ahead’, on 15 April last year; ‘Federal government seeks to make EC support fairer and more workable’, on 1 May 2002; and ‘Truss offers way forward on exceptional circumstances policy’, on 5 March 2001. After the last election Mr Truss announced:

... the Coalition remains determined to secure reform of the National Drought Policy …

That was in a press release on 22 October last year.

There have been lots of announcements, round tables, conferences, papers, discussions, press releases, forums and expert panels over the past five years but little actual progress on drought reform. The Prime Minister’s announcement on 30 May 2005 and the legislation mark a belated, if tentative, start to the process of drought reform. For a long time the issue of reforming EC has remained bogged down as a result of the government’s determination to link reforms to shifting a greater share of the costs of EC onto the states. The minister seems to have been more focused on overturning the 1992 agreement between the Commonwealth and the states on cost sharing than on real drought reform.

An important opportunity was missed in May 2002 when an agreement reached at the Primary Industries Ministerial Council meeting over a number of largely administrative reforms to exceptional circumstance arrangements—which would have resulted in better cooperation and less duplication between the Commonwealth and the states and
should have resulted in farmers getting assistance faster and with less red tape attached—was put aside and never implemented by the Commonwealth because it sought to highlight an area of difference between it and the states about money. So all of those opportunities were missed in May 2002.

At the time of the budget this year the government demonstrated that it had no interest in drought reform and no real understanding of the impact of the current drought on Australian farmers. The 2005-06 budget papers show an estimated expenditure on exceptional circumstances assistance in 2004-05 of $131.9 million and a budget allocation for the coming financial year, 2005-06, of less than half of that: $59.2 million. That is a reduction of $72.7 million. It is not as though the government was not aware of or warned about the seriousness of the situation.

Labor understands that on 15 April 2005, 3½ weeks before the budget was handed down, the agriculture minister was briefed by the Bureau of Meteorology at a meeting of the Primary Industries Ministerial Council and was told that the first quarter of this year was the second driest on record and that another El Nino event was likely this year. This was almost certainly not the only time in the lead-up to the budget that the government was warned about the increased likelihood that the drought would get worse, but either the government ignored the warnings or the agriculture minister failed to pass them on to his cabinet colleagues.

One Labor commitment that I am pleased to say has been picked up by the Howard government is a commitment to work with the states to remove the requirement that the majority of farmers in an area seeking drought assistance prove a severe downturn in income and replace it with a new criterion based upon the impact of drought on production. Under this option the assessment of the impact of the drought on farm incomes would then be considered on an individual basis after a region was declared to be in drought. To implement this, a national production monitoring system is being developed. At least on this issue the minister has been able to work with the state governments. I encourage the minister to continue to pursue the development of this important policy—a Labor policy—and I also encourage the minister to continue to work with the states and territories to develop a real national approach to drought reform.

Labor do support the measures contained in this bill. We also support the measures announced by the Prime Minister and the agriculture minister on 30 May, but we believe that these measures represent only a start to the process of reforming the way we tackle and respond to drought in this country. More research is needed, and a CRC for climate risk technologies would have proven invaluable in this regard. More could have been done to help farmers prepare for drought through improved taxation arrangements and better access to financial advice. The government ought to have heeded the warnings from the CSIRO and others and made better provision for drought relief in the federal budget. And the government could have used that opportunity to place the valuable Rural Financial Counselling Service Program on a secure, long-term financial footing. We will support this legislation. We will also support measures by this government for the sorts of reforms that we have outlined. I encourage it to make them.

**Senator BARTLETT** (Queensland) (12.51 pm)—On behalf of the Democrats, I rise to speak on the Farm Household Support Amendment (Exceptional Circumstances Relief Payment) Bill 2005. The Democrats do not oppose this bill. It brings into effect one element of the 2005 drought assistance
package announced by the Prime Minister last month. It provides for changes to the income test for exceptional circumstances relief payments from 1 July, giving farm families a $10,000 annual exemption for off-farm income in addition to existing exemptions. That test will be reviewed before the end of the next financial year to determine whether an extension is warranted.

That $10,000 means around $190 a week in off-farm income that will be exempt from the income test for the exceptional circumstances payment. The Democrats do not oppose the measure, but we do think it makes an interesting contrast to the very harsh income tests that apply to many people on income support payments through Centrelink. In particular, people who are on unemployment payments have an exceptionally harsh income test and, if they were to earn an extra $190 a week, their income support would be dramatically reduced. If you also take income tax on top of that, the effective marginal tax rate poverty trap is a very real one. It is pleasing to see that farmers who are in difficulty because of the drought are being given relief from that poverty trap, but that does stand in stark contrast to the many other people in the community who are still caught in the poverty trap.

Assistance for farmers is regularly contrasted with the assistance that is not provided to small business people who are in similarly difficult financial circumstances through no fault of their own. There is a problem here in that potential perceived inconsistencies can lead to resentment within the community. Certainly, there is a natural apprehension when making these points that you are immediately going to be accused of bashing farmers and being city folk who do not understand those sorts of things. I definitely am a city person—I have lived in the city all my life—and I certainly do not begrudge assistance to farmers. However, what I am pointing out is the inconsistencies which more and more people are becoming concerned about. Unless these inconsistencies are addressed, some of those antagonisms within the community will increase. I do not think that will help farmers at all. It does not help anybody in the community very much if it is perceived that a sectional interest is getting special treatment.

The bill also proposes changes to the application process by which farmers receive an exceptional circumstances certificate from their state rural adjustment authority through Centrelink. That was recommended by the Australian National Audit Office in their report No. 50, on drought assistance. This picks up on a simplification of administrative arrangements recommended by the ANAO. We support that.

The bill will require significant additional appropriations, estimated at about $50 million. The Minister for Agriculture, Fisheries and Forestry stated in his second reading speech that these measures will bring the government’s commitment to drought response activities to more than $1.25 billion. Between September 2002 and December 2004 there were 60 EC declarations and over $550 million has been provided in direct assistance. The government has also made five-year investments from 2001-02 to 2005-06 of $446 million in the Regional Partnerships program, $108 million in the Sustainable Regions Program and $1.4 billion in the Roads to Recovery program.

Senator Boswell—That’s pretty generous!

Senator BARTLETT—It is very generous and much of that is very necessary, but I highlighted that to demonstrate the growing concern about whether or not the government’s largesse is being distributed fairly across the entire community rather than just to particular groups within it. That is a legitimate question to raise. It is a legitimate
concern to raise, not just in terms of speculating on dissatisfaction between sections of the community, with one part feeling that the other is getting a better deal, but also in terms of the simple issue of value for money. It is one thing to spend these amounts of money, but it is another to make sure that that money is actually providing valuable long-term assistance.

One of the concerns that has been raised by many in the public debate in relation to the most recent drought is whether or not this is actually the best value for money in the long term. There is a legitimate role for emergency assistance for people who are in dire straits, to help them get through that emergency situation, but there is also a need to make sure that there is proper planning for the long term and that we are not simply putting one bandaid on top of another bandaid without ever achieving the significant structural reform that is needed.

Again, in recent times questions have been raised by many people with a variety of perspectives from across the political spectrum about whether or not this is actually the best value for money in the long term. There is a legitimate role for emergency assistance for people who are in dire straits, to help them get through that emergency situation, but there is also a need to make sure that there is proper planning for the long term and that we are not simply putting one bandaid on top of another bandaid without ever achieving the significant structural reform that is needed.

When commenting on this in recent weeks, I made the point that I am not in any way saying that money should not be going into these areas. I am simply asking whether, rather than propping up individual businesses in the form of farms that may no longer be viable, the same amount of money could go into some of the regional communities to make the entire community more economically viable. I believe that is a legitimate debate to have and that it should be able to be had without people being accused of bashing farmers, not understanding the land or things like that. People from regional and rural communities themselves have raised these points with me. Obviously, they want more resources coming into their communities, but they also want those resources to be spent effectively rather than being used to prop up businesses that are simply no longer viable. I am in no way suggesting that every farm that gets assistance under this package is non-viable. I am simply saying that not enough is being done to look at that very genuine issue.

This bill will indirectly provide further subsidies to farmers affected by the drought through an effective lowering of the assessable income. This could have positive effects and it could even provide, in an indirect way, the sort of assistance I have just been talking about there being a need for. It could encourage the diversification of income sources by giving people a little more scope to develop their off-farm income, and it may well be that that could become a viable source of income and enable the smooth transition away from the non-viable business of the farming activity.

The farm obviously plays a role in the viability of communities more widely. If somebody is making a living in a community, then they are contributing to that community. If that activity is in an area that is likely to be viable in the long term, then that is far better than a farming activity that is
not. This could also lead to more independent and sustainable farm businesses. Again, I contrast the value of that type of assistance, of providing relief through changes to the income tests for payments processed through Centrelink, with the very harsh income tests that apply to people who are trying to get themselves off welfare and to develop employment opportunities for themselves in all sorts of other circumstances. Small businesses who are in difficulties through no fault of their own could also benefit in a constructive way from assistance similar to this. I believe there is a real risk of spending too much money on treating the symptoms and too little on treating the many causes.

The audit report No. 50, which both Senator O’Brien and I have mentioned, does make some interesting findings with regard to the government’s preparedness for dealing with drought. It stated that the Department of Agriculture, Fisheries and Forestry did not have a specific preparedness or contingency plan for drought, notwithstanding previous recommendations made by a task force of Australian state and territory government officials to this effect. The department advised that its preparedness was instead focused through existing arrangements, primarily those for exceptional circumstances relief. Again, that is an example of a short-term focus—the bandaid approach of exceptional circumstances relief—rather than a long-term focus. The audit report also found that planning by the Department of Agriculture, Fisheries and Forestry identified some risks related to the delivery of exceptional circumstances, including poor understanding of it and the difficulties in targeting assistance. However, there were no specific treatment strategies identified corresponding to these risks; nor did risk plans identify the possibility that substantial additional measures might be needed if the drought worsened.

The Department of Agriculture, Fisheries and Forestry advised that this was because it was the responsibility of state and territory governments to apply for declarations in a timely manner. I have spoken many times before about the problem of finger pointing and buck-passing between the state and federal levels of government in this country. There is a legitimate debate to be had about how federalism is evolving and where it should go next. One of the reasons we should have that debate is to ensure that there is less buck-passing, blame shifting and finger pointing and more of all levels of government operating at maximum efficiency and effectiveness to assist the people of Australia and our environment, because that is what we are all supposed to be here for.

The audit report found that in the absence of a formal lead agency there was no whole-of-government implementation plan and there were some limitations in cross-departmental strategies—for example, there was no integrated communications strategy. I do note that the responsible agencies have accepted all of the Audit Office’s recommendations. The Democrats believe that with the latest drought package there is the prospect of encouraging farmers to go further into debt by subsidising their interest payments and it does little to phase out unsustainable or unviable farming practices and farming businesses that are unable to cope with variations in climatic conditions. This is a particularly pressing issue given the climate change phenomenon that many people believe is already upon us.

It is always difficult to accurately predict future climate at the best of times, let alone in a global situation where rapid climate change is likely to occur as a result of excessive greenhouse gas emissions. That extra uncertainty has to be factored into longer term planning and getting value for taxpayers’ money—which, as Senator Boswell said,
is of a very generous and significant amount—for the common good of the entire community, as well as for the benefit of individual regional and rural communities and for the benefit of individual farmers and their families. Full value for money is not just something that makes accountants feel good; it actually means that we are helping people to the maximum extent possible with the public money that is available to assist them. In that sense, when expenditure is not used to its full value, it is just as much a detriment to the individual as it can be to the wider community.

If there are some marginal areas that are no longer suitable for farming—and many people are suggesting that—then readjustment packages may be needed. Helping farmers off unproductive land in a dignified way and in a way that does not drive them into poverty or despair is a much more effective and, frankly, much kinder solution than ongoing decades of welfare style handouts. Again, I am not saying that that is the case for every single person who might qualify for drought assistance, but it is clear that that is the case for some of them. I think we need to be more honest about that and look for more realistic ways to deal with it.

I have mentioned that many people, including some from the CSIRO, have spoken out about some of these issues in recent weeks. I note an article from an ANU researcher, Andrew MacIntosh, in the Canberra Times on 2 June about the contrast between the federal government’s push to require remote Indigenous communities to address particular problems before they are entitled to receive extra government assistance and what is being done here. He used as examples the payments under the Natural Heritage Trust and other programs to encourage farmers to improve their management practices and the provision of drought assistance payments that, in some cases—not all—can work in the other direction by providing assistance to those who have failed to make adequate provisions for the prolonged periods of low rainfall that are in some places a regular feature of the Australian climate. I draw attention to comments made by Jennifer Marohasy on her web site. She has raised similar questions about whether or not this is the best use of funds and whether or not it is the best way forward for the long-term viability of farming communities. On her web site she quotes the opinions of farmers from different regions.

It is essential that we improve agriculture to better suit our arid and changing environment to ensure the effective and efficient use of water that maximises its productivity while leaving enough water to maintain the environmental health of our river and riparian ecosystems. There has been work, at state and federal government level, in this regard but it has been too slow and too piecemeal. It is still not integrated widely enough into the broader challenges of agricultural production and other land use issues within Australia. The future of communities in farming areas is often in the balance. I believe that there are a range of different solutions, depending on the community. Sometimes the sort of assistance that we are providing through drought assistance is not the best way to assist those communities. There are some problems, and there has been some legitimate criticism from people about some of the consequences of welfare style handouts. We need to acknowledge those issues.

Spending money propping up outdated practices and unsustainable businesses is not an appropriate use and is certainly not the most efficient use of taxpayers’ funds. It is not in the best interest of rural communities. I am all for supporting rural and regional communities. I believe there is a case for extra funding going into infrastructure areas in particular. But it has to be on the basis of
long-term benefit for those communities rather than short-term assistance that is a quick fix by governments. I realise that is always a difficult challenge; it is a lot easier said than done. But these are issues that we need to confront. I believe there are broad inconsistencies and resentments in different parts of the community about the mixed messages of having extra handouts and assistance for one group and one area of business and not for others. There has actually been a harsh crackdown on some businesses with the withdrawal of assistance and government subsidies. There have been harsh crackdowns on people who receive other payments through Centrelink. This is going to create division in the community that we do not need and that is not necessary. I put forward this general warning to the government and to all political parties. These are difficult issues, but they are issues that we have to confront.

Senator BOSWELL (Queensland—Leader of The Nationals in the Senate) (1.11 pm)—We are today debating the Farm Household Support Amendment (Exceptional Circumstances Relief Payment) Bill 2005, which gives an opportunity to raise the problems that farmers are facing in the worst drought in recorded history. I listened to Senator Bartlett’s remarks. He was generous enough to compliment the government by saying that this package went a long way and was a generous package for the farmers. It was a bit different to what Senator O’Brien said. He bemoaned the fact that the government did not include the package in the last budget. Whether it accommodated some of these things in the last budget is really irrelevant because, when the government found the problem, it certainly acted upon it.

On 30 May 2005, which is only three or four weeks ago, the Prime Minister committed an additional $254 million to assist farmers to manage the impacts of drought, and a range of measures to enhance the support currently provided was offered by the Prime Minister and the Deputy Prime Minister, John Anderson. The package includes an increase in the off-farm income threshold so that you can earn $10,000. It also includes a doubling of the assets test and an increase in the interest rate subsidy. There was some other help offered to the CWA and others.

The Australian farmer receives the second lowest income support of any farming group in the world. In the EU the support is massive. Government support for farmers in Switzerland, for instance—and this is the worst case—gets up to around 89 per cent. In America and Japan the subsidies that are offered to farmers are distorting and massive. They make up a huge amount of farm income for the farmers in those areas. Only New Zealand farmers, I think, get less support from their government than Australian farmers do. Farmers are virtually on their own. They have to get out and compete against heavily subsidised products. They have to battle the drought and other vicissitudes that affect farming families. When there was a need to respond to the drought, which was getting increasingly worse, and everyone was praying for a break and that break did not come—fortunately, it has come now and that has helped a lot of farmers at the moment—the government was there to respond.

This bill will give effect to amendments that will increase the package. The government’s assistance measures now total over $2.2 billion for the drought preparedness and assistance measures package. This package features: exceptional circumstances interest rate subsidies, with a doubling of the off-farm assets, which is going to cost $193 million; a more generous income test for the EC relief payments that this bill is seeking to amend, which will cost $49.32 million; and the additional counselling services, which
will cost $8.9 million. There is also a small grant there for $3 million to the Country Women’s Association to help it meet its immediate household needs for those producers and their families who conduct community based activities to assist local communities in drought-affected areas. There have been 33,900 applications for income support and nearly 16,700 applications for interest rate relief.

I want to reiterate that this government has not walked away from its rural producers. The Prime Minister and the Deputy Prime Minister went out, examined the circumstances that were affecting farmers in drought-affected areas and responded with this bill, which will put in something like another $250 million. I think that is an indication of the way that this government is prepared to stand up and support its farmers in this time of unprecedented drought, where we have never been before. Senator Bartlett says that there is a climate change. I hope he is wrong but I suspect that he may be right and that we may be getting into uncharted waters. Whatever waters the farming sector ends up in, they will know that the coalition government will never walk away from them. The government will always be there to support them. It recognises the contribution that these primary producers make to the overall economy and also to the rural community that is all part of Australia. Let me say this: the farmers will have no better friend than the coalition government.

Senator COLBECK (Tasmania—Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry) (1.17 pm)—To sum up on the Farm Household Support Amendment (Exceptional Circumstances Relief Payment) Bill 2005: the Australian government obviously remains committed to providing assistance directly to drought-affected farmers and rural communities during these extremely difficult times. Large areas of eastern Australia have been experiencing severe drought conditions since 2002, as has been said here several times today. To further compound the situation, the first five months of 2005 in Australia have been the hottest and the second driest start to a year on record. As a result, farmers in 45 per cent of Australia’s agricultural land are currently EC declared and eligible to apply for EC assistance. The Prime Minister’s announcement on 30 May 2005 of an anticipated $254 million package of additional drought assistance measures is a clear demonstration of this government’s proactive approach to assisting rural and regional Australians impacted on by this severe drought.

While the package announced by the Prime Minister on 30 May 2005 will provide an estimated $254 million in additional funding, I would also like to take this opportunity to highlight the Australian government’s achievements to date on assisting drought-affected farmers and communities. The government has so far provided more than $680 million in assistance directly to Australian farmers, with the amount increasing by approximately $4 million each week. This does not include an estimated $80 million through auxiliary benefits such as health care cards and Youth Allowance concession; nor does it include the cost to the Australian government budget in tax revenue forgone from the Farm Management Deposit Scheme.

The existing measures, together with the enhancements announced by the Prime Minister on 30 May 2005, bring the Australian government’s expected commitment on drought assistance to an estimated $1.25 billion. In total, under the EC arrangements and the 9 December 2002 additional drought assistance package, the government has approved more than 33,900 applications for income support and nearly 16,700 applications for interest rate relief for drought-affected farmers. The enhancements in the
package of measures announced on 30 May 2005 will mean more farmers will get increased assistance through the more generous means testing for EC assistance, a continuation of the streamlined extension assessment process and a review by the National Rural Advisory Council of the 22 areas not extended in the past year.

Of course, rural communities impacted by this severe drought have not been forgotten. Drought-affected communities will benefit from the package announced on 30 May 2005 through nearly $9 million in additional counselling and support services. Of this, $1.2 million is being made available during 2005-06 to fund 10 drought relief counsellors across Australia to provide additional support for drought-affected farming families. In addition, rural financial counselling services in areas currently declared to be in EC will also benefit from a one-off payment of $15,000 for each full-time rural financial counsellor position. A further $4 million will be provided for family relationship services programs for organisations to provide face-to-face counselling and other support measures related to the drought.

Senator O’Brien made some comments in respect of the Australian government’s commitment to rural financial counselling services. I would like to place on record again the Australian government’s commitment to the services. Senator O’Brien seemed to question that, but we have on a number of occasions indicated our commitment to ongoing rural financial counselling services. In fact, that was one of the outcomes of the review of services that the government recently conducted; there was an ongoing need for rural financial counselling services. The government have committed funding for services out to 2008. Senator O’Brien also might note that we do have the support of farming organisations in relation to our approach to the review and restructure of rural financial counselling services. That support has also been stated by those organisations publicly. Three million dollars in emergency aid grants by the Country Women’s Association will also be funded, as will $10 million in the second round of Envirofund grants.

The purpose of the Farm Household Support Amendment (Exceptional Circumstances Relief Payment) Bill 2005 is to implement the more generous means test for exceptional circumstances relief payment—the newstart allowance equivalent income support payment under the EC arrangements—that was announced in the 30 May 2005 package. While the government is providing a $10,000 exemption for off-farm income for CRP farmers who have been forced to obtain off-farm employment to supplement their farm income during this severe drought, these farmers will not be disadvantaged over farmers who have not done so when it comes to assessing ECRP. The bill also streamlines the process for farmers obtaining EC certificates. The NFF has been advocating streamlined EC arrangements, and the need to have a more efficient and effective EC certificate process has been highlighted through the EC reform activities undertaken over the last two years.

In a whole-of-government approach, Centrelink taking over the responsibility for EC certificates from 1 October 2005 will mean farmers will be automatically assessed for an EC certificate when they apply for the ECRP. The effect of this change will be a more consistent and accurate process for farmers obtaining EC certificates.

I thank honourable senators for their support for this bill. The passage of this bill will ensure Australia’s farmers are supported through this severe drought. Importantly, it will ensure that farmers are positioned to make a strong recovery when the drought breaks and return Australian agriculture to
again being a valuable contributor to the Australian economy. 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.

CRIMES LEGISLATION AMENDMENT (TELECOMMUNICATIONS INTERCEPTION AND OTHER MEASURES) BILL 2005

Second Reading

Debate resumed from 20 June, on motion by Senator Ellison:

That this bill be now read a second time.

(Quorum formed)

Senator ELLISON (Western Australia—Minister for Justice and Customs) (1.27 pm)—I thank those senators who have contributed to the debate on the Crimes Legislation Amendment (Telecommunications Interception and Other Measures) Bill 2005, which is, after all, a very important bill for the security of Australia. A number of points were made in the debate and I thought I might just place on record the government’s response to those comments.

I note that Senator Greig mentioned his continuing concern that Australians are having their phones tapped at a rate 30 times higher than the rate at which phones are tapped in the United States. The government has previously responded to this on a number of occasions. I think that it is fair to say that direct comparisons of United States and Australian statistics are quite simply misleading, because legislative controls on lawful interception differ widely between jurisdictions. The statistics published in the United States do not include interceptions considered by the investigators to be too sensitive to report.

Investigators in Australian law enforcement agencies, however, do not have this discretion and therefore all interceptions must be reported.

United States law allows one warrant to authorise the interception of services used by many people—for instance, where it becomes possible to identify criminal associates of the original suspect. This results in fewer statistical returns than under Australian law, which allows a warrant to authorise the interception of a single telecommunications service or the services of one named person only. This means of course that what we are doing here is comparing apples with pears. They are two completely separate regimes in relation to telephone intercepts and you cannot compare the United States figures with those of Australia for those reasons.

Senator Greig has also suggested, again, that ASIO statistics should be made public, noting the recommendation of Mr Tom Sherman in this regard. The government made its position on this issue very clear in the second reading speech to this bill. We do not accept the recommendation that ASIO report publicly on its use of interception warrants. ASIO discharges extensive accountability obligations, and Mr Sherman did not advance any new arguments on this issue.

The Telecommunications (Interception) Act plays an important role in protecting the privacy of people using the Australian telecommunications system. It is, however, equally important that the act should facilitate the ability of law enforcement and other agencies to have appropriate and expeditious access to evidentiary material. This bill amends the interception act to ensure that it operates in a manner that continues to assist the functioning of our law enforcement agencies while at the same time maintaining tight control over interception.
This bill will allow the recording of calls made to or from emergency service facilities. The recording of such calls is essential to maintaining the excellent service that our police, ambulance and fire services provide and will enhance the accountability of such services. The government, however, has long acknowledged that such power must be subject to a legislative scheme offering appropriate accountability and control. Consistent with its commitment in this area, the government has accepted all of the recommendations made by the Senate Legal and Constitutional Legislation Committee, and will move amendments in the committee stage to give effect to these recommendations.

I take this opportunity to thank the members of that committee for their work on the inquiry into the provisions of this bill. In addition to the amendments to implement the committee’s recommendations, the government will move additional amendments to further enhance the framework in which the new provisions will operate. In addition to creating a legislative instrument that describes in general terms the nature and location of the emergency service facility, I will move amendments to ensure that recording of calls only occurs in a strictly defined area and to require that notices are placed at the entrance to all such facilities advising staff that calls may be recorded.

Finally, the committee recommended that the regulation making power to extend the definition of ‘law enforcement officer’ in the Criminal Code Act 1995 be better defined. The government notes the committee’s concerns in this regard, and I will move amendments to delete the regulation-making power altogether. The amendments contained in this bill will assist our emergency service operators and radio communications inspectors to more effectively discharge their roles and support the work of our law enforcement and security agencies. I commend the bill to the Senate.

Question agreed to.

Bill read a second time.

In Committee

Bill—by leave—taken as a whole.

Senator ELLISON (Western Australia—Minister for Justice and Customs) (1.33 pm)—I table a supplementary explanatory memorandum relating to the government amendments to be moved to this bill. The memorandum was circulated in the chamber. I seek leave to move government amendments (1) to (6) inclusive.

Leave granted.

Senator ELLISON—I move:

(1) Clause 2, page 2 (table items 3 to 6), omit the table items, substitute:

| 3. Schedule 2, items 1 and 2 | A single day to be fixed by Proclamation. However, if any of the provision(s) do not commence within the period of 6 months beginning on the day on which this Act receives the Royal Assent, they commence on the first day after the end of that period. |

| 4. Schedule 2, item 3 | The day on which this Act receives the Royal Assent. However, if section 6 of the Australian Communications and Media Authority Act 2005 has not commenced before the day on which this Act receives the Royal Assent, the provision(s) do not commence at all. |
5. Schedule 2, item 4  The day on which this Act receives the Royal Assent. However, if section 6 of the Australian Communications and Media Authority Act 2005 commences before this Act receives the Royal Assent, the provision(s) do not commence at all.

6. Schedule 2, item 5  Immediately after the commencement of section 6 of the Australian Communications and Media Authority Act 2005. However, if section 6 of the Australian Communications and Media Authority Act 2005 commences before this Act receives the Royal Assent, the provision(s) do not commence at all.

(2) Clause 2, page 3 (table item 9), omit the table item, substitute:

9. Schedule 2, items 10 to 14A  The day on which this Act receives the Royal Assent.

(3) Schedule 1, item 1, page 4 (lines 20 and 21), omit paragraph (k), substitute:

(k) an authorised commission officer of the Crime and Misconduct Commission of Queensland within the meaning of the Crime and Misconduct Act 2001 of Queensland.

(4) Schedule 2, items 1 to 4, page 5 (line 6) to page 6 (line 5), omit the items, substitute:

1 Subsections 6(2A) and (2B)  Repeal the subsections, substitute:

Communications to or from emergency service facilities

(2A) In this section, emergency service facility means premises that are declared by the Minister, by written instrument, to be an emergency service facility.

(2B) The Minister may declare premises to be an emergency service facility if the Minister is satisfied that the premises are operated by:

(a) a police force or service of the Commonwealth, of a State or of the Australian Capital Territory; or

(b) a fire service of a State or of the Australian Capital Territory; or

(c) an ambulance service of a State or of the Australian Capital Territory; or

(d) a service for despatching, or referring matters for the attention of, a force or service referred to in paragraph (a), (b) or (c); to enable that force or service, or another force or service, to deal with a request for assistance in an emergency.

(2C) A declaration by the Minister under subsection (2B) is not a legislative instrument for the purposes of the Legislative Instruments Act 2003.

(2D) If the Minister makes a declaration under subsection (2B), the Minister must, by legislative instrument, specify:

(a) the name of the force or service operating the premises to which the declaration relates; and

(b) the geographical region in which those premises are located.

(2E) If a House of the Parliament disallows, in accordance with section 42 of the Legislative Instruments Act 2003, a legislative instrument made under subsection (2D), the declaration to which the instrument relates is taken to have been revoked at the time of the disallowance.

(2F) If a person who is lawfully engaged in duties relating to the receiving and handling of communications to or from an emergency service facility listens to
or records a communication passing over a telecommunications system to or from the emergency service facility, the listening or recording does not, for the purposes of this Act, constitute an interception of the communication.

(2G) Subsection (2F) only applies in relation to an emergency service facility if signs notifying persons that communications to or from the facility may be listened to or recorded are clearly visible at each entrance to the facility.

2 After paragraph 103(ac)

Insert:

(ad) for each State and for the Australian Capital Territory, the number and type of emergency service facilities located in that State or Territory that have been declared by the Minister during the year to which the report relates; and

(5) Schedule 2, items 5 to 7, page 7 (lines 4 to 28), omit the items, substitute:

3 Before subsection 6(3)

Insert:

(2H) If:

(a) an inspector under section 267 of the Radiocommunications Act 1992 is lawfully engaged in performing spectrum management functions of the Australian Communications Authority under the Australian Communications Authority Act 1997 or the Radiocommunications Act 1992; and

(b) while performing those spectrum management functions, the inspector incidentally listens to or records a communication passing over a telecommunications system;

the listening or recording does not, for the purposes of this Act, constitute an interception of the communication.

4 Before subsection 6(3)

Insert:

(2H) If:

(a) an inspector under section 267 of the Radiocommunications Act 1992 is lawfully engaged in performing spectrum management functions of the Australian Communications Authority under the Australian Communications Authority Act 1997 or the Radiocommunications Act 1992; and

(b) while performing those spectrum management functions, the inspector incidentally listens to or records a communication passing over a telecommunications system;

the listening or recording does not, for the purposes of this Act, constitute an interception of the communication.

5 Subsection 6(2H)

Omit “the Australian Communications Authority under the Australian Communications Authority Act 1997”, substitute “the Australian Communications and Media Authority under the Australian Communications and Media Authority Act 2005”;

6 Schedule 2, Part 4, page 10 (after line 33), at the end of the Part, add:

14A Before paragraph 103(b)

Insert:

(a) a summary of the information:

(i) that is required under subsection 84(1A) to be included by the Ombudsman in the report made under subsection 84(1); and

(ii) that relates to the year to which the Minister’s report relates; and

These amendments reflect in part the recommendations of the Senate Legal and Constitutional Legislation Committee, which I mentioned earlier in my speech in reply. I will run through the government amendments. Government amendments (1) and (2) amend the commencement provisions of the bill as a consequence of the government
amendments I will move in this group of amendments.

Government amendment (3) amends the definition of ‘law enforcement officer’ in section 473.1 of the Criminal Code. The term defines those agencies that have access to a specific defence that is set out in the code and that applies to a number of telecommunications offences in that code. The Senate Legal and Constitutional Legislation Committee’s report acknowledged that proposed paragraph 473.1(k), which would enable the definition of ‘law enforcement officer’ to be expanded by regulation, would be subject to parliamentary disallowance. Nevertheless, the committee recommended that the provision be amended to identify more clearly which agencies may be included by regulation. The government has taken into account the committee’s concerns in this regard and now proposes that paragraph (k) be deleted in its entirety, taking away the power to expand by regulation the definition of ‘law enforcement officer’ in the Criminal Code. In its place the amendment substitutes a new paragraph (k), which contains an express reference to authorise commission officers of the Queensland Crime and Misconduct Commission. This is a direct amendment of the primary legislation rather than expanding the definition by way of regulation. The Queensland Crime and Misconduct Commission should have been included in the original amendments, as it may also engage in conduct that could amount to an offence under the Criminal Code. This addition will provide a consistent definition of ‘law enforcement officer’ throughout the Surveillance Devices Act 2004, the Criminal Code Act 1995 and the Telecommunications (Interception) Act 1979.

Government amendment (4) deals with emergency services interception. The bill currently includes an amendment to provide that listening to, or recording communications to and from, a declared emergency service facility is an exception to the general prohibition against interception. Government amendment (4) will continue the basic intention of the bill as originally proposed but will relocate the amendment to section 6 of the interception act. Listening to, or recording communications to or from, a declared emergency service facility will now not constitute an interception for the purposes of the interception act. The relocation of these provisions will ensure that emergency service organisations are able to use the information obtained by recording calls to and from a declared emergency service facility to enhance the provision of emergency assistance.

The Senate Legal and Constitutional Legislation Committee’s report expressed concern that the existing amendments did not contain a requirement for emergency services interception to occur lawfully in the course of a person’s duties. The amendment proposed by item 4 will ensure that only those who are engaged in duties relating to the receiving and handling of communications to or from an emergency service facility will be able to intercept such communications. This gives effect to the committee’s fourth recommendation and means that only those people who are legitimately required to report communications for the effective delivery of emergency services will benefit from the provision.

The committee expressed concern that the Attorney-General’s declaration as to which premises would be emergency service facilities was not a legislative instrument for the purposes of the Legislative Instruments Act 2003. The committee recommended that the bill be amended to provide that any definition of an emergency service facility be a legislative instrument for the purposes of that act. The committee acknowledged, however, that in order to protect vital infrastructure there should be a requirement for the infor
mation provided to parliament to detail the specific location of the emergency service facility. The committee accordingly recommended that the legislative instrument contain sufficient information to identify the facility and the service concerned in general terms.

Government amendment (4) adds this requirement. It maintains that the actual declaration of the emergency service facility not be a legislative instrument, as it is intended that this declaration will provide the exact location of facilities so that the area in which calls may be recorded is strictly defined. The amendments, however, require the Attorney-General to make another instrument that sets out the nature of the service to which the declared facility relates and the region in which that facility is located. The second instrument will be a legislative instrument in accordance with the committee’s recommendation.

The government is committed to ensuring that the Telecommunications (Interception) Act maintains an appropriate balance between the legitimate needs of emergency services and the privacy of employees in those emergency service facilities. The amendments therefore also provide that listening to or recording communications to or from an emergency service facility will be an interception and therefore contrary to the act unless there are signs at all entrances to the facility notifying that communications may be listened to or recorded—that is, those employees will be put on notice as to this possible recording or scrutiny. Finally, to add another layer of accountability, the Attorney-General will be required to include in the annual report statistics about declared emergency service facilities in the annual report prepared under the interception act.

Government amendment (5) deals with radiocommunications interception. This amendment will relocate the amendment creating an exception to the general prohibition against interception for radiocommunications inspectors to section 6 of the interception act. Such conduct will now not constitute an interception for the purposes of the interception act. Although not addressed by the Senate Legal and Constitutional Committee, the amendment also removes a reference to the exercise of a related power. The government continues to stress that any exemption from the regime established by the Telecommunications (Interception) Act must be strictly defined. Removing these words ensures, therefore, that recording or listening to telecommunications is only permitted when the person is carrying out the spectrum management function and not other related functions. The relocation of these provisions will ensure that radiocommunications inspectors are able to use the information obtained from the incidental recording of communications to effectively discharge their spectrum management functions. The amendment also removes a reference to include contingent provisions that address the timing of the commencement of the Australian Communications and Media Authority Act 2005 relative to this bill.

The final government amendment deals with the minister’s annual report. Government amendment (6) will require the Attorney-General to include in the annual report under the Telecommunications (Interception) Act a summary of the information that the Ombudsman is required to provide to the Attorney-General under proposed section 84(1A). The committee noted that such information could be included in the Attorney-General’s annual report but there was no statutory requirement for this to be the case. The committee therefore recommended that the bill be amended to make this a statutory requirement. The amendment provided by government amendment (6) gives effect to
this recommendation by requiring that a summary of the inspections conducted by the Ombudsman in the financial year, particulars of any deficiencies identified that impact on the integrity of the telecommunications interception regime established by the act and particulars of any remedial action taken or proposed to be taken to address those deficiencies be included in the Attorney-General’s annual report. This amendment will ensure that this information is publicly available and thus subject to public scrutiny.

What we have here is a very important bill for law enforcement and security agencies in this country and a bill which recognises the recommendations made by the Senate Legal and Constitutional Legislation Committee. I again thank the senators who serve on that committee for their inquiry into this. Senator Payne, who is the chair of that committee, is unable to be here today, but I also want to place on record the government’s appreciation of her work in relation to what is a sensitive matter, one in which balance is an extremely important issue—the balance between privacy of individuals and what is required for effective law enforcement and security in this country. I commend these government amendments to the committee.

Senator LUDWIG (Queensland) (1.43 pm)—In terms of the committee stage of the Crimes Legislation Amendment (Telecommunications Interception and Other Measures) Bill 2005, what we have seen from the outset is that the opposition have agreed to the need to secure the expeditious passage of this bill, especially given the nature of the bill, and it is certainly one within the national interest. At the same time, however, we have not been prepared to allow this bill to proceed as initially presented without incorporating sensible safeguards to protect the Australian people from the potential misuse of the powers contained within the bill. Over the course of negotiations with the government, the opposition have raised several issues concerning the scope and application of the bill. Among these, it was initially proposed that emergency service facilities would have been declared by the Attorney-General’s written instrument. As such, these would not have been legislative instruments for the purposes of the Legislative Instruments Act 2003 and thus would not be subject to parliamentary disallowance or scrutiny.

A further important issue is that the calls made to and from an emergency services facility that are not for the purpose of communicating information about an emergency could have fallen under the ambit of the bill. An example might be the use by an employee of a personal mobile phone, email or SMS at the emergency services facility. Under the bill, these types of communications may have been intercepted, which would have significantly extended the operation of the bill beyond its intended purpose. The bill did not impose a requirement that emergency services interceptions from emergency service facilities occur lawfully in the course of an employee’s duties. That line dropped out of the bill. It was in the previous legislation. There was seemingly no limit to which agencies, under proposed section 473.1 of the Criminal Code Act 1995, would be exempt from the prohibition against intercepting telecommunications.

The government did not demonstrate that they had considered these issues so the opposition referred the bill to the Legal and Constitutional Legislation Committee for inquiry and report. In fact, they demonstrated that they had not looked at it. We had the ability to raise these issues with the government—as you do with bills—and ask for consideration of these matters but, I guess typically of the government of today, they were arrogant about it. They did not look at the issues in any serious way. That is why we then went to
the next step of referring it to the Legal and Constitutional Legislation Committee, not only to ensure that it would be subject to scrutiny but also to ensure that it would be able to call submissions and have parties other than the government be able to present issues to them.

Like clockwork, though, after the Legal and Constitutional Legislation Committee received this important piece of legislation, the Attorney-General issued an ill thought out press release criticising the opposition for obstructing the passage of this legislation. It is like clockwork. The headline read: ‘Opposition delays commonsense changes to TI Act’. I had raised the same concerns about the Telecommunications (Interception) Act. These could have been dealt with prior to reference to the Legal and Constitutional Legislation Committee but, no, it was going to have to be a case where we then needed to refer it to that committee. On 11 May this year, the Attorney-General said in this press release:

The Opposition’s decision today to refer legislation to a Senate Committee is delaying commonsense changes to the telecommunications interception regime...

But what we have today are commonsense recommendations made by the committee which have now been picked up by the government and which now amend this legislation to ensure that it does have a commonsense approach. That is the position we have got to—not from the Attorney-General’s press release, which we can ignore, but from the cooperation of the Legal and Constitutional Legislation Committee and the submitters to it and finally from the ability of the government to recognise that commonsense changes were in fact needed.

It is, I have to say, extremely disappointing that the government is prepared at the outset to play politics with important matters of national security. Today, as we have seen, the government, following negotiations with the opposition, has appropriately moved amendments adopting every single one of the recommendations of the Legal and Constitutional Legislation Committee to improve the operation of the bill. The opposition from day one have agreed to the need to secure expeditious passage of this bill in the national interest. At the same time, we were not prepared to allow this bill to proceed as initially presented without incorporating the sensible safeguards to protect the Australian people from the potential misuse of the powers contained in the bill. The government knew that from the outset. The Attorney-General should stop playing politics with important, sensitive matters of national security and get on with working constructively with the opposition and, where necessary, with the committee system to ensure that sensible and appropriate outcomes are delivered for the security of all Australians.

Senator Payne cannot be here this week. She would normally be here and I am sure she would have contributed to this debate. The work of the Senate Legal and Constitutional Committee should be commended. It plays a valuable role. Its contribution in this matter not only was helpful but I think ensured that there are proper safeguards for the Australian public. It moved the debate on from the Attorney-General simply playing politics with it to a point where serious recommendations could be put forward. The government adopted those and we can move on from there.

On the whole, the submissions and evidence received by the committee were supportive of the bill and its purpose. The committee did, however, note and respond to the concerns raised by the opposition with respect to the operation of the bill. Several submissions were received by the committee expressing concerns about the expanded op-
eration of the bill. The New South Wales Council for Civil Liberties commented on the wide range of communications that could now be captured by the bill. They said:

All telecommunications—by fax, email, web access, mobile, text message or telephone not connected with emergencies—may be recorded, without warrant or advice.

The Law Council of Australia similarly held this view:

The scope of information that the amendments of the Bill capture, therefore, is extremely wide. The Bill will, for example, allow the interception of phone calls, email and potentially mobile telephone calls to or from the emergency service facility.

The Law Council also submitted that emergency service facilities should be declared by legislative instrument to enhance parliamentary scrutiny of the extent to which those bodies can lawfully intercept telecommunications. They said that these provisions allow, without scrutiny of any kind, the Attorney-General to prescribe any facility he or she sees fit as an emergency facility with no legislative requirement to justify the purpose or reason for doing so. Parliamentary scrutiny is an integral part of the Legislative Instruments Act 2003—in fact, the Attorney-General’s own piece of legislation. To remove it weakens the regime of scrutiny and ministerial responsibility.

Departmental representatives acknowledged the lack of scrutiny under the bill at the committee hearing but suggested that any potential misuse of this power would be avoided by the risk of evidence gathered by telecommunications interceptions being rendered inadmissible on the grounds of illegality when challenged in court proceedings. As I think I said in the second reading debate, that is a case of trying to shut the gate after the horse has bolted. However, the committee rightly had serious reservations about this constituting the primary check on the integrity of these powers since information obtained in such a way may not necessarily be relied on as evidence in court proceedings. Even if it were, this would be well after the power to intercept telecommunications had in fact been implemented or exercised.

In the result, the committee recommended that any declaration deeming an emergency services facility should be by legislative instrument for the purposes of the Legislative Instruments Act, because it would then allow full and proper scrutiny by parliament. Of course, to protect the interests of vital infrastructure, the committee did have to take on board the concerns that were there. They were, of course, about how much detail you put down which could specify the location of the emergency services facility and potentially put it at risk. So there is a question of what information can be provided. Information contained in the relevant legislative instrument could include identification of the town, city, region or territory so that it could be grossed up, perhaps, to ensure that the specific location of the facility and service concerned is identified only in general terms rather than in any degree of specificity which might lead to identification. That would give parliament something to look at and scrutinise and to ensure that the ministerial power exercised is appropriate in those circumstances.

The committee made further recommendations, including that emergency services interceptions from emergency service facilities occur lawfully in the course of an employee’s duties, which I dealt with earlier. The committee also made a recommendation to improve the reporting requirements to parliament under the bill—a recommendation the opposition fully supports to improve accountability.

The opposition supports the government amendments. They pick up what the Senate
Legal and Constitutional Legislation Committee recommended, and these amendments will now have the legislative framework that requires the name and geographic region in which an emergency services facility operates to be deemed by legislative instrument. This allows for the possibility of a disallowance of parliamentary oversight. The amendments also specify that law enforcement agencies are included under the Criminal Code Act. They also require the Attorney-General to include in the annual report that is tabled in parliament statistics relating to the number and type of emergency services facilities that have been declared in that year. In addition, these amendments go to requiring that the Attorney-General include in the annual report that is tabled in parliament a summary of the information that the ombudsman is required to provide to the Attorney-General about the particulars of any deficiencies identified during the inspections and any remedial action taken. This adds to the level of scrutiny of this type of legislation. The amendments also provide that the exemption for calls to and from emergency service facilities applies only where there is a notice at all entrances to such facilities which advises personnel of the recording of communications in the facilities.

Today, through opposition negotiations with the government and the constructive work of the Senate Legal and Constitutional Legislation Committee, the Australian public now have a far better piece of legislation that not only enhances the operation of our law enforcement agencies but also establishes a regime to protect privacy and ensure a greater degree of parliamentary accountability. Therefore, the opposition is pleased to be in a position to support the amendments moved by the government.

Senator GREIG (Western Australia) (1.55 pm)—Notwithstanding some of the contribution from Senator Ludwig, I too can agree that this move by the government is a positive one. Indeed, we brought a very similar perspective to this element of the debate and had tried to frame our response in what would have been Democrat amendments (2) and (3). The government have, to a great extent, defused our concerns. They have largely addressed, albeit from a different angle, the issues with which we are principally concerned. I foreshadow that I will now not be persisting with Democrat amendments (2) and (3) but with amendment (1) only.

The key effect of what the government is doing is to require, in response to Mr Sherman’s report, that the ombudsman include in an annual report basic information regarding any telecommunications interception inspections conducted in the relevant year, together with a summary of any deficiencies identified and any remedial action taken. The approach here and the way in which we had tried to address it with our amendment was to aim for greater consistency between the respective interception regimes used by security and law enforcement agencies and to implement a key recommendation of the Sherman report. This represents an important step forward in increasing the accountability of the telecommunications interception regime. We Democrats do support the government amendments and foreshadow that we will not persist with Democrat amendments (2) and (3) but with only (1).

Question agreed to.

Senator GREIG (Western Australia) (1.57 pm)—I move Democrat amendment (1) on sheet 4570:

(1) Schedule 2, page 11 (after line 7), at the end of the Schedule, add:

Part 6—Additional reporting requirements

16 After section 17
Insert:
17A Annual report by Minister about warrants

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

(2) The Minister must table a copy of a report under subsection (1) before each House of the Parliament within 15 sitting days of that House after the day on which the Minister receives the report.

17B Report to contain information about warrants issued

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

(a) the number of requests for warrants that the Organisation has made pursuant to section 9 during that year; and

(b) the number of requests for warrants pursuant to section 9 that the Minister has refused during that year; and

(c) the number of warrants that the Minister has issued pursuant to section 9 during that year; and

(d) the number of requests for warrants that the Organisation has made pursuant to section 9A during that year; and

(e) the number of requests for warrants pursuant to section 9A that the Minister has refused during that year; and

(f) the number of warrants that the Minister has issued pursuant to section 9A during that year; and

(g) the number of warrants issued by the Director-General of Security pursuant to section 10 during that year.

As I indicated a moment ago, this will be the only point we press in the committee stage. As I said in my speech on the second reading, we are disappointed that the government has chosen not to implement a number of the recommendations made by Mr Sherman in his report on named person warrants. Chief amongst our concerns is the fact that the government has chosen to disregard recommendation 5 of the Sherman report, which would introduce a basic public reporting requirement for ASIO regarding its interception activities. This is something we Democrats have advocated for some time; indeed, we have moved amendments to achieve this on a number of occasions.

Under the current telecommunications interception regime, ASIO exercises its interception powers in a virtual accountability vacuum, if you like. ASIO’s entire accountability in this context is limited to scrutiny by the Attorney-General. This creates the disturbing situation in which the power to authorise the extensive bugging of private conversations of individual Australians rests with the same minister who, for example, presided over the ‘truth overboard’ scandal. We believe that there is a desperate need for greater accountability in relation to the exercise of telecommunications interception powers by ASIO. At present, the Australian community has no idea of the extent to which ASIO is exercising these powers. Given the massive violation of privacy associated with the powers, we believe very strongly that some degree of accountability is vital to safeguard against their abuse.

In advocating this, I am not naively suggesting that ASIO should be treated in the same way as any other government department. Clearly, as an intelligence agency, ASIO cannot achieve the same level of public scrutiny, accountability or transparency as we would hope or expect from another government department. That is not to say that it should be free from any accountability whatsoever in relation to these matters.

Progress reported.
QUESTIONS WITHOUT NOTICE

Palmer Inquiry

Senator FAULKNER (2.00 pm)—My question is directed to Senator Vanstone, the Minister for Immigration and Multicultural and Indigenous Affairs. I refer the minister to the continuing and repeated leaks emerging about the Palmer inquiry and Mr Palmer’s report. Are these authorised or unauthorised leaks? Are they coming from the minister, her office or Mr Palmer? What action has the minister taken to put a stop to these leaks?

Senator VANSTONE—I thank Senator Faulkner for his question. There have been a couple of things in the paper recently allegedly in relation to the Palmer inquiry, and the gist of the question from the opposition is: ‘This must be a leak, and either you are doing it deliberately or, alternatively, what are you doing about it?’ There is a further alternative explanation—that is, what you are reading in the paper is not leaks but in fact guesses as to what might be in the report.

I refer in particular to Mr Skelton’s article in the Sunday Age which alleged that Mr Palmer had approached me and vigorously raised the department’s lack of cooperation and further raised the question, on either the same or a separate occasion—it is not clear when you read the article—of whether a person in the department had said the inquiry would take only three weeks. Neither of those discussions took place. I have put out a press release to that effect and I understand that Mr Palmer either has or was going to. I have not had a chance to check over the last day or so whether he has or not. That leads to other remarks that might have been in the paper. I do not intend, by a process of elimination, to indicate those which may or may not be informed guesses or leaks and those which are mere speculation. I am not going to discuss what I understand the draft to be until it is a final report. What might happen after that, if there were a situation where someone had leaked, is another matter, but I am not going to be drawn into discussing a report that is not yet final.

Senator FAULKNER—Mr President, I ask a supplementary question. Is it true, as the Prime Minister said, that the secretary of his department, Dr Shergold, was given advance notice of the content of the Palmer report? If so, I ask on what legal basis that was done. Was the report given to Dr Shergold because he was adversely named in the Palmer report? Minister, could you inform the Senate who else, apart from Dr Shergold, has received either an advance copy of the Palmer report or advance notice of the content of the Palmer report?

Senator VANSTONE—I thank the senator for his supplementary question. Over the last week—that probably means yesterday, if it was not the previous week—I answered a question to this effect. The answer was that—and there is a press release to this effect—Mr Palmer has given advance copies of portions of the report to people who might be adversely affected and has given the department and me a draft. It is perfectly reasonable, in my view, for a department that is subject to an inquiry to treat it as a whole-of-government issue and to canvass aspects with Prime Minister and Cabinet. Governments that work as silos, whereby departments think that they can operate in an environment entirely on their own and that Prime Minister and Cabinet have no involvement and no interest and are not entitled to have any interest, are appalling governments.

Australian Broadcasting Corporation

Senator SANTORO (2.04 pm)—My question is to the Minister for Communications, Information Technology and the Arts. Will the minister advise the Senate how the Howard government is ensuring the ABC is appropriately funded to meet the needs of the
Australian community? Is the minister aware of any alternative policies?

Senator COONAN—I thank Senator Santoro for this very timely question and acknowledge his longstanding interest in and support for the work of the national broadcasters. I can advise the Senate that, at the start of a new funding triennium in 2003-04, the government fulfilled its 2001 election commitment to maintain ABC funding in real terms. The ABC will receive nearly $2.3 billion from the Australian government over the 2003-06 triennium. In the 2004-05 budget, the government went beyond the terms of its election commitment and provided additional funding to the ABC of $4.2 million per year, ongoing and indexed.

The funding is assisting the ABC to meet the increasing costs of television program purchasing, driven by increasing competition for programming and changes in program production. In addition, in the 2004-05 budget, the government continued the ABC’s regional and local programming funding at a cost of $54.4 million over three years from 2005-06. The government is also fully funding the ABC’s digital transmission and distribution costs. The cost of this over the decade from 2001 is estimated to be in the order of $600 million. Of course, it is enabling the ABC to roll out its very valuable digital television services to match the coverage of its current analog service.

That $2.3 billion is a very significant amount of taxpayers’ funding. To ensure that the ABC is using its funding to its greatest potential, the government is undertaking a funding adequacy and efficiency review. This review was an election commitment made by the government after a request from the board of the ABC. Examining how efficiently the ABC uses its funding is an integral part of this review and any efficiencies identified will be available to the ABC to use towards meeting its charter obligations. The ABC will not lose funding as a result of this process.

 Senator Santoro asked whether I am aware of any alternative policies. Imagine my surprise when a couple of days ago I noticed a press report attributed to Senator Conroy where he said he finds it disturbing that the review will seek to ensure that the $2.3 billion being provided by taxpayers is spent efficiently. He suggests that the government should simply increase funding and not worry about efficiency. I think, if I may say so, it is one of the most irresponsible statements I have heard Senator Conroy make. It is quite extraordinary, particularly from a party that presided over the largest cut in ABC funding.

Senator Conroy should remember that the ABC’s current funding levels exceed those under the Labor government prior to the 1996 election. The government’s funding of the ABC has been maintained in real terms since 1997. Further, in providing additional funding for the ABC’s national interest initiatives and additional program purchasing funding, the government has provided the ABC with the first additional funding for programming since the mid-1980s. It is a clear demonstration of the Howard government’s support for the ABC going forward and its commitment to public broadcasting. Yet again, Senator Conroy should check his facts before attacking the government about a matter of funding for the ABC.

DISTINGUISHED VISITORS

The PRESIDENT—I would like to draw the attention of honourable senators to the presence in the chamber of a delegation from the Kingdom of Cambodia, led by His Excellency Mr Ouk Boun Chhoeun. On behalf of all senators, I wish you a warm welcome to Australia and, in particular, to the Senate.

Honourable senators—Hear, hear!
QUESTIONS WITHOUT NOTICE
Manufacturing Exports

Senator COOK (2.09 pm)—My question is to Senator Minchin, representing the Minister for Industry, Tourism and Resources. In the light of recent devastating news of hundreds more Australian manufacturing jobs being shipped off overseas, how does the government respond to the recent release of figures which highlight the Howard government’s failures on manufacturing exports? Is the minister aware that the official industry department export growth figures for elaborately transformed manufactures over the last three financial years were: in 2001-02, minus 0.5 per cent; in 2002-03, minus seven per cent; and in 2003-04, minus four per cent? Can the government possibly be satisfied with this export performance from the highest value sector of Australia’s manufacturing industry?

Senator MINCHIN—I thank Senator Cook for what may prove to be his last question and acknowledge his fine contribution to this chamber. The senator rightly points to a phenomenon which is of course of concern to the government—that is, that there is extremely rigorous competition, particularly in the automotive parts industry. Australian car manufacturers, in their proper endeavour to ensure that they remain competitive both with imports and in their own export markets, must by definition—to preserve employment in their industries—seek from their suppliers the most cost-effective parts contracts. This is a very competitive industry, and some of our automotive parts manufacturers are finding that competition difficult at the moment. There have been, as Senator Cook acknowledged, some job losses in these companies. The companies themselves remain in business. They remain capable of meeting their obligations to their employees. There is at least the good fortune that we have a very tight labour market—indeed, we have been criticised by those opposite for that fact—and at least those engaged in these industries have a very good labour market to enter.

There are a whole range of reasons why this is currently the phenomenon. Obviously, our very good terms of trade at the moment and the value of the Australian dollar mean that our export prices are good and our import prices are low and that the competitive environment is all the greater. That is partly the phenomenon of the extraordinary success which our resources industries are having in export markets. In terms of exports from Australia, overall it is a wonderful story. But the very success of our resources exporters and what that does to our exchange rate is putting pressure on the manufacturing industry.

During my time as industry minister, I was proud of the way in which Australian manufacturers were becoming increasingly competitive and able to increase the value and volume of Australian elaborately transformed manufactures into export markets. That is obviously easier with a much lower exchange rate. It is much tougher with the exchange rate where it is. I do not think anyone, even from the other side, would be suggesting any interference in exchange rates.

What this means is that the Australian domestic economy must remain as globally competitive as it possibly can. That is one of the obvious reasons why we believe further industrial relations reform is required—to ensure that this nation and its manufacturers can continue to be competitive in the sort of global environment that is the reality. We think what we have proposed on the industrial relations front is moderate and sensible and the important next stage in reforming Australia’s labour market. We would like to think that trade unionists and the Labor
Party, in their concern to ensure the preservation of jobs in industries like auto parts manufacturing, would begin to understand the importance of those reforms to ensure that the Australian economy can remain globally competitive. So we will do our utmost to ensure that Australia does remain competitive, that we keep inflation and interest rates low and that we have a flexible labour market in order that these industries can continue to employ Australians.

Senator COOK—Mr President, I ask a supplementary question. I thank the minister for his kind remarks and good wishes. Is the minister aware of the recent announcement that 660 jobs will be lost at the Melbourne factories of automotive component manufacturers Autoliv and Trico through the decision of these companies to move their operations offshore? Is the minister aware that there are reports of 170 more jobs going offshore at Calsonic’s radiator factory at Port Melbourne? Can the minister say why the Howard government is exporting more Australian jobs than manufactured goods?

Senator MINCHIN—I am not sure that I can add much to my previous answer that dealt with this question. What is critical is that we remain competitive in the auto manufacturing industry. I remind Senator Cook that our four car manufacturers directly employ over 23,000 people. The jobs in those industries are critical and depend on competitive supplies of parts. If our direct car manufacturers become uncompetitive because they are building their cars with components that are much more expensive than the competition’s then the jobs of these 23,000 people are at risk in the car manufacturing industry. This is a complex mosaic, and it comes back to government policy being driven by a need to ensure the competitiveness of Australian industry and the competitiveness of our labour market structures.

Law Enforcement

Senator McGURAN (2.15 pm)—My question is to the Minister for Justice and Customs, Senator Ellison. Will the minister inform the Senate of the vital role played by the Commonwealth law enforcement agencies in recent operations targeting those who have allegedly committed major tax fraud?

Senator ELLISON—I thank Senator McGauran for what is a very important question. The Howard government has committed not only to easing the tax burden for all Australians but also to cracking down on those people who do not pay their fair share of tax. Recently we saw an operation, the largest of its sort, led by the Australian Crime Commission working with the Australian Taxation Office and the Australian Federal Police: Operation Wickenby. This involved the execution of 48 warrants across Australia: 15 in New South Wales, 15 in Victoria, 11 in Western Australia and seven in the state of Queensland. It was an extensive operation and involved alleged tax evasion of somewhere around $300 million. A staggering amount of tax evasion is alleged in this operation. One can only imagine how that money could have been put to good use—money which the wider community could have had the benefit of.

This operation has of course involved investigation overseas. The Australian Federal Police have been working overseas. There are four countries involved in this. We acknowledge the cooperation we have had from law enforcement in those jurisdictions. There is ongoing work in relation to this. A large amount of material has been seized, and the Australian Taxation Office and the Australian Crime Commission are working through this. This operation has involved some 285 personnel. That gives you an idea of the significance and size of the operations concerned.
When you look at the amount of money involved and the allegation that high-wealth individuals are involved, you can see that no-one escapes the long arm of the law in relation to tax evasion. This sends a very clear message to those who want to engage in tax fraud that they will not escape investigation. It is alleged that this has involved offshore tax schemes, and both the promoters and the participants are under investigation. The tax office has taken action under its own legislation and it has carried out seizures in over 30 instances across Australia, using the powers that it has.

Of course, this highlights the good work that the Australian Crime Commission is doing for national law enforcement. In fact, when you look at some of the results the Australian Crime Commission has achieved, you can see what good work it has done in a short space of time. As at April 2005, 32 criminal entities have been disrupted or dismantled as a result of Australian Crime Commission operational intelligence or investigation. This includes significant suppliers of illegal amphetamine type stimulants, firearm manufacturing and distribution groups, importation of MDMA, a syndicate manufacturing large quantities of methylamphetamine and of course money laundering.

What this latest operation demonstrates, however, is the diversity of the work that the Australian Crime Commission is doing in cracking down not only on what is alleged to be large-scale fraud but on tax evasion. Eighty-three per cent of the Australian Crime Commission’s 61 completed matters were of a joint agency nature, which again demonstrates that the Australian Crime Commission is a truly national law enforcement body, one which works with all the state and territory police. On its board it has ASIO, Customs, the AFP and ASIC. That demonstrates its diversity in coverage. I commend the men and women of the Australian Crime Commission who have been involved in this operation and applaud the Crime Commission for the great work it is doing in cracking down on crime in this country.

Manufacturing Exports

Senator GEORGE CAMPBELL (2.19 pm)—My question is to the Minister representing the Treasurer, Senator Minchin. Is the minister aware that the budget papers state that exports are expected to be a significant contributor to growth in 2005-06, growing by seven per cent in real terms? Is the minister further aware that the last four sets of budget papers have predicted similar rebounds in exports and that these predicted growth rates have consistently failed to materialise? Can the minister explain why, when according to Treasury ‘the world has been growing strongly for some time’, Australian exports have failed to revive? Minister, after four false starts, why should we have any confidence in the fifth forecast export recovery?

Senator MINCHIN—I thank Senator George Campbell for his question and pick up, in his general remarks about exports, Senator Cook’s question as well. I want to note, because I know that both of them are particularly interested in manufacturing, that manufacturing and manufactured exports remain at substantially high levels. They reached a record of $69.3 billion in 2001-02 and, while it is true that they have eased, even in 2003-04 exports of our manufactures amounted to $62.4 billion. But, as the Treasury noted and as other experts have noted, there has been some diversion of our exports, particularly in these areas, to the domestic market.

Because our domestic market has been so relatively strong vis-a-vis other market economies, there has been a diversion to satisfying domestic demand. We have been lectured about capacity constraints and skill
constraints and that sort of thing. That is partly because of the very strong growth of the domestic economy, so you inevitably get some diversion of product, which would otherwise have been exported, into the domestic market. Because our economy has been growing more strongly than other Western economies, there is inevitably some sucking in of imports equally to meet domestic demand, so you do sometimes get this phenomenon of a deterioration in the trade in goods and services.

As I mentioned in my previous answer, that is complicated by the effects on our exchange rate. Our exchange rate is relatively high, which obviously means that it is more difficult for exporters, and imports are relatively cheaper. Of course, the great story is that our resource exports are absolutely booming. Indeed, our resource exporters cannot keep up with the exports. That is why we have got queues of ships wanting to take more product out of Australia than our capacity will actually allow. Fortunately, we do not have a silly policy like, for example, the Labor Party’s three-mines uranium policy. We actually think we should allow others, under proper rules and regulations, to purchase our uranium from mines in Australia. We do not inhibit our resource exports in the way that the Labor Party would with its idiotic and indefensible three-mines policy.

We also believe that the resource sector should be able to have AWAs, should be able to have flexible industrial relations, so that it can employ people on a competitive basis. The phenomenon of AWAs in the resource sector is one of the reasons for the enormous success of our resource sector in the export area. There is a whole set of complex reasons why Australia has generally run a current account deficit for quite some time. What we are not going to do is what the Labor Party did when they were in government, which was to absolutely throttle the economy and force the economy into recession—as they did in the early nineties—in order to deal with this issue. We will not do that. We will ensure that the Australian economy continues to grow and that we continue to manage our current account deficit. The servicing ratio is much lower—it is less than half what it was under the Labor Party when they were in government. We are ensuring, as I said before to Senator Cook, that this economy continues to operate as efficiently and effectively as possible. That necessitates further industrial relations reform, and we ask the Labor Party to get on board.

Senator GEORGE CAMPBELL—Mr President, I ask a supplementary question. Obviously the minister is aware that the forecast improvements in the trade and current account deficits rely on a rise in export prices to what is described as an unsustainable 50-year high. Minister, doesn’t our poor export performance, huge current account deficit and record national debt leave Australia increasingly vulnerable to international economic shocks and higher interest rates?

Senator MINCHIN—No, it does not. I would invite Senator Campbell to read a very good article by Professor Makin, a professor of economics, who explains, in terms which even Senator Campbell could understand, why this is not a problem for Australia as long as we continue to ensure that Australia remains a globally competitive economy. Again, I implore the Labor Party to join us in ensuring that that is the case.

Child Support

Senator GREIG (2.25 pm)—My question is to Senator Patterson, the Minister for Family and Community Services. I ask the Minister whether the government intends to implement recommendation 16.2.2 of the report into the reform of the Child Support Scheme. Does the minister agree that this would have the effect of reducing the amount of child...
support received by low-income resident parents? Is it not the case, Minister, that such a move would mean that disadvantaged separated and single parents earning less than $42,000 will have their child support payment reduced by up to $20 a week? Can the minister confirm that the table at page 230 of the report clearly shows this inequity? Minister, given that this group already includes disadvantaged parents in low-paid jobs who are already working full time and earning the maximum amount possible within their educational skills base, and for whom the cost of raising children exceeds the level of child support, what is the policy justification in now seeking to ensure they receive a lesser amount of child support?

Senator PATTERSON—The government was presented with a House of Representatives committee report called Every picture tells a story and we have had two responses to that. The first is to undertake one of the largest reforms to family law that we have seen since family law was introduced in this place in 1988. It involves $400 million in this year’s budget to roll out the family relationships centres and to assist families, particularly before they reach the point of having an irreconcilable relationship. It also assists those families in which the relationship has broken down to reduce the likelihood of them going to the Family Court. That is the first part of the response.

The second part of the response was to ask Professor Parkinson to respond to that part of Every picture tells a story which was related to child support. As you know, Professor Parkinson has brought down a report which we received about a week and a half ago and released last week. Professor Parkinson’s report is very extensive. I put on the public record my gratitude to him and to the task force for the enormous amount of effort which they put into that, and to the reference group for their cooperation and contribution.

It was not easy; they had come from different perspectives with different views and representing different groups in some cases on that reference group. Professor Parkinson’s report goes into very great detail on suggested changes to the Child Support Scheme. It is a report to government; the government has received that report and I am not going to respond to the individual parts on child support or to the questions that you have asked me, because we will respond as a whole to Professor Parkinson’s report in due course.

Senator GREIG—Mr President, I ask a supplementary question. I am not sure that the minister went anywhere near answering the core of my question, so I will ask it again. Given that the demographic that I referred to in my question have been singled out in the government’s proposed welfare reform when their youngest child turns six and that, under the government’s welfare reform, they would lose parenting payment and not qualify for assistance under enhanced Newstart because of their low income, why are they also, it would seem, to be singled out to lose out on child support through the recommendations that have been tabled?

Senator PATTERSON—I do not know whether Senator Greig was not listening to the answer I gave, but I said that we will respond to the Parkinson report which took into account the Welfare to Work arrangements. We will respond to the Parkinson report in full in due course.

Credit Card Security

Senator WEBBER (2.29 pm)—My question is to Senator Minchin, representing the Treasurer. Can the minister advise when the government was first made aware of the massive credit card security breach reported in today’s Australian Financial Review? Can the minister advise how many Australians have been affected by the security breach?
Can the minister confirm that this security breach included skimming personal account details from the internet? What, if any, subsequent action has been taken by the authorities to protect the security of Australian credit card users?

Senator COONAN—I think that Senator Webber might have intended to address that question to me; in any event, I will endeavour to deal with Senator Webber’s question. The internet is of course an increasingly integral part of people’s daily lives, both personal and business. The government continually works to mitigate developing e-security risks that may affect Australia’s ability to operate securely online. Attacks such as the recent infiltration of a US based credit card processing company and the subsequent exposure of potentially 40 million credit card holders worldwide are of course of major concern. I understand that that is what it dealt with.

The attack has affected a significant number of Australian credit card holders. The attack highlights the need for strong security and authentication procedures for companies involved in the processing and handling of sensitive financial and personal information. It reinforces the need for the Australian government and industry to remain vigilant on e-security issues, and it is important that the government and the ICT community continue to work collaboratively to ensure that public confidence and trust in the internet and in credit card security are maintained.

The growing issue of phishing is a particular concern of the internet business based models of government, financial and retailing sectors and with regard to overall confidence in the online environment. To that end, I note that the Australian Securities and Investments Commission recently noted that the number of reports of phishing incidents it received had doubled in April and May compared with February and March. In doing so, it reminded consumers of safety checks to protect themselves from such attacks. It is an issue that the government does take very seriously, and specialist staff from Australia’s major banks have been seconded to a joint banking and finance sector investigation team in the Australian High Tech Crime Centre to help investigate cases of phishing, where online criminals use apparently legitimate emails to trick people into divulging passwords, credit card numbers and bank account details. The Department of Communications, Information Technology and the Arts has worked with other government agencies to develop a practical consumer guide on the issue called Phishing: don’t take the bait!

Authentication is an important defence against online attacks, and the banking and financial services sector is starting to move towards improving levels of authentication in online banking. It is important, of course, with the infiltration of credit cards that these matters be addressed. The government is taking systematic steps to update e-security on phishing and spyware and certainly to ensure that credit cards and online financial transactions are secure.

Senator WEBBER—Mr President, I ask a supplementary question. I remind the minister of the first part of my initial question, which was: could she advise when the government was first made aware of the massive credit card security breach reported in today’s Financial Review? Minister, isn’t it the case that credit card companies and banks were aware of this security breach as early as December last year? Why weren’t all consumers made aware of the breach at that time? Can the minister explain why, unlike in the United States, there is no obligation to inform customers of a security breach in Australia? Minister, why aren’t Australian
customers entitled to the same level of protection as US customers?

Senator COONAN—I thank Senator Webber for the supplementary question. Unfortunately, given four minutes and not much more, I have not been able to go into all the information that I can provide to Senator Webber about initiatives that this government has taken to ensure that customers in financial transactions are secure and as secure as they possibly can be. There is the joint initiative by the ABA and the High Tech Crime Centre called Protecting your information online. There are many other initiatives that I can inform the Senate about which indicate that the government takes very seriously the matter of online credit and the matter of online security. In fact the government has taken extensive steps to ensure that consumers are protected and aware of risks.

Tasmanian Pulp Mill

Senator BROWN (2.34 pm)—My question is to the Minister representing the Minister for the Environment and Heritage, Senator Macdonald. I ask what response he has to a letter from the Tamar Valley Residents Action Committee, representing 1,200 households in the Tamar Valley, today calling for a government review of the Gunns pulp mill proposal as a controlled action for the minister’s consideration, in view of the fact that Gunns, on the last day of submissions for consideration of that pulp mill, dramatically changed the parameters, increasing the area of the site more than sixfold, to 650 hectares, and adding a before unflagged deepwater jetty proposal which will affect the ecology of the Tamar River itself. Will the minister review both the decision to declare this a controlled action and the decision of the Minister for Industry, Tourism and Resources to give it special national significance status? Finally, can the minister say what commitment there is for the pulp proposed to come from this mill to be used here in Australia? (Time expired)

Senator IAN MACDONALD—I thank Senator Brown for raising an issue which is very important to the people of Tasmania and will provide jobs in a range of industries for Tasmanians in the years ahead. Senator Brown asked about the major project status of the facility. That status will of course continue. That is one way that the federal government can assist to develop good projects in Australia that are careful of the environment and careful of the biodiversity of our ecosystems but that also create wealth for Australians—in this case, Tasmanians in particular—and ensure the progress of the economy of the Tasmanian state and the jobs of those involved in all aspects of industry.

The Gunns proposed pulp mill has been referred to the Environment Protection and Biodiversity Conservation Act for some decision. Senator Ian Campbell, as the minister, decided in January this year that it did need formal assessment and approval under the act. The Tasmanian Resource Planning and Development Commission assessment process, involving the publication of an integrated impact statement, has been accredited as the mechanism for examining the environmental impacts of the proposal. The RPDC, as Senator Brown well knows, is an independent statutory body that is responsible for carrying out integrated assessments of projects of state significance in the state of Tasmania.

The draft integrated impact statement guidelines have been out for public review as a means of ensuring that all the relevant environmental and other aspects will be thoroughly examined by Gunns. The public comments on the drafts are now being examined by the RPDC panel that has been established to undertake the assessment process. I
understand that the potential changes to the proposed mill were submitted by Gunns as an input to the draft IIS guidelines review process. Gunns, I understand, have not formally raised the matter of potential changes to the pulp mill project with Senator Campbell or the Australian government at this time. As part of the normal process, one would expect changes in how the proponent will develop the proposal. The current EPBC Act and RPDC assessment processes should be able to accommodate those changes and the refinements in the proposal.

The draft guidelines stage is, of course, only the beginning of the assessment process in which all interested parties, including the general public, will have ample opportunity to examine the proposed pulp mill and its likely impacts. The next step is for the RPDC to issue revised final IIS guidelines to Gunns Ltd. Gunns must then produce an IIS which, when it has been accepted as meeting the guidelines, will be issued for public review. That public review process is likely to involve both written comments and public hearings. Gunns will then be required to produce a final IIS that incorporates responses to the comments made during the review process. So, Senator Brown, under these processes, everyone will have an opportunity of putting forward their views. No doubt you will take advantage of that process—probably for another stunt. The processes will be open and transparent. Certainly, from the Australian government’s point of view and my point of view as forestry minister—and, of course, not in any way pre-empting the decisions Senator Campbell might have to make—we very much support these types of proposals. (Time expired)

Senator BROWN—I ask a supplementary question, Mr President. The minister has said that Gunns has not formally raised the changes with Senator Campbell and the government. I ask: is the government going to allow this cavalier attitude by Gunns and John Gay towards the national consideration of this pulp mill to continue? I ask the government: what further consideration was given last week to Mr Gay’s submission, when he was at this parliament, on the pulp mill? What, beyond the $5 million of taxpayers’ money already earmarked by the Prime Minister for this pulp mill, has been promised or offered to Gunns as part of its corporate welfare in establishing this pulp mill at cost to the taxpayers of Australia?

Senator IAN MACDONALD—Regrettably, this seems to be part of Senator Brown’s ongoing denigration of a major and very great and successful Australian public company—a public company that has investors from mums and dads to the institutions. I am aware that Senator Brown has travelled the world trying to cause commercial difficulties for this company. He has taken every sort of court action that his stunts will get him some publicity for to try and stop this very significant company. This is a great Australian company that is doing fabulous things for Tasmanians and creating a lot of—

Senator Brown—Mr President, I rise on a point of order. The question was directed to the minister to inform the Senate about the amount of money being allocated or promised to Gunns by the government from taxpayers for the pulp mill. He should answer that question; his time is very limited.

The PRESIDENT—As with other points of order that have been raised about similar matters, I repeat what I, and other presidents, have said: I cannot direct a minister how to answer the question, but I remind him of the question.

Senator IAN MACDONALD—Mr President, I will refer to what Senator Brown has just raised. I did not quite understand that to be his question. It seemed just to be a general attack on Gunns. The Howard govern-
ment made no secret of the fact that we were providing $5 million towards this process well before the last election. I have to say that the people of Australia supported our approach to this in the last election, particularly in Tasmania. *(Time expired)*

**Telstra**

**Senator STEPHENS** (2.43 pm)—My question is to Senator Minchin, Minister for Finance and Administration. I refer the minister to the comments of the Deputy Prime Minister, Mr Anderson, at the New South Wales Nationals state conference last weekend. Is the minister aware that Mr Anderson insisted that a core outcome for The Nationals in the telecommunications sector was for the government to implement ‘the genuine and robust operational separation of Telstra’s wholesale and retail arms’? Mr Anderson also stated that, while the achievement of this core outcome ‘may affect the share price of Telstra and the return that the government receives from any sale’ it should still be pursued because it would be in the national interest. Does the minister agree with the Deputy Prime Minister that a ‘genuine and robust operational separation’ of Telstra will inevitably affect Telstra’s share price because it will undermine Telstra’s monopoly position?

**Senator MINCHIN**—I did have the privilege of reading the Deputy Prime Minister’s speech, and a fine speech it was. I read it with great pleasure and interest. I tried, but I just could not find anything in it that I could disagree with. It shows what a wonderful coalition we are when we agree on so many things.

*Honourable senators interjecting—*

**The PRESIDENT**—Order! I know the interjections are in a jovial manner but they are still disorderly. I call senators to order.

**Senator MINCHIN**—The question of operational separation, if that is the question, should properly be addressed to the minister with responsibility for telecommunications, Senator Coonan. However, I will struggle to answer the question. We have made it clear that we would like Telstra to present to us a model for some form of operational separation which would produce the level of transparency which the community and the industry think appropriate. As I understand from Senator Coonan, Telstra is working cooperatively with her and her department to produce such a model. We look forward to progressing with Telstra down that path. I have made public as my position that I think we should try to find a workable and sensible model for operational separation on the basis of satisfying the not unreasonable demands for transparency in relation to Telstra. It is always difficult when integrated companies like Telstra have hardware that others need to access, while also retaining, in a sense, a software role. We strongly believe in the integrated model, and I welcome the comments of the new CEO of Telstra in relation to the virtues of the integrated telco model.

**Senator Conroy**—What about the share price?

**Senator MINCHIN**—We have all publicly opposed, as has the Deputy Prime Minister, any suggestion of structural separation. As to the share price, this, of course, goes to the very problem that we would wish the Labor Party would understand: inevitably, a government holding 51 per cent of a company like this is in the invidious position of having a conflict of interest. By definition, to the extent that taxpayers are conscripted shareholders in Telstra, we have an interest in the share price, while at the same time we are the constitutionally required regulator of this industry and are required to ensure a proper competitive model and arrangements for this industry. It is a classic conflict of interest which we think can only be ended by giving effect to our long-held policy that the government should sell all its shares. I am
delighted that the opportunity presented by a coalition majority in the Senate opens the door to that possibility. I look forward to that occurring so that the government no longer wears the two conflicting hats of owner and regulator, for the reason that I have outlined.

In relation to the share price, there has been a lot of scuttlebutt about my position as finance minister in this regard. My position is the government’s position, and the government’s position is that one of our criteria for sale is to achieve an ‘appropriate return’ for taxpayers for the shares we hold in Telstra. It will be my responsibility, as it will be the government’s, to ensure that there is an appropriate return.

Opposition senators interjecting—

The PRESIDENT—Order! Senator Stephens, I will give you the call when your colleagues decide to quieten down. Senator Conroy, I thought I was going to have a Conroy-free question time today but it looks like I am not going to. I call Senator Stephens.

Senator STEPHENS—Mr President, I ask a supplementary question. Minister, I refer you to the recent comments of Telstra’s Country Wide Managing Director, Doug Campbell, who ruled out the imposition of separate boards as part of an operational separation. Will the minister stand up for Australian consumers by rejecting Telstra’s self-interested appeals?

Senator MINCHIN—I really reject that attack upon Telstra. Telstra is a great Australian company providing outstanding service to millions of Australians and providing security of income to millions of shareholders. I do reject that attack. I noted the comments of a fine employee of Telstra, Mr Campbell, who has done an outstanding job at Telstra Country Wide. He and we have never proposed, nor contemplated, separate boards for the wholesale and retail operations of Telstra. It has never been a position that the government has taken and it is not one that either I or Senator Coonan have advanced. We agree with Mr Campbell that we should not have separate boards within Telstra.

DISTINGUISHED VISITORS

The PRESIDENT—Order! I draw the attention of honourable senators to the presence in the President’s gallery of a parliamentary delegation from the German Bundestag, led by Mr Albrecht Feibel MP. On behalf of all honourable senators, I welcome you to the Senate and to Australia, and hope that you enjoy your time with us.

Honourable senators—Hear, hear!

QUESTIONS WITHOUT NOTICE

Migration Agents

Senator FERGUSON (2.49 pm)—My question is directed to the Minister for Immigration and Multicultural and Indigenous Affairs, Senator Vanstone. Will the minister inform the Senate of measures being taken by the government to crack down on unscrupulous migration agents? I further ask: is the minister aware of any alternative policies?

Senator VANSTONE—I thank Senator Ferguson for his question. As we all know, Australia is an immigration country, a multicultural country. All of us, except for those who are full-blood Indigenous Australians, have migrant blood in our veins. The only difference relates to how long ago your families came here—100 years, 50 years, 10 years or 10 months ago. It does not really matter; it is just a timing difference. Everybody who comes here needs good advice on the appropriate applications to make. I am sure, Mr President, that the delegation in your gallery, whom I had the opportunity to meet this morning, will be interested in this issue. It is one of the issues they are interested in—Australia’s migration program.

Senator George Campbell interjecting—
The PRESIDENT—Order! Senator Campbell!

Senator VANSTONE—Don’t be such a naughty boy, Senator! You are a sweetie, I know that.

Opposition senators interjecting—

Senator VANSTONE—A little bit of Irish blood is a good thing.

The PRESIDENT—Order! Minister, ignore the interjections and return to the question. You are inviting interjections.

Senator VANSTONE—Sorry, Mr President. I did not want to show any preference for Irish blood at all. I did not mention this morning to our distinguished visitors, Mr President, Australia’s thanks to all the German migrants who so dramatically improved the wine industry in Australia, and I pass that on now. In any event, as my colleagues will understand, people who come to Australia, whether they come as skilled migrants—and there are 20,000 more of them coming next year, up from 73,000 to about 97,000 skilled migrants—or whether they are students coming here to our growing education industry, need good advice. Let me just point out that education is Australia’s third largest service export after tourism and transportation, and sixth largest overall in terms of goods and services. It is an important industry: it creates 48,000 jobs in Australia. So the people coming as students need good advice. In the 2003-04 program year we granted over 171,000 student visas.

We have made some important changes. We established the Migration Agent Task Force to monitor the performance levels of migration agents. One agent has been charged with nine breaches of the Migration Act. Further briefs are being prepared for the Commonwealth Director of Public Prosecutions. We will not tolerate migration agents not giving proper advice. Ten agents are under investigation by the MATF; they voluntarily deregistered or lost their agent status. Seventy agents have been sanctioned by the MARA since 1 July 2003. Nine agents—some might describe them as unscrupulous—who encouraged over 1,200 applications with no chance of success were forced from the industry.

A range of further announcements to help protect clients were made earlier this week. As an example, agents will have to hold professional indemnity insurance. That will protect against negligent advice provided by agents and give clients the opportunity for financial compensation. Migration agents will have to disclose what their average fees are—no more overcharging without people understanding what they are in for. It will allow clients to make an informed decision on the choice of agent. Anecdotal evidence tells us that some migration agents are charging thousands of dollars for very simple applications.

There are requirements for the return to clients of documents like passports and birth certificates that are used in support of applications, so if clients are not happy they really can move on to someone else. Agents will have to publish their registration number when advertising; that will be better protection for consumers. They will have to make a record when they are acting against their own advice. That is, when the client insists on proceeding against their advice, they will have to make a record of that for checking at a later date. All of this builds on the compliance work done by my department to ensure that people coming to Australia—there are nine million coming in and out every year—get good advice from migration agents. (Time expired)

Tasmanian Freight Equalisation Scheme

Senator DENMAN (2.54 pm)—My question is to Senator Ian Macdonald, Minister representing the Minister for Transport and
Regional Services. I refer the minister to the audit of the Tasmanian Freight Equalisation Scheme commissioned by the minister for transport last Friday. Was Senator Abetz speaking on behalf of the government when he made comments on yesterday’s Tasmanian ABC Radio Country Hour that it is inappropriate to address concerns about potential rorting of the scheme because opponents within the government will seek to dismantle it? Can the minister confirm that in March 2004 Mr Anderson’s surface transport adviser found that ‘the potential to exploit the scheme could lead to a cost blow-out and may result in a misuse of government funds’? In light of this warning 15 months ago, is the audit the only action Minister Anderson has taken?

Senator IAN MACDONALD—I do have a very comprehensive answer to the issues that Senator Denman has raised. It is a pity, though, Senator Denman, that in what might conceivably be your last question you should have taken one that is so inappropriately prepared. You should know by now that you should reject the questions committee’s—

Opposition senators interjecting—

The PRESIDENT—Order!

Senator IAN MACDONALD—Obviously Senator Ray gave this to you, Senator Denman! You should be thinking about New York, Senator Ray, and how you did over Senator Forshaw! Just calm down and don’t give Senator Denman these questions.

Senator Chris Evans—Mr President, I rise on a point of order. My point is on relevance. We have continued to see ministers this week get further and further away from the practice of answering questions, denigrating the senator who asked the question and denigrating other senators rather than actually coming to the point of answering the question.

Senator Vanstone interjecting—

Senator Chris Evans—Come in, Senator Vanstone, at any time and debate immigration. You have had a confidence build, though it did not work very well. But, Mr President, I really think you should ask the minister to answer the question about a very important public policy issue in Tasmania.

The PRESIDENT—I hear your point of order, Senator. I would remind the minister of the question, but I cannot direct him how to answer it. He has three minutes and 20 seconds to do so.

Senator IAN MACDONALD—I was just disappointed Senator Denman chose to attack her Tasmanian colleague Senator Abetz, who I know is a great supporter of Senator Denman—on perhaps her last question. The Tasmanian Freight Equalisation Scheme was established, as Senator Denman would well know, back in 1976 to alleviate the freight disadvantage between Tasmania and the mainland. Our subsidy scheme does in fact make a difference to the ability of Tasmanian firms and operators to compete on an equal footing with those on the mainland, and I know Tasmanian Liberal senators are very supportive of this proposal.

In simple terms, the rebates are calculated and paid on the wharf to wharf component of the freight bill. I emphasise that only the wharf to wharf component of the bill is actually eligible for a rebate.

The Tasmanian Transport Association first raised their concerns that the scheme could be being misused with Minister Anderson in February 2004. The department investigated their claims at the time, and with regard to the specific claims raised by the TTA they found that it appeared that the agent was operating within the boundaries of the scheme. A detailed analysis of expenditures under the scheme was initiated by the department later in 2004. In order to perform this analysis,
additional information was requested from Centrelink, who administer the scheme on behalf of the Department of Transport and Regional Services. Due to the complexity of the issue, the information took some time to pull together, but it was received by Mr Anderson’s department earlier this year. Centrelink has separately indicated that there is no evidence of fraud by agents and that all claimants are operating within the guidelines. The Australian Federal Police also investigated the claims earlier this year and found that no Commonwealth offences were disclosed that would warrant their investigation.

The government remains confident agents are operating within the scope of ministerial directions. However, the department has asked KPMG to conduct an audit of the Tasmanian Freight Equalisation Scheme early in the 2005-06 financial year. This will permit a detailed investigation of the administration of the scheme and will identify whether there are any other issues that need to be addressed. The government remains strongly committed to addressing Tasmania’s natural freight disadvantages, and all Australians can be assured that the scheme and its users are and will continue to be above board and properly accountable.

Senator DENMAN—Mr President, I ask a supplementary question. Why did Mr Anderson wait until the Australian newspaper asked him about the rorting before he commissioned an audit of the scheme? Will the minister assure the Senate that Mr Anderson’s lax administration will not be exploited by the government and used as an excuse to dismantle the Tasmanian Freight Equalisation Scheme?

Senator IAN MACDONALD—This is an initiative that the Howard government has been very supportive of. I was never quite sure what the Labor Party’s proposal was. When I used to have responsibility for this, which is some years ago now, I thought the Labor Party were pretty opposed to it and were always criticising it. But we support it. Mr Anderson administers the scheme very well at the moment, as he administers all of his portfolio, and these checks and balances are in place and continue to be put in place. We are confident of the scheme. We will keep an oversight of it. It is a great scheme for Tasmania and one that I and those on this side of the chamber totally support.

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

QUESTIONS WITHOUT NOTICE:

ADDITIONAL ANSWERS

Health

Senator PATTERSON (Victoria—Minister for Family and Community Services and Minister Assisting the Prime Minister for Women’s Issues) (3.01 pm)—Yesterday, Senator Harris asked me a very detailed supplementary question. In one minute I was not able to answer all the parts of the question. For those parts that were not answered, I seek leave to incorporate into Hansard the additional answers to the very detailed supplementary question.

Leave granted.

The answer read as follows:

Senator HARRIS—Minister, in setting up the JTA is it your government’s intention to have the TTJA run by a chairman, a managing director, two people with regulating experience and one with commercial experience? Will this agency create a corporate partnership between the regulator and the transnational pharmaceutical corporations? Will this agency remove the decision-making authority a further step away from the Australian and New Zealand electors? Finally, will your government guarantee that no natural product or therapy will be banned or withdrawn as a result of Codex?
SENATOR PATTERSON—

In setting up the JTA is it your Government’s intention to have the TTJA run by a chairman, a managing director, two people with regulating experience and one with commercial experience?

The Agreement between the Government of Australia and the Government of New Zealand for the Establishment of a Joint Scheme for the Regulation of Therapeutic Products provides that the scheme will be administered in both countries by a single regulatory Agency to be established under Australian legislation, and that the joint Scheme and the Agency will be overseen by a Ministerial Council comprising the Australian and New Zealand Health Ministers.

The Agreement was examined by the Joint Standing Committee on Treaties in May 2004 who recommended binding treaty action be taken in August 2004.

The Ministerial Council will appoint a Board comprising a Chair, the Managing Director of the Agency, a person with broad experience in public health and regulatory matters in New Zealand, a person with broad experience in public health and regulatory matters in Australia and a person with broad experience in commercial matters.

The Board will be responsible to the Ministerial Council for the governance of the Agency as set out in Article 6 of the Agreement.

Will this agency create a corporate partnership between the regulator and the Trans National Pharmaceutical Corporation.

Under Article 7 of the Agreement the regulatory functions of the Agency shall be performed by the Managing Director on behalf of and in the name of the Agency. The Managing Director will have day to day responsibility for the management of the Agency.

There is no such body under the joint regulatory scheme as the Trans National Pharmaceutical Corporation.

The Agreement will come into force once the implementing legislation has received passage in the Australian and New Zealand Parliaments.

Will this agency further remove the decision making authority a further step away from the Australian and New Zealand electors.

The Agency’s powers will be set out in the Australian Implementing Act.

The regulatory functions to be performed by the Agency will be set out in Ministerial Council Rules and Agency Orders which will have the force of law in both countries. The Rules and Orders will be disallowable instruments in both Parliaments.

Finally will your Government guarantee that no natural product or therapy will be banned or withdrawn as a result of Codex?

The proposed Codex Guidelines for Vitamin and Mineral Food Supplements will not apply in Australia and will have no impact on the way these types of products are regulated in Australia.

In Australia, vitamin and mineral supplements are regulated as complementary medicines. As such, they are required to meet the same standards of quality and safety as other types of complementary medicines under the Therapeutic Goods Act 1989. The TGA is responsible for the regulation of these medicines in Australia. In some other countries, these products are regulated as foods and are subject to the standards and guidelines that apply to food.

The draft Codex Guidelines for Vitamins and Mineral Food Supplements specifically state that they apply in countries where vitamin and mineral supplements are regulated as foods. As these products are regulated as medicines in Australia, they will not be affected by the proposed Codex Guidelines.

Under the joint regulatory scheme the Codex Guidelines will not apply to either Australia or New Zealand because these products will be regulated as medicines.

QUESTIONS WITHOUT NOTICE:
TAKE NOTE OF ANSWERS

Manufacturing Exports

Senator COOK (Western Australia) (3.02 pm)—I move:
That the Senate take note of the answers given by ministers to questions without notice asked today.

Today I asked Senator Minchin, the Minister representing the Minister for Industry, Tourism and Resources, about the implosion of the export capacity of the Australian manufacturing industry. In answer to that question, and to subsequent questions from my colleagues, we got an ‘interesting’ answer—interesting in italics. We were lectured on the need for Australian industry to become globally competitive. The need for industry to become globally competitive is something that this opposition fully supports and, in government, it pioneered pathways to more international competitiveness. But it is the issues that Senator Minchin identified about global competitiveness that need comment now—firstly, the inability of the Australian manufacturing industry to win in the export stakes. Senator Minchin blamed the exchange rate. When you look at the facts, this blame is incorrect. The figures show that in 2001-02 and 2002-03 exports of manufactured goods in Australia declined by 0.5 per cent and then by seven per cent. The exchange rate at that time was favourable to the export industries. The exchange rate strengthened and therefore you would have expected export capacity to have weakened. But in 2003-04 the export capacity contracted by four per cent. It was still a very bad return but not a support for the minister’s argument. He then mentioned in passing that the resource sector is booming, as if we should take some comfort from that.

Both these points reinforce that the government’s view is to let the market decide: if the market decides that this great economy of Australia should be a mine, a quarry and a great sandy tourist beach, so be it. There is a requirement to move beyond that old thinking. The real argument that the minister put is that the cost input of the price of labour, due to the industrial relations system, is something that is crippling the manufacturing industry. The cost input of labour is one of the lowest input costs in the modern manufacturing industry, and to reduce labour prices—that is, to reduce wages, as the government’s bill on industrial relations intends—is not the way to go about it. We are seeing in the modern manufacturing industry a technology-intense industry. It needs highly skilled and highly qualified workers.

The deskilling of the Australian workforce is one of the great shames of the Howard government. The lower wages do not provide any incentive for skills. They produce monkeys that are paid peanuts and that cannot keep up with the manufacturing needs of a modern, internationalised economy. We are being driven down a low-wage, low-skill path and, by consequence, a low internationally competitive path. The manufacturing sector is leading us down that path, because this government has not supported a skills based industrial relations system in which reward is made for qualification, skill and attainment. It is an ideological construct of this government that low wages are somehow the answer. They are not the answer in a high-technology country and a high-technology economy.

The other great gap in what the minister said is research and development. When we were in government, research and development in the private sector rose strongly. Under this government, research and development in the private sector has declined steadily. If you do not think of and develop products and processes for the future, you cannot compete in the present—and you will not succeed in the future either. The underinvestment in research and development in this country is making us less internationally competitive. We agree that the Australian economy should be more internationally competitive. The way to get there is by skill-
ing up our work force and linking wages to higher skills. The other way to get there is to invest in Australian ingenuity and creativeness, to invest in research and development and to develop the new products and processes that can lead this economy into the next era. The fact that this government does not do that means that we are going backwards. The figures presented in the question today demonstrate that to anyone, beyond a reasonable doubt.

Senator CHAPMAN (South Australia) (3.07 pm)—I suppose I should not be too tough on Senator Cook in his last hurrah as a senator before he farewells us at the end of the week, but the truth is that what we are seeing today is Labor seeking to talk down the success of Australia’s manufacturing industry as far as exports are concerned. The facts are that in 2004 Australia’s exports of manufactured goods increased by two per cent in value terms—not a decline; an increase of two per cent, Senator Cook. And this year growth of manufactured exports has strengthened even further and become broader based. In the March quarter of 2005, manufactured exports were seven per cent higher than they were in the same period of 2004. The advice that the government has is that there will be a further strengthening in manufacturing exports throughout 2005-06. So let us put to rest this nonsense we have heard from the Labor Party today that in fact manufacturing exports are declining as far as Australia is concerned.

Senator Cook—They are declining!

Senator CHAPMAN—Well, I have just given you the figures, Senator Cook, that they are in fact increasing. To the great credit of the Australian manufacturing industry, these results have been achieved in a period when the sector has experienced the difficulty and pressure of the high Australian dollar and competition from the emergence and growth of low-cost Chinese manufactures. There has also been strong demand in the domestic economy for manufactured goods, and that has channelled a certain amount of manufacturing production away from export markets. Despite all of those disadvantages—the disadvantages of a higher Australian dollar due to the difficulties in the American economy and the consequent low American dollar, competition from Chinese manufactures and the increasing domestic market shifting a focus away from exports—manufacturing exports have increased over the last year. The reason for that is that Australian industry has developed its competitive strength as a supplier of niche manufactures over the last few years, particularly with the support of the Howard government.

Take passenger motor vehicles alone. Their exports have increased by over 500 per cent. The motor industry has been particularly successful in developing and expanding markets in the Middle East for Australian produced motor vehicles with the support of the Australian government through the investment scheme, which has dramatically increased both the quality and the competitiveness of Australian motor vehicles compared with what they were a decade or so ago. Exports of medicines have increased by some 345 per cent, and exports of professional scientific and controlling instruments have risen 184 per cent. So in those high-tech areas Australian industry has been doing extremely well in developing and increasing export markets. Processed resources and metals exports—also a section of manufacturing with which Senator Johnston from Western Australia would be well acquainted—are benefiting from strong demand in the region, including from China. There are continuing challenges to the manufacturing industry in Australia as far as further expansion of these export markets is concerned, but the government has continu-
ally sought in particular to reduce trade barriers to our manufactured goods through its trade liberalisation agenda and to support Australian exporters with significant promotional activity.

A very important initiative, one which I have worked very hard for over the last few years, which was announced in this year’s budget was the removal of the three per cent tariff—the so-called tariff concession scheme; the three per cent tariff which had been implemented as a budgetary measure several years ago by this government on imported business inputs for a situation where there were no domestically produced substitutes. This was a cost impost on Australian manufacturers which the government has now removed, a further benefit provided to Australia’s manufacturing industry which will reduce input costs and increase the competitiveness of Australian industry.

The other initiative which the government have taken, in contrast to what Senator Cook has said today, is to increase the skills of the Australian work force. We have implemented a broad based education and training program to address skills shortages, particularly including the announced establishment of 24 Australian technical colleges in regions with serious skills shortages and increasing trade apprenticeships. The number of people undertaking traditional apprenticeships is now at its highest level since 1992. (Time expired)

Senator MARSHALL (Victoria) (3.12 pm)—It is becoming a common theme now from the government that whenever they are confronted with figures that do not paint the picture of their great economic success they turn around and say: ‘Whatever the bad figures are, it is because we are a victim of our economic success.’ I guess it must be of some great consolation to the now nearly 1,000 retrenched workers earmarked to leave their employment in Victoria over the next few weeks that somehow they should hold their heads up high because they are a victim of our success. That is certainly an inappropriate way to deal with this particular employment tragedy.

Minister Minchin was quite happy to dismiss this, saying, ‘It doesn’t really matter that much because the labour market is in fact very strong,’ and he went on to talk to us about some of the unemployment figures. But of course those figures hide part of the true position of employment in this country. What we know and what everyone should know is that, in order to be considered not unemployed, you only have to work for one single hour per week to take you off the unemployment list. What we have is a huge pool of workers out there who are significantly underemployed. It is not fair to say that, because unemployment figures are looking relatively low based on that formula, somehow these workers will simply walk into new jobs.

But what is this so-called economic success that the government wants to talk about? We are talking about elaborately transformed manufacturing goods. The export growth figures for the last three financial years were indeed minus 0.5 per cent in 2001-02, minus seven per cent in 2002-03 and minus four per cent in 2003-04. Senator Chapman was simply dead wrong when he said those were not the figures. I do not know where he gets his figures or what pool he wants to bring those figures from, but we are talking about elaborately transformed manufactured goods, and these are clearly the department’s figures. These negative figures illustrate the shrinkage of elaborately transformed manufactured exports—the highest value sector of manufactured goods. Each negative result is measured against the year before, compounding the damage to Australia’s export capability in this crucial manufacturing sector.
In contrast, under Labor policies in the 1990s elaborately transformed manufactures experienced remarkable growth. For example, ETM export growth figures in 1996-97 were positive 9.3 per cent—a legacy of the Labor government’s innovation and export facilitation policies. Between 1990 and 1997, the most rapid growth in exports was in ETMs, which grew at an annual rate of 13.8 per cent per annum. Since 1997, however, the growth in ETM exports has slowed sharply, increasing over the period from 1997 to 2003 by only 1.8 per cent per annum based on average figures.

The recent survey by the Australian Industry Group showed that Australian manufacturing in the June quarter experienced the slowest growth for four years. Production growth has slowed and growth has weakened in sales and new orders. The survey results also conclude that there is no relief in sight as it predicts activity to weaken even further in the September quarter. The three-month outlook for manufactured exports is the weakest in the history of the AiG survey, and those surveys have been going since September 1992.

There is one thing on which I do agree with the minister—that is, to survive in the modern economy Australia must be internationally competitive. But the answer to becoming internationally competitive is not to be found in industrial relations. What this government intend to put in place is simply a process to drive down wages. If they think somehow that, in a high-technology economy such as Australia’s, driving down wages is going to help boost the economy, unfortunately they are sadly mistaken. What will help this economy is a proper and real demonstration of skills planning and skilling up the Australian work force, developing and providing opportunities for innovation, proper industry planning, and encouragement of research and development—all these things which this government have significantly ignored, which has got us into a situation of a significant skills shortage. (Time expired)

Senator JOHNSTON (Western Australia) (3.17 pm)—May I say how delighted I am that the opposition has sought to move a motion to take note of answers relating to Australia’s export performance, because Australia’s export performance is the best in the world. Let us talk about Western Australia, my favourite subject in this place. We currently experience a growth rate of seven per cent, compared to a national average, including the mendicant states down south—where, of course, Senator Conroy comes from—which is around about two per cent.

We are leading the world in iron ore and refined iron ore production. We have up to a third of the world’s gold production. We are the leading exporter in the world for nickel. We have fabulous returns to Australia from oil and gas exports. We are one of Australia’s largest exporting states in coal and certainly one of the world’s biggest exporters of alumina. We lead the world in copper, lead and zinc production. We lead the world in tantalum production, of which the largest world reserves are contained in my home state of Western Australia, and we lead the world in rare earth mineral sands exports. Hiding behind all of this is uranium. Western Australia has the world’s largest reserves of uranium but, of course, we cannot touch them. We cannot enhance our exports because of the crazy, illogical, incoherent policies of the Australian Labor Party which say it is all right to mine in two places in the country but not in Western Australia.

Let us talk about exports. To April of last year, exports had risen for the previous 10 months by 13.8 per cent. In April alone in 2005, it was up nine per cent—the highest single monthly rise since the Olympic
Games of 2000. There was a 14 per cent rise in non-rural exports. These figures are simply stunning. These figures mean that the Labor Party simply has nowhere to go in talking about Australia’s export performance. In the 10 months to April of this year, rural exports were up 11 per cent. Resource exports in Australia to April of this year were up 35 per cent. Manufacturing exports were up seven per cent to April 2005. Services exports were up four per cent. These figures are simply stunning.

In April this year, export performance produced a value of $14.6 billion. I might just draw an analogy, if I may, for the benefit of opposition senators—$14.6 billion is the annual cost, approximately, of maintaining the Australian Defence Force, so in one month our exports equalled the value of the entire cost per annum of running the Australian Defence Force.

My great state of Western Australia in the year 2003-04 exported $15 million tonnes of grain—a sensational performance. In the 10 months to April this year, for the benefit of opposition senators, our exports to India were up by 15 per cent, our exports to Japan were up by 25 per cent and our exports to China were up by 30 per cent. For 2005-06, our exports are predicted to rise by seven per cent. This is, as I say, a simply stunning performance and a great credit to the good governance of the Howard government.

So what is driving this growth in my home state of Western Australia? It is Australian workplace agreements. With regard to the freed-up iron ore industry, BHP and Hamersley Iron have been through the mill with their work force. They now have a free and flexible industrial relations platform. No rollback and look what happens. Our iron ore industry can respond to national demand and we can do good things for Australian exports. Then there is the skills training industry. Every time the Commonwealth wants to make a flexible skills based training regime in each state, we get the unions standing on the hose, so it takes apprentices four years to get their qualifications. Under our system, they would be able to work through at their own rate. (Time expired)

**Senator WEBBER** (Western Australia) (3.22 pm)—Senator Johnston, I am just as proud of our home state as you are—in fact, I am a lot prouder of the Gallop Labor government than you are, obviously. But I point out that iron ore, gold, grain, nickel, diamonds, et cetera, are not manufactured exports. You do not need AWAs to grow grain and export it. Those are not manufactured exports, and it is the decline in manufactured exports and the decline in the skill base of the Australian workforce that is the challenge facing us today. Today in question time, Senator Cook raised the plight of the 660 Autoliv and Trico workers whose jobs will soon be shipped offshore, unfortunately. Sadly, this is not an isolated incident. It is the natural consequence of this government’s dismal and dismissive attitude towards Australia’s world-class manufacturing sector—a manufacturing sector that has been neglected since 1996.

The Howard government’s record in this sector speaks for itself. In the last five years, 84,000 manufacturing jobs have just disappeared. And they have not been created in the iron ore industry, the grain growing industry or the goldmining industry in Western Australia. These jobs have just disappeared and not been replaced. Of these, 30,000 were lost in the nine months to May this year. That is 30,000 jobs that used to be filled that no longer exist—30,000 people occupied those positions. Our manufacturing trade deficit has doubled from a staggering $42 billion in 1996 to $83 billion in 2004. These are absolutely staggering figures. Growth in manufacturing exports has slumped from an im-
pressive 14 per cent annually in the seven years to 1997 to a miserly two per cent since then. And I will not digress to the issues covered by Senator Marshall about the elaborately transformed manufactures.

Even with this evidence staring them in the face, this government refuses to admit liability for the thousands of jobs lost overseas under its watch—84,000 jobs. Take the government’s reaction to the job losses at Autoliv and Trico, for example. A spokeswoman for Minister Macfarlane blamed pay rises at the car makers for the job losses. In other words, and this is just staggering, it is all the fault of the greedy workers. If only workers would work harder and get paid less, we would not have this problem, according to the spokeswoman for Minister Macfarlane. No, Minister, job losses are not the fault of hardworking Australians. They are the natural consequence of this government’s failure to invest in the manufacturing sector and in research and development.

Another consequence of the government’s policy failures is the current skills crisis crippling our industries and holding back economic growth—an issue that the Labor Party has long been concerned about. Australian businesses, especially those in the manufacturing sector, are crying out for skilled workers. Welders, metal fabricators, carpenters, plumbers and a whole range of other professions are dying under the weight of this government’s inactivity. The only answer this government has for this skills shortage crisis is to say, ‘We are going to build 24 new technical colleges, where we will have some new apprentices come on stream in 2010’—some 4½ years time. There is a lag of at least 4½ years for this government to respond to a crisis that is facing our economy and our labour market today. Yet still this government is rudderless and confused. Instead of investing in much-needed training infrastructure, all they are intent on is a short-sighted policy of importing skilled workers from overseas on category 457 visas.

More than 18 months ago, Senator George Campbell chaired a Senate committee inquiry into the skills shortages. The committee’s comprehensive report, Bridging the skills divide, contained more than 40 recommendations and forms a veritable blueprint for meeting the skills crisis. But what has this government’s reaction been? It will come as no surprise to anyone here that they are yet to reply. They have thrown that report on the scrap heap. (Time expired)

Question agreed to.

PETITIONS

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

Stanmore Public School

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

The petition of certain citizens of Australia draws to the attention of the House that officers of the Department of Immigration and Multicultural and Indigenous Affairs, removed two children from Stanmore Public School on the 8th March, 2005. The removal occurred without the presence of a legal guardian or relative of the children and without prior notice to the Department of Education. This process resulted in emotional trauma to the two children involved, their friends, their teachers, allied staff and parents of the school.

Your petitioners therefore ask the Senate to call upon the Department of Immigration and Multicultural and Indigenous Affairs to immediately review the current practice of removal of children from school grounds.

by Senator Faulkner (from 308 citizens).

Petition received.

NOTICES

Presentation

Senator Crossin to move on the next day of sitting:
That the time for the presentation of the report of the Employment, Workplace Relations and Education References Committee on student income support be extended to 23 June 2005.

**Senator Ridgeway** to move on the next day of sitting:

That the Senate—

(a) notes that with the commencement of the *Aboriginal and Torres Strait Islander Commission Amendment Act 2005* 35 Aboriginal and Torres Strait Islander Commission (ATSIC) regional councils will cease operating after 30 June 2005;

(b) commends all Indigenous people who have served on regional councils in the past 15 years especially those regional councillors who have worked through the past 12 months, with few resources and little support, managing the difficult transition to the new administrative arrangements in Indigenous affairs;

(c) notes the government-commissioned ATSIC review report recommended that the 35 ATSIC regional councils be retained, and also recommended elevating the regional council chairs to a national representative body; and

(d) calls on the Government to commit to working with Indigenous people to formulate truly representative structures to fully engage Indigenous Australians in their futures.

**Senator Forshaw** to move on the next day of sitting:

That the Senate—

(a) notes:

(i) that the Yale University Law School report has found that genocide of the Indigenous people in West Papua is occurring,

(ii) that an HIV/AIDS epidemic appears to be ongoing in West Papua amongst the Indigenous population and that the Indonesian Government is doing little to control the spread of this disease, and

(iii) that Indonesian military activity is causing systematic harm and human rights abuse to the Indigenous West Papuan both within civil society and at a village level and that the Indonesian military is profiteering from its business interests in West Papua and is directly linked to illegal logging and export operations;

(b) calls on the Australian Government to support a parliamentary fact finding mission to West Papua to investigate the situation first-hand; and

(c) supports West Papua being granted observer status at the upcoming Pacific Is-
land forum in Port Moresby in October 2005.

**Senator Brown** to move on the next day of sitting:

That the Senate—

(a) notes the frivolous and off-hand rejection of its reasonable request that the Minister for the Environment and Heritage provide correspondence concerning the Gunns Pty Ltd proposed pulp mill in Tasmania; and

(b) noting that the Government has committed $5 million to Gunns for the project and agreed to ‘fast-track’ consideration of it as a project of ‘national significant’:

(i) believes its request was responsible and warranted, and

(ii) condemns the Minister’s failure to respond properly to its request.

**Senator Allison** to move on the next day of sitting:

That the following matter be referred to the Community Affairs References Committee for inquiry and report by the first sitting day of December 2005:

The health impacts of workplace exposure to toxic dust including exposure to silica in sandblasting and other occupations, with particular reference to:

(a) the adequacy and timeliness of regulation governing workplace exposure, safety precautions and the effectiveness of techniques used to assess airborne dust concentrations and toxicity;

(b) the extent to which employers and employees are informed of the risk of workplace dust inhalation;

(c) the availability of accurate diagnoses and medical services for those affected and the financial and social burden of such conditions;

(d) the nature and extent of illness, disability and death related to workplace dust exposure;

(e) the availability of accurate records on workplace exposure, diagnosis, morbidity, mortality and treatment;

(f) access to compensation, limitations in seeking legal redress and alternative models of financial support for affected individuals and their families; and

(g) the potential of emerging technologies, including nanoparticles, to result in workplace related harm.

**Withdrawal**

The following notice of motion was withdrawn:

Business of the Senate notice of motion no. 1 standing in the name of Senator Murray for 22 June 2005, proposing an amendment to the terms of reference for the Legal and Constitutional References Committee inquiry into the effectiveness and appropriateness of the Privacy Act 1988.

**Postponement**

The following item of business was postponed:

General business notice of motion no. 183 standing in the name of Senator Crossin for today, relating to the election in the Northern Territory, postponed till 23 June 2005.

**COMMITTEES**

**Foreign Affairs, Defence and Trade References Committee**

Meeting

Senator WEBBER (Western Australia) (3.29 pm)—by leave—At the request of Senator Hutchins, I move:

That the order of the Senate of 15 June 2005 authorising the Foreign Affairs, Defence and Trade References Committee to hold a public meeting during the sitting of the Senate on 22 June 2005, be varied to provide that the committee be authorised to meet from 4 pm.

Question agreed to.

**NOTICES**

**Presentation**

Senator TCHEN (Victoria) (3.30 pm)—On behalf of the Standing Committee on Regulations and Ordinances, I give notice that 15 sitting days after today I shall move:

That the HIH Royal Commission (Transfer of Records) Regulations 2005, as contained in Select Legislative Instrument 2005 No. 11 and made under the HIH Royal Commission (Transfer of Records) Act 2003, be disallowed.

As usual, I seek leave to incorporate in Hansard a short summary of the matters raised by the committee.

Leave granted.

The summary read as follows—

**Aviation Transport Security Regulations 2005**

The Regulations provide the detail necessary for the regulatory framework established under the Act to safeguard against unlawful interference with aviation.

Paragraph 3.15(1)(e) requires the display of signs on the fencing or barrier around an airside area as specified in subregulation 3.15(4), warning against unauthorised entry. Paragraph 3.15(1)(f) requires the display of signs at every entrance to an airside area as specified in subregulation 3.15(6), warning against the unauthorised possession of weapons. It is not clear why the signs required to be displayed at entrances to an airside area are not required to display warnings against unauthorised entry.

Regulation 3.29 requires the operator of a designated airport to “enter into an agreement with a counter-terrorist first response service provider”. Regulation 3.30 specifies the qualifications of members of a counter-terrorist first response force. The Regulations do not, however, specify who may be a service provider, nor whether an airport operator is responsible for acts of the service provider undertaken pursuant to the agreement.

Paragraph 4.59(5)(b) provides that a weapon is “a tool of trade” if the person who possesses it requires it for a lawful purpose. It is near clear whether the word “lawful” in this context is to be determined solely by reference to the laws of Australia or whether the laws of other countries will also be considered.

Subregulation 4.75(2) defines when a person in custody is classified as being dangerous for the purposes of Subdivision 4.5.2—Persons in custody under the Migration Act. Paragraph 4.75(2)(a) of the definition states that a person is dangerous if DIMIA has assessed the person as being likely to attempt to commit an unlawful interference with aviation, or likely to attempt to escape. This appears to give DIMIA considerable discretion. It is not apparent whether DIMIA has the relevant expertise to make this type of assessment or the basis on which such assessments will be made. Paragraph 4.75(2)(b) supplies an alternative definition, referring to a person who has been charged with or convicted of a crime involving violence against a person or serious damage to property. The paragraph does not specify any time limit (for example, ‘in the past 5 years’), with the consequence that a person who has been convicted of, or charged with, such a crime at any time in the past may be classified as dangerous.

Similar questions are raised by subregulation 4.87(2). Additionally, the combined operation of paragraphs 4.87(1)(b) and (2)(a) gives the Australian Fisheries Management Authority the role of assessing whether a person is dangerous. It is not apparent whether the Authority has the relevant expertise to make this type of assessment.

Paragraph 6.06(b) refers to the issue of temporary ASICs that are designed to be used on a single occasion and then destroyed. Paragraph 6.36(6)(b) allows for a temporary ASIC to be issued for a period of 3 months or the remaining period of validity of the permanent ASIC. There appears to be an inconsistency between these two provisions.

Regulation 6.40 makes it an offence of strict liability to issue an ASIC or a VIC without authority. There does not appear to be a cognate offence relating to the wearing or displaying of an unauthorised or false ASIC or VIC. It is not clear whether this is an intentional omission.

Regulation 7.10 provides that a person who receives an infringement notice may apply “before...
the end of 28 days after receiving an infringement notice’ to have the notice withdrawn. Regulation 7.08 provides that the recipient of a notice may apply for an extension of time to pay the penalty, but there is no time limit specified (as in regulation 7.10) within which such an application should be made.

The Committee has written to the Minister seeking advice on these matters.

HIH Royal Commission (Transfer of Records) Regulations 2005
The Regulations provide for the transfer of custody of certain records of the HIH Royal Commission to the Australian Securities and Investments Commission.

Regulation 4 gives ASIC access to “any record of, or relating to, the HIH Royal Commission”. The quoted words, found in regulation 4, are copied from section 6 of the HIH Royal Commission (Transfer of Records) Act 2003. Nevertheless the words “or relating to” appear to have wide application. The Committee has written to the Minister seeking advice on the intended scope of these words.

COMMITTEES
Economics Legislation Committee
Extension of Time
Senator TROETH (Victoria) (3.30 pm)—At the request of Senator Brandis, I move:

That the time for the presentation of the report of the Economics Legislation Committee on the Tax Laws Amendment (2005 Measures No. 1) Bill 2005 be extended to 22 June 2005.

Question agreed to.

Finance and Public Administration References Committee
Extension of Time
Senator WEBBER (Western Australia) (3.31 pm)—At the request of Senator Forshaw, I move:

That the time for the presentation of the report of the Finance and Public Administration References Committee on the Gallipoli Peninsula be extended to 18 August 2005.

Question agreed to.

Foreign Affairs, Defence and Trade References Committee
Extension of Time
Senator WEBBER (Western Australia) (3.31 pm)—At the request of Senator Hutchins, I move:

That the time for the presentation of the report of the Foreign Affairs, Defence and Trade References Committee on duties of Australian personnel in Iraq be extended to 9 August 2005.

Question agreed to.

ZIMBABWE
Senator TROETH (Victoria) (3.31 pm)—At the request of Senators Ferguson, Sandy Macdonald and Murray, I move:

That the Senate—

(a) notes the current grave situation in Zimbabwe, in which:
(i) Operation Murambatsvina, ‘Operation Restore Order’, has demolished the shanty homes and informal businesses of Zimbabwe’s city dwellers, leaving more than 200,000 families homeless and destitute,
(ii) non-government organisations have been prevented from assisting these men, women and children,
(iii) severe food shortages are causing unimaginable suffering to more than 6 million Zimbabweans, and
(iv) soaring rates of HIV/AIDS infections continue to inflict misery on the population;
(b) expresses its strong concern about ongoing events in Zimbabwe;
(c) commends the Australian Government’s public condemnation of the brutal operations being carried out in Zimbabwe by the Mugabe Government; and
(d) calls on the Australian Government to encourage the international community to
do everything in its power to stop these continual abuses of basic human rights in Zimbabwe.

Question agreed to.

WORLD POPULATION DAY

Senator ALLISON (Victoria—Leader of the Australian Democrats) (3.32 pm)—I move:

That the Senate—

(a) recognises that:

(i) 11 July 2005 is World Population Day and that the day’s theme is ‘equality empowers’, and

(ii) the empowerment of women will greatly help to alleviate global poverty;

(b) acknowledges that 500 000 women die each year due to the lack of adequate reproductive health services; and

(c) calls on the Government to use Australia’s unique position in our region to advocate for the empowerment of women and to ensure that the human rights of women and girls are respected, protected and promoted through gender-sensitive polices and legislation and through the provision of appropriate services.

Question agreed to.

NUCLEAR WEAPONS TECHNOLOGY

Senator ALLISON (Victoria—Leader of the Australian Democrats) (3.32 pm)—I move:

That the Senate—

(a) notes that the Bush Administration’s proposed 2006 budget for the United States of America (US), includes:

(i) $US4 million to fund a study for enabling nuclear warheads to penetrate deeper underground before exploding, known as Robust Nuclear Earth Pene-trators,

(ii) $US606 billion to fund the weapons activities of the US Energy Department’s National Security Administration, and a total of $US9.4 billion for the agency for 2006, an increase of $US233 million on current spending,

(iii) $US786 million to power nuclear navy vessels,

(iv) $US35 million for retiring and dismantling excess warheads, the same as the current spending,

(v) $US25 million to ensure nuclear weapons testing can take place within 18 months of a decision to do so, having previously been 24 to 36 months,

(vi) $US7.7 million for a Modern Pit Facility to build new warhead cores known as ‘pits’ to replace those whose plutonium has degraded over time, a facility expected to process 125 pits per year; and

(b) urges the Minister for Defence (Senator Hill), the Minister for Foreign Affairs (Mr Downer) and the Prime Minister (Mr Howard) to commit to any action that will progress global nuclear disarmament, and encourage all other nations to do the same.

Question negatived.

Senator Allison—Mr Deputy President, I understood that the ALP were supporting that motion.

The DEPUTY PRESIDENT—I called it on the voices, and the voices say no to me.

Senator Allison—Could I seek leave to defer this motion until the next day of sitting?

The DEPUTY PRESIDENT—It has just been voted on.

Senator Conroy—Voted on on an undertaking—or have you been hanging out with the government too much lately?

The DEPUTY PRESIDENT—I am in the chair, I am not into undertakings. I can only rule on the motions before the chair.

Senator Conroy—Mr Deputy President, I was not talking to you. Senator Allison, you can recommit if there is a problem.
The DEPUTY PRESIDENT—Without any formal part in this, there seems to be a spirit from my side of allowing the Democrats to recommit this motion later by leave.

Senator Webber—Mr Deputy President, I am formally advised by the whips’ office that we had indicated we were opposing notice of motion No. 133.

The DEPUTY PRESIDENT—Senator Allison, the option is still there for you later if you want to seek leave to have that matter recommitted. That is always available.

EARTH CHARTER

Senator Brown (Tasmania) (3.34 pm)—I move:

That the Senate—

(a) recognises and supports the Earth Charter as an important civil society contribution to our understanding of sustainable development and the ethics and principles needed to promote a more just, sustainable and peaceful world;

(b) notes the endorsement of the Earth Charter by the United Nations (UN) Education, Scientific and Cultural Organisation; and

(c) encourages:

(i) the use of the Earth Charter by federal and state educational authorities during the UN Decade of Education for Sustainable Development, and

(ii) the further endorsement and use by state and local government authorities of the Earth Charter as an ethical framework for more sustainable ways of living.

Question agreed to.

Senator Brown—I am glad that that passed without dissent.

Senator Vanstone—Mr Deputy President, on a point of order: we said no; we just did not call a division. So it is not without dissent. The fact that a division is not called does not mean that everyone agrees. I would have thought Senator Brown had been here long enough to know that.

ENVIRONMENT GROUPS: DEDUCTIBLE STATUS

Senator Brown (Tasmania) (3.35 pm)—I move:

That there be laid on the table by the Minister for the Environment and Heritage, no later than 3.30 pm on Wednesday, 22 June 2005, all correspondence between the minister and the Assistant Treasurer, the Australian Taxation Office, or the Institute of Public Affairs in 2004 and 2005 relating to the issue of deductible gift recipient status of environment groups.

Question agreed to.

IRAQ

Senator Brown (Tasmania) (3.36 pm)—I ask that general business notice of motion No. 176, relating to the withdrawal of Australian troops from Iraq, be taken as a formal motion.

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

Senator Allison—I object to this motion being taken as formal.

The DEPUTY PRESIDENT—There is an objection.

Suspension of Standing Orders

Senator Brown (Tasmania) (3.36 pm)—Pursuant to contingent notice, I move:

That so much of the standing orders be suspended as would prevent Senator Brown moving a motion relating to the conduct of the business of this Senate, namely a motion to give precedence to general business notice of motion No. 176.

The Greens motion is to have Australian troops withdrawn from Iraq. This has been the standing policy of the Greens since before the decision—and illegal decision at that—of the Howard government to send Australian troops to Iraq and, more recently, to compound that decision by agreeing with
the pro-whaling administration of Mr Koizumi in Japan to commit another 450 Australian troops to Iraq to protect the Japanese contingent there.

Senator Ferguson—Who is going to protect our embassy?

Senator Brown—I hear, by interjection, those opposite saying, ‘Who’s going to protect the Australian delegation in Iraq?’ It is no different to Australian delegations everywhere else. Of course, sensible protection of that is something that is always warranted wherever it may be. But that does not obscure the fact that the tide of public opinion is turning against this government for having a contingent not allocated to the protection of diplomatic personnel in Iraq but to support the Bush occupation of Iraq and the consequent and terrible bloodshed that has come from the insurgency—and I might say the disgusting behaviour of the insurgency as well—as regards the citizens of Iraq caught in the middle.

We have had one report estimating that more than 100,000 Iraqi children, women and men have been slaughtered in the two years since the Howard government committed, by deception of the Australian people and by breach of international law, to sending Australian Defence Force personnel, good and true, to Iraq, when they ought to have been used in the service of the protection of this country and in our own region on the planet.

We make no apologies for this increasingly popular move in Australia to bring Australia’s Defence Force personnel out of the service of George Bush and the White House and return them to the service of this nation of Australia, noting their sterling commitment to this country. If we cannot have a debate on the parameters of that, then I can only say that the government and others who want to change the parameters of that do not want a debate. It is an extraordinary commitment that the Howard government has made to having the troops stay in Iraq at the behest of George W Bush. This is an important motion. It deserves the support in the Senate of the non-government benches.

We know that the government is doctrinaire, is absolutely stuck in the mire of its own obeisance to the Bush Administration and the United States on this matter, and is not listening to the Australian people. The tide is turning against this commitment, unnecessarily against the nation’s interest, to having Australian Defence Force personnel in Iraq, so this is an important and urgent motion. It deserves to be debated. Part of this procedure is to see whether it will be debated and whether the Greens move to get this matter debated now will proceed with the support of the opposition and the Democrats—and debate it we will, because this is something we feel very strongly about, backed by an increasing percentage of the Australian population.

Senator Allison (Victoria—Leader of the Australian Democrats) (3.41 am)—I want to briefly speak on this motion to suspend standing orders. The Democrats are on the record very solidly as saying we do think that Australia’s participation in the war against Iraq was wrong and based on lies but that, nonetheless, having gone there, we have incurred a moral and legal obligation.
The question now is: what is in the best interests of the Iraqi people? They have been subjected to extremely dangerous situations with the ongoing insurgency in that country. I feel very bad about the fact that for Iraq the war has not finished. It is ongoing and it looks like getting worse. We rarely hear about what is going on in Iraq, but it is the case that many more people are killed on a daily basis, as I understand it, than was the case during the war itself.

Having said that, we want security for Australian personnel working in Iraq, and the case of Douglas Wood is a good example of why we still need to be there. We need to understand a little more about what our troops are doing in the region. I do not think it is just about protecting embassies; it is about the current situation. It would be better if all of the occupiers, as they are called in Iraq, removed themselves from that country to let the Iraqis get on with their affairs. However, it is the case that the democracy is fragile, to say the very least.

The reason I denied formality on this issue is not that we do not support the motion. We certainly support the message behind the motion but we think that the situation is complex. We would sooner see a proper debate on this issue and much more input in terms of what Australia ought to be doing in Iraq. We also want to make sure that people working in that country receive the sort of protection they need in order to keep safe. We are not in a position to say whether all of our troops are able to be removed from Iraq and whether it will be tomorrow, the day after or six months hence. Those questions are not ones we can answer and therefore we were not happy for this motion to go through without any sort of explanation on our part.

Senator NETTLE (New South Wales) (3.44 pm)—I want to speak on the issue of the legality of the war in Iraq, because it is worth—

Senator Ferguson—Mr Deputy President, I rise on a point of order. I thought we were debating an urgency motion, not the legality of the war in Iraq.

The DEPUTY PRESIDENT—Senator Ferguson, the motion before the chair is in respect of a suspension of standing orders to give precedence to the motion to be debated. I will listen with care to the contribution of Senator Nettle.

Senator NETTLE—Senator Ferguson, I would be interested to hear if you did not think it was an urgent matter that Australia was involved in illegal activity overseas. Clearly, that may be your opinion. I remind the Senate that, on 18 March 2003, in a speech justifying Australia’s commitment to the war on Iraq—a commitment which Senator Brown noted has expanded since then—Prime Minister Howard told the parliament:

It is important to understand that the decision taken by the government is in accordance with the legal authority for military action found in previous resolutions of the Security Council. We supported, and would have preferred, a further Security Council resolution specifying the need for such action. We did so to maximise the diplomatic, moral and political pressure on Iraq, not because we considered a new resolution to be necessary for such action to be legitimate.

Our legal advice, provided by the head of the Office of International Law in the Attorney-General’s Department and the senior legal adviser to the Department of Foreign Affairs and Trade, is unequivocal. The existing United Nations Security Council resolutions already provide for the use of force to disarm Iraq and restore international peace and security to the area. This legal advice is consistent with that provided to the British government by its Attorney-General.

This followed the publishing, the day before, of a nine-paragraph summary of legal advice provided by Lord Goldsmith to the British government justifying the war on Iraq. We
now know that that summary did not in fact reflect the actual advice that Lord Goldsmith provided on 7 March 2003, which questioned the legality of the proposed invasion. It concluded:

If we fail to achieve the adoption of a second resolution we would need to consider urgently at that stage the strength of our legal case in the light of the circumstances at the time.

The actual advice was released by No. 10 Downing Street in controversial circumstances in late April, leading up to the recent British elections, when it became clear that the Prime Minister’s office had pressured Lord Goldsmith to adjust his public version of the advice prior to the war. There has been some legal comment in Australia and overseas that our Prime Minister, like other prime ministers, may face war crimes charges. For example, just last week on Lateline Philippe Sands QC, who is Professor of Law at University College London and a barrister in cases against General Pinochet, said:

... preparing for my visit here with help from some Australian colleagues, I checked out what John Howard had said in the Australian parliament and on the 18th of March he relied on the British legal advice or he called it the British legal advice—

Tony Jones interrupted to say:

To be fair, he didn’t rely very heavily on it. He tabled the summary of the advice but he actually relied on his own advice from the Australian Attorney-General and lawyers from the Department of Foreign Affairs.

Philippe Sands went on to say:

He relied on two documents, one from a senior lawyer in the Attorney-General’s office and one from a senior lawyer from the Department of Foreign Affairs and Trade and he also tabled ... but he also referred on two occasions to what he called the summary legal advice of Lord Goldsmith, but that was the document of the 17th of March, and what is significant is the document of 17th March was not a summary of the legal advice. In fact, Lord Goldsmith very clearly stated on 26th February, in response actually to the publication of my book, that the second document, the 17th March document, wasn’t a summary of the first. It was simply, if you like, a recast view. The question that I think is interesting is, was the Australian Government aware of the earlier full written legal advice prepared by the British Attorney-General on the 7th of March and if so did it have an opportunity to consider an expressive view on that earlier advice which of course was very, very equivocal about the case for war?

So it remains clearly unresolved not only what advice the Australian government was relying on but whether the advice the Prime Minister relied on was in fact an inaccurate representation of the full advice provided by the British Attorney General. It is an issue: we need to be clear on what our troops are being involved in right at the moment, whether it is illegal and whether it does open up our Prime Minister to claims of war crimes. That is why we need to be debating these issues.

Question put:

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

The Senate divided. [3.54 pm]

(The President—Senator the Hon. Paul Calvert)

Ayes......... 5
Noes......... 44
Majority....... 39

AYES
Allison, L.F. Brown, B.J. Nettle, K.*

NOES

Senator BARTLETT (Queensland) (3.59 pm)—I, and also on behalf of Senators Ludwig and Nettle, move:

That the following matters be referred to the Legal and Constitutional References Committee for inquiry and report by 8 November 2005:

(a) the administration and operation of the Migration Act 1958, its regulations and guidelines by the Minister for Immigration and Multicultural and Indigenous Affairs and the Department of Immigration and Multicultural and Indigenous Affairs, with particular reference to the processing and assessment of visa applications, migration detention and the deportation of people from Australia;

(b) the activities and involvement of the Department of Foreign Affairs and Trade and any other government agencies in processes surrounding the deportation of people from Australia;

(c) the adequacy of healthcare, including mental healthcare, and other services and assistance provided to people in immigration detention;

(d) the outsourcing of management and service provision at immigration detention centres; and

(e) any related matters.

Question put

The Senate divided. [4.03 pm]

(The President—Senator the Hon. Paul Calvert)

Ayes............ 35
Noes............ 30
Majority........ 5

AYES

Allison, L.F. Bartlett, A.J.J.
Bishop, T.M. Bolkas, N.
Brown, B.J. Buckland, G.
Campbell, G. Carr, K.J.
Cherry, J.C. Collins, J.M.A.
Conroy, S.M. Cook, P.F.S.
Crossin, P.M. Denman, K.J.
Forshaw, M.G. Greig, B.
Hogg, J.J. Hutchins, S.P.
Kirk, L. Lees, M.H.
Ludwig, J.W. Lundy, K.A.
Marshall, G. Murray, A.J.M.
Moore, C. Nettle, K.
Nettle, K. O’Brien, K.W.K.
Ray, R.F. Ridgeway, A.D.
Sherry, N.J. Stephens, U.
Stott Despoja, N.
Wong, P.

NOES

Abetz, E. Barnett, G.
Boswell, R.L.D. Brandis, G.H.
Calvert, P.H. Chapman, H.G.P.
Colbeck, R. Coonan, H.H.
Eggleston, A. Ellison, C.M.
Ferguson, A.B. Ferris, J.M. *
Fifield, M.P. Kemp, C.R.
Johnston, D. Heffernan, W.
Knowles, S.C. Lightfoot, P.R.
Macdonald, I. Macdonald, J.A.L.
Mason, B.J. McGauran, J.J.J.
Minchin, N.H. Patterson, K.C.
Santoro, S. Scullion, N.G.
Tchen, T. Troeth, J.M.
Vanstone, A.E. Watson, J.O.W.

* denotes teller
Tuesday, 21 June 2005

PAIRS
Evans, C.V.  Payne, M.A.
Faulkner, J.P.  Campbell, I.G.
Mackay, S.M.  Fierravanti-Wells, C.

* denotes teller

Question agreed to.

TAXATION LAWS AMENDMENT
(SCHOLARSHIPS) BILL 2005

First Reading

Senator STOTT DESPOJA (South Australia) (4.07 pm)—I move:

That the following bill be introduced:


Question agreed to.

Senator STOTT DESPOJA (South Australia) (4.07 pm)—I move:

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

Question agreed to.

Bill read a first time.

Second Reading

Senator STOTT DESPOJA (South Australia) (4.08 pm)—I move:

That this bill be now read a second time.

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

Leave granted.

The speech read as follows—

The Australian Democrats believe education should be available and accessible to all Australians, regardless of gender, age, health, background, racial or ethnic origin or place of residence. A distinction between part-time and full-time scholarships in our taxation laws imposes a restriction on the availability and accessibility to education.

Education is a lifelong process that has an increasingly important and valuable place in a rapidly changing and multi-dimensional world. These changes and dimensions require human beings to adapt and confidently deal with the new circumstances through improvisation and an understanding of change. It is in this context that scholarships are available to assist and reward the developments of a person’s talents. The benefits of this talent can be in art work, new ideas, a new angle to an old theme or an achievement, and the list of possibilities goes on.

The history of the taxing provision provides an interesting insight into what the scholarship exemption was supposed to achieve. In 1950, the Spooner Committee reported to the Treasurer at the time, the Right Honourable A.W. Fadden. The terms of reference of the committee were to examine the desirability of exempting scholarship income from taxation. At the time, the UK and New Zealand exempted scholarships from tax.

The committee concluded that payments in the form of ‘awards to enable students to pursue a course of study’ should be exempt, while payments in the nature of remuneration for present and future services and living allowances should be taxed. The committee proposed an amendment to section 23 of the Income Tax Assessment Act 1936, and the words they suggested are informative. They suggested the section should be amended to exclude tax on:

... the income arising from a fellowship, scholarship or bursary held by a person receiving instruction at a university, college, school or other educational establishment.

Since that time, the education sector has undergone considerable change. The attacks by both the former Government and the current Government are eroding the sector and moving the divide between educational purposes and industry purposes closer together. This blending of purposes was well illustrated by the debate over the amendments to the Tax Laws Amendment Bill (No. 1) 1997, which removed the ‘rendering services’ criteria from the full-time scholarship provisions. That provision was modified by my amendments to the rendering services requirements and made sure full-time scholarships were tax free. On this occasion, it was notable that the Democrat’s amendment was supported by all the other parties in the Senate.
At the time, the concern was only about full-time scholarships. However, part-time scholarships are not covered by that provision, and if they satisfy all other aspects of that provision they will be taxed as the provision now stands. This is an unfortunate distinction that Schedule 1 of this bill addresses by proposing an amendment which abolishes the distinction between full-time and part-time scholarships, making all scholarships which satisfy the other criteria in the existing provisions tax free. That is, any scholarship, bursary or other educational allowance or educational assistance received by a student receiving education at a school college or university will be exempt from tax as long as there is an educational purpose involved and there is no condition that the student will enter into employment.

The proposed amendment in Schedule 1 was recommended by the Council of Australian Postgraduate Associations—who have consistently advocated for the removal of taxation from all scholarships since 1979—in their submission to the recent Senate inquiry into student income support measures.

Following the amendments to the tax status of full-time scholarships, I sought a response from the Government about part-time scholarships. I lodged Question No. 296 on 19 August 1997, through the Senate Employment Education Training and Youth Affairs Legislation Committee, asking:

What is the status of postgraduate scholarships made to part-time students? Is the Government concerned that there may have been an oversight made in relation to tax on part-time scholarships?

The Government’s response was:

Part-time Australian Postgraduate Awards (with Stipend) are available to students who have been successful in gaining an award and who can demonstrate heavy care commitments or a medical condition precluding full-time study.

Part-time scholarships are not exempt from tax under the provisions of the Income Tax Assessment Act. The part-time rate is set so that, after tax has been deducted, it is equivalent to 50% of the full-time stipend.

There has been no oversight in relation to tax on part-time scholarships.

This response deals with a particular kind of scholarship known as Australian Postgraduate Awards. There are any number of other scholarships which will satisfy the requirements of the Income Tax Assessment Act 1936, but fail only because they are part-time. The response also failed to address the broader issues raised by the different tax status of part and full-time scholarships. Such differences make this bill an important measure in redressing this injustice through identifying and remedying inequalities and barriers to participation in our education system. We want the best educational outcomes, so we must make sure the best people are chosen.

Scholarships are provided to talented people to assist them to develop their talents. This has benefits for the individual, but it has a broader purpose which contributes directly to our community. We recognise this benefit by providing tax free full-time scholarships. The same recognition should apply to part-time scholarships. This has been recognised in part for Australian Postgraduate Awards by increasing the amount of the half scholarship to take into account the taxation effect—which can hardly be described as generous.

This recognition is welcome, and supports the contention the existing scheme is an anomaly which should be remedied. This is reason enough to make the amendment set out in this bill.

However, and more importantly, this anomaly in the taxation legislation discriminates against part-time scholarship holders. The discrimination arises from the fact that a person receiving a part-time scholarship, who receives any further income and/or benefits based on the income they declare for taxation purposes, will be treated differently from a person who receives a full-time scholarship.

This is best illustrated by example. Shamefully, the same example I used in 1997 is still relevant today, although the names and amounts of some benefits and the scholarship have changed.

Ms Liz Darley was the recipient of a part-time Australian Postgraduate Award which she received on the basis of merit at the University of Western Sydney, Hawkesbury. She needed to take this scholarship on a part-time basis so that she
could care for her two small children. The unfairness in this case arises from Ms Darley being denied access to child care assistance and her family (Family Tax Benefit) payment reduced because of her scholarship (and other) income. She said:

The problem I have is that full-time scholarships are not taxed and therefore regarded as non-taxable income; no group certificates are issued, and other benefits such as child care assistance and home child care allowance are not affected by the stipend. However, part-time scholarships are regarded as taxable income. This affects the amount of Child Care Rebate (Benefit) I am entitled to, as well as home Child Care Allowance (Family Tax Benefit), and also means that if I undertake any extra work (such as teaching and tutoring) this work gets added to my scholarship as taxable income. A person on a full time scholarship does not have to declare their scholarship as income, so any extra income they make is considered as their only income. If I make $5,000 on top of my scholarship of $8,253, then my taxable income is $13,252. If I took a full-time scholarship of $15,000+, then my taxable income would be $5,000. I think you would agree this is inequitable.

This is a particular concern for women—who make up a significant proportion of scholarship holders—and is a structural barrier to participation in higher education. Structural barriers in the education sector mean that talented people are excluded for reasons other than merit, such as gender, age, disability, ethnicity, etc. For this reason alone, structural barriers must be removed to ensure our most talented students are provided with the opportunities to develop and express their special talents. Removing the distinction between part-time and full-time scholarship taxation, as proposed in this bill, is one step in the right direction.

Ms Darley’s case also highlights other inequalities in the higher education sector which future legislation affecting the higher education sector and many other sectors must address: structural barriers to women’s participation in the education system.

The UN Fourth World Conference, Women’s Platform for Action considered women in education as one of the twelve critical areas of concern addressed by the conference. Women’s access to vocational training, science and technology and continuing education was specifically targeted in the list of actions to be taken by governments. This Platform of Action was agreed to by the former Labor Government, and the present Coalition Government has stated that it intends to uphold its commitments under the Platform.

The Government’s commitment to abolishing structural barriers is doubtful and may be illustrated by an example. In May 1993 the then Minister Assisting the Prime Minister for Science and the Minister for Science and Small Business established the Women in Science, Engineering and Technology (WISSET) Advisory Group to advise on strategies to improve women’s participation in science, engineering and technology careers and education. The WISSET Advisory Group prepared a report in the form of a discussion paper in May 1995 setting out some of the barriers facing women in science, engineering and technology.

Unhappy with the lack of response from the previous Government I asked the Coalition Government how they proposed to respond to the Advisory Group report. In response to a Question on Notice No. 447 dated 24 March 1997, the Minister for Science and Technology stated that the Advisory Group report would not be responded to because the “recommendations are more relevant to the outlook of the previous Government”. Instead, the Government intends to pursue women’s representation in science, engineering and technology areas by creating a “broad, positive environment in which all Australians have the maximum opportunity to achieve their potential”. This includes the provision of non-gender specific scholarships and awareness programs in relation to science, engineering and technology areas.

This response failed to recognise the systemic issues of discrimination identified in the Advisory Group report and will ensure that women in science, engineering and technology areas continue to face individual experiences of discrimination, and that women will not have equal access to representation in the science, engineering and technology community as a right. Unhappy with
the response to Question No. 447 I asked a further Question on Notice No. 687 dated 7 July 1997. The Minister responded that the Government “is not aware of any structural barriers to women participating in science, engineering and technology careers” even though the Government has examined the WISET report.

Following that, the Australian National University received the Burton Report which identified a range of structural barriers to women’s participation in a non-science section of the University. Clearly, there is a problem here and the Government, and former Government, continue to ignore the issues. In response to the 2003 Senate inquiry into “Our Universities: Backing Australia’s Future”, WISENET stated that, overall, the legislation proposed would significantly and severely disadvantage women. They also said, “The introduction of higher fees and HECS would make this option [mature age study for women] completely prohibitive”. Recently, the Government’s focus has changed towards male education, while they continue to ignore the structural barriers for women.

This bill provides the Government with an opportunity to meet their international commitments and remove a measure which, as in Ms Darley’s case, specifically disadvantages women with young children participating in the higher education sector.

Schedule 2 of this bill deals with another anomaly in the treatment of scholarships: the exemption of scholarships from the social security income tests. As part of the changes to higher education passed in 2003, full fee-waiver scholarships were no longer counted as income under social security income tests, as were the new Commonwealth Learning Scholarships (CLSs).

As part of the 2004 Budget, Dr Nelson announced that he would exempt all scholarships that partly or fully waive or pay tuition fees from social security income tests. Fee-waiver scholarships are those where course fees are waived by university and Fee-pay scholarships are those where fees are paid to the university on behalf of a student by a third party.

These changes were costed at an estimated $2.7 million in 2004-05, increasing to $8.8 million in 2007-08, which pales into comparison with the amount spent on tax cuts in the last two Budgets.

It is clear from these policy decisions that Dr Nelson understands the negative effects of supplementary income on student income support payments. By exempting the fee-waiver, fee-pay and Commonwealth Learning Scholarships from the social security income tests, he has removed any effect these scholarships may have on students income support payments.

Dr Nelson’s budget media release about exempting the partial fee-waiver and fee-pay scholarships stated, “The Government wants to encourage this support for students. This initiative will ensure that … these students will receive the full benefit of that support”. But students will not be encouraged by seeing other students receiving a scholarship and maintaining full income support payments while their own income support is reduced by their non-Government cash scholarship and any attempt to earn more money legitimately results in further reductions in their income support.

The Democrats support the changes to the treatment of scholarships by the Government over the last two years, but believe they need to go further. The real funding burden in providing these fee-pay and fee-waiver scholarships will be borne by the universities who have to either fund these scholarships themselves or find someone willing to do so for them. Not only this, but for universities to be eligible for funding through the Higher Education Equity Programme they must, amongst other measures, offer University Equity Scholarships out of their own funds.

Many of the universities which have announced increased HECS fees for 2005 or 2006, have indicated poor Federal Government funding as the main reason they had to increase fees. Through the HECS increases however, many universities have committed to funding numerous scholarships for equity group students, over and above those provided by the Federal Government.

Why should universities be forced—through the possibility of reduced funding—to fund scholarships for students that will, in turn, reduce the student’s reliance on Government income support payments but have little impact on the student? In
effect, this is another backdoor cost-shifting exercise by Mr Howard that is detrimental for education.

In their response to the Higher Education Equity Program review, the AVCC states, “The AVCC is also concerned that the Government reduces students’ income support payments where students receive scholarships from universities. Since the Government is to require universities to offer such scholarships from 2005, it should not be financially advantaged by universities doing so.”

The AVCC also states, “some institutions may prefer ways to provide financial support to students that extend beyond the traditional concept of scholarships.” The tight restrictions on scholarships are discouraging universities from offering scholarships for fear of not sufficiently enhancing the student’s life or education.

The AVCC’s recommendation on this matter was “…universities’ scholarships that provide students with financial support should not be treated as income for the receipt of Government income support benefits”.

The Democrats support the AVCC’s view and seek to expand the current scholarship provisions to ease the financial strain on students receiving Austudy who are living 35% below the Henderson poverty line and are not eligible for Rent Assistance.

The Democrats have discussed this proposal with the higher education sector and have previously received strong support from Vice-Chancellors, students and university staff for our amendments in Schedule 2 of this bill, to exempt university equity scholarships from the social security income test.

Despite both Labor and the Government opposing the amendments outlined in Schedule 2 of this bill, during debate on the Family and Community Services and Veterans’ Affairs Legislation Amendment (2004 Budget Measures) Bill 2004, the recent Democrat-initiated Senate inquiry into student income support measures heard further strong evidence supporting the removal of these anomalies in the treatment of scholarships.

The costs of the proposals in this bill would be minimal while the possible outcomes in terms of equity are significant. I commend this bill to the Senate as a measure directed at assisting talented Australians to achieve their full potential in a world where the benefits of highly educated persons are central to job creation and wealth for all Australians.

I commend this bill to the Senate.

**Senator STOTT DESPOJA**—I seek leave to continue my remarks later.

Leave granted; debate adjourned.

**WHALING**

**Senator BROWN (Tasmania) (4.08 pm)—by leave—I move the motion as amended:**

That the Senate—

(a) calls on the Japanese Government to immediately desist from its brutal whaling program; and

(b) calls on the Australian Government to warn Japan that it will close Australian ports to Japanese whaling boats and other vessels owned by the companies engaged in whaling (such as occurred over the southern blue fin tuna dispute) if Japan continues its whaling program.

Question agreed to.

**Senator Ian Macdonald—I would like it clearly recorded that the government strongly oppose this motion. We have not divided—the numbers are against us—but it should be recorded that we strongly oppose the motion.**

**COMMITTEES**

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

**Extension of Time**

**Senator BARTLETT (Queensland) (4.10 pm)—At the request of the Chair of the Senate Environment, Communications, Information Technology and the Arts References Committee, Senator Cherry, I move:**

That the time for the presentation of the report of the Environment, Communications, Informa-
tion Technology and the Arts References Committee on the performance of the Australian telecommunications regulatory regime be extended to 9 August 2005.

Question agreed to.

NOTICES
Withdrawal

Senator BARTLETT (Queensland) (4.11 pm)—I withdraw business of the Senate notice of motion No. 1 standing in my name.

AUDITOR-GENERAL'S REPORTS

Report No. 53 of 2004-05


Senator BARTLETT (Queensland) (4.11 pm)—by leave—I move:

That the Senate take note of the document.

I will speak briefly on the report on the Home Ownership Program through Indigenous Business Australia. It is an important report, as are all of the reports from the Audit Office. I particularly want to draw attention to it because of the debate that has permeated this place for quite a long period of time. This report raises some issues to do with the management of privacy, and it is important that they are acknowledged and addressed. Some of those issues are not a direct responsibility of ATSIC, but a lot of the Home Ownership Program was run by ATSIC. It is worth noting that the Home Ownership Program's self-funding asset base has doubled since 1990. It has provided housing for more than 21,700 Indigenous Australians. This is consistent with the ATSIC objectives, which were to promote the development of self-management and self-sufficiency amongst Aboriginal and Torres Strait Islander peoples and to further the economic, social and cultural development of Aboriginal and Torres Strait Islander peoples.

Ironically, in the area of promoting self-sufficiency I cannot think of a single program the government has run that has had the level of success that this Home Ownership Program, overseen by ATSIC, has had. It was an extremely successful program. That is not to say that there were not issues to do with privacy. They have been identified and addressed. As I said, not all of those issues, by any means, were the responsibility of ATSIC at various stages of the program. As always with these reports, issues regarding better ways of managing have been identified. This debate has been going on for a long period of time and there has been a continuing implication that ATSIC was incapable of delivering for Indigenous Australians. Clearly ATSIC had its problems, but in this area of the Home Ownership Program it provided housing for many Indigenous Australians who would not otherwise have had it. Its achievement in that area should be noted. I sincerely hope that the abolition of ATSIC and its taking over by various government bureaucracies will not unsettle the success of this program in delivering housing and improving self-sufficiency for Indigenous Australians.

Question agreed to.

FAMILY PLANNING

Return To Order

Senator ABETZ (Tasmania—Special Minister of State) (4.15 pm)—by leave—This statement is made on behalf of the Hon. Tony Abbott, the Minister for Health and Ageing. The order arises from a motion moved by Senator Lyn Allison, as agreed by the Senate on 15 June 2005, that there be laid on the table by the Minister representing the Minister for Health and Ageing, no later than
4.30 pm on Tuesday, 21 June 2005, copies of all reports, including financial statements, provided as part of their reporting requirements for the past five years by all agencies that receive funding for pregnancy counselling and/or family planning activities from the Department of Health and Ageing, other than those already provided in the past month. I wish to inform the Senate that the Department of Health and Ageing is currently working to provide copies of reports and financial statements. However, due to the very significant amount of material requested in a short time frame, copies of reports cannot be laid on the table by 4.30 pm on Tuesday, 21 June 2005. Copies of reports will be tabled out of sitting by Friday, 22 July 2005.

COMMUNITY DEVELOPMENT EMPLOYMENT PROJECTS

Return to Order

Senator ABETZ (Tasmania—Special Minister of State) (4.16 pm)—by leave—
This statement is made on behalf of Kevin Andrews, the Minister for Employment and Workplace Relations. The order arises from a motion moved by Senator Carr, as agreed by the Senate on 11 May 2005, and it relates to the tabling of all submissions received by the Department of Employment and Workplace Relations in response to the ‘Building on success’ Community Development Employment Projects discussion paper 2005.

I wish to inform the Senate that the minister has agreed to release 36 submissions. This is in addition to 42 submissions tabled on 30 May 2005 and 30 submissions tabled on 31 May 2005. The minister has decided not to release four submissions, on public interest grounds. One of these submissions contains highly personal information and the minister believes that the public interest in keeping the submission confidential outweighs the public interest in disclosure.

Three submissions were provided by Commonwealth, state or territory government agencies for internal consideration only. This provides a total of 108 submissions to the Senate, more than initially indicated, as some submissions were received after the formal closing date for submissions. The minister has protected the privacy of several individuals and organisations through the de-identification of some submissions.

COMMITTEES

Foreign Affairs, Defence and Trade References Committee

Membership

The ACTING DEPUTY PRESIDENT (Senator Chapman)—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) (4.19 pm)—by leave—I move:

That senators be discharged from and appointed to the Foreign Affairs, Defence and Trade References Committee as follows:

Discharged—Substitute member: Senator Ray

Appointed—Substitute member: Senator Kirk to replace Senator Mackay for the committee’s inquiry into Australia’s relationship with China.

Question agreed to.
APPROPRIATION (PARLIAMENTARY DEPARTMENTS) BILL (No. 1) 2005-2006

APPROPRIATION BILL (No. 1) 2005-2006

APPROPRIATION BILL (No. 2) 2005-2006

APPROPRIATION BILL (No. 5) 2004-2005

APPROPRIATION BILL (No. 6) 2004-2005

First Reading

Bills received from the House of Representatives.

Senator ABETZ (Tasmania—Special Minister of State) (4.20 pm)—I move:

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

Question agreed to.

Bills read a first time.

Second Reading

Senator ABETZ (Tasmania—Special Minister of State) (4.21 pm)—I move:

That these bills be now read a second time.

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

Leave granted.

The speeches read as follows—

APPROPRIATION (PARLIAMENTARY DEPARTMENTS) BILL (No. 1) 2004-2005

The purpose of the Appropriation (Parliamentary Departments) Bill (No. 1) 2005-2006 is to provide funding for the operations of the three Parliamentary Departments.

The total amount sought is $167.4 million. Details of the proposed expenditure are set out in the Schedule to the bill.

I commend the bill to the Senate.

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APPROPRIATION BILL (No. 1) 2005-2006

It is with great pleasure that I introduce Appropriation Bill (No. 1) 2005-2006, which, together with Appropriation Bill (No. 2) 2005-2006, is one of the principal pieces of legislation underpinning the first Budget of the fourth term of the Coalition Government.

Appropriation Bill (No. 1) 2005-2006 provides authority for meeting the expenses of the ordinary annual services of Government.

This bill seeks approval for appropriations from the Consolidated Revenue Fund totalling approximately $47.4 billion.

Details of the proposed appropriations are set out in Schedule 1 to the bill, the main features of which were outlined in the Treasurer’s Budget speech on 10 May 2005.

The three 2005-2006 Appropriation Bills include minor technical amendments to clauses relating to relevant contingency funds to ensure that amounts provided by legislation for a particular financial year could not legally be issued in later financial years.

I commend the bill to the Senate.

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APPROPRIATION BILL (No. 2) 2005-2006

It is with great pleasure that I introduce Appropriation Bill (No. 2) 2005-2006, which, together with Appropriation Bill (No. 1) 2005-2006, is one of the principal pieces of legislation underpinning the first Budget of the fourth term of the Coalition Government.

Appropriation Bill (No. 2) 2005-2006 provides funding for agencies to meet:

- expenses in relation to grants to the States under section 96 of the Constitution and for payments to the Northern Territory and the Australian Capital Territory;
- administered expenses for new outcomes;
- requirements for departmental equity injections, loans and previous years’ outputs; and
- requirements to create or acquire administered assets and to discharge administered liabilities.
Appropriation Bill (No. 2) 2005-2006 seeks approval for appropriations totalling approximately $7.8 billion from the Consolidated Revenue Fund. Details of the proposed appropriations are set out in Schedule 2 to the bill, the main features of which were outlined in the Budget Speech delivered by my colleague, the Treasurer, on 10 May 2005.

I commend the bill to the Senate.

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APPROPRIATION BILL (No. 5) 2004-2005

It is with great pleasure that I introduce Appropriation Bill (No. 5) 2004-2005.

This year there are two Supplementary Additional Estimates Bills: Appropriation Bill (No. 5) 2004-2005, and Appropriation Bill (No. 6) 2004-2005. I shall introduce the latter Bill shortly.

The Supplementary Additional Estimates Bills are in addition to the Tsunami Bills and follow on from the Additional Estimates Bills, all of which were introduced and passed by Parliament during the Autumn sittings.

The Supplementary Additional Estimates Bills seek authority for the appropriation of monies from the Consolidated Revenue Fund in the current financial year for important initiatives agreed by the Government since Additional Estimates 2004-2005.

The total appropriation being sought through these Bills is some $314.3 million. Of this amount, approximately $291.6 million is being sought in Appropriation Bill (No. 5).

The most significant amount proposed in Appropriation Bill (No. 5) 2004-2005 is $160 million for transitional grants to compensate eligible entities for loss of access to a Fringe Benefits Tax exemption. The balance of around $131.6 million includes, amongst other amounts, $35.1 million for payments to the New South Wales Legal Aid Commission, $28.2 million for expenses associated with Australian Defence Force deployments to Iraq and $23 million for Australia’s increased financial contributions to United Nations peacekeeping operations.

I commend the bill to the Senate.

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APPROPRIATION BILL (No. 6) 2004-2005

Appropriation Bill (No. 6) 2004-05 provides additional funding to agencies for:

- expenses in relation to grants to the States under section 96 of the Constitution and for payments to the Northern Territory and the Australian Capital Territory; and
- non-operating purposes in the form of equity injections.

The total additional appropriation sought in Bill 6 is around $22.7 million, with the largest amount of $17.3 million being for costs associated with Australian Defence Force deployments to Iraq. The bill also proposes, amongst other amounts, $4 million for the Attorney-General’s Department to reimburse the States for the cost of providing medical teams under the AUSASSIST arrangements during the tsunami relief effort.

I commend the bill to the Senate.

Debate (on motion by Senator Abetz) adjourned.

NATIONAL SECURITY INFORMATION LEGISLATION AMENDMENT BILL 2005

Returned from the House of Representatives

Message received from the House of Representatives agreeing to the amendment made by the Senate to the bill.

REMUNERATION TRIBUNAL ACT DETERMINATION

Motion for Disapproval

Senator BARTLETT (Queensland) (4.22 pm)—I, and also on behalf of Senator Murray and Senator Brown, move:

That the ‘Communications Allowance’, being Clauses 10.4 to 10.13 of Determination 2005/09: Members of Parliament—Entitlements, made pursuant to subsections 7(1), (2) and (4) of the Remuneration Tribunal Act 1973, be disapproved.

I know there is a lot of other business to be dealt with so I will try to be brief, but it is an important matter. The Democrats have a long history of ensuring better accountability,
oversight and scrutiny of parliamentarians’ entitlements and of seeking to reduce what we believe are unjust or unreasonable entitlements. My memory of these matters may not go back to the 1980s, but certainly in recent years we have tried to avoid getting into cheap populist politician bashing. I do not think that helps any of us. I do not think it assists the overall credibility of the parliament to reinforce overstated stereotypes about politicians all having our snouts in the trough at every available opportunity, because I know that that is not the case. But we have continued to campaign strongly against those entitlements that we believe are not justified.

We have continually campaigned for many years to reform the superannuation available to parliamentarians to bring their entitlements into line with community standards, and I am pleased that that campaign has now found success, albeit with those of us who were around prior to that change retaining the previous entitlements. But, for the future, clearly that unjustified entitlement has been reduced, and I believe that is a good thing for the credibility of democracy. Similarly, we opposed excessive increases in printing entitlements last year. We did not support the increase in parliamentarians’ pay—from my point of view, purely because I believe we are already paid enough. We do not jump on every single entitlement or point to them all and say that they are all appalling, but I do not believe this particular increase is justified.

To specify the details for those who are not aware of them, the communications allowance is currently $27½ thousand per year for members of the House of Representatives and for senators, or slightly more for those MPs with larger electorates. That allowance covers normal postage, other mail distribution services, couriers, the internet, web site maintenance and the like. What this determination of the Remuneration Tribunal does is dramatically increase that allowance from $27½ thousand to over $40,000 in many cases. It varies from electorate to electorate because the calculation method has now changed: it is 50c per elector for each House of Representatives member. The entitlement for senators does not change at all, and I think that is a pretty reasonable indication that it does not need to change for members of the House of Representatives. If there is a case for changing the formula—so much per elector—then let us have that debate, but make it a set amount per elector that leads to a total expenditure of around the current amount. I do not believe it is justified to enable that increase of around 50 per cent or more on average per year, with unused amounts being able to be rolled over so that it can be stored up for the election year for each incumbent and then spent in huge amounts.

There is already plenty of evidence that incumbent MPs have a dramatic advantage over everybody else. Naturally there will always be some advantage if you work hard and make wise decisions in the interests of your electorate. Then you have got a bit of a head start, and there is nothing wrong with getting an advantage through hard work and connecting with your community and trying to represent them. But getting extra advantages through what is now a huge printing entitlement for each individual member per year and now a massive leap in the communications allowance entitlement per year is not justified, I believe. There are plenty of examples from the last election, I think, to show that the benefit of incumbency from all of the taxpayer funded entitlements is really starting to give what I believe would be an unfair advantage as opposed to a fair or normal advantage.

The Democrats’ concern about this is not that there is a communications allowance.
We are not suggesting that everybody uses it in a grossly unreasonable way. We are not suggesting that there may not be a case for changing the formula by which the allowance is determined or even potentially a case for a small CPI increase. To simply hike that total entitlement by over 50 per cent on average, under the guise of changing the way the formula is calculated, is, I believe, unjustified. This means many members will now have an entitlement every year of $40,000 for communications—for postage and the like.

The notion that a member of the House of Representatives needs to spend a 50c stamp on every one of their electors each year is quaint in this era, to put it politely, particularly with bulk mail, shared households, email and all the other methods of communication. The idea that it is reasonable to equate it to one stamp per person in your electorate is novel. Of course, if that were applied to the Senate then we would be getting probably a tenfold increase, but I am not suggesting that at all. However, there is no explanation at all of why the increase does not apply to the Senate; we have constituents as well. Certainly, I see myself as representing the entire state of Queensland but I am not in any way suggesting that I need the equivalent of a 50c stamp for every one of them each year. Nice as that might be for my own re-election, that is not what we are here for.

The continuous expansion of taxpayer funding for these sorts of entitlements is of concern. It is a balance, I realise that, and I realise that a lot of members of the public would be happy for politicians to have no entitlements whatsoever and have to walk to Canberra each time we needed to come to parliament. We are not suggesting that, and we do not seek to generate an unreasonable perception of the important work that parliamentarians do. Of course you need resources to communicate with your electorate; of course you need to be able to hear what their views are. Our simple view is that we already have plenty in that area. With regard to this communications allowance, I do not believe that it is justified to have such a large increase. Certainly I do not think the case has been made. That is the context of our opposition. It is part of a long history of Democrat action in this area. My colleague Senator Murray will also speak briefly on this motion. He has a strong record in relation to this, as have many Democrats, going back to my Queensland predecessor, Michael Macklin.

It should also be noted that the independent member for Calare, Mr Andren, whilst we are not acting in concert on this—we are acting independently—also indicated opposition to this in the House of Representatives but, due to the way things operate there, he was unable to bring it on for debate, which is yet one more example of why the Senate is important. As a member of the House of Representatives wanting to debate opposition to this allowance and this change, which directly advantages members of the House of Representatives, he was not even able to bring it on for debate and require people to state a view, take a vote on it and be held to account for it. It is another example, amongst many, of why the Senate is still so important and will continue to be important even once the government assumes a majority in this chamber after 1 July.

Senator BROWN (Tasmania) (4.31 pm)—What an outrageous proposal this is—a 60 per cent increase in the postal allowance for members of the House of Representatives to blitz their electorates in the run-up to an election, to the totally unfair disadvantage of any other contenders for those seats. This is a 60 per cent increase in the communications allowance. Each member of the House of Representatives would give up $44,000 an-
nually, but the rollover provisions would allow MPs a postal blitz of up to $88,000 in the year of an election, on top of the $125,000 printing allowance that MPs, under the Howard government, have given to themselves in the House of Representatives.

This is a perversion of democracy. It is not just an affront to many taxpayers who want to see fairness in democracy but who are going to foot the bill for this move but an absolute perversion of democracy, where we should have not only one person, one vote and one value but one candidate, one opportunity and one equal campaign. This is dipping into the pockets of the Australian electorate to advantage, in the main, the big party candidates against all other comers. It should be thrown out. The opposition should be voting against it.

I have not got the permission of Peter Andren, the independent member for Calare in the House of Representatives, but I will read from his media release in which he responds to this proposal, which has effectively been blocked from debate in the other place because it requires government permission. Mr Andren gave notice on 16 June of a motion to disallow the government’s new postage and communications payouts that will cost the taxpayer an extra $2.4 million a year. He thought that the motion was likely to be debated this week but then found the government can prevent that happening. Mr Andren said:

This latest 60% increase in communications allowances—providing an average of $44,000 annually to each MP—is nothing more than a taxpayer-funded rort to benefit incumbent politicians and increase the party propaganda flowing from members’ offices.

He added:

The current allowance of between $27,500 and $30,800 is more than sufficient to cover the normal correspondence requirements of a member and for other services like newsletter mail-outs, letterbox drops, couriers, and designing and maintaining web pages.

Mr Andren said:

I am able to manage all my communications needs on about $20,000 a year and quarantine any election campaign mail-outs and other spending to my fully declared campaign accounts. The same should apply to all incumbent MPs.

The insidious feature of this communications allowance is that the unspent portion can be rolled over into subsequent years and spent right up until the day before an election day. It is nothing more than a taxpayer-funded slush fund for distribution of political propaganda.

Theoretically an MP will now be able to spend, say, $20,000 the year after an election, rollover $24,000 to cover the 2nd year and again rollover the entire $44,000 from year 2 to year 3 and have an $88,000 postal blitz fund for the election.

The allowance is supposed to be used for parliamentary or electorate business, but this is only an unenforceable guideline.

As with the recent increase in incumbent members’ printing allowances to $125,000, this communications increase is simply a taxpayer funded subsidy of the party machines.

It comes on top of free fixed phones, free mobiles, free car, free travel and the $40 million of public funding that was distributed to the three major parties after the last election.

Mr Andren went on to say:

As well the Auditor-General has twice reported the abuse of sitting MPs’ staff travel entitlements during election campaigns, which further entrenches the financial disadvantage faced by independent and smaller party candidates who might want to run for parliament.

The government will argue the new communications allowance is based on one 50 cent stamped letter per year to each constituent. However, a direct mail-out to every household costs about 10 cents a letter. Quite simply, this increase and the roll-over capacity is to provide for an election-year postal blitz.

Mr Andren said:
I call on all MPs and Senators from all parties to vote to disallow this regulation. The public are sick and tired of the continual ramping up of taxpayer subsidy of party politics, quite apart from the unfair advantage it gives incumbents over those who might run for public office with limited means.

What an outrage this is. I agree—and Senator Bartlett put it well—that we have to be careful that we do not get up and proclaim against reasonable allowances to members of parliament, but we are looking here at nothing short of the purloining of taxpayers’ money to advantage incumbent members of the House of Representatives against anybody else who takes them on in an election campaign. It is quite disgusting that that should happen.

Where is the good grace of the Special Minister of State, Senator Abetz—who is going to get up and try to defend the indefensible in a moment—in offering to other candidates at elections the same sorts of postal and printing allowances that have developed over recent years, particularly under the Howard government, to advantage incumbents against everybody else? It is a disgraceful bias of campaign opportunities towards incumbent members against other members of the community and therefore it is a perversion of democracy.

Finally, let me say this: I have lost faith in the Remuneration Tribunal, which makes these decisions. These faceless people seem to be taking the part of the government and fostering its interests in particular time and again in regard to putting up politicians’ salaries ahead of the cost price index—and that has happened now five years in a row—and increasing these perks to astronomical figures, way out of kilter with what should be given to MPs to inform their electorates. After all, it is true that all of us as incumbents have a great advantage through the free media as it is against any other takers. To fund further letterbox drops to the community, whether the community likes it or not, through the postal and communications allowance in this way is dastardly.

The Remuneration Tribunal needs a good looking at. It needs a thorough investigation to see how it became such as stamp of government policy, how it tugs its forelock to this government’s wishes, how it has lost its independence and what reference it makes to the community in determining this sort of outrageous lift. Who put this request to the Remuneration Tribunal? It was the people to be advantaged by it. What was thought to be an independent and arms-length tribunal is nothing of the sort.

This is one of those things that I intend to continue to target to discover just why it is malfunctioning in the way it is, without reference to democratic propriety or the community norms that you would think a remuneration tribunal worth its salt would have as its reference point. Sure, it may be safe for the members of the Remuneration Tribunal. They may be getting good feedback. Undoubtedly they have been. But, as far as I can see, a broom needs to go right through that tribunal. We need somebody else there who is more community minded, democratically minded and fair minded.

When there is a check on the excessive and wrong-headed outcome of a tribunal like this, we find that the government can block it in the House of Representatives. That is what Mr Andren is saying has happened in the House of Representatives. An arcane provision, he says, means that the government can prevent this from being debated. It is being debated here in the Senate today. If the Labor Party were to join the Democrats, who brought forward this motion, and the Greens, we would see a proper outcome.

Senator CARR (Victoria) (4.41 pm)—I inform Senator Brown that this is not a
proposition that we will be supporting. We have heard today the point made by the Democrats that they are not in the business of cheap politician bashing. We have heard from the Greens the opposite point of view. We have heard exactly the opposite from the Greens. We have heard from the Democrats that their concern is not the existence of the communications allowance but the amount that is being provided. We heard that their concern was that it does not apply to senators. We heard from the Greens, on the other hand, that they are opposed to the existence of the allowance, particularly the rollover provisions, and the collusion that is alleged to exist in this chamber on these matters. It is quite apparent to me that the movers of this motion clearly do not agree amongst themselves about it. It suggests to me that, given it is a broadcast day, the motivation for this matter is providing that cheap political populism that we hear so often on these questions of the way in which politicians do their job.

I am also in the business of accountability and the appropriate use of entitlements. I think it is worth while that those issues are canvassed and debated. However, it cannot be honestly and seriously said that this is about propriety and integrity when the arguments are presented in a manner which is tailor-made to run out a populist position, irrespective of the way in which these entitlements are used. It does seem to me that there is a view in some quarters that we should not be enabling members of parliament to do their job properly. It is sometimes said that we should not actually pay people to do their work properly—that we should make sure that politics is conducted by the wealthy under circumstances where they are in the hands of those who are also wealthy.

It strikes me that it is important that there are appropriate mechanisms, however, for the determination of what those entitlements should be. That is why we are saying that this is not about us, the Labor Party, supporting the government on this question. We were not consulted about this. I found out about this, as everyone else did, when I received through my email the determinations of the Remuneration Tribunal. I was not at any point asked what our views were on these matters. So it is not a question of collusion at all. It is, however, a matter of principle that we have argued time and again for many years. These motions and in fact the whole question of entitlements should be determined by an independent body such as the Remuneration Tribunal and this is the circumstance that we find ourselves in here.

This is not about politicians making decisions about themselves, and it is not about the department in this particular case interpreting the decision of the Remuneration Tribunal. Both are matters that we are legitimately able to discuss and put views on. Senators can even, as we have in the past, support disallowance motions on these issues. It strikes me that the important issue here is not simply the scale of the allowance, which is a legitimate point for public discussion, but the manner in which the decisions were made by the Remuneration Tribunal. We support the principle of the independence of the tribunal and we support the proposition that these decisions should be made by an independent tribunal such as the Remuneration Tribunal.

We do not automatically oppose increases in entitlements. I am not going to be silly enough to argue that in the history of this parliament there have not been positions put by Labor governments for increases of entitlements. What we say, however, is that decisions on the questions of entitlements, including the question of members of parlia-
ment pay, should be determined by independent bodies, not by politicians, not by the parliament and certainly not by the government. They should be determined on the basis of an independent assessment.

The tribunal is subject to criticism from time to time, and rightly so. However, it is another matter entirely to suggest that that criticism should go to the question of disallowance of a regulation. That is why we will not be supporting the disallowance of the determination of the tribunal. We have been most reluctant to do so in the history of these matters, and we will not be supporting this motion.

There is a broader issue, and that is the question of incumbency. That is a matter that does need attention. It is quite clear that these measures support incumbents—there is no question that that is the case. But an equally important issue is whether or not people are able to communicate with their electorates. These arrangements advantage the government—there is no question about that—because the government has more members of parliament. However, that does not detract from the fundamental principle of the independence of the Remuneration Tribunal, and that is a position that we will be defending here today.

Senator ABETZ (Tasmania—Special Minister of State) (4.47 pm)—I think Senator Carr is at his best when he agrees with the government, and I invite him to do so more often. The point that Senator Carr made—that this has been determined not by the government but by the Remuneration Tribunal—was the right one. I will go through the contributions that have been made. Suffice it to say that I agree with Senator Carr’s contribution.

Senator Brown’s contribution was quite ill considered. We heard all the usual hyperbole that is applied to issues such as whether or not we should wear jackets in this chamber and whether too many trees are being cut down. All the same adjectives that we hear time and time again were used, and I must say that they wear a bit thin. Everything is ‘outrageous’, everything is ‘an absolute perversion’, everything is ‘a rort’ or ‘an insidious feature’. We had all that terminology. I say to Senator Brown that if the parliamentary salary increase that he referred to is such a wrong decision and such a perversion I am sure he will be writing a cheque every month.
back to the Collector of Public Moneys. He would not want to be associated with or accept the benefits of such a perversion. But I do not think that the Collector of Public Moneys will be holding his or her breath. They will simply say, ‘Chances are Senator Brown will protest but then accept.’

Senator Brown also misled the Senate about the printing entitlement. He said that the Howard government had increased the printing entitlement to $125,000 per House of Representatives member. That is wrong, false, untrue. I suspect Senator Brown knew the facts, but—as is so often his wont—he got the old egg beater to them and tried to whip them up. Senators in this place would know that the printing entitlement had previously been uncapped. We had members of the other place spending literally hundreds of thousands of dollars on printing. It was the Howard government that brought in the cap. So to say that we somehow increased the entitlement to $125,000 is wrong. We capped it to stop any abuse. Yet again, Senator Brown cannot find it within himself to recognise that sort of contribution to public accountability by this government.

The worst attack of all was his attack on the Remuneration Tribunal. He talked about them being faceless people. It was a vicious, cowardly attack on people who cannot defend themselves. If he lacks faith in them, I am sure that every month the Collector of Public Moneys will get a reimbursement of Senator Brown’s salary.

In relation to this entitlement, I indicate that Senator Cook, in his last week in the parliament, will achieve something that he was advocating some 15 years ago. He made, I thought, a very good submission to the Chairman of the Remuneration Tribunal at that time. He wrote a lengthy, and might I add, well-considered and well-constructed letter. In relation to the House of Representatives and Senate divide, he said:

Members of the lower house traditionally have a much closer relationship with the electorate than is the case with members of the upper house who represent their state as a single electorate. It is therefore not appropriate to base the entitlement for senators on the size of the constituency.

He made some very relevant points. Interestingly enough, in the letter he recites history. For those who want to use all the hyperbole under the sun, just listen to this. He said:

In the United States, members of the House of Representatives are able to send out six mass mailings each year to each postal patron within their congressional district.

In another example, Senator Cook pointed out that in Canada members of the House of Commons are able to send out four mass mailings each year and up to eight in an election year. In the United Kingdom, Senator Cook pointed out, members of the House of Commons are entitled to free postage for parliamentarians’ business within the country—in other words, it is absolutely unlimited. If we compare ourselves with like democracies, we see that this is not outrageous. This is not a perversion; it is a very modest request for one mail-out per annum to each elector. I do not think that is excessive.

Senator Brown talks about perversion and injustice and all the other hyperbole. I would be interested in Senator Murray’s view on the flat rate for every single House of Representatives seat. Can you explain to the people of Fraser, represented by Mr Bob McMullan, with 118,000 electors in his electorate, why, under the existing arrangement, he gets exactly the same postage entitlement as the Labor member for Lyons, with only 60,000 electors. With virtually twice as many constituents to serve, he gets exactly the same amount of postage. That is wrong.

I do not mind saying that I support what the Remuneration Tribunal did in general
terms. The Remuneration Tribunal came to a
determination that a fair, equitable and trans-
parent approach would be a 50c stamp per
constituent per annum. I think that is a ro-
bust, sensible and logical amount. When you
make the comparison with our overseas
counterparts in the United States congress
and the House of Commons in the United
Kingdom and in Canada, you can see that we
are still very much underresourced in rela-
tion to postage entitlements. I think the Re-
muneration Tribunal has got it absolutely
right. We as a government regret that, from
time to time, people—and in this case espe-
cially the Greens—seek to make cheap po-
litical capital out of something which has
been determined by an independent body. I
simply plead with the Senate to accept the
work of the independent Remuneration Tri-
bunal and support its determination.

Senator MURRAY (Western Australia)
(4.57 pm)—Unless there are further speak-
ers, I will sum up the debate. I thank the
various speakers. What the debate has done
is illuminate this topic. I want to start by
celebrating the fact that there was a debate.
The Senate has yet again shown up the
House of Representatives, which, it seems to
me, from reports in the \textit{Hansard}
and the information I have received, is afraid to air this
matter. There was absolutely no sign of the
opposition or the government in the Senate
being at all afraid to debate the merits of the
proposition. Quite frankly, the House of Rep-
resentatives needs to get a different mind-set
and deal with these things more maturely, as
the Senate does.

The second point I make relates to free-
dom of speech. I am not one of those who
get awfully precious when judges, courts,
independent regulators or authorities are
criticised, provided the criticism is balanced,
fair and factual. I do not think that we, as a
parliament or as a group of parliamentarians
with the responsibilities we have, should
ever knuckle down to the view that, because
the Remuneration Tribunal is independent, it
is right. I say in passing that I have no opin-
ion on that matter, because it seems to me
that it does its job honestly and as best it can.
That does not prevent me or anybody else
from having an opinion about whether it
might have got something wrong. I think it is
very important that we express that point.

The third point I want to make in sum-
mimg up is an absolutely vital one which I
was not aware of previously. Minister, you
might be able to correct me—maybe it was
ignorance on my part—but I understood the
shadow minister, in addressing this topic, to
have said that the Labor Party had absolutely
no idea that this matter was being considered
by the Remuneration Tribunal. They are the
alternative government. They have a large
number of seats. I do not recall my party be-
ing advised—maybe it was. I certainly do
not recall the Senate being advised. There is
an issue here which I would ask the minister
to take note of: if the Remuneration Tribunal
is to be independent and properly informed,
it should be writing to and getting the opin-
ions of as many political parties and inter-
ested bodies as possible. I formally request
that the minister look at whether there has
been some slip-up in communication, be-
cause I am sure we, for instance, would have
liked to have made our point of view known
on this in advance of the determination. It is
very important that independent bodies in
sensitive areas do not come to conclusions
without the input that is necessary from the
government, the opposition or other political
parties. I think that is one great thing that has
emerged from this debate.

The minister made some interesting points
about Senator Cook’s feelings 15 years ago
when he was a minister. All that proves is
that incumbency invariably reflects a similar
attitude to many things. Maybe Senator Cook
has changed his opinion since then, and
maybe he has not. However, the better point made by the minister was that we should take note of what other countries do. Countries around the world that share our interest in democracy have interesting things that we do not have in Australia, such as formal processes for appointments on merit, the prohibition of donations from corporations and unions, ethics commissioners for parliaments and enforceable codes of conduct. So I agree with the minister—there are many things that we could take note of from other countries.

I want to return to the substance of the Democrats’ feelings on this proposition we have put to the Senate, and right at the heart of it is the minister’s reminder that this area was deliberately taken out of the hands of the parliament and given to the Remuneration Tribunal because it had been abused in the past or the potential for abuse had been there in the past. That is why, incidentally, this motion asks that the determination be disapproved. The language is quite deliberate. It is the disapproval of a decision that was come to without, as far as I have understood the debate, the input that I would have thought valuable from, for instance, the opposition. However, I am reminded by the minister of what happened in 1990. I pulled out the Hansard for the House of Representatives for 8 November 1990. Mr Hawke, in answering a question, said:

First, I was asked to confirm that a postage allowance is made available on an unlimited basis to leaders of the major political parties. I confirm that.

Of course, it has been changed since that date. Then he said:

Secondly, I was asked the amount spent on postage by those leaders. I can inform the House that in 1989-90 Dr Hewson—who had not been in the position of Leader of the Opposition for a very long period—spent $3,000; Mr Peacock spent $5,100; the former leader of the Australian Democrats, Mrs Haines, spent $5,500; I spent $10,255; and Mr Charles Blunt spent $278,922. That confirms that it is very important to hold to the principle that the Remuneration Tribunal should remain the watchful eye over all of this.

We Democrats are really arguing about quantum. The Australian Democrats support three things. Firstly, we support the idea that members and senators should have a communications allowance to be able to interact with constituents. They cannot carry out their official duties without it. We are unequivocal on that. Secondly, we support the existing level of the allowance, because we believe it has proved to be perfectly adequate for parliamentarians’ needs. I know for a fact that there are many parliamentarians who do not spend their total allocation every year. We simply cannot see that an increase, a quantum leap of this magnitude, is justified. We believe a communications entitlement of this quantum for members of the House of Representatives is unconscionable and indefensible. Thirdly, we strongly affirm our continued support for the Remuneration Tribunal. We believe it should be an independent body that conducts full consultation, and it should be appointed on merit.

Currently, members of parliament and senators have an entitlement which covers a range of communications, including postal services from Australia Post and other mail distribution services—including letterbox drops in the electorate, courier services and other commercial services for mail distribution—the internet and other electronic communications, and the establishment and maintenance of web sites. The entitlement is to be used for parliamentary or electorate business, excluding political party business. Each senator and member is presently entitled to spend an annual allowance on communications services. The amount is a maximum of $27,500 per annum for senators.
of all states and territories, $27,500 per annum for members whose electorates are less than 50,000 square kilometres, and $30,800 per annum for members whose electorates are 50,000 square kilometres or more. However, as of 1 July 2005, the communications allowance will no longer be based on the size of electorates with respect to House of Representatives members. With respect to the Senate, it will remain the same, whether you are from Tasmania or New South Wales. For members of the House of Representatives, it will now be based on the number of electors in each electorate, as at the last working day of March each year, and multiplied by 50c per elector. The relevant clause 10.4 now reads:

(a) members are entitled to a maximum annual allowance based on the number of enrolled voters as at the last working day in March each year within the electoral boundaries for the member’s electorate in place at the last general election, multiplied by fifty cents;

(b) senators are entitled to a maximum annual allowance of $27,500.

As senators’ entitlements have not changed—and rightly so, in my belief—I will limit my remarks to the members of the House of Representatives. According to calculations, the current maximum possible expenditure is an aggregate $4,171,200 per annum for all members of the House of Representatives. From 1 July 2005, the new maximum possible expenditure will go up to $6,606,413. This means an extra $2,435,213 per annum to be spent on postage, which is an increase of 58 per cent. An editorial in Canberra’s Sunday Times on 5 June described this as a $6.6 million rort. It stated:

... each party is using it to fund sophisticated and unaccountable political intelligence campaigns, as well as the means to create elaborate data bases on voters, and to target particular groups with letters, e-mail and nuisance telephone calls.

The problem for all those who advocate changing the system is that this kind of newspaper comment reflects community sentiment. Whilst I do not like—in fact, I strongly dislike and disapprove of it—the often mindless and pathetic pollie-bashing that goes on in this country, nevertheless at the base of it is a legitimate demand that the money that is spent by politicians should be not only accountable but also reasonable. Unless we can argue that it is reasonable, we undermine our campaign against those who are just driven by their hatred of the political process.

The really questionable feature of this communications allowance is that the unspent portion can be rolled over into subsequent years and the accumulated windfall spent in an election campaign. So it ends up being a communications allowance for re-election, not a communications allowance for interaction with constituents over a parliamentary term. As with the incumbent members’ printing allowances of $125,000, this communications allowance is being seen—that is, seen by the academics and journalists who cover this sort of thing and by the people who pay a professional interest to this—as being transformed, in large part, into a taxpayer funded subsidy of the political party and its candidates, and that is expressly contrary to the Remuneration Tribunal’s remit. It does not want it to be used for political party activity.

The Democrats have always opposed giving parliamentarians moneys in excess of what is reasonably necessary to do their jobs. Our judgment is that the proposed amount is excessive. We think the reasoning behind changes to the communications allowance is not very difficult to fathom, but it is very difficult to justify. The changes are not related to indexation, nor is there an increase in the number of constituents. The cost of communications is actually getting cheaper
with new technologies and there is no change to the needs of members of parliament. We think that no plausible rationale has been put to the parliament which justifies the spending of this amount of money.

Another point I make is that the Remuneration Tribunal needs to do more to justify the decisions it makes. It needs to spell out more why it is making particular judgments. All of us demand that the Reserve Bank, the Prime Minister, the Leader of the Opposition or the Auditor-General—name any figure of authority and substance—justify their decisions in the public interest. The Remuneration Tribunal should keep that principle in mind.

According to Parliamentary Library calculations, the Labor Party may benefit by an additional $997,769 per annum. But the big winner is the coalition: because it has more seats, it will benefit by an additional $1,392,949 per annum. We think that is excessive. It is quite clear that we do not have the numbers in this debate and that our disapproval is not shared by the majority in the Senate, but, in complete contrast to the House of Representatives, we appreciate that, yet again, senators have had the maturity and the ability to express their opinions on this.

In conclusion, the communications allowance was designed for members of the Senate and the House of Representatives to circulate meaningful and reasonable information on parliamentary business to their constituencies. That is a need, and the need for information remains very high. Where it is corrupted or seen to be corrupted into party political advertising or purely party political re-election money, we will have a serious community problem. We need to make sure that the sensitivity and accountability issues are exposed and that the quantum is always justified and reasonable.

Question negatived.

COMMITTEES

Employment, Workplace Relations and Education References Committee

Report

Senator CROSSIN (Northern Territory) (5.13 pm)—I present the report of the Employment, Workplace Relations and Education References Committee, entitled Unfair dismissal and small business employment, together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

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

Leave granted.

Senator CROSSIN—I move:

That the Senate take note of the report.

This was, again, another inquiry by the Senate Employment, Workplace Relations and Education References Committee—not the legislation committee—into this government’s unfair dismissal law proposals. The aim of the inquiry was to enable the references committee to take a fresh look at the government’s unfair dismissal policy and, in particular, a reference from the Democrats to consider and analyse the government’s major claim that exempting small business from unfair dismissal laws will create 77,000 new jobs.

I say at the outset that this was the committee’s last opportunity to examine that issue before the government takes control of the Senate on 1 July and introduces further industrial relations reforms. Those reforms of course include radical changes to the federal unfair dismissal laws. In fact, during this inquiry when we were considering the exemption of small businesses with 20 employees or fewer, the government signalled its intention to increase that number, thereby
exempting companies that employ more than 100 people. The committee was alarmed that, by doing that, up to four million workers in this country will have no remedy for unfair dismissal.

I have had a look at the government senators’ dissenting report—it is not a unanimous report, and we never expected it would be. Naturally, they reject the findings, but they say in the opening paragraph to their dissenting report:

The Government’s position is overwhelmingly supported by small business and by numerous surveys which show that small business employers are concerned about the impact of the unfair dismissal laws ...

They go on to suggest that perhaps the opposition’s stance shows the extent to which we have lost touch with the concerns of small business operators. I say at the outset that there was never any evidence—not one skerrick; not one substantive piece of evidence—presented to us in this inquiry which showed that the government’s claim that 77,000 jobs would be created if small business were exempt from the unfair dismissal laws could be backed up in any way, shape or form. In fact, witnesses before the committee totally discredited that figure of 77,000 jobs, and Dr Oslington was able to show us categorically that no such claim could ever be substantiated. So it makes you wonder who is in touch with reality here, if figures such as 77,000 can be just plucked out of the air by the government and bandied around on some basis of fact.

The committee’s examination of the evidence during the inquiry led us to seven main findings. The government’s unfair dismissal policy is based on an ideological position which has little relevance to the real problems that face small business. As I said, there is absolutely no empirical evidence or research to support the claim of 77,000 jobs being created in the small business sector. The government has categorically been unable to establish a causal link between unfair dismissal laws and small business employment. Evidence from the department and employer groups on this issue was unconvincing. The government’s claim is based on misinformation and wishful thinking, rather than on an objective appraisal of the facts or on any, might I say, qualitative or quantitative analysis of its claim.

The committee found that there is no international evidence to support the government’s policy. Evidence showed that the OECD has consistently ranked Australia as one of the countries with the least restrictive employment protection legislation. That means that Australia’s industrial relations system is employment friendly. New figures supplied by DEWR and the Minister for Employment and Workplace Relations demonstrate that federal unfair dismissal legislation is not the major issue facing small business that the government claims it to be. The relatively small number of unfair dismissal applications across federal and state jurisdictions does not represent a significant problem for the system—and those figures are included as an appendix to this report. The figures show that, under federal law, there has been a 52 per cent reduction in the number of unfair dismissal applications in 2003, compared with 1996 figures. That is mainly due to the tightening of unfair dismissal provisions under the Workplace Relations Act.

The committee also found that the government’s claim that federal unfair dismissal law retards employment is not borne out by the growth in small business employment. The committee noted that up to 700,000 small business jobs were created between 1992 and 2001, which coincided with the operation of federal unfair dismissal laws. Significantly, small business employment took a sharp downturn after the introduction of the GST—surprisingly!
The government’s misnamed ‘fair dismissal reform bill’ is in fact unfair, because its primary purpose is to enable employers to dismiss workers unfairly. The bill undermines the ‘fair go all round’ principle enshrined in the Workplace Relations Act. The opposition cannot support legislation which withdraws protection from workers, based solely on the size of the business in which they work.

The committee found that small business perceptions of unfair dismissal laws are often based on ignorance, fuelled by misinformation provided by employer groups and the government. There is an appalling ignorance out there of state and federal unfair dismissal laws among small business operators that should be addressed.

The government’s legislation is not an appropriate response to the problems facing small business. The committee heard that issues such as the profitability of businesses, taxation arrangements, GST compliance and general economic conditions figure more prominently and more often in small business surveys than the complaint of unfair dismissal laws.

Based on those findings, the committee recommends that the fair dismissal reform bill be rejected and that the government work with small business to improve and simplify procedures for unfair dismissal applications. The reforms to the unfair dismissal procedures that the committee recommends are listed on page 29 of the report, and there are about five. The committee suggests that the system be improved—that businesses be informed and educated about the system and that even the AIRC be allowed to order costs against applicants who pursue vexatious claims. So in fact the system can be simplified and can be made small business friendly so that costs for business are reduced.

The committee also recommended that no further changes to the unfair dismissal laws should occur until an independent review of government policy has been conducted by experts. So it is a report that actually throws to the wind the government’s claim that 77,000 jobs would be created if the unfair dismissal laws were endorsed. There is a recommendation that the fair dismissal reform bill be rejected. As I said, the committee made seven major findings and three recommendations.

In closing, I would like to compliment the committee staff on their work. In particular, I would like to compliment John Carter and David Sullivan, who helped significantly with the drafting of the report and assisted in enabling witnesses to present their case to the committee, and Dijana and Ruth, who we can always rely on to be there in the background supporting our work. I would also like to thank the witnesses, of course—they went to the trouble of actually writing to the committee and appearing before the committee in both Canberra and Melbourne.

Senator Barnett (Tasmania) (5.24 pm)—I rise to speak on the motion to take note of the report of the Senate Employment, Workplace Relations and Education References Committee entitled Unfair dismissal and small business employment, which has just been tabled. I wish to take exception to the views and comments of the chair of our committee. Before doing so, I wish to thank the committee staff for their work and their assistance: John Carter, David Sullivan and their team. They have been professional and timely at all times during our inquiry.

Why are we standing here today discussing a further report into the Australian government’s proposed unfair dismissal legislation? Why are we actually standing here? The chair of our committee, Senator Trish Crossin, has called for a fresh look at the
proposed unfair dismissal laws. I remind senators and members of the public that similar legislation has been introduced not less than 40 times into the Australian parliament.

Senator McGauran interjecting—

Senator BARNETT—In fact, it has been introduced over 40 times; I think I am being told that it might have been 42 or 43 times now.

Senator McGauran—41.

Senator BARNETT—Yes, 41 times. So the majority report and the chair express the view that they need a fresh look at it. I put to the Senate that it is not a fresh look they are looking for; they are in fact trying to clog up the system. They do not have anything new that they can present to the Senate in this report. There is nothing fresh. There is nothing new that we can learn from the majority report.

The government senators’ report is an affirmation of the government’s intent and the merit of the arguments of the unfair dismissal legislation. It is made clear in the government senators’ report that we as an Australian government have a fresh mandate in terms of this legislation which is being denied by the opposition parties. This was a references inquiry and yet the whole inquiry—dominated, of course, by the opposition senators—was dominated by references to the government’s proposed legislation: the Workplace Relations Amendment (Fair Dismissal Reform) Bill 2004. Their first recommendation is that that bill be rejected, and yet this is a references inquiry. I put to the Senate that we were off on a wild goose chase.

We on this side of the chamber are the friends of small business. We have been since our inception and certainly since 1996. We now have 96 per cent of all businesses in the private sector, nearly 1.2 million businesses in total, and roughly 80 per cent of those are micro businesses, which employ fewer than five employees. It was undenied during our inquiry and in the public arena that unfair dismissal laws do affect small business confidence. Small business confidence in terms of employing people is dissipated as a result of the current unfair dismissal laws, which were introduced by the Labor government under former Prime Minister Keating. Small businesses see it as a barrier to employment. They see it as an impediment to jobs growth.

The Victorian Automobile Chamber of Commerce stated that, under the current unfair dismissal system, employers lack the confidence to engage additional employees. They said:

... rather than engaging additional employees, employers themselves are simply just working longer hours or family members are encouraged to work longer hours.

This is tough. It is tough for small businesses out there. They have their necks on the line. They are giving it a go and giving it their best shot. I understand that—I owned and operated my own small business for 13 years prior to entering the Senate in February 2002.

I can tell you that survey after survey of small businesses around this country have all said in one form or another that the unfair dismissal laws in this country are an impediment to small business growth. They were concerned about the current laws. The surveys are too numerous to mention all of them, but I will mention some of them. There was the Australian Business Ltd business priority survey of June 2004, the Sensis business index survey of August 2004, the ACCI pre-election survey of September 2004 and the Executive Connection survey of December 2004, and I refer specifically to the Australian Industry Group survey of some
700 small and medium sized companies conducted in May 2005. The details are set out in our report.

Another survey that is demonstrative of the cost of the current unfair dismissal laws was from the Restaurant and Catering Association, which found that 38 per cent of owners had defended an unfair dismissal claim at an average cost to the employer of 63 hours of their time and $3,675 in legal costs. That estimate is translated into $18.2 million in direct costs and $15.5 million in indirect costs to the industry as a whole. These are microbusinesses that have their neck on the line trying to make a go of it. They are restaurants; they are cafes; they are catering companies. They are small and micro businesses doing the best for their country, for themselves and for their employees. That is why we need this legislation—that is, to cut out that cost.

There has been a reference to the study by the Melbourne institute. This is not a government report; this is a study by the Melbourne institute, which referred to the jobs growth of 77,000 and referred to the $1.3 billion cut in red-tape costs that would benefit the Australian economy as well. These are not our figures; these are figures from the Melbourne institute that the chair has been referring to. Indeed, it was a point of discussion in the Senate inquiry, and rightfully so. It remains to be seen exactly how that will pan out in the months and days ahead when we hope this legislation will be passed.

The final thing I want to refer to before concluding is the merit of a single industrial relations system. This is with regard to the Senate small business report of 2002. We recommended the single industrial relations system. We have recommended it again in this report. The government say that this is the way to go to ensure security, to ensure consistency and to ensure simplicity across the system and across states. This is exactly what we are doing with the unfair dismissal legislation. That will be of benefit. Yes, there has been a rise in unfair dismissal cases in state jurisdictions but there has been a drop of 52-odd per cent at the federal jurisdictional level. At the moment, the federal bodies can cherry pick the industrial jurisdiction they operate in; they can cherry pick the state that they are operating in. That is not the way to go. We want consistent and simple laws across the nation.

Maintaining six separate industrial jurisdictions is not only inefficient but also excessively complex and costly for small business. In that regard, I commend the Hon. Senator Andrew Murray, whom I know has a similar view on that aspect of a single jurisdiction and the merits of not having six separate industrial jurisdictions. I think the arguments have been referred to many times before in this chamber and in the House of Representatives. I think passing the legislation has been attempted 41 times. The legislation is for the benefit of small businesses, for the benefit of jobs growth and for the benefit of the Australian economy. What better gift can you give Australian families than jobs growth, productivity and those benefits that flow through in that regard?

Senator MURRAY (Western Australia) (5.34 pm)—On 7 December 2004 I moved a motion to establish this Senate inquiry into unfair dismissal. The Unfair dismissal and small business employment report tabled today is the end result of that motion. I moved the motion because I knew that, come 1 July, the government will be able to pass a law that will enable employers to sack employees unfairly—that is right: you can soon be sacked unfairly. The coalition have been trying to dress up this loss of employee protection as a job-creating measure, and I wanted to expose the complete lack of evidence to support that proposition. Not that that will
change their minds, but at least it exposes their policy as more an affirmation of their age-old belief that employers should be able to hire and fire at will—the good old master-servant mentality.

The theory is that the public good of job creation justifies the private harm of reducing employee protections. That theory has been unproven. The advocacy is assisted by a propaganda mudslide of horror stories, urban myths and deceptions. Experiences under lax state laws are seamlessly transferred to become experiences under rigorous federal laws. Historical experiences predating significant improvements in the law are regaled as current practice. Sensible acceptance of liability and a negotiated outcome are characterised as extortionate go-away money. Employers gaily tell the gullible that you cannot even fire workers for stealing.

The coalition variously claims that exempting small business from federal unfair dismissal laws would create between 50,000 and 77,000 jobs. Endless repetition does not make something true, so what evidence might we rely on? The aim of this inquiry was to dispel these myths. I also remind the Senate that I remember the very first bill that the government produced in this area. It was not designed for anything other than to create a double dissolution trigger.

With regard to this report, the submissions received were mainly from unions, peak industry groups and academic researchers. Public hearings were held in Melbourne and Canberra. On 17 March, the Workplace Relations Amendment (Fair Dismissal Reform) Bill 2004 was also referred to this committee. Then lo and behold on 1 June the government announced that it plans to lift its proposed exemption from unfair dismissal laws from employers with fewer than 20 employees to employers with fewer than 100 employees. I can guarantee that its next step will be to take it out of big business as well.

In one sense, the greater discrimination does not matter. Either you accept the idea that some employees should have fewer rights than others or you do not. Whatever the line, it is arbitrary. As this report states, as far back as 1998 the Democrats pointed out that the proposed exemption introduces into the system considerable unfairness by upsetting the ‘fair go all round’ principle embedded in the Workplace Relations Act. The report also states:

Drawing on the latest empirical findings from academic research and the views of other stakeholders presented to this inquiry, the committee finds that there is no evidence from Australia or overseas to support the Government’s claim.

Most of the evidence to this inquiry was critical, and at times scathing, of the Government’s approach to unfair dismissal policy.

A research team said of the key piece of so-called research that the government has been trotting out to support their claims of 77,000 jobs growth:

It seems incredible that a government should rely on such minimal research and crudely simplistic job growth reasoning to justify such a significant change to employment in the small business sector.

Just because it is the Melbourne institute, it does not mean that every piece of work it ever does passes the test of quality work—and this one did not.

I want to summarise some of the points made in this report that discredit the government’s position on unfair dismissal reform. First, OECD studies consistently ranked Australia as one of the countries with the least restrictive employment protection legislation. You only have to look at their official reports to see that that is true. In other words, we are not resistant to creating jobs and our employment protection legislation is minimalist. Second, in the 2001 case
of Hamzy v Tricon Restaurants International trading as KFC, the expert witness for the federal government, Professor Mark Wooden, agreed with the statement ‘the existence or non-existence of unfair dismissal legislation has very little to with the growth of employment’ and that it is ‘dictated by economic factors’.

Third, empirical studies are inconclusive regarding the effect of unfair dismissal laws on aggregate employment and unemployment, and evidence of a link between such laws and unemployment rates does not automatically convert to an argument that relaxing the laws will result in higher employment levels. Fourth, employment figures for small business during the operation of unfair state and federal dismissal laws contradict the government’s position. Not only did overall employment grow by 1.2 million jobs between 1996 and 2003; total unfair dismissal applications fell from 2.55 applications per thousand employed to 1.60. The trend continues, with jobs growth to 2005 now reaching 1.6 million. The problem has been diminishing rapidly over the very period that government hysteria on the issue has been escalating.

Fifth, in less than a decade federal unfair dismissals have halved while state unfair dismissals have increased by one-quarter under their less rigorous laws. Under the coalition theory, the fall in unfair dismissal applications should have increased employment in workplaces covered by federal law and the rise in unfair dismissal applications should have decreased employment in workplaces covered by state law. Of course it did no such thing. The majority of small business employees fall under state not federal law. There are real problems with state unfair dismissal regimes. A number of these are amenable to rorts and need tightening up along federal lines. Victoria is under federal law already.

Getting rid of five state unfair dismissal regimes and transferring them across to the federal jurisdiction would probably also halve the number of state applications. Such reforms would mean a likely reduction to 11,000 to 12,000 unfair dismissal applications nationally a year, of which between 3,000 and 4,000 would be small business employees. That is out of 10 million employees. With these figures it hardly seems fair or necessary to take away the unfair dismissal protection of small and medium business employees. There is a case for more reform—the committee report clearly says that—but there is not a case for eliminating rights. Sixth, the argument that the small business perception that unfair dismissal laws prevent them from employing people has become a reality, and that therefore legislation is required to deal with the problem, was considered by most witnesses to be a farce. The level of ignorance of unfair dismissal laws by small business employers was identified by witnesses as a major area of concern.

A CPA small business survey in 2002 found that 30 per cent of small business operators believed employers always lose unfair dismissal claims—wrong; 28 per cent think they cannot dismiss staff if their business is struggling—wrong; and 27 per cent believe they cannot dismiss staff who are stealing from the business—wrong. If government had only put half the energy into advising these people of the reality that they have put into vilifying these protections, we would not have such a misinformed outfit out there. In addition, evidence also showed that neither employers nor employees are aware of the differences between unfair dismissal and unlawful termination laws, and it is likely that many have not even heard of unlawful termination laws. Addressing the underlying problem of ignorance and misinformation was considered by many witnesses
as again more appropriate than eliminating rights.

As the report concludes, if the case for ending essential employment rights rests on large-scale job creation, you will search in vain for convincing empirical data. But the last two points clearly indicate that there are easier and more beneficial ways to change the attitudes of small business towards the unfair dismissal laws without taking away the rights of employees. I would like to thank the committee, the secretariat, the submitters and the witnesses for their contribution. I commend this report to the Senate and to all those who are more interested in the facts than the rhetoric.

Question agreed to.

COMMITTEES
Privileges Committee
Report
Senator FAULKNER (New South Wales) (5.45 pm)—I present the 122nd report of the Committee of Privileges, entitled Parliamentary privilege—unauthorised disclosure of committee proceedings, together with a volume of submissions and documents and the Hansard record of committee proceedings.

Ordered that the report be printed.

Senator FAULKNER—I seek leave to move a motion relating to the report.

Leave granted.

Senator FAULKNER—I move:
That the Senate adopt the recommendation at paragraph 3.60 of the 122nd report of the Committee of Privileges.

This report results from a reference which the committee sought and received from the Senate on 16 March 2005 dealing with the unauthorised disclosure of parliamentary committee proceedings. As explained in debate on the motion to refer the matter, the committee had been increasingly troubled by a succession of matters referred to it involving unauthorised disclosure to, and publication by, the media of draft reports. The primary question for the committee was, given the rules governing such disclosure were becoming increasingly unenforceable, whether it should consider recommending that they be modified or changed or that their application be tightened to ensure fulfilment of the Senate’s duty to protect persons giving information, often in confidence, to its committees and persons who might be adversely affected by a committee’s inquiry. In recent times it has been relatively easy for the media to trivialise what can be matters of great importance by deriding attempts by parlia-
mentary committees to protect the integrity of their proceedings.

Because the Committee of Privileges was considering the possibility of recommending far-reaching changes to parliamentary privilege provisions, it sought advice from a wide range of legislatures within Australia and throughout the world. It also received helpful submissions from the President of the Senate and the Speaker of the House of Representatives; three other Australian presiding officers; the Leader of the Opposition in the Senate, writing as a former member of the Privileges Committee; Senator Bartlett; and Senate and joint committees. The Clerk of the Senate, a committee secretary and the Secretary of the Department of the Prime Minister and Cabinet also assisted the committee. Most major media outlets made submissions to the committee.

Briefly, the committee has decided it must take special steps to ensure the protection of evidence given in camera to committees. In order to distinguish this potential contempt from all other cases of unauthorised disclosure, it proposes that in camera evidence be placed in a category which will, after referral to the Committee of Privileges, in effect constitute a strict liability offence. All other cases of unauthorised disclosure may be considered by committees with the assistance of the Committee of Privileges, in accordance with a guideline proposed by the Clerk of the Senate in his submission.

The report discusses in detail the reasons for the committee’s conclusions. The recommendation which the committee asks the Senate to adopt involves a reference to the Procedure Committee to determine whether any changes to the rules are required to give effect to the Privileges Committee’s proposals. This reflects the committee’s concern that it not upset the delicate balance between the current provisions relating to unauthorised disclosure.

As this will be the last report of the Committee of Privileges to be presented while Anne Lynch is secretary of the committee, I wanted to take this opportunity to place on record Anne’s extraordinary service as committee secretary. An avid reader of Privileges Committee reports would search unsuccessfully to find Anne’s name in our reports; her name is not there. It has also generally been the tradition with the Privileges Committee for the chair, when presenting reports on behalf of the committee, not to mention the role of the committee’s staff. The main reason for this is Anne herself and her strongly held view that the committee and its membership have ownership of the report. Today, Anne, I will break that tradition because your service warrants recognition in this chamber.

On 8 July Anne will formally retire after continuous service of 32 years, six months and one day in the Department of the Senate. Since 19 May 1988 she has been our Deputy Clerk, and as Secretary of the Committee of Privileges Anne’s service has been remarkable. Anne’s first association with the Privileges Committee occurred in 1975, when she acted as adviser and research officer when the committee carried out its very complex and contentious inquiry into the loans affair and the Whitlam government’s claim of Crown privilege. This report is our 122nd. As secretary, Anne Lynch has drafted 109 of those 122 reports. It has been a fantastic effort. To give you an idea of the volume of material, if you measure the committee’s reports with a ruler, they run to 4.1 linear metres. Anne has developed an international reputation as an expert on parliamentary privilege. The committee, in no small part thanks to Anne, is respected around the parliamentary world. Her writings on parliamentary matters and her papers at conferences, particularly presiding officers and clerks conferences, are very widely admired.

I also take this opportunity to acknowledge the wonderful assistance Anne has received
from June Nelson, who is also in the chamber and who has provided administrative support to Anne and the committee for the most recent 68 consecutive reports of the committee. As I said on Monday night at a small dinner the committee held to thank Anne for her service, an even more amazing achievement of June’s is that she can decipher Anne’s writing. But today is an opportunity to say a brief but sincere thankyou to Anne. Our committee, as well as every senator in this chamber, is delighted, Anne, that you are retiring from the Senate on your own terms and restored to full health after your recent serious health scare. Anne, we wish you a long and happy retirement and we thank you for your outstanding service so very well done.

Senator KNOWLES (Western Australia) (5.52 pm)—I would like to endorse the comments of Senator Faulkner. This is a most significant report. It deals with a very important issue that has been troubling the Senate for a long time—that is, of course, the unauthorised disclosure of committee proceedings. I have to say that it was most disturbing to learn throughout the committee inquiry we held that the media feared the contempt of court issues far more than they ever feared a possible contempt of the Senate. I think that is a sad reflection on the way in which the media treat the parliament today. I hope that they will seriously consider the contents of this report, because it has been a longstanding problem and one that the Senate has sought to rectify, though unsuccessfully, over so long a time.

I would like to endorse the comments that Senator Faulkner just made about the Deputy Clerk of the Senate and secretary of the committee, Anne Lynch. She has been an absolute stalwart for the committee for all of the years that I have served on it, as has June Nelson. It has been the most remarkable committee on which to work. Senator Ray was the committee chairman prior to Senator Faulkner. I also say thank you to Senator Ray and to Senator Faulkner, because I too am retiring soon. They have been fantastic chairmen of this committee. The work that Anne has done to help us and to make sure that we are always in full knowledge of everything that is happening and that could possibly happen has been absolutely exemplary.

Senator Faulkner mentioned Anne’s international reputation on matters to do with privilege; that is something that we could only ever dream of as being part of our own careers. So to Anne I say: congratulations on your wonderful service to the Senate and also on your wonderful service to the Committee of Privileges.

Senator ROBERT RAY (Victoria) (5.54 pm)—In the normal course of events this report will come up, I think, in general business on the first sitting Thursday in August. I might leave my substantive comments until then other than to say that, of the 122 Privileges Committee reports brought down in this chamber, I rate this one as the most important, as the most dramatic and as having the longest term effects. I commend it to senators to read.

I would like to put on record my gratitude, first of all, to the deputy chair of the Privileges Committee, Senator Knowles. We have actually served almost nine years on this committee together. We have produced about 68 unanimous reports, and I think that says it all. It is also a committee where there was a fair bit of respect and friendship. Every now and then Senator Knowles and I would break ranks down here and exchange a few courtesies across the chamber. Occasionally, both of us would go a little too far and square off at the Privileges Committee. But always Senator Knowles was on the ball on all these issues and was part of engendering that cooperative spirit that exists on that committee. I do not believe all parliamentary committees should be sunshine and light. I believe in
adversarial politics, but not in everything. When it comes to parliamentary privilege and a few other issues it is nice to have a committee that cooperates and that goes on the merits of the issues. So I say to the deputy chair: thank you for your efforts over the years; they have been much appreciated.

I will turn now to the real boss of the Privileges Committee: Anne Lynch. People know I like to travel a bit. I was attending a CPA conference in Bangladesh and it was amazing how many Commonwealth parliamentary representatives asked about the Senate Privileges Committee. It has a worldwide reputation for excellence. Because we have had such a turnover of senators on the committee I had to ask: what is the common factor here? It turns out that the common factor is the secretary of our committee. There was never a report not written, never a piece of correspondence not dealt with appropriately and never a judge allowed to get away with a silly comment on privilege without Anne Lynch drawing it to our attention. So I would like to place on the record everybody’s appreciation of her enormous work. It was not without fault: every now and then I would accuse the Deputy Clerk of letting in a Lynchism, which was always to do with colourful or evocative language that we more cautious senators would occasionally want to moderate. But every one of those reports is a report of excellence.

It would be nice for us to take the credit. We had a minor role in it. At times, we issued some guidance, but the driving force has to be admitted: on this occasion it was the secretary of the committee. It was not like some committees, where a secretary simply dominates and takes over. That was never the case with the Privileges Committee. It has always been a partnership between the secretariat and those who are on the committee. I have watched Anne in the chamber over the last 24 years, although she was here long before me. She is pleasant to all senators, treats them all as equals and is always nonpartisan in her attitudes in this place. I know that in retirement—we know that Anne will stay extremely active—whatever she does she will do well. The one thing that I hope she learns to do better than she currently does is emails—she is at about my level—because until recently she could only hit the return button, not the send. But Anne has now conquered that, so she will stay in touch with us all with emails I am sure.

Lastly, I make this promise. I do not make many promises; Senator Kemp might be able to assist to me. I have to reveal that the deputy clerk has never been to the MCG to watch a Collingwood-Carlton match, and I think Senator Kemp and I will facilitate that in the near future. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

VALEDICTORY

Senator HARRADINE (Tasmania) (5.59 pm)—Before anything else, I want to—and, in fact, need to—acknowledge those friends who have affirmed the principles upon which I have stood and for which I have worked for the many years since I was elected in 1975, and even before then. Thank you. To my family, the bedrock of unwavering strength and inspiration, you are a blessing to me. To Marian, our shared faith has transformed the stresses of political life and reinforced our lifelong commitment to our marriage and the family. To Bede, Anthony, Gemma, Paul, Mary, Fiona—whose birthday it is today—Richard, Phillip, Nicola, Ann, Cushiha, David and Benjamin, it is great to see you all present here tonight on this occasion. To all 31 grandchildren, you are an affirmation of life and hope for the future.

My current members of staff and former members of staff, I thank you for your dedication. Working for me was not terribly easy
at times. To Margot Scales and Virginia Challenger, electorate officers for 18 years and 22 years respectively—an amazing achievement—I thank you. I thank Melinda Tankard Reist, adviser on bioethics and human rights issues; Jeremy Stuparich, an indispensable adviser and researcher on legislative measures; and my part-time staff, Ros Seselja and Kate Mitchell. I thank all the other staff who have served my office so well over the years: Denis Strangman—my chief adviser for the first 16 years—Lyndel Dean, John Shaw, Terry Dwyer, Phil Vincent, Justin Kearney, Bede Harradine, Gary Scarrabelotti, Christian Fabricius, Kathryn Millar and Catherine Cooney. I especially wish to acknowledge the professionalism shown by my staff during the balance of power years.

I was first elected in 1975 with the full support of my first wife, Barbara, who sadly died only five years later. I wish to pay a special tribute to her tonight. I thank all who worked so hard through six successive election victories—1975, 1980, 1983, 1987, 1993 and 1998—and all who contributed to those successful victories. They were spearheaded by my great mate and campaign manager, Mick Noonan. I really do not know of any other campaign manager who can equal that sort of record. To Kath Venn, John Jones and Colin Sacco, I pay recognition tonight for their vital contribution as my electoral running mates, in the times when you had to have electoral running mates. As an independent senator, I have valued the professional advice of so many highly qualified individuals across Australia. I acknowledge this generous counsel and advice, freely given over the years. Some of the measures that come before us are very complex, and these people have been absolutely excellent.

I also extend my gratitude to the staff of the Senate and, in particular, the Clerk, Harry Evans; the Deputy Clerk, Anne Lynch; assistant clerks Rosemary Laing, Cleaver Elliott and John Vander Wyk; the Black Rod, Andrea Griffiths; and all of their staff. Deputy Clerk Lynch is retiring on 30 June after 32 years service—an amazing record. Her advice and demeanour have always been absolutely impeccable, and we wish her the very best and good health in her retirement. My thanks go to the library staff, who have provided detailed and expert assistance, often to meet tight deadlines. Indeed, everyone in this place, including the Comcar drivers and Protective Service personnel, deserve my thanks for their untiring courtesy. To those in the press gallery who made the effort to grasp the nature of the big picture issues with which I have dealt, you perform an important service to democracy. I have also enjoyed, from time to time, the creativity of political cartoonists in the depiction of my more prominent features.

Sometimes there can be an impression that parliamentarians are always divided on ideological lines and that there is no room for personal regard. One of the privileges of being here has been to see the humanity of colleagues, of senators, and to receive expressions of support, especially in times of tragedy and illness. Be assured, I very much appreciated your concern for my wellbeing during my recent illness. Thank you. And that goes also for the many friends that I have in the House of Representatives, in the other place.

Senators often reflect on the key elements of their maiden speeches during their valedictory speeches. I intend not to be any different. Three elements of that speech stand out. The first may come as a surprise to many of you. I made it known in that speech that I in fact never wanted to be a senator. I came to this place after 17 years working in the trade union movement. It was my expulsion from the ALP by the federal executive, under socialist left domination, by nine votes to eight in 1975 which led me to this parlia-
mentary arena. The Tasmanian branch always supported me against the federal executive, but when the final vote came I realised there was in fact no alternative but to appeal over the heads of the federal executive to the voters of Tasmania, and I was elected a senator.

The second element should not come as any surprise—it is my consistent defence of the rights and responsibilities of this Senate in pursuit of the proper ends of our parliamentary democracy. The night before my maiden speech, one senator, who many of you probably know but who is not here at the present moment—and who expected me to become a one-term-wonder—lectured new senators about Senate power in these terms: What the newly elected senators have to learn is that what one says in this place has very little relevance, very little value, in terms of parliamentary democracy. In short, as new senators we were being told not to waste our time. In my maiden speech I rejected this. I leave this place in the knowledge that I have defended the Senate in its proper function as a house of review and not as a rubber stamp for the government of the day.

Our grasp on democracy is fragile indeed. It stands or falls not merely upon the values which it embodies and promotes but on the way that power is exercised, and to what end. I have always championed accountability to parliament. Senate estimates committee hearings are a key element in this process. The current trend towards the shielding of important decisions from parliamentary scrutiny by diverting them to unelected agencies or elites makes a mockery of transparency and accountability. It is for these reasons that I have challenged the lack of full accountability to the parliament of numerous publicly funded bodies.

As an elected representative of the Australian people, I have defended true parliamentary democracy by demanding oversight of decisions, challenging the increasingly dominant smokescreen of commercial-in-confidence, using the mechanisms of the Senate to ensure that the true intentions of parliament are understood and enacted and questioning the growing dominance of the executive over parliament, sometimes using coordinating bodies like the Council of Australian Governments which, through lack of accountability to this chamber, pose immediate threats to the democratic process. Furthermore, I have affirmed the Senate’s importance as a states’ house. I have always understood that our parliament and our nation will be diminished if the smaller states are deprived of the fair go that is enshrined in our Constitution and in the workings of this parliament.

The need to negotiate without abandoning fundamental principles in order to get controversial measures through the Senate has been a strong point of Australia’s democracy. For example, it enabled me to help negotiate the Wik agreement through the parliament. This not only provided an equitable outcome for Indigenous Australians but also avoided a race based election. Though the dynamics of this place will change after 1 July, I urge the government and all senators to reflect upon the importance of these functions to the health of our democracy.

And so I come to that third and final reflection on my maiden speech. I entered this parliament with one fundamental objective that would guide my approach to issues of public policy. The objective I outlined in this maiden speech was to contribute to the development of an economic and social order in which persons can live with freedom and dignity and pursue both their spiritual development and their material wellbeing in conditions of economic security and equal op-
portunity. I was determined to defend the uniqueness and dignity of each individual human being. In three decades I have witnessed the encroachment of utilitarianism, crass materialism and particularly, more recently, moral relativism. Each of these has negative implications for true human flourishing.

Against this backdrop, my approach to public policy has at times been summarily dismissed as an attempt to legislate morality. As the great natural law philosophers pointed out, the public policy issues of equality, fairness, justice and the common good are indeed profoundly moral questions. Is it not the case that all legislation is a reflection of a moral position? I have consistently addressed matters of public policy through a rigorous analysis of the proposal against a framework of social justice principles that are able to be understood and supported by persons of goodwill who are committed to a free, equal, just and life-affirming society.

This is why I fought for economic justice for workers and their families against the slavery of economic rationalism. It is why I have defended human dignity against the objectification of women by the pornography industry and been involved in efforts to stop children being exposed to pornography through the internet. It is why I have objected to mistreatment of refugees and asylum seekers. Recent cases in which errors of judgement have been made and people have been wrongly deported have reminded me of the case which moved me to call for a Senate inquiry into the operation of our refugee program. It was the forcible deportation of Zhu Quing Ping, a Chinese woman almost nine months pregnant who was aborted on arrival under China’s coercive population control program. We failed her and we must ensure we do not let grave miscarriages of justice like this happen again.

It is why I have maintained that the true measure of our society and our civilisation is not how rich, powerful or technologically advanced we are. Simply, it is how we treat the weakest and most vulnerable among us. It underpins my unwavering defence of pro-life, pro-human values against the despondency of abortion and euthanasia. It motivates my criticism of the technological imperative that what can be done should be done. There is a growing pressure to allow the cloning of human embryos, which is a direct threat to humanity itself. Even now, taxpayers’ money is being used to fund destructive experimentation on human embryos. This imperative has reintroduced a eugenic mentality which wrought such sorrow and destruction for a previous and not long distant generation. It inspires my support for a better deal for families and my defence of marriage between a man and a woman as the fundamental building block of a life-affirming society confidently providing for its future.

For all of us here tonight, the title of our office and its privileges can mask the true importance of who we are as senators. It is the gravity of what we do and who we represent which should humble us immensely. This week, I leave here for the political wilderness to spend more time bushwalking the beautiful Tasmanian wilderness, God willing. But I will still take a keen interest in the decisions of parliament.

I have devoted nearly 50 years to Tasmania and to Tasmanians. Tasmania has been transformed during my three decades in the Senate. It is now a growing economy with unemployment rates at last coming down. I am happy to have gained some significant extra funding from successive governments for the smallest state in our Commonwealth. As an Independent, I had the luxury of always being able to put Tasmania first. To those who are retiring from this Senate—all
of that class—I wish you all the best. I have enjoyed working with you. To those who will remain, and to all newcomers, I can only but echo the prayer which we say each morning and with which we start the day in this chamber: may God continue to bless, direct and prosper your deliberations. Farewell.

Honourable senators—Hear, hear!

The PRESIDENT—Senator Harradine, I do not know whether you realise that, apart from all your other supporters here tonight, there is a large contingent of members of the Fatherhood Foundation in the public gallery who came in to listen to your speech.

The Senate will now move to valedictory statements. I understand that informal arrangements have been made to allocate a specific time to each of the speakers. With the concurrence of the Senate, I shall ask the clerks to set the clock accordingly.

Senator HILL (South Australia—Minister for Defence) (6.23 pm)—This is a very rare occasion. We are marking the contribution to public life of some 14 senators—almost 20 per cent of the total Senate—and cumulatively an enormous contribution to the political life of our nation.

We are also marking the retirement of Deputy Clerk Anne Lynch, who was mentioned a little earlier. I thought I should commence with Anne. Some would say—that it is out of order, but I should commence with her because she has served even longer than Senator Harradine. It is hard for some of us to imagine an Australian Senate without Anne Lynch. Her commitment and service to this institution have been truly extraordinary. She has set standards to which none of us could ever even aspire, but she has been so considerate with us when we have failed in our efforts. I think I can say on behalf of all honourable senators: Anne, you have inspired us. You have illustrated to us through your life how important this institution is and the importance of the contribution that it makes to our democracy. We thank you for the help that you have given to each of us and we wish you all the best in your retirement.

Moving in a more orthodox way, I follow that memorable contribution, that final contribution in this place, of Senator Harradine. I think it is fair to say that he has been one of the most capable and effective politicians of my political life. He is one of the most formidable politicians that I have ever come across in all the years that I have been involved in politics. As was evident from Senator Harradine’s contribution tonight—I think it has been evident to all of us who have worked with him—he is truly a values driven politician. I think therein lies much of his effectiveness. Even tonight, in his final contribution, the emphasis upon the moral basis of decision making demonstrated the strength of the foundation upon which he has built his political life, and that shows the secret of his successes.

I look back upon a public life, as he mentioned tonight, not just in this place but before he got here: his long contributions to the labour movement in Tasmania and nationally, and the traumatic experience of his expulsion from the party. Yet his ongoing commitment led him to continue to contribute to our nation and to the benefit of those within our community who needed his support, through other opportunities and, in particular, through the opportunity presented by this Senate.

I have had the privilege to know, deal with and negotiate with Senator Harradine for a long time. All through his political life I have seen a number of streams of political activity that are, when I think about it, all related. There is his fundamental support of Labor values; the right of individuals to a job; the right of individuals to proper conditions of
employment; and the importance of the union movement and the labour movement in helping to protect and preserve those rights. This is obviously a commitment of Senator Harradine’s that goes back to his very young days. He demonstrated that he could continue to represent those values even after separation from the formal political representation of the labour movement—the ALP.

I think back upon years of Senator Harradine’s speeches in which that commitment to working people, particularly those who needed the support of the like of this institution, was always very much to the forefront. With it, of course, were the values that come from his Catholic faith, the spiritual basis of his contributions and the whole range of particular commitments that he has made. Some of those he has mentioned tonight: the right to life, fighting pornography, his strongly held positions on abortion and euthanasia, and so it goes on.

He is values based and faith based and probably has become known, through the political process, as the strongest advocate for that set of values within the political arena in Australia over the last few decades. I do not think he was ever concerned that some might have said he was legislating morality. In fact, he was emphasising the importance of a moral basis to all decision making. I think that all of us should remember that. Then we see a wider set of personal values. Again, I think they are all interrelated but come through in his broader human rights agenda that he has fought for: the rights of the family as an institution, the rights of mothers and children, of the elderly, of the disadvantaged—and you could go on.

I looked at the parliamentary web site for Senator Harradine and found that three memberships were listed, which I think describe him in a paragraph: member of the Parliamentary Pro-Life Group, member of the Parliamentary Christian Fellowship. I think that sums up the basis of Senator Harradine’s contribution to public life, apart from that commitment to Tasmania. I have had to negotiate with him on Tasmanian matters and I can tell you, he will not move. In my dealings with Senator Harradine, he was always polite, always strong, always independent. His decisions, as I said, were always based on values and the interests of his constituents. Senator Harradine, it has been a very major contribution to the Senate and to public life and I congratulate you. I wish you a long and happy retirement and much bushwalking in Tasmania.

I move on from Senator Harradine, and in no particular order, I thought I might deal next with Senator Meg Lees. Senator Lees probably ended up in the party that best suited her when she called herself the Australian Progressive Alliance, because I think that is how she in fact sees herself. Senator Lees came to parliamentary life after a long and significant contribution to the Australian Democrats. She is also another values based politician. Her contributions have been in the areas of education—not surprising, I guess, with her background of teaching; conservation, for which she had a very genuine passion; community welfare; the elderly; and health. She is somebody who brought these values to the parliamentary process through the Australian Democrats and made a significant contribution.

I am sorry in fact that her experience with the Australian Democrats did not work out the way that she would have wished, because I believe she was seeking to give the Democrats a long-term future by actually moving them from just a party of protest to a party that would genuinely be a third force in Australian politics in the long term. The Australian Democrats were not able to cope with that when it came to the crunch; therefore,
there was a separation which was no doubt disappointing to her. Tonight, I acknowledge particularly her passion for her causes, her thoughtful, constructive, well-informed contribution to debates, and the fact that she was always courteous and fair in dealing with us. I would just end on the issue of conservation. I think she has been probably the best genuine conservationist in this chamber, and she will know what I mean by that. I recognise and applaud her for that. I wish her well in her retirement.

Whilst I am dealing with Independents, we have Senator Harris and Senator Shayne Murphy retiring. Senator Murphy grew out of the Construction, Forestry, Mining and Energy Union and has always been committed to jobs, jobs creation and sustainable development. It is a pity that he fell out with his party and perhaps is not leaving in the happiest of circumstances. I thank him for his contribution and wish him well.

Senator Len Harris you would have to say has been an individual. He came from an entirely different background. I guess that is one of the strengths of the Senate: we all come with different life experiences. He came from a small business, self-employed, regional base. I guess that some of us had to learn that he was not quite what had been portrayed in terms of One Nation. He brought none of what some of us saw as the prejudice and populism of One Nation to this chamber. He very much came as an individual. Again, he was committed to what he saw as his constituency, which was small business and the self-employed—the battlers out there. They were not on the union and the organised labour side of politics; but the battlers who were doing it for themselves—the individualists of our society. I think he served their interests well. As a minister who had to take his questions, my problem was not so much with the answer but in understanding the question. I wish him well in his retirement.

On the Labor side, we have five retirees. I probably know Senator Bolkus better than all of them because we came into this place on the same day, we came in with a similar background in terms of our legal training and we were both from South Australia. Of the five who entered on that day, only two now remain: Senator Robert Ray and me. Senator Bolkus retires having been a long-serving Labor minister, from 1988 to 1996. He is remembered for his service as the Minister for Administrative Services, but I think he is particularly remembered for his service as minister for immigration. Clearly, it was a field for which he has always been passionate, perhaps partly because of his heritage, and he will be remembered for that contribution.

One of the reasons, apart from coming from the same state and having the same legal background, that I know Senator Bolkus is that we had the experience of sharing an office once together for a period of about four months in New York. In that experience you get to know a little about each other. There are some things I can say and some things I will not say because he can say them about me. One thing I will say of that experience is that I learnt of his commitment to supporting disadvantaged youth, something I was not aware of, and I recognise him for that.

Senator Bolkus also has not been treated well by his party, I would have to say—neither was Senator Schacht—but I guess if you join the ALP you live by the rules of the ALP, and I guess I should not feel sorry for him for that experience. He made his own bed, as they say. On this occasion of his retirement I would like to say: Nick, I acknowledge your contribution to the Labor
Party, the labour movement and to this parliament, and I congratulate you for it.

The other long-serving senator and former minister is Senator Cook, who joined us in 1983. Senator Cook was minister for industrial relations, shipping and aviation, public service, trade, industry and science—a large range of fields of public administration, and he served his cause, his party and his beliefs well in each of those portfolios. I think it is fair to say that I will think of him most in relation to the field of trade, because he has had a real commitment to advancing Australia’s trade. Even up until the last days of his Senate life, I could look forward to Senator Cook discussing trade issues with trade bureaucrats in the estimates committees for many hours. Whilst it might have been against the standing orders, who could deny him that opportunity, because he was so genuinely interested in the issues.

Senator Cook came through the labour movement in Western Australia, has always remained deeply committed to the causes of the labour movement and showed that all through his ministerial life. Peter, you will be able to look back very proudly on the contribution that you have made to this country through the labour movement and through the Australian Labor Party, and we wish you well in the future.

Jacinta Collins I do not know as well, but clearly she is another values based politician. She joined us in 1995 and also came with a strong union background. Whilst she was here she showed a real interest and knowledge in matters of social welfare, occupational health and safety and other matters of that nature. She has made, if I might say with respect, a solid contribution to this chamber, and I wish her well.

Kay Denman, from Tasmania—whom I know even less well—joined us in 1993. She had a teaching background and also has made a significant contribution in the years she has been here.

Geoff Buckland, another South Australian, has been here for even fewer years. He also had a strong labour movement background, he came up through the union movement in South Australia, and there was never a doubt for a moment during his time in this place that it was those causes that he was here to serve. I mentioned the blue-collar workers and the battlers in relation to Senator Harradine. Certainly every day of his life Geoff Buckland has thought of those people and how he could help and advance their interests, and I think that practically every speech he has given has been related to that in some way or other. It is obviously a very worthy cause and a very worthy life commitment, and I am glad, Geoff, that you had the opportunity to take that commitment to the level of the Australian Senate and to make your contribution in that way.

I move to the Australian Democrats, who, of course, are losing three senators on this occasion—not as a result of individual failing in any case, but as part of the general implosion of the Australian Democrats. John Cherry is someone who I always thought was full of talent. He came here with strong qualifications in economics and law and had political experience. He wandered a bit in his political life, from the Labor Party to the Australian Democrats, and he probably now wishes he had stayed with the Labor Party. Nevertheless, he made his choice and he has gone down with the party, as they say.

Senator Chris Evans—He has gone to the National Farmers Federation.

Senator HILL—You would have to say that Senator Cherry is continuing to move across the political spectrum, wouldn’t you? He has proven adaptable in doing so, and I am sure he will serve the farmers well. He was not with us all that long within the
chamber, although some of us have known him for longer as part of our broader political life. We wish him well.

Brian Greig is committed to human rights and antidiscrimination, is always genuine and sincere, and always puts his case with passion and sincerity. He has advanced some of his causes through his time in public life, and I hope he recognises that. He has, in his own unique way, helped to educate us a little.

Aden Ridgeway brought a background that was important to this chamber. He has been, I think, our leader in the Senate in Indigenous affairs. He was the best qualified and the best informed, and we have all learned something from Aden. I hope that he feels that his contribution has been worth while. It has always been put genuinely and significantly. We will miss Aden and we wish him well.

That brings me to the two retirees from the Liberal Party. There were three but now there are only two, because the Liberal Party is doing much better electorally and therefore we have fewer retiring. The first one I want to mention is Senator Tsebin Tchen, who came here in 1998. Senator Tchen was born in China, so he brought a unique background to this chamber as well as knowledge and passion related to that background which has enriched this chamber in many ways and has been very valuable for us all. He came from an urban planning background, which is another illustration of the breadth of the Senate. In matters related to that background he has been particularly helpful. He is always warm to deal with; he is a fair, well-informed, compassionate man. Some might say he is too nice for politics—but how can you be too nice for politics? I think he has made a very significant contribution to my party, to the Australian Senate and to public life through the Senate. I personally regret that he is not going to be with us in the future.

Sometimes political parties make the correct judgment and sometimes they make the wrong judgment. I wish Senator Tchen was going to be back with us, but that was out of my control. In your next life, Bin, I wish you all success. I know it is not going to be a retirement; you are not the type to retire. You will be into something new in your next life. I know you will continue to contribute to the community in the positive and constructive way that you always have, and I wish you well.

I have left till last, unless I have missed anybody, my very good friend Susan Knowles, my former squash partner until she retired. The retirement was a result of an ankle injury, I understand, and not because I hit her over the head one day with the squash racket. I guess every politician is unique, but I think there is only one that came out of the Sue Knowles mould, she will be pleased to know. She is feisty, combative and passionate in her beliefs. She has been an important element of my parliamentary party since 1984. Although I was never admitted as a Young Liberal, I can remember when she was a Young Liberal.

Senator Chris Evans—What, they wouldn’t let you in?

Senator Hill—No, they would not have me, apparently. I did not match up. But Sue, before she came here, was contributing to the party organisation in Western Australia. All through her parliamentary life she has never forgotten the importance of the organisation. She has been a great worker for House of Representatives candidates. In many ways, she has operated as a local member from the Senate in dealing with the issues of constituents. On our side of politics, we will remember Senator Knowles’s contribution for some
years as our deputy opposition whip. She was certainly the type to keep us in order. I am not sure whether she believes she succeeded, but we thought she succeeded. I can remember her when she was a shadow minister. She has probably been a bit unlucky in politics—there is a lot of luck in politics—because she was well qualified to go on to ministerial office and that did not happen. But her contribution in this chamber and through this chamber to the big issues of health, community welfare, youth and other like issues has been extensive.

Her use of the parliamentary committees to contribute better outcomes in these areas has been most effective. Her leadership of parliamentary committees in this area, particularly in the community affairs area, has been outstanding and is something for which those of us who believe in the Senate and the importance of the Senate in public life should be grateful. So, to you, Sue, for your long contribution to our party and to public life through the Senate, for your friendship, for your willingness to always be part of the team and for your forthright style, we thank you for all of that. I do not think that Sue is the type to retire either, so, in your next life also, Sue, I wish you all the best. May the next phase of your life be as constructive and positive as this one has been.

**Senator Chris Evans** (Western Australia—Leader of the Opposition in the Senate) (6.49 pm)—I would also like to make some comments on the departing senators. While there is no particular order, I thought I might start with Senator Harradine as he has had the chance to give his speech first. I wish to express to Senator Harradine, on behalf of the Australian Labor Party, our appreciation of the service he has given to this Senate and the people of Australia. It is 30 years since he was elected as an Independent by the people of Tasmania and, since that first election in 1975, he has been re-elected on five subsequent occasions. That is quite a record to reflect upon. It does allow me to feel a bit younger, which is the good thing about it.

It is, of course, no secret that there is a history of Senator Harradine and the Labor Party. He touched upon it in his own remarks. I would like to say, on behalf of modern Labor, that I have no difficulty in acknowledging and respecting the significant contribution that Senator Harradine has made to Australian public life. We know Senator Harradine as the father of the Senate. There are only seven other senators who served more than 30 years. The longest of those terms was the 37 years served by Sir George Pearce. I am not sure that you get that much for multiple murder. Such an extended period of service is itself a remarkable achievement. That Senator Harradine faced and won six elections as an Independent makes his achievement even more impressive.

His depth of experience and skills in this place are well known and historic. He was a senator during the years when Malcolm Fraser’s government enjoyed a majority. Of course, he is probably most famous for the period following the 1996 election when, from 1996 to 1999, he exercised the balance of power in the Senate. There is a certain irony, I suppose, that Senator Harradine is leaving at a time when the government is gaining a majority and that balancing role is lost to the minors and Independents. I know that Senator Harradine took his responsibilities extremely seriously. He endeavoured to always be on top of his parliamentary requirements. There was an enormous strain on him and his office during that period. As one of those who was trying to lobby them on occasions, I remember the enormous difficulty just getting to him because of what he had to deal with. I noticed he paid tribute to his staff. I would also like to pay tribute to his staff. The work they did in helping him in that period was extraordinary. He has always
been very savvy about having good quality people work for him, and that is another part of his success.

Senator Harradine has been a tremendously effective and formidable parliamentary operator. As I say, he will be regarded as one of the most significant figures to have played a role in this place. I certainly remember his work on Mabo, Wik and industrial relations as some of the highlights of his performances here. Senator Cook reminded me only recently of his famous GST speech which had us all hanging here for 19 minutes and 30 seconds—there would have been a 20-minute time limit—before he put us out of our agony and dropped the Democrats into theirs. It will be one of the most famous parliamentary moments. It seemed to go on interminably. It showed his sense of the dramatic that Senator Harradine seemed to leave the clincher until right at the end.

I did respect very much his work on Mabo and Wik. I think that will be a real legacy for him. His intellectual capacity and his work on that is a great credit to him. As I say, I think his name will be synonymous with the story of the Senate. We wish him all the best in his retirement. We hope it is a long, healthy and happy one. We hope his family also get to enjoy some time with Brian outside the service of the Senate.

In today’s remarks I wanted to deal with all the departing senators but, quite frankly, in the time allowed I will not do any of them justice. However, I do think it is important that we mark the passing of so many of the people who have contributed so much to this chamber. I want to turn my remarks now to some of the Labor senators who are retiring. We are losing five of our best. I think it is fair to say that they will not find my contribution very interesting, because it is based on some remarks that I made about them at a farewell function that we had recently. Unfortunately, though, I am not allowed to use the interesting or funny bits because of the requirement to be parliamentary. Senator Collins looks very relieved at that! I am not sure that she found some of them so funny. We did have an opportunity to farewell our Labor colleagues last week at a very good occasion, but on this occasion I will confine my remarks to the more formal ones.

First of all is Geoff Buckland from South Australia. He represents a great tradition of Labor members and senators who have come from the tools, as we say. Originally from Sydney, he worked in his father’s boiler insulation business. He is very much a proud South Australian these days after moving to Whyalla in 1970. He became secretary of the Federated Ironworkers Association.

Geoff has been a valued contributor for Labor in the Senate, and we are all sorry to see him go. Geoff is genuinely well liked in this place. That has served him well in his role as Deputy Opposition Whip, a position he has held since 2001. It has always been to Geoff’s great credit that he had respect for the opportunity given to him to serve the people of South Australia in this place, which he entered in 2000.

I know Geoff is happy to be moving on to start a new career in farming. He is making a positive change in direction in his life. He is very enthusiastic about heading off to farm cattle in the north of South Australia. He was quoted in the Adelaide Advertiser the other day as saying:

I’m having a bit of a life change ... I had a childhood dream of being on the land ... it is a choice I made some time ago.

I think it is a great personal story—from Sydney to South Australia, from the trade union movement to the Senate, and now going to work on the land. I think it reflects a very interesting and committed man. He has been preparing for this for some time. I un-
understand he has bought a plough and a small truck. He has been telling us about his plans. He is going to be a good farmer—

Senator Boswell—Has he got his membership of the National Party?

Senator CHRIS EVANS—He has always been a good unionist, and, as we know, most of the National Party are some of the best socialists in Australia these days! Geoff is already complaining about the rainfall and he was already asking about subsidies for his farming exploits the other night, so he will fit in very well, Senator Boswell. He already has the lines down pat. But, Geoff, thanks for your contribution and all the best for your future. We will miss you.

I am also very sorry to be saying to say goodbye to Jacinta Collins, who came to the Senate in 1995 following the death of Olive Zakharov. Jacinta has been a very valued member of the Labor Senate team. While she came in a couple of years after me, we are sort of from the same school and era. We made our mistakes around the same times and learnt our lessons the hard way. We are certainly sorry to lose her expertise, particularly in the field of industrial relations, given the debates we are going to have. She was also a big contributor for us on the GST inquiries and the children overboard inquiry and has served in a whole range of roles for the Labor Party. She has been a very solid contributor for us.

But I think her role before the last election as shadow minister for children and youth was probably the highlight of her contribution to Labor in this place and in federal politics. She was a very effective spokesperson in that role. As I said the other night, as her predecessor in the role I recognise better than most the contribution she made and the success she made of that job. It certainly put her predecessor to shame on occasions. She was very effective and active for us in that role, and I think she had a very promising front-bench career for us. She has also managed to raise a young family while serving in the Senate and has shown a great deal of commitment to both her family and her political role. She seems to have balanced those roles very effectively despite the pressures.

We are going to be very sad to lose her. It was unfortunate that Jacinta just missed out at the last election, but no-one has been more positive about it than Jacinta. She recognises that she had given great service to the labour movement before she came here. She gave great service to us while she was in the Senate. I am sure and I acknowledge that Jacinta will continue to provide great service to the labour movement in the years to come. We wish her all the best.

Kay Denman, from Tasmania, is also leaving us. Kay is from a teaching background. She was also involved heavily in politics in Tasmania, in part as private secretary to the Premier of Tasmania, Michael Field. Kay entered the Senate in 1993 on the resignation of Michael Tate and was re-elected in 1998. Notably, Kay got up from No. 3 on the Tasmanian Labor Senate ticket. I think winning from that position is an indication of the high regard she is held in in Tasmania. You do not get up just on the Labor vote; you have to get up on a personal vote and an appreciation across the community of your contribution. It is a very significant personal achievement for her and her standing in the community.

Kay and I both came in in 1993, so we are from the same class, and we have enjoyed a strong friendship over the last 12 years. Her friendship and support have been very important to me, and she has been a very good friend. The fact that Kay has so many friends in this place is a real testament to her. She has friends among all parties, staff, Comcar drivers—you name it. Kay has friends all through Canberra, the parliament et cetera. It
tells you a lot about her that she has such strong friendships across such a broad group of people, despite sometimes having political differences.

Kay was Deputy Government Whip for the last six months of the Keating Labor government and served as deputy whip in opposition for four years, some of that time while I was whip. She has been a great contributor there, in the committee system and as chair of the Senate Standing Committee on Senator’s Interests for the last nine years.

Kay came out of the community movement. She has been a very strong community activist, has maintained links with the community, expressed them in parliament and used the parliament as a voice for community interests and concerns. The good thing about Kay is that she sees this as a continuation of the process. She has a strong intention to continue that community work in Tasmania after leaving the Senate, which I think is a sign of a great political commitment and a view that this is just one stage in her ongoing contribution to Tasmanian and Australian political life.

I know Kay had no trouble in deciding to retire. She is quoted as saying:

You have to know when it’s time to go and you have to make way for generational change. You don’t go bitter and twisted if you choose to go yourself and you don’t get dumped in preselection and you don’t lose an election.

I might finally have got something through to Kay because I remember giving her a lecture that it is always better to go out on your own terms. I am sure I was not the only one, but I think that would be the only thing I have ever been successful in convincing Kay of—if I was at all influential. Kay, we are going to miss you. You have made a great contribution to Labor, which I know will continue in other capacities. I certainly will personally miss you very much.

Labor this week is also saying farewell to two very significant national Labor figures in Senators Peter Cook and Nick Bolkus. These men were both ministers in the Hawke-Keating governments. They have a combined 46 years of parliamentary and ministerial experience between them and when they leave they will leave a great hole in the experience and knowledge base of the Australian Labor Party in this chamber.

Peter Cook was originally from Melbourne and, as a young man, he trained as a fitter and turner. He moved to South Australia and, of course, later to Western Australia. Peter had a distinguished and extensive career in the union movement and was a well-known public figure well before he entered the Senate in 1983. Prior to his career in parliament, he had been Secretary of the Trades and Labor Council of Western Australia and Vice-President of the ACTU. Following his entry to the parliament, Peter built up an impressive ministerial career over eight years. He was Minister for Resources from 1988 to 1990 and, within a few months of becoming minister, he was able to announce a resolution to the Gove alumina dispute and to present the Energy 2000 policy paper.

He also served as Minister for Industrial Relations at a time of great change. It is interesting to reflect on Peter’s service in that role at a time when the government is now arguing for major changes to our industrial relations system. Peter was responsible for perhaps the single most significant change in Australian workplaces in the last 30 years—the formal acceptance of enterprise bargaining by the Industrial Relations Commission in 1991. It was controversial at the time. Indeed, the commission rejected arguments for workplace bargaining that were made the first time around; however, Peter Cook’s energy, determination and knowledge of the area drove changes that occurred. As a former union leader, he had the background and
the respect to drive change and drive it in a way that had better outcomes for the Australian economy and for Australian workers.

After the 1993 election, enterprise bargaining was entrenched as the centrepiece of the Australian industrial relations system, underpinned by an award safety net through the Industrial Relations Act. It remains—for the time being, at least—a key plank of that legislation. Later, Peter moved to the trade portfolio. We were discussing the other night how Peter is just as famous for his involvement in trade, although Geoff Buckland was one of those who said he should be better remembered for his role in IR. It was interesting that Peter developed a reputation very quickly as a very effective trade minister. When he was chair of the Cairns Group he built on John Dawkins’s work and brought the Uruguay Round of negotiations to a close. It is a testament to the skill and energy he brought to the job that he is so well remembered as Minister for Trade, despite only holding the portfolio for 10 months. He followed that by taking responsibility for industry and later science and technology. He worked hard on developing opportunities for Australian industry and building links with the economies of Asia.

Peter did not give up the fight when we lost government. He took up a leadership role as Deputy Leader of the Opposition in the Senate from 1997 to 2001 and served as shadow minister for commerce and small business and later trade, where he did a truly outstanding job. More recently, he has chaired the Senate inquiries into the ‘children overboard’ affair and the free trade agreement with the United States.

As a Western Australian colleague, I am well placed to appreciate his contribution not only to the parliament but to the Labor Party and the labour movement. His experience and expertise will be sorely missed in caucus and in the parliament. We will also miss his individual contributions to lifting parliamentary debate and making Hansard much more interesting and readable. He has been very successful in adding to the range of language reflected in Hansard. We wish him well in the future. We have no doubt he will find more time for sailing and his other pursuits and will continue to make a contribution in the wider community. His service to the Labor Party cannot be understated. Peter, on behalf of the whole of the Labor caucus, I extend our sincere thanks to you and best wishes for your future.

Like Peter Cook, Nick Bolkus is one of those really significant national Labor figures and has been for many years now, both in the Labor Party and in the community more generally. Nick’s parents came to Australia from the Greek islands in the 1920s and settled in Adelaide. Nick studied law at the University of Adelaide, graduated in 1971 and practised for a few years before entering the political fray.

I did not realise this until the other night, but Nick’s career in Canberra spans 31 years. He came here first in 1974 to work for Senator Reg Bishop, then Postmaster-General and Minister Assisting the Minister for Defence, before moving on to work for immigration minister Clyde Cameron. After Labor lost government in 1975, Nick remained with Clyde Cameron in his capacity as electoral officer. I gather he had a run for the state seat of Torrens in the 1975 state election. Thankfully for him, he was not elected and was able to enter the Senate in 1980.

Nick has had a remarkable career that has followed closely the course of Labor Party fortunes over the period since the seventies. He was central to the Hawke and Keating governments’ success and has played an important part over the last nine years in sup-
porting the opposition to the Howard government.

Nick has been elected to the Senate six times. He has made a huge impact in three different ministerial roles. His career as a minister spanned eight years. In 1988 he was made Minister for Consumer Affairs and Minister Assisting the Treasurer for Prices. In that time he put forward innovative legislation to protect individuals in their dealings with credit data agencies. He established the Banking Ombudsman and various consumer protection codes of conduct. He was also responsible for inquiries into pricing in the book, music and computer software industries and made changes to the national uniform food laws.

Nick entered cabinet in 1990 as Minister for Administrative Services, a job he held for three years. In that time he was responsible for legislation for the disclosure of political donations—another measure I see is under attack again, but a very important reform, I think—and the transformation of the department into a competitive, commercialised organisation. He was also able to use his time there to pursue the government’s industrial and environmental policy agendas within the department.

Nick, probably most famously, became Minister for Immigration and Ethnic Affairs and Minister Assisting the Prime Minister for Multicultural Affairs in 1993. Prior to taking up that ministry he had long been a supporter of immigration; in fact, it was part of his motivation for joining the ALP and getting politically active back in the mid-sixties. He took with him to the department a belief in the social and economic value that immigration has brought to this country. The Whitlam government, which Nick had served earlier in his career, had been responsible for a radical overhaul and modernisation of Australia’s policies in these areas. We recently spoke in the chamber about Al Grassby, following his death. Certainly, the changes that were made by Al Grassby and later by Nick during his time at Immigration were extremely important contributions to the inclusive, multicultural society that we live in today. I hope that in coming years we can continue to look to their example in further strengthening our multicultural society and in finding the right balance in immigration policy.

Given the values and commitment that Nick took with him to the Department of Immigration and Ethnic Affairs, it is not surprising that his time there was one of great activity and ideas. Over his three years at Immigration, he oversaw a major restructure of the department, increased our migration and refugee programs, established the Refugee Review Tribunal, implemented the Migration Reform Act and implemented changes to the business migration program.

Nick was a typically proactive Labor minister. He conducted the first review of the Australian Citizenship Act and introduced a major citizenship promotion program. He was also responsible for revising and removing the reference to the Queen in Australia’s oath of allegiance. Through his time in three ministerial posts Nick was energetic, proactive and forward looking, and the Labor Party is proud and appreciative of what he achieved for it and for Australia.

Following the defeat of the Keating government in 1996, Nick stayed on and played an important role for us in opposition. He was a member of the shadow ministry and covered various portfolios. I certainly will remember his contribution, like that of Senator Harradine, to the Wik debate. There was a fear in the Labor Party that with Gareth Evans no longer available we would not have quite the same intellectual firepower and capacity to deal with such a difficult debate.
I think Nick more than proved he was up to it, was Gareth’s match, and the Labor Party were very well served by his performance in that debate through his intellectual skills and his negotiation skills. His essential commitment to the interests of Australia’s Indigenous people was one of his greatest contributions and certainly one that left its mark on me.

In summing up I would just like to say that Senators Bolkus and Cook represent for many of us what Labor ministers should be and what people aspiring to careers representing the Labor Party can do for Australia. I think they will go down in history as two great contributors to politics from the Labor side. We wish them both the best. We will certainly miss the ongoing contribution they have made. During the harder years, the fact that they stayed on was a credit to them both.

I also wanted to say farewell to our three Democrat colleagues who are leaving: John Cherry from Queensland, Brian Greig from Western Australia and Aden Ridgeway from New South Wales. All have been decent, courteous, hardworking colleagues. All have had their careers cut short by the political fortunes of their party. That is the life we lead; there is no fairness about these things. But all have made, I think, significant contributions to the Senate and its work, and they are people who have earned the respect of their colleagues. Senator Greig had the very important advantage of training time inside the Labor Party for many years, which stood him in good stead! All have been advocates for the Democrat cause and for the issues they have pursued with great vigour and with integrity. I wish all three of them the best. All three are young men with good skills and good reputations and I am sure they will make contributions to public life in other ways in the coming years.

The Liberal Party are losing only two senators, but they are two of their more interesting senators. There is no question about that. They are Senator Tsebin Tchen from Victoria and Senator Sue Knowles from my home state of Western Australia. Tsebin came to the Senate in 1998 after a career in planning. He was our first Chinese-born senator. He has always conducted himself with great dignity in this place. I do not know him well, but the dealings I have had with him have always left me with the impression of very fine and courteous man and one whose story is very much part of that wider narrative of modern multicultural Australia. I know that he has placed great value on his time here and taken it seriously, and that has been to his credit. I am sorry that his career here was shorter than he would have liked, but he has certainly earned the respect of his colleagues, and we wish him the best for the future.

Senator Knowles is a more difficult senator for me to talk about. It is fair to say that Senator Knowles has had a distinguished career. She has been in the Senate since 1984 and has been an advocate of and effective political operator for the Liberal Party in Western Australia throughout that time. Senator Knowles and I have had the biggest blues I have ever been involved with in politics. I think we made the 7.30 Report on three or four occasions, screaming at each other. I think it is fair to say that they were fair dinkum, knock-em-down, drag-em-out blues, in which she gave as good as she got. She was a tremendously committed advocate for the Liberal cause. I also have to say that, on a personal level, I have always got on very well with her. It is one of the ironies of the place. I never quite know how or why that works, but in public I think people would think that we would not be able to sit in the same room together, but I have always had a very reasonable and friendly relation-
ship with Senator Knowles on a private basis.

Sue has had a long and distinguished career. I note what Senator Hill said. I think his comments about her career are probably fair, but she has certainly been a very committed committee worker. Some of the work that she has done in government has been tremendous. She is one of those government senators who have actually used the Senate committee system for good and made a huge contribution, when sometimes in government it can be easy just to toe the line or not take those opportunities. However, she has been a tremendously strong advocate of her side of politics. As I said, I do not think I have ever agreed with her on a political issue in my life, but I have always respected her no-nonsense approach and commitment. She is a very worthy opponent. I wish her the best, wherever her new career takes her.

Senator Meg Lees is another departing senator. Senator Lees has made a significant contribution to the parliament through the Democrats and, more lately, as an Independent. She is well respected in this chamber. I have had a bit to do with Senator Lees over the years on social policy and health issues. I have always respected her opinion and contribution. I think she has been a very good contributor to the parliament and Senate. We wish her well in her future career. I think I read that she is going to be writing a book about convicts. The Senate parallels are far too close for me to deal with. However, Senator Meg Lees has had a very distinguished career in the Senate. I also wish her the best. I would also like to acknowledge the contribution to the Senate of Senator Murphy and Senator Harris.

I do not pretend to have done justice to all of the outgoing senators in the short time available. I do wish them all the best for their careers. Certainly from the Labor Party point of view, we are losing five of our best, who have enormous capacities and have made great contributions, and we will miss them.

In concluding, I would like to echo Senator Hill’s words about losing that great Senate institution, Deputy Clerk Anne Lynch. I had the opportunity to farewell Anne with the Privileges Committee the other night. She has been a great assistance to all senators. Her guidance has been superb. She has been a real asset to the Senate and to democracy. There is nothing like one of her disapproving scowls to let you know that you have done the wrong thing and you ought to improve your behaviour. I have always responded to that, because I never wanted to get on the wrong side of Anne. Anne, we wish you well for your retirement. You have been a great contributor to the Senate, and the place will be poorer for your leaving.

Senator ALLISON (Victoria—Leader of the Australian Democrats) (7.19 pm)—Tonight is about acknowledging the work of the outgoing senators and to offer thanks to them. It must be close to 200 years of experience that will walk out the door at the end of this week, which will be a great loss to all of us. The Democrats always try and work cooperatively and seek common ground with other parties to find solutions in this place, and in doing so we have collaborated and worked with all the outgoing senators in some way. This is particularly the case in committees, where most of the work in this place is done. I think I have worked with each of the senators who are leaving—other than Senator Cook and, I think, Senator Murphy—on that very valuable committee work.

I often think it is unfortunate that once we enter the chamber we usually divide along party lines and that cooperation gives way to competition. Although on some issues I have disagreed with Senator Harradine, I have
admired his great skill and timing as a senator in this place—he did not get the title ‘wily old fox’ for nothing—and his determination and success in driving issues consistent with his deeply held beliefs and convictions. This place would be considerably more democratic if the freedom to vote according to a person’s principles and values were afforded to all senators, instead of our having the very strict compliance with party lines in this place. However, I hope Senator Harradine has a good retirement and is able to spend some more time bushwalking. I acknowledge his work here.

I also want to acknowledge the work of Deputy Clerk Anne Lynch. We had the opportunity earlier today to thank her in our party room for her unfailing enthusiasm for democracy, for keeping government accountable through the Senate and for being a great defender of the Senate, particularly at estimates. Anne’s marching around making sure that things were going according to plan in estimates was always heartening to me. We have appreciated her sound and timely advice. She has always been unflappable and very generous to us with her time.

I also acknowledge Meg Lees, a former Leader of the Democrats—an intelligent hard worker and someone I have obviously worked closely with in the past and admired. I hope that her departure from this place brings the opportunities she would wish for herself.

Tonight I want to spend the rest of my time talking about the three outgoing Democrat senators: Senators John Cherry, Brian Greig and Aden Ridgeway. I will pay tribute to their substantial contributions as individuals to good policy outcomes, but first I want to mention the broader implications of the fact that they leave the Senate this week. For us it is not just the loss of Democrat seats but the loss of a strong, independent Senate. We do not just farewell three Democrat senators, we farewell a Senate that was able to hold the government to account and independently investigate issues the government would prefer were covered up. There will be an enormous change in the political direction of this country and the way in which the parliament operates, with the Prime Minister now being given free rein, pretty much. Harry Evans, the Clerk of the Senate, is reported today in the Sydney Morning Herald as saying:

We no longer have parliamentary government in any meaningful sense …

... we have a … elective monarchy where … [he]— that is, the Prime Minister— rules all he surveys.

That Sydney Morning Herald article was entitled ‘Senate boss blasts PM’s monarchy’.

Neither the ALP, nor the Democrats, nor any other minor party will be able to improve government legislation or even guarantee that it is properly scrutinised in inquiries to find the problems. The Democrats will speak out, but we cannot prevent the government from passing bad laws.

In the current Senate, around one in 50 bills was rejected completely—the ones that were deemed to be too appalling to be salvaged. Those bills can now be brought back by the coalition and forced through. The bad bills will no longer be weeded out. If the three Democrat senators had been re-elected, we would not be facing a reduction in workplace protection, nor welfare reform that punishes sole parents and people with disabilities, and the government would not be rushing to sell Telstra without protection for services, particularly in the bush.

If the Democrats held the balance of power, there would probably still be tax cuts, but fair tax cuts that did not disproportionately benefit those on the highest incomes.
The loss of these three seats means the loss of the balance of power that the Democrats have held for much of the last quarter of a century or so. I do not believe that Australians want a government without checks and balances and I do not believe that Australians want the government to control the Senate. However, it will do from 30 June.

On behalf of the Democrats, I apologise to the people of Australia that we have lost their trust. We know we made mistakes and we will work hard to win back that trust over the next three years. I think we have always been diligent legislators, carefully scrutinising every line of every bill in case we held the balance of power on them. I thank my colleagues for their hard work and support over many years.

While this is a sad occasion, tonight we also want to celebrate the considerable achievements made by John, Aden and Brian that benefited many Australians and Australian industries. We are very proud of what has been achieved over the last few years by these men and by the Democrats team. I would say that they deserve to have been elected. In fact, I have heard that from around the chamber as well today.

I will start with John Cherry. He worked as an economic adviser for Democrat senators for seven years before he was preselected by the members in 2001 to fill the Queensland seat after the retirement of John Woodley. When he entered the parliament as a senator he was already very well known for his economic nous and his willingness to use our balance of power to negotiate tangible benefits. In November 2002, John moved his first amendments to a bill and he was successful. There are members in this place who never get to move an amendment, let alone one which is successful. I was proud to work with him to deliver an extra $50 million a year in excise concessions on ethanol and biofuels, and I am sure his efforts in Queensland to see ethanol blends mandated will come to fruition in due course. I look forward to your help in doing that, Senator Boswell.

Senator Boswell—I give you that commitment.

Senator ALLISON—in his time in parliament, John Cherry helped deliver an extra billion dollars a year for low-income earners’ superannuation savings by reducing tax breaks for high-income earners, giving employees the right to choose their own super funds, improving fee disclosure and removing tax discrimination on superannuation for same-sex couples. He also successfully amended the law to enhance the role of the ACCC to regulate Telstra without ministerial interference. He negotiated cheaper phone calls for low-income earners and successfully amended welfare legislation to reduce penalties for the unemployed. He successfully negotiated more generous tax concessions for charities and the establishment of the independent inquiry into the legal treatment of charities. Through Senate committees, John was able to help protect the Australian banana and apple industries from the threat of disease-laden imports, and he won $16 million to protect wetlands fringing the Great Barrier Reef lagoon, in negotiations over the sugar industry reform package.

Since the foundation of the Democrats, the party has shown a great deal of interest in the inequality between rural and metropolitan areas in Australia. John, the boy from Boonah, certainly brought back that focus in his work in this place: Telstra services in the bush, rising food prices while prices paid to farmers were dropping, doubling export quotas for small regional meatworks, salinity and sustainable farming, and the need for a comprehensive national regional development policy.
Some of the issues he campaigned on include picking up world best practice employment generation programs, including the use of jobs tax credits to attract employers to areas of high unemployment; a better balance of work and family by preventing unreasonable working hours and the better sharing of work; the abolition of the National Competition Council and ensuring that small business can compete fairly with big business; and a small business development bank to reduce the cost of finance for small business, especially in regional areas. Since his first speech, he has championed the rights of rural communities and agricultural industries, a fight he will continue in his next position as Executive Director of the Queensland Farmers Federation.

Brian Greig was the first gay rights activist to enter the Australian parliament, and he has used his time to progress a broad range of human rights and equality issues. Brian has made over 800 speeches in this place, since he entered parliament in 1999. He has helped highlight and overturn mandatory sentencing laws and modify some of the outrageous antiterror and ASIO laws. He has been active in advocating the importance of the International Criminal Court, pushing the government to join the ICC sooner rather than later. Brian first gained support in December 2002 for his reference to the treaties committee of the proposed agreement with the United States to exempt its nationals from the International Criminal Court. He referred the matter again two years later, in December 2004, but the committee has not yet seen fit to start work on the inquiry.

Senator Greig raised the issue of war criminals in Australia and introduced an antiterrorism bill, and he forced the minister to organise a hasty extradition treaty with Latvia when Konrad Kalejs was found living in Melbourne. Through persistent questioning in the chamber, he embarrassed and pressured the government over international sex trafficking, triggering a joint parliamentary inquiry, through the Australian Crime Commission, resulting in a tightening of the law, stronger penalties and a $20 million package to help the victims.

He achieved tangible results in welfare matters, including having the payment of child-care benefits to foster carers reinstated, ensuring family tax benefits debts are waived when they are the result of a Centrelink error, and forcing the government to reverse cuts to the pensioner education supplement. Brian brought national attention to the plight of young people in nursing homes by having this issue included in the terms of reference for the current Senate Community Affairs References Committee inquiry into aged care—an inquiry that reports this week and which I hope will pave the way for getting more than 6,000 young people into more appropriate accommodation.

Brian has been very active in the information technology portfolio. Recently, Brian was the first to introduce laws to cover the IT crimes relating to spam and spyware, forcing the government’s hand. One year later he agitated on spam and the government introduced its antispam legislation. Only the previous year, then Minister Alston said that spam was not a problem and people could just delete it—and we in this place know how easy that is!

Similarly, Brian and Democrats in state and territory parliaments were the first to raise the issue of open source software, and he introduced a private member’s bill to ensure that governments’ buying policies included open source software. The government’s initial response to Brian was, ‘Absolutely no way.’ Despite that, the government has now initiated a policy that happens to be very similar to that proposed by Brian. In his home town, through on-the-ground cam-
paigning, he has also been able to help change the course of local issues like high-rise developments at Scarborough Beach.

But Brian is probably best known for his commitment to equality for same-sex couples and gay and lesbian issues. In March this year Brian’s motion urging the government to take a role in eliminating discrimination on the grounds of sexuality and gender was passed. He was a strong presence in fiery debates about superannuation same-sex partner’s entitlements last year, which was strongly resisted by the government and the opposition, until the Democrats’ persistence finally paid off. The Democrats—and I acknowledge both Brian Greig’s and John Cherry’s achievements—were able to achieve change on this issue under a coalition government. That was a remarkable achievement under a conservative regime, and everybody, including industry groups, said it would never happen—at least, not under this Prime Minister.

Brian was also successful, after a one-year investigation, in getting the Commonwealth Remuneration Tribunal to include same-sex partners for equal travel entitlements for federal MPs and senators. And, having flown more than one million kilometres over the last six years, I do not think that Brian will miss being on planes or being away from home for too much of the year. I wish him well in what he does next.

I regret that the federal parliament is also about to lose its only Indigenous representative, Senator Aden Ridgeway. Aden’s presence in the parliament, and in our party, brought a broader, richer perspective that went well beyond Indigenous issues. Before he had given his official first speech, Aden had addressed the chamber several times on the proposed new constitutional preamble as well as the regional forest agreement.

Aden led the Democrats’ campaign to investigate the Australia-US Free Trade Agreement and then, once we had looked at all the evidence, to oppose it. He fought for consumer rights during the insurance crisis, including advocating for professional indemnity insurance for private practising midwives—a fight that is yet to be won, but we are working on it.

Aden led the fight for communal moral rights for Indigenous artists and resale royalty rights and a better tax deal for all artists. He also advocated for continuing to purchase the work of new and emerging artists for the Parliament House art collection, rather than going down the path of purchasing prints of work done by a generation of artists who were long dead by the time Parliament House was erected.

Aden also successfully negotiated the restoration of a budget funding cut to the book industry assistance package of $19 million, and he has regularly lobbied the government on behalf of the tourism industry. Inevitably, he has had a special responsibility to the Indigenous affairs portfolio. Aden is only the second Indigenous person to be elected to the federal parliament. He is the first Indigenous person to hold a leadership position in a federal parliamentary party, serving as Deputy Leader of the Australian Democrats.

In Aden’s first speech in August 1999, he called on the government to respect a strong national Indigenous voice through the evolution of ATSIC. Less than six years later, in March this year, on behalf of the Democrats, Aden fought an impossible battle to stop the destruction of the Aboriginal and Torres Strait Islander Commission, without replacement. The only light relief during the debate of the ATSIC Amendment Bill was Aden’s unsuccessful amendment to rename the bill the ATSIC Amendment (Unfair Dismissal) Bill. In the end, Aden could not even
get the opposition to stand up and insist on their own amendments, let alone the Democrats’ small amendments, and the bill passed, with no ameliorating amendments and no explanation from the government as to its future plans or policy for replacing the work of regional councils.

But there were wins as well as losses. Aden’s informed, methodical approach lifted the tone of Indigenous affairs debates in the Senate. He stamped his name on it as both a portfolio issue and a personal mission. In May this year, Aden Ridgeway’s motion marking the National Day of Healing and calling for implementation of the recommendations of the Bringing them home report, which was moved jointly with the opposition and the Australian Greens, was agreed to. Six years earlier, he negotiated the passage of the motion of reconciliation and in 2001 he introduced a private member’s bill on reconciliation. He initiated important Senate inquiries into reconciliation in 2002 and the stolen generations in 2000. In the past six years, Aden has been an important role model for Indigenous communities. He has spoken to thousands of schoolkids around the country and he has a July crammed full of NAIDOC activities. Now, more than ever, all federal representatives must take responsibility for keeping alive the spirit of reconciliation that Aden has worked so hard to foster.

All three of these men worked hard for the best interests of Australia—for a fairer nation that values justice and environmentally sustainable and equitable economies, good and accountable government, and responsible engagement in the global community. They worked hard for a nation that protects the most disadvantaged and gives a voice to the voiceless and that does not squander its resources or enter unprovoked wars. I have been very honoured to have worked with each of them.

In closing, I want to say that the departure of Aden, John and Brian also means the departure of Democrat staff, some of whom have worked for the Democrats for many years now. Being a staffer has not been an easy job and I thank them very much for their commitment as well as their hard work. They will be very much missed.

Senator BOSWELL (Queensland—Leader of The Nationals in the Senate) (7.39 pm)—It is time to pay tribute to those who are leaving us. There are many tonight and I will come to them in order. I, firstly, pay tribute to my friend Brian Harradine, senator for Tasmania, who leaves the Senate this week after 30 years of attending the bear pit of Australian politics. Thirty years of federal parliament, during 11 of which Senator Harradine wielded at least some proportion of the balance of power—what a singular contribution he has made in that time, across a range of issues. Thirty years is a long tour of duty anywhere, but in the Australian Senate as an Independent it is a colossal undertaking requiring enormous commitment and dedication.

Above all else, the length and quality of Senator Harradine’s service mark him out as an authentic patriot with a deep love of country, from its Indigenous people to its natural heritage, the blue-collar worker and the stay-at-home mother. He has remained faithful to them all in spite of the demands of his personal life through the years. His special loyalty to Tasmania and Tasmanians has been recognised by them as they have returned him to the Senate office at six elections, the first time with nearly two Senate quotas. During the telecommunications debate over the sale of a previous tranche of Telstra, Senator Harradine extracted so many concessions for his home state that I recently remarked to him, ‘One more phone in Tasmania and it’ll sink!’
It is a matter of public record that the ALP treated Brian Harradine, a long-time member of the ACTU executive and the ALP federal executive, very badly. The dedication to the working man has never dimmed in Senator Harradine, as can be seen by his numerous contributions. But imagine him 30 years ago, taking on the might of a once much-loved ALP and standing for the Senate alone—not just once but for 30 years and through countless battles and even more numerous Senate committees. Perhaps it is fortunate that we cannot see the future, because to look ahead through 30 years would have seemed an impossible, superhuman and daunting task to take on, and I very much doubt we will ever see the like of Senator Harradine again.

Senator Harradine is a one-off, and it has been my privilege to work with him, opposite him and beside him for 22 of those years. I pay particular tribute to his steadfastness on pro-life issues such as abortion, euthanasia and embryo research as well as his monitoring of the actions of international aid agencies. Senator Harradine has also been vigilant in the never-ending battle against pornography. He has kept the candle burning on these issues despite being vilified and persecuted. If only his foes had realised that the more they criticised him, the stronger he became. In 1985, Senator Harradine anticipated by 17 years the debate on human embryo experimentation and introduced a private member’s bill to ban destructive experimentation. There will be further debate on this issue in regard to the creation of cloned embryos. I know Senator Harradine will wish he were here to rattle a few cages, and he will be sorely missed when that debate comes on later this year. It will be interesting to see how compatible the cloning plans are with his successful 1990 amendment to the Patents Act that ensures that human beings and the biological processes of their generation are not patentable inventions. Senator Harradine and I were often at odds over native title, but I certainly respect his decision to negotiate a compromise that helped to avoid a divisive, race based election in 1998.

For a man who admitted in his maiden speech, ‘Never have I had a desire to enter this place,’ Senator Harradine has not been exactly quick about leaving it. As he stated then:

... I am a trade unionist; I have been a full time union official for over 17 years. That is my love; that was my life.

But God had other plans for the life of Brian. I hope that, when looking back, Senator Harradine can see that God was right: that here in the Senate there was a big job for him—a role that would enable him to champion the cause of the underprivileged from a more powerful position than that of a Tasmanian Trades and Labor Council secretary.

In Senator Harradine’s maiden speech he expressed the hope that his career move—or detour, as he described it—would be the ‘highway upon which I can advance the objectives of the people that I represent, namely, the people of Tasmania’. I believe that certainly came about. From the very first, Senator Harradine knew his bosses were the people of Tasmania, and he has always been ambitious for them. On his first day in parliament, in February 1976, he confidently assumed the chair of the Leader of the Opposition when Labor walked out on the Governor-General, Sir John Kerr. In his maiden speech, Senator Harradine foreshadowed an amendment to the address-in-reply motion based on the concerns about the smaller states.

He went into bat for Tasmanians at every opportunity. They should have given him the title of ‘Minister for Tasmania’. In my research into Senator Harradine in the years before I met him in this place, I found a
question without notice on medical rebates for babies which he asked the Minister for Health. In March 1981, Senator Harradine asked:

Can the Minister tell me why mothers of babies born in Tasmania receive medical benefits from the Federal Government of only $128, whereas babies born in New South Wales attract a Government subsidy of $195? In order to explain the $67 differential maybe the Minister, who comes from New South Wales, could take the Senate into his confidence and tell us why he believes that babies born in New South Wales are of such superior quality as to warrant such a differential? Alternatively, does the Minister consider that babies born in Tasmania are of some inferior quality?

Senator Peter Baume, representing the Minister for Health, replied in part:

...I can only point out to the honourable senator that babies born in New South Wales often grow up to be senators for Tasmania.

In 1978 Senator Harradine called for the establishment of an Australian coastguard. Naturally, he wanted the manufacture of the coastguard fleet to be carried out in Tasmania.

I fervently hope that Senator Harradine enjoys the tranquillity in his retirement which only comes from knowing that you have given everything, though it has taken so much. I also wish him freedom from the pain of recent illness so that he and his wife, Marian, and their hordes of grandchildren can enjoy a family life that has so often been sacrificed for others. I will miss you, my friend.

I would now like to pay tribute to some of the other people who are leaving us. I will start with the Labor Party. I for one find some of the people in the Labor Party quite friendly, nice and easy to get along with—not in the parliament here where it is boots and all but out in the food queues and the rooms of the airports where you form friendships and get along with people. I firstly pay tribute to Nick Bolkus, ALP senator for South Australia for 25 years. He is almost a 300-game player. He has been here a long time and is one of the few who have been here longer than I. When he was minister he was very helpful to me on several occasions in his various ministries. I can recall saying to him after he had done something special that I hoped that the church would pray for the Left.

Geoff Buckland has been here only a short time—from 2000 to 2005; a short-term senator. When you listened to Geoff’s speeches, you knew that he came from an ALP background. Even though he is going to become involved in a primary industry, I do not hold high prospects for him joining the National Party. I think that he will stay a true believer. I wish him all the best.

Jacinta Collins is a story in its own right. If ever there was a miscalculation—and let us be frank and kind about it—this is it. This is a woman who should never have lost her position in this parliament. She has been here since 1995. This was a preference deal that went absolutely haywire. Of all the people I am going to miss from the Labor side, I will miss Jacinta Collins most of all, because she was a great contributor to and supporter of conservative family values. She always knew her stuff and went to considerable efforts in her research. We worked closely together on issues like abortion, stem cells and euthanasia. It is a shame that she has to go. As I said before, it was one of those things that was completely miscalculated by the ALP hierarchy and she missed out on her position. I would like to see Senator Jacinta Collins return in a subsequent election because I think she has so much to offer.

Peter Cook and I came into the parliament at the same time. When Peter departs in a couple of days, he will be the last of the class
of 1983 for the Labor Party to leave the parliament. I have had a lot to do with Peter Cook over the passage of time, and I found him an overall nice guy. I will be left here as the only one of the class of 1983 to carry the baton.

Kay Denman is an ALP senator for Tasmania. I met her in the passage the other day and said that every time I had been past her recently she had muttered a number. I said to her, ‘What is that all about?’ And she said: ‘I am counting down. This is the 15th day’, then ‘This is the 14th day.’ It is getting very close now, Kay. I understand that when you leave here you will be working with disabled and disadvantaged people, and good luck to you as you retire down in beautiful Tasmania.

Democrats Senator John Cherry has now become the farmers’ friend, as he has joined the Queensland Farmers Federation as CEO. I think he will have to moderate his views on the environment a bit. He always did understand rural industries. I have no doubt that he will be lobbying me in the near future on all sorts of decisions he will want to go the farmers’ way.

Brian Greig, Democrats senator for WA, grew up on a cray boat in Western Australia. I think we have done battle on every possible front. He has led the charge for a different way of life. I oppose all his views and we have never agreed on anything, but I acknowledge that it takes all types to make a parliament and he presents a view different to mine. That broadens the outlook of parliament, but I certainly must stand up for my constituency as he has stood up for his. I wish him all the best as he leaves this place.

Senator Ridgeway from 1999 to 2005 carried the Indigenous debate for the Democrats, and I have found him to be a delightful person. I also wish him the best.

There are ironies in political life. I never fought anything harder in my life than One Nation. In fact, it took five years of my life to defeat One Nation. But I have to say this about Len Harris: when he gives his word, his word is his bond. We have negotiated on a few things, and he never, ever changed his mind and he always stuck to the position he negotiated. I wish him all the best too.

We come to the Liberal Party. Sue Knowles, the Liberal from Western Australia, is a very long-term senator, from 1984 to 2005: a 20-year term. She was the first female senator on the coalition side from WA in 23 years. We had many dealings with Sue when she was the Deputy Opposition Whip in the Senate and the shadow Minister for Multicultural Affairs. I wish her all the best.

Tsebin Tchen: if ever we have seen a good sport in this place, it is him. He is a man who has really shown a great deal of dignity in the position that he has found himself and in the loss of his Senate position. I think he has been an example to everyone. He has carried on in this place with a great deal of dignity in adversity. He is the only Chinese-born federal parliamentarian and I found him a great man and a gentleman. He represented the Chinese and ethnic communities well. He will be missed.

Senator Meg Lees was a South Australian senator from the Democrats from 1990 to 2002 and an Independent from 2002-05. There was a little exchange of interjections between Senator Lees and Senator Hill that did not go unnoticed by me, and I know exactly what they were speaking about. I say to Meg: all the best and I hope that you will have a happy retirement.

Anne Lynch will also be retiring after 32 years. That is a remarkable effort; I know that she has dedicated her 32 years in the Senate to a better parliament. She will now be going out, and I wish her a very happy
and long retirement. It is one of those sad times for a lot of people who are going. I know people like Kay Denman have been looking forward to retirement. I say to all those people who are leaving us that I wish them all the best and a happy retirement. God bless.

Senator DENMAN (Tasmania) (7.57 pm)—My arrival here was quite sudden and somewhat unanticipated. By contrast, my departure date has been planned and, according to Senator Evans, this was with his help. I am grateful to the Senate staff who have assisted me in counting down the days and also to Senator Boswell for helping me count down the days. I hope, as far as the Senate staff are concerned, it is not because they want to see the back of me.

I think that it is important to be able to know when your time has come. I decided quite a long period before the last election that I would not seek another term. Although my election to this place was not anticipated, I did arrive here with some fairly definite aims and objectives in mind. Then, as now, I was absolutely committed to the implementation of social justice and a more equitable society. Whilst there have been many improvements, this task still lies ahead of us. I came here with the aim of promoting cooperation and tolerance, along with access and equity, to enhance the dignity and rights of all in our society. I feel that there has been some success in this area.

In my first speech I predicted that two issues would increase in importance in the ensuing years: access to justice through the legal system and an enhanced community debate on medical ethics. Sadly, I believe that we have gone backwards in relation to the former. The provision of legal aid and support for community legal centres has diminished rather than increased. On the other hand, there has been much community debate on medical ethics issues, sadly often more emotional than informed. I said then, and I reiterate now, that we must be clear about our community priorities and more specific about what we want our health dollar to deliver. For me, there is a wealth of difference between adequate and universal provision of, for example, basic dental services for all and new technologies that might lead to the fountain of youth for a very select few. I hope that other senators remaining here and some who will join the Senate in our places will continue to take an interest in those areas. To some, many of these would be classed as unfashionable.

In relatively affluent times, we must not forget the many Australians who are not able to be more productive than they are now. With our quite appropriate emphasis on family we can tend to forget the feelings of loneliness and isolation that are experienced by many Australians who live alone and who are left alone upon the passing of a partner. The underprivileged, the disabled, those fighting incurable and insidious diseases and those trying to cope with uncertainties presented by mental health problems have been uppermost in my mind during my time here. The solutions to their problems are more often than not quite individual and sometimes not easily resolved by broad brush policies or programs.

Whilst I am more than ready to move on to the next phase of my life, I have one regret—that is, that I shall not be here to further the cause of those currently or yet to become afflicted by the horrible effects of mesothelioma and other asbestos related diseases. I grew up in Railton in Tasmania, where asbestos sheets were produced. My father worked in the asbestos factory, as did both my brothers during their university holidays. Sadly, many of those who worked in that factory have died or are dying of these diseases. Many of them were men that I went
to school with. To my knowledge, at this stage no women have died, but it was the men who worked amongst that stuff. I have gone to three funerals this year of people who have died of that desperate disease.

Additionally, only last week Tasmania lost one of its outstanding citizens to mesothelioma. Sam le Compte was Tasmania’s head rowing coach, a coach of world championship and Olympic medal winning crews. He nurtured young Tasmanians with rowing talent and developed our coaching ranks to the stage where our tiny state produced an incredibly high proportion of the Australian rowing team in Athens. But in a particular stage of his life he had been exposed to asbestos whilst working as a plumber in New Zealand. His life as a consequence has been cut tragically short. His life as a consequence has been cut tragically short. I am heartened by the fact that awareness levels seem high amongst my colleagues here and on all sides of the parliament. I go with the knowledge that there appears to be real and effective cross-party support to look after those who have been misfortunate and acquired an asbestos related disease.

In other respects, though, the future appears to pose many challenges. Even during my time here when we occupied the benches opposite it did not concern me that the government of the day did not have a majority in this chamber. I think it is an appropriate challenge for a government to have to convince more than its own that its legislation should pass. I noted with interest the advice offered to the government by Senator Harradine on this subject over the weekend. From 1 July, the Senate will be a different place. Quite apart from the fact that there will be 14 new faces scattered around the chamber, those on the government side will be in the majority. I hope that the Senate will continue to work just as hard in consideration of every piece of contentious legislation as it has done throughout my time here.

Only a couple of weeks ago there was, for me, a chilling example in my home area of what may follow for many Australians. The Greek owned ship, the Pontonostos, docked in Burnie—which is just along the coast from where I live—amid claims that its Filipino crew was owed back pay of more than $US80,000 and that some had been at sea non-stop for over 20 months. When attempts were made on the ground to redress the situation, the ship fled to sea. The possibility of being brought to account was too much, it seems, for that employer. I fear very much the repercussions of the planned deregulation of the labour market. To those opposite, I say beware—not of those employers who you believe would do the right thing but rather of the unscrupulous who will see your amendments as a godsend. They will exploit your changes, to the detriment not only of workers but of the competitiveness of the very employers you seek to represent. The Pontonostos should be an example to all of what some will do given the opportunity.

For me, perhaps the most challenging times in this chamber were those occasions on which we had a conscience vote. The principles of the great Australian Labor Party are such that often we have heated debate behind closed doors and we come up with a collective position on legislation. Before forming a final position one has the advantage, in those cases, of hearing not only the views of one’s colleagues but also the policies presented to the people at the previous election.

With conscience votes this is usually not the case. Wrestling with one’s own conscience while trying to broadly represent the views of one’s constituents is not an easy task. In the euthanasia debate, for instance, it was not until the very last moment that I
made up my mind. I was torn in many directions in that debate. In the end I supported euthanasia. It was more clear cut for me when it came to consideration of the stem cell legislation; I supported the legislation because I believed it was the right thing to do. To me, there were real benefits for society. Having had disabilities from birth and having passed on those disabilities to my daughter—I have made this point in my other speeches—it is important to me that people who are born with disabilities or develop disabilities during their lifetime have access to stem cell research if it is possibly going to help them, particularly people with diabetes, MS and those sorts of things that are going to be able to be helped by stem cell research.

As it happens, as I depart this place, the legislation is up for review. I trust that this process will be both considered and adequate. I hope that the outcome, at the very least, will be the maintenance of the current legislation and the support it provides for appropriate research using embryonic stem cells. I understand that there are important advances that can be made with respect to the limited research the legislation allows on therapeutic human cell cloning. Whilst there have been recent suggestions that adult stem cells can be used just as effectively, we should not consider halting the currently allowed research until we are absolutely certain that this is the case.

Enough of politics. During the week more than one of my colleagues asked me how I managed to remain tolerant during my time here. The answer probably lies in the fact that I never believe in playing the person. To me, it is the cause or the issue that is fundamental. I accept that there are others who may have, and are entitled to have, a different view. It is important that we respect that. It has therefore been my task to try and convince them as to where they are going wrong. It has been my privilege in the process to make many friends during my term as senator for Tasmania, including some here, of course, in Canberra. Many of those wonderful acquaintances have been the staff in this place, both those who have since retired and those who continue to serve us loyally and efficiently. To Bruce Greentree, who was at the transport desk when I came here, and who gave me lots of loyal support; to Michael and Ian who are at the transport desk now; to the many Comcar drivers whose smiles and good humour have been a wonderful tonic on many occasions; to Kate, Tim and the staff in the dining room; to Lorna and the chamber attendants; to the clerks and the staff in the Senate; and to the committee and Library staff for their knowledge, support and willingness to tackle even the most intricate issues, I express my appreciation.

I would like to thank two people in particular. One is Anne Lynch; I wish Anne every good luck in her retirement. The other is Rosemary Laing. I thank them both for their considered and wise advice. They assisted me during my period as Chair of the Senate Standing Committee on Senators’ Interests; when Anne went on leave Rosemary took over. They gave me wise advice, their friendship and assistance in helping me to find my way through a maze of parliamentary procedures. Again, I wish Anne every good luck in her retirement.

It has also been a pleasure to have been able to ignore the politics of the moment and build great friendships across factional divides on this side of the chamber—and we do have many factional divides on this side of the chamber—as well as with those who sit opposite in the chamber. In the latter respect, I want to thank Sue Knowles in particular. It has been great to have a colleague of another persuasion with whom politics was a no-go zone once we stepped outside the chamber. Sue and I have had many long
conversations in our time here and never once have we discussed politics nor political people, except Chris Evans.

Amongst my fellow valedictorians I would like to acknowledge Brian Harradine. Whilst there are many issues on which I would find it hard to imagine that two people could have more diverse views, I have never doubted Brian’s integrity or his commitment to reaching a fair and decent outcome, particularly for the people of Tasmania. Brian, I wish you well in your retirement. I met my colleague Peter Cook many years ago—in 1984, I think. Making his acquaintance has been a special and valuable experience. He and Nick Bolkus were significant ministers in the nation’s history, and other people have dwelt on those issues. I wish my colleagues Jacinta Collins and Geoff Buckland well in their new lives. My thanks to Chris Evans, George Campbell, former Leader of the Opposition in the Senate, John Faulkner, and their staff for their patience, flexibility and support—probably their staff more than them.

In closing, I need you all to know that I am taking my collection of witches and voodoo dolls back to Devonport. The original witches and voodoo dolls came from the former senator Jim McKiernan and his wife, Jackie. I really do not know how it happened, but it did. I now have quite a collection from many countries donated by friends on all sides of the chamber. I plan to take six months off and then launch myself back into those causes that are dearest to me. I trust that the dolls can take a holiday too.

Senator George Campbell—I hope so!

Senator DENMAN—George is worried!

A special thanks to the many Tasmanians who voted for me below the line in 1998. I did not solicit any of those votes but I am grateful for every one of them. I hope that another Senate election does not pass before the election of a full complement of Labor senators from Tasmania.

I would like to thank my staff, both past and present: Meryl, who has been with me for the entire journey; Richard, Bryan and Gloria, who were there at the beginning; then Matt, Paul and Sonia; and, finally, Amanda, Brian and Vicki, who, along with Meryl, will close the curtains in my office with me next week. Gosh, I was not going to cry. Amanda and Meryl have been particularly supportive during some difficult personal periods. I thank them most sincerely for that. Their liaison with constituents and community groups and their advice has been of the highest quality.

The life of a politician would be more difficult, if not impossible, if they did not have the support of family and friends. My son, Paul, my daughter, Janet, and her partner, Trevor, along with my nephew Clinton, have been great sources of support. I want to thank my friends, particularly those in Devonport, who have kept a watchful eye on my home during my frequent absences and who have always been available when I needed to unwind. I am very grateful to Gary Gray and Deb Walsh, who during their time in Canberra looked after me on Sunday nights and also to Wendy and Peter, who took over that onerous task from Deb and Gary.

Colleagues from Canberra, including Kate Lundy, Bob McMullan and Annette Ellis, have also been very supportive. I arrived here in Canberra just a short time after Chris Evans and Kim Carr, both of whom have always been a great support to me, particularly Chris, when he was Opposition Whip and I was Deputy Opposition Whip. This was where I first met and got to know Ruth Webber, and since then Ruth and I have enjoyed many overseas holidays together. I enjoyed a similar supportive relationship
with my fellow Tasmanian Kerry O’Brien, who took over the Opposition Whip job from Chris.

In closing, I would like to acknowledge and thank my colleagues here and the Tasmanian branch of the Australian Labor Party, who, along with friends in Tasmania, gave me the marvellous opportunity to serve in this place. It was a life experience that I had not coveted but now cherish. I wish my fellow valedicts—the 13 others who depart this place with me and John Tierney, who left us last month—happy experiences in the next steps in their lives. To those who remain, may you serve your constituents and all Australians in a manner which I and the witches would approve of. We will be watching!

Senator BUCKLAND (South Australia) (8.17 pm)—I gave an undertaking to wear my glasses tonight when I read my valedictory speech, so just bear with me while I find them. I have been accused of never wearing them when I was speaking and being vain, but that really was not the truth. I say from the outset that I am not unhappy to be leaving this place but, in saying that, I hasten to add that I will miss so many people here—people like the ushers and the Hansard folk I have got to know, the Comcar drivers, the security people and those providing the many services that senators get while they are here in Canberra. The committee secretariats and, of course, the clerks and their staff play such an important role in ensuring that our democracy is alive and well and that government functions so efficiently. These people all go to make Parliament House a very special environment in which to work. I add my best wishes, in particular, to Anne Lynch, who is retiring this week and thank her for the kindness and generosity that she has extended to me during my time here. I extend to her every good wish.

Of course, I will miss all my colleagues on this side of the chamber, and there are many on the crossbenches and the government benches that I have become friendly with through our committee work and travel together. I do not need to name these senators—in fact, it is probably better that I do not—but I am confident they all know who they are, and my good wishes are extended to them.

I will mention Senator Tchen, because I had the pleasure of travelling overseas with him on two occasions: once to New Zealand and once to Canada and the United States. This is not a travel monologue, as anyone who knows me at all well would know that I am not particularly attracted to overseas travel, but on the two occasions that I did have the opportunity I was fortunate to have the company of Senator Tchen. I trust our friendship and contact will continue well into the future, and I wish Senator Tchen and his family every happiness and success in all they do. It is just a shame his ideas on industrial relations are so wrong; otherwise, he is a really nice bloke whose party was blind to his genuine commitment to the electorate of Victoria.

While I am on the subject of travel—it is a bit of a travel monologue!—I should mention my great friend Senator John Hogg, as he too was on the Canada and US trip; in fact, he led the delegation. Of course, my association goes somewhat further with Senator Hogg, for I am one of those who turns up at the infamous ‘Hogg-a-rama’ each Tuesday night of sitting weeks. There have been many revolts, there have been attempted coups, there have been threatened boycotts, but each week a group of senators and their staff turn up for food and friendship at ‘Hogg-a-rama’—and, indeed, it is on here tonight. May that great institution continue and the friendships that develop flourish.
During my time here I have maintained a little black book, as I refer to it. It is a book of observances that I have kept for many years. It is a book that records people, the things they do, the things they say, the attitudes they display, the secrets they have shared with me and my private thoughts about them. My time here has given me much to record, but let me assure you my notes are not for general viewing but rather to help me compile a record of my life for my two sons, Josef and John. If things do not go really well in my future life, I might be around here looking to sell some of the contents!

I have been proud to represent South Australia and to have been given the opportunity to serve in this place. It is an honour and privilege that few get and one that should be cherished. Sadly, I have to say, though, that I have not been comfortable here. Call me a wimp or a shirker if you like, but I find it too difficult to be absent from my family for the long periods required. I admire those colleagues who are able to manage this. I think something people would not appreciate who have not been here is the sacrifices that families involved in a parliamentary life need to make. There is more to it than just saying, ‘It’s part of the job—if you want the job, you accept the conditions.’ It is a demand that few other jobs have.

I also want to do a number of things while I am still alive. I believe you cannot do them when you are dead, so I will do them while I am alive. I want to follow a childhood dream. To remain in the Senate would mean serving two masters and I am likely to fail both—and my wife too, I guess; I should add that in. The people of South Australia deserve better. To stay to secure a comfortable pension or to have the trappings of the office would quite frankly be cheating those who support the Labor Party and would go against the principles I have held for a very long time.

There are a number of senators leaving at this time as well as me and it is right that I recognise their contributions. I understand this is the largest single exit of senators at one particular time. Senator Tchen I have already mentioned. Senator Knowles I did not get to know really well as our paths really never crossed, but, on the few occasions I did get to talk with her, I detected a hidden charm behind the feisty exterior she displays on behalf of her constituents and party. I wish Sue well. Somehow I think there is more to come from her in another life. Thank you, Sue.

Senator Harris came in on the back of the Pauline Hanson phenomenon and, as I recall, by default. Hopefully the evils of Hansonism have gone forever. But I would just say that I wish Len well for the future. Senator Lees suffered the outcome of an electoral war largely of her own making. Let history be the judge. I wish her well with her book. Senator Cherry, as we know, has a life after the Senate. I want to wish him well in the next stage of his life. I have a feeling he will be knocking on the doors of politicians for some time to come.

**Senator Crossin**—You might be one of his constituents!

**Senator BUCKLAND**—No, I will not be, Senator Crossin—I can assure you that I have some principles! I say that with deference to you, Acting Deputy President Cherry. Senator Greig is someone I really had no dealings at all with, but he is one who, I have to say, has been a sincere advocate for social change and the rights of minority groups. He has served his constituency well. My best wishes go to him for the future. Senator Murphy is one of the senators I had little to do with, but I hope he finds plenty of time to pursue his interest in fishing.

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Chamber
Senator Harradine is someone who has always taken up the fight for the oppressed in our society. Being conscious of his history with the Labor Party but somewhat removed from the events, I am able to judge him for what I have observed and the work he has done. Words from me would be insufficient to adequately comment on Brian Harradine’s contribution to the Australian people. I wish Brian, his wife and extensive family great happiness and good health for the future.

I turn now to my colleagues on this side. It will not be as bad as the other night, I must say, for those who were there. Without doubt, Senator Collins has made a great contribution during her time here and no greater than during the ‘kids overboard’ inquiry. Jacinta has been a great friend to me and someone who could be relied upon for advice whenever asked. It is unlikely that we have seen the end of Jacinta in Australian political life. Senator Denman, who sits behind me here, has an amazing ability to relate to people from all walks of life. I have seen her mixing with a wide range of people, particularly during a visit we made to South Australia’s Upper Spencer Gulf. Kay has a skill with people that I wish I had. I have to say that Kay is the favourite senator of my wife, Angelika, and for me that says just about all. Kay simply is a beautiful person. The story goes that she is also somehow connected with witches, hence the unease I have sitting in front of her!

Senator Cook has been one of the great ministers in my time. Unlike most, I remember his contribution not in the trade portfolio but, rather, through his years in industrial relations. It will not be long before workers and industry leaders will be calling for him to help to repair the mess that the Howard government is about to make. Senator Nick Bolkus, a fellow South Australian, can be proud of his contribution to Australia’s political life. His knowledge and his ability to tackle the difficult issues have been noted on many occasions. His contribution to the community in the future is bound to be of significance.

As I leave the Senate, the world is a much different place than it was when I first arrived. That is not because of my contribution but because others have inflicted change that we simply did not, and likely could not, perceive. Events like the horrific attacks of September 11, 2001 and the Bali bombings, which stole the lives of so many Australians and other innocent and decent people from around the world, are etched in our minds and on our memories forever. There have been events like the collapse of Ansett, with the subsequent loss of jobs and hardship suffered by so many workers and their families. These things, as tragic and as senseless as they have been, are things that should not stop us from moving forward in our quest for a free and democratic world. They should not hold us back from providing equity, fairness and tolerance not only to our fellow Australians but to all those in need from around the world, despite their colour, nationality or religion.

But in that same short time that I have been here we have seen a dramatic change in the attitude and tolerance within Australian society, a change that has been let develop by an intolerant and weak Prime Minister. This is a Prime Minister who has allowed prejudice, racial intolerance and religious indifference fester and grow in our once tolerant and embracing community. There are two areas in particular where we can see this most clearly. Firstly, see and consider the manner in which we treat those poor souls seeking refuge. We lock them behind razor wire and electric fences and treat them like common criminals—or worse.

Secondly, there is the way we have allowed our relationship with our own Abo-
original people to deteriorate. All the work that was done to create an environment in which our community could integrate into a single society has been cast aside and this has set our race relations back by some 20 years. And so we are a society which now lives with prejudice, fear and intolerance. The Prime Minister must take the blame for allowing this environment to develop and exist. My greatest regret about being in the Senate is that my time has been served with John Howard as the Prime Minister, a Prime Minister who will not be remembered as a statesman but be judged by history to have failed his country.

It would be remiss of me not to mention my staff for their contribution to my office, especially in the area of immigration. Any success I might have been credited with must surely lie with them. They will be staying with my dear friend Senator elect Annette Hurley. I wish them well and I will miss them immensely. Mr President, I wish you, the Deputy President and all remaining senators my sincerest best wishes for the future. Thank you.

Senator FORSHAW (New South Wales) (8.32 pm)—Tonight we farewell 15 retiring senators. In the time that it is allotted to each of us it is impossible to say all that we would wish to say about each one of these people who have made such a great contribution to this parliament and to this chamber. Journalists and others have commented over the years that valedictories are really a time when politicians display a degree of hypocrisy. They say that we spend all the days in this place abusing each other, fighting each other and maybe stabbing each other in the back and then when our colleagues are leaving we find nice words to say. I do not subscribe to that cynical view.

Rather, despite the ideological differences, despite the policy differences, despite the disputes and the arguments that we may have had over the many years in this chamber—and indeed within our own parties—I think it is appropriate that on an occasion such as this we recognise the service and the contribution of all who have sat in this place and who are leaving us at the end of next week. They should be recognised and farewelled in an appropriate way. After all, we can always find good in our adversaries. Indeed, we all find much good and much to commend on this occasion in each of the departing senators.

I want to make a few comments about some of those who are leaving. Unfortunately, I cannot cover all of them. Firstly, on the government side—and I note she is in the chamber tonight—there is Senator Sue Knowles. I made some similar remarks at the estimates hearing last week. Senator Knowles will never forget the presentation made to her on that occasion. Senator Knowles is somebody who I have served with on many committees, particularly in the health and social policy areas. Senator Knowles, you have been a fierce debater; you have been an advocate for the government and for the views and policies that you believe in and that you support. As I said the other night, you have always demonstrated a deep understanding and knowledge of—indeed, an expertise in—those areas. Despite our differences on issues, you have always argued the case intellectually on the merits. As I said, I found it somewhat daunting at times to look up during the taking note of answers or when speaking to a report and see that you were following me with your remarks.

Senator Harradine: Brian, I am sure all of us could speak for hours about your contribution and your impact upon Australian political life and upon this chamber. When I was a very young person, I joined the Cronulla branch of the Labor Party and became
aware of Brian Harradine. My father, my family and many of our friends—as you would know—were on your side. There were many people in the Labor Party on your side. Many of us believed—and increasingly more people today believe—you were done a great wrong in what happened. You took that decision and turned that into an advantage for you, for the state of Tasmania and, indeed, for this Senate and for parliamentary democracy. You have an incredible legacy that will no doubt be written about. You stuck to your principles and you always argued your case with intellectual rigour. You did it with decency and with honesty. You were always polite and courteous. I have to say that you outlasted them all. Best wishes, Brian.

I turn to my Labor Party colleagues. I have discovered something in the last few days about Senator Buckland: he has an incredible sense of humour, an ironic sense of humour. I think we have seen another example of that tonight. He is, like me and Senator Collins, a member of the famous La Capana or Hogg-a-rama Club. I will not add anything more to what has already been said. We have always enjoyed those nights. I count Geoff as a great friend. He is a great unionist. I think he demonstrates to members on the other side that not all union officials or ex-union officials are ogres; they are actually decent human beings who have a great commitment to social justice. Geoff, I wish you all the best in your farming career. I am sure you picked up a lot of tips in those many hours you spent in rural and regional affairs estimates hearings.

I sat next to Senator Denman for many years. I regard Kay also as a close friend. I have delighted in her company, her wisdom and her friendship. We had opportunities, sitting on the back bench, to chat away, always listening to the debate with one ear but also discussing important issues such as euthanasia. I am particularly appreciative of Senator Denman’s commitment to people with disabilities and mental illness. She has a deep passion for supporting those people. She has faced her own challenges in health in recent years. I know that she will continue in the same determined way to make her mark in her future away from this place. I wish Kay all the best.

I turn now to my great friend Jacinta Collins. It is sad and unfortunate that Jacinta is leaving us too soon. Like me, she has had the tough job of trying to be re-elected from the No. 3 position. It was only a few votes that cost you the opportunity to serve once again in this chamber, Jacinta. I have great hopes that it will not be too long before we see you in the role of an ALP representative in a parliament somewhere in this country. In your short time here you have made an impact as a committee chair and as a shadow minister, particularly in children’s issues. You are not going off to join the petrified forest; you are going to make a great contribution to the Labor Party and our cause in the future.

There are two other retiring Labor members of many years service, one of whom is Senator Nick Bolkus. He has had 24 years service—an incredibly long time. He has given great service to the party and the parliament in both government and opposition over many years. He has served in many ministries, notably in immigration and multicultural affairs, and as the chair of the Senate Legal and Constitutional References Committee. I particularly recall the role he played in the development of the native title legislation. I am sure Nick is going to go on to develop an impressive career outside parliament. I wish him well.

Finally I turn to Senator Peter Cook. I have known Peter longer than any of the other senators that I have mentioned. I first met him back in the early eighties when he...
was Vice-President of the ACTU and Secretary of the Western Australian Trades and Labour Council. Peter showed then the same qualities that he has continued to demonstrate throughout his entire union and political career. He has a quiet patience. He is sometimes agitated to the point of outraged expression, but he always applies an intellectual rigour to every issue and every debate. He demonstrated a competence in management and administration, as I said, as Secretary of the Trades and Labour Council and as Vice-President of the ACTU. He then became one of Australia’s most successful trade ministers. I agree with Senator Buckland’s comments that Senator Cook’s role as Minister for Resources and Minister for Industrial Relations should not be forgotten. It was in that context, particularly, that I had a lot to do with Peter.

I wish Peter every success in his future years. I have enjoyed his company. He and I will remember the famous night when we ate the biggest steak in Australia, in Casino, when we were travelling through New South Wales. The waitress thought that you also had to serve Drambuie in the biggest glass you could find, so we had a rather good dinner that night. Peter has had a tremendous career serving the Labor Party, both in government and in opposition, and the parliament. I wish him good health, blue skies and fair seas.

To all the other senators I have not had the opportunity to mention by name I give my best wishes as they leave this place. They have served their parties, their constituents and this parliament well. And to you, Acting Deputy President Cherry, I extend those same wishes.

Senator STEPHENS (New South Wales) (8.43 pm)—We are marking a very important occasion here tonight. In my contribution to the valedictory statements I crave your indulgence and make some apologies to Homer:

I rise to bid a fond farewell to colleagues old and new,
To ponder what they’ve done and pay a compliment or two.
We recognise their efforts and the times that they’ve stood firm;
And honour their achievements and the good they’ve done long term.
In chamber and committee room they toiled with human zeal
Though few could see the godlike powers they did so well conceal.
I hope it brings a smile to fellow members of the laity
When I reveal (in verse, of course,) how each one is a deity.
Geoff Buckland was a steelworker, an old Whyalla man—
Our Vulcan, god of fiery words and a clever battle plan.
To help the weak he forged ahead, what strength was in his arm!
His sword becomes a ploughshare in his new life on the farm.
Len Harris is a champion of the now forlorn One Nation,
He’s another Simonides, of the famous Lamentation,
And although his panegyrics may not have been prolific
His work for his constituents has really been terrific.
Senator Aden Ridgeway is Helios, god of dreams:
He wants reconciliation, and for us to work in teams.
How oft has he astounded us—hirsute and in his glory—
With rural insights, and of course a gripping 'midwife' story.

Daedalus, god of labyrinths, is Senator Tsebin Tchen,

Precise and analytical, most courteous of men.

He brought his planning expertise to bear upon the Senate:

In Treaties he’s been known to study every clause and tenet.

Endymion is Brian Greig, as scholars here will know.

His superannuation work brought changes to the show.

Endymion is famous for his far-seeking quest—

Let’s hope that Brian finds his fate awaits him in the west.

Since ’93 Kay Denman’s been a veritable treasure.

A wily bird, not easily fooled, it’s hard to get her measure.

Compassionate and generous, she is our wise Minerva.

She’s going home to Tassie, where I hope that they deserve ‘er.

We believe the goddess Hera protects all married women.

If any man dares threaten them she’ll bravely tackle him ‘n’

The brave Jacinta Collins, as protector of the weak,

Is a Hera with a future, and a willingness to speak.

John Cherry’s name’s synonymous with wise Prometheus

An economist with a law degree, he’s sure to be of use

To struggling Queensland farmers—but let’s hope he won’t forget

Prometheus gave mortals fire—a deed he’d soon regret!

Our Artemis is Meg Lees, but instead of bow and arrow

She uses words to pierce her opposition to the marrow.

A nature lover armed with binoculars and thermos

She campaigns on behalf of all creatures pachydermous.

Artemis sealed the GST, and once that was cemented

The new taxation practices sent most of us demented.

She joined the Independents, took up higher education,

And in retirement she’ll pursue her history inspiration!

Aristaeus (the shepherd with the art of keeping bees)

Is Tasmanian Shayne Murphy, a man who loves his trees.

It’s hard to pull the wool over this old shearer’s eyes;

For his work on whistleblowers he should have won a prize.

Sue Knowles, as our Athena, goes fearless into battle.

Beware if you’re the one whose cage that she decides to rattle!

Her 20 years of service have strengthened our tradition:

Part warrior, part woman ... that’s the ideal politician!

Nick Bolkus is Odysseus, a traveller far and wide.

Since ’81 he’s taken a huge workload in his stride.

His law and justice efforts helped to build our reputation
And our standing on the global stage of reconciliation.

Odysseus works tirelessly; he’s our own Trojan hero.

His raffles are quite legendary; his looks, a touch ... ‘de nero’.

He stuck to multicultural beliefs through thin and thick,

That’s why I think Odysseus should be re-named ... Eth-Nick!

Peter Cook is Neptune, at home in choppy seas.

As minister for shipping he had so much expertise!

For 20 years he’s kept his cool while troubled waters swirled,

And built his reputation as he travelled round the world.

Another reason why we call him Neptune, or Poseidon,

Is that, just like the tides, he’s proved that he can be relied on.

To dig up sunken treasure for the Senate to examine ...

And then there is his full name, which is Peter, Francis, Salmon!

Triumph came to Neptune in that maritime disaster:

At sifting through the evidence he proved he was a master.

The god who steered that fearless course has bought himself a boat.

We salute him as he sails away to balmy seas remote!

And, finally, it’s time to say farewell to Hercules

Who’s laboured over 30 years and never took his ease.

The work was sometimes dirty, but whenever he was able

He metaphorically shovelled out our own Augean stable.

He’d smile at how I’ve just avoided mentioning manure.

He always prefers clarity to anything obscure:

Indeed, he calls a spade a spade and shuns all sham exotica,

Despising euphemisms like ‘sex worker’ or ‘erotica’.

Like Hercules, Brian Harradine was willing to descend

Unarmed into the underworld, our wretched ways to mend.

He fought the beast undaunted ’til he brought it to submission,

And still he’s working hard to save our nation from perdition.

When Brian came to Old Parliament House in 1975

The work was very ‘hands-on’ in that buzzing little hive.

Long hours in the Library, until by small degrees

His office was transformed by fax machines and power PCs.

In this new house with all its aids, his work pace didn’t slacken:

He rolled his sleeves up higher, and once again got crackin’.

He disregarded critics (though he knew there would be strife)

When he took a moral stance on bills that threatened human life.

He briefly held the balance of power in one Herculean hand

But he did so very humbly, he never acted grand.

His summary of those heady days in my book passes muster:
He laughed and said he’d gone from rooster to a feather duster.

Brian’s travels took him far and wide—from Ireland to Albania

And we wish him well in his retirement back home in Tasmania.

But even as I take this time to pay him our respects

I wonder just what Hercules will choose to tackle next!

And so it is with great esteem we bring our commendation

For service given to this place and service to the nation.

Our deities will take their leave and enter into history

Ensuring that what’s left unsaid remains ... each party’s mystery.

Senator MINCHIN (South Australia—Minister for Finance and Administration) (8.51 pm)—I lack entirely the poetic flair of the previous speaker, so I will labour on without such eloquence. I would like to take this opportunity to speak briefly about the Liberals who are retiring, the South Australians who are retiring and, of course, the great and respected father of this house. Unfortunately, I cannot speak about all of those who are retiring in this remarkable phenomenon of 20 per cent of the Senate going.

I want to particularly acknowledge the great contribution of my Liberal colleagues Sue Knowles and Tsebin Tchen. The Prime Minister was his usual eloquent best this morning in our party room, when he said all that I would want to say in his generous remarks about Sue and Tsebin. It has been a privilege for me to work with both of them as part of the coalition Senate team. Sue and I have not always agreed on everything in life and, certainly in my ministerial role, it has brought me into some interesting discussions with Sue. She is a remarkably strong, forthright and articulate advocate of her causes, a great representative of the great state of Western Australia and will be sadly missed.

Regrettably, Tsebin has not been here long enough for all of us to get to know him. We do know him to be a thoroughly decent human being and one that we all wish could stay with us longer. As Deputy Leader of the Government in the Senate, I want to thank Sue and Tsebin for the tremendous contribution they have made to our party and to the parliament, particularly Sue over the many years that she has been here. We wish them both well in their post-parliamentary lives.

I now refer to the South Australian senators leaving this chamber. First and foremost, we represent our states, and I think that is significant. I am genuinely sorry to see Meg Lees leave this chamber. With due respect to Senator Buckland, I would much prefer Senator Lees to have remained in the chamber and not to have lost her seat to the Labor Party, but it was always going to be difficult for her to win her seat without lower house candidates to support her campaign. I had to make that point to her. She is a highly respected legislator who will be missed.

We on the government side particularly value her courage and sense of the national interest in providing support, albeit conditional, for our major reform of taxation. It was extremely difficult for her, but she acted in the national interest and I think has rightly earned her place in Australian political history for making possible what was tremendously important tax reform. I will come to Senator Harradine, but I know that was a very difficult issue for him. We are eternally grateful to Senator Lees for her courage and we wish her all the best for a very happy and productive life after politics.

I want to extend my best wishes to the two South Australian Labor senators leaving us:
Senator Buckland and Senator Bolkus. I regret that I do not know Senator Buckland well, but he shares with me the distinction of being a South Australian senator who was born in Sydney. Like me, he saw the light and moved to South Australia and has not regretted it. I do not think anyone could say a bad word about Senator Buckland. Senator Buckland is highly regarded as a very decent human being and we wish him well.

Unlike Senator Buckland, bad words have been known to be said about Senator Bolkus, but I want to say only kind words tonight. By any measure, Senator Bolkus has been a very successful South Australian Labor senator and I personally commend him on his enormous contribution to his party. He is a highly respected and effective opponent and he should be proud of what he has been able to achieve. He and I have a very special bond: we represented the opposition and the government, respectively, in the longest and most complex debate ever to occur in this chamber's 105-year history. I refer, of course, to the debate on the government's amendments to the Native Title Act. Senator Bolkus was a very formidable advocate of his party's obviously flawed position on our proposed amendments in that debate, but, together with Senator Harradine, in 1997 Senator Bolkus and I spent a record 105 hours and 56 minutes in this room debating the native title amendment bills Nos. 1 and 2. I think that record will stand for a very long time. God forbid that there should ever be another debate as long as that.

Senator Bolkus is a pretty tough opponent. He gave Senator Ferris and me a particularly hard time. When I came into the Senate, I employed Senator Ferris on my staff of parliamentary secretaries when she was a senator-elect, which Senator Bolkus chose to turn into a constitutional crisis that caused great anxiety to all of us, but he was smart enough to make life very difficult for us, and that is a tribute to him. I wish him every success in his post-parliamentary life.

In conclusion, that brings me to Senator Brian Harradine, who I am pleased is in the chamber tonight. I developed an enormous respect for Senator Harradine during that extraordinary debate on native title. Senator Bolkus and I at least had the advantage of having legal training, as qualified solicitors, but I certainly—and I suspect Senator Bolkus also—found the native title issues the most difficult and complex issues that I have ever dealt with. They were extremely difficult to remain on top of. Senator Harradine found himself in a position he did not want to be in: the unenviable position of effectively being judge and jury of our proposed amendments, given the Labor Party's trenchant opposition. It placed Senator Harradine in that invidious position. I would have to say that his determination and capacity to grasp the detail and achieve his own objectives in that very difficult debate were admirable.

While the government, as is the nature of this place, up until this point at least, had to compromise to achieve an outcome, I am eternally grateful to Senator Harradine for the real improvements we were able to make to the operation of the native title system, which resulted from his very measured, very sober and extraordinarily diligent attention to detail, and the judgment that he brought to bear in that debate. More generally, I really do have a deep and abiding respect for Senator Harradine's fundamental conviction on the great moral issues of our time. Of course, that is what Senator Harradine spoke about in his speech tonight. It was a very moving and important speech.

I was honoured to join him in debating the great issues that have come before the parliament in my 12 years here, including issues such as euthanasia and embryonic stem cell
research. While I do not share Senator Harradine’s Catholic faith, I do share his profound respect for the sanctity of human life, which guides him so strongly in his attitude to these issues and from which I have learnt much and which informed my views on those very significant conscience issues when I was privileged and proud to vote with him on the proposals before this chamber.

He has been a truly remarkable senator and he has had a truly remarkable Senate career. I was in my fourth year at the Australian National University when Senator Harradine was elected in 1975. I was aware of his election then and to have shared this chamber for the last 12 years with someone who will live for a very long time in the annals of Australian political history is a deep privilege and to have shared the privilege of participating in the extraordinary debate on native title will be a hallmark of my career. Senator Harradine, I thank you from the bottom of my heart for all that you have done and all that you have achieved and I wish you every success in the rest of your career and life.

Senator ELLISON (Western Australia—Minister for Justice and Customs) (9.00 pm)—This week we see the departure of what one could term a record number of senators and tonight I want to say something about three of the senators who are leaving. I might add that I know the three of them in different ways and they have served the Senate for different lengths of time. Senator Brian Harradine from Tasmania leaves after 30 years of distinguished service as a senator for that state. Indeed, during his time here, Senator Harradine has been a fierce advocate not only for his state but also for those Christian values which he holds so strongly. Although a former trade unionist, Senator Harradine has been fiercely independent and has also always exercised his judgment on what he believed were the merits of the case. One has only to look at Senator Harradine’s first speech, when he spoke about the threat of communism and totalitarianism and the threat it posed then to the labour movement which he represented so well, and it took some courage to say that in that environment 30 years ago. At that time, I think I was but a student, backpacking in Europe.

Senator Harradine has demonstrated his independence of judgment on many occasions, something that I, as a minister in the Howard government, have respected when trying to negotiate legislation through the Senate. In fact, on many occasions in the committee stage I have seen Senator Harradine reserve his decision until he had heard the debate and not make a decision until he had judged the merits of the debate. I might say that there were occasions when I lost, but he certainly gave me a fair hearing—and there were occasions when I think I won a couple as well. But, in all cases, Senator Harradine judged the case on its merits. Tasmania is very lucky indeed to have had such a representative during that time and, even in his valedictory speech, we see the same principles announced as Senator Harradine announced in his first speech.

Brian, you have made a great contribution to the parliament of Australia. It has been a privilege to have known you during my time here as a senator. You are a great Australian. I wish you and your wife, Marian, and your family all the very best for the future, and please stay interested in the politics of this country.

Another senator who departs is Senator Tsebin Tchen, who has represented Victoria in this chamber for the last six years. As a Liberal senator of Chinese descent, Senator Tsebin Tchen’s presence in this place marked a milestone for the Liberal Party, and he has made a considerable contribution to the Senate. During his time here, he served as Chair
of the Regulations and Ordinances Committee and carried that job out with distinction. It is an important Senate committee and one which is often overlooked. It has been a great pleasure to work with Tsebin. He is a thorough gentleman. I think that there is still a lot more that he can do to contribute to the Australian community in the future, and I wish him and his family all the very best for the future.

Finally, I wish to farewell my good friend and colleague Senator Sue Knowles from Western Australia. Senator Knowles has represented Western Australia in the Senate for 21 years. I first met Senator Knowles a long time ago—and almost a galaxy far away, as the saying goes. It was when we were both Young Liberals, and I know that Senator Ian Campbell was also involved at the time. Without going into too much detail—and I think it best I do not—I remember one story which was folklore in the Young Liberal Movement of Western Australia and it related to the formation of the City Beach branch of the Young Liberals, of which Senator Knowles was the founding president. A number of people were opposed to the formation of the branch, as they did not believe that there would be the numbers to sustain it or sufficient interest for young people to join. Senator Knowles thought that, if someone of high distinction could be persuaded to become the patron of the branch, it might convince the party hierarchy that this young bunch of people were serious. After a long brainstorming session, it was decided that they would aim high and approach Sir Billy Snedden—the then Speaker of the House of Representatives—to become patron. No-one for a moment believed that he would agree. But he had met Senator Knowles at some earlier functions and, with her usual tenacity, she convinced him to become patron and he accepted the invitation with great enthusiasm and from thereon visited Western Australia on several occasions and attended functions of the Young Liberal Movement. I remember that I first met Sir Billy Snedden at one of those functions. That is an example of the tenacity of Senator Knowles and the way in which she has approached matters, and we have seen that tenacity demonstrated in this chamber on many occasions.

Of course, back in 1977 Senator Knowles was President of the Young Liberal Movement. That contribution to the WA division of the Liberal Party was unmitting and it carried on over a long period and that fact was recognised on several occasions this week by the Prime Minister and the Treasurer. The Prime Minister also recognised, quite appropriately, the long contribution that Senator Knowles has made in this chamber and also to Senate committees.

A number of vital issues have been championed by her in the area of community services and health and, of course, medical care was the subject that Senator Knowles addressed in her first speech some 20 years ago. The question of choice in relation to health cover was addressed then—a very relevant subject today—and some of the aspects of her speech then obviously stayed with her in her commitment to the various issues that she has pursued and, more recently, as the Chair of the Senate Community Affairs Legislation Committee. Of course, one should not forget that she also served as a shadow minister and Deputy Opposition Whip and has perhaps taken the most active interest in Senate practice and procedure that I have seen whilst I have been here during the last 12 years.

It has been great working with Senator Knowles as a colleague from Western Australia. I know that Senator Ian Campbell, who is not here—he is overseas on parliamentary business and is unable to make a speech tonight—joins with me in saying so.
It has been great to work with Senator Knowles, and we wish her all the very best for her future. Hopefully, that future will allow her a bit more time to play some tennis. She has certainly earned that extra time in the pursuit of a sport which is very dear to her.

I wish those other senators who are departing well. Two Western Australian senators are departing—Senator Peter Cook and Senator Brian Greig. I wish them well in their future endeavours and acknowledge the contribution that they have made to the Senate. This is indeed a milestone for the Senate. It is perhaps one of the greatest changeovers we have seen in the post-war period. No doubt we will see some great ideas coming in with new senators, but they will have to fill some pretty big shoes that people have left.

Senator KEMP (Victoria—Minister for the Arts and Sport) (9.09 pm)—I rise to farewell a very large number of senators. I want to mention four senators in particular: first of all, my two colleagues who are leaving, and then Senator Brian Harradine and Senator Peter Cook. Senator Susan Knowles would not remember this, but in my first weeks in the chamber she came up and gave me some very firm advice. I will not repeat that advice today, because it would cause me acute embarrassment, but I do want Senator Knowles to note that I did take her advice. Senator Knowles’s frankness has marked all of her career, and I received my fair share of it very early on in my senatorial career.

Senator Knowles is a very passionate person. When you read Senator Knowles’s first speech, which was referred to by my colleague Senator Ellison, it is very clear that Senator Knowles is a person of very strong values. I would have to say that Senator Knowles is a classical Liberal. Senator Ellison mentioned that the issue of choice marked some elements of Senator Knowles’s first speech, as did the discussion of values. There was a very strong patriotic element in that speech, too. Like many, Senator Knowles warned us about continued Soviet expansionism. How long ago that now seems, but I am old enough to remember that issue as a very real one. Senator Knowles has made a significant contribution to debates in this chamber. It is true that after question time, when people are taking note of answers to questions, all of us would very much like to have Senator Knowles on our list. I, for one, was always comforted when Senator Knowles was there to very ably and forcefully defend the government.

On a more personal note, in my current role as Minister for the Arts and Sport I have been struck by the number of occasions on which I have received emails from groups whose functions I have asked Senator Knowles to represent me at. Ministers cannot accept all of the invitations they receive, and I have been able to ask Senator Knowles to attend a number of occasions on my behalf. I have received fulsome responses from people about Senator Knowles’s performance at those particular occasions. When you receive one you might think it is an oddity, but when you receive three or four you start to think, ‘Senator Knowles is truly making a significant contribution.’ It is not the major part of Senator Knowles’s career, but it helps complete the picture of a very principled, forceful and passionate person—a person who is a true Liberal and has been very proud to defend the government, often on very difficult occasions. I, for one, would like to express my appreciation for the efforts that she has made.

To be quite frank, in a sense the phrase ‘quiet achiever’ applies to Senator Tsebin Tchen. He has been a tireless worker; sometimes that work has not been fully recognised by many people. But as I have gone around
the community I have noted how often Sena-
tor Tsebin Tchen has preceded me or has been about to follow me in terms of particu-
lar groups that I have been dealing with. He has made a very important contribution to our party. It happens to all of us—sometimes careers peter out and sometimes they are ended rather sharply, sometimes by choice and sometimes by other forces. I must say that the manner of Senator Tchen’s going is typical of the man. It is a measure of the man in that he went for preselection, was defeated in that preselection and took it on the chin. Many of us will not know how we would cope with that until the time arises, but Senator Tsebin Tchen has set a wonderful example. I want to pay tribute to Senator Tsebin Tchen, a friend of mine, for the work that he has done on behalf of our party, for the commitment he has shown to the values of the party and for the work that he has done, particularly amongst ethnic communities. He has made a significant contribution to this chamber.

Senator Brian Harradine, there is a book called the Power of One. If anyone in this chamber has demonstrated that Bryce Courtney phrase ‘the power of one’, it is you, Senator Harradine. When I think about you, Senator Harradine, what words come to mind? Your modesty and your courtesy are obvious to us all. On the other hand, you are man of enormous courage and a man of great principle. You are a man who understands politics and, as a result, you have been very effective. For a single person in this cham-
ber, without a party machine behind him and without the battalions that you can roll out on any issue, to have achieved what you have achieved is remarkable. When people come into the Senate, the Harradine example is one which I believe many will look at.

Reflecting on your time here, Senator Harradine, I was interested to note how much you have achieved not only in often changing the nature of the debate but also by making sure that you were somehow able to use your position, particularly in those bal-
ance of power days, to ensure that the issues that you thought were important were ad-
dressed by the government. I congratulate you for that. I have to say to you, Senator Harradine, that one of the disappointments in my political career was brought about by you. I do not know whether you can remem-
ber this, but I was the senator running the goods and services tax debate in this cham-
ber and, following negotiations that you had had with the Treasurer and the Prime Minis-
ter, you came in here and informed me of your position. I think those who were watch-
ing the TV screens at the time noted how my shoulders dropped dramatically—I think I aged about five years—as you told me the news of what you planned to do. That is not my fondest memory of you, Senator Harradine, but it again reflected the fact that you were a player and a forceful advocate for the things that you believed in. From my point of view, that sets a very interesting example.

We have had two quite stark approaches to what you do if you hold the balance of power in this chamber. We have had the Harradine approach—and, really, Meg Lees had a simi-
lar approach—where you talk to the gov-
ernment. You would not always succeed, Senator Harradine—and, on the other hand, we would not always succeed—but you were in there talking to the government all the time. I think that is what, in the end, enabled this chamber to function. As a result of those talks, you—quite properly, I think—were able to achieve many of the things that were priorities on your agenda. You did not achieve all of them, but nonetheless you were able to make a significant contribution.

The Greens, with the power of two, achieved far less than Senator Harradine with the power of one. Why was that? The truth is that we could never talk at any great
length to the Greens—Senator Bob Brown and his colleague. Senator Harradine, when the people of your state say, ‘What did we receive out of all these discussions? Which was the right approach—the Harradine approach or the Brown approach?’ I think, to be quite frank, the votes would be on your side, Senator Harradine. That is because you engaged with the political process, you understood the process and you were interested in outcomes. At the end of the day, we in politics think we are doing pretty well if we achieve about 50 per cent to 60 per cent of what we are seeking. We want to achieve more, but we have to accept reality.

Senator Harradine, I think you have played a very significant role in this chamber. I have not agreed with everything you have done—though I have agreed with a number of things—but I have admired your huge commitment to principle and your great capacity to express those principles in debate. As a minister, there are always a couple of people you worry about when they ask you a question—and, let me tell you, Senator Harradine was always one. I always knew that there would be some issue that Senator Harradine would go straight to the heart of—and, frankly, you would have a nose as to whether or not you were being responded to sensibly.

Senator Harradine, your long years in the Senate have been very worth while. I think the Labor Party made a very bad choice when it decided by nine votes to eight that you were no longer welcome in the halls of the Labor Party. It was a big loss to the Labor Party but, in a funny way, it was a big gain to the Senate—and I congratulate you, Senator Harradine.

I would like briefly to mention Senator Cook. Senator Cook has probably asked me more questions than any other person in this chamber. I wish Senator Cook and all the senators who are leaving all the best for the future. (Time expired)

Senator EGGLESTON (Western Australia) (9.20 pm)—I also rise to wish well some of my colleagues who are retiring and to reflect on the contributions that they have made to the Senate. First of all, of course, I would like to mention my longstanding colleague from Western Australia Senator Sue Knowles. She and I were both state vice-presidents of the Western Australian Liberal Party organisation many years ago. Sue, as has been said, was the President of the Young Liberal Movement in Western Australia before she was a state vice-president.

I well remember Sue’s preselection. She defeated a former minister in the government of Sir Charles Court and the state council of the Liberal Party decided to send this bright, articulate and highly principled young woman to Canberra to stir them up and present a strong case for the matters which interested Western Australia within the federal sphere. Of course, that is exactly what Sue Knowles has done. She is a strong and articulate person and she has always held strong views. She has done a great job and made a great contribution to the Senate, especially in the committee system through her chairmanship of the Senate Community Affairs Legislation Committee, which of course covers health and social security issues. Health, in particular, has always been an interest of Sue’s. She did a very good job chairing that committee and has contributed well to the many investigations in which she has been involved. I was on the Senate Community Affairs Legislation Committee when I first came to Canberra and I shared with Sue an interest in health issues. So I feel that my remarks about Sue’s role on that committee are quite valid, as a professional observer of her interest.
The other committee I served on with Sue was the Standing Committee of Privileges, of which she was the deputy chair. The privileges committee is a very important committee within the Senate and, in her role as deputy chair, Sue expressed a great respect for the institution of the Senate. I think she is a senator who really respects the institution of the Senate more than most. Sue has always been renowned for her sense of humour and what have been known as ‘Knowlesisms’, such as ‘beating somebody across the head with a wet lettuce leaf’ and ‘somebody not being the brightest globe in the bunch’. I was always amused by Knowlesisms and wondered where they came from. One day, when I was being taken to the airport, a Comcar driver in Perth came out with very similar expressions. I said, ‘We in the Senate call these expressions Knowlesisms,’ and he said: ‘Well, there is reason why she and I use the same little comments about situations and people: we used to work together.’ He said that he and Sue developed these expressions during the time they worked together for, I think, a business machine company in Perth. Sue, you have made a great contribution to the Senate which will be long remembered, and I certainly wish you well in your retirement.

The other person I would like to particularly speak about is Senator Tchen, who has been a member of the Senate Environment, Communications, Information Technology and the Arts Legislation Committee, which I chair, in the time that he has been here. Senator Tchen has always made a great contribution to the committee system of the Senate. He has always asked questions with a slightly different perspective on issues and certainly has caused witnesses to think about the kinds of replies they might give to his questions. Senator Tchen came from a diplomatic family: his father was a diplomat for the nationalist Chinese government. I think that background shows in Bin Tchen’s polite and thoughtful approach to people and the considered and dignified way in which he has conducted himself in the Senate. I believe that Senator Tchen was treated a little bit unjustly by the preselectors in the Victorian Liberal Party. I think it is important that people such as Senator Tchen, representing ethnic communities, should be here in the Senate. I wish him well in his future and again state that I think he has done a good job in the time he has been here.

I would also like to mention Senator Harradine. As has been said, Senator Harradine is a man of great principle. He has great religious principles and, as an old Labor man, he has traditional Labor values. He has applied those values to the issues that have confronted him in the Senate. In my experience Senator Harradine has always had considered views, and when he had the balance of power in the Senate he used it very wisely. As Senator Kemp said, he always sought to achieve reasonable outcomes in exercising the balance of power when he held it. I have always found Brian Harradine to be a very pleasant man. I have sat with him more than once—several times, in fact, on aircraft—and had long chats with him about various issues outside politics. He certainly has made a unique contribution in the very long time he has been in the Senate, and I wish him well in his retirement.

Len Harris is another person I would like to mention. When Senator Harris first came to the Senate I had the feeling I had met him somewhere before, and in fact I had, when he was representing small prospectors of Queensland and had come to see me several years before he came into the Senate. He came to see me because I came from the Pilbara, where a number of people were also small prospectors, people such as Denis O’Meara. I put Len Harris in contact with some of the small prospectors in the north of
Western Australia, and together I think they solved some problems relating to the businesses they were in. I suppose there was some speculation when Mr Harris came here about what kind of contribution he would make. On the whole he has always had considered judgments and I think he has always sought to serve Australia well in the decisions he has made.

I would also like to mention the Democrats’ Meg Lees, who I think made a great contribution as leader of debate in the Senate. My limited experience with her on a few committees was that she was always a wise and sensible voice on Senate committees. I would like to mention Brian Greig and Aden Ridgeway, who are both retiring also. Both were here as symbols of minorities, and I think they both represented their minorities well: in the case of Brian Greig, the gay community; and in the case of Aden Ridgeway, the Indigenous community of Australia.

There are two ALP senators I would like to mention: Peter Cook and Nick Bolkus. I recognise them both as distinguished ALP senators who made a significant contribution to the Senate and, in fact, to the government of Australia. Peter Cook is a Western Australian and, for that reason, we Western Australians are very proud to have had him as the minister for trade of this country. I feel that both of these people deserve respect for the contribution they made to the Senate.

Lastly, I would like to mention Anne Lynch, who was the Deputy Clerk of the Senate and with whom I served on the privileges committee. I think Anne made an outstanding contribution to the affairs of the Senate and her respect for the Senate as an institution was unparalleled in the time that I was involved in the Senate privileges committee. I certainly wish Anne Lynch well in her retirement.

Senator COLBECK (Tasmania—Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry) (9.30 pm)—I have only had the privilege of being here for a relatively short time, but there are certainly some people that I would like to recognise in my contribution here tonight. The first of those is Senator Knowles. While I have not had the privilege of working with her specifically on committee work or other particular issues, Sue has always been someone that I have had confidence that I could go and have a quiet chat with or ask for some considered advice. I took the opportunity to do that on a number of occasions. Whenever I approached Sue in that respect, she provided me with very good and sound advice.

Even on occasions when she saw that perhaps I was not on the right path or not approaching something in a way that she saw as within the protocols, she would come up to me quietly and say, ‘Richard, this is the way that you ought to be approaching this,’ or, ‘Do something in this particular way.’ Sue, thank you very much for the very sound advice and assistance that you have given me, although on a great number of occasions it has not been taken up.

It is extremely comforting to know that there is someone you can go and have a quiet chat to when you need to. That is one of the very special things about this place—its collegiate nature. To have colleagues such as Sue whom I know I can go and have a chat with and get some extremely good and sound advice from is something that have I valued enormously. From my perspective, although I have not worked directly with Sue, I will certainly miss her, and I know that others in this place will too. Thanks very much, Sue.

Secondly, I want to recognise Tsebin Tchen. I suppose the best way that I could describe him is as a really gentle bloke. He is a lovely-natured gentleman who, in my view,
has really added something to this place. Again, I have only known him for three years, but he always went about his business in a no-fuss manner. He did the job and he did his best, and he had a passion for his constituents, the state that he represented and his country. I do not think that you could ask much more of any representative in this place.

When Tsebin lost his preselection, he accepted it with enormous grace. He was extremely philosophical about the events surrounding his preselection. From my perspective, the way that he conducted himself through that process and beyond, right up to the time that his term was completed, is an example to us all. I extend my very best wishes to Tsebin and his family for whatever the future after the Senate brings to them. I am sure it will be positive. A gentle bloke such as Tsebin deserves that, and I am sure it will be achieved.

I would like to make particular reference to a fellow Tasmanian who, at the end of a long and distinguished career in this place, has built for himself, and certainly deserves, a very special place in political history. Not too many people in any place in Australian politics leave a political party and then go on to forge a long and distinguished career as an Independent. It is extremely rare that someone can survive the next election after leaving a political party, let alone go on to forge a career that lasts for years and in the long-term make themselves a special character within the Australian political landscape and leave a legacy as a special character in Australian political history. I am talking about Senator Harradine.

He has managed to maintain his support levels in Tasmania over a number of elections. His place and his position on a ticket have been discussed over a number of elections in the state. The impact of his vote at the last election was considered very strongly and I presume it still will be into the future. He has made an extraordinary number of achievements for his home state. I know that in Tasmania, although we might begrudge it a little bit sometimes, there is very strong recognition that he has done an enormous amount of work for Tasmania.

He has stuck to his principles and he has been prepared to negotiate with the government. To be honest, I am not sure how he managed at times when he was holding the balance of power and had enormous pressure on him from all sides to make decisions that were not only significant for Tasmania but for the future of this country. To have the capacity to deal with those things and to soak up the pressure that he did as the member in this place holding the balance of power is a great testament to Senator Harradine and gives a great demonstration of his character.

To leave a party and cement a place in history, as Senator Harradine has done, is certainly a great achievement. Without question he is an institution in Tasmanian politics. The concern that was expressed throughout Tasmania for his health earlier this year was quite extraordinary. His recognition factor and the respect in which he is held in the community is something that I think most politicians can only aspire to. He is very highly regarded. He has always had the best interests of the state at heart. I wish Brian all the very best in health and into the future in his retirement. I know that he will continue to be a significant figure within the state of Tasmania.

I would also like to make mention of another Tasmanian colleague, Senator Kay Denman. Kay and I go back a long way. Kay actually taught my eldest daughter, Carmen, when she was in primary school; I am not sure that Kay would like to be reminded of that. I can remember sitting around the staff
room at Miandetta Primary School parents and friends association meetings discussing issues related to the school with Kay when I was on the P&F board and she was a teacher representative. She then went to work for Michael Field when he became premier of Tasmania and then, of course, she came into the Senate. Although we did not interact a great deal, we had a couple of very convivial conversations on aircraft travelling to and from Tasmania on the odd occasion, and perhaps we had a slightly chilly relationship for a period of time before I came to this place, Kay was someone who, on a couple of occasions, gave me some advice that she really did not need to provide, and I certainly would like to put my appreciation of that on the public record. It was just a quiet phone call to suggest that a certain approach might be appropriate. As a member of the opposition, but demonstrating the collegiate nature of this place, Kay was prepared to give me a phone call and say, ‘Richard, trot down this track’ and to make sure things were okay. Again, thank you for that, Kay. I wish you all the very best in your retirement as well.

I would also like to recognise three members of the Senate Rural and Regional Affairs and Transport References and Legislation Committees that I worked with. Senator John Cherry from Queensland I found myself agreeing with on quite a few occasions as we went through different committee inquiries. I found it a real pleasure to work with John, a real gentleman. I suppose in the portfolio that I have, with him moving to the Queensland Farmers Federation, there is going to be opportunity for more interaction. It will be interesting to see how his views and representations come forward from that organisation. It is always very difficult to leave this place, and I am glad he has found himself a position that suits his skills. I look forward to further interaction with him.

Geoff Buckland and I perhaps did not always agree, although I can recall an occasion when we both got stuck into Meat and Livestock Australia over compulsory levies. Geoff and I became a bit of a beacon for people who had some issues with the way that Meat and Livestock Australia conducted themselves. I think the thing that struck me when I came here and with the work that we did on that committee was the convivial nature of negotiations and proceedings as we worked through the committee process. I certainly have learnt to appreciate that and the work that Geoff did.

Finally, there is Aden Ridgeway, who worked with me on a couple of very important inquiries, and I appreciate his chairmanship of the references committee. (Time expired)

Senator MOORE (Queensland) (9.40 pm)—I would like to acknowledge all the senators who are ending their time and leaving this place at the end of next week, and also to acknowledge that all of them have now left their mark on the legacy of this wonderful institution. However, this evening in the short time I have I want to make a couple of comments about two very special women whose ability, generosity, encouragement and humour have all provided real support and encouragement to me and, I know, to many others.

Unsurprisingly, I suppose, as we have heard from the many contributions this evening, this place breeds a certain atmosphere and culture where we work together. We understand that there are causes and issues which bring us together. And although there are often quite serious political differences and robust debate—I really like that expression: ‘robust debate’—we have an ability to work together and to communicate effectively. The two women about whom I wish to speak this evening come from different po-
political parties but for me they represent what is best in women who have chosen to be in the political life and also to provide help to others.

Senator Kay Denman, as we have just heard, is a proud Tasmanian. We have heard also today about her special ability to communicate with people. This ability reflects her personality and it is her strength. She understands people and their needs. Moreover, because of her passionate interest in the political process, she brings that knowledge to making effective policy and to making a real difference so that we have a better world. Kay’s work with me on the Senate Community Affairs References Committee has really been an inspiration, because she is able to cut right through to the real issue. She listens very carefully and then, when there is a need to make a contribution, it is always there. I think that we have got to know on the community affairs committees that there is time for Kay’s questions. The secretariat of the group, and also the public servants, actually pull you up and say, ‘Where are Senator Denman’s questions? We have answers for her with us today.’ Because, with her deep knowledge and passion, particularly for the area of health and for regional Tasmania, no particular public servant comes before that committee without being asked about their role in regional service delivery and being told that the people in that area must not and can not be forgotten. As we have heard about Kay, she has an ability to know people and to care for them. I doubt whether there are very many people who work in this building that do not know Kay. She has is a special quality and it is one that I think we could all learn from. When Kay gives you the nod and says, ‘Just drop into my office and have a word,’ you know you are about to have an audience and get the benefit of her special knowledge of the intimate details of everything that is going on; of what would be the best way to operate; and, more particularly for someone new, of what is the best way for them to operate, how they could best perform and get the best advice, as Senator Colbeck described. Her generosity of spirit was inspirational and very deeply valued by so many people.

Another member of the community affairs committee that also needs to be mentioned is Senator Sue Knowles. We have heard already this afternoon that there is a special friendship between these two women and that is not surprising. The first person I met when I came to a Senate committee was Sue Knowles, and her greeting was direct and personal: ‘So you’re the new one from the north,’ is what she said. I have always remembered that. That actually set up a process that we have used for the last three years.

I have heard—and it has been said many times this evening—that Sue is a strong woman. We have heard about various interactions that have happened. And there are times, Senator Knowles, when you were involved in a Senate committee process, where I do believe your hands curled over and your teeth grew! Driving all of that is an absolute commitment to social justice. The background to the questions and the need is to get through to the real issue—and, Senator Knowles, you share this with Senator Denman—about caring for people and trying to ensure that we can achieve a social justice result which will best serve everyone. The sense of community service is that link which I think pulls this place together and which Senator Denman and Senator Knowles share.

We heard from Senator Eggleston about some ‘Knowlesisms’—I had not called them that—and I will try to refer to a couple that Senator Eggleston did not mention. Two of my personal favourites were: ‘whistling in the west wind’ and ‘sawing sawdust’. When I
first heard that, Senator Knowles, it took me a considerable amount of time to really work out what it meant—which was your intent, so that we would get there. It was said in the context of trying, once again, to get through to the core issue, to hear the concerns and to work through the various political positions, but the real intent was to ensure that we got a result.

We have recently worked on two committees. I will mention at this point that, as Senator Knowles walked into the room the other night, another senator from this side said, ‘Hang on: here’s the handbrake!’ I will not attribute that, but if the senator wishes to own that he may come and claim it. There was an immediacy around the table. We knew that if we went off to take grandiose positions and make numerous recommendations Sue Knowles would not allow that to happen in the committee. Once again, what we were after through the Senate process was to achieve good policy and to cut across any kinds of differences—and to acknowledge the differences, of course—and to ensure that we could effectively do the job. That is something that I have heard both Senator Knowles and Senator Denman say—the job is to serve the community. That is something that they will always inspire in us—that we can do that.

We can all learn from listening to the experiences of the senators who are leaving us, and we acknowledge that there is genuine warmth and gratitude. In today’s process that has also been shared with the numerous comments that have been made about the Deputy Clerk, Anne Lynch. Hers is exactly the same style—a generosity of spirit and the knowledge and the ability to take that little extra time when someone is struggling a bit or is having a crisis of confidence. The three women—Senator Knowles, Senator Denman and Anne Lynch—share that quality of generosity. Their contributions will make it easier for other people to succeed. In another part of my life I worked for an organisation whose theme was, ‘When women support women, women win.’ But what we are talking about is not necessarily winning; it is actually succeeding. The inspiration and efforts of Senator Knowles, Senator Denman and Anne Lynch will ensure that many more people succeed, and they will allow us to follow, with gratitude, in their footsteps.

Senator HUMPHRIES (Australian Capital Territory) (9.48 pm)—I want to make a short contribution. Having not served for as long in this place as some others, I cannot profess to have as long a memory as some of my colleagues from both this and the other side of the chamber who are retiring. I note particularly that a large number of Labor members are retiring at this point. I have not served with very many them on committees and so forth, but I nonetheless wish them the very best in their future lives. I note this very civilised practice at work in the Senate, where a member’s retirement can be a signal, even voluntarily, before they leave the chamber. It provides the opportunity for members to commiserate with them and to share with them the experience of their time in this place, before they actually depart. It is a very civilised development.

I have had the privilege of serving on some committees with Senator Meg Lees, who sits on the crossbench. Her departure from the Senate is a loss to the Senate. She has always struck me as a person who has worked with complete integrity in the work she has done in committees and on the floor of the Senate and in other roles as member and leader of the Australian Democrats. Her obvious empathy for the position of ordinary people in Australia has always been very evident in the things that she has had to say and in the things that she has argued for in committee settings. That strong sense of who she served while she was here has been a
particularly conspicuous aspect of her period as a senator. I commend the way in which she has conducted herself during that time and wish her well.

I want to particularly make reference to two of my colleagues on this side of the chamber who are retiring in a couple of weeks time. Senator Tsebin Tchen has served with me in the Senate for 2½ years. I got to know him a little before entering this place and feel that the example he has set to me and other senators of dignified behaviour in this place is one that few people could walk past and choose to ignore. Throughout my time of working with him in a variety of party and other settings, I have a strong sense that he is a man who exudes both a very clear sense of his personal convictions, of what he personally believes as a representative of the Australia community in the Senate, and, simultaneously—and without any sense of paradox—a sense of his loyalty to his party. He was here to fly a flag for a particular party and to do that with pride and conviction at the same time. The fact that he was the first Chinese Australian to serve on the coalition benches in the Senate was a matter, I am sure for him, of great personal pride. Of course, I hope that he will not be the last Chinese Australian to serve in such a role.

I would consider a comparison with Senator Neville Bonner of many years ago, who was, of course, the first Aboriginal Australian to serve in the federal parliament. Arguably, Senator Neville Bonner was selected not because he was an Aboriginal Australian but because he was a good candidate for the Senate and, in turn, a good senator. In due course, Senator Bonner fell foul of his party and left the Senate, not because he was an Aboriginal Australian but because he went through the usual mill that any senator from a political party faces and he happened not to survive that process and ultimately he left. The same can be said of Senator Tchen. Certainly, I have noted with considerable attention the great principled behaviour that Senator Tchen has exhibited in the experience of losing party support for his seat and the way in which his support for his party—the party that gave him that seat in the first place—did not waver notwithstanding the circumstances in which his retirement was brought about. Again, I think that is a model of behaviour that any of us would do well to emulate.

Tonight I want to pay tribute also to a senator who retires after very long service in this place and whom I have known for a longer period of time than merely in my service here—that is, Senator Sue Knowles. I first got to know Sue when I worked many years ago in this place for another senator. She was at the time I think the deputy whip and in opposition. In those days in opposition, life was very different. You had to focus on very different kinds of priorities. Life was a bit more tenuous because you were looking at ways of trying to make a running against a government. It struck me even in those days that Sue Knowles relished the joy of battle with the enemy on the floor of this place and in committees. I always thought to myself that that was the kind of spirit I would like to have if I ever got into this place. I did come to serve not only in this place and in this chamber but also on a large number of committees with Senator Knowles, including the Privileges Committee, the Community Affairs References Committee, the Community Affairs Legislation Committee and a couple of select committees. The experience has been an enormous privilege and pleasure.

I remember that Senator Hubert Humphrey in the United States was described as the ‘happy warrior’ for the Democrats. He was a man who greatly relished the task of flying his party’s flag, doing his party’s work and joining in the spirit of battle. That always seems to me to be a perfect description
of Senator Sue Knowles. She is feisty; strong willed; argumentative; never afraid of taking up a challenge with anybody else in the room, on the other side of the table or on the other side of the estimates table; always fearless; always energetic; and always ready to engage in battle. At the same time, she is respected for the fact that she did so preserving the norms of respect for the other parties, other members of the committees and public servants who appeared before estimates committees. As a result, she was feared in some respects by her opponents but respected at the same time. I have to say that is a fantastic quality to be able to carry into the role of a senator representing any state in this Commonwealth.

Senator Knowles was also, I have noticed, very good at working with the staff in this building. It has always amazed me that, though I had spent so many years living and representing people in Canberra, Sue Knowles knew more people in this building than I did. I thought that was a tribute to her willingness to get to know people, work with them, show them respect and treat them as real people rather than servants of this place or of senators or committees. I am sure that her passing will be marked by many staff in this place in that spirit.

For me, Senator Sue Knowles has been a counsellor, an adviser, a supporter and a mentor. I have looked to her so often for advice and direction on how I should conduct myself as a senator. I will genuinely and very strongly miss her. I will have to work hard to find somebody to fill that role. I think that, after 2½ years, I still need a little bit of mentoring in this role. But, above all, she has set a very good example of how a Liberal senator should behave and represent her state, her party and the people that she works with on her team in so many different settings. It has been, as I have said, an enormous privilege to have worked with Sue and I will very deeply miss her removal from this place. I know, Senator Knowles, that you do not intend to hang around here, but I hope that you will spend some time keeping in touch with the people you have made friends with in this place. I count myself as one of those.

Senator SHERRY (Tasmania) (9.58 pm)—I rise tonight in this valedictory debate to make a few remarks in the time available. I will centre those remarks on the three senators who I know best from my own personal perspective—Senator Denman, Senator Cook and Senator Harradine. Before I go to the detail of the remarks I intend to make, I would first like to give my best wishes to all of those senators who are retiring. I have gotten to know them and I suspect they have gotten to know me reasonably well during the 15 years that I have been in this place and for however long they have been in the Senate. I can honestly say that there is no one that I truly dislike. There are tensions and exchanges from time to time, but I think that all of the senators who are concluding their terms have made, in a whole range of different policy areas and different ways, effective contributions to the Senate and their respective political parties. I wish them all the very best. I hope that, when they move out of this place, they are able to find and become involved in new sets of interests. Political life takes a very substantial part of our time and I think there is always some period of adjustment in moving on. But I do sincerely hope that they all find interests so they can keep an active contribution and role once they leave.

I also want to thank Anne Lynch, who is retiring. Anne has given advice to all of us from time to time in her role, and that advice has always been impeccable. I have been on the Senate Standing Committee of Privileges, which, I have to say, is not one of the most exciting committees that I have had the privilege to be on. But it has been a privilege to
be on that committee with Anne as secretary. An amazing amount of secretarial work and research is required in that role and she has done a fantastic job. I wish Anne all the best when she leaves this place.

The three senators I want to make some specific remarks about are Senator Denman, Senator Cook and Senator Harradine. Talking firstly about Senator Kay Denman, I first met Kay in 1988 or 1989 when she became a delegate to the conference of the Labor Party. I was not in the Senate. I was living in Hobart. Senator Denman lived in Devonport and was a teacher at that time. What has not been touched on in this debate today is that she served a period of two to three years as an advisor to and electoral staff member for the then Premier of Tasmania, Michael Field.

I first moved to the north-west coast in 1990 upon being elected to the Senate. I am not going to go into all of the details of the economic, social and political community of the north-west coast. Suffice it to say, it is quite different from Hobart, where I grew up and spent a large part of my working life. Kay was invaluable in providing me with advice, help and assistance, particularly in those first couple of years when she worked for the then Premier, Michael Field.

It was an extraordinarily difficult period politically on the north-west coast of Tasmania. The Labor Party at that time, for a whole range of reasons I will not go into tonight, was in significant decline politically, and nowhere more than on the north-west coast of Tasmania. I know that Kay, as the Premier’s representative on the ground during that period, did a fantastic job of advancing the cause of Labor and advancing the arguments on some of the economic and social changes that were occurring under the premiership of Michael Field. That was an extraordinarily difficult time.

To highlight how difficult it was and the sorts of pressures that Kay was under—and I to a lesser extent—the Labor Party, certainly up until the early to mid-1970s, traditionally received 55 per cent of the vote plus on the north-west coast. As an indication of just how bad things were politically, and this was reflected in terms of protest meetings and disagreements with the policy and changes that the then Premier, Michael Field, was making—changes that had to be made—Labor’s vote sank to 19 per cent. That was quite an extraordinary collapse in the political standing of Labor, and Kay was there front and centre defending the position of the Labor Party.

When the Labor Party went through that period of significant collapse, Kay was an active cross-factional—to use that word—participant in pulling things back together. We had a number of interventions. She was part of the solution we adopted, which was to try and improve our presence outside Hobart but particularly on the north-west coast. She became the replacement senator for Senator Michael Tate—who retired—by taking the casual vacancy.

Kay brought a different perspective than that of other sitting senators from Tasmania. She had a range of important but different policy interests, which she was always active in advocating and always will be active in advocating. These areas particularly related to reform of law in respect of same-sex couples, health—particularly mental health issues—and being involved with community level organisations. It is not a high-profile public role but it is a very necessary role for the Labor Party to have people active in those sorts of areas. She also has an interest in the arts, and her interest in the Tasmanian Symphony Orchestra is well known.

Senator Denman was very active in policy, both here in various Senate committees
and also with those community organisations on the north-west coast and in Hobart. That was a very important role she performed for the Labor Party. Of great importance also, and something in which she has justifiably great pride, was her vote in 1998 as No. 3 on the ticket. If it had not been for her significant personal vote, she would not have been returned and we would not have obtained three Labor senators. It was a long time since that had happened in Tasmania.

Peter Cook has made a fantastic contribution. He was a major contributor as a minister and cabinet minister in the Labor government. What always stood out with Peter was that he had a fine analytical policy mind—one of the best I have ever known. He always emphasised practical solutions. He was a very tough but honourable negotiator. He could communicate his thoughts and ideas and bring them together very succinctly, usually with notes. He rarely gave a prepared speech. Peter had a fine set of qualities. He was also important to the Centre Left at a national level and was a central figure in the significant role that that group played in the cohesion of the Labor Party.

I have known Brian Harradine the longest. I first met Brian in 1968. He was Secretary-General of the Tasmanian Trades and Labour Council. Brian has a very strong Catholic social conscience. I am a great admirer of the role he played as a union negotiator for workers in Tasmania. He was a very tough but honourable negotiator. He had a very strong emphasis, rightly, in my view, on improving the circumstances, wages and conditions of lower income employees, particularly shop assistants. Brian was expelled from the Labor Party but stood as an Independent—and look at the vote he achieved in election after election. I think that in 1977 he received 22 per cent of the vote. That was a phenomenal vote. That is to his credit. He did it his way. I admire him greatly. We disagreed on some occasions in the industrial sphere, but I admire his Catholic social conscience and his concern for the protection of individuals. I wish him all the best.

Senator BARTLETT (Queensland) (10.08 pm)—I would like to start by adding my voice to the tributes paid to the departing Deputy Clerk of the Senate, Anne Lynch. I affirm and associate myself with the comments made by the Leader of the Democrats, Senator Allison, with regard to the three departing Democrat senators. Time does not permit me to reflect adequately on or properly acknowledge the contribution of the departing Liberal and Labor senators, Senator Harris or Senator Murphy. I have many memories and thoughts, though, and I may try to record them elsewhere.

I believe that we as a nation focus too much on the negative in politics. The positive contribution each person makes is almost always overlooked. The positive impact a person makes in the Senate is not always able to be measured in amendments passed or committee recommendations accepted, although I should say that the Democrats excel in that area. The impact that comes from supporting a single person, an idea, a movement or a group of people can be very hard to measure, but it can be huge. This should be acknowledged more, and that is one of the real benefits of the valedictories that we are having tonight and tomorrow.

With no disrespect to my departing Democrat colleagues, I would like to commence by acknowledging the contribution of Senator Brian Harradine. When I gave my first speech in the Senate, back in 1997, I surprised a few people when I specifically singled out Brian Harradine as a key influence of mine. In that speech I said: If I had to pick a couple of ... influences at the political level, one would ... be Senator Brian Harradine, who has been here in the Senate...
longer than the Democrats have existed ... and has been fairly consistent to his principles throughout that time. It is a great thrill to me that I have managed to get into this place while Senator Harradine is still serving here.

I have experienced eight years of serving literally alongside him, across the aisle in this chamber. After I made that speech, someone made up an earring for me with a picture of Brian Harradine on it and the words ‘my hero’ written around it. I am not sure that I would be as strong in my praise of Brian Harradine as to use the word ‘hero’—that is not a label I like to apply to anyone, as heroes always let you down—but it is a pleasure to wear that earring in the chamber tonight as a small tribute to the contribution that Brian Harradine has made.

The agreement he reached on the Wik legislation was one of the few cases I would point to where John Howard was bested in negotiations. We all know how damaging to Australia the divisive 2001 election was, with its flagrant vilification of refugees and the shredding of our legal norms and our tradition of decency as a nation. I know that Brian Harradine, along with the Democrats senators, opposed those approaches and policies. Some people are still being harmed directly by policies adopted in the frenzy of that destructive election. Whilst the legislative merits of the Wik agreement were less than ideal, as I think Brian Harradine would acknowledge, the sort of race election, focused on Indigenous people, that our country would have faced in 1998 if that agreement had not been reached would have been far worse even than the one we endured in 2001.

I think Brian Harradine’s broader contribution should not be underestimated. Beyond any individual issue—some of which I have strongly disagreed with him on—a major contribution has been his strong defence of the importance of the parliament and the Senate as a way to ensure that diverse views are taken into account. It was no surprise, and I think quite fitting, that he used his final speech to the Senate here tonight to emphasise the importance of accountability to parliament, noting that ‘our grasp on democracy is fragile indeed’. We all need to heed that warning as the Senate moves into a period of government control, with a lot of new, inexperienced senators moving in as well. That will certainly be at the forefront of the Democrats’ minds over the coming few years.

Speaking of Democrats, Brian Harradine and Brian Greig will probably always be linked in my memories. A link perhaps seems unlikely, apart from their shared first name. Brian Greig’s greatest strength—his polite but very persistent promotion of the simple but, for some, very hard to realise principle that gay, lesbian, bisexual and transgender people are entitled to the same rights as everyone else in our society—corresponded with what I see as one of Brian Harradine’s greatest weak spots: his refusal to support equal recognition for relationships between people of the same sex. I will always recall the various occasions when Brian Harradine would make a comment expressing opposition to the recognition of same-sex relationships, and would speak on that topic and, without fail, Brian Greig would drift into the chamber within a minute or two and calmly but forcefully rebut those comments. The same process would often work in reverse. When Brian Greig would be forcefully putting forward the Democrats’ position on the importance of the recognition of same-sex relationships, you could almost guarantee that Brian Harradine would ghost into the chamber and put the opposite position. That peculiar bouncing backwards and forwards of ideas occurred a lot over the years.

However, I think it is without doubt Brian Greig’s greatest achievement that, even with a government that was so pig-headedly op-
posed to the simple notion of equality, he was part of the Democrats’ success in achieving an agreement from this government to recognise and provide superannuation entitlements for people in same-sex relationships—an achievement that I believe has been drastically underrecognised by those who called for it for many years. However, Brian Greig is far more than a single-issue senator. His advocacy on a wide range of human rights issues is something of which he can be justly proud. He is a quiet person, but he has strong beliefs and can also be quite extraordinarily quick witted and very funny—often at unexpected times.

Another person who was part of that achievement and others in the area of superannuation was John Cherry. He has been in the middle of some tumultuous times in the Democrats. Indeed, whilst he had been an adviser to Democrat senators for some years, I think he joined the party on the day Cheryl Kernot resigned, which also marked my entry into this place. I prefer to be frank where possible in these sorts of speeches, and it is no secret that we did not always agree during some of the public disputes within the party a few years ago. However, we were always able to keep working together effectively as senators for Queensland and the Democrat membership in Queensland. I recognise John’s contribution to that.

Being effective in achieving positive change is one of the key benchmarks I use in assessing the value of people’s time in this place, including my own, and John Cherry has undoubtedly been effective in a range of areas. He generates a huge number of ideas, plans and schemes, probably like no other Democrat senator. I think even John would admit that sometimes quantity overwhelmed quality. However, when he was on song with some of those ideas, he produced some excellent results and ones that leave a positive legacy for many people.

The loss of Aden Ridgeway is perhaps the biggest loss for this parliament, for, more than any other person who is going, it represents a lost opportunity. It remains a sad reflection on our democracy that we have only had two Indigenous Australians elected to our parliament in over 100 years, and to lose Aden’s Indigenous voice is a loss not just for the Democrats but for our nation as a whole. Aden was also not a single-issue politician. Like all Democrats, he covered a huge range of issues and spoke effectively on many of them. His persistent advocacy for midwives over a long period of time is one issue that sticks in my mind and one that he has continued to talk about right up to his final days in this place. However, he could not escape his broader role as an Aboriginal voice in parliament. It was a role—and sometimes a burden—he was very willing to shoulder, and he did so effectively and with great importance in his contribution, at times when sadly the government was unwilling to give this central issue the priority it deserves. I know he will continue to seek to be a strong voice in that important area.

I also will always recall that, at a time when my character was being publicly attacked from a range of quarters in the national media, Aden was straightforward and open in his support for me and in recognising the simple reality of that situation that was rather extraordinarily blown out of proportion. We did not always see eye to eye either during some of the public difficulties the Democrats went through a few years ago—at a time when we all made mistakes—but I appreciated his simple and consistent support for me then and throughout my time as leader.

In wishing all the departing Democrat senators well, I would like to thank them for being part of the Democrat Senate team during my time as leader. You might not know it from having read the newspapers, but we got
over the divisions of the past and got on with the job. We worked effectively as a single team of Democrat senators to achieve a lot of positive things. Whilst we might not have achieved electoral success, we certainly achieved a lot of gains that will benefit Australia’s people and environment for many years into the future. Those three Democrat senators played a key part in that and all made a positive difference. I congratulate and thank them for their contribution and wish them well into the future.

Senator Barnett (Tasmania) (10.19 pm)—It has been a pleasure and honour to be part of today’s valedictory addresses. I have only been in this chamber since February 2002 and consider myself still in perhaps an apprenticeship stage in terms of getting to know and understand the processes and how things work and learning a great deal from many of my Senate colleagues. Today, some long-serving, experienced, highly regarded and admired senators are being spoken about and have given what will be some of their last speeches. I want to say that it has been a privilege to serve with them. I have enjoyed serving with them. I will make some comments with respect to Senator Sue Knowles and Senator Tsebin Tchen, who have been my parliamentary colleagues on this side of the chamber, before I share some comments about the others who are leaving.

I have served with Senator Knowles on the government’s health and education policy committee and on the Senate Community Affairs Committee. She is a 21-year veteran and has demonstrated the experience and skill that she has developed over that period of time. Senator Knowles fights for what she believes in. She is determined, has clear objectives and will do everything within her power, using her experience and skill, to achieve those objectives and on behalf of the Australian government—the Howard government—and her state of Western Australia. But, much more than that, she has been a strong advocate of health related issues. In addition, I am reminded of her role during the Senate estimates committee process and as Chair of the Senate Community Affairs Committee, where she has been strong and resolute. In times when there has been division or criticism from the other side, she stood her ground and said exactly what she thought. She has copped quite a bit, but she has also given it out, and she has done it in a sensitive, professional and senatorial way.

I want to acknowledge the lovely gesture that was granted to Senator Knowles just a few weeks ago. Senator Moore was with me and others at a budget estimates committee hearing, where the demonstration of respect, high regard and admiration for Senator Knowles was expressed by that committee. The Secretary of the Department of Health and Ageing, Jane Halton, together with other members of the department, presented a farewell gift to Senator Knowles on her last day in budget estimates: an apron, a hat for the cook, a cooking lessons guide, a cookbook and miscellaneous items. It was a lovely gesture, just to say, ‘Thank you for demonstrating your role and your leadership in the budget estimates process.’ I am proud to say that I have in my pocket, on my mobile phone, which is not on, a photo of Senator Knowles as a memento of that special occasion. I showed that to Senator Knowles earlier today.

I have served with Senator Knowles on the Senate Select Committee on Medicare and, as I said, the Community Affairs Committee. She has always been very kind and thoughtful to me and she has had a bundle of experience. Sue, I have cherished your warm advice over the past three years, particularly over the last 12 months, and I have learnt much about my role as a senator and my role on various committees—budget estimates.
committees and so on—as an elected representative of my state of Tasmania.

As for Senator Tchen, I acknowledge this man’s grace under pressure and his spirit of generosity right to the end. He is a man who is so amiable and kind. He is caring, thoughtful and always willing to go that extra mile. He is, you might say, unusually humble for a politician in federal parliament. I think he is one of the most humble senators that you could ever meet. He is a true gentleman, a man of stature, in my view, and a man of wisdom. His self-deprecating humour is very attractive to others. As he departs the Senate chamber, I want to say that deep respect and affection for him is held by me and all sides of politics, and I believe that is richly deserved.

Before I make comments about the other departing senators, I want to acknowledge the work of the Deputy Clerk of the Senate, Anne Lynch. As a respected and admired person who has worked so hard behind the scenes, she is always friendly and giving wise advice. I particularly appreciate her role in the review of my book on how parliament works. That input has been most appreciated.

With regard to federal ALP colleagues who are departing, I note in particular the Tasmanian senator, Kay Denman. I wish her well in her future career. Independent senator Shane Murphy and I have a special and common interest in trout fishing and fly fishing, so we may cross paths hunting for brown trout in Tasmania’s wild trout fishery. Senator Len Harris is a kind and big-hearted guy who obviously cares for his fellow Australians. As to Senator Meg Lees and the Democrats, I wish them well for their future.

Finally, I want to make some comments with regard to my fellow Tasmanian senator, Brian Harradine. I have known Brian over many years, including the last 3½ years as a senator. When he was sharing his valedictory address at six o’clock tonight, I felt that I was standing in the shadow of a political giant. It was just so wonderful to be here tonight to see his family, including Marian and most of his children, his supporters and staff, and to see the level of respect and admiration for his contribution to this parliament over 30 years and as father of the Senate. I cannot pay a higher tribute to him and his work.

I also want to note that not only were his family and friends here but also members of the Australian Family Association, members of the Fatherhood Foundation and members of the Australian Christian Lobby. All these groups and, indeed, many others were here to show their respect and thanks in acknowledging the work and the contribution of this fine and upstanding man. It is true that he is a good friend of and a great fighter for Tasmania, and a man of rock-solid family values. He lives in Hobart, Tasmania. He loves Tasmania: he loves the bushwalking and getting out into the fresh air and the natural environment. It is a great release. I really hope that he and Marian have the opportunity to pursue those interests in Tasmania’s natural environment and really soak it up, because they deserve it.

In the past few years as a senator, I have had the pleasure of working with Senator Harradine on a number of issues, including cloning, where we have a similar view about embryo stem cell research. We also have a similar view about the marriage reforms which were enacted last year. I acknowledge again the groups that were here today—the AFA, the ACL and the Fatherhood Foundation—who were so instrumental in working behind the scenes on the marriage reforms, which were so important to Senator Harradine, me and so many others in this parliament, in terms of the Marriage Act and the marriage amendments that were passed last year.
We want to acknowledge his significant contribution to Tasmania. We have heard about the previous part sales of Telstra, and, of course, Tasmania did benefit. It was the Howard government that delivered, but Senator Harradine had the balance of power. His battles with the left wing of the ALP are well known and documented. I will not go into the history lessons tonight. Suffice to say that Brian Harradine stood his ground, stood up for his beliefs in a non-belligerent way and did it with much grace.

He has been regarded with so much warmth and affection in his own state of Tasmania. He became the father of the Senate after 30 years in the Senate as an Independent. He is a giant in political terms: ready to mix it with the Prime Minister, the Treasurer and others, but always motivated to support the disadvantaged, the needy and the downtrodden. He has been the conscience of the nation, in many respects—a man of great moral and ethical fibre, known to all for his Christian and Catholic values. I pay tribute to him and his family and wish them sincere best wishes and prayers for their future together. I say to him: I know that God will be with you wherever you go and in whatever you do.

NOTICES
Presentation

Senator Bartlett to move on the next day of sitting:

(1) That the provisions of the Migration Amendment (Detention Arrangements) Bill 2005 be referred to the Legal and Constitutional Legislation Committee for inquiry and report by Thursday, 23 June 2005.

(2) That the committee have leave to meet during the sitting of the Senate on Thursday, 23 June 2005 for the purpose of considering the bill.

ADJOURNMENT

Senator ELLISON (Western Australia—Minister for Justice and Customs) (10.29 pm)—I move:

That the Senate do now adjourn.

Abortion

Senator SANTORO (Queensland) (10.29 pm)—Abortion is a topic of community debate and it is fraught with problems. We do not want to be prescriptive of choice or indeed proscriptive of it, and we must always have in mind that consultations between doctors and their patients have to remain confidential. At the same time, it is in everyone’s interests—society’s, those of the women concerned, their partners and their families and pre-eminently those of the foetus—to limit the number of abortions.

I thought very carefully before I decided to enter the public debate on abortion because, while I have my own private views, I do not believe that government has any business regulating the life choices of citizens. But abortion is a public policy issue for many reasons: it is a charge on public funds through Medicare; the attitudes of the Australian community towards things such as abortion need to be taken into account; and abortion is a therapeutic procedure, not a method of birth control.

Earlier this year I circulated to colleagues an initial discussion paper on abortion policy in which I put forward a proposal that we consider changing Medicare arrangements to include a rebateable item covering approved professional, independent preabortion counselling. Since then I have taken many more soundings in the community and have had the benefit of a lot of feedback and advice from a great many people, including colleagues. There has also been the substantial benefit to the debate of some groundbreaking research released by the Southern Cross Bio-
It was an appropriate day to do that, since it was also a day on which I hosted the Give Women Choice lunch here at Parliament House, at which Father John Fleming—ethicist and, in this context, researcher of community attitudes to abortion—spoke on his groundbreaking research for the Southern Cross Bioethics Institute. Other research by the Parliamentary Library, and the answers to questions on notice placed by Senator Boswell, are important in this debate in that they demonstrate the paucity of statistical material on which to base policy making with regard to abortion.

My paper—a distillation of many views put to me since I circulated an initial draft in March—firms up the strong argument for a Medicare line item that would rebate the cost of mandatory independent counselling. I stress that what is intended is independent counselling by professionally qualified counsellors, available for all women who are considering terminating their pregnancy. That would, I believe, have the effect of reducing the number of abortions, because the range of alternative choices available to them would be made much clearer to the women concerned.

We also need to know the number of termination procedures being carried out in Australia so that the publicly funded medical services that Australians expect to have access to can be effectively resourced. Many Australians are concerned about abortion, as is indicated by the results of the Southern Cross research. The document entitled Give women choice: Australia speaks on abortion was released last month. Earlier today, Father Fleming—who is President of Campion College, who has a PhD in philosophy and medical ethics from Griffith University in Queensland and who specialises in the development of public policy in bioethics—addressed the lunch at Parliament House. He is a member of the federal Gene Technology Ethics Committee, set up under the Gene Technology Act 2000. Gene technology is another area of community debate and something about which I want to say a few words later in this speech.

A key finding of the ‘Give women choice’ research, which was conducted in December 2004, was that there is strong community support for a reduction in abortion numbers, without restricting access. According to the published research, fully 87 per cent of Australians hold that view. A second key finding was that there is near unanimous support for counselling prior to abortion. The Southern Cross research indicates that 78 per cent of Australians believe that women should have counselling, while 21 per cent believe that accessing counselling should be voluntary. There is substantial evidence that the majority of Australians oppose late-term abortions.

Abortion policy is also stymied by the fact that no Australian statistics exist that can accurately measure on a national basis the number of terminations by choice. We have to deal with the policy problem posed by abortion. The states have such statistics as may exist. State hospitals and clinics operating under state laws carry out terminations. The Commonwealth pays for publicly funded terminations through Medicare, and terminations under Medicare are included in the schedule item covering other procedures.

The research brief, prepared by the Parliamentary Library and published in February, entitled How many abortions are there in Australia: a discussion of abortion statistics, their limitations, and options for improved statistical collection, closely examines the issue of available termination statistics. It notes:
… it is impossible to accurately quantify the number of abortions which take place in Australia. This is because there is no national data collection on abortion, there is no uniform method of data collection, collation or publication across the states and territories, and the data sources that are available all have several significant limitations.

That is something that we can remedy. Creating a Medicare rebateable item for counselling that must be provided to women before they have a termination will produce a better outcome, more informed choice and verifiable statistics. South Australia is the only Australian jurisdiction which both collects and routinely publishes comprehensive data on abortions. It would be a good model to follow nationally. The South Australian data includes demographic information on women who have abortions, such as statistics on age and marital status; statistics on the stage at which pregnancies are terminated; information on the reasons for abortions taking place; statistics on methods used to terminate the pregnancy; statistics on postoperative complications; information on the number of abortions which take place in metropolitan and country hospitals and public and private facilities; whether the woman undergoing the abortion is a metropolitan or country resident; and statistics on the category of doctor performing the termination.

We know that in 2003-04 there were approximately 90,000 terminations of pregnancy in Australia. But we need a solid statistical collection strategy that provides clear indicators that distinguish between medical terminations in which the foetus or the mother was at risk and choice terminations. Until we achieve that, we will not be able to assess how successful our current counselling and education programs have been or whether the federal government needs to provide additional resources, including financial resources.

Before closing, I make two other brief points on related social-scientific matters. The first is that we need to look urgently at an amendment to the Sex Discrimination Act to ensure that the rights of the child remain paramount—something that my good friend Senator Barnett has been actively seeking. It follows the extraordinary call in a report of the Victorian Law Reform Commission last month for the provision of IVF services to be extended further to medically fertile single women and lesbians. To extend this provision would be an antichildren measure, since children are indeed entitled to come into the world with the presumption of having both a mother and a father. Because science makes something possible—in this case, pregnancy and birth without the natural process of conception—it does not necessarily make it morally right or socially responsible in every circumstance. The Sex Discrimination Act should certainly be amended to allow state and territory governments to refuse IVF services to single women and lesbians.

The second issue is that of stem cell research. The push for human embryo research is opposed in Australia by many people, including me. It is also strongly opposed in America. In the US House of Representatives, one strong voice against embryonic stem cell research, representative Mike Pence of Indiana, made a very cogent point last month that, so far, embryonic stem cell research has not produced a single medical treatment, whereas ethical adult stem cell research has produced 67 effective treatments. Congressman Pence is far from alone in his position on the morality and ethics of embryonic stem cell research. It is also something that other US legislators worry about deeply, including the Republican senator from Pennsylvania, Rick Santorum, whom I mentioned in another context in a speech in this place last week. Here at home, as in America, the stem cell debate is really
about what we are like as a nation and how Australia—a medical research leader of huge effectiveness and immense scope—can stay within the moral boundaries of science that I believe the majority of Australians want.

The PRESIDENT—I remind senators that under the order passed on 16 June the total time allocated for the adjournment tonight is as it used to be—40 minutes—and we will be finishing at 11.10, I believe. I also understand there is an arrangement for Senator Cherry to speak for eight minutes and for Senator Allison to speak for two minutes. If there is no objection to this happening I will ask the Clerk to set the clocks accordingly.

Boggo Road Gaol Historical Society

Senator MOORE (Queensland) (10.38 pm)—This evening, I want to make some comments about an amazing group of people who work in Brisbane at the site of the former Boggo Road Gaol. Queenslanders would know that Boggo Road is the site of one of our first prisons and is in the centre of Brisbane. The site, which is on prime real estate land now, was first surveyed in 1863. In 1880 it was designated as a prison reserve. In 1883, the Queensland government began building a prison at Boggo Road. It is an extremely beautiful building in a very confronting way, as all old prisons are.

In 1992 this prison was decommissioned as an active prison. So often, we hear that community action is formulated by volunteers, and a group of volunteers got together to form a historical society and use the site for effective education and historical purposes. Four ex-officers—people who had worked at the prison—got together to plan this project. I want this evening to particularly mention Don Walters, who was the guiding light of this particular project. He worked tirelessly for the Boggo Road Gaol Museum and Historical Society from 1992 until his death in 2003. The people in this group are mates as well as volunteers and, with his mates John Banks, Bill Eddowes and Steve Davies, Don Walters put together a project which would use the site to educate people, hold artefacts, enable art processes and generally use this part of Queensland’s history.

The president, John Banks, is now known as president for life because of his commitment to the process. He is at the prison site regularly and conducts most of the tours. Whilst the tours have been going since 1992, recently the society has moved slightly beyond the first-step project of visitation and education. Two projects that have been organised recently have had particular import for me because they have been looking at the issue of the death sentence. Queensland was the first state in the Commonwealth to repeal capital punishment—that is something of which I am very proud. The legislation was passed in 1922. It is something that we are educating the current generation about, because there is some concern that there is increasing discussion across Australian communities as well as internationally about the issue of the death sentence. At Boggo Road they have commissioned a special display at the prison site which talks about the history of capital punishment, the various people who were executed on site—who they were, their backgrounds—and the very process of something which is very confronting. The only way that people can come to terms with their own views on this issue is to learn more and try and understand the whole background to it.

A few weeks ago, there was a special function at Boggo Road to launch the site of the capital punishment education project. At that function we were able to mingle with a number of people from schools, historical societies and libraries who had a genuine shared interest in finding out more about the topic and also specifically about Queensland
It is a very chilling experience not just in terms of visiting the prison site, which still has an amazing ability to cause me to feel great fear and a sense of isolation when I go there and see the structure and architecture and also the size of the cells and the various conditions under which prisoners existed at the time, but in terms of capital punishment issues—actually seeing the pictures and learning the histories of the various people who were executed in Queensland at that time.

At that very place, Boggo Road, 41 men and one woman were executed and then buried down the road. There were over 90 people executed in Queensland, and their histories are shown on that site. So many of them came from Indigenous backgrounds. In fact, at the time, capital punishment was only actually carried out in Brisbane, although the court processes were conducted across Queensland. So we learnt the stories of the men and the one woman: where the crimes took place and what type of crime it was. So many of the prisoners were so young—there was one who was 17.

Whilst that is only part of the whole experience, at the prison site, with some support from the State Library of Queensland, they have exhibited the actual gallows beam. You can stand beside it and see the actual timber that was used. It is chilling enough to visit the site, but to actually stand there and recreate the feelings that would have been around at the time is something that most people should experience. Only after you have experienced those feelings can you then consider exactly what capital punishment means.

Another community project which the Boggo Road Gaol Historical Society people have been involved in is also linked to this issue of capital punishment. There was concern that, after the prisoners were executed at Boggo Road, their remains were taken in ignominy down to the local cemetery and buried in an unmarked grave. Over the last few years, there have been people studying the whole aspect of life in our community at that time. They thought that perhaps we could use some further education about who the people were and that we could raise awareness by having some form of public notice about the spot at the local cemetery where these prisoners were buried. So, in a cooperative arrangement, the people from the Boggo Road Gaol Historical Society, local community members and the Brisbane City Council put together a community project, the intent of which was to have some kind of marker in the cemetery that listed the names of the people who were buried there—not celebrating or giving these people any extra kind of dignity but just to note that that was the place where people who had been executed were buried.

When this project was being considered, there were some serious debates in the community about whether this was an appropriate thing to do when these people had been found guilty of very serious crimes—having been through the justice system and the final result being public execution—and whether there was any benefit to be gained by having such a project in the Brisbane area. There were community meetings where this was discussed but, by and large, there was an agreement that somehow having this acknowledgment would once again raise awareness of the starkness of the penalty at the time and the very confronting issue of exactly how the justice system operated and what occurred.

The project was finally concluded, and I was very fortunate to be able to attend the ceremony that was held in the cemetery with a very strong sense of respect and sorrow. We were able to have at that ceremony the descendents of a person who was a victim of
one of the crimes for which one of the people had been executed. He was at the ceremony to acknowledge the fact that the person who had murdered his family member had finally been put to rest. There was a sense of closure in the whole process. In that process, we were also acknowledging that, in 1922, the Queensland government became the very first government in the British Empire to abolish capital punishment. That is something that I am not really convinced that a lot of people know.

There was a special stone placed in the cemetery at the very quiet central place where these prisoners were buried. The stone was formally placed there by the Brisbane City Council and the Boggo Road Gaol Historical Society on 6 May 2005. The sandstone block was carved by convict labour for the construction of the Boggo Rail Gaol. They used the sandstone that was actually used in the construction of the jail to mark the place. Two broken pieces that have come back together mark the commemoration. We believe that actually represents reparation—the fabric of imprisonment reappropriated to commemorate a humanitarian shift in social policy. By being part of that project, we were hoping that the executed prisoners and their victims could now rest in peace.

I applaud the work of the Boggo Road Gaol Historical Society. They are under threat at the moment because Boggo Road is now very attractive residential land. We hope that their work will continue. I believe that the education aspects of the kind of work that I have described must benefit the current generation and give us greater knowledge to learn in the future.

Immigration

Senator CHERRY (Queensland) (10.48 pm)—Earlier in this adjournment debate, Senator Santoro raised the importance of the rights of the child. That is a very important issue which I want to talk about tonight. Article 9 of the Convention on the Rights of the Child, to which Australia is a signatory, says: Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. I raise this because, over the course of the last couple of months, I have been in correspondence with the Minister for Immigration and Multicultural and Indigenous Affairs about the breaking-up of an Australian family and the separation of an Australian child from his father.

This is a very unfortunate immigration case. It concerns a 38-year-old electrical engineer who was born in Syria and a 35-year-old fifth generation Australian woman, a qualified teacher, who married in 2002. They now have a beautiful two-year-old boy and live in Brisbane. This family is about to be broken up as a result of the decisions of the Minister for Immigration and the father is to be deported back to Syria. He has been working and supporting his family for much of the last two to three years. He speaks English quite fluently and is a very good family man. They are a beautiful family, yet this minister is going to break up them up. This minister is going to break up this family, in breach of the Convention on the Rights of the Child and in breach of what I think most Australians would believe is a reasonable position for the protection of an Australian family.

Mr Mohanad Alkhousi entered Australia in July 1998 on a temporary spouse visa for his first wife, whom he had met and married whilst working in Saudi Arabia. Unfortunately, they suffered a tragic breach birth, which put enormous pressure on their relationship, and it ultimately ended in 2001. I mention this because this was subject to a
Migration Review Tribunal hearing because Mr Alkhousi, being a very honest person, had advised the department that he and his then wife had separated and the department refused him a permanent visa. Whilst that visa application was being appealed to the review tribunal and the divorce had come through on his first relationship, he met his current wife, Miss Gail Duncan, in November 2001. They commenced living as husband and wife in February 2002. They are a genuine, loving, young 30-something couple.

Mr Alkhousi’s application for a spouse visa based on his first relationship was refused and, under Australian law he cannot apply for a new spouse visa from within Australia. He can only be granted a spouse visa living in Australia with his current wife if the minister uses her discretionary powers under the Migration Act, which she has refused to use. She has refused to do so on the basis of the first relationship, not the second one. She has refused on the basis of the relationship that failed back in 2001 and not on the basis of a genuine, committed three-year relationship of a very loving couple with a two-year-old son who are working hard in Brisbane to do the best for their family.

This is a tragic case. It is a case of a genuine Australian family about to be broken up by Australian law. Mr Alkhousi does not have a valid Syrian passport anymore because he has been in Australia for so long. Sometime this month or early next month he will be deported to Syria where, under Syrian law, he will have to engage in military service for a minimum of two years. As a result, he will not be able to apply for a spouse visa to return to Australia for some time. In fact, under the general arrangements that apply for spouse visas, you need to have an interview with an embassy staffer. There is no Australian embassy in Syria, so he will need to travel to Beirut to formally apply for his spouse visa and have it processed. Of course, when you are in military service you cannot travel outside the country, so he will not even be able to apply to come back to Australia, most probably, for at least two years whilst engaging in military service.

The department of immigration took 18 months to process his first application for a temporary visa; how long will they take for a permanent application? And it is not just that. When I raised his case with the department of immigration, I was told he was ‘uncooperative’. We hear that term from the department of immigration all the time. The Palmer report is a full of cases of people who are ‘uncooperative’. Mr Qasim, who was given special consideration by the government this week, was accused of being uncooperative. Apparently Mr Alkhousi is uncooperative. His crime was that, in reviewing his case, he dared to appeal a government decision to the Migration Review Tribunal. That makes him somehow uncooperative. So I suspect that when his application comes to the department there will be a ‘go slow’ on it. A two-year-old Australian citizen will be separated from his father for a minimum of two years and, depending on the time taken by department to process his application, it could be as long as four years before a two-year-old Australian citizen sees his father again.

Is this the attitude of a government committed to families? It this the attitude of a government committed to section 9 of the Convention on the Rights of the Child? Is this the attitude of a government that actually believes that fathers should take responsibility for their children, as we have heard in the debate about family support? This is a tragic case because this is a genuine family; these are genuine people. Ministerial discretion under the Migration Act should be about dealing with cases that do not fit, that fall between the cracks, and this case falls between the cracks because the nature of the
visa application does not deal with people who fall in love while they are on a temporary bridging visa.

If you dare to fall in love with an Australian whilst in Australia on a temporary bridging visa, and you marry that person, then you are viewed as someone who is trying to engage in some sort of scam to get into Australia and the department treats you accordingly. This is a genuine couple that fell in love and married. They are in a genuine marriage and have had a child. This government wants to break them up and separate a father from his son and a wife from her husband. I find this a very tragic case. I have tabled in the Senate over the course of the last two months petitions signed by 743 citizens of the city of Brisbane expressing concern about this case. I want to read out what the petitions said, because we sometimes forget what petitions are in this place.

The Petition of the undersigned opposes the removal of Mr Alkhousi ... from Australia in recognition of the rights of his wife and son as Australian citizens. We believe the removal of Mr Alkhousi from his Australian family without any possibility of them residing together anywhere in the world for a period of at least 2 years is a contravention of human rights, both for himself and for his wife and son.

Your Petitioners ask that the Senate oppose the removal of Mr Alkhousi from Australia and that the Senate request the Minister for Immigration the Honourable Senator Amanda Vanstone to intervene to grant Mr Alkhousi ‘permanent residency status’ on the basis of his marriage to an Australian citizen and his parenting of an Australian child combined with his legal entry and residency of seven years in Australia.

Mr Alkhousi is not a queue jumper; he came into Australia on a valid visa and advised the department at all stages of changes in his status. He has played by the rules and is being completely done over by the department of immigration because he is regarded as uncooperative because he appealed their decision. At what stage will this government actually acknowledge that the Migration Act is being mismanaged, misapplied and maladministered by the department of immigration? At what stage are we going to actually acknowledge that cases like Mr Alkhousi and his family are genuine and legitimate exceptions to the rules? They are genuine and legitimate cases that have fallen between the cracks of the visa categories that apply under the Migration Act. There are genuine, legitimate and valid possibilities for the exercise of ministerial discretion to ensure that a family is not broken up, a child gets to stay with his father and a father gets to support his family.

I hope that the minister takes up this case. I doubt that she will, because she has refused my letter at least once. The family has written to the minister on a weekly basis since that refusal. But, given the Prime Minister’s intervention in migration issues on the weekend, I hope that maybe this government is now prepared to recognise that children should not be separated from their parents as a result of migration law and that ministerial discretion should be applied to deal with cases like this. I intend to raise it with the minister once more before I finish in this place this week, and I hope that this time around this case is dealt with in a way that ensures Australia recognises its obligations under the Convention on the Rights of the Child and recognises that this is a family of good people who Australia needs to ensure that our development as a country and our defence of freedom and democracy are protected.

McDonald’s

Senator COLBECK (Tasmania—Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry) (10.58 pm)—I rise this evening to mention an event that is occurring in my hometown of Devon-
port tomorrow morning—not too long from now, I might add—where vegetable growers will be gathering to protest McDonald’s removing 50 per cent of a contract that has existed in Tasmania for some years. My understanding is that there will be at least 180 farmers there with their tractors, and I would expect that there will be some several thousand people who will support the local farming community on the north-west coast of Tasmania in this action. The basis of the action essentially comes back to the use of market power by the major supermarket chains—in this case McDonald’s and, in particular, its corporate section.

The loss of the contract to the north-west coast community is in the vicinity of $10 million at farm gate and about $50 million for the processed product. That is a significant take out of the local community. While my speech tonight will concentrate on McDonald’s and where they are coming from in this action, the message applies equally to Coles and Woolworths, who are increasingly bringing cheap imported vegetables into Australia and packaging them as their home brand product when they are really anything but home brand.

We are really talking about their use of market power. The major chains, in this case McDonald’s, are demanding global market prices from growers. They tell our growers and processors, ‘We’re living in a global world now and we want the best price that you can provide a global basis; we want a global market price.’ That is all very well and good if they apply the same principle to themselves, but of course they do not. The supermarkets regard individual markets and states as just that and they price their products accordingly. McDonald’s regard Australia as one market and they price into that market. A Big Mac in Australia costs about $3.25. A survey conducted by my office on 3 June found that Townsville has the joy of having the most expensive McDonald’s in Australia. A Big Mac there, rather than being $3.25, is $3.45 and a Big Mac McValue Meal, instead of being $6.25, is $6.30.

Senator George Campbell—Why don’t you take them on?

The PRESIDENT—Order! Senator, you are not even in your own seat. You can’t interject from there.

Senator COLBECK—The argument that I would like to put in this place tonight is that they should apply the same principle to themselves.

Senator George Campbell—You’ve got the power to legislate against them. Why don’t you take them on?

The PRESIDENT—Order! Senator, if you are going to come in here and cause trouble—

 Senator George Campbell—I’m not coming in here and causing trouble.

The PRESIDENT—You’re shouting across the chamber, which is disorderly. I ask you to come to order.

Senator George Campbell—I’ve got a right to interject; it’s part of the standing orders.

The PRESIDENT—It’s not. The standing orders say you cannot shout across the chamber in a disruptive fashion. That is what you are doing and I would ask you to cease.

Senator COLBECK—I ask McDonald’s, Coles and Woolworths why they do not apply the same principles to themselves, why they do not provide the retail public in Australia with a global market price. If they did, you would be able to buy a Big Mac in Australia for about $1.65, the equivalent of the lowest price that I have been able to find in the world, which is in China.

I know that this issue is extremely sensitive for McDonald’s. I know that they have
real concerns about it. They have sent me several letters in the matter of a few days protesting their innocence and that they operate on a fair basis and they are concerned for their suppliers, but the evidence does not stack up in that respect. They also wrote a letter to one of my colleagues which essentially has a go at the Tasmanian farmers and their productivity. It quotes the number of farmers that they can source potatoes from in New Zealand versus the numbers that supply to them in Tasmania. The paragraph reads:

By way of comparison, Simplot source from 450 growers in Tasmania. In New Zealand, for example, there are only 13 farms that produce similar volumes. This clearly impacts on quality, consistency and price, all of which impact on us or any other retailer or consumer. Unfortunately, this suggests that Tasmanian productivity is some way behind world’s best practice.

These issues, particularly those relating to quality, have never been put to the Tasmanian farmers. Tasmanian farmers believe, I think quite rightly, that they produce a very high-quality product, and they are proud of the product that they produce.

Senator George Campbell—Will you send back their donation?

The PRESIDENT—Senator Campbell, come to order!

Senator COLBECK—The issues here relate to the way that they treat the community. I think the community is a significant element of this. The Tasmanian community value the way that the industry is set up. It is an extremely important part of the Tasmanian community, particularly on the north-west coast. The community supports the franchises and businesses that are an important part of the McDonald’s structure. I have to say that I feel for the McDonald’s franchisee because they have suffered from the backlash from the community. The Burnie store manager, for example, has pledged to sell only Australian fries in his store. I would urge all McDonald’s store owners in Australia to make the same pledge.

I noticed today that McDonald’s have announced that the other 50 per cent of the contract that they were to award has been awarded to Simplot and will go to the Tasmanian growers, but not until there has been a reduction of $3 per tonne to the growers price—a reduction of about $750,000 to the income of Tasmanian potato farmers. The material cost of fries at point of sale is insignificant in percentage terms. Tasmanian growers get $225 for their potatoes versus $18,500 made at point of sale. That is a significant difference. The message that I would like to send tonight is very simple: if McDonald’s would like their growers and suppliers to provide them with a global market price, it is only reasonable to expect that customers could ask for the same. So I would say to those who choose to go McDonald’s: if you do so, how about asking McDonald’s to provide you with a Big Mac for the global market price of $1.65 and that perhaps they might apply the same principles to themselves that they apply to the growers and suppliers.

Howard Government Policies

Senator TCHEN (Victoria) (11.07 pm)—On the last two nights I spoke on an issue which has been of some concern to me since I came to hold the position of senator, and of which I have very good experience; that is, the rebuilding of Australian communities. I have been talking seriously about examples that I have come across of how the Howard government, since 1996, has been rebuilding Australian communities by involving Australians from the community. I have given a number of particular examples such as education and our investment in schools; Green Corps, in rebuilding our environment; and Work for the Dole, in bringing people back from welfare to work.
On the issue of Work for the Dole, I particularly want to highlight the Labor Party’s ambivalence towards this particular program. On the one hand the Labor Party keep attacking it; on the other hand, in my experience attending Work for the Dole graduations, a number of times I have had occasion to share the platform at least once with the following Labor members: the member for Batman, Mr Martin Ferguson; the member for Ballarat, Catherine King; the member for Bendigo, Steve Gibbons; the member for Wills, Kelvin Thomson; the member for Chisholm, Anna Burke; and the member for Corio, Gavan O’Connor. I commend their interest but, again, that demonstrates the Labor Party’s ambivalence towards this program.

Tonight I also want to very briefly talk about another program which, again, involves rebuilding communities; that is, the Regional Partnerships program. I note that a reference has been given to the Senate Finance and Public Administration References Committee to look into this program; essentially, it is going to be a witch-hunt and is not going to produce anything, but I will leave it to the committee to carry out that inquiry. However, I do want to say something about the work of area consultative committees. There are 56 of them across Australia and they are all manned by volunteers from business, from local government and from the local communities in those areas. They manage and actually help guide the government through administering the Regional Partnerships program. I am sure that the Senate inquiry, if it is a genuine inquiry, will show that the work done by the area consultative committees has been crucial and balanced. I particularly want to mention one area consultative committee; that is, the Melbourne’s West Area Consultative Committee, chaired by Mrs Christina MacGregor, which has done marvellous work in the western part of Melbourne.

I want to highlight the work done by the people in all the examples I have mentioned, because the Liberal Party, when we look for inspiration and for guiding lights, do not look to the top of the hill; we look to the face and the heart of the people. That is because we believe for government to work and work well it must be not only government by the people and for the people but also government of the people. That is the principle that the Howard government has worked with in working with the community, and it has been the basis of our success.

Senate adjourned at 11.11 pm

DOCUMENTS
Tabling
The following government documents were tabled:
Australian Radiation Protection and Nuclear Safety Agency—Quarterly report for the period 1 January to 31 March 2005.
Crimes Act 1914—Authorisations for the acquisition and use of assumed identities for 2003-04—Australian Customs Service.
Commissioner of Taxation—Data-matching program—ATO’s interaction with the program—Reports for—2001-02, 2002-03 and 2003-04.
2003-04.
Regional Forest Agreement between the Commonwealth of Australia and the State of Tasmania—Supplementary agreement, 13 May 2005.
Sydney Airport Demand Management Act 1997—Quarterly report on the maximum
movement limit for Sydney Airport for the period 1 October to 31 December 2004.

Treaties—*Bilateral*—Text, together with national interest analysis and annexures—


**Tabling**

The following documents were tabled by the Clerk:

Class Rulings—


Sydney Airport Curfew Act—Curfew Dispensation Report—Dispensation No. 4/05 [3 dispensations].

The following answers to questions were circulated:

Aviation Security Package
(Question No. 344)

Senator Mark Bishop asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 23 February 2005:

   (a) when was the decision taken by the Government to provide regional airports with grants totaling $35 million to upgrade security with new fences, lighting and other security measures; (b) was this decision taken by Cabinet or by the Minister; (c) what were the original commencement and completion dates for the program; (d) what is the actual commencement date of the program; (e) what was the original projected expenditure by financial year; (f) what is the actual expenditure by financial year to date; and (g) what is the current projected completion date for this program.

(2) Would the Minister provide a list of funding recipients, the amount of each grant, the date of payment, and the recipient’s stated purpose for the funding; if not, why not.

(3) Would the Minister provide a copy of the standard application form and guidelines for this project; if not, why not.

(4) (a) Have the application form and guidelines been made publicly available; and (b) when were they made available.

Senator Ian Campbell—The Minister for Transport and Regional Services has provided the following answer to the honourable senator’s question:


(2) The supplementary funding for regional airports, bringing the funding package to $35 million, was a government decision taken in the 2004-05 Budget context.

(c) The Regional Airport Funding Programme was established in 2003-04, with funding to be expensed within the financial year.

(d) The programme commenced in 2004.

(e) $35 million was to be expended in 2003-04.

(f) The $35 million was fully expended in 2003/04.

(g) 139 Airports are currently in negotiation with the Australian Airports Association to access funding for the installation of basic security measures at their airport. Each of the basic security measures that are the subject of negotiation were detailed in an attachment to the airport’s Transport Security Program and approved by the Office of Transport Security. Several airports have elected not to seek funding from the AAA for basic security measures as their existing risk treatments are sufficient.

(2) The Australian Airports Association manages the financial relationship with each airport by means of individual funding agreements to which the Commonwealth is not a party. Each agreement is limited to providing funding for basic security measures at the named airports included in the security plans approved by the Office of Transport Security. See Attachment A for a list of airports that are new to the regulatory regime and qualify for funding under the Regional Airport Funding Program managed by the Australian Airports Association.
(3) This documentation sought has been developed by the Australian Airports Association. The Australian Airports Association has been approached and has given permission for their documents to be provided in response to this question. See Attachment B.

(4) (a) No. The information has been made available to each qualifying airport.

(b) Every airport that qualified for funding as at 10 March 2005 had submitted proposals for basic security measures to be installed at their airport. The Office of Transport Security has assessed all basic security measures proposed and notified the airport and Australian Airports Association of the outcome. All of these airports have received application forms and guidelines from the Australian Airports Association. I am advised by the Australian Airports Association that the last pack was sent out on 13 April 2005.

ATTACHMENT A

List of Airports that will be added to the regulatory regime 27 APRIL 2005

145 airports will be subject to aviation security regulation under the new regime.

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<td>Bundaberg</td>
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<td>Grafton</td>
<td>Burketown</td>
<td>St George</td>
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<td>Griffith</td>
<td>Charleville</td>
<td>Sue/Warraber Island</td>
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<tr>
<td>Gunnedah</td>
<td>Cloncurry</td>
<td>Thangool</td>
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<tr>
<td>Inverell</td>
<td>Coconut/Poruma Island</td>
<td>Thargomindah</td>
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<tr>
<td>Lightning Ridge</td>
<td>Coen</td>
<td>Toowoomba</td>
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<td>Winton</td>
</tr>
<tr>
<td>Merimbula</td>
<td>Darnley/Erub Island</td>
<td>Yam Island</td>
</tr>
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<td>Moree</td>
<td>Doomadgee</td>
<td>Yorke Island</td>
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<td>Moruya</td>
<td>Dunk Island</td>
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<td>Mudgee</td>
<td>Edward River/Pormpuraaw</td>
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<td>Emerald</td>
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<td>Port Macquarie</td>
<td>Hughenden</td>
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<tr>
<td>Tamworth</td>
<td>Iron Range/Lockhart</td>
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<tr>
<td>Taree</td>
<td>Julia Creek</td>
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<tr>
<td>Wagga Wagga</td>
<td>Karumba</td>
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<tr>
<td>Walgett</td>
<td>Kowanyama</td>
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</tr>
<tr>
<td>West Wyalong</td>
<td>Kubin/Moa Island</td>
<td></td>
</tr>
</tbody>
</table>

33

QUESTIONS ON NOTICE
<table>
<thead>
<tr>
<th>Victoria</th>
<th>Western Australia</th>
<th>Northern Territory</th>
</tr>
</thead>
<tbody>
<tr>
<td>Essendon (RPT)</td>
<td>Albany</td>
<td>Bathurst Island</td>
</tr>
<tr>
<td>Essendon (GA)</td>
<td>Argyle *</td>
<td>Elcho Island</td>
</tr>
<tr>
<td>Hamilton</td>
<td>Carnarvon</td>
<td>Garden Point</td>
</tr>
<tr>
<td>Latrobe Valley</td>
<td>Derby/Curtin</td>
<td>Hooker Creek/Lajamanu</td>
</tr>
<tr>
<td>Moorabbin (RPT)</td>
<td>Esperance</td>
<td>Kalkgurung/Kalkaringi</td>
</tr>
<tr>
<td>Moorabbin (GA)</td>
<td>Fitzroy Crossing</td>
<td>Katherine/Tindal</td>
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<tr>
<td>Mount Hotham</td>
<td>Geraldton</td>
<td>Lake Evella</td>
</tr>
<tr>
<td>Portland</td>
<td>Halls Creek</td>
<td>McArthur River</td>
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<td>Warrnambool</td>
<td>Jandakot</td>
<td>Maningrida</td>
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<td>9</td>
<td>Kalbarri</td>
<td>Milingimbi</td>
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<tr>
<td>Tasmania</td>
<td>Laverton</td>
<td>Numbulwar</td>
</tr>
<tr>
<td>Cambridge</td>
<td>Learmonth (Screening)</td>
<td>Port Keats</td>
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<tr>
<td>Flinders Island</td>
<td>Leinster</td>
<td>Ramingining</td>
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<tr>
<td>King Island</td>
<td>Leonora</td>
<td>Snake Bay</td>
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<tr>
<td>Strahan</td>
<td>Meekatharra</td>
<td>Tennant Creek</td>
</tr>
<tr>
<td>4</td>
<td>Mount Magnet</td>
<td>Victoria River Downs</td>
</tr>
<tr>
<td>South Australia</td>
<td>Ravensthorpe</td>
<td>16</td>
</tr>
<tr>
<td>Ceduna</td>
<td>Shark Bay/Monkey Mia</td>
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<tr>
<td>Coober Pedy</td>
<td>Wiluna</td>
<td></td>
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<tr>
<td>Kingscote</td>
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<tr>
<td>Mount Gambier</td>
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<tr>
<td>Olympic Dam</td>
<td></td>
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<tr>
<td>Parafield</td>
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<tr>
<td>Port Augusta</td>
<td></td>
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<tr>
<td>Port Lincoln</td>
<td></td>
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<tr>
<td>Whyalla</td>
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</tr>
</tbody>
</table>

* Introduced to the new regulatory regime after 10 March 2005.

ATTACHMENT B

Regional Funding Application Table of Introduction
Documents you need to provide

<table>
<thead>
<tr>
<th>Part 1: Applicant Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Part 2: Project information</td>
</tr>
<tr>
<td>Part 3: Assessment of Applications</td>
</tr>
<tr>
<td>Part 4: Conditions of Application</td>
</tr>
<tr>
<td>Part 5: Declaration and Consent</td>
</tr>
</tbody>
</table>

Applicant’s Checklist

QUESTIONS ON NOTICE
Introduction

The RAAP is a $35 million Australian Government grant program that has been established to provide funding to Regional Airports that are new to the regulatory regime of the Aviation Transport Security Act 2004 (the Act) and will be gazetted as security controlled airports under the Act when it comes into force. The funding will support the installation of approved basic security measures.

The Australian Airports Association (AAA) is managing the distribution of the RAAP funds.

Following the Department of Transport and Regional Services' (DOTARS') assessment and approval of an airports' proposed basic security measures, the airport may apply to the AAA for funding for those approved basic security measures which will be referred to as 'eligible security measures'.

The AAA will assess all applications against the criteria set out in Part 3 of this Application Form.

Documents you need to provide with this form

- Applications must be submitted with the following attachments:
- a copy of the applicant’s registration certificate (for example, certificate of incorporation), or other documentation establishing their legal identity;
- an outline of the applicant’s ownership and management structure;
- a map of the airport showing the location of the eligible security measures;
- a project plan for the project;
- at least two quotations from different service providers for the cost of designing, constructing and implementing each eligible security measure;
- audited profit and loss and balance sheet statements, and an authorised statement of financial position, for the applicant in respect of the 2003/2004 financial year to be used by the Manager – RAAP to determine an appropriate payment schedule;
- A copy of the Airport Operator’s Certificate (AOC) for your Airport.

Part 1: Applicant information

You are eligible to apply for RAAP funding if you:

- are an airport that has been identified by DOTARS as new to the regulatory regime of the Aviation Transport Security Act 2004 (the Act) and will be gazetted as security controlled airports under the Act when it comes into force; and
- have received notification from DOTARS regarding the approval of basic security measures for your airport.

Please note that an asterisk (*) next to a question means that the information is mandatory.

1. Applicant organisation’s information.

   * Legal name of organisation: 

   *Other Name(s) or Trading Name(s): 

   * Type of organisation: [ ] Private Enterprise or for-profit entity [ ] Local Government [ ] Other [ ] Community Council (Indigenous Council)

   * Organisation Street/Unit/Lot No: 

QUESTIONS ON NOTICE
2. Registration, ABN/ACN and GST.

* a) Attach a copy of your organisation’s registration certificate e.g. Certificate of Incorporation or other documentation establishing the legal identity of the airport operator.

* b) Registration Details:

   Australian Business Number (ABN):  

   Australian Company Number (ACN):  

ABN / ACN Application Pending? (Evidence of the ABN/ACN registration will be required if the application for funding is successful.)

☐ Yes ☐ No

* c) Is the applicant GST registered?

☐ Yes – provide date of registration:  _ _ / _ _ / _ _ _ _

☐ No

3. Payment Details

*a) Have you opened an account with an authorised financial institution for the sole purpose of receiving and distributing the RAAP funds?  

☐ Yes ☐ No

*b) Do you require the funds to be paid to you by:-

☐ Cheque ☐ Electronic Funds Transfer

*c) Please complete the following details:-
<table>
<thead>
<tr>
<th>Name of Financial Institution</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Branch Address</td>
<td></td>
</tr>
<tr>
<td>Account Name</td>
<td></td>
</tr>
<tr>
<td>BSB</td>
<td></td>
</tr>
<tr>
<td>Account Number</td>
<td></td>
</tr>
</tbody>
</table>

**Contact Details**

<table>
<thead>
<tr>
<th><em>Airport Manager</em></th>
<th><em>Title</em></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Please ensure that</td>
<td>(Miss, Ms, Mr., Dr,</td>
<td></td>
</tr>
<tr>
<td>this person is well</td>
<td>Mrs., Rev)</td>
<td></td>
</tr>
<tr>
<td>acquainted with</td>
<td>*First Name</td>
<td></td>
</tr>
<tr>
<td>the details of the</td>
<td>*Last Name</td>
<td></td>
</tr>
<tr>
<td>application and</td>
<td>*Position</td>
<td></td>
</tr>
<tr>
<td>project</td>
<td>*Organisation</td>
<td></td>
</tr>
<tr>
<td></td>
<td>*Phone 1</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Phone 2</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Facsimile</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Email address</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th><em>Chief Executive Officer</em></th>
<th><em>Title</em></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Please ensure that</td>
<td>(Miss, Ms, Mr, Dr,</td>
<td></td>
</tr>
<tr>
<td>this person is well</td>
<td>Mrs., Rev)</td>
<td></td>
</tr>
<tr>
<td>acquainted with</td>
<td>*First Name</td>
<td></td>
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<tr>
<td>the details of the</td>
<td>*Last Name</td>
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<tr>
<td>application and</td>
<td>*Position</td>
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<tr>
<td>project</td>
<td>*Organisation</td>
<td></td>
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<td></td>
<td>*Phone 1</td>
<td></td>
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<td></td>
<td>Phone 2</td>
<td></td>
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<tr>
<td></td>
<td>Facsimile</td>
<td></td>
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<td></td>
<td>Email address</td>
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</table>

<table>
<thead>
<tr>
<th><em>Chief Financial Officer</em></th>
<th><em>Title</em></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Please ensure that</td>
<td>(Miss, Ms, Mr, Dr,</td>
<td></td>
</tr>
<tr>
<td>this person is well</td>
<td>Mrs., Rev)</td>
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<td>acquainted with</td>
<td>*First Name</td>
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<td>the details of the</td>
<td>*Last Name</td>
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<tr>
<td>application and</td>
<td>*Position</td>
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</tbody>
</table>
### QUESTIONS ON NOTICE

<table>
<thead>
<tr>
<th>Project Information</th>
<th>* Organisation</th>
<th>Phone 1</th>
<th>Phone 2</th>
<th>Facsimile</th>
<th>Email address</th>
</tr>
</thead>
<tbody>
<tr>
<td>* Engineer Manager</td>
<td>* Title</td>
<td>First Name</td>
<td>Last Name</td>
<td>Position</td>
<td>Organisation</td>
</tr>
<tr>
<td></td>
<td>(Miss, Ms, Mr, Dr, Mrs, Rev)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>* Phone 1</td>
<td>Phone 2</td>
<td>Facsimile</td>
<td>Email address</td>
<td></td>
</tr>
</tbody>
</table>

**Part 2: Project Information**

1. **Project name (short title)**

   We will use this name in general correspondence and communication

2. **Key dates**
   a) Anticipated project start date:
   b) Anticipated project end date:

3. **Project location and Airport address**

   Street/Unit/Lot No.
   Street/Property Name
   * Nearest Town/Suburb
   City
   * State/Territory
   * Postcode
4. Funding details

* (i) State the total amount of funds you are seeking from the RAFP for the eligible security measures (including GST).

Note: this amount will be treated as a “not to exceed” estimate.

If after submitting this application form the details of this schedule change please advise the AAA as soon as possible. AAA may request you to confirm the above details or provide further information.

If you will receive, or expect to receive, other forms of funding or support for the implementation of the eligible security measures, please advise the AAA with full details.

5. * Details of eligible security measures at your Airport

<table>
<thead>
<tr>
<th>Project title eg Flood Lighting</th>
<th>Amount requested ($)</th>
<th>Please provide full details of the eligible security measures</th>
<th>Please provide the specifications of the eligible security measures to be implemented</th>
</tr>
</thead>
<tbody>
<tr>
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</table>

Insert or delete rows as required.

QUESTIONS ON NOTICE
6. Project Budget

* You must obtain at least two quotations from different service providers for the cost of designing, constructing and implementing each eligible security measure. The Manager-RAFP will only vary this requirement in exceptional circumstances.

* A copy of each quotation must be attached to this Application Form.

* Please copy the table below and complete a separate table for each eligible security measure. You must itemise all project costs for the relevant eligible security measure, on the basis of the quotations you attach to this Application Form.

The information provided in this section of the Application Form will form your proposed Budget for the eligible security measures.

<table>
<thead>
<tr>
<th>Cost Item</th>
<th>Estimated Cost ($ GST Exclusive)</th>
<th>Funds sought from the RAFP ($ GST exclusive)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Design/Surveying</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>Contractors</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>Travel</td>
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<td>$</td>
</tr>
<tr>
<td>Materials</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>Equipment Hire/Lease</td>
<td>$</td>
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<tr>
<td>Audit</td>
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<td>$</td>
</tr>
<tr>
<td>Evaluation</td>
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</tr>
<tr>
<td>Other Costs</td>
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</tr>
<tr>
<td>TOTAL ($)</td>
<td>$</td>
<td>$</td>
</tr>
</tbody>
</table>

Insert or delete rows as required.

7. Project Timetable

* Please break down your project into key milestones and the required payments. The RAFP payments are linked to the achievement of milestones.

* Provide one (1) table for each eligible security measure.

<table>
<thead>
<tr>
<th>Milestone number</th>
<th>Milestone description</th>
<th>Date Due</th>
<th>Estimated cost $ (GST exclusive)</th>
<th>Cost items associated with milestone</th>
<th>Payment required from the RAFP ($ GST exclusive)</th>
</tr>
</thead>
<tbody>
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</table>

QUESTIONS ON NOTICE
8. Project Outcomes
   a) * Provide a description of how the project will be implemented (ie the methodology).
      Please attach relevant documents that support the methodology eg project plan.

   b) * Provide details of how you will measure your project’s quality outcomes?
      Please complete the table below. List measures and information about timeframes, how measures and
      quality will be measured and by whom, and how they will be reported on.

<table>
<thead>
<tr>
<th>MEASURE</th>
<th>QUALITY ASSESSMENT</th>
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</thead>
<tbody>
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</tbody>
</table>

Insert or delete rows as required.
You should consider the resources required in monitoring and gathering the performance information. The resources required to measure the performance information are related to the size and complexity of your project and its outcomes.

9. Project management and risk

* What experience and resources does your organisation have, or have access to, that will help you with managing the project?

For example, tell us about your staff, special expertise, office facilities, equipment etc that will be used in this project. You should include the relevant experience of individuals in your organisation.

10. Other information

Please provide any further information which may assist us in the assessment of your application.

AAA will consider each application for RAFP funding on the basis of:

- whether the Budget proposed by the Airport represents:
- a “fair and reasonable cost” for the design, construction and implementation of the eligible security measures covered by the Budget; and
- value for money, taking into account the entire works to be undertaken in the design, construction and implementation of the eligible security measures;
  • the quality of information provided by the applicant;
  • any other matter considered relevant by AAA.
AAA may, in its absolute discretion, set priorities and weighting for evaluation criteria, or vary those priorities or weightings.
AAA may consider any comments and recommendations made by DOTARS in relation to the applicant, the application or the proposed Budget.
The applicant must provide all reasonable assistance to AAA in carrying out any inquiries.
The criteria and measures stated above are not exhaustive and are not listed in the order of importance or priority.
Part 4: Conditions of Application
Submitting an application
It is preferred that your completed form be submitted electronically however please note that page 17 of the RAFP Application Form, Declaration and Consent, must be signed and the entire Application Form mailed back to us at:
Manager – RAFP
Regional Airports Funding Program
P.O. Box 397,
Kew East,
Victoria 3102
E-mail : rafp@bigpond.net.au
Applications should be submitted promptly to be considered for funding.
Application process
The application process is as follows:
1. The applicant submits a completed application form (with all attachments and required information) to the AAA in hard copy and electronically if possible.
2. The AAA will:
   • confirm that it has received the application; and
   • assess the application.
3. Once the application has been assessed the airport will be notified of the outcome in writing.
4. The airport will be sent a Funding Agreement (a copy of which is included in this pack). Applicants will be required to enter into a Funding Agreement with the AAA on the terms set out in the standard Funding Agreement attached to this Application Package.
The Funding Agreement will cover matters including (but not limited to):
• a schedule of payments linked to agreed milestones, outcomes and timeframes;
• professional indemnity and public liability insurance requirements; and
• record keeping and reporting requirements.
Ownership of applications
1. All applications become the property of AAA once lodged. AAA may copy, amend, disclose or otherwise deal with an application for the purpose of:
• evaluating applications;
• conducting subsequent negotiations with the applicant;
• exercising its rights in the application process; and
• any other matter incidental to, or necessary for, those purposes.

Ownership of any intellectual property in the information contained in an application is not affected by the above.

Applicant's costs

All costs and expenses incurred by an applicant in connection with their funding application, including preparing and lodging an application, providing AAA with further information and participating in any subsequent negotiations, are the responsibility of the applicant.

No contract

Nothing in this Application Package should be construed to give rise to any contractual obligations or rights, express or implied by the issue of this Application Package or the submission of an application in response to it. No contract will be created until a formal written contract is executed between the AAA and a successful applicant.

Clarification

2. AAA may contact applicants to clarify aspects of their application.

Acceptance of applications

AAA may accept or reject applications in its sole discretion. Applications that comply with this Application Package will not necessarily be accepted.

An application may not be accepted or approved unless:
• all mandatory areas of the Application Form are properly completed and this Application Package has been complied with;
• at least two quotations for the eligible security measures are submitted with each Application Form (unless otherwise agreed with the Manager-RAFP);
• the eligible security measures have been approved by DOTARS and are consequently eligible for RAFP funding; and
• on request, the applicant gives AAA any further information required.

Failure to satisfy any of these requirements may result in return of the application without further processing. Applications containing alterations or erasures, handwritten amendments which are not initialled or information which is not clear or legible may also be excluded from consideration.

AAA may discontinue this application process at any time (including in the course of negotiations for a funding agreement).

Amount of funds

You acknowledge that:
• the Commonwealth has allocated a fixed sum for RAFP funding; and
• AAA is not responsible for ensuring that the funds allocated to the RAFP will cover the costs incurred by each eligible airport in implementing the eligible security measures.

AAA will process applications as and when they are received by AAA. The decision to approve, or not approve, an application is in the sole discretion of the AAA.

3. AAA may approve funds for all or part of the Budget proposed by an applicant.
Commencement of works
Applicants who commence implementation of the eligible security measures that have been approved for funding by DOTARS, before a Funding Agreement has been signed with AAA, do so at their own risk and cost.

Limitation of damages
By submitting an application, each applicant agrees to limit their damages for any claim they may make in respect of the application process to the reasonable costs incurred by the applicant in preparing their application.

Workplace relations
4. Successful applicants will be required to comply with the relevant provisions of applicable legislative requirements, awards and workplace arrangements including:
   - workplace/industrial relations legislation;
   - occupational health and safety legislation;
   - workers compensation legislation; and
   - affirmative action legislation.

5. Applicants must state in their application if they are currently named as not complying with the Equal Employment Opportunity for Women in the Workplace Act 1999. This requirement extends to each subcontractor named in an application. AAA may at its discretion not consider an application if the applicant or any subcontractor is named as non-complying under that Act.

Further assistance:
For further information about this Application Package or the RAFP, please contact the Manager-RAFP:
Address: P.O. Box 397, Kew East, Victoria 3012
Phone: (03) 9859 5844
Fax: (03) 9859 6855
E-mail: rafp@bigpond.net.au
Or visit the AAA website at www.aaal.com.au
For information on taxation related issues, please contact the Australian Taxation Office at www.ato.gov.au or 13 28 66.

Part 5: Declaration and Consent
I, <insert name of authorised signatory> declare that I have been authorised to make this application by <insert legal name of applicant organisation>
I declare that the information I have given on this form is complete and correct and that the group/organisation that I represent supports the project. My organisation or I will inform the RAFP promptly of any changes to this information.
I understand and agree with the conditions in the Application Package.
I understand that this application and other information provided to the AAA (excluding any audited profit and loss statement and authorised statement of financial position that is not otherwise in the public domain) may be provided to other agencies, as appropriate, to determine compliance with the RAFP conditions and assessment criteria.
I agree that:
   - this application may be used in future evaluation and performance management of the RAFP
• if this application is successful, the Airport will be required to enter into a Funding Agreement with
the AAA in relation to the distribution and use of the RAFP funds (a copy of the Funding Agree-
ment is provided at Part 6 of the Application Package)
• the AAA can arrange for the project to be evaluated at any time during or after the term of the
Funding Agreement.
• if this application is successful, information about the applicant’s project that is provided in the
application form may be reproduced in RAFP promotional and media material.
• individuals or organisations mentioned in this application may be contacted as part of the assess-
ment of this application and the applicant authorises the AAA to disclose to those individuals and
organisations any information in the application it considers in order to verify any matter in the ap-
lication.

The applicant has read and understood the Funding Agreement and, if this application is approved for
funding by the AAA, the applicant is willing to enter into a Funding Agreement with the AAA in the
same terms as the Funding Agreement provided in Part 6.

Representative:

First Name    Last Name
Position    Phone
Organisation
Signature    Date

Submitting an application for funding electronically is encouraged. However, this signed declaration
and the entire Application Package must be posted to the RAFP

Applicant’s Checklist

This checklist is to help you make sure that all the relevant information has been completed for the
submission of your application. It is not a part of the application form and does not need to be sent to
the RAFP

Have You:

☐ Read Part 4: Conditions of Application on Page 13
☐ Read the Funding Agreement template and agree to the standard clauses
☐ Completed questions 1 – 4 in Part 1
☐ Completed questions 1 – 10 in Part 2
☐ Read and completed the Declaration on Page 17
☐ Attached a copy of your organisation’s registration certificate
☐ Attached any other documentation in support of your application
☐ Attached copies of any relevant documents outlined in the Application Form
☐ I have opened a new account for the RAFP funds
OR
☐ I will open an account for the RAFP funds and provide details for inclusion in the Funding
Agreement
QUESTIONS ON NOTICE

Civil Aviation Safety Authority Hotline
(Question No. 358)

Senator Mark Bishop asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 23 February 2005:

With reference to page 75 of the Civil Aviation Safety Authority’s (CASA) Annual Report for 2003-04:

1) For each of the financial years 2001-02, 2002-03 and 2003-04, what has been the cost of the CASA Hotline.

2) For each of the financial years 2001-02 and 2002-03, how many calls were received on the CASA Hotline.

3) For each of the financial years 2001-02, 2002-03 and 2003-04, how many calls fell into the following categories (a) advice; (b) complaints; (c) general information; and (d) wrong number.

4) For each of the financial years 2001-02, 2002-03 and 2003-04, how many staff operated the CASA Hotline.

Senator Ian Campbell—The Minister for Transport and Regional Services has provided the following answer to the honourable senator’s question:

The Civil Aviation Safety Authority has advised that:

1) and 2)

<table>
<thead>
<tr>
<th>Year</th>
<th>Costs</th>
<th>Total calls</th>
</tr>
</thead>
<tbody>
<tr>
<td>2001-02</td>
<td>$ 382.32</td>
<td>97</td>
</tr>
<tr>
<td>2002-03</td>
<td>$ 408.91</td>
<td>106</td>
</tr>
<tr>
<td>2003-04</td>
<td>$ 398.12</td>
<td>187 *</td>
</tr>
</tbody>
</table>

* This figure differs from that of 179 calls reported in the 2003/04 CASA Annual Report. The explanation relates to the Telstra billing and reporting period flowing into mid-July rather than stopping at 30 June.

3) Most calls to the Hotline relate to safety concerns by either members of the aviation industry or the public. Action is taken promptly to address safety matters raised. Call statistics are not recorded by the categories requested.

4) There are no dedicated full-time staff to operate the Hotline. During business hours the number is answered by senior staff in the Corporate Affairs branch and inquiries forwarded appropriately. After hours and on weekends, the number is diverted to the mobile telephone of the Acting Executive Manager, Corporate Affairs.