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the Senate and committee hearings are available at

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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.

- **CANBERRA**: 103.9 FM
- **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—FOURTH 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

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 Nationals—Senator the Hon. Ronald Leslie Doyle Boswell
Deputy Leader of The Nationals—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 Whips—Senator Julian John James McGauran
Opposition Whips—Senators George Campbell, Linda Jean Kirk and Ruth Stephanie Webber
Australian Democrats Whip—Senator Andrew John Julian Bartlett
Leader of the Family First Party—Senator Steve Fielding

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

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<th>State or Territory</th>
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(1) Chosen by the Parliament of Queensland to fill a casual vacancy vice Hon. John Joseph Herron, resigned.
(2) Chosen by the Parliament of Victoria to fill a casual vacancy vice Hon. Richard Kenneth Robert Alston, resigned.
(3) Term expires at close of day next preceding the polling day for the general election of members of the House of Representatives.
(4) Chosen by the Parliament of Tasmania to fill a casual vacancy vice Susan Mary Mackay, resigned.

PARTY ABBREVIATIONS
AD—Australian Democrats; AG—Australian Greens; ALP—Australian Labor Party; CLP—Country Labor Party; FF—Family First Party; LP—Liberal Party of Australia; NATS—The Nationals

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

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<th>Position (and Additional Roles)</th>
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<tr>
<td>Prime Minister</td>
<td>The Hon. John Winston Howard MP</td>
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<tr>
<td>Minister for Trade and Deputy Prime Minister</td>
<td>The Hon. Mark Anthony James Vaile MP</td>
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<tr>
<td>Treasurer</td>
<td>The Hon. Peter Howard Costello MP</td>
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<tr>
<td>Minister for Transport and Regional Services</td>
<td>The Hon. Warren Errol Truss MP</td>
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<tr>
<td>Minister for Defence and Leader of the Government in the Senate</td>
<td>Senator the Hon. Robert Murray Hill</td>
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<tr>
<td>Minister for Foreign Affairs</td>
<td>The Hon. Alexander John Gosse Downer MP</td>
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<tr>
<td>Minister for Health and Ageing and Leader of the House</td>
<td>The Hon. Anthony John Abbott MP</td>
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<tr>
<td>Attorney-General</td>
<td>The Hon. Philip Maxwell Ruddock MP</td>
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<tr>
<td>Minister for Finance and Administration, Deputy Leader of the Government in the Senate and Vice-President of the Executive Council</td>
<td>Senator the Hon. Nicholas Hugh Minchin</td>
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<td>Minister for Agriculture, Fisheries and Forestry and Deputy Leader of the House</td>
<td>The Hon. Peter John McGauran MP</td>
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<td>Senator the Hon. Amanda Eloise Vanstone</td>
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<td>The Hon. Dr Brendan John Nelson MP</td>
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<td>Minister for Finance and Administration, Deputy Leader of the Government in the Senate and Vice-President of the Executive Council</td>
<td>Senator the Hon. Kay Christine Lesley Patterson</td>
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<td>The Hon. Ian Elgin Macfarlane MP</td>
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<tr>
<td>Minister for Employment and Workplace Relations and Minister Assisting the Prime Minister for the Public Service</td>
<td>The Hon. Kevin James Andrews MP</td>
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<tr>
<td>Minister for Communications, Information Technology and the Arts</td>
<td>Senator the Hon. Helen Lloyd Coonan</td>
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<td>Minister for the Environment and Heritage</td>
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(The above ministers constitute the cabinet)
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<td>Minister for Justice and Customs and Manager of Government Business in the Senate</td>
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<td>Minister for Fisheries, Forestry and Conservation</td>
<td>Senator the Hon. Ian Douglas Macdonald</td>
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<tr>
<td>Minister for the Arts and Sport</td>
<td>Senator the Hon. Charles Roderick Kemp</td>
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<tr>
<td>Minister for Human Services</td>
<td>The Hon. Joseph Benedict Hockey MP</td>
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<tr>
<td>Minister for Citizenship and Multicultural Affairs</td>
<td>The Hon. John Kenneth Cobb MP</td>
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<tr>
<td>Minister for Revenue and Assistant Treasurer</td>
<td>The Hon. Malcolm Thomas Brough MP</td>
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<td>Special Minister of State</td>
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<td>The Hon. Frances Esther Bailey MP</td>
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<td>Parliamentary Secretary to the Minister for Finance and Administration</td>
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<td>Parliamentary Secretary to the Minister for Health and Ageing</td>
<td>The Hon. Christopher Maurice Pyne MP</td>
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<td>Parliamentary Secretary to the Minister for Defence</td>
<td>The Hon. Teresa Gambaro MP</td>
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<td>Parliamentary Secretary (Foreign Affairs) and Parliamentary Secretary to the Minister for Immigration and Multicultural and Indigenous Affairs</td>
<td>The Hon. Bruce Fredrick Billson MP</td>
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<tr>
<td>Parliamentary Secretary to the Prime Minister</td>
<td>The Hon. Gary Roy Nairn MP</td>
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<td>Parliamentary Secretary to the Treasurer</td>
<td>The Hon. Christopher John Pearce MP</td>
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<td>The Hon. Gregory Andrew Hunt MP</td>
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<td>The Hon. Sussan Penelope Ley MP</td>
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<tr>
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</table>
SHADOW MINISTRY

Leader of the Opposition
The Hon. Kim Christian Beazley MP

Deputy Leader of the Opposition and Shadow Minister for Education, Training, Science and Research
Jennifer Louise Macklin MP

Leader of the Opposition in the Senate, Shadow Minister for Indigenous Affairs and Shadow Minister for Family and Community Services
Senator Christopher Vaughan Evans

Deputy Leader of the Opposition in the Senate and Shadow Minister for Communications and Information Technology
Senator Stephen Michael Conroy

Shadow Minister for Health and Manager of Opposition Business in the House
Julia Eileen Gillard MP

Shadow Treasurer
Wayne Maxwell Swan MP

Shadow Attorney-General
Nicola Louise Roxon MP

Shadow Minister for Industry, Infrastructure and Industrial Relations
Stephen Francis Smith MP

Shadow Minister for Foreign Affairs and Trade and Shadow Minister for International Security
Kevin Michael Rudd MP

Shadow Minister for Defence
Robert Bruce McClelland MP

Shadow Minister for Regional Development
The Hon. Simon Findlay Crean MP

Shadow Minister for Primary Industries, Resources, Forestry and Tourism
Martin John Ferguson MP

Shadow Minister for Environment and Heritage, Shadow Minister for Water and Deputy Manager of Opposition Business in the House
Anthony Norman Albanese MP

Shadow Minister for Housing, Shadow Minister for Urban Development and Shadow Minister for Local Government and Territories
Senator Kim John Carr

Shadow Minister for Public Accountability and Shadow Minister for Human Services
Kelvin John Thomson MP

Shadow Minister for Finance
Lindsay James Tanner MP

Shadow Minister for Superannuation and Intergenerational Finance and Shadow Minister for Banking and Financial Services
Senator the Hon. Nicholas John Sherry

Shadow Minister for Child Care, Shadow Minister for Youth and Shadow Minister for Women
Tanya Joan Plibersek MP

Shadow Minister for Employment and Workforce Participation and Shadow Minister for Corporate Governance and Responsibility
Senator Penelope Ying Yen Wong

(The above are shadow cabinet ministers)
SHADOW MINISTRY—continued

Shadow Minister for Consumer Affairs and Shadow Minister for Population Health and Health Regulation
Laurie Donald Thomas Ferguson MP

Shadow Minister for Agriculture and Fisheries Shadow Assistant Treasurer, Shadow Minister for Revenue and Shadow Minister for Small Business and Competition
Gavan Michael O’Connor MP
Joel Andrew Fitzgibbon MP

Shadow Minister for Transport
Senator Kerry Williams Kelso O’Brien

Shadow Minister for Sport and Recreation
Senator Kate Alexandra Lundy

Shadow Minister for Homeland Security and Shadow Minister for Aviation and Transport Security
The Hon. Archibald Ronald Bevis MP

Shadow Minister for Veterans’ Affairs and Shadow Special Minister of State
Alan Peter Griffin MP

Shadow Minister for Defence Industry, Procurement and Personnel
Senator Thomas Mark Bishop

Shadow Minister for Immigration
Anthony Stephen Burke MP

Shadow Minister for Aged Care, Disabilities and Carers
Senator Jan Elizabeth McLucas

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

Shadow Minister for Overseas Aid and Pacific Island Affairs
Robert Charles Grant Sercombe MP

Shadow Parliamentary Secretary for Reconciliation and the Arts
Peter Robert Garrett MP

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

Shadow Parliamentary Secretary for Defence and Veterans’ Affairs
The Hon. Graham John Edwards MP

Shadow Parliamentary Secretary for Education
Kirsten Fiona Livermore MP

Shadow Parliamentary Secretary for Environment and Heritage
Jennie George MP

Shadow Parliamentary Secretary for Industry, Infrastructure and Industrial Relations
Bernard Fernando Ripoll MP

Shadow Parliamentary Secretary for Immigration
Ann Kathleen Corcoran MP

Shadow Parliamentary Secretary for Treasury
Catherine Fiona King MP

Shadow Parliamentary Secretary for Science and Water
Senator Ursula Mary Stephens

Shadow Parliamentary Secretary for Northern Australia and Indigenous Affairs
The Hon. Warren Edward Snowdon MP
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The DEPUTY PRESIDENT (Senator John Hogg) took the chair at 9.30 am and read prayers.

NOTICES

Presentation

Senator Bob Brown to move on Wednesday, 14 September 2005:

That the Senate calls on the Government to protect the Recherche Bay forest in Tasmania from logging in order to protect its historic, cultural and natural values for the nation.

Senator KEMP (Victoria—Minister for the Arts and Sport) (9.31 am)—I give notice that, on the next day of sitting, I shall move:

That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the following bills, allowing them to be considered during this period of sittings:

- Telecommunications Legislation Amendment (Future Proofing and Other Measures) Bill 2005,
- Telecommunications (Carrier Licence Charges) Amendment (Industry Plans and Consumer Codes) Bill 2005, and the
- Appropriation (Regional Telecommunications Services) Bill 2005-2006.

I also table a statement of reasons justifying the need for these bills to be considered during these sittings and seek leave to have the statement incorporated in Hansard.

Leave granted.

The statement read as follows—

Telecommunications Legislation Amendment (Future Proofing and Other Measures) Bill 2005

Telecommunications (Carrier Licence Charges) Amendment (Industry Plans and Consumer Codes) Bill 2005

Appropriation (Regional Telecommunications Services) Bill 2005-06

PURPOSE OF THE BILLS

The Telecommunications Legislation Amendment (Future Proofing and Other Measures) Bill 2005:

- implements recommendations of the Regional Telecommunications Inquiry Report of 2002 (the Estens report) to establish regular independent reviews into the adequacy of telecommunications services in regional, rural and remote parts of Australia;
- establishes a Communications Fund to provide funding of the government’s response to any recommendations contained in a report prepared as part of the independent reviews;
- restores the operation of a number of standing appropriations in the Telstra Corporation Act 1991; and
- allows cost recovery from industry of the development of telecommunications consumer codes.

The Telecommunications (Carrier Licence Charges) Amendment (Industry Plans and Consumer Codes) Bill 2005 provides for recovery from carrier licence charges any costs refunded to industry bodies or associations under the scheme implemented by Schedule 3 to the Telecommunications Legislation Amendment (Future Proofing and Other Measures) Bill. It also makes consequential amendments required as a result of the repeal of the requirement for carriers to have an industry development plan. The bill also contains minor amendments to reflect the operation of the Legislative Instruments Act 2003 and to correct a minor drafting error in the Telecommunications (Carrier Licence Charges) Amendment Act 1998.

The Appropriation (Regional Telecommunications Services) Bill 2005-06 provides appropriation in 2005-06 for the Higher Bandwidth Incentive Scheme and for the commencement of Connect Australia programmes.

Reasons for Urgency

The bills are part of a package of measures relating to the further privatisation of the government’s remaining shareholding in Telstra and future proofing of telecommunications services in regional, rural and remote Australia.

Passage of these bills is therefore necessary to ensure that these measures are in place before
1 January 2006 to provide the necessary regulatory framework to “future proof” telecommunications services in regional Australia.

(Circulated by authority of the Minister for Communications, Information Technology and the Arts and the Minister for Finance and Administration)

Senator Milne to move on the next day of sitting:

That the Senate—

(a) notes that:

(i) under the Nuclear Non-Proliferation (Safeguards) Act 1987 and the relevant administrative arrangements, export of uranium from Australia is permitted only to countries that are party to the Nuclear Non-Proliferation Treaty and with which Australia has a bilateral safeguards agreement, and

(ii) India is not a signatory to the treaty; and therefore

(b) calls on the Government to immediately rule out the export of uranium from Australia to India in order to uphold our international obligations as a signatory to the treaty.

Senator Watson (Tasmania) (9.33 am)—On behalf of the Standing Committee on Regulations and Ordinances, I give notice that 15 sitting days after today I shall move:


I seek leave to incorporate into Hansard a short summary of the matters raised by the committee.

Leave granted.

The document read as follows—

Maritime Transport Security Amendment Regulations 2005 (No. 1), Select Legislative Instrument 2005 No. 115

These Regulations amend the principal regulations by inserting new requirements concerning the duties of port operators concerning water-side restricted zones and ship security zones, and other provisions related to persons who are authorised to carry or possess a weapon or prohibited item on a regulated Australian ship, or in a maritime security zone. The Committee has written to the Minister on the following matters concerning these Regulations.

Item [1] substitutes a new regulation 6.70 that specifies the duties of a port operator with regard to water-side restricted zones. Subregulation 6.70(3) creates a strict liability offence of monitoring access to any water-side restricted zone in a security regulated port. The Explanatory Statement does not explain why this is made a strict liability offence. In light of subregulation 6.70(2) it is not clear whether the obligation imposed by subregulation 6.70(3) arises even if the zone has not yet come into force. Lastly, subregulation 6.70(5) requires a port operator to ensure that the security measures and procedures “detect and deter unauthorised access” to water-side restricted zones. The consequences of failure to comply with this subregulation are not specified.

Similar questions are raised by item [3] which substitutes a new regulation 6.95 that specifies the duties of a port operator with regard to ship security zones.

Item [6] inserts a new regulation 7.40, subregulation (3) of which permits an inspector of the RSPCA of a State or Territory to have a weapon (or prohibited item) in his or her possession while in a maritime security zone when the person is carrying out an inspection related to the welfare of any animals in that zone. Similarly, new subregulation 7.45(3) permits such inspectors to carry a weapon through a screening point, and new subregulation 7.50(3) permits such inspectors to carry a weapon on board a regulated Australian ship. There is no explanation as to why RSPCA inspectors might need to carry a weapon in such circumstances, nor whether such officers receive any training in the use of weapons.

Section 17 of the Legislative Instruments Act 2003 directs a rule-maker to be satisfied that appropriate consultation, as is reasonably practicable, has been undertaken particularly where a proposed instrument is likely to have an effect on business. Section 18 of the Act provides that in
some circumstances consultation may be unnecessary or inappropriate. The definition of ‘explanatory statement’ in section 4 of the Act requires an explanatory statement to describe the nature of any consultation that has been carried out or, if there has been no consultation, to explain why none was undertaken. The document that accompanies these Regulations makes no reference to consultation.

BUSINESS

Rearrangement

Senator KEMP (Victoria—Minister for the Arts and Sport) (9.33 am)—I move:

That government business order of the day No. 2 (Customs Tariff Amendment Bill (No. 2) 2005) be considered from 12.45 pm till not later than 2 pm this day.

Question agreed to.

Rearrangement

Senator KEMP (Victoria—Minister for the Arts and Sport) (9.34 am)—I move:

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

(a) general business notice of motion No. 246 standing in the name of Senator Carr relating to Senate processes; and

(b) consideration of government documents.

Question agreed to.

Rearrangement

Senator FERRIS (South Australia) (9.34 am)—by leave—At the request of the Chair of the Economics Legislation Committee, Senator Brandis, I move:

That business of the Senate order of the day no. 3, relating to the presentation of the report of the committee on the provisions of the Trade Practices Amendment (National Access Regime) Bill 2005, be postponed till a later hour.

Question agreed to.

NOTICES

Postponement

The following items of business were postponed:

Business of the Senate notice of motion no. 1 standing in the name of Senator Bob Brown for today, proposing the reference of matters to the Community Affairs References Committee, postponed till 12 September 2005.

General business notice of motion no. 238 standing in the name of the Leader of the Australian Democrats (Senator Allison) for today, relating to ethanol in petrol, postponed till 12 September 2005.

INTERNATIONAL LITERACY DAY

Senator STEPHENS (New South Wales) (9.35 am)—I move:

That the Senate—

(a) notes that:

(i) 8 September 2005 is International Literacy Day,

(ii) marking the beginning of the United Nations Decade of Education and Sustainable development (2005-2014), the theme of International Literacy Day for 2005 is the role of literacy in sustainable development,

(iii) literacy is a key lever of change and a practical tool of empowerment on each of the three main pillars of sustainable development, namely economic development, social development and environmental protection,

(iv) worldwide, almost one in every seven people is illiterate, and out of a total of 860 million illiterate adults more than 500 million are women,

(v) worldwide, more than 100 million children are not in school, and

(vi) an Organisation for Economic Co-operation and Development (OECD) survey in 2000 entitled, Literacy in the information age: The final report of the International Adult Literacy Survey, found that approximately 20 per cent of the Australian population was at the lowest level of prose and the OECD listed Australia as one of 14 countries with more than 15 per cent of citizens
performing at the lower prose level; and

(b) calls on the Government to address this deficiency so that literacy alone is no impediment to an individual’s progress or development in Australia.

Question agreed to.

MAKE POVERTY HISTORY CAMPAIGN

Senator STOTT DESPOJA (South Australia) (9.36 am) — I move:

That the Senate notes:

(a) the important work being done by the international ‘Make Poverty History’ campaign and the tireless and dedicated work of the many non-government agencies, faith groups, community organisations and individuals working around the world to end poverty;

(b) the vital importance of meeting the Millennium Development Goals;

(c) that Australia has the resources, knowledge and opportunity to help end global poverty; and

(d) that, with commitment and political will, an end to world poverty is an achievable goal.

Question agreed to.

COMMITTEES

Finance and Public Administration References Committee

Extension of Time

Senator FORSHAW (New South Wales) (9.36 am) — 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 12 October 2005.

Question agreed to.

HURRICANE KATRINA

Senator BOB BROWN (Tasmania) (9.36 am) — I move:

That the Senate —

(a) expresses its great sympathy for the people of the United States of America (US) after the catastrophe of Hurricane Katrina;

(b) grieves for those whose lives have been taken or who have suffered loss, and wishes all strength to those working to aid the people of the stricken region; and

(c) from the other side of our shared planet, wishes the people of the US rapid healing and all possible recovery from the ravages of this terrific storm.

Question agreed to.

COMMITTEES

Foreign Affairs, Defence and Trade References Committee

Extension of Time

Senator GEORGE CAMPBELL (New South Wales) (9.37 am) — 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 matters specified in paragraphs (a) and (b) of the terms of reference for the inquiry into the Chen Yonglin and Vivian Solon cases and any related matters be extended to 12 September 2005.

Question agreed to.

CHERNOBYL NUCLEAR ACCIDENT

Senator MILNE (Tasmania) (9.37 am) — I move:

That the Senate —

(a) notes the release of the report *Chernobyl’s legacy: Health, environmental and socio-economic impacts* by the Chernobyl Forum initiated by the International Atomic Energy Agency;

(b) expresses its concern that:

(i) 4 000 people may die from radiation exposure from the accident,

(ii) approximately 4 000 cases of thyroid cancer, mainly in children and adolescents at the time of the accident, have resulted from contamination,
(iii) 100 000 people living in the vicinity of the reactor are still receiving more than the recommended radiation dose limit,
(iv) 784 320 hectares of land have been taken out of agricultural production,
(v) there is still a highly contaminated 30 kilometre zone around the reactor,
(vi) structural elements of the sarcophagus built to contain the damaged reactor have degraded, posing a risk of collapse and the release of radioactive dust,
(vii) a plan to dispose of tonnes of high level radioactive waste at and around Chernobyl has yet to be defined, and
(viii) the financial cost of the direct damage, the recovery and mitigation operations, and indirect economic losses over the 2 decades since the accident amounts to hundreds of billions of dollars; and
(c) calls on the Government to heed the extensive environmental, economic and social costs of the Chernobyl nuclear accident and stop the promotion of nuclear power as a clean and safe energy option.

Question put:
That the motion be agreed to.

The Senate divided. [9.43 am]
(The Deputy President—Senator JJ Hogg)

Ayes...........  8
Noes...........  48
Majority........  40

AYES
Allison, L.F.  Bartlett, A.J.J.
Brown, B.J.  Milne, C.
Murray, A.J.M.  Nettle, K.
Siewert, R. *  Stott Despoja, N.

NOES
Abetz, E.  Adams, J.
Barnett, G.  Bishop, T.M.
Boswell, R.L.D.  Brandis, G.H.
Brown, C.L.  Campbell, G.
Carr, K.J.  Chapman, H.G.P.
Faulkner, J.P.  Ferguson, A.B.
Ferris, J.M. *  Fierravanti-Wells, C.
Fifield, M.P.  Forshaw, M.G.
Hogg, J.J.  Humphries, G.
Hurley, A.  Hutchins, S.P.
Johnston, D.  Joyce, B.
Kemp, C.R.  Kirk, L.
Lightfoot, P.R.  Ludwig, J.W.
Marshall, G.  Mason, B.J.
McEwen, A.  McGauran, J.J.J.
McLucas, J.E.  Moore, C.
Nash, F.  O’Brien, K.W.K.
Parry, S.  Payne, M.A.
Polley, H.  Ronaldson, M.
Santoro, S.  Scullion, N.G.
Sherry, N.J.  Stephens, U.
Sterle, G.  Trood, R.
Watson, J.O.W.  Webber, R.
Wong, P.  Wortley, D.

* denotes teller

Question negatived.

WANDELLA STATE FOREST
Senator Nettle (New South Wales) (9.47 am)—I move:
That the Senate—
(a) notes that:
(i) the peaceful forest blockade in Wandella State Forest on the far south coast of New South Wales has been in place for 3 months,
(ii) there is no record of this forest being logged,
(iii) the forest is habitat for the Powerful Owl, a nationally threatened species, and
(iv) the catchment provides drinking water for Eurobodalla Shire; and
(b) congratulates those participating and supporting the blockade for their brave efforts to protect our forests, threatened species and drinking water.

Question negatived.

REPRODUCTIVE HEALTH SERVICES
Suspension of Standing Orders

Senator Allison (Victoria—Leader of the Australian Democrats) (9.48 am)—I ask that general business notice of motion No.
240 as amended, relating to reproductive health services, be taken as a formal motion.

The DEPUTY PRESIDENT—Is there any objection to the motion as amended?

Senator Boswell—Yes.

The DEPUTY PRESIDENT—There is an objection.

Senator ALLISON (Victoria—Leader of the Australian Democrats) (9.49 am)—Pursuant to contingent notice, I move:

That so much of the standing orders be suspended as would prevent Senator Allison from 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. 240.

I am not altogether sure why there would be an objection to this motion being taken as formal. Notice was given of it and I have not received any indication from Senator Boswell, who has objected, that there is a problem with it. I will work through that motion. It says:

That the Senate—

(a) recognises that the United Nations (UN) Secretary General’s report on achieving the Millennium Development Goals, In larger freedom, calls on governments to ensure universal access to reproductive health services;

(b) acknowledges that in January 2005 the Prime Minister (Mr Howard) reaffirmed the vision of the International Conference on Population and Development (ICPD) for human development, social justice, economic progress and environmental preservation and called on the international community, national governments and private philanthropic organisations to prioritise the ICPD Program of Action; and

(c) recognises that access to sexual and reproductive health is also a critical strategy towards achieving gender equality and women’s empowerment, the third of the Millennium Development Goals.

Why we should not pass this motion in this place at this time is hard to understand. We have all been talking a great deal about poverty this week. We are very much aware that it is important for the Millennium Development Goals to be achieved and for sexual and reproductive health to be part of that, particularly for women. In places where there is poor reproductive health for women, it is almost impossible to achieve any reduction in poverty. This is not just a question of reproductive health but of sexual health as well. It embraces a whole range of areas such as HIV and women’s ability to manage and be part of their economic development. As the motion indicates, the Prime Minister himself has reaffirmed the need for sexual and reproductive health to be part of these Millennium Development Goals.

We hope that the Prime Minister will go to the UN conference and that this will be part of his speech. It is my understanding that it is likely that he will go. This will be a great step forward, both for women and for alleviating poverty world wide. This is critically important. I attended a conference in Strasbourg in October last year on this very subject and there is global support for us acknowledging how important it is that sexual and reproductive health be part of those Millennium Development Goals.

It would be very disappointing if this motion was not supported, because the eyes of women everywhere are upon parliaments right round the world. They want to see this important phrase expressed in the Millennium Development Goals. This is not just symbolic; this is about the way that services are delivered. There is no doubt in my mind that if this is not achieved we will do very little to alleviate poverty world wide.
I am hoping that this motion is allowed to be put as formal. As I say, it will be a very important statement on the part of the Senate. As I understand it, a similar statement will be made in the House of Representatives. The group on population and development has endorsed this approach and has worked very hard to this point to see that it is included in the kinds of statements that our Prime Minister and this place make. I want to emphasise the importance of this going to the vote and of this vote being successful. I want to indicate, too, that Mr Downer’s office has just this morning given us his support for this statement and that it is critically important that it is made.

Senator BOSWELL (Queensland—Leader of The Nationals in the Senate) (9.53 am)—I want to make the point that this amendment was circulated about one minute after we came into this place. Let me make this clear so there can be no misunderstanding: if you vote for this resolution, you are voting for abortion on demand. That is the decision that everyone has to make. This is the moment of truth for many people. Recognise that the UN Secretary-General’s report on achieving the Millennium Development Goals and the report In larger freedom call on governments to ensure universal access to reproductive health services. There is no doubt about it: this is abortion on demand. Anyone who votes for this motion will be voting for abortion on demand.

I put questions on notice and we found out that there are 91,000 abortions per year in Australia. That is one abortion for every two live births. Everyone, even the most ardent pro-abortionist, would suggest that that is far too many. Now we are being called upon by the Democrats to vote for abortion on demand.

Senator BOSWELL—I am sorry; I do not care who says this: I am not voting for abortion on demand. I object to this coming in five minutes after the start of the Senate. It does not give anyone the opportunity to debate it; it does not give anyone the opportunity to take it back to the party room.

Senator Bob Brown—Then why don’t we debate it?

Senator BOSWELL—I am debating it now, clown.

Senator Bob Brown—Vote for the motion and then we can have a full debate.

Senator BOSWELL—I am certainly not supporting this motion, Senator Brown, and I do not think many people want to support it. This is an ambush. It was brought into this place five minutes after we started. It has never been to any party room. At least we should have a conscience vote on it if we are going to have a vote.

I do not believe this resolution reflects the true meaning of what was voted for in the United Nations. I have done some research on it. With five minutes to go, I certainly have not got the ability to explain what the resolution really said and really meant. This is an abbreviation of what it did say, and I do not think it deserves the support of the people who have gone out there and said to the people, ‘If you elect us to the parliament, then we will stand for pro family values.’ I know many of us down here have to change and have to move. In a coalition, there is give and take. That will always be there. But there are some areas that are no go, and this is one of those areas. If you want to debate it, we can debate it more fully. But I certainly will not be a party to supporting this motion.

The DEPUTY PRESIDENT—A point that I wish to make before the debate proceeds is that the motion moved by Senator Allison is a motion to give precedence to the consideration of a debate of this issue. I draw
that to the attention of the people who are participating in the debate.

Senator MILNE (Tasmania) (9.58 am)—
I am astounded that there is any opposition to this particular motion being made formal and being voted on immediately. There is some urgency with regard to this matter because of the impending meeting relating to the Millennium Development Goals and it is essential that we express a view on this.

I am shocked that Senator Boswell is so unaware of the AIDS pandemic that is spreading across the world. He should get on a plane and go to Africa right now. He talks about family values. He should go down the streets in Johannesburg; he should go down the streets in Durban. He would then see all the children who are without parents because they have died of AIDS. Go into the large areas in Africa where you have huge game parks that have no rangers left because they have all died of AIDS. Talk to the grandmothers who now have to bring up families when there is no capacity for them to do so. The whole culture is on its knees because the middle generation is dying of AIDS.

Go down to a cinema in Canberra and have a look at the documentary showing there right now called Darwin's Nightmare and look at what is happening to those communities around Lake Victoria, where the women and their families are dying of AIDS. Why are they dying? They are dying because of the dislocation of their economic system by virtue of the trading in arms, with arms flying in from Europe and fish being flown out. Communities are dying. Women are driven to prostitution. The spread of AIDS is unmanageable. Listen to Nelson Mandela. He stands up all the time and talks about the crisis in Africa, and the crisis is the AIDS pandemic.

If we do not stand up in this Senate and support the women, children and families of the world who are struggling at this very moment to deal with the AIDS crisis, then I do not know what we are doing as legislators taking on national and global responsibility. That is what this motion is about. It is also about the families in PNG and the Solomon Islands. AIDS is spreading rapidly in our region. It is not just happening in Africa; it is happening throughout the world. Unless we can educate people about sexual and reproductive health, how are we ever going to deal with the pandemic that is wiping out a whole generation in Africa?

I urge every single one of you who is thinking about voting against precedence for this motion to go and watch Darwin's Nightmare. What is more, in that film the young woman who is a prostitute and is dying of AIDS is murdered by her Australian client. How wonderful! What a reputation for us. That film is going to be shown at film festivals throughout the world and showing exactly what is going on in those African communities. Anyone who has any compassion at all—anyone who reads anything at the moment in terms of the millennium goals, in terms of achieving sustainable development, in terms of achieving global wellbeing—will understand that if you do not deal with the AIDS pandemic you cannot deal with poverty and you cannot deal with children who are forced to live on the streets because their families have died of AIDS.

So, Senator Boswell, I am passionate about family values, I am passionate about women and children, and I am passionate about the AIDS pandemic, and that is why I want our Prime Minister to go to this meeting on the Millennium Development Goals and stand up for food security, for global security, for the women and children of this planet and for women having access to education about reproductive health.
Senator Joyce (Queensland) (10.02 am)—I have heard a very passionate speech, and I acknowledge a lot of what has just been said. However, this motion has just been circulated, and there is another member in this chamber—the Family First member—who I am sure would have loved to have been here at the start, had this been circulated beforehand. We have at first blush seen that this could be dealing with abortion on demand, and, as such, it crosses a fundamental moral principle that I hold. Maybe no-one else in this chamber does hold it, but I hold it and I feel, absolutely first and foremost, that you should be able to stand behind something that you believe in.

If this is just dealing with AIDS and issues such as that, we will let it go forward—it is a good, moral and just motion—but if it is dealing with and touches on abortion on demand then we are dealing with the rights of other human beings; we are dealing with people who do not have a choice about whether or not they live. We always have to be mindful of those who do not have a voice. The life of a person in this world is not a bell curve. You do not start with no rights, attain all rights at about the age of 34 and then have those rights slowly diminish until you die. Your rights are a constant, and we must believe in the absolutely immutable right of a person to go through this life without having that taken away from them.

If this motion is in code, if this has been deceptive, if this actually talks about abortion on demand yet does not have the capacity, fortitude or strength to say so, then we must knock it out. If you really believe in abortion on demand, then say so. Say, ‘This is a motion about abortion on demand.’ If it has nothing to do with and no relation to abortion on demand, then say so. Stand up in this chamber and say, ‘This has absolutely nothing to do with abortion on demand.’ But you will not say that, and the reason you will not say that is because it does, and, as it does, The Nationals—Ron Boswell and I—will be opposing this. I do not know who will come across to help us out. I do not know. It is going to be an interesting time in this chamber. It is the most important thing in this chamber today. It is more important than Telstra or anything else, and I will be standing up in support of families and the families that are not yet born. So help me, that is where I will be.

The Deputy President—Before I give Senator Stott Despoja the call, I remind people involved in the debate that the debate is about a suspension of standing orders to give precedence to the motion. I make that clear so that, when we finally get to a determination of the debate that is currently before the chair, people are under no illusion as to what is being debated.

Senator Stott Despoja (South Australia) (10.05 am)—Thank you, Mr Deputy President. I am guided by your words. On that note, when it comes to the issue of precedence, obviously I am supporting the move by the Leader of the Australian Democrats, Senator Allison, to suspend standing orders. I agree that this is a critical and important debate, and I suggest that it is the same for his National Party colleagues.

There are two reasons why this is urgent. One reason has been touched on by Senator Allison and Senator Milne, and that is that next week these are the issues that will be dealt with in the context of the UN statement and the UN world summit from 14 to 16 September. So we need a resolution from
this Senate that clearly articulates the Australian perspective in relation to these particular critical issues—and I use the word ‘critical’ because it is in the motion and in the amended motion—in relation to sexual and reproductive health services. This is not about abortion per se, even if The Nationals would like to make some kind of misleading suggestion that it is about abortion on demand.

As for precedence, this debate is making me pretty angry, because if some people had been here for five minutes they would have learnt how to read a Notice Paper as well as read an amended motion and recognise that the words that are so confronting for some so-called honourable male conservative senators in this place are in the original motion. The amended motion is a shorter version—a watered-down version, we might suggest—of the original. So those senators who dare come in here and say, ‘It was circulated five minutes ago, and I find it really difficult to read three lines or three paragraphs in less than 30 seconds’—

Senator O’Brien—It is Bozzie!

Senator STOTT DESPOJA—I acknowledge that interjection.

Senator Boswell interjecting—

Senator STOTT DESPOJA—Well, I withdraw it then, Senator Boswell. But the point is that you of all people—through you, Mr Deputy President—know how to read a motion and an amended motion. So look at (a) to (d) in the Notice Paper and recognise the difference between that motion and the amended one. The so-called offensive words are in both. The version that we have before us is no more difficult to read—it is easier—and it is not radically different. So in terms of precedence, if that is the best excuse that some senators give for denying formality or for even voting against the suspension of standing orders, it is pretty pathetic.

One thing I do take from Senator Boswell’s speech is when he says that this is a test for the chamber. He is not kidding. This is the first. This is the flag. This is the first signal to some of us in this place, men and women, that this is what the next three years—potentially longer—are going to be about. It is about seeing everything through the prism of women’s rights, particularly women’s reproductive rights, and it is the first king hit. It is the first test for those of us who believe that men and women are equal and that women have the right to ‘sexual and reproductive health services’. They are the words that some blokes in this place today find offensive.

That is what we are voting on today: a basic statement of principle. And it is not about abortion on demand; it is about sexual and reproductive health services. It is about things like prophylactics, condoms and all those other bad words that some people cannot cope with in this place. It is about issues like health and poverty. This is what Senator Allison and I were talking about: how do we talk about alleviating poverty, honestly and realistically, without talking about sexual and reproductive health—women’s health—not just in countries like ours but in the developing world?

If we are going to squirm at those words and squib on those issues then we are not good global citizens. And if that is the case then I want our Prime Minister to take that message to the UN next week and make it clear where Australia stands. I will be embarrassed—but I do not think it will be the case, because I know that the minister himself and the government, through the whip and through the coalition today, have indicated their support for this motion. Yes, they are supporting it! So who does not support it? Who is defying their government on this? Who are the anachronistic, outdated conservative people in this place who will deny
women their rights and indeed will not put forward positive, constructive ways of alleviating poverty, death, disease, AIDS, HIV—the works? Stand up and be counted now, gentlemen, because I am ready for this debate. If the next three years are going to be seen in this prism whereby you are going to vote down a motion like this—a motion that is inoffensive, progressive, constructive and supported by government—bring on the fight, guys! (Time expired)

Senator BARNETT (Tasmania) (10.10 am)—I stand to oppose the motion and the suspension of standing orders. I am very concerned about the motion and the wording of it. I respect that other people in this chamber have a different view on these matters. What is not clear to me is the definition of ‘sexual and reproductive health’ as set out in parts (a) and (c) of the motion. Based on past experience and on precedent, that definition of sexual and reproductive health has included abortion—the definition of those words has included abortion. If it can be made clear to this chamber by the proposer of the motion and by other people that it does not in any way, shape or form include abortion on demand or abortion, then that would allay many of the fears that I and perhaps others in this chamber hold. I would like it made categoric so we know exactly where we stand, because otherwise I will certainly be opposing the motion.

Senator ELLISON (Western Australia—Manager of Government Business in the Senate) (10.12 am)—Just briefly, the situation is that the government will be opposing the suspension of standing orders in this matter. That will enable time to clarify a few issues which have been raised today. I think that will give us some time to look at what is a very important issue. We acknowledge that and we take it very seriously. If the suspension of standing orders is denied then the mover of the motion can consider whether or not to bring that back, but the government is of a view that we need further time to look at the wording of this motion as there are some issues which have been raised. We need time to look at that.

Senator CHRIS EVANS (Western Australia—Leader of the Opposition in the Senate) (10.13 am)—I just want to make a couple of brief comments on behalf of the opposition. There has obviously been some confusion around this motion this morning. I understand that was partly as a result of a late amendment. We have had some concerns about late amendments previously, where senators do not get a chance to see the amended motion. As I say, I do not agree with a lot of what Senator Boswell had to say, but, given the way this debate has gone, it is sensible that we do not suspend and that the matter comes back up next week when people have had a chance to look at the resolution and they actually know what they are voting on.

What I have always opposed inside the Labor Party and inside the Senate is senators having to make critical votes on important issues of conscience without having time to consider them. I make the same argument in relation to Telstra, I make the same argument in relation to industrial relations, and I look

CHAMBER
forward to Senator Boswell’s support when the government seeks to bring on the Telstra bill later on today when we have not even seen it yet. The sort of argument that you put is very convincing to me, Senator Boswell. I look forward to the consistency of your position.

This is a serious matter. It has raised concerns. I think some of the claims made about what the motion covers are a bit fanciful, but the reality is that a lot of senators are now concerned. They do not know quite what they are voting on and they have not seen the amendment. As I understand it, procedurally it has already been called ‘not formal’, so it is a question of whether you support the suspension. I indicate on behalf of Labor that we will not support the suspension procedurally, but we will support the resolution coming on again next week. Our position on that resolution will be determined once we have had a chance to look at the resolution.

We again highlight to people that moving amendments and walking into the whip’s office minutes before it is voted on and saying, ‘We have agreement to an amendment,’ is not acceptable practice. It is certainly not acceptable practice in terms of highly emotive issues. While Labor was involved in the formation of the resolution et cetera, we need to allow all senators time to consider those issues. So I say that, while some of the claims contain some emotive hyperbole, the reality is that we ought to stop, take stock, see what we are voting on and come back to it next week. Labor will not support the suspension but we will support Senator Allison bringing forward something on this issue early next week.

Senator BOB BROWN (Tasmania) (10.16 am)—What a situation we have here, with Labor caving in to the government because there is a split in the government on the matter—to articulate directly what is being stated opposite—of whether or not this motion involves women’s choice when it comes to abortion. That is a matter that the government has to work out for itself. At stake here is the preparedness of this government to represent this nation at the United Nations Millennium Forum next week, where the Bush administration is pulling the rug from under a unified world position that we do something about the disgusting poverty and disempowerment around the world which is visited, more than anything else, on women. We have a comfort debate over there on the other side, saying: ‘Let’s have time to get together and have a comfortable, largely old boys presentation to the Senate next week, where we can fudge on this matter.’ This motion is about women in disgusting poverty around the world being able to make choices about their survival and about their ability, along with men, to look after their kids.

I ask those opposite—through you, Mr Deputy President—to consider the millions of kids who have no parents because we in the West have done nothing for them—neither for their poverty nor for their ability to look at reproductive options. There are millions and millions of them—tens of millions, growing to 20 million to 40 million kids—many of them with HIV as well because they had no choice in the reproductive anarchy that exists around the world because we in the Western world, people like those in the Bush administration and the Vatican, have said: ‘You shall not have a choice because we have precepts which we want to visit on you. We want to make that choice for you. So you can live without your parents and you can live without your rights, provided it makes us comfortable back in our rich, Western society.’

There are hard choices here—very tough choices. This is complex. It is not simple, and leaving it until Monday is not going to
make it any easier. This motion speaks for itself. This is something the government
should have had on the agenda of the Senate months ago in the lead-up to this millennium
conference, but it is left to Senator Allison and Senator McLucas to bring it forward.
Now we get here, on the eve of this conference, and the government is split and says:
‘We do not know what to do. Please give us
time.’ I will tell you why: because this is not an agenda item. The rights of women and the
rights of kids to have parents are not on the agenda of this government. This government,
remember, has one of the lowest aid allocations compared to the rest of the world. The
millennium goal was 0.7 per cent. It is 0.23 per cent under this government.

The DEPUTY PRESIDENT—Order!
The time for the debate has expired.

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

The Senate divided. [10.24 am]
(The Deputy President—Senator JJ Hogg)
Ayes.......... 8
Noes.......... 54
Majority......... 46

AYES
Allison, L.F.          Bartlett, A.J.J.
Brown, B.J.           Milne, C.
Murray, A.J.M.        Nettle, K.
Siewert, R. *        Stott Despoja, N.

NOES
Abetz, E.            Adams, J.
Barnett, G.          Bishop, T.M.
Boswell, R.L.D.      Brandis, G.H.
Brown, C.L.          Campbell, G.
Carr, K.J.           Chapman, H.G.P.
Eggleston, A.        Ellison, C.M.
Evans, C.V.          Faulkner, J.P.
Ferguson, A.B.       Ferris, J.M. *
Fielding, S.         Fierravanti-Wells, C.
Fifield, M.P.        Forskaw, M.G.
Hill, R.M.           Hogg, J.J.

Humphries, G.        Hurley, A.
Hutchins, S.P.       Johnston, D.
Joyce, B.            Kemp, C.R.
Kirk, L.             Lightfoot, P.R.
Ludwig, J.W.         Macdonald, I.
Marshall, G.         Mason, B.J.
McEwen, A.           McGauran, J.J.J.
McLucas, J.E.        Moore, C.
Nash, F.             O’Brien, K.W.K.
Parry, S.            Payne, M.A.
Polley, H.           Ronaldson, M.
Scullion, N.G.       Sherry, N.J.
Stephens, U.         Sterle, G.
Troeht, J.M.         Trood, R.
Watson, J.O.W.       Webber, R.
Wong, P.             Wortley, D.

* denotes teller

Question negatived.

MEDICAL RESEARCH

Senator STEPHENS (New South Wales)
(10.29 am)—I move:
That the Senate—
(a) notes that:
(i) medical research improves health, creates jobs and results in economic returns to Australia,
(ii) the effects of demographic ageing will place unprecedented demands on the Australian health system, and
(iii) the ‘burden of disease’, including pain, suffering and premature death in Australia already costs 13.7 per cent of the
health span of Australians; and
(b) calls on the Government to act on the recommendations of the Investment Review of Health and Medical Research report by:
(i) reorganising the National Health and Medical Research Council to administer research funds in a more streamlined and strategic fashion, and
(ii) increasing investment in health and medical research to bring Australia up to the Organisation for Economic Co-operation and Development average of 0.2 per cent of gross domestic product.

Question negatived.
SENATE Thursday, 8 September 2005

NATIONAL GYNAECOLOGICAL AWARENESS DAY

Senator ALLISON (Victoria—Leader of the Australian Democrats) (10.29 am)—by leave—I move the motion as amended:

That the Senate—

(a) notes that:

(i) 10 September 2005 is National Gynaecological Awareness Day,

(ii) gynaecological cancers can be divided into four subgroups—cancer of the cervix, cancer of other parts of the uterus, cancer of the vulva, vagina and placenta, and ovarian cancer,

(iii) the overall number of new cases of gynaecological cancers is projected to increase by 15 per cent from 3,886 in 2001 to 4,488 in 2011,

(iv) the incidence rate of gynaecological cancers as a group is projected to slowly decrease as a result of the decrease in incidence of cancer of the cervix,

(v) the age-standardised rate in 2001 was 38.1 cases per 100,000 women,

(vi) this rate is projected to decrease to 34.9 per 100,000 women by 2011, and

(vii) the human papilloma virus (HPV) is strongly linked to the incidence of cervical cancer; and

(b) calls on the Government to promote public awareness of ways to prevent, detect and treat the range of gynaecological conditions.

Senator GEORGE CAMPBELL (New South Wales) (10.30 am)—by leave—I want to put on the record that, with respect to this motion and to motion No. 236, we will be granting formality and we will be supporting the motions. But I want to make it clear that we received these two motions, and the third motion that was the subject of the suspension, at 25 minutes to 10 this morning, when we were in the process of dealing with formal business. We are not going to accept that process. If it continues in the future, we will be opposing the motions that are laid on the table, because it does not give our people adequate time for proper consultations within our processes. I accept that you were off negotiating with the government, but you ought to keep our people informed about those negotiations and allow proper time for proper consideration of any changes or alterations by the party, and not put us in the position of having to make judgments while we are in the middle of taking a vote on these issues. In future, you will get a no.

Senator ALLISON (Victoria—Leader of the Australian Democrats) (10.31 am)—by leave—I do apologise for the late amendment. The motion is not substantially altered by that amendment, as has already been discussed. It is very difficult on a Thursday when, as you know, we deal with motions first thing. We were waiting for the final word from the minister’s office. I did attempt to convey those changes as soon as it was possible to do so. I will endeavour to see that this does not happen again because I certainly do not want the opposition to not support motions that are worthy of support. I take Senator George Campbell’s remarks on board. However, the best endeavours were taken to get it around as soon as possible.

Question agreed to.

INTERNATIONAL FOETAL ALCOHOL SPECTRUM DISORDERS AWARENESS DAY

Senator ALLISON (Victoria—Leader of the Australian Democrats) (10.32 am)—by leave—I move the motion as amended:

That the Senate—

(a) notes that:

(i) 9 September 2005 is International Foetal Alcohol Spectrum Disorders Awareness Day,

(ii) foetal alcohol spectrum disorders are arguably the leading cause of prevent-
able disability in childhood in western civilisation, and

(iii) foetal alcohol spectrum disorders have an incidence similar to spina bifida and Down’s Syndrome; and

(b) acknowledges that the Government:

(i) developed the Australian Alcohol Guidelines and their wide dissemination throughout the medical population and members of the general public,

(ii) provided funding to focus on early intervention in health issues including alcohol and pregnancy, and

(iii) funded the promotion of better health outcomes and strengthening Indigenous communities’ capability to deal with use and/or misuse of alcohol.

Question agreed to.

RELIGIOUS TOLERANCE

Senator BARTLETT (Queensland) (10.33 am)—I move:

That the Senate

(a) notes:

(i) comments by the Member for Indi, Ms Sophie Panopoulos, seeking to ban Muslim girls from wearing headscarves at public schools and saying that the wearing of the hijab is ‘more an act of rebellion’ than religion,

(ii) comments by the Member for Mackellar, Ms Bronwyn Bishop, that Muslim girls wearing headscarves is ‘an iconic act of defiance’,

(iii) the view of the Herald Sun columnist, Mr Andrew Bolt, that such comments are ‘fostering bigotry’, and

(iv) that the Prime Minister, Mr Howard, has not condemned the comments, but rather ruled out banning headscarves from schools as ‘impractical’;

(b) expresses the view that the above comments by the Members for Indi and Mackellar are an unacceptable attack on basic religious freedoms that risk fanning discrimination and antagonism in our community; and

(c) calls on the Prime Minister to unequivocally condemn these comments and categorically disassociate his government from them.

Question negatived.

Senator BOB BROWN (Tasmania) (10.34 am)—Might I have it on the record that the Greens support that motion?

The DEPUTY PRESIDENT—Yes, you can have that on the record, Senator Brown.

COMMITTEES

ASIO, ASIS and DSD Committee

Membership

The DEPUTY PRESIDENT—The President has received a letter from a party leader seeking to vary the membership of a committee.

Senator IAN MACDONALD (Queensland—Minister for Fisheries, Forestry and Conservation) (10.34 am)—by leave—I move:

That Senator McGauran be appointed to the Parliamentary Joint Committee on ASIO, ASIS and DSD.

Question agreed to.

Legislation Committees

Reports

Senator FERRIS (South Australia) (10.35 am)—On behalf of the Chairs of the Employment, Workplace Relations and Education; Environment, Communications, Information Technology and the Arts; Finance and Public Administration; Foreign Affairs, Defence and Trade; Legal and Constitutional; and Rural and Regional Affairs and Transport Committees, I present reports on the examination of annual reports tabled by 30 April 2005.

Ordered that the reports be printed.
BUSINESS

Rearrangement

Senator IAN MACDONALD (Queensland—Minister for Fisheries, Forestry and Conservation) (10.36 am)—At the request of Senator Ellison, I move:

That

(1) On Monday, 12 September 2005:

(a) the hours of meeting shall be 12.30 pm to 6.30 pm and 7.30 pm to 11.40 pm;

(b) the routine of business from 7.30 pm shall be government business only; and

(c) the question for the adjournment of the Senate shall be proposed at 11 pm.

(2) On Tuesday, 13 September 2005:

(a) the hours of meeting shall be 12.30 pm to 6.30 pm and 7.30 pm to 11.40 pm;

(b) the routine of business from 7.30 pm shall be government business only; and

(c) the question for the adjournment of the Senate shall be proposed at 11 pm.

Senator LUDWIG (Queensland) (10.36 am)—We now have further evidence today of how arrogant and out of touch this government is. It has now sought to move a motion which, not even halfway through the sitting pattern for the second half of the year—in fact, in only the third week of the sitting pattern—seeks to vary the hours. Hours motions are normally dealt with at the end of a sitting pattern when there is a requirement to deal with legislation that might have built up through the sitting period.

We now have an arrogant government who have said, ‘We want a group of bills, the Telstra bills, to go through by the end of next week.’ To get us to this point, the government have also moved a motion, which they used their numbers to push through, to exempt the bills from the cut-off so that they can be dealt with as urgent bills. However, the legislation is not needed until next year, as we are told even in the urgent motion.

There is a logical inconsistency in that, because the government effectively asked for exemption from the cut-off before the bills had even been introduced. The parliament had not seen the bills. The government did that rather than do it in two motions—that is, introduce the bills then ask for an exemption. Then the usual way is to ask for a discussion with the opposition and the minor parties on how best to deal with the bills.

We had already suggested to the government that the best way to deal with the bills was to allow a reasonable amount of time for the legislation to be examined by a committee. The government chose to ignore that, amend that motion and do what I have just indicated. They then sought to say, ‘Look, you can have the hours that you want.’ We are not asking for hours to deal with the bills. This is a government request. In fact, what they did was to write a letter. The usual practice and procedure in the Senate at the end of a session is to call a meeting and say, ‘Do we require additional hours to meet the requirements of getting legislation through that might be deemed urgent by the government?’ But, no, they threw that out and said: ‘We will write you a letter and tell you what we want. We want these hours to deal with these bills and we will then move a motion in the Senate to immediately grant that to us. We have the numbers; we will just bludgeon you with those numbers without a discussion, without a request.’ They are saying: ‘These are the numbers. These are the hours. Thanks very much.’

This is the family friendly Liberal Party speaking. This is the Liberal Party that says, ‘We want to ensure that there are reasonable hours to work within this place.’ This is the Liberal Party that says, ‘We want to be reasonable about how we act in this place.’ This is the Liberal Party that says, ‘We’re not going to use our numbers to bludgeon the Senate; we’re going to allow reasonable scrutiny
of legislation; we are going to allow all of these proper processes to continue.’ In the third week of the session, three votes later, they have thrown that all out completely and utterly. The reason they want to do this at this point in time is to shunt the Telstra legislation through this parliament. They want to ensure that it is not scrutinised. They have done a deal with Senator Joyce to sign off on it as quickly they can, before he gets away on them again, so that they can go to their meetings and say: ‘We’ve got the sale of Telstra in the bag. We did it as quickly as we could. Thanks very much.’ End of debate.

But we are not talking about one bill; we are talking about five. There is the Telstra (Transition to Full Private Ownership) Bill 2005, the Telecommunications Legislation Amendment (Competition and Consumer Issues) Bill 2005, the Telecommunications Legislation Amendment (Future Proofing and Other Measures) Bill 2005, the Telecommunications (Carrier Licence Charges) Amendment (Industry Plans and Consumer Codes) Bill 2005 and the Appropriation (Regional Telecommunications Services) Bill 2005-2006. After these bills have been introduced today they will go to the committee tomorrow and will be dealt with next week. That is what the government has sought to do. That is what the government is using its numbers for. Excluding Saturdays and Sundays, that leaves only a matter of hours for each bill to be given reasonable scrutiny. It is a farce. The government knows it; the government accepts it.

Only extreme legislation would be rushed through by an extremist government in this way. We are not talking here of a matter of national emergency. The government have said that the bills are urgent. The only reason that they are doing it in this way is to stifle debate and to ensure that the grubby attempt to cover up profit-stripping by this government is not exposed to public scrutiny. That seems to be what they are doing here.

The opposition will not be supporting this motion. The government have not done what they should have done, which is to come and consult about it. That is the way the Senate has worked in the years I have been here. Even this morning we saw them throw in another bill with exemption from the cut-off, without consultation. It seems that there are no rules that the Liberal Party are going to abide by. You can see that in the way they operate outside this place. The New South Wales Liberal Party do not have any rules. They work in the way they want to work. Now they are dragging their lack of rules into this place.

These are important bills that need proper debate and proper scrutiny. We have seen the debate about these bills in the media over the last couple of days. That needs to be clarified. The government needs to come to the party and explain in the Senate the true position of Telstra, the truth about how Telstra is coping with ensuring that the public receive telecommunications that are world standard. As I have said, Labor will not be supporting this motion to extend the sitting hours. We will not be participating in the government’s cover-up. The Liberal Party is determined to turn this place into a rubber stamp. I want Minister Hill, Minister Coonan and Minister Ellison to come into this place and claim that they are upholding the dignity of the Senate by, in truth, emasculating it in this way. I will come to some of their statements in this place shortly.

Labor will always take the fight up to an incompetent government such as this. The government is out of touch and becoming increasingly dodgy in the way it deals with these issues. Labor, in the alternate, has always sought to rebuild our infrastructure, whether that be our crumbling telecommuni-
cations system or our public institutions, like the Senate, which are now being undermined by this government. This is just another example of this government trying to use its numbers in this chamber to take the power away from the Senate and turn it from being a house of review into a sausage machine. It has been a longstanding principle in the Senate to have its hours scheduled. What this government has now sought to do is throw out that principle, throw out the way this chamber has worked, and use its Senate majority to abuse its power and wield it like a club in this place.

In this instance, there is insufficient time to enable proper debate on the legislation. The government knows it. But we will rise to the challenge to ensure that, to the best of our ability, it does receive that scrutiny. The government is trying to cover up, stifle and hide. It is trying to scurry away into the dark corners where it feels comfortable. (Quorum formed) This is about scrutiny and review, which is not what this government is about. I saw government senators come down here for the quorum and now they are all scurrying away again into their dark little offices. That is what they are doing because they do not want to be part—

Senator Ian Macdonald—Mr Acting Deputy President, I rise on a point of order. I thought Senator Ludwig had finished and that you had called another speaker.

The ACTING DEPUTY PRESIDENT (Senator Forshaw)—No, Minister. Senator Brown rose to his feet and took a quorum call, and that is why Senator Ludwig resumed his seat.

Senator Ian Macdonald—Oh! I thought he might just be repeating his speech, because I have heard all of this before.

The ACTING DEPUTY PRESIDENT—There is no point of order.

Senator Ludwig—It is an interesting point you take, Minister, because clearly it has not got through. That is why it may need to be repeated a couple of times and why you need to listen: you should be dealing with the Senate in the way that it has been dealt with over the years. The principles of this place should be upheld. Clearly, that has never got through to the senators on the other side. It is outrageous abuse of power and it is hypocrisy at its best. Let me remind senators how the government approached the issue of Senate liberties when it became clear they were going to have four out of six senators in Queensland. This is what the government said then, Senator Ian Macdonald:

We certainly won’t be abusing our newfound position, we’ll continue to listen to the people and we’ll continue to stay in touch with the public that has invested great trust and confidence in us. They have run away from that, as they have run out of this chamber today. That was the Prime Minister speaking then, in a doorstop interview. Have a look what we now have. In all that this government do you have to read the detail, because if they believe they can deceive they will hide the mess, they will cover it up at will. What they say is simple legislation is often, under scrutiny, an extremist ideology shrouded in fine print. That is what they do: they fine print everything out and then close the debate down. They do not want to suffer scrutiny at all. They are out of touch with the Australian public. Labor are determined to take the fight up to them and hold them to account.

That is why we are arguing this point today; that is why we are not going to let it go. That is why we are going to ensure that you hear this point again and again. What you do not seem to understand is that this Senate will not be treated in the way that the Liberal government is choosing to treat it. It has a place to scrutinise legislation. It has a role to ensure there is proper scrutiny. It has a role
to ensure that the government of the day is held accountable for its actions and that its legislation is examined in detail. That is the role this Senate has. It is not your sausage factory. If Senator Hill had had a shred of dignity he would have recognised this embarrassing predicament and dispatched this abuse of the Senate in line with the promise that he made.

Let me remind the Senate, the gallery and the public of that promise by Senator Hill. He promised:

... the parliament has the right to have a reasonable time to consider that legislation. I do not care whether we are in government or the Labor Party is in government in this regard: when masses of bills are guillotined through either chamber without the parliament having time to consider them, the process does not operate well. We should all regard that as unsatisfactory. We simply do not accept that a government putting good faith into practice cannot organise its program in a way that allows the parliament to fulfil its responsibility.

Given his party’s behaviour in the Senate today and yesterday—and let us not forget about the question time imposition—where in the place of consultation is another letter, you can chalk up another broken promise by this government. They seem to delight in writing letters saying: ‘This is our view. This is the extent of the consultation that we are going to have with the opposition and the minor parties.’ And in some instances it looks like they even forget to write the letter. They simply move the motion in the chamber and that is the first we see of it. There is no consultation; they do not even inform us anymore. They are becoming more arrogant than you could even imagine they could become. That is what this government have turned into.

I imagine that someone on the other side will get up in this debate and explain how the proposed hours are family friendly, that they are a family friendly government and that they will utilise those hours for the debate. They miss the point about how the procedures in this chamber should operate. The government have their sights on the target and are pushing everything out of the way to get to it, but not even in a strategic or smart way, I have to say. There are a couple of smarter ways they could have got to the same point, but they have chosen to ignore them. It is the same old case of them saying: ‘This is a handy club. We do not want to think this through with any great detail or strategy—we will just bludgeon our way through.’ And it seems that that is what is going to happen.

But there is time to stop. The government can get up today and say, ‘We recognise that this is a bit out of kilter—a bit extreme,’ and ask for consultation about how these things should proceed, indicate that they are going to be more reasonable about how debates proceed in this place, or say that they are not going to use their numbers to crunch through procedures such as this again and again. But I doubt I will hear much from them about that. They are going to sit there pat and in silence and simply not provide a reasonable answer in this debate.

Senator Ian Macdonald—If you sit down I might have a go!

Senator LUDWIG—And I hope you take you your full 20 minutes in the debate, Minister.

Senator Ian Macdonald interjecting—

The ACTING DEPUTY PRESIDENT—Order! Senator Ludwig, your remarks should be directed through the chair. Minister, you will allow Senator Ludwig to be heard in silence.

Senator LUDWIG—I am sorry, Mr Acting Deputy President. We understand that the bill will be debated shortly, and I indicated at the outset that I would not take up my full 20 minutes in this debate. This matter is impor-
tant, and a marker has to be put down. The government have to be held accountable. I am not going to extend the debate just for the purpose of ensuring that I mark all the points, because there are a lot more. It looks like I am going to get a number of other opportunities to put these markers down, because I do not see this government turning away from being arrogant and out of touch.

Senator BARTLETT (Queensland) (10.56 am)—The Democrats also oppose this motion. It is the latest in what has already become a long line of deliberate attempts to undermine the processes and integrity of the Senate. I have made speeches already—on Monday and Tuesday—about two other motions that also committed what I believe are grievous sins against the core role of the Senate as a house of review. This is the third, and I think each time it happens it should be marked and clearly indicated. A spotlight should be shone on it and it should be condemned.

The motion before us simply attempts to allow the government to fulfil its intent to get the Telstra legislation passed. That is fine: if you have the numbers to pass a piece of legislation then you have the numbers. We can make comments about whether or not that is good for the public when we get to that debate. But it is not just a matter of passing law; it is a matter of it being done in a way that prevents scrutiny. This motion allows limited scrutiny and debate, and what debate we do have will occur in the dead of night. It seeks to extend the sitting hours of the Senate until 11 pm on Monday and Tuesday so that even the limited scrutiny there is will occur in the dead of night, when there is less opportunity for people to be aware of the facts that are coming out about the detail of the government’s package and what the consequences of it will be. That is why it is a bad idea.

As Senator Ludwig said, it is clearly outside the usual process. It once again shows that the government’s comments and the pledge of the relevant minister, Senator Coonan, that an appropriate process would be followed and that normal procedures of scrutiny would occur were simply false. Those pledges, those guarantees made to the public and the Senate, have been shown to be incorrect and to be just others in the long line of misleading statements this government has grown infamous for.

As I have said about previous unacceptable motions, in many ways it is far more unacceptable to be allowing a perverted process to occur in passing the sale of Telstra legislation than it is to support the sale. At least you can make an argument for the policy of selling Telstra. It is not an argument I or the Democrats agree with, but at least it can be put. But the government is trying to prevent the argument from even being put and to prevent proper scrutiny of the facts behind that argument. Frankly, that says more clearly than any words how flimsy the government’s case for selling Telstra is.

If they knew they had a good case, if this proposal was as fantastic as The Nationals are trying to portray it to be, they would gleefully be welcoming the chance to have it fully examined, explored, detailed and debated. But what they are doing is preventing any sort of reasonable Senate inquiry. They are preventing any sort of attempt to properly scrutinise the legislation and they are attempting to limit debate. We all know what will happen next week: in addition to the travesties that have already occurred this week, we will have the guillotine brought down. We will have the government—with the support, one assumes, of the National Party senators who made such a song and dance about standing up for their constituency—silence the voice of their constituency and silence any attempt to spotlight what
they are really doing and what the facts are about this issue.

It is unacceptable. It is deeply disappointing. I have to say, in all genuineness, to those in the government and the National Party who are supporting this attempt to sell Telstra, if they think they have a hard job convincing people that it is a good thing, it makes it 10 times harder for people to believe that you are genuinely doing a good thing if you do it in a way that prevents people from looking at it properly before it happens. We have the absurdity of the Senate committee inquiry happening on Friday—for one day—into legislation that is yet to be produced. It will only be tabled this morning, so people will have less than 24 hours to examine it before they are meant to give their views on it to the Senate committee—for those who even have the opportunity and resources to get together submissions and get to that Senate committee hearing. That is patently unacceptable, unrealistic and unreasonable in anybody’s language. It is a perversion of process.

As the name of the Democrats as a party implies, we strongly believe in democracy over and above virtually anything else. This is a perversion of democracy and for that reason we will strongly oppose this motion and do everything we can to draw to the attention of the public the disgraceful way that this issue is being handled by this government and the extreme arrogance, total contempt for due process and total contempt for the Australian people that is being shown by this process. (Quorum formed)

Senator CHRIS EVANS (Western Australia—Leader of the Opposition in the Senate) (11.06 am)—I too will speak for a short time in opposing the government’s motion to extend the sitting hours on Monday and Tuesday. I do so to make a more general point than one about the hours but, starting on that subject, I indicate that the traditional courtesy of the chamber, which has been observed for many years now, is that the management of the chamber has been done in a cooperative way: the Leader of the Government in the Senate has called a meeting of leaders and whips from all parties and had a discussion about the program, how we would arrange the hours, what priorities the government wanted and what bills they thought needed to be passed in a particular session, and there would be a general agreement reached about how this would proceed.

All that has changed is that the numbers have changed. The government now has a majority in the Senate. In the last 10 days we have seen an abuse of every process and a shredding of any Senate procedure or process that does not suit the government, to the point that there is now no consultation and no discussion. A range of longstanding traditions, practices and procedures in the Senate have been shredded. In 10 parliamentary sitting days a range of very serious processes that have been developed over the years under successive governments and by successive parliaments have been absolutely abandoned in this government’s exercise of its total control of the Senate.

The question of the sitting hours is a relatively small matter; we will sit whatever hours the government wants to sit. But we make the point that there has been no consultation and that it is very unusual to ask us to sit longer hours at this stage in the cycle of the parliament. We assume, although it was not made clear in the letter, that the only reason is that the government has stated publicly that it wants the Telstra bills passed next week. I assume the intention of the motion is to allow more time for debate so the government can argue there has been time for parliament to consider the bills.
We have not actually seen the bills we are supposed to have completed by next Thursday. They will be introduced, hopefully, later today, although the government could have done that at any stage in the last few days. It has not sought to use its power in that regard to allow the Senate to see the bills but it has used its power to abuse every other process that the Senate has established. Obviously, the motion on the hours will go through and that is fine. Then, some time next week, the government will move the guillotine to ensure that the debate is curtailed in order to get the vote on its Telstra bills some time next week.

In the normal course of events a debate on a major package of bills like this takes longer than four sitting days, particularly as we have not seen some of the bills yet and there will not be a proper committee stage. Clearly, that is not the government’s intention. Clearly, at some stage the guillotine will be introduced and the Senate will be forced to vote on the bills before it has had proper time to consider the detail of five bills, three of which were introduced into the House of Representatives, I believe yesterday, and two of which have yet to be introduced into the Senate. It is a major package with a lot of detail about the regulatory regime. There is of course the in-principle question of the sale. Labor’s position on that is clear: we do not believe privatising Telstra is a good idea. We will oppose it. There is a lot of detail in the other bills that needs to be examined and that is not going to occur.

I put on record the abuse of Senate process, the railroading of the Senate and the total arrogance and abuse of power by this government in 10 sitting days. John Howard assured us that his would be a moderate government, that he would act within the traditions of the Senate and that there would be no sense of an abuse of power. Let me list what has occurred in 10 days of parliamentary sitting. We started with the government writing to me to advise me that they had changed the rules for question time. They have reduced the number of questions that could be asked by the opposition and minor parties. The President gave effect to that the following day. The first thing they did before the parliament resumed was to change the rules of question time and reduce the number of questions available to the opposition and minor parties and increase the number of dorothy dixers asked by government senators. Over the last 10 days we have all suffered some of the most inane questions ever asked in the parliament so ministers can tell us how good they are or spend four minutes trying to abuse the Labor Party or accuse the Greens of being drug runners or whatever else comes to their mind at the time. It is a total waste of time and not at all assisting the accountability of the executive. At least in the questions from the opposition and minor parties there is some attempt to hold the government accountable. The first thing was the arrogant changing of the rules of question time. There was no consultation; it was just bang, we have the numbers, and questions were reduced and accountability was reduced.

The second and most famous incident was that involving the government Deputy Whip, Senator McGauran, who in a famous metaphor for the government’s attitude to the Senate raised his index finger towards non-government senators. It was one of the most outrageous, scurrilous attacks seen in the history of the parliament by a minister of the Crown on a clerk of the parliament. The lack of discipline and the abso-
lute shrillness in the abuse with which Senator Abetz attacked the Clerk beggars belief. He demanded that he be prepared to resign. He accused the Clerk of doing the Senate a disservice, of demeaning his position and of being partisan in his remarks. He said he no longer had any confidence in the Clerk. All this was because the Clerk sought to raise some concern—over a year ago, I might add—at the government’s failure to get proper approval for its politically motivated industrial relations campaign. So the third abuse was the government showing that not only will it not brook any criticism from the opposition parties or allow any accountability in the parliament but it will also not allow the clerks of the parliament to fulfil their traditional role in serving the whole Senate and protecting the institution.

Then we saw the government’s handing of the Telstra legislative inquiry. They said, ‘Of course there will be an inquiry.’ Their original proposition was that the inquiry go from nine o’clock until two o’clock on Friday. This is an inquiry into bills we have not seen yet, that the public has not seen yet, and it will occur tomorrow. The government are saying that they are open and accountable and they are going to have a proper committee inquiry into the state of the Telstra bills. That will happen tomorrow. I have not seen the bills yet but tomorrow at nine o’clock the committee will get the opportunity to consider the legislation in detail and they will have to report back to the Senate by Monday.

That gives one working day to consider five complex pieces of legislation that deal with the sale of $30 billion worth of taxpayers’ assets. One day for an inquiry into five bills, two of which are not yet public. There will be a one-day fraud of an inquiry to provide a fig leaf of protection for the government that they have paid some sort of lip service to Senate process. We all know that the inquiry is a fraud, that there is no meaningful consideration of the issues at stake and that there is no opportunity for the community to respond. People will not be able to get a copy of the bill until later today. They will have to lodge their submissions by tomorrow, so they will have to stay up overnight if they want to make a coherent submission. The committee will report to the parliament on Monday.

It is a complete fraud and a farce. It is totally against all of the traditions of the Senate and it is highly undemocratic. But the government’s answer is: ‘We’ve got the numbers, boys—don’t you worry about that. It is 39 to 37; we’ll ram it through.’ I note that all non-government senators have voted against most of these measures taken by the government. It is not just the Labor Party. The Greens, the Democrats and Family First are all concerned at the way the government are riding roughshod over Senate practice and procedures.

In addition to the Senate legislative inquiry farce, we have the government seeking exemption from the cut-off. I do not want to go into the great detail. This is one for the aficionados of Senate practice and I understand that people do not follow the detail. But they do get the message that the government is arrogantly abusing long-established processes to get its way and is using its power to fulfil its political objectives, whatever the cost in terms of normal practice and examination and accountability mechanisms that are long-established. The cut-off allows that legislation cannot come into parliament immediately but lies on the table for a while so that people get a chance to see what it is about. That was abused in the case of the Telstra legislation. As I said, we will be debating it later today, 20 minutes after we see it. That is the sort of process this government is now committed to.
Now, of course, we have this debate on the sitting hours. Again, as I mentioned earlier, normal process is not followed. There is no consultation. We are just told that we are sitting longer hours on Monday on Tuesday. We are advised by the government that that is to occur. The government is arrogantly advising us, not consulting or discussing. We know what that is about. Again, it is driven by the need to get the Telstra bills through, and I am sure that is driven by its need to try to keep the National Party in the cart until such time as they realise that there is a lot of devil in the detail and they have been sold a dud. It has to rush the legislation through because it is not sure that it can keep The Nationals corralled. It is going to ram it through as quickly as it can and abuse and override any process that the Senate has established to provide accountability. It is going to abuse any process that allows the wider community to understand what is going on and what is contained in legislation or that allows them the chance to critically examine it.

We have also had a debate inside the Liberal Party about the question of an inquiry into the industrial relations legislation. Mr Andrews, the Minister for Employment and Workplace Relations, said that there would be a proper Senate inquiry because it is useful for examining the legislation and it might help to raise any problems that are in the legislation. He was quickly shouted down by people such Senator Brandis, who made it clear that they were not in favour of such democratic processes. They were not prepared to support those processes in the Senate. The Prime Minister has also made it clear that he is not interested in discussion and examination of the detail. He is not interested in any critique of the government. He has the power and the numbers. He will do what he wants. He does not want to be checked or scrutinised and he will not allow the Senate to play that role. So again on the IR inquiry we have seen that.

In 10 days, nearly every procedural protection to ensure accountability, examination of legislation, proper inquiry and proper process has been overridden by the government. There is one to go. There is, of course, the question of the use of the guillotine to limit debate. I am sure we will see that next week. I am sure they will finish off the package next week and use the guillotine to prevent the Senate from having a proper look at the five Telstra bills. As I said, we have not seen two of those bills yet.

What we have here is a pattern of behaviour. Within 10 days of the parliament sitting, it is revealed that the government is prepared to shred and abuse any Senate practice and procedure that has been introduced, often with the support of the Liberal and National parties, to allow the Senate to do its job properly. That is all gone. John Howard has spent much time since July assuring the public that he would use his new power wisely. In 10 days it is all gone. There is no hiding the fact that this arrogant government has sought to shred any capacity of the Senate to hold it to account and examine legislation and any capacity of members of the Australian public to scrutinise legislation before it is passed by this parliament. It is all gone in 10 days. That is how long the Liberal and National parties’ commitment to Senate process, accountability and democratic procedures lasted.

Ten days and it is all gone—shredded—because, in the interests of power and getting its way, nothing is allowed to prevent the government from achieving its goals. Any process or established precedent, procedure or practice of the Senate is to be sacrificed. All of those speeches—and I will not bore people with them now—that Senator Campbell, Senator Hill and others have made over
the years about the importance of the Senate and Senate processes and where they have argued for half of the things they have shredded in the last few days have all been abandoned. Why? Because the government has the power. They say that all power corrupts. Certainly we have seen that today and we have seen it over the last 10 days. In 10 days of parliamentary sitting, nearly every process has been abused. This is arrogance never seen before. It has usually taken governments with the numbers in the Senate a long time to get to that point, but this government—the Howard government, which is so wracked by internal divisions—is so preoccupied with an ideological agenda that is not supported in the wider community that it feels forced to ram through all it can as quickly as it can as far out from an election as possible.

This government is in so much disarray. This morning was a classic example. The Minister for Health and Ageing, Mr Abbott, had approved a resolution to be moved by Senator Allison from the Democrats. His office had approved the resolution. Then Senator Boswell of the National Party comes in and objects. That is the discipline inside the government. The government has no way of controlling The Nationals on such issues. Senator Boswell abandons the discipline that the government normally applies. Senator Boswell over turns the decision of the minister for health. The government weakly capitulates to that and Senator Boswell is allowed to get away with it. That is a matter for the government, but it is a sign of the disarray that is occurring. It is a sign of the tension between the Nationals and the Liberals. We have seen them spraying each other publicly and taking pot shots at each other, and it is not edifying. I think it is a sign of the tensions inside the government. I am sure that lots of it is fuelled, as always, by the leadership tension between Mr Howard and Mr Costello. All of that is making for what seems to be a fairly chaotic performance by the government.

But the one thing they are all united on—the one thing they are all clear on—is that they will abuse their power in the Senate chamber. We have not seen one senator demur as the government has crushed each of these processes, each of these procedures and each of these precedents inside the Senate. I know this is not an issue that fires the imagination of the public. But I also know that a lot of Australians are uneasy about the government having total power, having control of the Senate and the House of Representatives.

A lot of people who voted for the government are uneasy. They were a bit surprised when they woke up after the election and found that the government had total control. A lot of them express the view to me that they do not think that is necessarily a good thing. They ought to be worried; they ought to be very worried. What we see now is what that has done. We see the abuse, the arrogance and the government riding roughshod over any practice or procedure that provides any check on the government.

These are minor checks. At the end of the day, the government have the numbers. They can roll through what they want. What we know is that they will ride roughshod over any minor check—be it the cut off, be it the hours, be it numbers of questions or be it inquiries and the role of the legislative and reference committees. Nothing is sacrosanct; nothing that they have supported in the past is to be supported now. They have a view that they have power and they are going to use it.

The debate inside the Liberal Party is about how Malcolm Fraser wasted the opportunity back in the 1980s to ram through a radical ideological agenda, and they are not
going to waste the opportunity on this occasion. So we see at the top of their list things like abolishing student guilds at universities. I have not had many people raise that issue in the street with me. I do not know that many people struggling to earn a living and raise their kids are all that motivated about it.

**Senator Eggleston**—It is about voluntary membership.

**Senator CHRIS EVANS**—I know even Senator Eggleston has had cause to think again about whether this ideological agenda is actually good politics or in fact good government. What we have seen is an ideologically driven agenda and a rush to abuse their power and to not allow the Senate to provide any of the checks and balances or accountability that we have traditionally provided. That is a decision for them. While I think it is terrible for the Senate, I think it will rebound on the government. I do not think people like it. They smell the arrogance. They sense the abuse of power. They know this is a government out of control and that the tensions inside it are driving it to do things that are not in its long-term political interests.

My concern is that they are actually dismantling the capacity of the Senate to act as a check and a balance and to hold the government to account. We will not win a vote in this parliament unless one of the government members crosses the floor, so they know that at the end of the day they have the numbers. They know they have the capacity to win a vote. I do not dispute that. That was a result of a fairly held election. I do not dispute at all the government’s numbers in the Senate. They were properly elected. But I do object to the abuse of power—the use of those numbers to undermine the role of the Senate, to undermine democracy and to undermine accountability.

If ever there was a metaphor for that, it is the way this Telstra legislation has been handled. We have not seen the bills yet. The inquiry will be held tomorrow, without people having seen the legislation. They will report on Monday and the government wants the bills through by Thursday. And that is for five complex bills that go to the future of telecommunications in this country and that go to $30 billion of taxpayers’ assets, with the share price in freefall because of the government’s incompetence in handling these issues. I say to people, ‘Be very concerned.’ *(Time expired)*

**Senator IAN CAMPBELL** (Western Australia—Minister for the Environment and Heritage) (11.26 am)—Firstly, can I congratulate Senator Evans on fulfilling his need to speak for his full allotted time. We once again see the Senate debating a motion in relation to how we are going to handle the debate. I wanted to respond to Senator Evans. Senator Evans and previous Labor speakers, such as the opposition manager, Senator Ludwig, like to use the words ‘arrogance’, ‘extremism’ and ‘out of control’. It is good rhetoric. They work on the Orwellian theory that if you repeat something often enough people will believe it.

The trouble for Senator Evans and the Labor Party, however, is that they do not believe what they are saying. They know very well when they raise the issue of guillotines and gags that the Australian Labor Party used those as devices in this place on regular occasions for year after year when they were in power. When they brought to this chamber legislation that they had promised to deliver to the people before the elections they won in 1983, 1984, 1987, 1990 and 1993 and they decided that the legislation needed to be voted on, they used a guillotine.

Senator Robert Ray is over in New York at the moment in a grand display of massive
arrogance. The general word around New York and the United Nations when I was there was that the mission that Senator Robert Ray was on last time was one of the laziest missions to the United Nations in the history of Australian delegations to the UN.

The ACTING DEPUTY PRESIDENT (Senator Forshaw)—Senator Campbell, you are speaking to a motion with regard to changing the hours. While clearly one can take a broad view of that motion, I do not think it extends to what might be happening in New York. Please return to the motion.

Senator Conroy—I rise on a point of order, Mr Acting Deputy President. This is a follow-up to your own point of relevance. The minister has reflected adversely on a member of the chamber and I would ask that he withdraw.

The ACTING DEPUTY PRESIDENT—Senator Conroy, there is no point of order. But I think Senator Campbell should return to the matter before the chamber.

Senator IAN CAMPBELL—Thank you for that guidance. I know that Senator Conroy is very touchy when it comes to people attacking his mentor, Senator Robert Ray. But we know that Senator Robert Ray is at the United Nations. We know that when Senator Chris Evans was—

The ACTING DEPUTY PRESIDENT—Senator Campbell, I have ruled there is no point of order. But I have also requested that you return to debating the issue before the chair. You are getting rather close to reflecting upon a member of this chamber. It would be best if you return to the matter before the chamber.

Senator IAN CAMPBELL—Thank you for your ruling, Mr Acting Deputy President. I just say that Senator Evans made reflections on question time, for example. The reality is that prior to 30 June the opposition would generally ask around six questions in question time. Since the new Senate was elected, on 9 August ALP senators asked six questions, on 10 August they asked six questions and on 11 August they asked six questions. Basically, I am not sure what they are complaining about. The opposition is getting the same number of questions. What Senator Evans is really saying in this argument is that during question time senators who happen to be elected on a Liberal or National Party ticket should not be allowed to ask questions of the executive. That is very unfair.

For example, yesterday he reflected on a question I was asked, on National Threatened Species Day, about what the government was doing about National Threatened Species Day. I will share something a bit private with you, Mr Acting Deputy President Watson. Senator Russell Trood came to me recently after a question he asked me in relation to another one of the government’s very important environmental programs and said that he has constituents who are very concerned about bilbies. He asked whether I could give him some information about bilbies and whether I would mind if he moved a notice of motion about bilbies. There is a senator elected on the Liberal Party Senate ticket in Queensland who cares deeply about national threatened species and the environment who wants to ask a question in question time so that he can communicate the answer to his constituents, yet Labor and the Greens seem to think that, if you get elected on a Liberal or National party ticket, you should not be allowed to ask questions in question time, when your constituents may well be listening to the radio.

Constituents might be listening to Senator Alan Eggleston ask me a question about the environment in the Kimberley. Because Senator Eggleston has a close interest in the Pilbara and Kimberley regions, many of his constituents may well want to know that their senator from Western Australia, with a
long history in the north-west, is doing his job, standing up in the Senate and finding out about government policies that affect the Kimberley or the Pilbara. People across the Kimberley and the Pilbara can listen on the radio or can watch on the television at night, and they want to know that the senators that they elect and pay are doing their job. But Labor and the Greens are so arrogant that they say, ‘No, if you get elected as a Liberal or National Party senator you should not be allowed to ask a question.’ That is an absurd proposition.

They are saying that, because we have actually had more and more Liberals and Nationals elected over consecutive elections—and that is why we happen to have a majority: the people of Australia, state by state, election after election, have elected more and more Liberal and National party senators—we should ask fewer questions. The founding fathers wrote our magnificent Constitution, which Labor and the Greens on regular occasions during our history wanted to tear up. The founding fathers envisaged that you could get a majority. Yet Labor and the Greens have the gall to come in here today and complain about Liberal and National senators, who have a majority, asking questions in question time.

They are complaining about the process that led to that majority, whereby they were elected in democratic elections at the last two elections—because half the Senate gets elected at every general election. Yet the selfsame senators have had, as part of their platforms and policies over recent years, provisions that would stop the Senate having the power to block supply. I do not know whether that is still Labor Party policy. I think it is Democrat and Green policy. I am not sure about that—I do not want to misrepresent Senator Brown again.

It is important for people to understand that you cannot have it both ways. You cannot say that we want to tear up the Senate’s powers by removing its powers to block supply—and in fact many Labor senators have said over many years that they would get rid of the Senate altogether—and then come in here and say that, after winning election after election and having more and more Liberal and National senators voted in, we should not have the right to bring forward our legislation and have the Senate deal with it in a reasonable time. As I said, this is the very same Australian Labor Party that, when Robert Ray managed government business as Manager of Government Business in the Senate, used all of the processes available within the standing orders to make sure that the programs of the Hawke and Keating governments were put through the Senate in a reasonable way.

So, if and when the government do bring forward time management devices such as the guillotine, we will see the Labor Party get up and yell and squeal, but we know privately that Senator Robert Ray used to come to me when I was Manager of Government Business in the Senate and tell me that I had a lot of guillotines to pass before I came anywhere near his record. He brags about his record of use of the guillotine. I will be getting all of the statistics from Scott Faragher, an adviser to me when I was Manager of Government Business in the Senate. I will be getting from Mr Faragher all of the details—pages and pages of them—of the guillotines that Senator Robert Ray, Senator John Faulkner and then Senator Bob McMullan used when they managed things. They will rave and rant about the use of the guillotine, and we will remind the Australian people that these people speak with what can only be called forked tongues. The people of Australia will not take them seriously when they try to run this false argument about the gov-
government’s use of the Senate, because the Australian Labor Party know very well—and that is why they do not do it with very much sincerity, quite frankly—that these are devices, parliamentary standing orders, parliamentary protocols that are used year after year by all of the political parties.

The use of the cut-off motion is another example of members of the Australian Labor Party speaking with forked tongues. They vote for cut-off motions—this is the exemption from standing order 111—on hundreds and hundreds of occasions. Every week they vote for dozens of them. Yet, because they have an ideological obsession against one piece of legislation, they come in here today and say: ‘We’re not going to support it now. It is some sort of abuse. It is some sort of arrogance.’ Senator Brown knows this. We should agree on this. Senator Brown has sought to stop cut-off motions on regular occasions for his own reasons, and he has criticised both parties for the use of them. He knows that the Labor Party are talking with forked tongues on this, because they support 99 per cent—probably 99.99 per cent—of cut-off motions, or what is known to people who live inside the beltway as the exemption from standing order 111. So that is an absurdity.

In relation to the Telstra bills that Senator Evans talked about and how the Labor Party has this opposition to the sale of Telstra, again Senator Brown and I know that Labor speaks with a forked tongue on privatisation. This is the party that started privatisation in the federal government of Australia. This is the party that sold the Commonwealth Bank. This is the party that sold Qantas. This is the party that sold Australian Airlines. This is the party—and it was actually, I think, the leader of the Australian Labor Party when he was the minister for communications—that decided that we needed to create a telecommunications corporation called Telstra. He corporatised it.

The Australian Labor Party corporatised Telstra. They turned it into a government business entity. This was when they were selling Qantas, Australian Airlines, the Commonwealth Serum Laboratories and the Defence Housing Authority. These people privatised like there was no tomorrow. And, while they were doing all that privatisation, they were also doing corporatisations.

How do governments go about privatising things? It is a two- or three-step process. The first part of it, if it is not corporatised, is to corporatise it. The second part of it is to privatise it. And of course we all know that Mr Keating and Mr Beazley had plans to look at the privatisation of Telstra, either part or whole. And we know that if they had won the 1996 election, Telstra would have been privatised. They speak with forked tongues on privatisation. They privatised with both hands. They were the great privatisers. Paul Keating went to the Labor Party conference in, I think, Adelaide and said, ‘We’ve got to sell these airlines. How can they raise capital? How can they invest?’ And the same applies to Telstra.

The other thing, as I reminded the Senate of yesterday, is that the government have been open, honest and up front about the sale of Telstra. It was our policy in 1996, it was our policy in 1998, it was our policy in 2001 and it was our policy in 2004. We promised the people of Australia we were going to sell it. And yet we get abused when we try to bring the legislation in by people saying that we are arrogant. I put it to you, Mr Acting Deputy President Forshaw, that to not bring the legislation forward would be arrogant.

We are actually doing something that the Australian Labor Party had struggled with for years when they were in power—that is, we are keeping our promises. That is some-
thing that is an absolute anathema to the Australian Labor Party. They used to go to elections and say, ‘I promise no child will live in poverty by the year 1990.’ That was a great promise by Mr Hawke. He did not keep it. ‘I promise there will be no capital gains tax.’ There is capital gains tax. They went to the 1984 election and said: ‘We’re opposed to privatisation. We hate privatisation; we’ll never privatise.’ They actually got that fantastic comedian Graham Kennedy to do ads for them to say how bad privatisation was. When they got back into power, within months they were out flogging off the silver, flogging off everything they could find—anything that moved. And if they could not sell it, they would corporatise it. And that is what they did to Telstra. The hypocrisy is just overwhelming, and you cannot let it go by.

The ACTING DEPUTY PRESIDENT (Senator Watson)—Order! I think the motion before the chair is in relation to the hours of meeting of the Senate. You have touched on it briefly, but I would ask you to confine your comments to the motion before the chair.

Senator IAN CAMPBELL—Thank you, Mr Acting Deputy President. I did note that the previous Acting Deputy President, Senator Forshaw, allowed the Leader of the Opposition in the Senate, Senator Evans, to debate issues such as a notice of motion, Senator Boswell’s interest in it and a whole range of things.

The ACTING DEPUTY PRESIDENT—The chair did give you the opportunity to respond.

Senator IAN CAMPBELL—Thank you, Mr Acting Deputy President. This is a motion that deals with sitting hours in relation to the Telstra bills. Senator Evans did make the point in the debate that Labor were opposed to the sale of Telstra and opposed to privatisation. I was responding, I think appropriately, by saying that there is a certain amount of hypocrisy in the Labor Party promoting two concepts. The first concept is their opposition to the sale of Telstra, when they of course sold the Commonwealth Bank, sold CSL, sold Qantas, sold Australian Airlines and sold the Defence Housing Authority. I was drawing attention to the fact of that significant hypocrisy and to the fact that there is significant hypocrisy from the Australian Labor Party in relation to the management of the hours.

They cannot have it both ways. They cannot say, ‘We want more time to consider the bills but we do not want to sit extra hours.’ That is the mother of all hypocrisy. It is extraordinary. We are going to have a vote on extra sitting hours, but they are saying, ‘We want more time to debate the bills, but now we’re going to have a long debate about how long we’re going to sit for.’ It is really quite absurd. I also say that Senator Ellison, the Manager of Government Business in the Senate, has, as I understand it, tabled or read into the record the details of committee hearings into bills.

You will remember, Mr Acting Deputy President Watson, that in around 1990, when the Australian Labor Party brought into the parliament the Corporations Law reforms to set up a single national regulator in ASIC, they brought the legislation in on one day and had a hearing on a Wednesday night, as I recall. We had the departmental officials from Attorney-General’s Department and a number of other people in. This was legislation, as you would know, Mr Acting Deputy President, to set up a single national regulator, to totally transform the whole corporate regulation for every single incorporated business across the whole of Australia, getting rid of six state corporate affairs offices across Australia and setting up the securities commission nationally.
That was a huge piece of legislation which has transformed corporate regulation in Australia and, one might say, the world. It was a great achievement of the Hawke government, supported by the coalition in opposition. It was massive, highly complicated legislation—far more complicated than a sale bill for Telstra that has been before this parliament on at least four occasions before. It is not a new piece of legislation; it is a Telstra sale bill. We had it in 1996, we had it again in 1998 and we had it again in 2001—the same bills—yet they are saying, ‘We haven’t seen the bills. We need more time to consider them.’

Yet with corporations legislation, along with hundreds of other pieces of legislation, we did exactly what the Senate planned to do when we changed the Senate committee system in 1990. We pulled out of sitting on Fridays. When I first got here in May 1990, the Senate used to sit on Fridays. We would go home on Friday night. You would remember this, Mr Acting Deputy President. I think in their wisdom they said, ‘Let’s make Friday a committee day. We’ll break up into legislation committees and deal with legislation in detail on Fridays.’ So the regular course of action was to refer a bill off. It would go to a detailed consideration on a Friday and then of course it would come back and the Senate would deal with it the following week. That is why we stopped sitting on Fridays.

But then, when Labor went into opposition, they started this concept of having enormously long hearings into legislation as a form of obstruction and delay. The Medicare bills last year were a classic example—they were kept out of this chamber for half a year for an inquiry. As we were talking about complex pieces of legislation, I go back to the example of the Corporations Law. It went off on a Wednesday night to a committee chaired by Senator Barney Cooney and we had a thorough hearing. In fact, out of that hearing I came up with the suggestion of having the thing called the Joint Statutory Committee on Corporations and Securities. I got that put into the law and that committee, now chaired by Senator Grant Chapman, does very good work. That is one of the things that came out of the committee hearing: ‘Let us have parliamentary oversight of the new body.’ It was passed through this chamber on the Thursday and came into force, I think, on 1 January 1991.

That is how Labor did it in power—and it was not an abuse of process, it was not arrogant. It was good process, and that is what this is. This is respecting the role of the Senate, ensuring that there is a committee inquiry and ensuring that there are plenty of hours to consider bills that have already been considered by the Senate on four previous occasions. I strongly endorse the motion that Senator Ellison has moved in relation to the hours and I strongly urge people to look very closely not at what Labor do or what they say but at what they actually do. Do not listen to what they say; look at what they do and you will see a massive conflict, a massive hypocrisy, and them speaking with forked tongues.

Senator BOB BROWN (Tasmania) (11.46 am)—What a world it would be if we were to say that any malefaction is okay because somebody else practices it. I have heard this so often in parliament, but here we have the Minister for the Environment and Heritage saying we can do whatever Labor did wrong in its period in office because that justifies us doing it now. The fact is that the government is going to guillotine the debate on the Telstra legislation next week. That intention was exemplified by the minister just speaking for 20 minutes on a procedural matter.

I listened to the news last night and heard the word ‘filibuster’ come up frequently: that
the opposition, the Greens and the Democrats were involved in a filibuster to slow down debate on the Telstra legislation. Well, (a) the Telstra legislation was not available and (b) it was not a filibuster. A filibuster is obstruction by using unnecessarily long speeches and bringing in irrelevant matters. What we have just heard from the minister is as close as you can get to that. Will we hear tonight that the government is involved in filibustering to delay and minimise debate on the Telstra bills? No, we will not. The government put it around the press gallery yesterday that there was a filibuster taking place, and some people ran with it, but it was wrong reporting.

Thank goodness we have a 20-minute restriction on speeches in this parliament. Otherwise, filibusters might occur. But they cannot and do not, unless you accept that what the minister just did was a full-on filibuster to try to minimise the amount of content debate there will be about the Telstra bills once they are brought into this place. They have not been brought in because the government has been engaged in manoeuvring the Senate into a position of minimal debate. That is what we are talking about at the moment. To try to excuse itself from the use of the guillotine on this day next week, the government is saying, ‘Well, we will have everybody sit on Monday and Tuesday night to deal with non-urgent legislation.’ The background is that the Prime Minister, amongst others, says that there may be no sale of Telstra for 12 months. Goodness! It might not be for years. The Future Fund might absorb it all. He wants to maximise the sale of government shares but reduce it so that the government no longer has a majority, because he has shown himself to be totally incapable of handling that authority wisely and with due prudence—witness the events of the last few days.

Senator Coonan, who is going to be in charge of the legislation, has said repeatedly in the last week in this place that the Senate will follow due process. This is not due process. She said that the normal processes of the Senate will be followed. This is not the normal process of the Senate. She said that we have to take a very measured approach. It is not a measured approach if you are aiming to gag debate in the Senate. And she said, ‘We will not abuse Senate norms.’ Senate norms are being abused here. So the truth is not in the words that are coming from government ministers; it is in the actions that say that they have a majority in the Senate. National Party senators are at the moment, without exception, absent from the debate in the chamber on the process of the Telstra legislation—and I think I should draw your attention, Mr Acting Deputy President Watson, to the state of the House. Maybe some National Party people will then come in for this debate. (Quorum formed)

While we proceed without National Party senators in their seats, before I sit down I nevertheless just want to respond to one thing that the minister was talking about a while ago—that is, events earlier today. I recommend to the government that the National Party has its whip attend the whips meetings—we are talking about Senator McGauran, in particular—and then the government will not get into the mess that it got into this morning over the motion from Senator Allison and Senator McLucas on the millennium goals.

Senator McGauran interjecting—

Senator BOB BROWN—Senator McGauran, in a three-second visit to his seat—he has gone again—said that it clashes with him being in the Senate. He needs a deputy who can go to the meetings, otherwise the government is going to find itself in even more embarrassing situations in the
future, and the Senate is going to be delayed. Debates like this are going to be delayed not by the Greens or the opposition but by the government’s mismanagement, which was so evident this morning.

Very briefly, I want to say this: let us not have any hogwash about there being a government in control of the Senate that thinks of itself as having responsibilities to the Senate which would see that a fair go pertains in here. That is not what this is about. It is simply the sledgehammer of a majority government converting the Senate into a rubber stamp. It would have been foolish to have thought otherwise, and that is what we are seeing here. The Prime Minister’s and the government’s time-honoured process is not to do it in one go; it is to do it by slow steps. We are seeing the erosion of the proper forms and proper debate of the Senate as a house of review and as a watchdog on government legislation by a government that treats the House of Representatives as a rubber stamp. And why would you not expect that? Of course that is what is going to happen.

Of course we are going to see the guillotine used repeatedly in this place, as we have not seen it used in the last 10 years. The government has a majority and, whenever it wants to, it is going to guillotine debate in here. Why is it going to do it next week? Because it is embarrassed about the public debate and it is embarrassed by the Prime Minister’s failure of performance in the last few days on Telstra—failure to be open with the people of Australia and, in particular, failure to ensure that important information about shareholdings got across to the minority shareholders in Telstra. That is just not embarrassing; it is totally wrong process. The Prime Minister has failed in his responsibility not only to the people of Australia but to Telstra shareholders. He has put them in a totally unfair and invidious situation. There will be more about that in the debate coming up.

The Greens do not support the changing of the sitting hours of the Senate for a non-urgent bill in a situation where the government has refused to hold a proper Senate inquiry process. That is a breach of good process. Senator Coonan’s asseverations of the last few weeks that the norms of this place would be upheld, and the Prime Minister’s similar public utterances over the last nine months that the Senate would not be abused, collapsed in a heap today.

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

The Senate divided. [12.04 pm]
(The Deputy President—Senator JJ Hogg)

Ayes………… 32
Noes………… 30
Majority……… 2

AYES

NOES

CHAMBER
The ACTING DEPUTY PRESIDENT (Senator Watson)—Is leave granted?

Senator BOB BROWN (Tasmania) (12.09 pm)—Firstly, I ask that the explanatory memoranda be circulated. We are going to have to deal with this legislation now, so surely we can have the government’s explanation now, before that debate gets under way. Secondly, we are going straight into this debate. It is normal that a second reading speech be incorporated, then the debate proceeds at some later hour. But we are going straight into this debate and I think the minister should read her second reading speech to the chamber so that we can take it into the debate and respond to it.

Leave not granted.

Senator COONAN (New South Wales—Minister for Communications, Information Technology and the Arts) (12.10 pm)—I seek leave to table the speeches.

The ACTING DEPUTY PRESIDENT—Is leave granted?

Senator BOB BROWN (Tasmania) (12.10 pm)—No, leave is not granted to table the speeches. They should be read by the minister to the chamber.

The ACTING DEPUTY PRESIDENT—I have just been advised that the minister does not need leave to table the speeches. The question is that the bills be read a second time.

Senator Bartlett—I was waiting for an opposition member to stand, but Senator Evans is not in the chamber. I am happy to kick off the debate, if that is okay.

Senator Mark Bishop—I seek direction from the chair. What is the motion under discussion before the chair, and what rulings, if any, have been made on the request by Senator Coonan to table her speeches? It is my understanding that if one senator objects
to the tabling of a speech it has to be read. Is that not the practice in this place?

The ACTING DEPUTY PRESIDENT—The minister sought leave to incorporate the speeches. Leave was refused. She had the right to table them, which she has done. We are now into the debate on the second reading. (Quorum formed)

Senator Bob Brown—Mr Acting Deputy President, I rise on a point of order. I asked that the second reading speeches be distributed in the chamber, seeing as the minister is either uncapable or unwilling to read them herself.

Senator Ferris—You mean ‘incapable’.

Senator Bob Brown—Uncapable or unwilling to read them herself. I ask that the now tabled speeches be given to the Senate.

The ACTING DEPUTY PRESIDENT—There is no point of order, but that can be done.

Senator Bob Brown—It is totally improper that we proceed in this way when the speeches have not been given.

The ACTING DEPUTY PRESIDENT—I have ruled on the point of order.

Senator BARTLETT (Queensland) (12.13 pm)—I am not sure if it is an honour to be kicking off the debate in such totally unacceptable circumstances but it is worth making the point formally in the Democrats’ contribution in this second reading debate that we are debating legislation that has only just seen the light of day, literally minutes ago. I also have to acknowledge that I have not been able to read the second reading speech by the Minister for Communications, Information Technology and the Arts in the 30 or so seconds between when it was tabled and when I got the call to speak. As I have stated in debates on other motions in this chamber over the last couple of days, the totally unacceptable approach that the government has taken to this entire issue and this entire process says more clearly than any words how indefensible this legislation is. And we have the absurd situation of starting to debate legislation before a Senate committee—even the derisory Senate committee inquiry that we have—is going to be able to examine it. So in some respects it is inevitable that the contribution I and the next speaker make will be somewhat deficient, compared to what would otherwise have been possible, because we have not had the opportunity to see this legislation before we have been forced to commence debate on it.

I cannot think of a clearer example of contempt for parliamentary process and contempt for democracy than forcing the chamber to start debating legislation that it has not had the opportunity to see. Add to that the fact that a Senate committee has been forced to have only one day of hearings into the two pieces of legislation—the Telstra (Transition to Full Private Ownership) Bill 2005 and the Telecommunications Legislation Amendment (Competition and Consumer Issues) Bill 2005—and that that hearing day will be less than 24 hours after the legislation was tabled. That means that witnesses will only have had that period of time to have examined it and looked at the consequences.

We are making law here; we are not just engaging in some sort of abstract debate just for the fun of deciding who wins. We are not engaged in some sort of game or contest. People like to call politics a game, but it is not. It is about passing laws that affect, in this case, pretty much the entire Australian community and that very much affect the future of Australia’s economy, its social opportunities and structures in all sorts of ways. So it is highly significant legislation. In terms of its potential impact, I would suggest that it is easily in the top five per cent of priority legislation that this chamber would consider. For that to be treated in such a far-
tical process rings very severe alarm bells about this government’s attitude, not just on this issue but on any issue that can affect the Australian community in significant ways.

I do have to take this opportunity to point out that whilst the government was legitimately elected with the numbers in the Senate we are seeing the consequences of that decision. It was a decision in effect made by my own state of Queensland to give—narrowly but, nonetheless, legitimately—the government a majority in this place. I also have to say that, sadly, my own state of Queensland will quite possibly be more severely disadvantaged by this legislation being passed than any other state, because Queensland is the most decentralised state in the country, it does have the greatest number of people living outside its capital city and it does have significant population centres spread more widely across a larger area than any other state has. So the issues of adequacy of service, adequacy of facilities and reasonableness of pricing are more significant for Queensland than for any other state in the country.

That is why it is particularly disappointing to see Senator Joyce in particular apparently agreeing to this legislation. I note he is not on the speakers list that has been circulated. Obviously we will not be getting through all of that list today but I certainly hope and trust that he will at least have the opportunity to outline his position in this chamber in the second reading debate. Perhaps he is waiting for such evidence as can be put forward before the Senate committee to inform his position a bit more. I hope that is the case, because clearly there are significant problems. In fact, the problems involved with taking this course of action are probably larger than they were the last time the Senate considered the option of selling Telstra.

I also have to emphasise that, if you are talking about public interest and public concern, there would be few other issues before this chamber, certainly ones that require legislation, that would have greater public interest, with people having informed opinions and strong concerns. There is no doubt that the majority of the public do not want this legislation to pass. And I think there is no doubt that in my own state of Queensland that majority in opposition to the sale of Telstra is even stronger than in most other places in the country. I have not just relied on newspaper reports. I and my Queensland Democrat members and my sadly departed colleague former senator John Cherry from Queensland spent a lot of energy over recent years seeking the views of Queenslanders about this issue, including putting resources into our own surveys. We did not just ask for a blank yes or no but for the reasons and for what issues people believed needed to be addressed.

One thing I have to say about the debate over whether we should or should not sell is that, in some respects, simply pushing the line and repeating the mantra that the half-pregnant situation is untenable for the government and puts them in an impossible conflict of interest has helped the government to hide some of the very significant problems that have continued to develop in telecommunications policy in general and in the performance of Telstra in particular. In the last few days we have seen a bit more detail, perhaps inadvertently or by being leaked into the public arena, about just how severe that problem is and just how inadequate the performance of Telstra has been in providing basic infrastructure for the community. It must be emphasised that, in the 21st century in particular, telecommunications really is a fundamental piece of infrastructure. Some would argue it is a more fundamental piece
Everybody needs the ability and the opportunity to connect through telecommunications. There is no doubt that the better the telecommunications available—particularly in regional areas but also in the capital cities, the big cities and the outlying suburbs—the better the choice people have about how to structure their lives, and the better the range of economic opportunities they have. As well, they have the best chance for access to information more widely. It is a central part of enabling people to participate more fully in their community, socially as well as economically, and we have failed dramatically and appallingly in recent years to keep up to speed and to provide those opportunities for the Australian community. By taking this action, we will make it just that one step harder to address those issues.

The Democrats have a long-held and consistent position with regard to attempts to sell Telstra and, I might say, a consistent position in relation to privatisation. It is a consistency that one cannot apply to the Labor Party. We all know that when in government Labor privatised a wide range of key public assets. It was only when they went into opposition that they suddenly converted back to their previous stance of defending public ownership of key public assets. The Democrats, on the other hand, have always had the view that privatisation of Telstra should not proceed in any case unless it can be demonstrated that there is a clear public interest, a clear and demonstrable public advantage, because it is a public asset and it is very hard to reverse a decision to sell once it has occurred.

That is why this legislation is so much more important than your run-of-the-mill legislation. It is an irreversible decision, almost certainly, once the legislation is passed. It is particularly disgraceful, disappointing and unjustified for this government not only to go down this path but also, more specifically, to prevent proper scrutiny of the legislation—to railroad it through with late night debates and, undoubtedly, a guillotine at some stage next week—because it is an irreversible decision once the legislation is passed. In that circumstance, on such a massive issue, it is unacceptable to allow it to proceed in this way and to prevent public assessment and input.

As I have said in some other debates over the last couple of days, even if you support the sale of Telstra you have an obligation to ensure that it is done in the most effective possible way and that all of the things surrounding that sale are done properly. Indeed, I would argue that if you support the sale of Telstra then you have an extra responsibility or obligation to make sure that it is done properly. We all know that there is enormous pressure from the Telstra management to have a weaker regulatory regime, and the government are saying, ‘We will not do that.’ But how do we know they will not do that? How do we know that for sure from the legislation without having the chance to look at it properly or to hear from those in the community who have the expertise, knowledge and experience, and who will have to live directly and immediately with the consequences of the sale? We do not know and we cannot know. It should be emphasised that even this inadequate process of debating the legislation, basically sight unseen, and railroading it through, is being done without the knowledge of what will be in follow-up regulations.

I say this in particular to Senator Joyce. In a way, I feel it is unfortunate to single him out, but I guess he singled himself out, and this is a consequence of that. As people know, the Democrats have made agreements and deals with this government over the
years, some of which we have been heavily criticised for, but most of which I believe were the right choice. Obviously, there was one in particular I disagreed with. If you are going to make an agreement then you have to make sure that it is done properly and that it delivers what was agreed to. Senator Joyce has been quoted widely and appropriately as having great scepticism about how reliable some in the government are—about whether or not you can trust their promises. Now he seems to be willing to deliver them a blank cheque, not just by allowing this legislation to be railroaded through but also by allowing it to be passed before we have seen what the follow-up regulations will be.

I can tell Senator Joyce from experience—I am surprised he would need to be told but it would appear that he might—that they might be saying nice things about you today in the coalition party room, although probably not. To your face they might be saying nice things, but once the vote has gone through you will be as irrelevant as ever. All they want is to get it through. All the promises will count for nothing once the vote has happened—I can assure you of that from bitter experience. You should not make the same mistake. You should make sure that you get to see all of the detail. While you are only one person and there are 38 of them, all leaning on you, you are the one who makes the difference in this case, and one is all it takes. Senator Harradine showed to great effect over his many years in this chamber that you can wait as long as it takes until you get all the detail that you think you need to see. It does not matter how much pressure you are getting from other people, how many manufactured friends there might be around the place or how much media pressure or whatever. You can wait as long as you need to wait.

That is the other outrageous aspect of this process. There is no rush. There is no urgency other than the political urgency from the government to get the thing through, get it off the agenda and get it out of the way because it is causing them so much damage. That is the only reason for this process and it is another example of the government’s real contempt for the people of Queensland and for the Australian population. They are trying to rush this through as quickly as possible just to get it out of the way so they do not have to feel the continual public pressure and opposition and face the facts about the damaging consequences to the people of Queensland and Australia through this action. There is no other reason. The relevant minister, Senator Minchin, has made it categorically clear that he will not be going back to cabinet until next year with a proposal about sell-off options.

There is no reason why we could not have a committee inquiry over the space of more than a month, frankly, and debate this legislation in plenty of time at the end of November after proper scrutiny, proper consultation and a proper examination of what the real consequences would be. It would also give plenty of time for follow-up regulations to be put into the public arena. There is no rush. There is no reason other than the government’s own political self-interest. There is no better definition of arrogance and hubris from a government than when they clearly act only out of self-interest and interest for their political situation, and not out of interest for the public or the democratic process.

Can I also just say that the notion that there is an impossible conflict of interest for the government in being the majority owner and regulator of Telstra is a furphy. Of course, there are difficulties raised but, firstly, with all the complaints being raised about Telstra being half-pregnant and what a problem that is, let us not forget it is only half sold because that is what the government did with the support, sadly, of enough
The Greens totally oppose the sale of Telstra from the government’s and the people’s hands into the hands of the corporate sector and the wider sector of the Australian community. We do that because we believe that telecommunications, and communications in general, are a fundamental part of modern life. They are fast-growing and everybody depends on them, in these days almost every minute of the day. They should be assured by government and should not simply be a matter of the profit motivation of the market. We Greens believe that too much is being handed to the control of the stock exchange from the democratically elected centre of decision-making—that is, our parliament. Here we have a clear example of the loss of parliamentary sovereignty by the people of Australia because we have a government in control of both houses of parliament under a prime minister who does not believe that the parliament is as important as the stock exchange in an age of free markets and globalisation. So the power for regulating—while in words it may still be retained by government in the documents we have before us—will more and more go to those people who have a profit motivation, not a service motivation to the people of Australia. Let me at this juncture, Mr Acting Deputy President, seek leave to incorporate into Hansard a circulated document called Telstra (Transition to Full Private Ownership) Bill 2005 second reading speech.

Senator Abetz—Is it the minister’s speech?

Senator BOB BROWN—As circulated.

The ACTING DEPUTY PRESIDENT (Senator Forshaw)—Minister Abetz, would you like to see the document?

Senator Abetz—I would like an assurance that it is the minister’s speech. If it is then, yes, of course we are happy for it to be incorporated. But I do not think I have had the assurances yet that it is the minister’s speech. If that can be clarified then leave will be granted.

Senator BOB BROWN—It is the minister’s speech, and might I advise Minister Abetz at the table to wake up and listen to the process.

Leave granted.
Today I am bringing forward into the Chamber for consideration, the first of two telecommunications Bills. The bills are an integral part of a comprehensive package of measures designed to enable the Commonwealth to sell its remaining equity interest in Telstra and to give Australians access to first-class telecommunications services now and into the future. Two further Bills with additional measures and appropriations are being introduced in the other place.

Together, this legislation forms a broad, integrated package that is designed to:

- provide an appropriate framework for a Telstra sale scheme;
- provide a settled regulatory framework that promotes an open, competitive telecommunications market;
- address concerns, particularly of rural and regional Australia about the adequacy of telecommunications services now, and into the future; and
- reinforce the universal service obligation, digital data service obligation and the customer service guarantee.

This package of legislation builds on the strong foundations that the Government has already laid for the telecommunications sector. This includes enhancements of an already robust pro-competition regulatory regime and further measures that support the strongest telecommunications consumer safeguards arrangements in the world.

The Government has demonstrated that it remains fully committed to this approach regardless of the ownership of Telstra.

This legislative package will also give effect to a number of Connect Australia initiatives that I announced on 17 August 2005.

The 4 key planks of the Connect Australia package are:

- an investment of $1.1 billion in services;
- a perpetual $2 billion Communication Fund from the proceeds of the Telstra sale to generate revenue for rural telecommunications services into the future;
- improved competition regulation including a requirement for the operational separation of Telstra to deal with ongoing concerns about Telstra’s high degree of integration; and
- enhanced consumer safeguards which build on the existing universal service obligation, the customer service guarantee and the digital data service obligation.

Connect Australia is an initiative for both now and into the future.

It is designed to address gaps in the provision of mobile and broadband services. The program will facilitate the roll-out of affordable broadband connections to people living in rural, regional and remote areas; extend mobile phone coverage; build new regional communications networks, and set up vital telecommunications services for remote Indigenous communities.

The Telstra (Transition to Full Private Ownership) Bill 2005

There is a close interplay between competition, consumer safeguards, targeted assistance and the Government’s commitment to sell our remaining share in Telstra.

It has been longstanding Government policy that Telstra should be transferred to full private ownership where it will remain subject to an effective regulatory framework that protects consumers and promotes competition. There is an inherent conflict of interest between the Government being an owner of the nation’s largest telecommunications carrier, while at the same time being the policy maker and regulator for the industry.

The Telstra (Transition to Full Private Ownership) Bill 2005 amends the Telstra Corporation Act 1991 to repeal the provisions that require the Commonwealth to retain 50.1% equity in Telstra Corporation Limited.

While the Government is moving to establish the legislation immediately, it has undertaken not to proceed with any further sale of Telstra until it is fully satisfied that arrangements are in place to deliver adequate telecommunications services to all Australians, including maintaining the improvements to existing services, and that there is value for taxpayers from any further sale.
The bill provides for the timing of the sale to remain open. The Government will make a further decision early next year about proceeding with a sale.

To assist in achieving this, the bill also gives the Commonwealth the flexibility to develop detailed arrangements for the sale process, which will protect and optimise the Commonwealth’s interests. For example, the provisions to facilitate the sale are broadly defined to allow not only conventional single tranche sales, but also sales implemented through a number of tranches, or through the use of other market instruments and financial products, such as hybrid securities.

The Government’s policy on foreign ownership of Telstra is unchanged. Telstra will continue to remain an Australian owned and controlled corporation. The maximum foreign ownership allowed in Telstra will remain at 35 per cent. The maximum individual foreign ownership will remain at 5 per cent.

The bill has been developed in such a manner so that specific obligations that apply to Telstra as a result of its status as a majority public owned Government Business Enterprise and a Commonwealth-controlled company will be phased out in an orderly and transparent manner as the Government divests its direct holdings in Telstra.

Telstra will be required to continue to comply with its reporting obligations and remain subject to a Ministerial power of direction under the Telstra Corporation Act 1991 until the Commonwealth’s direct shareholding in the company falls below 15 per cent.

The Telstra (Transition to Full Private Ownership) Bill reaffirms the cornerstone requirements of the universal service obligation, the digital data service obligation and the customer service guarantee. The objects of the universal service regime remain unquestioned:

- that all people in Australia wherever they work or live, should have reasonable access, on an equitable basis to basic telephone services and payphones; and
- that providers of telecommunications services should contribute in a way that is reasonable and equitable to funding the universal service obligation and the digital service obligation.

These will continue to apply to Telstra and other carriers, regardless of their ownership structure.

Changes in Telstra’s ownership status, however, will not affect the Government’s ability to protect the interests of consumers, competitors and the public generally. Consumer regulatory safeguards such as the universal service obligation, the customer service guarantee, price controls, network reliability framework, and the Telecommunications Industry Ombudsman, will be maintained into the future.

Telecommunications Legislation Amendment (Competition and Consumer Issues) Bill 2005

The Government is firmly of the view that competition provides the best means of delivering greater choice, improved and more innovative and affordable telecommunications services for consumers.

The competition reform measures in the Telecommunication Legislation Amendment (Competition and Consumer Issues) Bill 2005 that I will be bringing forward shortly into this Chamber, strike an appropriate balance between the need for regulation which promotes competitive services and investment in new infrastructure, while allowing Telstra the scope to meet changing market conditions and demand for services.

Telstra will be required to introduce operational separation between its retail and wholesale businesses. Operational separation is designed to ensure that Telstra, as the dominant carrier, treats all other carriers on a fair and transparent basis. The model has been developed with expert advice and in consultation with Telstra and the Australian Competition and Consumer Commission. The model provides a sound approach to achieve transparency, without the risks of forced structural separation.

Compliance with operational separation will be enforced through a legislative framework that imposes a licence condition enforceable by both the Minister for Communications and the Australian Competition and Consumer Commission.

A number of consumer protection measures, such as retail price controls, and the customer service guarantee, will be strengthened. These measures
build on the comprehensive system of consumer safeguards that are already in place.

The bill also amends the Telecommunications Act 1997 to make changes to numbering plan consultation requirements and repeal provisions relating to Industry Development Plans, and includes measures to encourage any-to-any connectivity.

The bill will increase the range of enforcement mechanisms that are available to the Australian Communications and Media Authority to ensure compliance with telecommunications regulation.

**Telecommunications Legislation Amendment (Future Proofing and Other Measures) Bill 2005.**

The bills that will be considered in this Chamber will be complemented by an equally significant piece of legislation that is being introduced into the other place.

The Telecommunications Legislation Amendment (Future Proofing and Other Measures) Bill provides the necessary appropriations, on passage of the Telstra sale legislation, for funding of the Government’s commitment to Connect Australia and allows for long term funding to be available from the proceeds of the Telstra sale for telecommunications services into the future.

This bill provides a clear statement of the Government’s commitment to the delivery of 21st century telecommunications services to all Australians, both now and into the future.

But to pay for this, the sale of Telstra must proceed.

The future requirements however are an unknown quantity. No-one knows what services will be required. What is needed then is to put in place an effective process that will both assess needs as they arise, and provide the necessary funding as required.

To achieve this, the Telecommunications Legislation Amendment (Future Proofing and Other Measures) Bill implements one of the key recommendations of the regional Telecommunications (Estens) Inquiry Report of 2002 to establish regular independent reviews into the adequacy of telecommunications in regional, rural and remote parts of Australia.

The independent reviews will be conducted by an expert committee appointed by the Minister for Communications Information Technology and the Arts. The bill requires the first review to be commenced before the end of 2008 and then subsequent reviews to occur at a minimum of three yearly intervals.

The Government has already imposed a licence condition on Telstra requiring the company to implement and maintain an effective local presence in rural, regional and remote Australia.

The bill will also create a dedicated and perpetual Communications Fund of $2 billion from the proceeds of the sale. Revenue generated from the Fund will be spent on implementing the Government’s responses to recommendations contained in the reports of the independent review committee to respond to identified market failure in the provision of additional telecommunications services in regional, rural and remote areas.

The future-proofing Bill will also include amendments to the Telecommunications Act relating to the development by telecommunications industry bodies of industry codes that deal with consumer-related issues. The amendments made by the bill will require the Australian Communications and Media Authority to reimburse industry bodies for their costs in developing consumer-related industry codes, as long as certain conditions relating to consumer participation in the code development process are met. This measure will provide for more equitable financing of consumer-related industry codes and will allow more consumer participation in code development.

**Telecommunications (Carrier Licence Charges) Amendment (Industry Plans and Consumer Codes) Bill 2005**

Amendments made to the Telecommunications (Carrier Licence Charges) Act 1997 by this separate and complementary Bill, also to be introduced in the other place, will provide that the amount that is reimbursed to industry bodies for the costs of development of consumer codes can be recouped through carrier licence charges.

**Conclusion**

This comprehensive and forward looking package of legislative and related measures is a further significant demonstration of the Government’s
ongoing and proactive commitment to ensuring that Australia’s telecommunications system combines the best elements of competition and customer service.

It represents the biggest commitment by any Australian Government for telecommunications services—not only for rural Australia, but for all Australians.

The legislative package will allow the Government to focus on its core business of setting the rules for the whole telecommunications industry. Telstra will be able to focus on being competitive and delivering the best services to its customers. Consumers can be confident that telecommunications services will continue to improve, service quality will be maintained at high levels and existing consumer rights protected, regardless of Telstra’s ownership. Rural Australia can be assured that ongoing targeted funding will allow them to access 21st century telecommunications services that are comparable with those in metropolitan areas.

All Australians will have the opportunity to share in the benefits from this legislative package.

Senator BOB BROWN—The minister ought to have got to her feet and read this speech. The norms of this Senate over long practice have been that second reading speeches are incorporated and not read to the House, as occurs in most other houses of parliament in Australia, because the Senate has a process whereby we go away, we go to committees, we consult with the people of Australia and then we come back and a second reading debate ensues. However, today those norms have been thrown out the window. We have a process where the government has gone back to the start of the 20th century and brought in a bill with the intention of going straight on with the debate of that bill. It used to take too long in the horse and buggy and train days so people used to debate bills as they were brought in. We have got much more sophisticated than that but we have been taken back a century today by this government. The minister ought to have read her speech. She did not but now it is in the Hansard.

When you have a look at that speech you find that it is full of motherhood statements and dot points, and is a very abbreviated outline of why the government believes its package of five bills is okay. Take a look at page 2 of the speech on the very important part that the National Party believes has made the sale of Telstra okay after going to the last election assuring the people of Australia it would not be agreeing to the sale of Telstra. Minister Coonan says:

The 4 key planks of the Connect Australia package are:

• an investment of $1.1 billion in services;

However, if we look at reports in newspapers from just yesterday—I point to the front page box in the Canberra Times, for example—on the secret Telstra report which has suddenly emerged we find that over the last three to five years $2 billion to $3 billion in additional investment should have been spent. We have a situation in which $2 billion to $3 billion should have been spent and the government is offering to spend $1.1 billion—a third of what was required—to catch us up to where telecommunications services should be in Australia, particularly for the bush. It is not to take us into the future. The government is offering one-third of that catch up—two-thirds default. That is as clear as day. The promises about keeping up standards of services, not just to the bush but to urban Australia, fail at the outset. According to the secret report, the money is not there to pay the amount required to simply bring services up to where they ought to be.

The second dot point from the minister is:

• a perpetual $2 billion Communication Fund from the proceeds of the Telstra sale to generate revenue for rural telecommunications services into the future—will be established.
Let us look at that. Let us see how that is going to work. Let us have an informed parliament that determines whether that might do the catch-up job. No, it is not. Tucked away at the back of the speech, Senator Coonan says that the way this Communications Fund is going to work—the assured effectiveness we are supposed to get from it—will not be told to this parliament for this debate. It is going to be developed over the rest of the year—‘trust us’.

It is an extraordinary failure of the National Party to have an admission through the minister that the workings of this all-important communications fund have not been established. It is a pig in a poke. It will be done after the event. Trust us. Senator Boswell, who has just come into the chamber, or his fellow National Party senators to explain what the minister says she will not explain—because she does not know—and that is how this $2 billion communications fund is going to work. Tell us. That is what the Senate is about. That is why we should be having a committee—so that we can investigate how this is going to work. That is going to be guillotined. We are not going to be given the opportunity to properly explore that.

Then we move onto the third dot point in Minister Coonan’s second reading speech, which was not able to read, and it is that there will be:

• improved competition regulation including a requirement for the operational separation of Telstra to deal with ongoing concerns about Telstra’s high degree of integration;

What is ‘improved competition regulation’? Where is it? Tell us what this improved competition regulation is going to be. It sounds to me like that might impact on services that Telstra provides to people in rural and regional areas. It sounds to me like that is a very important matter for us to investigate. But a glib one-liner like that in an inadequate second reading speech is not good enough from a minister who fled from the chamber as soon as she introduced these bills and who, no doubt, is going to be absent for most of this debate. If the minister is not game enough to be in here to defend this legislation, she should hand it across to somebody who can.

And the fourth dot point is:

• enhanced consumer safeguards which build on the existing universal service obligation, the customer service guarantee and the digital data service obligation.

But they are abolishing the Ombudsman’s role and they are abolishing the role of the Freedom of Information Act with respect to Telstra. Watchdog, my foot! Safeguards, my foot! This is ‘trust us’. They are getting rid of the very entities that ought to be there to ensure that consumers can see what is going on and can get proper service out of the major telco in this country. They are to be abolished. The safeguards are to go. We get a motherhood statement about enhanced consumer safeguards in their place.

Debate interrupted.

CUSTOMS TARIFF AMENDMENT BILL (No. 2) 2005
Second Reading
Debate resumed from 16 August, on motion by Senator Abetz:
That this bill be now read a second time.
Senator MURRAY (Western Australia) (12.45 pm)—The principal aim of the Customs Tariff Amendment Bill (No. 2) 2005 is to correct a disparity in taxation and excise treatment between locally produced grape wine product and imported fresh wine product. That is a very important principle and I am going to make some remarks a little later about it, because it is not carried through with all alcohol products and it should be. The second principal aim is to more stringently define grape wine product, including an upper limit of 22 per cent alcohol content. The third principal aim is to remove a three per cent customs duty on imported business inputs without a domestic substitute which are subject to a tariff concession order.

The financial impact of the first two items is either difficult to quantify or negligible. But the financial impact of the third item is very substantial. It is estimated that the amendments relating to the removal of the three per cent customs duty that applies to goods which are the subject of a tariff concession order will result in duty forgone of $290 million in 2005-06, $320 million in 2007-08 and $340 million in 2008-09. I raise the quantum deliberately because the Democrats support this change. But, in supporting it, we recognise that the removal of iniquities in taxation regimes, which also produce inefficiencies, is often costly. It is no good the government refusing one set of changes because of the cost to revenue when another set of changes, as a result of more effective or more intensive lobbying, is agreed to. The principle is right—if there is something in the law which needs correcting then correct it, even if it is at some cost.

I want to draw the attention of the chamber to an inequity in the spirits market which has emerged as a result of the Australia-United States Free Trade Agreement. The agreement requires the abolition of the five per cent ad valorem customs duty applicable to imported bourbon. There is no similar provision for a reduction in customs duty for Bundaberg Rum exported from Australia and imported into the United States. United States ad valorem import duty will be phased out over nine years. This will disadvantage exports of Bundaberg Rum to the United States because of the immediate duty reduction of Australian import duty on imports of bourbon to Australia. That is one problem with rum.

Now let us look at a problem with cognac and French brandy. The system of taxation of brandy is not something that I agree with. I moved unsuccessfully to amend the 2002 act to remove the concessional excise duty rate for brandy. The Democrats position since 1999 has been that there is no policy reason why brandy should not be taxed at the same rate as spirits. Incidentally, that would produce additional revenue for the government. The concession favours imported French brandy, which pays a lower volumetric customs duty rate than the imported spirits with which the imported brandy competes. I do not think this should be a situation that the government continues with. At that time—and I have not had a look at the estimates since—the additional revenue was somewhere in the order of $3 million to $4 million. But a lot of that additional revenue would have come from imported brandy and would have resolved an anomaly in the system. The Treasurer’s view is that it is correct that brandy is taxed at a lower rate than other spirits. Why is brandy regarded as a more beneficial spirit in Australia than rum? It is a pretty weird policy decision. The government says that this concession was introduced to support the domestic industry and the government does not intend at this time to make any changes.

Then we have the situation with imported spirits. I have also recommended that the five per cent ad valorem protected tariff for
imported spirits and imported ready-to-drinks be abolished. There is no similar protective rate for imported beer and there is no evident policy justification for retention of this discriminatory revenue-raising tariff. The answer from the government is that there is no protective tariff on imported beer because Australia made a commitment to the World Trade Organisation in the Uruguay Round to not introduce a tariff on imported beer and no such commitment was given on imported spirits. But you do not do one thing because you have made a commitment elsewhere and then, in the same broad category of alcohol product, do another thing. All I am saying to the government is that it has done the right thing in this bill by addressing anomalies, removing inequities and making the system clearer and more coherent. But it still has more work to do in the areas of imported spirits, brandy and beer.

Senator LUDWIG (Queensland—Manager of Opposition Business in the Senate) (12.51 pm)—Labor supports the Customs Tariff Amendment Bill (No. 2) 2005, which will insert an upper limit for the alcoholic content of grape wine and also remove the three per cent customs duty which currently applies to business inputs that are subject to a tariff concession order. The bill amends additional note 3(a) to chapter 22 of the tariff to insert the upper limit of alcohol content of grape wine of 22 per cent. The financial impact of the proposed amendment to addition note 3(a) to chapter 22 is difficult to quantify. But it is expected that it may result in a small increase in government revenue.

Item 1 of schedule 3, which amends the upper alcohol limit of grape wine, will bring the tariff into line with the A New Tax System (Wine Equalisation Tax) Act 1999 to ensure imported wine made from fresh grapes will attract customs duty at the same rate as the locally produced product. The bill will also define grape wine products.

Items 2 and 3 relate to the definition of mock Irish cream and wine based cream beverages. While the financial impact of these measures relating to the insertion of references to additional note 4 into tariff subheadings is negligible, it is important to clarify a point in the Attorney-General’s speech. People going back to look at that speech may seek to understand the effect of this bill through it or through the explanatory memorandum and it could in some way lead to—dare I say it—confusion as to the treatment of products collectively known as ‘Irish cream’.

Real Irish cream is made from whiskey and has an alcohol content of around 16 per cent to 17 per cent. Bailey’s Irish Cream and Feeney’s Irish Cream are examples of such products, although Irish creams are certainly not limited to those excellent products. The imported spirit based Irish cream is subject to the excise equivalent rate of $60.92 per litre of alcohol plus a five per cent customs duty. A similar locally manufactured product is subject to the excise rate of $60.92 per litre of alcohol. These whiskey based products are not affected by these changes.

The product referred to by the minister is an imitation product with a substitute grape wine base and has an alcohol content of between 11 per cent and 12 per cent. Names are the only way of describing the product, and O’Mara’s Irish Cream is an example of such a product—I am certain it is not the only example. Imported wine based Irish cream was subject to the excise regime and paid the excise equivalent rate of $60.92 per litre of alcohol plus five per cent customs duty. Similar locally manufactured products attracted the wine equalisation tax—the WET, as it has been commonly referred to, plus GST.
Post 1 July 2005, wine based products will be subject to the wine equalisation tax, at a rate of 29 per cent of the value of the taxable importation, which is based on customs value plus customs duty—in this instance, that is zero—plus international transport insurance plus GST. Labor supports the removal of the customs duty on business inputs which are subject to the tariff concession order.

Australian businesses will benefit from the removal of this duty and will save almost $300 million this financial year from this change. It is estimated that the amendment relating to the removal of the three per cent customs duty that applies to goods which are subject to a TCO will result in forgone duty of about $290 million in 2005-06 and up to $320 million in 2007-08 and $340 million in 2008-09. That represents a real saving for Australian businesses and Labor is pleased to be able to support that.

**Senator SANDY MACDONALD** (New South Wales—Parliamentary Secretary to the Minister for Trade) (12.55 pm)—I commend the Customs Tariff Amendment Bill (No. 2) 2005 to the Senate.

Question agreed to.

Bill read a second time.

**Third Reading**

Bill passed through its remaining stages without amendment or debate.

**BUSINESS**

**Rearrangement**

**Senator SANDY MACDONALD** (New South Wales—Parliamentary Secretary to the Minister for Trade) (12.56 pm)—I move:

That consideration of government business order of the day no. 4 (Asbestos-related Claims (Management of Commonwealth Liabilities) (Consequential and Transitional Provisions) Bill 2005 and a related bill) be called on to enable second reading speeches to be made till not later than 2 pm.

Question agreed to.

**ASBESTOS-RELATED CLAIMS (MANAGEMENT OF COMMONWEALTH LIABILITIES) (CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 2005**

**ASBESTOS-RELATED CLAIMS (MANAGEMENT OF COMMONWEALTH LIABILITIES) BILL 2005**

**Second Reading**

Debate resumed from 14 June, on motion by **Senator Abetz**:

That these bills be now read a second time.

**Senator WONG** (South Australia) (12.57 pm)—I rise to speak on the Asbestos-related Claims (Management of Commonwealth Liabilities) Bill 2005 and the Asbestos-related Claims (Management of Commonwealth Liabilities) (Consequential and Transitional Provisions) Bill 2005. I indicate at the outset that the Labor Party supports these measures with one very serious reservation.

The purpose of the bills before the Senate is to ensure a more efficient handling of asbestos-related condition common-law claims against the Commonwealth. These bills seek to centralise the management of asbestos-related condition common-law claims against the Commonwealth within Comcare. It will achieve this by transferring the liability for such claims from the Commonwealth and Commonwealth authorities to Comcare, and the bills will give Comcare the legislative authority to manage common-law claims against the Commonwealth. Comcare will also have the authority to manage claims from former waterside workers whose asbestos claims are currently managed by the Stevedoring Industry Finance Committee. That
is one of the issues raised in the legislation with which Labor has concerns.

The majority of common-law asbestos claims against the Commonwealth are currently managed by the particular agencies against which the claims are made. It is estimated that the Commonwealth’s asbestos liabilities over the next half century will be nearly $1 billion. We understand from advice provided by the government that this legislation is not expected to have any significant effect on the level of asbestos liabilities.

The government has proposed that Defence related common-law asbestos claims continue to be managed by the Department of Defence, as delegated to by Comcare. These arrangements will be reviewed by July next year. The fact that this is occurring is an aspect that is relevant to the issue that the shadow minister, the member for Perth, has raised with the minister and also in the other place.

Statutory claims made under the Safety, Rehabilitation and Compensation Act 1988, the Veterans’ Entitlements Act 1986 and the Military Rehabilitation and Compensation Act 2004 are not included in the application of these bills, and claims made under those acts will continue to be managed by Comcare and the Department of Veterans’ Affairs. For good reasons, in the past the Commonwealth has treated these areas as specialised and separate areas and it is proposed under this legislation that two of them continue as such.

As indicated, the area where Labor has serious reservations is the proposed repeal of three pieces of legislation which support the Stevedoring Industry Finance Committee and the proposed abolition of the committee itself. The Stevedoring Industry Finance Committee currently resolves common-law claims from waterside workers or their widows which arise from exposure to asbestos related cargoes. The government is proposing in this legislation that these claims would become the responsibility of Comcare. If one goes to some of the background work that was done in preparation for the drafting of these pieces of legislation—and I refer particularly to the interdepartmental committee—one sees that a report was prepared by Trowbridge Deloittes on the Australian government asbestos liabilities. This was prepared at the request of the Department of Finance and Administration and led to the establishment of the interdepartmental committee. That report makes it clear that stevedoring related claims are a very specialised case of asbestos claim. At page 55 of this report, dated October 2003, in attachment 1, the following appears:

... the vast majority of the Australian Government’s—
or the Commonwealth’s—
claims cost is managed in ... two places—the Defence Asbestos Litigation Cell (ALC) and the Stevedoring Industry Finance Committee (SIFC).

Under this legislation, the government has obviously found good reasons to keep the Defence Asbestos Litigation Cell, or the defence area, compartmentalised and specialised. Our concern is that the Commonwealth government has not put its mind carefully enough to whether or not that should continue to be the case for the Stevedoring Industry Finance Committee. It is estimated in the actuarial report to which I have referred that the ongoing potential liability to the Stevedoring Industry Finance Committee is over $230 million. That is out of a total estimated cost of just under $1 billion—effectively almost a quarter of the Commonwealth’s liability.

Our understanding is that there has been inadequate consultation with both the stevedoring industry and the Stevedoring Industry Finance Committee. This committee is made
up of an independent chairperson, representatives of both stevedoring employers and stevedoring employees, and a representative of the Department of Transport and Regional Services. Essentially, it is what I would describe as a tripartite committee—employer, employee and government, something this government perhaps has some difficulty with. The Department of Transport and Regional Services provides secretariat support to the committee on a cost recovery basis.

The committee is responsible for resolving common-law claims from waterside workers or their surviving partners on fair, just and responsible terms arising from exposure to asbestos related cargoes. In the course of its activities, the Stevedoring Industry Finance Committee attempts to recover contributions from industry third parties or from insurance companies. The record of the committee is such that it is well regarded and it has established a well-earned reputation amongst both employers and employees in the stevedoring industry. Its reputation is one of a committee that resolves claims quickly and fairly. This is one of the great strengths of the specialised nature of its activity in this area.

One of the great tragedies and traumas of asbestos related diseases is that the incubation period is long but, once the adverse consequences of the disease come to light, it is a terribly debilitating disease and affliction. We have learnt over the years to, firstly, bring to those victims a degree of certainty, and, secondly, do our best to ensure that liabilities and damages are assessed by negotiation, by agreement or by settlement rather than by having ongoing adversarial claims. The great strength of the activity of the Stevedoring Industry Finance Committee is that it deals with these matters quickly, fairly, equitably and in a way which minimises the ongoing trauma for the victims of these terrible diseases and also for their families. In a letter to Kevin Andrews, the Minister for Employment and Workplace Relations, which I believe was previously discussed in the other place, the National Secretary of the Maritime Union of Australia made the following point:

... it is essential that the accumulated knowledge acquired over many years is retained to continue to assist claimants to achieve prompt, just and reasonable treatment in the processing of claims. You would appreciate the nature of the illnesses that sustain such claims and the importance of responding in a manner that treats these workers with care, dignity and respect.

It is a straightforward question as to whether, given the ongoing and specialised nature of the stevedoring industry and the high regard in which people hold the Stevedoring Industry Finance Committee in dealing with these claims in a prompt, efficient and just manner, the same arguments for specialised treatment for Defence and veterans’ claims also apply to the stevedoring industry. The lack of consultation makes it all the more important. We believe this issue ought to be considered seriously.

In closing, we flag that Labor in committee will be proposing that the Stevedoring Industry Finance Committee be treated in a manner similar to that of the Defence committee under this bill—that is, that liabilities be transferred to the Commonwealth and delegated back to the Stevedoring Industry Finance Committee for management, and that a review of this be conducted by 31 August 2006, which is reasonably consistent with the review which will be conducted of Defence, which is to undergo review by July 2006. The Labor Party considers this should occur to enable the committee to continue with its work and to ensure the prompt, just and reasonable treatment of persons in the processing of claims. The review will also enable appropriate consultation with all the affected parties.
Senator MURRAY (Western Australia) (1.06 pm)—The Asbestos-related Claims (Management of Commonwealth Liabilities) Bill 2005 and the Asbestos-related Claims (Management of Commonwealth Liabilities) (Consequential and Transitional Provisions) Bill 2005 implement recommendations made by an asbestos related disease interdepartmental committee established in 2002 to review the management of asbestos related compensation claims against the Australian government. Together these bills facilitate the transfer of the Commonwealth’s common-law liability for claims for asbestos related conditions from federal agencies and government business enterprises to the Commonwealth’s statutory authority responsible for workplace safety, rehabilitation and compensation in the Commonwealth jurisdiction—Comcare.

The explanatory memorandum explains that Comcare is established as a separate legal entity with the legal liability to pay compensation to employees or former employees of the Australian government in accordance with the Safety, Rehabilitation and Compensation Act 1988. As I understand it, the bills will allow Comcare to assume the whole of the Australian government’s common-law liability not only for government employees or past government employees with asbestos related conditions but also for any person or dependant who claims to have suffered damage from exposure to asbestos for which the Australian government may be liable. That seems a sensible principle. This would include former waterside workers, contractors and subcontractors, tenants of Australian government owned and/or constructed premises, family members of employees who were themselves exposed through contaminated clothing or other means, visitors, bystanders, and dependants of persons in any of the above categories.

As noted in the Bills Digest to these bills, the scale of the asbestos compensation problem in Australia was highlighted in 2004 by the inquiry commissioned by the New South Wales government into the management of asbestos related liabilities by the James Hardie group of companies. However, as the Bills Digest also notes, asbestos claims are not limited to those who worked in asbestos mines and factories. Former power station, shipyard and dock workers; railway labourers; and members of the Defence Force, especially the Navy, are at significant risk from asbestos related diseases.

Asbestos was used widely throughout Australia last century. It is a dangerous substance. Unfortunately, asbestos related diseases may still take many more years after exposure to manifest themselves. As noted in the Bills Digest, mesothelioma is especially insidious. Very slight exposure to asbestos fibre may cause it, and the disease may not manifest itself until 40 or more years after the exposure but, when it does, the course of the disease is most often short, very painful and fatal.

It was not only in Australia that asbestos was treated far too casually. In the Midleveld of southern Rhodesia, as it was called then, there were two asbestos mining villages in Mashaba and Shabani. I remember as a schoolboy at my boarding school in nearby Fort Victoria, now called Masvingo, being taken on a school excursion to these asbestos mines. We were taken down and around the mine with no hard hats, no safety clothing at all, just in our normal school clothes. It is amazing in retrospect, but nobody thought anything of it at the time.

The Bills Digest also notes that, since 1945, about 7,000 Australians have died from this disease, estimated to rise to 18,000 by 2020. Other asbestos related cancers may present in around 30,000 to 40,000 people by
the same time. Those are huge numbers. For those people affected by asbestos now and in the future, it is critical that the Commonwealth is able to meet liability and provide appropriate compensation efficiently and in a timely and kindly manner. It is my understanding that the asbestos related disease interdepartmental committee made the recommendation to transfer liability for asbestos related claims to Comcare based on the view that the decentralised approach was resulting in some inefficiencies and inconsistencies in case management across portfolios, including inconsistent admissions of liability. Once again, that seems a reasonable conclusion to draw.

It is also my understanding that the transfer of all Commonwealth common-law liability claims for asbestos related conditions will result in the centralisation of the management of these claims and will presumably lead to more consistent decision making efficiencies and more and better outcomes. Where appropriate, the Democrats do support the centralisation of regimes and agencies that deal with similar issues and laws. For example, the Democrats supported a single national approach to finance, corporations and trade practice law, just like we support a single national industrial relations regime because it would reduce the complexities and inefficiencies of six separate systems with overlapping laws and regulations. The Democrats support the intent of these bills and believe they will result in speedier claims for sufferers of asbestos related diseases and their dependants—and I hope our belief is proven to be accurate.

I note from the government's second reading speech in the House of Representatives that the government proposes that statutory claims made under the Safety, Rehabilitation and Compensation Act 1988; the Veterans' Entitlements Act 1986; and the Military Rehabilitation and Compensation Act 2004 are not included in the application of these bills, and claims made under these acts will continue to be managed by Comcare and the Department of Veterans' Affairs. I also note that Defence related common law asbestos claims will also continue to be managed by the Department of Defence at the delegation of Comcare, pending a review of these arrangements by July 2006. As a member of the Joint Committee of Public Accounts and Audit, I should remark that we often have to deal with Defence's inefficiencies and inadequacies on many fronts as identified by the Auditor-General. I do hope the Department of Defence are better in this area than they are in some other areas which have drawn criticism from all sides of Senate and parliamentary committees.

As has already been mentioned by Labor, there are concerns within the stevedoring industry that shifting responsibility for processing claims from the industry specific Stevedoring Industry Finance Committee to Comcare will result in delays. It is my understanding that the stevedoring industry, along with Defence, have the vast majority of claims at present, so there will be a significantly large number of people affected by these bills. I have also been told that the Stevedoring Industry Finance Committee is well regarded and that it has established a well-earned reputation within the stevedoring industry of resolving claims quickly and fairly. This is a valuable attribute when dealing with sufferers of asbestos related illness and their families.

The government argue that the SIFC claims are not considered as sensitive to national security as those claims made with Defence, which is why there is a review process for Defence to give Comcare the experience of handling asbestos claims before Defence's responsibilities are transferred. We are told that, if SIFC as well as Defence were excluded from centralisation,
only 25 per cent of the government’s asbestos liabilities would be centralised. The government believes that excluding the SIFC’s claims is likely to make the centralisation initiative non-viable as there needs to be a certain volume of claims in order to achieve the benefits of centralisation. I do not have the means to test that opinion, but it does not seem a plausible argument, at least on the face of it.

Others have raised concerns about the possibility of caps on the amount of compensation available as a result of the bills. While Comcare’s liabilities are governed by the Safety, Rehabilitation and Compensation Act, which prohibits a court from awarding a payout higher than $110,000 for non-economic loss, these bills are expressly concerned with common law claims from non-Commonwealth employees, which are not governed by the SRC Act. Even if a dependant of a Commonwealth employee made a claim under the SRC Act, it seems they could expect to receive up to $320,000 or more, based on the statutory benefits payable. The cap only applies if the dependant or his estate elects to sue for non-economic loss in lieu of accepting the statutory benefits for permanent impairment. The likelihood of this seems remote.

I was concerned to hear that, despite the establishment of a task force, the key stakeholders within the stevedoring industry and the Stevedoring Industry Finance Committee believe that they were not adequately consulted. Once again, I have no means of testing that proposition. The government have reported that they had consulted extensively with the Department of Transport and Regional Services, who were on the interdepartmental committee examining this issue. The transport department briefed the SIFC on developments and made the SIFC aware of the government’s intention to centralise management of asbestos common-law claims, but the transport department probably did not consult as adequately as it should have.

I think, given some of the valid issues raised by the industry, it is not unreasonable for the stevedoring industry to be given the same treatment as Defence and, like Defence, for the arrangements to be reviewed by July 2006—which is only nine months away. I will listen carefully to the minister when the minister speaks to the bills in the committee stage but, as things stand at present, it is likely that the Democrats would be inclined to support Labor’s amendment to allow the Stevedoring Industry Finance Committee to process claims for the stevedoring industry until July 2006, when the arrangement should be reviewed. Having said that we would support the amendment, we do of course support the bill.

Senator GEORGE CAMPBELL (New South Wales) (1.16 pm)—I rise to speak to the Asbestos-related Claims (Management of Commonwealth Liabilities) (Consequential and Transitional Provisions) Bill 2005 and the Asbestos-related Claims (Management of Commonwealth Liabilities) Bill 2005 to make some brief remarks in respect of this issue. The issues of asbestos disease and how the Commonwealth deals with claims are vital for thousands of Australian workers. For many years asbestos was a hidden killer, and I am sad to say that in the years and decades ahead asbestos related diseases will claim many more lives. There is currently no known cure for asbestos-caused diseases and, as we now know, there is no safe level of exposure to asbestos. As little as one fibre lodged in the lung is enough to kill. Asbestos diseases can take 10 to 75 years to appear, and generally there are no symptoms at all until the victim becomes ill.

The Commonwealth must have an effective system in place for dealing with asbestos
related disease claims. Sadly, this is because Australia already has the highest rate of asbestos disease in the world. Tens of thousands of Australian workers are dying, or have already died, as a result of exposure to asbestos during their working lives. It is expected that 40,000 Australians will contract asbestos related diseases over the next 40 years. More than 14,000 are expected to develop the deadly disease mesothelioma. At least 10 Australians die each week from an asbestos disease and in the coming years this could increase as a new wave of victims joins those who were exposed to asbestos in the workplace. Those figures relate to those that are known cases. There are many, many thousands of Australians who have died in years past with asbestos related diseases that have never been diagnosed in that form.

Who are these people? They are you, they are me, they are our neighbours, they are our colleagues, they are our friends and they are our relatives. Estimates are that up to two-thirds of homes built in Australia up to the mid-eighties contained asbestos products. How many of us have engaged in that great Australian pastime of do-it-yourself around the house? How many Australians have been exposed while innocently putting a screw in a wall to hang a picture of their loved ones? It is a sobering thought that even the most innoxious of chores around the home, of placing tiles or nailing up a family photo, could have led to any one of us being exposed to asbestos fibres.

I do not want to be alarmist about what we face, but neither am I prepared to see us put our heads in the sand. That is why Labor supports the Asbestos-Related Claims (Management of Commonwealth Liabilities) Bill 2005. This bill centralises the management of asbestos related common-law claims against the Commonwealth within Comcare. Comcare, rather than the Commonwealth—Commonwealth authorities or government business enterprises—will now be liable for claims. The bill also provides Comcare with the additional function of assuming and managing all Commonwealth ARC liabilities. Furthermore, it will provide financial arrangements for Comcare to meet all its assumed liability. With the Commonwealth’s asbestos liabilities over the next 50 years estimated to be in the region of nearly $1 billion, this is very timely legislation.

Labor hopes that this bill will eradicate the inefficiencies and inconsistencies that currently exist due to claims being handled across different portfolios. Integrating the management of asbestos claims against the Commonwealth will lead to more consistent decision making and more equitable and efficient outcomes. It should result in a much-needed standardisation in the Commonwealth’s approach to management of asbestos claims.

But as well as having a responsibility to effectively manage its own asbestos liabilities, the Commonwealth must also ensure that industry does the right thing by Australian workers. We all know about James Hardie’s attempts to avoid their responsibilities to thousands of Australians. Corporate restructures, asset stripping, PR campaigns and innumerable other dirty tricks were employed to deny former workers their rightful compensation. James Hardie CEO Peter MacDonald even went as far as to tell the media that he believed Hardie’s had no legal or moral obligation to the victims of asbestos disease. Fortunately, with the help of Labor state governments, the ACTU and, most importantly, a wonderful response from the Australian community, Hardie’s were forced to back down and come to an agreement with their victims.

Quite frankly, this situation should never have happened in the first place. Hardie’s were able to ruthlessly exploit loopholes in
the federal Corporations Law that allowed them to establish asset protection schemes to avoid paying employee entitlements when their companies collapsed financially. Again, strong rumours abound that this company—despite what has gone on in the past, despite the promises made to victims of asbestos diseases, despite the negotiated agreement with the ACTU and the state Labor government of New South Wales—is still trying to find a mechanism in order to avoid its liabilities into the future.

This government must act to ensure that this company or any other company are never able to dodge their responsibilities to workers who have contracted an asbestos related disease in the workplace. The Commonwealth must remain vigilant and prepared to act to ensure that all Australian victims of asbestos related diseases are treated fairly and equitably and that companies like James Hardie are not able to use loopholes in the law in order to avoid the responsibility that they have for every worker who, in the course of making profits for James Hardie, has been condemned to a much shorter life as a result of their exposure to asbestos.

Senator MARSHALL (Victoria) (1.23 pm)—I indicate that Labor and I broadly support the bills before the Senate today: the Asbestos-related Claims (Management of Commonwealth Liabilities) Bill 2005 and the Asbestos-related Claims (Management of Commonwealth Liabilities) (Consequential and Transitional Provisions) Bill 2005. Labor support the intention of dealing with all asbestos related condition common-law claims made against the Commonwealth under the umbrella of one central agency—in this case, Comcare. It makes sense for the Commonwealth and it makes sense for the victims. Labor can see the potential cost savings in this exercise but, more importantly, we can see the potential to avoid inconsistencies in the management of claims. Integrating the management of asbestos related claims made against the Commonwealth will lead to more consistent decision making and more equitable and efficient outcomes. As it is today, claims are dealt with by the agencies against whom the claims have been made. This has led to inconsistencies in the outcomes of claims across the agencies, and that is not right.

Comcare’s current legislative authority allows it to manage asbestos related disease claims only from current and former employees of the government, and their dependants. This legislation will make Comcare, rather than Commonwealth authorities or government business enterprises, liable for all asbestos related condition common-law claims. It will provide Comcare with the additional function of assuming and managing all Commonwealth asbestos related liabilities and it will provide financial arrangements for Comcare to meet all its assumed liabilities. The Commonwealth’s asbestos related liabilities over the next 50 years have been estimated to be nearly $1 billion, the majority of which will be common-law claims. Comcare will be fully funded for the cost of managing these claims.

The government has proposed that defence related common-law claims will continue to be managed by the Department of Defence as delegated to by Comcare. This is due to the specialised nature of most of these claims and the expertise possessed by the Department of Defence in dealing with them. More than a quarter of the Commonwealth’s asbestos related liabilities over the next 50 years are expected and predicted to be defence related. The government proposes that this arrangement be re-examined in July 2006. Likewise, statutory claims made under
the Safety, Rehabilitation and Compensation Act 1988, the Veterans’ Entitlements Act 1986 and the Military Rehabilitation and Compensation Act 2004 are not included in the application of the bills before us, and thus claims made under these acts will continue to be managed by Comcare and the Department of Veterans’ Affairs.

The other area of asbestos related specialisation that the parliament for many years now has carved out from being dealt with generally are claims related to the stevedoring industry, and this has been for a very good reason. The government, with these bills, seeks to undo that arrangement and bring stevedoring asbestos related claims under the Comcare umbrella. Labor does not support this move. The Stevedoring Industry Finance Committee, established as a statutory authority in 1977, is a tripartite committee comprised of an independent chair, representatives of both stevedoring employers and employees and a representative of the Department of Transport and Regional Services. The predominant function of the Stevedoring Industry Finance Committee is to resolve common-law claims from waterside workers or their widows on fair, just and responsible terms arising from exposure to asbestos related cargos. In the course of its activities, the committee seeks to recover contributions from industry, third parties or their insurance companies. The committee is well regarded and it has established a well-earned reputation among both employers and employees for resolving claims quickly and fairly.

The government did not undertake consultation with key stakeholders in the stevedoring industry before committing to this new arrangement. Labor does not believe that that is at all acceptable. The stevedoring industry is an equally specialised area to that of defence, and like defence the skill set and the experience possessed by those involved in the Stevedoring Industry Finance Committee, acquired over many years, has ensured that claims have been dealt with promptly, justly and reasonably.

There is a risk that, by bringing stevedoring claims under the auspice of Comcare rather than that of the committee, significant expertise will be lost and claims may not be processed as efficiently and as justly as they are under the current arrangement. It is estimated that around a quarter of the Commonwealth’s asbestos related liabilities in the next 50 years will be related to stevedoring. Labor have an amendment before the Senate which, if passed, would give effect to the continuity of the arrangement in place currently and would have this arrangement reviewed in July 2006, the same time as the review in the defence related system would be taking place. This, we believe, is a sensible approach.

Why are we actually in this situation today? Why do we have to deal with the prospect of around $1 billion in liabilities due to asbestos in the first place? It is because companies such as James Hardie Industries were mining asbestos. Even after acquiring knowledge of the lethal effects of the product in the 1930s, it continued to mine and sell it. As a result, over the past 75 years, millions of Australians have been exposed to asbestos at work or through their jobs and at home, at schools and at many other public places around the country. More than 2,500 asbestos-caused deaths occur in Australia each year now. Sadly, this number is on a steep incline and will continue on that course for some time. Due to the long latency period between the exposure to asbestos fibres and the manifestation of asbestos related diseases, which is often up to 30 years or more, the epidemic of these diseases is yet to peak in Australia. It is expected that this will occur in or around the year 2023. As a society and as a community, we have another 20 or so years until we hit the peak of the problem.
As many as 45,000 people, it is expected, may die from asbestos related diseases in Australia over the next two decades if effective medical treatments are not found.

By way of background, asbestos is a generic term applied to some mineral silicates of the serpentine and amphibole groups, whose characteristic feature is to crystallise in fibrous form. Until the late 1960s, Australian industry used both types of asbestos at rates of 75 per cent and 25 per cent respectively. Subsequently, the use of chrysotile increased to approximately 95 per cent, while the use of blue and grey asbestos declined to five per cent. Asbestos is one of the most useful and versatile minerals known to man, mainly because of its unique properties—flexibility, tensile strength, insulation from heat and electricity and chemical inertness. It is the only natural mineral that can be spun and woven, like cotton or wool, into useful fibres and fabrics.

Over the years, more than 3,000 asbestos products and their uses have been identified. Most Australian homes contain asbestos products in one form or another. Asbestos has been used in fencing, asbestos pipes, thermal insulation, fireproofing, paints and sealants, textiles such as felts and theatre curtains, gaskets and friction products such as brake linings and clutches. During the peak building years, the fifties, sixties and seventies, asbestos found its way into most public buildings, including hospitals, schools, libraries, office blocks and factories. Workplaces such as ships’ engine rooms and power stations were heavily insulated with sprayed limpet asbestos. As such, asbestos diseases are no longer considered a problem isolated to the miners of the product.

Occupational exposure to lethal asbestos among former workers of the asbestos manufacturing industry, government railways, electrical commissions, wharves and building industries and among defence personnel in the Navy, Army and Air Force is now producing lung cancers, mesothelioma, asbestosis and pleural diseases of quite significant proportions. Tragically, asbestos related diseases not connected to occupation are also now emerging within the broader community. That is why we are facing this predicament now and that is why this legislation is so necessary.

The issue of asbestos and victims’ compensation is one that is close to my heart and one that I have addressed numerous times in the Senate since I took my place here. I have spoken at length about the appalling nature of James Hardie’s commitment to victims and about its lack of responsibility for its role in denying for so long, despite its own knowledge, the lethal effects of asbestos; its willingness to trade the product regardless of the consequences that it would cause; its dodgy corporate restructuring to avoid paying compensation to victims; and its refusal for so long to face its responsibilities and negotiate an outcome that would adequately compensate its victims. The saga continues today and it is still not resolved.

Despite the overtures of James Hardie, it alone is responsible for failing to sign the agreement negotiated between itself and the New South Wales government last year, still to this day. Its latest distractions are quite disgraceful. Let me take this opportunity to read into Hansard the editorial from 21 August this year in the Sunday Herald Sun under the headline ‘Shame the shameless’:

Building products company James Hardie Industries has again acted like it cares less for victims of asbestos than for its bottom line.

It has turned in another woeful public relations exercise—blaming delays in the finalisation of its compensation package on hiccups in negotiations with the NSW Government and a pending federal tax ruling.
In place of answers demanded by widows and fatherless children, Hardie has offered more excuses a year after promising a solution.

While announcing a big jump in profit, the company has fuelled perceptions of arrogance by flirting with the disposal of Australian assets because its domestic performance has been flat due to union bans and customer concerns over its asbestos policies.

Potential beneficiaries of compensation are entitled to be furious with frustration and indignation on the back of chairwoman Meredith Hellicar’s assertion last year that an end to the anxiety was at hand. Now, in response to rumours about Hardie fleeing Australia, she says: ‘I don’t know if the sun will rise tomorrow morning.’

Chief executive Louis Gries had as much regard for asbestos victims, as opposed to Hardie shareholders, when he refused to rule out the 110-year-old company’s exit from Australia. His limp response: ‘Like any other CEO, I cannot tell you what may happen in 40 years.’

So much for victims of asbestos-related diseases in which death is an agonising process involving pain and panic. So much for their loved ones who are helpless to do more than share the torture.

I must say that I do not usually subscribe to the editorial policies of the Herald Sun, but on this occasion I could not agree more with its sentiments. This company, as I have said on many occasions, is an absolute disgrace.

In seeking to have the Australian Taxation Office and/or even the Australian government write off James Hardie’s $600 million corporate tax bill for compensation payments made to victims, James Hardie is proving how low it is willing to go to avoid its responsibilities and to prop up its bottom line. Why should the Australian taxpayer forgo $600 million in corporate tax revenue to prop up James Hardie’s bottom line, despite that very company’s lack of respect for Australia and its Australian victims?

James Hardie has been in negotiations with the ATO for around eight months now, and that is eight months during which victims have continued to wait for compensation or even the prospect of the agreement regarding compensation payments being signed. While it is an unconscionable act by any decent standard, this is just the form we have come to expect from this disgraceful company. Following my speech to the Senate on 25 November 2003 regarding Asbestos Awareness Week, in which I first canvassed concerns about James Hardie’s inadequate funding of the Medical Research and Compensation Foundation, I received a letter from Mr Greg Baxter, the Executive Vice President, Corporate Affairs, of James Hardie Industries.

In my speech I referred to a number of quotes made by Mr Peter Gordon from the law firm Slater and Gordon in an advertorial featured in the Herald Sun on 25 November 2003. In his letter to me dated 28 November 2003, Mr Baxter put to me:

Mr Gordon also claims that James Hardie set up a company with “clearly inadequate funding to deal with compensation...”. This is also incorrect. The Foundation that was established by James Hardie was vested with all of the assets of the two former subsidiaries that had manufactured asbestos containing products, as well as an additional $90 million beyond any legal obligation owed by these subsidiaries. This additional amount, enabled the Foundation to be established with assets that actuarial advice indicated would be sufficient to meet all expected future claims.

As I said subsequently, that claim was proven to be nothing more than a sick joke. In February last year, the New South Wales government launched a special commission of inquiry into the Medical Research and Compensation Foundation, the fund set up by James Hardie to compensate asbestos victims referred to in Mr Baxter’s letter. At page 7 of his report, under section 1.4, Commissioner Jackson QC stated:
The Foundation’s funds are being quickly used up in the payment of current claims against Amaca and Amaba.

These are the two subsidiary companies referred to by Mr Baxter in his letter to me. In the opinion of Commissioner Jackson:

... they will be exhausted in the first half of 2007 and it has no prospect of meeting the liabilities of Amaca and Amaba in either the medium or the long term.

Indeed, the commission of inquiry proved Mr Gordon’s claims correct after all. In doing so, the commission totally debunked Mr Baxter’s claims and left him and his argument with no credibility whatsoever. Mr Baxter’s letter, full of mistruths and disingenuous statements as it was, did indeed make one fair point. In closing his letter to me, Mr Baxter wrote:

We believe it is not only important that the facts about James Hardie and asbestos are widely known and well understood, we think it is also imperative that a comprehensive solution is developed to address the broader issues now confronting the wider community.

That is true, and that comprehensive solution, by way of the agreement negotiated between the New South Wales government and James Hardie Industries last year, is still awaiting James Hardie’s signature. It is high time James Hardie let up on its diversions, signed the agreement and faced its compensation responsibilities.

The other point in Mr Baxter’s letter I would like to refer the Senate to is the responsibility that he tried to transfer from James Hardie to the government and to the legislature. I think this is a fair warning to all members of parliament and senators. I quote one section of the letter, which I will seek leave to incorporate so that all senators who are interested can look at it:

Mr Gordon cites medical evidence as long ago as the 30’s that proved that asbestos was ‘toxic’. If this evidence had been widely accepted, why was asbestos not banned in the 30’s. Equally, why was it used by hundred of companies in Australia in more than 3000 products (as you yourself noted), for another 50 years? And, why was the use of asbestos regulated by Australian state and federal governments and specified by government authorities for use in government enterprises in industry, utilities, defence, housing and for other applications?

The use of asbestos by former subsidiaries of James Hardie was regulated in accordance with the various government health and other regulations at the time and government health inspectors regularly reviewed and approved the manner in which asbestos was being used and the exposure levels that existed in the facilities managed by former subsidiaries of the James Hardie group.

Let us not be under any doubt—James Hardie, which deliberately denied public knowledge of the evidence of how lethal this product was—knowledge that it was well aware of and that it knew about in the 1930s—kept it from government, kept it from the community and then has the audacity to write to me and try to put the responsibility on to the legislature for not banning the product and using the fact that it had not been banned as justification for discounting the evidence that was available at the time.

I think it is an appalling situation for a company to be in. I do not know whether Mr Greg Baxter is still the Executive Vice President of James Hardie. He ought not be the executive vice president of any company, in this country or anywhere else. James Hardie is a disgrace. There is an interesting comparison this week, with the Prime Minister, John Howard, labelling Telstra a disgrace for simply telling the truth. Well, I have labelled James Hardie a disgrace for peddling a product which it knew would kill people. It knew it would kill people’s families, it did not tell people and it does not responsibly live up to its obligations. I seek leave to incorporate in Hansard a copy of the letter to me from Mr Greg Baxter dated 28 November 2003.
Leave granted.

*The letter read as follows—*

28 November 2003

Senator The Hon. Gavin Marshall

Dear Senator

**Re: Asbestos Awareness Week**

We read with interest your statement to the Senate of Tuesday November 25, 2003 about Asbestos Awareness Week.

We agree with you that asbestos related diseases are a serious issue and that there is a pressing need for further education and better health care and that those responsible for causing these diseases compensate those affected.

It was interesting that you quoted from an advertising article in the Herald-Sun of November 24 by Mr Peter Gordon of the law firm Slater & Gordon in which he was highly critical of James Hardie. Your comment that “this company is an absolute disgrace” suggests that you subscribe to Mr Gordon’s view.

We have written to the Herald-Sun about Mr Gordon’s advertorial. Many, if not all of the assertions made by Mr Gordon about James Hardie companies are unsubstantiated and incorrect. I will deal with a few examples here to illustrate.

Mr Gordon claims that the James Hardie group’s corporate restructuring in 2001 was a way for it to limit its liability. It was not, as the substantial amount of documentation on the public record will demonstrate. We are happy to provide you with copies of this material and also note that the corporate restructuring, which was unrelated to asbestos, was approved by FIRB and ASIC and involved a Scheme of Arrangement that required court and shareholder approval. As a result, the restructuring was the subject of substantial public documentation and considerable public and media scrutiny.

Mr Gordon also claims that James Hardie set up a company with “clearly inadequate funding to deal with compensation...”. This is also incorrect. The Foundation that was established by James Hardie was vested with all of the assets of the two former subsidiaries that had manufactured asbestos containing products, as well as an additional $90 million beyond any legal obligation owed by these subsidiaries. This additional amount, enabled the Foundation to be established with assets that actuarial advice indicated would be sufficient to meet all expected future claims.

The Foundation was vested with $296 million in 2001 and still has about $250 million according to its latest accounts, filed with ASIC in October. This amount, of course, will continue to grow as it generates returns over time. The total available for claims over the long-term will therefore be well in excess of this amount. Clearly there is no funding crisis today, and claimants can apply to and receive compensation from the Foundation.

Additionally, even though the Foundation now claims that its funds may be insufficient, it has not disclosed the details of this and it should be noted that its latest forecast of future claims costs is in fact based on the accounting standard it is required to use to assess its contingent liabilities. The amount of the contingent liability does not mean that this it what claims will ultimately cost.

Mr Gordon also claims that one of the insurers to former James Hardie group companies, sued because the dangers of asbestos had been concealed from it. This is also incorrect. In fact, that claim was settled in favour of the relevant James Hardie entity.

Perhaps Mr Gordon’s most offensive claim is that the company knew that its asbestos products would maim or kill people and knowingly did nothing about it. This is also wrong. There is too much evidence in this respect that can be sensibly summarised here. But, by way of example, the following is relevant.

Mr Gordon cites medical evidence as long ago as the 30s that proved that asbestos was ‘toxic’. If this evidence had been widely accepted, why was asbestos not banned in the 30’s. Equally, why was it used by hundred of companies in Australia in more than 3000 products (as you yourself noted), for another 50 years? And, why was the use of asbestos regulated by Australian state and federal governments and specified by government authorities for use in government enterprises in industry, utilities, defence, housing and for other applications?

The use of asbestos by former subsidiaries of James Hardie was regulated in accordance with
the various government health and other regulations at the time and government health inspectors regularly reviewed and approved the manner in which asbestos was being used and the exposure levels that existed in the facilities managed by former subsidiaries of the James Hardie group.

Your statement to the Senate rightly refers to the widespread use of asbestos by both the public and private sector, and the widespread exposure from many, many sources that occurred that is now having serious health consequences across the wider community.

The two former James Hardie subsidiaries that manufactured asbestos products are just two of about 150 private companies and government entities that now appear as defendants in asbestos cases. And, these two former subsidiaries—that are now part of the Foundation—are involved in only about 15% of the claims now appearing in Australia.

If the Foundation is correct in claiming that the incidence of asbestos diseases is growing rapidly and that it may not have adequate funds to compensate those affected, it is reasonable to assume that this is a national, community wide problem, with implications for the many private and public sector entities involved, including of course the 85% of claims that do not involve the former subsidiaries of James Hardie.

This wider issue is where public attention should be directed. There needs to be greater community awareness, more funds for medical research and fairer, faster and more efficient ways of dealing with claims, so that claimants are the primary beneficiaries. Blaming James Hardie will not achieve any of these outcomes.

Mr Gordon goes on to accuse James Hardie of doing nothing to ease the pain and suffering of people suffering from asbestos diseases. He fails to mention that James Hardie has done more than any other company in the world to minimise the effects of asbestos and was the first company in the world to find a replacement for asbestos fibres in its products. Nor does he mention that James Hardie companies have been and remain the largest contributors to medical research into asbestos diseases in Australia.

Mr Gordon’s article, and your interpretation of it, positions James Hardie as responsible for all of Australia’s asbestos problems. This is clearly incorrect.

We have made numerous offers in recent weeks to brief Federal and State governments and the relevant Opposition spokespeople about how and why the Foundation was established and to explain the company’s current position. We are happy to extend this offer to you personally. If you are interested, we will readily travel to your offices in either Victoria or Canberra to conduct this briefing.

We believe it is not only important that the facts about James Hardie and asbestos are widely known and well understood, we think it is also imperative that a comprehensive solution is developed to address the broader issues now confronting the wider community.

I look forward to hearing from you.

Yours Sincerely

Greg Baxter

Executive Vice President

Senator WEBBER (Western Australia) (1.43 pm)—There are more than 2,500 asbestos-caused deaths in Australia each and every year. It can take up to 30 years, sometimes longer, after asbestos exposure before diagnosis of asbestos-caused disease, so the epidemic of those diseases is yet to peak in Australia. That peak will not be until around the year 2023. Unless effective treatments are found, asbestos-caused disease will kill as many as 45,000 people in the next two decades.

In my home state of Western Australia, we are in the unfortunate position of having the highest rate of malignant mesothelioma in the world. The majority of those diagnosed will be dead within 12 months, and fewer than 15 per cent will live more than five years. The people who are diagnosed with this disease are many and come from all walks of life.
I would like to acknowledge the great work that is being done by the Asbestos Diseases Society and its advisory service in Perth in providing support and counselling for victims and their families, as well as raising community awareness of the issue and fundraising for research into the illness. The Asbestos Diseases Society has been doing an outstanding job of keeping our community informed about the issue, providing independent assessments of risk and balancing the extremes of public opinion. The society helps many people who have been diagnosed with asbestos-caused diseases, and their families, and has some terrible stories to tell.

For example, on race day in Wittenoom—a former mining town in Western Australia—mine workers and residents would compete to shovel asbestos tailings into oil drums. The race track was covered with asbestos tailings, as was the airport. Original settlers in the town used asbestos tailings throughout the town in order to break the monotony of the harsh, red Pilbara dust. Some families have lost three generations to asbestos-caused disease. One woman cared for both her father and her sons as they died of diseases caused by asbestos exposure, only to be diagnosed with mesothelioma herself a few years later.

Another woman was diagnosed at 39 and died less than 12 months later. Her only exposure was playing in the backyard as a child while her father tore down an old asbestos shed. There are the people who worked on nearby farms, who recycled the bags once used to carry asbestos. They would shake them out, then reuse them. Often, it was the children who helped with that job. There is the meticulous housewife who scrubbed her asbestos house clean and washed the blue dust from her husband’s work clothes, and the children who played in their blue sandpits—who ran to greet dad with a hug as he came home covered in blue dust from the mine. Then there are the workers.

By 1918, overseas insurance companies had begun to refuse life insurance policies for workers who were exposed to asbestos. It seems that they were noticing their unusually short life spans. By the 1930s, there was a substantial amount of scientific knowledge accumulated about the risks of asbestos exposure. None of this deterred industry from mining and manufacturing numerous products for domestic and industrial use. The member for O’Connor, a fellow Western Australian, claims that for many years asbestos was considered to be not only benign but very valuable.

While the risks may have been completely unknown to those who worked in and lived near the mines, during the life of the Wittenoom mine they were very well known to the mine owners and the insurance companies. I do not share the member for O’Connor’s view that ‘we have allowed this issue to go a little too far.’ Conditions in Western Australia’s Wittenoom mine were appalling. People who worked at, lived near, or visited the mine were exposed to lethal levels of blue asbestos a thousand times higher than occupationally regulated at the time. It is now estimated that over 25 per cent of all the men who worked in the mines will die of asbestos-related diseases.

Masks and hard hats were worn for promotional photos but were not a daily requirement at the mine. Unofficial photographs from the time show the miners, wearing nothing but shorts and shoes, packing blue asbestos into hessian bags. It was 20 years before CSR bothered to bore an air hole to supply the mine workers with fresh air. The dust in the mine often got so bad that workers needed floodlights to see through it. The men worked in conditions like this for hours on end, even though one minute of
such exposure would have been enough to cause lung cancer or mesothelioma. There are even stories of workers using the raw asbestos fibres as dental floss.

It is not just miners who were put at serious risk from asbestos exposure. Many more were exposed on the waterfront where raw asbestos was brought from Australian mines and from overseas. The manufacturing workers who created products that were then sent to construction sites and workshops—builders, carpenters, tradespeople, labourers, fitters and welders—were exposed. Then there are the workers, teachers and students exposed to deteriorating asbestos insulating material in offices and schools across the nation. These are the people who built this country, and they are paying with their lives and the lives of their families.

Research into asbestos-related disease is virtually non-existent—except in Western Australia. Professors Bill Musk and Bruce Robinson and their colleagues have won a number of awards for their work, and the asbestos related disease research at Sir Charles Gairdner Hospital is more advanced than anywhere in the world. There are three standard treatment strategies for any cancer: surgery to remove it, radiation therapy or chemotherapy. Unfortunately, none are effective with mesothelioma. Surgery is ineffective because it is impossible to remove it all, and even removing most of the tumour does not really improve the chances of survival—it simply adds an operation to the list of things a patient must endure. The tumour is very resistant to radiation, although radiation can help alleviate symptoms in some circumstances.

The mesothelioma research unit has developed a chemotherapy protocol in Perth which involves using several drugs which they have shown to be capable of killing mesothelioma cells in the test tube. Whilst this type of therapy has a good chance of shrinking mesothelioma tumours and reducing symptoms, at this stage any benefits are only temporary and, of course, the patient must still suffer the effects of chemotherapy. The researchers are currently investigating treatments which enhance the body's own defences against cancers such as mesothelioma.

Given the importance of work like this, the lack of federal government support for this program is, in my view, inexcusable. The Asbestos Diseases Society of Australia sum it up well when they say:

The lack of financial support by the Federal Government condemns at least 2500 Australians per annum to a premature death (it is a national disgrace).

During the 2004 federal election, the Minister for Health and Ageing, Tony Abbott, promised $35 million for research into asbestos related diseases. So far, none of the promised money has been spent. On the other hand, the Gallop Labor government should be congratulated for its support for this world-class program, and I call on the Howard government to stop neglecting this important program.

The majority of people afflicted with asbestos-caused diseases have these diseases because companies ignored scientific research that proved that exposure to asbestos could be fatal. These people deserve to be compensated, and those companies that are accountable must stop avoiding their responsibility. Labor supports any attempts to make this process of claiming compensation easier and more equitable for victims, and I am pleased to see the government taking on its share of the responsibility for this problem. However, it is of some concern that the people who are yet to discover an asbestos related condition may be unable to use clause 15 to seek additional compensation, thus
effectively putting a cap on the amount of compensation they are entitled to. Given the long latency of the disease, this is obviously of great concern to those who have been exposed in the past. The Howard government has yet to resolve this issue, and I hope that it will do so soon.

Given the short life expectancy following diagnosis, it is not good enough to leave this issue to be decided in the courts. It is very clear that liability has been established. It is therefore important that victims are given a sense of certainty and compensation claims are assessed by negotiation rather than by protracted legal battles in the courts. Asbestos-caused diseases are being diagnosed at an increasing rate, and currently there is little good news for those diagnosed. Workers and their families, residents of mining towns and consumers of asbestos products have all suffered due to the negligence and greed of people who knew better. In the future, as I have said before, the numbers will continue to rise. The Asbestos-related Claims (Management of Commonwealth Liabilities) Bill 2005 and the Asbestos-related Claims (Management of Commonwealth Liabilities) (Consequential and Transitional Provisions) Bill 2005 are an important step in ensuring that some of the victims are provided with the compensation they are owed. I hope that the government will continue to pursue companies like James Hardie—as referred to by my colleagues Senator George Campbell and Senator Gavin Marshall—who have failed to take responsibility for their own negligence.

I would like to reiterate my appeal to the Howard government to provide funding to assist the mesothelioma research unit at Sir Charles Gairdner Hospital. These brilliant researchers are the best chance we have of finding an effective treatment for these terrible diseases, and they need our support. To neglect this important work is highly misguided. The people who stand to benefit from it deserve better.

Debate (on motion by Senator Sandy Macdonald) adjourned.

Sitting suspended from 1.57 pm to 2.00 pm

QUESTIONS WITHOUT NOTICE

Telstra

Senator CONROY (2.00 pm)—My question is to Senator Coonan, the Minister for Communications, Information Technology and the Arts. I refer the minister to her comments earlier this week, when she said:

... as far as I am aware, Telstra has met all of its obligations, in terms of both what it needs to tell the Australian Stock Exchange and in any broader statements it might make to the market.

Is the minister aware that the ASX has now forced Telstra to release the briefing document it provided to the government on 11 August to the market? Is the minister also aware of a report in today’s Australian Financial Review that refers to this document and states:

Analysts have described the information in the document as price-sensitive ...

Will the minister now apologise for misleading the Australian public?

Senator COONAN—I thank Senator Conroy for the question. No. I in fact affirm what I said. What I said in the Senate earlier this week is absolutely accurate. If you actually have a look at what is in the document now released publicly, you can see that most, if not all, of the information contained in it that related to the financials had, so far as was obvious to anyone looking at it and listening to the proposal about an investment in a new network that Telstra was proposing, been talked about in the market on the morning of 11 August. They told the market on 11 August that, for instance, PSDN revenues were in decline. They emphasised the fact...
that the decline was sharper in the second half of the financial year and that their revenues were in decline as a consequence of competition—as they are for every incumbent telecommunication company in the world. There was certainly no reason for the government to be surprised by the information in the document released to the Stock Exchange in relation to PSDN revenue.

It is the same with faults. It seems that that is an area where there is some public information that contradicts that information. Telstra’s document suggested that 14 per cent of lines have faults and that they receive 14.3 million fault calls, but the information that Telstra provided to the regulator shows that more than 99 per cent of lines were fault free in July 2005. I will certainly be asking Telstra to clarify which of those sets of information are correct. Under investment, Telstra told the market on the morning of 11 August that capex for 2005-06 would be around $4 billion, up from $3.6 billion in 2004-05. Telstra management identified areas where it thought Telstra had underinvested and had so announced that morning that it would be increasing its capex. Telstra has always, so far as I am aware, assured the government that its capex was sufficient to meet its legal obligations and to meet the broader needs of the company.

So I reiterate that what happened on 11 August was a discussion with the government about the proposal for an investment in a new network that substantially involved a roll-back of the current competition framework and also seeking a substantial investment by the government in that particular network. There is of course an element of Telstra possibly talking its own book here. It was obviously talking to us about being in a position where it wanted to make this additional investment. However, so far as I am concerned, it is now up to the Stock Exchange to discern what, if anything, of Telstra’s statement to the market on 11 August, the information contained in the additional document, and indeed any other statements it has made, are matters that should be disclosed according to the continuous disclosure rule.

Senator CONROY—Mr Deputy President, I ask a supplementary question. Let us be quite clear, Minister: if you have read this document, you will have seen that the board has made it clear that the dividend policy is unsustainable. That was not released to the market on 11 August, and an analyst has said in today’s paper that, if he had seen this document, he would have changed his profit forecast. Is the minister aware that after the 11 August briefing media reports began to emerge discussing the contents of the government’s briefing and sometimes even quoting from the document? Why did the minister fail to direct Telstra to disclose the document to the market at that time? Isn’t it the case that the minister failed to act because she was happy to let Telstra’s mum and dad investors take a bath rather than allow the truth about Telstra to be revealed?

Senator COONAN—I thank Senator Conroy for the rather histrionic follow-on. No, of course the government has not withheld any information. It is up to Telstra to disclose to the market information that is relevant to its financial position. In fact, there was a briefing for the market that morning. If you listen to the analyst’s briefing, that is where the financial information and Telstra’s position were clearly spelt out. The additional matters, if indeed any additional disclosure was required, will be investigated by ASIC. Senator Conroy is well aware but seems to be unable to comprehend that the government is, in any event, not able to disclose the elements of a confidential briefing.
Iraq

Senator TROOD (2.06 pm)—My question is to the Minister for Defence and Leader of the Government in the Senate, Senator Hill. Will the minister inform the Senate of the recent progress that Iraq has made in drawing up a new constitution? Will the minister advise what practical assistance Australia has been able to provide to the Iraqis within its area of operations?

Senator HILL—I thank Senator Trood for his question and for his continuing interest in this important subject. The Iraqi National Assembly has agreed on a final draft constitution to be put to a referendum on 15 October. This is an important milestone on Iraq’s difficult path to a peaceful, democratic and united country. Most importantly it is the result of an Iraqi led and Iraqi owned process. Compared with the tyranny of Saddam Hussein, it represents a triumph for the rule of law.

There is no denying that the process of drafting this constitution has been difficult. The efforts of the Iraqi legislators have been nothing less than heroic, undertaking their work while under constant threat of terror directed at their families and themselves. They are to be commended for reaching such a high level of consensus between the country’s main Shia Arab and Kurdish leaders, who of course represent some 80 per cent of the Iraqi people. It is true that a Sunni consensus was not possible. Sometimes it is impossible to achieve consensus, but what I think is promising is that the signs of early registration suggest that a greater participation of Sunnis in the forthcoming referendum is likely.

The constitution asserts Iraqi independence and a system of government that is democratic, federal and representative. It contains a guarantee of citizens’ rights, including women’s rights, and states that all Iraqis are equal before the law, without discrimination—again a marked contrast to the dictatorship of Saddam Hussein. It reflects Iraqi culture and aspirations. Not surprisingly in a country that is 90 per cent Muslim, it recognises those values that are a basic source for legislation. It states that no law can be passed that contradicts the principles of democracy or the rights and freedoms outlined in the constitution and it guarantees freedom of religion.

Whilst this is a big step forward for national reconciliation, despite the opposition of terrorists, there is no doubt a great deal that still remains to be done. It is Australia’s commitment to continue to help and assist the Iraqi people as they continue to make progress towards their democracy. But Australia is also assisting the Iraqi people in other ways. I want to specifically mention approval that has just been given to enable Australian forces under the civil-military cooperation program in Al Muthanna to engage and support further community based projects.

There will be three new projects in addition to the nine that have already been approved. The three new projects include providing community access to the electricity grid, upgrading one of the region’s main bus stations and providing veterinary equipment to assist in poultry disease eradication. Earlier projects, which were a further $1.3 million, covered such areas as a mobile health clinic, water test kits, an ambulance station, renovating a community centre and providing media communications equipment. All projects have been selected in cooperation with the Al Muthanna provincial council and use local labour that directly benefits the regional economy. These projects are having a significant impact on the quality of life for many people as well as demonstrating Australia’s commitment to the people of Iraq and to the process of democracy.
Senator HUTCHINS (2.10 pm)—My question is to Senator Coonan, the Minister for Communications, Information Technology and the Arts. I refer the minister to her legalistic defence of the government’s failure to act to ensure that Australian mum and dad investors had all the information they needed about the prospects of Telstra. Can the minister confirm that under the Telstra Corporation Act the government is entitled to disclose information to persons employed under the Public Service Act? Can the minister confirm that this would have allowed the government to disclose Telstra’s briefing document to ASIC for investigation of Telstra’s compliance with the Corporations Act? Isn’t it true that the government failed to act to ensure this information became public not because it was legally prevented from doing so but because it wanted to keep the true state of Telstra’s network from the Australian public?

Senator COONAN—Thank you to Senator Hutchins for the question. I have not taken a point of order in relation to the question, which seemed to be seeking legal advice from me, but I will not deal with that part of the question. What I will deal with is to say that, as we have said over the past couple of days, what in fact happened on 11 August is now perfectly clear. The obligation to disclose is a continuous obligation on Telstra. It is certainly not a continuous obligation on the government, which is in fact prohibited by an act of parliament from actually disclosing or divulging the contents of a confidential briefing. In any event, Telstra having delivered its financial results a matter of a couple of hours earlier, it certainly was not front of mind in any government minister’s mind at that particular meeting that Telstra would be concealing anything from the market or not disclosing anything it was otherwise required to.

The matter is now going to be investigated. Under those circumstances it is totally inappropriate for me to be second-guessing that process or that information. The government of course are concerned to ensure, as part of our package that I am proud to say was introduced today, that we are looking to the broader needs of telecommunications in Australia. We are looking to provide a strong, competitive environment that is going to be capable of responding to the needs of new technology and the demands to ensure that all Australians have access to good telecommunications irrespective of where they live and that, so far as telecommunications are concerned, no Australian will be left behind.

Senator HUTCHINS—Mr Deputy President, I ask a supplementary question. Can the minister confirm that nothing in the Telstra Corporation Act would have prevented her from picking up the phone and calling Mr McGauchie to ask why the document provided at their 11 August private meeting had been leaked to the press but not provided to the public? Can the minister indicate why the government was willing to pick up the phone to call Mr McGauchie last week to defend its political interests against Mr Sol Trujillo but was unwilling to pick up the phone to protect the interests of mum and dad shareholders?

Senator COONAN—Thank you to Senator Hutchins for a good try. I have already answered that question. What I would say in response to Senator Hutchins and to the Labor Party generally is that the Labor Party are bereft of ideas in this whole telecommunications debate. The utter hypocrisy of the Labor Party to be worrying about consumers or worrying about the provision of telecommunications services leaves one breathless when you think that the Labor Party did
nothing to look after consumers for the entire time they were in government. About the most they did was to shut down an analog phone and leave Australians stranded.

**Employment**

Senator JOHNSTON (2.14 pm)—My question is to Senator Minchin, the Minister for Finance and Administration and Minister representing the Treasurer. Will the minister outline to the Senate the results of today’s labour force figures from the Australian Bureau of Statistics? Will the minister inform the Senate how these results have come about and what policies the government is putting in place to ensure the continuation of low unemployment?

Senator MINCHIN—I thank Senator Johnston for that very good question. Indeed, today I am able to bring more very good economic news from the Howard government. Today’s labour force statistics indicate that Australia’s unemployment rate remains at only five per cent, the lowest level since November 1976. In other words, it was never this low in all the long 13 years of the former Labor government. In the month of August just passed, some 32½ thousand new jobs were created. Over the past year, some 403,000 new jobs have been created. It is the largest 12-month increase in employment on record in this country. Since March 1996, under our government, a total of 1.7 million jobs have been created. It is pleasing to note from these stats that the participation rate has also risen to a record level: just under 65 per cent. In other words, this favourable employment market that we have created has attracted more and more people into the workforce. Of course, more and more of them have found work.

Under the previous government, the unemployment rate averaged 8½ per cent and actually peaked at 10.8 per cent. Under our government, unemployment has averaged 6.8 per cent and is now at a 29-year low. You have to go right back to the early days of the Fraser government to find a comparable rate of unemployment. I think the most incredible statistic is this: despite the very strong population growth we have had since we came into office and this higher participation rate, there are 210,000 fewer unemployed people today than when Labor left office—that is, there are 210,000 Australians who did not have a job under Labor and who now have a job under our government. I think that is perhaps the best testament to the importance of good economic management and delivering benefits for our community. Without the policy changes we have implemented, those 210,000 Australians might still be lingering on welfare.

In the 1980s, under Labor, it was conventional wisdom that you could have either low unemployment or low inflation, but not both. Of course, under the Whitlam government we got the rare double of high unemployment and high inflation. The great thing about the current circumstances of a strengthening economy, confirmed by yesterday’s national accounts, is that we have brought about this wonderful position where we have low inflation and we have low unemployment. We could only achieve that because we introduced much greater flexibility into the economy as a whole and much greater flexibility in particular into workplace relations by linking pay to productivity so workers get real wage rises and not inflation wage rises.

If you are going to continue to get this terrific double of low unemployment and low inflation, you need more workplace agreements, you need much more of a focus on enterprise bargaining, you have to keep linking pay rises to productivity, you need to simplify awards and you need to remove all the inflexibilities associated with a centralised system. We do need to get rid of the job-
destroying unfair dismissal laws for firms of fewer than 100 employees. It is a tragedy that the Labor Party, which professes to be the protector of workers, remains totally opposed to introducing further flexibility into our work force to ensure that we can continue to provide this record low level of unemployment and record job creation.

**Tesltra**

**Senator CAROL BROWN** (2.19 pm)—My question is to the Minister for Communications, Information Technology and the Arts, Senator Coonan. Does the minister still stand by the Prime Minister’s call for Telstra executives to talk up the company’s interests, not to talk them down? Would the minister also urge other company executives to talk up their companies, regardless of their true state? Was that not precisely what Rodney Adler did with HIH and FAI? Why is the government telling Telstra to behave like Rodney Adler?

**Senator COONAN**—Thank you to the senator for the question. I distinctly recall having answered a very similar question yesterday, and I have nothing to add.

**Senator CAROL BROWN**—Mr Deputy President, I ask a supplementary question. Isn’t the lesson from the HIH scandal that companies should make honest disclosures about their state of affairs? When company executives talk up their companies, don’t mum and dad shareholders and customers end up being the losers? Why does the government ignore these lessons and talk up Telstra for sale rather than looking after small shareholders and customers?

**Senator COONAN**—I do not think anything arose out of my earlier answer, so I have nothing to add.

**Unfair Dismissal Laws**

**Senator PARRY** (2.20 pm)—My question is to Senator Abetz, the Special Minister of State and Minister representing the Minister for Employment and Workplace Relations. Is the minister aware of any examples which highlight the failure of Labor’s so called ‘unfair dismissal laws’ to protect Australian workers? And, further, is the minister aware of any alternative policies?

**Senator ABETZ**—I thank Senator Parry for his question and for drawing my attention to a horrendous example of the absolutely perverse results of the so called ‘unfair’ dismissal laws. Recently I became aware of a case in my home state of Tasmania, courtesy of Senator Parry, who had recently toured Tasmania’s west coast mining sites. The case goes like this: a worker in a west coast mine was dismissed after fellow workers complained about his most recent depraved antic at work—

**Senator Carr**—What was that?

**Senator ABETZ**—In this instance it was the smearing of human excrement, Senator Carr, on the steering wheel of a truck. Let me be clear: fellow workers complained. Subsequent to the complaint, an investigation was held which confirmed not only the unsavoury incident but that, on previous occasions, this worker had committed other acts of indecency such as urinating on people, throwing excrement around in the showers, urinating in other peoples drink containers and—I am not quite sure how to say this—putting a piece of his anatomy that was not his index finger in the sandwich of a fellow employee. This was utterly depraved and utterly unacceptable behaviour.

Commonsense and common decency, apart from occupational health and safety standards, demanded that this person be sacked. But, instead of championing the rights of the workers, the Australian Workers Union—the union of Senator Ludwig and Senator Forshaw—championed the cause of the guilty party. After seven days of hearings,
the commission found that the employee had indeed committed the depraved acts for which he was fired. But get this: because of a supposed lack of procedural fairness, they ordered that he be re-employed. On appeal, this was changed to three months pay, which is at least, on my calculations, $20,000. The commission found that the perpetrator of these vile acts had not been 'provided the opportunity for positive direction and instruction'. That is the type of decision that we get out of the industrial commissions and as a result of the laws that exist in this country.

Let us put this into context. The behaviour of this individual towards his fellow workers was clearly and totally unacceptable, depraved and a grave risk to health. His fellow workers, finally fed up, complained to management, who then took appropriate action. But then the union, which is supposed to protect the workers, came in and sought to protect the workers' tormentor. Little wonder that union membership is declining and that those who do remain in unions are in fact, more and more, voting for the coalition. The facts are clear. The unfair dismissal regime in this country needs to be changed, and we on this side intend to do that. The only people standing in our way are those opposite and the trade union movement.

Labelling Laws

Senator FIELDING (2.25 pm)—My question is to Senator Ian Macdonald, the Minister representing the Minister for Agriculture, Fisheries and Forestry. I note the government's commitment to supporting Australian farmers by strengthening country of origin labelling requirements and that the Treasurer is speaking to McDonald's to put the case on behalf of Tasmania's vegetable growers. Will the government give some teeth to the efforts to support Australian farmers and commit the same funding that it plans to allocate to promoting its workplace changes to a buy Australian campaign?

Senator IAN MACDONALD—I thank Senator Fielding for his question about an issue that is concerning all of us who have an interest in rural and regional Australia, particularly the farmers who produce Australian produce and the fishermen who—

Senator Bob Brown—They are your false labelling laws.

Senator IAN MACDONALD—Senator Bob Brown keeps interrupting. Your colleague was up at that Tasmanian rally. Do you know what Senator Milne was on about?

The DEPUTY PRESIDENT—Senator Ian Macdonald, your comments should be addressed through the chair. Ignore the interjections.

Senator IAN MACDONALD—Mr Deputy President, Senator Milne was there complaining about the government destroying Australian industries, when the Greens political party have spent their whole life trying to destroy Australia's fourth biggest manufacturing industry in this country, which is the forestry and wood products industry. What absolute hypocrisy from the Greens. I am quite certain that Senator Fielding does not share that sort of hypocrisy and has a genuine interest in this, rather than the stunt-
like interest that the Greens have in these particular issues.

Senator Fielding raises the issue of a contribution towards that campaign, and he was at that rally of Tasmanian farmers. I saw him down there. He will recall that Mr McGauran announced then and there, on the spot, an allocation of $3 million to that campaign. That is on top of the money that the government has already given to the National Food Industry Strategy and to the HomeGrown campaign and, indeed, on top of the work that my area of the department has been doing on the labelling of imported seafood. Food Standards Australia New Zealand is the organisation that deals with the labelling issues within Australia. It consists of two federal ministers, two ministers from each of the states and territories, and ministers from New Zealand.

Senator Fielding—And big business.

Senator IAN MACDONALD—I am not aware of big business being involved in FSANZ, Senator Bob Brown; perhaps you are. By far the majority of the voting members are Labor ministers from the states and territories in Australia. There have been some labelling laws in place in recent times. For some unknown reason, for a reason which I find difficult to understand, FSANZ earlier this year decided by a majority—I might say with Commonwealth ministers voting against it—that we should overturn the country of origin labelling rules and not make them mandatory any more. Fortunately, through work that a lot of my Tasmanian Senate and House of Representatives colleagues have done—and I think Senator Fielding might have been involved in this—a lot of pressure has been put on FSANZ and the ministers who make up that committee to change their minds again, and currently there is a discussion paper out which does call for country of origin labelling which will give all Australians the opportunity of clearly knowing the origin of their food.

I should mention that my colleague Mr Andrew Laming in our party room the other day came forward with a very good idea: a trial arrangement he has worked out with Coles to allow customers in Coles stores to see at a glance on the price labelling which is an Australian product and which is not from Australia. If that becomes endemic in shopping arrangements it will give all Australians a very easy and clear way to understand which are Australian products. There are a lot of activities going on, and the government are giving a lot of support to that campaign to encourage Australians to buy home-grown products. We will certainly investigate the suggestion that Senator Fielding is making. *(Time expired)*

Senator FIELDING—Mr Deputy President, I ask a supplementary question. Will the minister reassure the Senate that, to quote the Minister for Agriculture, Fisheries and Forestry, the government is committed to making it mandatory to list the country from which a product originates and that new country of origin labelling requirements will reflect this commitment?

Senator IAN MACDONALD—If Mr McGauran has given that commitment then I am sure that that commitment will be implemented. It will require a careful look at what powers the Commonwealth has and what powers the states have. The current arrangement is that the enforcement of these labelling laws is a matter for state and territory governments, not for the Commonwealth government.

Senator George Campbell interjecting—

Senator IAN MACDONALD—That happens to be the issue. If you are trying to protect the New South Wales Labor government because it does not do its job in these areas, then speak right up. The states do have
the power and some states have not been discharging those obligations well enough. Obviously the New South Wales Labor government is one of those, otherwise Senator George Campbell would not be trying to shout me down. But if Mr McGauran has given that commitment, it will be upheld. I will refer that question to him and get back to Senator Fielding with a more precise answer to the question he asks. *(Time expired)*

**National Security: Terrorism**

**Senator LIGHTFOOT** (2.32 pm)—My question is directed to the Minister for Justice and Customs, Senator Ellison. Will the minister update the Senate on the new measures being introduced by the Australian government to assist law enforcement in the fight against terrorism?

**Senator ELLISON**—I thank Senator Lightfoot for what is a very important question on a matter which is of vital concern all Australians. Today the Prime Minister announced a comprehensive counterterrorism package. As we stated after the London bombings, all options were on the table and we would review our measures in relation to counterterrorism. The Howard government has a strong commitment to protecting the interests of this country.

The centrepiece of this package involves increased powers to the Australian Federal Police. The Australian Federal Police have conducted a great job in the fight against terrorism and play a central role in counterterrorism measures in Australia. Firstly, there will be a new regime in relation to control orders which will allow the AFP to seek from a court a 12-month control order on a person who poses a terrorist risk to the community. These are very similar to what we see in apprehended violence orders in state jurisdictions around the country.

There will also be a preventive detention regime that will allow detention for up to 48 hours in relation to a terrorism situation. As well as that, there will be a ‘notice to produce’ power where the Australian Federal Police make a lawful request for information that will assist in the investigation of terrorism and other serious offences. There will also be increased access to passenger information and, as well as that, an extension of the stop, question and search powers for the Australian Federal Police. Of course, the Prime Minister will be taking these matters up with the states and territories at COAG on 27 September and we will need to have a national regime in relation to this counterterrorism package. It is important that we have these measures in place at the state and territory level as well.

This comprehensive package also includes measures in relation to citizenship. We will be extending the waiting period in order to obtain citizenship by 12 months, from two years to three years. As well as that, there will be increased security checking of citizenship applications so that citizenship applications can be refused on security grounds. We will also look at strengthening existing offences in relation to the financing of terrorism and we will be working with the states and territories in relation to the regulation of charities in that regard. We have seen examples overseas where ostensibly charitable organisations have been used as conduits for the financing of terrorist organisations, and we will be dealing with that matter and working with the states and territories. There are other terrorist financing aspects that we will be looking at in relation to cash couriers and alternative remitters of finance. That will be part of our anti money laundering arrangements, a very important part of this package. We will also be looking to streamline the ASIO warrant regime. We will be looking at increasing the time for the validity of search warrants for ASIO from 28 days to three months.
We have here a comprehensive counter-terrorism package which is in the best interest of protecting this country’s national security. The Prime Minister has said that security is a work in progress. We learned from the London bombings that there were valuable lessons to be learnt and we have incorporated that into this package. Some of our proposals have been used in the United Kingdom for some time and with great success. I think that it is a great step forward in securing national security in this country.

Australian Electoral Commission: Iraq Elections

Senator FORSHAW (2.36 pm)—My question is to Senator Abetz, the Special Minister of State. Does the minister agree with the Minister for Foreign Affairs, who stated on 17 August:

I know the situation in Iraq is still difficult ... but ... we are champions of democracy. We are on the side of democracy and we want to see the evolution of democratic institutions in Iraq.

In light of these comments, can the minister indicate why Mr Ken Hunter, the Assistant Commissioner of the Electoral Commission, emailed a directive to AEC officers on 8 June 2005 which said:

It has come to our notice that opportunities to work in Iraq are being drawn to the attention of AEC staff. I therefore wish to reiterate that there has been no change to the policy that leave without pay will not be approved for staff whose purpose is to work in Iraq.

If the government really supports the growth of democracy in Iraq, is the minister concerned by the AEC’s decision not to allow skilled Australian electoral officials to have time to work to assist in the electoral process in Iraq?

Senator ABETZ—There are two parts to that question. First of all, we of course champion democracy in Iraq. Let there be no doubt that if the Labor Party recipe on Iraq were to have been adopted Saddam Hussein would still be presiding over one of the most horrendous regimes that the modern world has had to suffer. We took leadership, along with the United States and the United Kingdom. The good Labour government in the United Kingdom was willing to put good commonsense in front of silly ideology. The three countries, amongst others in the coalition of the willing—I think there were over 20 countries—cooperated to try to give Iraq democracy. We are seeing the success of that unfolding as we meet here today.

I am aware of an official of the Australian Electoral Commission wanting to go to Iraq to provide some assistance in that very worthwhile process. Let me just repeat that these circumstances would never have arisen if the Mark Latham Labor policy had been adopted in relation to Iraq. As Senator Forshaw would know, and I trust he also respects, the Australian Electoral Commission is an independent statutory authority.

Senator Carr—The old hoary chestnut!

Senator ABETZ—If Senator Carr is saying to this parliament that a minister should be able to interfere and direct the Australian Electoral Commission, let them make that their policy statement. I happen to think that the vast majority of Australians in fact prefer that the Australian Electoral Commission is an independent statutory authority—something which I respect. When I was made aware of this particular gentleman’s request to work in Iraq, I was made aware of the processes that the Australian Electoral Commission went through in relation to its determination. My view is that these things are best left to those who are employed to make those decisions. The Electoral Commission took appropriate advice.

I was briefed on the matter, I admit. I would imagine that the vast majority of senators would agree that, having been briefed on
it, it was more than appropriate for me not to interfere in that decision made by the independent statutory authority known as the Australian Electoral Commission. Once we start interfering in the logistical arrangements of the Australian Electoral Commission, I think we set a very dangerous precedent. This gives me the opportunity to place on record the appreciation of everybody on this side of the work that the many officers of the Australian Electoral Commission do for the people of Australia and our democratic process.

Senator FORSHAW—Mr President, I ask a supplementary question. I thank the minister for his answer but I remind him that the question was: is the minister concerned by the AEC’s decision? He did not answer that at all. Is the minister aware of the case of Mr Mark Strong, an AEC divisional returning officer, who resigned on 6 September after 13 years service, arguing that he could not understand the government’s refusal to directly support democratic processes in Iraq by providing expertise at the same time as it was maintaining a military presence in the country? Can the minister now explain what he has done to encourage the AEC to support such a democratic initiative by allowing AEC officers time off to assist Iraq? If he has not done anything to encourage them, why has he failed to do so?

Senator ABETZ—There is one thing I am concerned about and that is Labor’s approach to the issue of Iraq. That is a matter of great concern. As I said before, if Labor and their policies—

Senator Forshaw—Mr Deputy President, I rise on a point of order. My question is directed to Senator Abetz, who is the Special Minister of State. He is not the Minister for Foreign Affairs. I would ask you to ask him to be relevant to the question, which relates to a specific situation in the Australian Electoral Commission, which he is responsible for.

The DEPUTY PRESIDENT—On the point of order, Senator Abetz.

Senator ABETZ—The very first question was: do I agree with the Minister for Foreign Affairs? He then quoted the Minister for Foreign Affairs. Now he does not want me to talk about foreign affairs. He cannot have it both ways.

The DEPUTY PRESIDENT—There is no point of order. As Senator Calvert and I have said on previous occasions, we cannot instruct ministers on how to answer questions. Proceed, Senator Abetz.

Senator ABETZ—As I was saying, I am concerned about Labor’s approach to Iraq, but what I am even more concerned about are the sorts of weasel words employed by Senator Forshaw when he asks if I have ‘encouraged’ the Australian Electoral Commission. That is a weasel word for asking whether or not I would interfere in the processes of the independent statutory authority known as the Australian Electoral Commission. I do not have any intention of interfering. I believe that the Australian Electoral Commission, as an independent statutory authority, needs to explain for itself the decisions that it has made. I understand why it has made those decisions and I do not intend to interfere. (Time expired)

Indigenous Land Ownership

Senator SIEWERT (2.44 pm)—My question is directed to the Minister for Immigration and Multicultural and Indigenous Affairs, Senator Vanstone. My question concerns the deeply entrenched disadvantage faced by Indigenous Australians and the urgent need for better housing and economic development outcomes to address chronic health problems and Third World life expectancy rates and to improve living standards—particularly for those in remote
communities. Can the minister confirm to the Senate her commitment to the principle of inalienable freehold title on land granted under the Aboriginal Land Rights (Northern Territory) Act 1976? Will the minister clarify for the Senate comments attributed to her spokesperson by the *Northern Territory News* on 6 September that her government would consider changing the act to allow compulsory acquisition if traditional owners ‘unreasonably refused’ an application for a private lease, which would effectively extinguish this inalienable right?

**Senator VANSTONE**—I thank the senator for the question. Senator, the Prime Minister has made it clear on a number of occasions that any changes we would look to make would not go to inalienability of Indigenous land. I do not have a brief with respect to the particular newspaper article to which you refer, but I will see if I can find it—I will get from the *Hansard* what date you said it was—and come back to you if I have anything to add to the answer I have given you.

**Senator SIEWERT**—Many of the comments relate to private ownership, so my supplementary question is about that. Is the minister aware of the recent report by the Centre for Aboriginal Economic Policy Research at the ANU addressing the implications of private individual land ownership for Indigenous development? This report found that it would not lead to better housing and economic outcomes. Is the minister aware that in New Zealand similar approaches to private individual ownership have in fact proved not to deliver sustainable economic development? Therefore, on what basis does the minister believe that private ownership will lead to better housing and economic development outcomes for Indigenous people?

**Senator VANSTONE**—Senator, I am sorry that that was not your first question, because that goes to a misunderstanding that some have about the government’s desire to make sure that first Australians who are asset rich but dirt poor can start to get some real value from the land that they own. It is perfectly possible to have a system where Indigenous lands remain inalienable but people still have the opportunity to buy, as I understand you do in Canberra, a 99-year lease over a house and therefore have their own home. I believe that the opportunity for home ownership is not allowed in some communities because of communal land—that is the explanation given—but it need not be a bar. I am very committed to seeing what can be done to give traditional owners the capacity to do what they want with their land while it remains their land and inalienable. One only has to look at the maps that can be provided and go and speak to traditional owners and see what little opportunity they have to use the land they have got. *(Time expired)*

**Political Party Donations**

**Senator CARR** (2.47 pm)—My question without notice is to Senator Abetz, the Special Minister of State. I ask: does the minister recognise that the keeping of the identity of significant donors to political parties a secret has the potential to corrupt Australia’s political institutions? Does the minister’s proposal to increase the quantum of political donations which can be made in secret to $10,000 do exactly that? Wouldn’t this proposal enable big money interests to secretly parcel up donations worth nearly $150,000 through separate donations to state and territory branches of coalition political parties? Can the minister now indicate why he believes that this idea to allow vested interests to donate up to $150,000 to political parties in secret is a good idea for Australian democracy?
Senator ABETZ—Let us put into context some of the nonsense that Senator Carr has spouted. Yes, I am on the public record as stating that I believe that the disclosure threshold should be increased to $10,000. As a result of that, all sorts of horrendous allegations have been made about big money influencing Australian politics. I thought: ‘I wonder if that’s right. What do regimes with Labor parties do around other parts of the world?’ So I took myself—metaphorically speaking; I did not go there—via the web to the United Kingdom, presided over by a Labour government now for a long period of time. Guess what their disclosure threshold is? It is £5,000 pounds—translating, roughly, to $A12,000. So I thought I might take myself a bit closer to home and, via the web, I took myself to New Zealand, also under a Labour government. And guess what their threshold is? It is $NZ10,000, which roughly translates to $A9,200. So the allegations that Senator Carr is seeking to make against me he would never dare to make to Tony Blair or to Helen Clark, who have presided over regimes that are seen in those two countries as being appropriate.

Honourable senators interjecting—

The DEPUTY PRESIDENT—Order! I cannot hear the answer that Senator Abetz is giving.

Senator ABETZ—Thank you, Mr Deputy President. I also indicate that if anybody wants to know the reasons Labor introduced the disclosure laws in 1984 you only have to read page 144 of Graham Richardson’s book Whatever It Takes and you can find how Senator Ray, along with ex-Senator Richardson set about ensuring that the Labor Party would be allowed to become the dominant political party in Australia. The heading of that particular chapter was ‘Changing the rules’. Of course, that is what the Labor Party did to try to cause difficulties. When disclosure laws were first announced by Labor and the figures were put down, the Liberal Party of Australia, in 1983, said that the threshold should be $10,000.

We as the Liberal Party have remained committed to $10,000 for over 22 years. For 22 years, we have remained committed to that threshold of $10,000. Unfortunately for my friends in the Australian Democrats, who now champion the figure of $1,500, they were on the record at that time supporting a figure of $2,000. So, with inflation taken into account, 22 years later they seem to have backflipped on the $1,500. I am not quite sure why, but I am sure that when the debate comes up we will be told by the Australian Democrats. We as the Liberal Party, for two decades, have been absolutely and utterly consistent in relation to this. And what is more, the figure that I am proposing fits all fours with what Labour does in the United Kingdom and with what Labour does in New Zealand.

Senator CARR—Mr Deputy President, I ask a supplementary question. I ask the minister again: wouldn’t his proposal enable big money interests to secretly parcel up donations worth nearly $150,000 through separate donations to state and territory branches of the coalition parties? Doesn’t this show that Senator Abetz’s bright idea is nothing more than a grubby attempt on behalf of the Liberal party to dilute Australia’s democratic standards?

Senator ABETZ—Senator Carr has done me a great favour, because we are very close to the anniversary of the lease of Centenary House. I have been wanting to get a question up on that matter but the question time committee has not allowed it, so I thank Senator Carr for his question. The only big money interest in Australian politics has been the absolutely disgraceful rort that Labor presided over with Centenary House. The Lib-
eral Party has retained a consistent approach to donations for over 20 years—an approach which is mirrored by the Labour Party in the United Kingdom and the Labour Party in New Zealand.

**Telstra**

*Senator EGGLESTON (2.55 pm)*—My question is to the Minister for Communications, Information Technology and the Arts, Senator Coonan. Will the minister advise the Senate how the Howard government is ensuring that Telstra will adequately maintain and repair its communications network around Australia? Is the minister aware of any alternative policies?

*Senator COONAN*—I thank Senator Eggleston for the question. One of the key issues of concern to Australians is the reliability of their phones. To ensure that they can have confidence in this important service the government will strengthen the network reliability framework. These arrangements will ensure that the most unreliable parts of Telstra’s network will be fixed, benefiting many thousands of customers each year. This framework requires Telstra to fix poorly performing pockets in its fixed line network.

Under the NRF, Telstra is required to report regularly to the regulator, ACMA, on faults within its network. While there are other figures being bandied around regarding fault figures, the fact is that the figures that Telstra provides to the regulator, publicly available figures, show that, on a national average, more than 99 per cent of services were fault free in July 2005. The regulator publicly releases information every three months on fault repair and reports annually on actual numbers of faults.

When the Howard government introduced the customer service guarantee in 1998, Telstra was repairing just 70 per cent of telephone faults on time. It is now up to more than 90 per cent. The main objective of the NRF, the network reliability framework, is to reduce even further the number of faults in the Telstra network. Telstra will now be required to remediate a minimum of 480 cable runs each year. Cable runs are the cables and equipment that sit between the exchanges and customers’ premises. Telstra estimates that the repair of these 480 cable runs will directly benefit approximately 24,000 customers each year. ACMA, in making use of the NRF data and reporting, will identify which cable runs must be remediated. The NRF will be reviewed in two years to see if it is meeting these obligations and objectives.

We will also be tightening the customer service guarantee to ensure that all telecommunications carriers cannot unreasonably use the mass service disruption notice arrangements to gain exemption from the CSG time frames, and we will further strengthen the CSG by increasing by 21 per cent the automatic payments made to consumers if carriers, including Telstra, do not fix faults or install phones in the set time frames. This increases compensation for consumers and increases the incentives on carriers to meet their CSG obligations.

None of these protections were available under the previous Labor government—none. When Mr Beazley, as communications minister, corporatised Telstra, he certainly did not turn his mind to protecting consumers. Labor’s record of protecting phone users is one of shameful inaction. Labor had no customer service guarantee, no network reliability framework, no protection for low-income earners and no plan for the future, except hypocritical obstruction and opposition to the full privatisation of Telstra.

**Illegal Fishing**

*Senator O’BRIEN (2.59 pm)*—My question is to Senator Ian Macdonald, the Minister for Fisheries, Forestry and Conservation. Does the minister recall his press release of
16 August where, in relation to the interception of a Thai fishing vessel, he said:
This is a major arrest, and sends a message across the globe that Australia is tough on fish poachers ...
I also refer the minister to his embarrassing backflip on Tuesday, when he admitted that further investigation had ‘revealed no evidence to suggest fishing activity had taken place inside the Australian fishing zone’. Can the minister now indicate why he rushed to the media to tell them about his supposed achievement of apprehending fish poachers before the facts were known? Why did it take the minister three weeks to find out he had got it wrong? Rather than sending a strong message to foreign fishing vessels, as the minister still claims in his media release of 6 September, doesn’t the minister’s embarrassing backdown simply reveal that he is completely incompetent?

Senator IAN MACDONALD—I thank Senator O’Brien for raising an issue which, again, clearly demonstrates that the Howard government is very strong on border security and protecting things that are Australian, like our fish stocks. I propose to Senator O’Brien, and the Labor Party, that a look at the facts might be instructive. The vessel was apprehended travelling within the Australian exclusive economic zone to the north of Australia. The vessel was apprehended by one of our naval patrol boats and preliminary investigations were carried out. As result of those, the officers in charge—

Senator Carr—There were fish on board!

The DEPUTY PRESIDENT—Order, Senator Carr!

Senator IAN MACDONALD—There were 25 tonnes of fish on board, I think. They were not flathead like you, Senator Carr; they were reef fish. These preliminary investigations suggested an offence. The vessel was brought in to Darwin for further investigation. In accordance with the very sensitive arrangements we now have in place in the north, because they are very sensitive with the Indonesian government and the Human Rights and Equal Opportunities Commission, we took the Thai crew off the vessel and held them in land based detention while investigations continued. The further investigations demonstrated that there was some doubt about whether the vessel had actually been fishing in Australian waters. Investigators looked at the GPS system and they and the Director of Public Prosecutions determined that there was not sufficient evidence to bring the vessel to account. The captain said that the vessel had had engine trouble in Indonesian waters. The vessel was based in Bangkok, and was carrying an entirely Thai crew, but was flagged to Indonesia. It did have an Indonesian fishing permit which had expired in the middle of July.

My press release announced the apprehension of the vessel, as with all of these occasions, clearly demonstrating that we treat very seriously the protection of our borders in northern Australia. People say to me, the media have said to me, and Senator O’Brien tries to make the case, that this has been of some embarrassment to me or the Australian government. It has not been at all, Senator O’Brien. I would much rather our officials, our Navy and our Customs, looked carefully into all of these alleged offences. If occasionally our investigations reveal that it is not what we originally thought, that is far better than allowing vessels like this to escape. It really does demonstrate the government’s approach, quite contrary to the Labor Party’s principles and policy—I should not say that, I have no idea what the Labor Party’s policy is on this. I remember that before the last election they had no less than five separate policies on coastguards. Nobody could ever tell me what the Labor Party policy was. I had someone looking the other
day to find out what Labor’s current policy was and it is a policy free zone. Perhaps you should ask your supplementary question, Senator O’Brien, so I can finish this. I have no idea what the Labor Party policy is, but we are very strong on border protection and we will continue every endeavour to protect Australian fish stocks and those things that are Australian.

Senator O’BRIEN—Mr Deputy President, I ask a supplementary question—

Government senators interjecting—

Opposition senators interjecting—

The DEPUTY PRESIDENT—Both sides need to be quiet so I can hear Senator O’Brien and so the minister can hear him.

Senator O’BRIEN—Thank you Mr Deputy President. Can the minister advise whether or not the government will now have to compensate the improperly detained vessel’s owners and the crew for their detention and for the catch? Hasn’t this episode, irrespective of that, cost taxpayers thousands of dollars and damaged Australia’s reputation with other nations? Will the minister now apologise to these fishermen who he categorised as poachers, but who were not poachers at all, and to the Australian taxpayers for this botched and expensive episode?

Senator IAN MACDONALD—There were a number of questions there and unfortunately I did not write them all down. There was no embarrassment to Australia and no interference with our relationship with Thailand—none whatsoever. Is there a cost to the Australian public? Quite clearly, there is. We make no apology whatsoever for spending money to protect Australian borders. We have a very big presence in the north and we even have the Oceanic Viking down in the Southern Ocean now and at other times protecting Australia’s interests wherever they occur in our sphere of influence. We do not resile from that. I do not need to apologise to anyone who is brought in for investigation.

You asked about compensation. I do not think that it is normal for compensation to be paid when authorities bring people in for questioning. Obviously, that is something we will look at if any claims are ever made. I do not think anyone has thought of it. Perhaps after your questions, Senator O’Brien, some of these people might be rushing around looking for that—(Time expired)

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

PARLIAMENTARY LANGUAGE

The DEPUTY PRESIDENT (3.06 pm)—Yesterday at question time I undertook to look at the transcript of certain remarks made by Senator Ian Campbell. Because of the amount of noise in the chamber at the time I was not sure of hearing exactly what Senator Ian Campbell said. The relevant remarks, as recorded in the transcript, were:

It is good to hear Senator Brown—or in fact any Green—discussing anything to do with the environment. We know they want to push drugs onto young kids; they want to put people’s taxes up.

These words contain an imputation that Senator Brown ‘wants to push drugs onto young kids’. This imputation is clearly contrary to standing order 193.

Senator Ian Campbell subsequently indicated in his remarks yesterday that if he did make the statement recorded in the transcript he would withdraw it. I therefore ask that Senator Ian Campbell withdraw the imputation.

Senator IAN CAMPBELL (Western Australia—Minister for the Environment and Heritage) (3.07 pm)—I checked the Hansard as well. I said I would; and I do.
Senator Bob Brown—Mr Deputy President, I raise a point of order. Standing order 203 that you refer to says:

A senator who has been reported as having committed an offence shall attend in the senator’s place and be called upon to make an explanation or apology ...

I know that Senator Ian Campbell—

Honourable senators interjecting—

The DEPUTY PRESIDENT—Order! Senator Brown is trying to make a point of order, which he is entitled to do.

Senator Bob Brown—Standing order 203, which has been infringed, as you have ruled, requires an explanation or an apology. I do not think that Senator Ian Campbell may be up to either but I do request that the standing order be fulfilled and he apologise for the remark that he made and did not withdraw at the time.

The DEPUTY PRESIDENT (3.08 pm)—I am advised standing order 203 applies only where a senator has been named and that is not the applicable standing order at this time. I have reported to the Senate, as I said I would, after a review of the Hansard and Senator Ian Campbell has, as far as I am concerned, given an unequivocal withdrawal of the statement that was made yesterday.

Senator Bob Brown—I ask you to look at the standing orders again because standing order 193, upon which the matter began, reads:

A senator shall not use offensive words against—amongst others, members of this Senate—... and all imputations of improper motives and all personal reflections on those Houses, members or officers shall be considered highly disorderly.

That has been ruled. The matter goes to standing order 203. I again say that I would have thought the senator was big enough as a minister to apologise or explain himself. He has not and he should be asked to.

Senator Hill—Mr Deputy President, I raise a point of order. He hasn’t read the standing orders.

The DEPUTY PRESIDENT—I was just about to say—

Honourable senators interjecting—

Senator Hill—I am quite happy to have a debate on the Greens drugs policy too, if you like.

The DEPUTY PRESIDENT—Senator Hill, please resume your seat. If shouting ceases across the chamber we can deal with the points of order.

Senator Ian Campbell—On the point of order, I did what I said I would do and I have done what I think is the right thing to do. I could have done the churlish thing and engaged in a debate on the Greens drugs policy but I chose not to do that. I have done the right thing and I stand by it.

The DEPUTY PRESIDENT (3.10 pm)—Senator Brown, I have to dispose of a point of order that you have raised before you raise any further points of order. In respect of standing order 203, I am advised by the Clerk that that comes into force when a member of this chamber has refused to withdraw the comment and is named. In this instance the person was asked to withdraw and has done so without any reservation whatsoever, as they had flagged yesterday. I can only take it that the person is acting in good faith. I cannot attribute any other motives to that and therefore standing order 203 has not been breached in my consideration of the matter.

Senator Bob Brown—Mr Deputy President, I raise a point of order. I would welcome an opportunity to debate any time you like the government’s drug policy of harm minimisation as has been promulgated through the spending of millions of dollars
The DEPUTY PRESIDENT—There is no point order.

QUESTIONS WITHOUT NOTICE: ADDITIONAL ANSWERS

Telstra

Senator MINCHIN (South Australia—Minister for Finance and Administration) (3.12 pm)—In question time yesterday Senator Marshall asked me a question about Telstra’s superannuation and I undertook in my answer to get him further information. I seek leave to incorporate the further information into Hansard.

Leave granted.

The additional information read as follows—

Senator Marshall asked me yesterday whether superannuation benefits for Telstra employees will continue after any sale of the Government’s remaining shareholding.

In March 2004, the Australian Government paid the Telstra Superannuation Scheme $3.125 billion in return for extinguishing the Australian Government’s liabilities to the Scheme.

I emphasise that this payment is to the Telstra Superannuation Scheme, not to Telstra itself.

Once the Australian Government ceases to hold majority ownership of Telstra, superannuation arrangements for Telstra employees will be a matter for Telstra. Telstra has an obligation, like all employers, to make contributions in respect of its employees.

Issues relating to membership of the Telstra Superannuation Scheme are also a matter for Telstra.

For those Telstra employees who are members of the Commonwealth Superannuation Scheme, membership will cease once the Australian Government ceases to hold majority ownership of Telstra, but the Government will continue to be responsible for meeting the obligations, going forward, in respect of the past service of those employees.

This is consistent with the agreement between the Government and Telstra referred to by Senator Marshall in his question yesterday.

It is also consistent with long standing Government policy, that contributory membership of the Commonwealth Superannuation Scheme ceases in circumstances where the Government has ceased to have control of a business unit, such as QANTAS.

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

Telstra

Senator McLUCAS (Queensland) (3.12 pm)—I move:

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

The position of Senator Coonan and, I am afraid, the Prime Minister over the question of the sale of Telstra is completely untenable. Mr Howard, Mr Costello and Senators Minchin and Coonan have known since at least 11 August this year of the state of the Telstra books, the state of the work force and, most importantly for my constituents, the state of the network. They have known the facts and they have taken the thoughtful, shall we say, decision not to disclose to the Australian community or, importantly, the current shareholders of Telstra the facts about the state of the network, the work force and the finances of Telstra. Those facts are absolutely central to the future of our communications system in this country and the Australian community was explicitly denied those facts by these people.

Yesterday, I am afraid, Mr Howard reverted to typical form in trying to hide behind some so-called legal advice that he ostensibly had that would not allow him to provide that information to the Australian community. Once again it has come back to the Labor Party to show Mr Howard the way...
and to explain to Mr Howard that not only was he legally entitled to provide that information to the Australian community and to shareholders, he was probably morally required to do so.

I am afraid it should not have been a question about legal responsibility. It should not have been a question about whether Mr Howard, Senator Coonan and others were legally bound not to provide the information to the community. Surely it was a question about ethics. Surely it was a question of principle. Surely it was a question of honesty. This government should have come clean with the Australian community and told us all what the actual state of the books was, what the state of the work force was and what the state of the network was.

Mr Howard, Senator Coonan, Mr Costello and Senator Minchin were told on 11 August that Telstra has an ageing work force, it has underinvested over the last five years by up to $3 billion, 14 per cent of the lines of Telstra have faults, 14.3 million fault calls are received annually and the dividend policy that was in operation was unsustainable. What did the people who received this information from Telstra do? They took a conscious decision to do nothing and not provide that information to the Australian community and to the mum and dad shareholders that Mr Howard talks so caringly about all of the time. They made sure that those people who have invested in Telstra on the advice of this government were not provided with that information and could not make sensible decisions about their investment.

Why did they decide not to provide that information to the Australian community? They had to buy some time. Between 11 August and now, a deal had to be struck with the National Party. A deal had to be made between Senator Joyce and others and the government on the full sale of Telstra. They bought time in that period of time. Senator Joyce and others should be quite quizzical now. We are now in a situation where Senator Joyce has agreed to the sale of Telstra without knowing the state of the business— without knowing that the network is under-invested in and that the fault levels are much higher than any of us ever thought they were or than had previously been disclosed.

The voters of Australia should be truly concerned at the language we saw on *Late-line*, for example, last night. Senator Joyce is obviously trying to convince himself now that the deal he has apparently done with the government is something worth having. This deal delivers exactly what is being invested by the government in the network at the moment. The CEO, Mr Trujillo, says that the network is substandard and that, if we continue to invest at the rate we are investing, it will continue to be substandard. This is no deal that Senator Joyce has done. *(Time expired)*

**Senator RONALDSON** (Victoria) (3.18 pm)—Today is a great day because from this debate we finally have an understanding of what the Labor Party’s telecommunications policy is. We have been searching for this for years. The Labor Party’s telecommunications policy is that they do not support $3.1 billion of investment in telecommunications infrastructure. I thank Senator McLucas for at least coming clean and telling us what that policy is. There was one little other one they talked about, but no-one actually believed them when they said they wanted to spend $5 billion on dial-up internet access. That was such a stupid joke that no-one took seriously.

I think that one of the great tragedies about this debate on telecommunications is the crocodile tears we have had from the other side in expressing sympathy for the mums and dads of Australia. They are doing
every single thing in their power to ensure that the share price falls. They are luxuriating, as only the Labor Party can, in the demise of the share price of Telstra. They are getting behind closed doors back in their offices, seeing the share price and rubbing their hands together, saying, ‘Beauty, our campaign is working!’ You should be ashamed of yourselves and the crocodile tears you have been shedding in this debate.

If there is one other example of crocodile tears being shed, we had one yesterday, when Senator Evans came into this chamber and confected anger in relation to the referral of these telecommunications bills to a committee. It was the end of democracy as we knew it and the end of Senate process as we knew it! Some would say that I need to get a life because I listened to all 20 minutes of that speech. I thought that, when they call in the big guns—they had had Senator Conroy—like the Leader of the Opposition in the Senate, who is the most senior Labor Party person in this chamber, they must be serious about this, so it deserved my attention for 20 minutes and I should hear what he had to say. You can imagine my utter disbelief when, for 12½ minutes, there were only two people in this chamber sitting behind the Leader of the Opposition in the Senate, who is the most senior Labor Party person in this chamber, they must be serious about this, so it deserved my attention for 20 minutes and I should hear what he had to say. You can imagine my utter disbelief when, for 12½ minutes, there were only two people in this chamber sitting behind the Leader of the Opposition in the Senate, who is the most senior Labor Party member in this house that they had to get Senator Bartlett to go and sit beside the opposition whip, so at least there was someone behind Senator Evans. I do not mind having a sensible debate about telecommunications in this country, but I am not going to be lectured by a group of people who simply do not care, who have no policy and who have no intention of bringing one in.

Senator HUTCHINS (New South Wales) (3.22 pm)—That was probably a ministerial performance, Senator Ronaldson. I am not sure how long you will have to wait to achieve your ambition of getting down onto the front bench. If you had the opportunity to sit on this side and look at your colleagues’ faces, I do not think that you would have to wait too long. You should see your coalition colleagues’ faces when Senator Coonan gets up and answers a question. For a start, Senator Minchin, Senator Macdonald and Senator Campbell clearly wince. I cannot work out what happens on Senator Kemp’s face because it always looks a little blank; I am not sure what is going on there.

I can tell you that there was a very strong move on today. I saw the kingmaker from New South Wales, Senator Bill Heffernan, and Bill’s head was hanging down. Every time Senator Coonan tries to make a point, struggling as she does every time she is given an opportunity by us to answer pertinent questions on this massive sale of government assets, she mucks it up. She clearly cannot answer the questions; she clearly cannot sell this policy. You should see the faces on the other side.

I have been advised by my colleagues in the House of Representatives that it is actually even worse there. Acting Deputy President Chapman, you probably know better than I do that whenever you see the Prime Minister—your party leader—under pressure
or telling a little porky or two he physically reacts. He waves his arms about a bit like this. He is not as kempt as he normally is. Sometimes he does not comb his eyebrows. He acts a little sheepish because he is being sheepish. My colleagues tell me that it has been a particularly pathetic performance in the House of Representatives over the last few days.

The one thing the coalition is missing at the moment is a bedrock or an anchor. Where is he? Where is that anchor? Where is Peter at the moment? Peter is up in Indonesia getting his foreign affairs credentials so that when inevitably he attempts to take on the coalition leadership he will be able to present that to the waverers in the coalition as evidence that he has the necessary presence. My colleagues in the House of Representatives look at those on the other side in that chamber and also see them wince.

And it is not just the senior cabinet ministers who I have nominated this afternoon who wince in this chamber because Minister Coonan is here. The backbench, who are looking at unemployment if this charade continues, wince when they see the Prime Minister act in the way he has been acting. Why is that? It is because there is no bedrock for them. There is no-one to lift their spirits; there is no-one to take us on. It is a charade at the moment.

Can you believe that less than 10 weeks ago, with the fanfare of Imperial Rome, we were told that there was a brave new world about to start in this country because the government have control in the Senate? Only 10 weeks ago they said that this was going to assure authority and stability in this place. But what has happened? It has been a sham. What has happened in terms of this whole Telstra sale? We have the farcical situation where the Australian Securities and Investments Commission is today actually raiding Telstra offices and pulling out emails. We have had one of these imported Yanks who have been put on the Telstra payroll telling people that he would not advise his own mother to buy shares in Telstra. They are not prepared to guarantee jobs or services once this organisation is sold.

This has happened since you have had total power in this country. What a complete joke this coalition government is. As I said, when we see Senator Coonan attempt to answer questions in this place, we can see the nooses at the back. I am glad we saw a good strong performance from Ronno today because he is clearly coming down here shortly. (Time expired)

Senator PARRY (Tasmania) (3.27 pm)—For five minutes, we hardly heard a thing out of Senator Hutchins about the Telstra sale proposal. Instead, he concentrated on attacking the integrity of some government members. Senator Hutchins mentioned Senator Ronaldson moving to the front bench. It would be very difficult for anyone from the back bench to move forward, as we have such a solid, well-performing team who we are all proud to sit behind and support.

Senator Hutchins commented on the Prime Minister’s grooming. Obviously, they are scraping the bottom of the barrel if they need to talk about the Prime Minister’s grooming. The Prime Minister is a great performer for this government. Senator Hutchins used the term ‘bedrock’. The Prime Minister exemplifies the foundation of this party. Our Treasurer is performing important work overseas. Because we have such talent on our front bench, we can with great comfort disperse senior ministers to other parts of the world.

I want to talk about Telstra. That is the object of this discussion this afternoon. Let it be said that we have faced the people on several occasions with the following objective
in mind: to fully privatise Telstra. Going by the result of the last election, the people have overwhelmingly decided that this government has the authority to do so. It is a long-standing government policy to do this. Some of the reasons we need to do this have been made apparent this week through the controversy being raised by the opposition. We cannot be both the regulator and the owner. It is very difficult to have a situation where we police the industry as well as own the majority shareholding in the largest player in the market.

Every time we have spoken about the sale of Telstra, we have guaranteed three things, and these three things will happen: the services in rural and regional Australia will have to be adequate before the sale proceeds, there will be value for the taxpayers when the sale takes place, and we will have legislative authority from the parliament for the full sale of Telstra. We are not going to change this. That is something that we have promised to the Australian people, and we will stick to that.

The misnomer that service levels are linked to government ownership of Telstra is exactly that. The less the government has owned of Telstra, the more services have improved. I know what phone services were like in this country 20 or 30 years ago, and they are infinitely better today, as they will be in the future. It takes a lot to run a company of this size and magnitude. The telecommunications industry is not perfect, as every industry is not perfect. However, we are certainly striving to make sure that this industry is the best possible industry it can be, and telecommunications in this country far exceed the level of service that we expect on every occasion. There will be mistakes. There is always inadequacy of service from time to time across every single field. However, this communications industry is one that we should be very proud of. Once full privatisation takes place, we can sit back as a parliament and govern the industry as we should and not be a player in the industry. It is crucial that we do that.

Senator Carr—We can kill the goose that lays the golden egg as well!

Senator PARRY—Strategies are in place to ensure that any proceeds from the sale of Telstra will be placed in such a way that the country will be the beneficiary. Owning Telstra indefinitely is not in the best interests of this country. Legislative safeguards will continue to apply to Telstra, irrespective of ownership, and this is our prime role. Our prime role is not in ownership. Our prime role is in the supervision of the regulation of the telecommunications industry across the board. Where the market will not go, the government will continue to use targeted investment to ensure the best possible services in rural and regional Australia. We have invested $1 billion in telecommunications services, and that investment will continue.

Competition is something we should talk about. I come from the private sector, where competition ensures adequate service delivery, and competition is the best means for driving innovation, lowering prices and improving services, and this is across the board in rural and regional Australia as well as the metropolitan areas. I am prepared to discuss Telstra. I wish Labor would discuss it more constructively.

Senator STEPHENS (New South Wales) (3.32 pm)—I too rise to take note of the answers to questions without notice made today by Senator Coonan. I join in the concerns of those on this side of the chamber regarding the absence of any real courage in terms of the responses today, because we know exactly what is going to happen with this whole process. It has gone from bad to worse over the last few days, and I certainly have to admit to feeling a little for Senator
Coonan today as she tired to defend the indefensible, because already we can see just what is going to happen.

I remind senators that the second tranche of Telstra, T2, actually cost $160 million. We can only assume that the cost of the sale of T3, the remaining part of Telstra, is going to exceed that. We expect that the Telstra sale is going to cost taxpayers $1.1 billion. That is a complete contradiction to the Prime Minister’s claim before the election that there would be no additional costs. Treasury is already considering how bad the Telstra sale is for the budget. Full privatisation will incur a net loss for the nation’s finances, and Treasury has already worked out that selling Telstra will show a minimum loss to the public coffers of $140 million a year. How can that possibly be good for the national economy? We have had an extraordinary range of dividends already paid, which are of huge concern when we know exactly what else has been going on. The idea that we would be borrowing to pay dividends is beyond belief.

I am very concerned about what is happening regarding the process of the Telstra privatisation inquiry. Senator Coonan was not really able to address those concerns today either. We know exactly what happened yesterday when the cut-off was finally pushed through the Senate. The government rushed off and placed advertisements for this phoney inquiry that is to happen tomorrow. In their haste they actually managed to get an advertisement into the *Australian*. I have it here. It is quite an extraordinary advertisement for the Telstra privatisation bills. However, we discovered that the government missed the cut-off for today’s *Australian Financial Review*, so it was not submitted to that paper—or to any other papers. I wonder how the people in Western Australia will feel, if they did not purchase the *Australian* or are not readers of the *Australian*, when they discover that an inquiry was going on and there was a process for making a submission which they did not know about. It is the same in Queensland, Tasmania and if you are somewhere where you do not get today’s *Australian* until tomorrow.

However, it gets even better than that. Besides the fact that it is International Literacy Day today and the advertisement talks about the ‘Snate’ not the ‘Senate’—which is an irony that is not lost on anyone—the ad invites submissions by midday tomorrow. Maybe people got up this morning and actually read the *Australian* on their way to work, and that meant that they had 24 hours or so to write a submission inquiring into the bills which are dealing with the sale of $30 billion of taxpayer assets. If they read the advertisement and then went to the web site to see what they could do with the terms of reference, what did they discover? They discovered that the terms of reference do not even permit a submission into the question of privatisation. What a joke that is! We have democracy in action here in a way that no one has ever seen before. There is no chance to read the bills, no chance to make a submission, and no chance for the committee to consider any submissions that do get there and to have a hearing, and the committee gets to report in one working day. As I say, this is democracy Howard style, and it certainly is a democracy that is of great concern to Australia for the future.

Question agreed to.

**COMMITTEES**

**Reports: Government Responses**

Senator VANSTONE (South Australia—Minister for Immigration and Multicultural and Indigenous Affairs and Minister Assisting the Prime Minister for Indigenous Affairs) (3.38 pm)—I present the following government responses to committee reports as listed on today’s Order of Business:
Recommendation 1

The Committee recommends that the Government have more regard to the negotiating needs of, and the capacity and resource constraints on developing countries that participate in the WTO processes. Given that the WTO is a body that operates by consensus, Members from developing countries in particular need sufficient time and resources to develop appropriate responses to complex trade issues.

Response

The Government supports reform of the WTO where it would improve the current processes and welcomes the current review of WTO processes being undertaken by a Consultative Board of eminent persons, chaired by Peter Sutherland, former WTO Director-General. The Consultative Board has been charged with preparing a report on how to institutionally strengthen and equip the WTO to respond effectively to future systemic challenges brought about by an increasingly integrated global economy. This process was initiated by WTO Director-General Supachai on 19 June 2003. The Government is concerned to ensure that any efforts to reform the WTO contribute to its core objective, namely the effective operation of the rules-based multilateral trading system.

The Government recognises the difficulties some developing countries face in responding to issues raised by the WTO. The Government attaches a high degree of importance to providing technical assistance and capacity building to assist developing countries maximise the opportunities of the Doha round. Since 2001/02, the Government has provided multi-year commitments in trade-related assistance worth $275 million, including an estimated $32 million in 2004/05, an increase of over 50% since 1996/7.

Since 2002, Australia has contributed $A1.96 million, including $A500,000 in 2005, to the WTO Global Trust Fund, as well as $A1 million to the Agency for International Trade Information and Cooperation (AITIC) to assist developing countries not resident in Geneva to participate in the Doha Round. The Government also has a $A1 million program to assist African countries increase their agricultural competitiveness and food security and a $A3 million (2003-06) WTO Regional Capacity Building Project to enhance trade policy capacity in South East Asia.

Recommendation 2

The Committee recommends that the Government introduce legislation to implement the following process for parliamentary scrutiny and endorsement of proposed trade treaties:

(a) Prior to making offers for further market liberalisation under any WTO Agreements, or commencing negotiations for bilateral or regional free trade agreements, the government shall table in both Houses of Parliament a document setting out its priorities and objectives, including comprehensive information about the economic, regional, social, cultural, regulatory and environmental impacts which are expected to arise.

(b) These documents shall be referred to the Joint Standing Committee on Foreign Affairs, Defence and Trade for examination by public hearing and report to the Parliament within 90 days.

(c) Both Houses of Parliament will then consider the report of the Joint Standing Committee on Foreign Affairs, Defence and Trade, and then vote on whether to
endorse the government’s proposal or not.

(d) Once Parliament has endorsed the proposal, negotiations may begin.

(e) Once the negotiation process is complete, the Government shall then table in parliament a package including the proposed treaty together with any legislation required to implement the treaty domestically.

(f) The treaty and the implementing legislation are then voted on as a package, in an “up or down” vote, i.e. on the basis that the package is either accepted or rejected in its entirety. The legislation should specify the form in which the government should present its proposal to parliament and require the proposal to set out clearly the objectives of the treaty and the proposed timeline for negotiations.

Response

Under Section 61 of the Australian Constitution, treaty making is the formal responsibility of the Executive rather than the Parliament. However, the Government considers that it is only proper that Parliament has a role in scrutiny of trade agreements. The constitutional system ensures that checks and balances operate, through Parliament’s role in examining all proposed treaty actions and in passing legislation to give effect to treaties and the judiciary’s oversight of the system. The Joint Standing Committee on Treaties (JSCOT)—a committee initiated by this Government—provides for Parliament’s involvement. In those cases where an agreement might go beyond existing regulation, the Parliament has the right to vote on legislative change required as part of that agreement.

The Government considers the efficiency and certainty of the current process enables it to negotiate with its overseas counterparts with authority and credibility, and contributes to Australia becoming a source of influence in the treaty’s negotiation. This is particularly important in trade negotiations which are often characterised by offers and counter-offers, for which negotiators require some level of flexibility to respond.

The Government considers the report’s recommendation on trade treaties and the Parliamentary process would be unworkable. It would circumcribe the capacity of the Government to secure the best possible trade outcomes from trade negotiations. It would undermine the Executive’s constitutional authority to sign treaties. Furthermore, it is not clear why trade treaties should receive additional scrutiny to any other treaties.

The Government is committed to ensuring that information on trade negotiations is made readily available to the community and to consulting those likely to be affected by the Government’s negotiating position. While all treaties are tabled in both Houses of Parliament for at least 15 sitting days prior to binding treaty action being taken, since negotiations for major multilateral treaties are generally lengthy and quite public, parliamentary debate often takes place for a much longer period than this, as the issues become publicly known. In cases when implementing legislation is necessary prior to ratification, Parliament has a further opportunity to debate the treaty. The Government makes its decision on whether a treaty is in the national interest based on information obtained during consultations with relevant stakeholders. Inevitably, the final decision necessarily involves a balancing of competing interests. The Government considers that the objective of ensuring both that the Government is able to energetically pursue opportunities for trade growth, and that appropriate consultation on negotiating objectives is undertaken with the broader community, are best met by current Parliamentary and consultation processes and practices.

Recommendation 3

The Committee recommends that the Government commission multi-disciplinary research to evaluate the socio-economic impact of trade liberalisation in Australia since the conclusion of the Uruguay Round.

Response

The Government does not consider a new research project along these lines is warranted at this stage, a decade after the conclusion of the Uruguay round. The case for trade liberalisation and a new trade round—the Doha round—has been established and is well accepted. In the past, a large number of reports have been produced
which analyse the impacts of trade liberalisation on Australia. In 1997, the Department of Foreign Affairs and Trade (DFAT), in conjunction with the Centre for International Economics, produced a study on the impact of trade liberalisation on the Australian economy entitled, “Trade Liberalisation: How Australia Gains”. This study found that trade liberalisation had boosted Australia’s international competitiveness and provided significant gains to consumers and families. A range of other reports have also been concluded including a 1999 CIE report “Global Trade Reform” as well as a significant body of research on the agricultural sector undertaken by the Australian Bureau of Agricultural and Resource Economics (ABARE).

Recommendation 4
The Committee recommends that the Government clearly define and make public its broad interpretation of Article I.3 of the GATS so that the public is aware of the basis on which future negotiations are undertaken.

Response
The scope of the GATS does not extend to services supplied in the exercise of governmental authority. The GATS is based therefore on the right of governments to provide, fund and regulate public services.

The Government believes that the GATS provides adequately for the co-existence of publicly and privately provided services, even within the same sector. The Government does not believe that article I.3(c) derogates from this. Public services are generally provided to pursue social policies. The purposes of provision of public and private services are different, even if they exist side by side. The GATS does not set standards for public service; that is up to individual governments.

The GATS features no mandatory obligation for governments to privatise or open up public services to competition and it does not dictate any specific role for the public and private sectors. Australia is free to decide what service sectors are reserved for the State or state-owned enterprises. Under the GATS it is up to Member governments to decide whether and to what extent they open sectors to foreign competition and whether and to what extent they afford foreign suppliers the same treatment as domestic suppliers in their GATS schedules.

When the GATS was negotiated, this provision was included to ensure the capacity of governments to deliver services under their authority. We believe other WTO members view the agreement in a similar way. That is well demonstrated by the fact that it has not been raised as an issue—certainly not through dispute settlement or otherwise.

The Government would like to make very clear that it is firmly committed to doing everything in its power to preserve Australia’s rights to provide public services, as was provided for in this Agreement.

The Government will continue to make the above points in consultations with stakeholders and in public presentations.

Recommendation 5
The Committee recommends that in its future public consultation processes on trade issues, the Department of Foreign Affairs and Trade publishes submissions it receives, or a list of submitters with information on how to obtain copies of submissions, on its website.

Response
This recommendation raises the issue of the privacy of those making the submission and the contents of that submission. Subject to the agreement of submitters, DFAT will in future publish submissions or list submitters on its website. Submitters will be asked to indicate their willingness to have their names or submissions made publicly available. It will be made clear that submitters will not be disadvantaged on the basis of whether they choose to have their submission made public.

Recommendation 6
The Committee recommends that the Department of Foreign Affairs and Trade consult widely with industry groups, unions, non-government organisations and other relevant bodies prior to preparation of Australia’s offers and requests under the GATS, and provide constructive feedback to all organisations about how their views have been taken into account in the preparation of Australia’s negotiating position.
Response
DFAT will continue to consult widely with industry groups, unions, non-government organisations and other relevant bodies in the request-offer phase of the GATS negotiations. The Government provides constructive feedback to all stakeholders in a number of ways, including discussion papers, newsletters, meetings and verbal reports. DFAT considers that such feedback adds to the sense of stakeholder participation in the process and ownership of the outcomes and will continue to provide it to the extent possible. DFAT notes however that it is not always possible to provide feedback on all issues raised by interested parties, given the need to identify a negotiating position that reflects Australia’s national interest and maximises its negotiating leverage, particularly at certain key points of the negotiations.

The Government would note that DFAT has held consultations with a variety of stakeholders. The Department is in regular contact and consultation with 14 Commonwealth departments and agencies. It has met with all state and territory governments, including representatives of 25 state/territory departments. It has met a number of times with the Australian Local Government Association and responds regularly to queries from local governments. It has met with 220 industry associations and businesses. It has met with 92 non-government organisations. It has accepted 81 submissions from civil society on the negotiations on the GATS and a further 23 in the lead-up to the Cancun ministerial. It has updated its web site 15 times since July 2002 to reflect ongoing negotiations, with substantive detail on progress in those negotiations. The Department also has 269 subscribers to its services negotiation email service.

Recommendation 7
The Committee recommends that the Department of Foreign Affairs and Trade consult again with stakeholders with expertise in the relevant areas once Australia’s draft offer(s) have been prepared in future GATS negotiations, and prior to such offer(s) being communicated to the WTO as Australia’s official offer.

Response
As indicated in the response to Recommendation 6, DFAT will continue to engage in extensive consultations with key stakeholders in the preparation of GATS requests and offers.

Recommendation 8
The Committee recommends that the Government does not make any offers in the GATS, either in this round or in future negotiations, in the area of postal services which would adversely affect Australia Post’s reserved (standard letter) service.

Response
Australia, like many other countries, has a regulatory framework for postal services which is based on the social objective of ensuring the provision of a universal standard letter. Australia will maintain its capacity to meet this objective in its negotiating approach.

Recommendation 9
The Committee recommends that the Government make no further commitments under the GATS in areas of provision of public health services, public education and the ownership of water.

Response
The Government, in Mr Vaile’s media release of 1 April 2003 on Australia’s initial offer, and again on 26 May 2005 in relation to the revised offer, stated that Australia would not be making any offers in the areas of public health, public education or the ownership of water.

Recommendation 10
The Committee recommends that the Government continue to recognise the essential role of creative artists and cultural organisations in reflecting the intrinsic values and characteristics of Australian society and that it make no commitments in current or future GATS negotiations that might adversely impact on cultural industries. The Committee further recommends that the Government continue the Most Favoured Nation exemption for co-production arrangements beyond 2004.

Response
The Government will continue to recognise the essential role of creative artists and cultural organisations in reflecting the intrinsic values and characteristics of Australian society. The Government, in Mr Vaile’s media release of 1 April 2003 on Australia’s initial offer, said it will ensure that the outcomes of negotiations will not impair
Australia’s ability to deliver fundamental policy objectives in relation to social and cultural goals. Australia’s MFN exemption on audiovisual services forms an ongoing part of Australia’s GATS schedule of commitments. This MFN exemption enables Australia to maintain co-production agreements with certain countries. Although the GATS Annex on Article II Exemptions provides that, in principle, such exemptions should not exceed a period of 10 years from the entry into force of the GATS, there has been no decision by WTO Members on any systematic approach to MFN exemptions under the GATS.

Recommendation 11
The Committee recommends that the Government—prior to embarking on the pursuit of any bilateral trading or investment agreement—request the Productivity Commission to examine and report upon the proposed agreement. Such a report should deliver a detailed econometric assessment of its impacts on Australia’s economic well-being, identifying any structural or institutional adjustments that might be required by such an agreement, as well as an assessment of the social, regulatory, cultural and environmental impacts of the agreement. A clear summary of potential costs and benefits should be included in the advice.

Response
The Government agrees with the need for appropriate assessments of the likely economic and other impacts of bilateral FTAs prior to their conclusion. It has followed that approach in relation to AUSFTA, SAFTA and the Australia-Thailand FTA. As well as commissioning independent assessments of the likely effects of these agreements prior to negotiations, DFAT commissioned a detailed assessment of the economic and environmental impacts of AUSFTA as finally agreed. That study, by the Centre for International Economics was released on 30 April 2004.

It may be appropriate in some circumstances to request the Productivity Commission to undertake assessment of aspects of trade agreements or to assist with advice and input in relation to other inquiries. It is unlikely that any study could definitively answer all the issues addressed in the recommendations prior to commencing negotiations, in the absence of the detail of outcomes of the agreement. The Government’s approach has been to use economic modelling and analysis prior to agreements as a guide to the potential benefits available from a particular negotiation. At the same time it is conscious that there will be additional benefits and other implications that cannot be captured by economic modelling. In relation to the AUSFTA and other agreements, the Government has consulted extensively to ensure that the fullest possible account is taken of potential impacts of a proposed agreement, in order that relevant concerns and implications are reflected in the government’s objectives and the instructions given to negotiators.

Recommendation 12
The Committee recommends that future bilateral trade agreements be pursued without recourse to a negative list approach.

Response
The Government does not agree with the Committee’s concerns about the possible impact of the negative list approach, which only applies to the services and investment chapters of FTAs. As the Report notes, a negative list approach is inherently more liberalising and transparent. Australia led the way in introducing the negative list approach when it negotiated the Protocol on Trade in Services to the Closer Economic Relations Agreement with New Zealand, concluded in 1988. Concerns about specific implications for existing measures can be addressed through the reservations mechanism. By this means, Australia is able to continue applying measures which may not comply with relevant liberalisation provisions, but which it wishes to retain. Furthermore, the negative list does not prevent governments from regulating either current or new services. It only constrains governments from imposing limitations to national treatment, market access and other principles set out in the services and investment chapters of an agreement. This approach does not prevent governments from continuing to adopt non-discriminatory regulations needed to address important public policy objectives like protection of the environment or human health.
Recommendation 13
The Committee recommends that the Government declare that it will not entertain any further proposals from the United States that go to the structure or operation of the Pharmaceutical Benefits Scheme, or that in any way undermine the effectiveness of the PBS as a price capping mechanism. Accordingly, the Government should exempt the PBS from the proposed Australia-US Free Trade Agreement.

Response
This recommendation has been overtaken in that the final text of the AUSFTA includes provisions relating to the PBS. The integrity of the PBS has been entirely preserved.

Recommendation 14
The Committee recommends that in view of the risks associated with the negative list approach, the Government exempt Australia’s quarantine laws from negotiations for the proposed Australia-US Free Trade Agreement.

Response
The negative list approach referred to in the recommendation, which applies to trade in services and investment in the Agreement, has no bearing on sanitary and phytosanitary measures, which relate to trade in goods. The integrity of Australia’s quarantine regime, and our right to protect animal, plant and human health will not be affected by the AUSFTA.

Recommendation 15
The Committee recommends that in view of the risks associated with the negative list approach, the Government exempt Australia’s genetic engineering regulatory regime (including that dealing with labelling and GE free zones) from negotiations for the Australia-US Free Trade Agreement.

Response
The AUSFTA does not contain any provisions relating to regulation of genetically modified (GM) foods, nor does it have any provisions that would require Australia to change its GM food labelling requirements or any aspect of its GE/GM regulatory regime, including those relating to GE/GM free zones.

As outlined in response to Recommendation 14, the “negative list approach” applies to trade in services and investment. It does not have any bearing on Australia’s regulatory regime for GM foods.

Recommendation 16
The Committee recommends that:

(a) the narrow definition for e-commerce used in the Singapore-Australia FTA be the definition for e-commerce in the Australia-US Free Trade Agreement; and

(b) the Government ensure that Australia’s cultural objectives will not be compromised by avoiding any concessions or undertakings that would enable future technologies or content delivery platforms to undermine or circumvent existing or future cultural protection policies.

Accordingly, the Committee recommends that the Government exempt Australia’s cultural industries from the proposed Australia-US Free Trade Agreement.

Response
The provisions of the draft Electronic Commerce chapter of AUSFTA do not constrain Australia’s capacity to regulate in relation to audio-visual services.

While there is no definition of electronic commerce as such in the chapter, it does cover non-discriminatory treatment of digital products, in Article 16.4. However, that Article also states that the obligations on non-discriminatory treatment do not apply to non-conforming measures adopted or maintained in accordance with the chapters on Cross-Border Trade in Services, Investment and Financial Services and the annexes of reservations. Article 16.4.3 further underscores “for greater certainty” that these obligations do not prevent a Party from adopting or maintaining measures in the audiovisual and broadcasting sectors, in accordance with its reservations.

AUSFTA is consistent with Australia’s cultural objectives, particularly the need to ensure the availability of Australian voices and stories on audiovisual broadcasting services now and in the future.

The outcome of the negotiations on audiovisual and broadcasting services preserves Australia’s
existing local content requirements and other measures and ensures Australia’s right to intervene in response to new media developments, subject to a number of commitments on the degree or level of any new or additional local content requirements.

Australia’s reservations under the Chapters on Cross Border Trade in Services and Investment permit Australia to maintain the existing 55 per cent local content transmission quota on programming and the 80 per cent local content transmission quota on advertising on free-to-air commercial TV on both analogue and digital (other than multichannelling) platforms. Subquotas for particular program formats (eg drama, documentary) will continue to be able to be applied within the 55% quota.

In relation to digital multichannelling, Australia will be able to impose a 55% local content requirement on programming on either two channels or 20% of the total number of channels (whichever is greater) made available by an individual broadcaster. No local content transmission quota could be imposed on more than three channels of any individual commercial television service broadcaster.

With regard to subscription television broadcasting services, the FTA allows Australia to ensure its cultural objectives are protected through maintaining the current requirement for 10 per cent of expenditure on predominantly drama channels to be allocated to new Australian production. This may be increased up to a maximum level of 20 per cent. In addition the FTA allows scope for any future Australian government to introduce new expenditure requirements of up to 10 per cent on four additional program formats, ie the arts, children’s, documentary and educational.

The Agreement also protects local content on free-to-air radio broadcasting services, through transmission quotas which allow for up to 25 percent local content in programming (eg of musical items) transmitted annually between 6.00 am and midnight on individual stations of a service providers.

The Agreement preserves the right for Australia to introduce local content requirements on interactive audio and/or video services if it determines that Australian content is not readily available to Australian consumers.

Finally, nothing in the Agreement will affect in any way the Government’s right to support the cultural sector through the allocation of public funding of activities such as the public broadcasters (ABC and SBS), public libraries or archives, or in relation to Government funding for Australian artists, writers and performers.

Recommendation 17

The Committee recommends that:

(a) the Australian Government retain its capacity to regulate foreign investment, including the retention of the Foreign Investment Review Board; and
(b) no investor-state provisions be included in the Australia-US Free Trade Agreement.

Response

The Government has retained the right to examine, through the Foreign Investment Review Board, United States investment proposals that may raise significant issues to ensure they are in the national interest.

The arrangements under the Chapter on Investment of the AUSFTA raise the screening threshold for United States proposals for investment in Australian businesses (other than financial sector companies) and proposals for acquisition of developed non-commercial residential land from $A50 to $A800 million. These changes to the thresholds for screening will improve Australia’s attraction as an investment environment by removing from the screening process many smaller and medium sized investments which do not raise national interest concerns.

However, investment will still be screened in all sensitive sectors, as will all large investments which are more likely to raise national interest concerns. In particular,

United States investment in urban land (including residential properties) and in existing media businesses will continue to be screened regardless of value.

United States investment above $A50 million in existing businesses in the telecommunication,
transport and defence-related sectors will be screened.

In addition, existing foreign investment limits relating to the media, Telstra, CSL, Qantas and other Australia international airlines, federal leased airports and shipping have all been preserved.

The Investment Chapter of the AUSFTA does not establish an Investor State Dispute Settlement mechanism. This is in recognition of the Parties’ open economic environments and shared legal traditions, and the confidence of investors in the fairness and integrity of their respective legal systems.

**Recommendation 18**
The Committee recommends that the government retain the ‘single desk’ arrangements for wheat exports and that these arrangements be exempt from the proposed Australia-US Free Trade Agreement.

**Response**
Australia’s single-desk arrangements for marketing Australian commodities will not be affected by the AUSFTA.

**Recommendation 19**
The Committee recommends that any rules of origin applied in the Textile, Clothing and Footwear sector provide for goods made-up in Australia to access the US market without tariffs, irrespective of the source of the original yarn or fabric.

**Response**
The Government argued in the negotiations for the adoption rules of origin (ROOs) for textiles, clothing and footwear (TCF) products on the same basis used generally for ROOs in the agreement. However, the US could not be persuaded to move from its insistence on inclusion of a “yarn-forward” rule of origin for textiles and clothing (this does not apply to footwear). Generally speaking, this rule means that fabrics produced for export must be made up of yarns wholly formed in one or other of the Parties to the Agreement; and apparel for export be produced from fabrics entirely formed in one or other of the Parties using yarns wholly formed in one or other of the Parties. Given the inclusion of yarn-forward textile and clothing rules, Australia insisted on maintaining long phase-outs for textile and tariffs under AUSFTA.

**Recommendation 20**
The Committee recommends that the Senate refer the final text of the Australia-US Free Trade Agreement to the Senate Foreign Affairs, Defence and Trade References Committee for examination and report.

**Response**
This appears to be a question directed to the Senate.

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**Response of the Australian Government to the report of the Joint Standing Committee on Foreign Affairs, Defence and Trade**

**‘Near Neighbours—Good Neighbours An Inquiry into Australia’s Relationship with Indonesia’**

**Recommendation 1 DFAT**
The Committee recommends that the Minister for Foreign Affairs establish a program of exchange visits between the Foreign Affairs, Defence and Trade Committees of the Australian Parliament and the equivalent committees of the Indonesian Parliament. Incorporated in the program should be a formal, structured one day conference with agenda items prepared by both sides covering all aspects of the relationship that may be of concern. The program should be additional to the current bilateral visits program and be separately funded.

**Response**
The Government welcomes the development of a closer relationship between the Australian and Indonesian Parliaments. We note that the Australian Parliament already has a well developed parliamentary exchange program with Indonesia and that the Joint Standing Committee on Foreign Affairs, Defence and Trade undertook a visit to Indonesia in December 2003. The Government believes that it would be for Parliament to decide how best to spend its exchange program budget.

**Recommendation 2 DFAT**
The Committee recommends that the Federal Government acknowledges the Northern Territory’s role as interested neighbour and as observer
of BIMP-EAGA (a sub-regional grouping of ASEAN) and consider providing special assistance to the Northern Territory to enable it to enhance its role.

Response
The Government acknowledges the Northern Territory’s role as an interested neighbour and as an observer of BIMP-EAGA. The Northern Territory is commended for pursuing its observer status as ‘Development Partner’ at BIMP-EAGA officials meetings in the BIMP-EAGA Plus One arrangement. BIMP-EAGA is given a high priority in the Northern Territory’s current Asian Engagement Plan. The Government welcomes the Northern Territory’s growing international engagement and its most active and constructive participation in discussions with the Australian Government and the States on trade policy matters. The Government would be willing to consider any cost-neutral proposals from the Northern Territory Government relating to this issue.

Recommendation 3 DEST
The Committee recommends that the Federal Government jointly invite the States to examine ways in which the educational relationship with Indonesia can be more cohesively managed.

Response
The Government seeks to work collaboratively with all State and Territory Governments on a wide range of education and training matters. The relationships between the Australian Government and State Governments are positive.

The Department of Education, Science and Training works closely with State and Territory Governments to jointly host industry events, extends speaking invitations for seminars, and generally take into account the perspectives of the States and Territories when planning work programs.

Recommendation 4 AusAID
The Committee recommends that the Minister for Foreign Affairs arrange that the activities of the Government Sector Linkages Program be extended to facilitate the establishment and maintenance of better linkages between State governments and regional counterparts in Indonesia. The arrangements should be funded jointly by Federal and State and Territory Governments.

Response
A new Public Sector Linkages Program, which commenced in November 2004, allows for funding of activities identified by Federal, State and Territory governments and universities. Under this mechanism there is normally scope to meet up to 75 per cent of salary and other costs of participating Australian partners, but particular consideration is given during the selection process to those partners making a contribution in cash or in kind.

Recommendation 5 DFAT
The Committee recommends that the Minister for Foreign Affairs confer with the Local Government and Planning Ministers’ Council about strengthening the bilateral relationship through encouraging the establishment of links between local regions in Australia and Indonesia.

Response
The Government welcomes the development of closer links between Australia and Indonesia at all levels, including local government. I (Mr Downer) will write to the Minister for Local Government, Territories and Roads, Mr Lloyd, to commend the proposal to the Local Government and Planning Minister’s Council (LGPMC).

Recommendation 6 AusAID
The Committee recommends that over the next five years Australia seeks to increase our aid to Indonesia to a level whereby Australia would become Indonesia’s third largest bilateral source of funding.

Response
Development cooperation funding for Indonesia has increased substantially. Prior to the tsunami, the 2004-05 estimate was for total Australian aid flows to Indonesia of $160.8 million, representing an increase of 32 per cent over the previous two financial years.

Following the Indian Ocean disaster, Australia provided significant immediate emergency assistance. On 5 January the Prime Minister announced Australia’s commitment of $1 billion over five years to the Australia-Indonesia Partnership for Reconstruction and Development (AIPRD). The AIPRD represents the largest single aid package in Australia’s history.
According to figures from the Consultative Group for Indonesia (CGI) Australia is now the third ranked bilateral donor to Indonesia, behind Japan and Germany.

**Recommendation 7 Defence**

The Committee notes that the pace for rebuilding the defence relationship will be determined by both countries. On the Australian side, it strongly endorses measures that can accelerate the process of re-establishing mutual confidence in the defence relationship.

**Response**

The Government agrees with the recommendation and is working actively with the Indonesian Government to build further on the renewed levels of confidence that have been established since the 1999 events in East Timor. Since the Department of Defence’s March 2003 written submission to the Committee’s inquiry, Indonesia has endured the tragedy of the 2004 Boxing Day tsunami off Northern Sumatra and the following earthquake on 29 March 2005. The ADF has been heavily involved in providing assistance to Indonesia’s disaster relief effort.

The excellent cooperation between our two countries’ armed forces during the ADF deployments to Sumatra has highlighted further the growing strength of the defence relationship. Since December 2004, the Minister for Defence, Senator Hill, has visited Indonesia four times and has called on both Indonesian President Yudhoyono and his Indonesian counterpart, Dr Sudarsono. In February 2005 General Cosgrove met with ADF and Indonesian Armed Forces personnel in Aceh as well as the Indonesian Minister for Defence in Jakarta.

More broadly, the Government is engaging the Indonesian Armed Forces across a range of activities that seek to re-establish mutual confidence in the relationship. Strategic dialogue has been the foundation for progressing the relationship. Following the Chief of Army’s visit to Indonesia in July 2003, the Indonesian Chief of Army Staff, General Ryamizard, reciprocated with a counterpart visit to Australia in December 2003. Since General Ryamizard’s visit, the other two Service Chiefs have met with their Indonesian counterparts either in Australia or in Indonesia, including during Service Chief visits to Aceh following the tsunami. Army to Army service level talks were conducted in Bali in February 2004, Navy to Navy service level talks in Jakarta in March 2004, and Air Force to Air Force service level talks in Bali in July 2004. Air Force to Air Force Service talks for 2005 were held in Australia in March. Service level talks have not been conducted with Indonesia since 1999 and provide an important continuing framework to produce tangible outcomes in the defence relationship. In August 2004 Indonesia hosted the inaugural Defence Strategic Dialogue, which discussed policy for future engagement activities and endorsed progress made through single Service Staff Talks. The Indonesian Chief of Naval Staff visited Australia with President Yudhoyono in April 2005 and met with a number of senior officials from the Department of Defence.

Senior level visits to promote common understanding of each country’s defence systems have continued to feature in the re-establishment of a mutually beneficial defence relationship with Indonesia. Indonesian delegation visits to Australia since the beginning of 2004 have focused on senior defence officers with command responsibilities and discussions have covered topics such as Australian Army training practices, Australian Air Defence systems, and Australian experiences in developing forces for peacekeeping operations. Since April 2004, Commander Northern Command has met with his Indonesian Army, Air Force and Navy counterpart commanders and has continued to build very strong relationships with these officers who have command responsibility over the northern approaches to Australia. Such relationships have led to enhancements in our defence cooperation with Indonesia in areas of mutual security concern such as terrorism, piracy, people smuggling and transnational crime. In July 2004 the Department of Defence’s Deputy Secretary Strategy called on his Indonesian departmental counterparts and the Head of the Indonesian Armed Forces. The visit of the Secretary of Indonesia’s Department of Defence in October 2004 has enhanced Defence links at the strategic policy level.

The Government continues to examine options for defence cooperation with Indonesia in com-
bating terrorism. Defence counter-terrorism cooperation with Indonesia aims to complement whole-of-government efforts under the Memorandum of Understanding on counter-terrorism between Australia and Indonesia, which was renewed for a further 12 months on 7 February 2004. Since December 2003 the Department of Defence has sent two training teams to Indonesia to provide Indonesian defence members with information analysis training. Two officers from the Indonesian Armed Forces attended the June 2004 Regional Special Forces Conference in Bowral. In December 2004 the Indonesian Armed Forces sent a delegation to Australia to observe ADF counter-terrorism exercises.

Our provision of defence training and exchanges is an important element of our cooperation with the Indonesian Armed Forces, and provides the Indonesian Armed Forces with skills and abilities that are of mutual benefit to both defence forces. For the financial year 2003-04 the Government spent over $5 million on cooperative activities with the Indonesian Armed Forces. Up to 170 Indonesian Armed Forces personnel were given training, both in Australia and in Indonesia. Training included English language training, peacekeeping and peace operations seminars, maritime and air power studies, Staff College exchanges, single service training and flight instruction training. Defence dialogue with Indonesia continues to emphasise training and engagement opportunities that meet our mutual needs.

Five Indonesian Navy vessels visited Australian ports (two ships visited Darwin, and three visited Perth) in October 2004—the first such ship visits since 1999, and a sign of the increasing importance placed by both our countries on maritime cooperation. In April 2005 our two Air Forces conducted Exercise Albatross and AUSINDO, a joint air maritime surveillance exercise in the Timor Sea. TNI Navy is planning to send two corvette class patrol boats to Australia in July-August 2005 to participate in Exercise Kakadu.

The Government will continue to capitalise on recent progress made in the defence relationship with Indonesia. The focus will remain on capacity and confidence building, with an emphasis on fostering senior level relationships, providing training opportunities that assist the Indonesian military develop its force professionalism, and pursuing initiatives in areas of mutual security concern such as maritime surveillance cooperation and counter terrorism engagement.

**Recommendation 8 DFAT**

The Committee recommends that as Australia participates more broadly in the activities associated with the war against terror, and as it pursues more generally its security interests, the Australian Government should sustain a regular and rigorous dialogue to ensure that in a country where Islamic sensitivities are high, there is a complete understanding of Australia’s intentions and that those intentions in no way incorporate a hostile view of the Islamic world or Indonesia’s part in it.

**Response**

As outlined in its recent White Paper, “Transnational Terrorism: The Threat to Australia”, the Government believes as a matter of principle that the war on terror in no way constitutes an attack on the Islamic faith. We will continue to make this point at every available opportunity. The Government has stated publicly its appreciation of the positive role mainstream Islam has played in Indonesia’s transition to democracy.

The Australian Government is deepening its engagement with mainstream Islamic organisations in the region. For example, in 2003 the Government hosted the leaders of Indonesia’s largest Islamic groups: Hasyim Muzadi from Nahdlatul Ulama and Syafii Ma’arif from Muhammidiyah, as well as Nurcholish Madjid, an Islamic scholar and leader from the Paramadina Mulya University. Indonesian Foreign Minister Dr Hassan Wirajuda and I hosted a regional inter-faith dialogue in Yogyakarta, Indonesia, in December 2004 that advanced understanding between key faith leaders in the region. The Government also funded a workshop in Australia in 2004 on Islamic perceptions on state, society and governance in South-East Asia. The Government will continue to emphasise the shared interests of Australia and Indonesia in the war against terrorism.

**Recommendation 9 DFAT**

The Committee recommends that the Minister for Trade proposes at the next Australian Indonesian Ministerial Forum meeting that a scoping study
be undertaken on the implications of a free trade agreement on both economies.

Response
The Australian Government has made significant progress on its policy of competitive liberalisation, including through negotiating and implementing bilateral free trade agreements. The Government has recently completed negotiation of FTAs with Singapore, Thailand and the United States, commenced negotiations on an Australia-New Zealand-ASEAN Free Trade Agreement and has agreed to commence negotiations with Malaysia and China.

The Australian Government continues to develop bilateral trade and investment linkages with Indonesia, including through the Australia-Indonesia Ministerial Forum and the Annual Australia-Indonesia Trade Ministers Meeting. At the most recent Trade Ministers Meeting in Bali in April 2005, Mr Vaile and his Indonesian counterpart Dr Mari Elka Pangestu agreed to develop an overarching trade and investment framework to further expand commercial links between Australia and Indonesia.

Recommendation 10 DFAT
The Committee recommends that:
• travel advisories should note that they are not a prohibition on travel unless otherwise the case;
• travel advisories should incorporate information on current practices, for example, the number of people travelling;
• where a travel advisory impacts upon a State Government relationship or business activity, that there be capacity for this to be discussed with DFAT in a way that ensures that if at all possible the advice can be given in a way that satisfies insurers of low risk activities; and
• that Australian Government agencies and institutions affected by travel advisories respond creatively during such periods and find ways to ensure that the interactions with their counterparts in Indonesia take place.

Response
The Government notes the Committee’s acknowledgement that travel advisories are not prohibitions on travel but rather aim to provide practical information so travellers are as informed and prepared as possible. This point is also clearly explained in the Government’s public information on travel advisories, particularly through the smartraveller website. Independent market research shows that 85 per cent of general community respondents understand that travel advisories are not prohibitions on travel.

Travel advice already incorporates information on current practices from a range of sources including diplomatic missions, the travelling public, consular partners and intelligence agencies. It contains practical, up-to-date information on visa requirements, health and medical issues and cultural or religious differences. Market research confirms that information in travel advisories already reflects community demands about the most relevant information that should be included in travel advice.

DFAT takes account of feedback from a wide range of sources in managing the travel advice functions. DFAT State offices in all state capital cities liaise with State Governments. Feedback mechanisms also exist for direct contact with DFAT Consular Branch in Canberra and State Governments are regularly in contact with overseas missions, through which any such concerns could be raised. In consultations with the Government, insurers have advised that it is the events themselves occurring in a country and the steps taken by the traveller to minimise their loss, rather than the Government’s travel advice, that affects the level of insurance coverage and processing of claims.

Australian Government agencies continue to accord a high priority to maintaining close and productive relations with their counterparts in Indonesia.

Recommendation 11 DIMIA
The Committee recommends that the possible introduction of a telemedicine system be examined further, with the aim of improving the consideration time for Medical Treatment Visa applications.

Response
The Government agrees with this recommendation and notes that the Department of Immigra-
tion and Multicultural and Indigenous Affairs (DIMIA) has been progressively implementing a new electronic health processing service.

DIMIA has successfully piloted an electronic health assessment process (known as EHealth II) in Singapore. EHealth II has been in place since November 2003.

EHealth II links with an eVisa application (ie. a visa application lodged over the Internet), so that the applicant is photographed and x-rayed at the radiologist’s premises. Digital images are produced and relayed to the medical practitioner (Panel Doctor) who examines the applicant, reviews the x-ray and radiologist’s report, and records the findings on-line.

This electronic information can link with a visa application to result in an immediate visa grant, or if necessary, to be viewed nearly instantaneously, with diagnostic quality x-ray images, in Australia by the Medical Officer of the Commonwealth. From that point, the speed at which a visa decision is finalised depends on the diagnosis and assessment made by the Medical Officer of the Commonwealth. Further specialist reports may be required in some cases, but as extra reports would be presented as hard copies progress will be reduced to manual speeds.

Expansion plans for EHealth II are underway. The system is now operating in Japan and will shortly be introduced in Hong Kong and South Korea. Roll-out to other countries is projected over the next 12 to 18 months and a targeted approach will aim at areas using eVisas (ie. those visas that can already be lodged over the Internet), as well as those offering medical, particularly radiological, practitioners with the equipment and other suitable attributes.

Application of EHealth II to the Medical Treatment Visa stream may also require some specialist IT programming. The department is also exploring other visa options that would support the development of a health tourism industry but which would have around it the appropriate sponsorship and safeguards mechanisms that would ensure integrity in the visa outcomes, ensure it is not open to abuse, protect the Australian community in relation to access to health services and minimise risks of unintended health and welfare costs to the Australian community. Discussions with the Department of Health and Ageing are proceeding on this option.

**Recommendation 12 AusAID**

The Committee recommends that:
- education should continue to retain the central importance that it has in Australia’s aid to Indonesia;
- that increases in education funding should not be at the expense of other aspects of AusAID’s program to Indonesia or at the expense of aid to other countries; and
- that increases to one part of the education program should not be at the expense of other aspects of the education program.

**Response**

Funding for education and training assistance to Indonesia has increased from $57 million in 2002-03 to approximately $62.5 million in 2004-05, or over 38 per cent of the total budget allocation for Indonesia. Education and training assistance will continue to retain this central place in Australia’s aid to Indonesia.

Within this figure funding for basic education and technical and vocational education is estimated to total about $20 million. Approximately 20 per cent of this funding will be directed to basic Islamic education, which is roughly proportional to the enrolment rate in Islamic schools in Indonesia.

While funding for basic education has increased in recent years, this has not been at the expense of funding for postgraduate scholarships, which will continue with expenditure estimated at $32.7 million in 2004-05.

The increase in education and training expenditure in the Indonesia program has been accommodated through the 32 per cent overall increase in funding for the program from 2002-03 to 2004-05. In 2004-05, the total Australian aid program is increased by 9.9 per cent in real terms. The increase under the Australia-Indonesia Partnership for Reconstruction and Development (AIPRD) program is additional.

**Recommendation 13 AusAID**

The Committee recommends that the Australian Government provide for an enhanced Australian Development Scholarships program to enable the
provision of a substantial package of scholarships specifically for Indonesian students for studies in education.

Response
The Indonesia Australian Development Scholarships program currently allows awardees to undertake studies in the field of education. In 2004, 35 students were selected for studies in this field. This outcome is partly the result of the introduction of a new targeted category of Australian Development Scholarships, under which awards can be directed to key Indonesian counterpart institutions that are engaged in the bilateral development cooperation program.

A large number of awards are also made each year to university teaching and research staff for study across a range of disciplines.

In addition, AusAID is currently funding the Australia Indonesia Institute to upgrade the qualifications of five selected teaching staff per year from Islamic educational institutions (IAINs) outside Java through supervised programs at selected Australian universities.

I (Mr Downer) have asked AusAID to take account of this recommendation as part of a review of the strategy for Australian Development Scholarships to Indonesia that is planned for later in 2005.

Recommendation 14 AusAID
The Committee recommends that the Australian Government should establish a program of scholarships to Indonesian teachers to undertake professional development training in Australia during vacations.

Response
Substantial professional development training for teachers is being provided through AusAID’s existing $20 million (2004-05) program of basic and technical/vocational education activities in Indonesia. This program includes, for example, a $27.2 million, six-year Primary Education Partnership project in Nusa Tenggara Timur (NTT) province that will improve the quality of teaching and learning in the first three years of primary school in three very poor districts.

The program will be enhanced by a new package of assistance for mainstream Islamic schools. This package is expected to have a particular focus on in-service training of teachers.

As part of this package, AusAID’s placement of up to 20 Australian volunteer English language teacher trainers in Islamic junior secondary schools in East Java province will have an immediate and sustained impact on the language acquisition skills and teaching methodologies of a large number of Indonesian teachers. Intensive professional development workshops and seminars on various aspects of language teaching methodology (such as collaborative syllabus development, lesson planning and team-teaching) will provide Indonesian teachers with contemporary theory and ideas on best-practice language teaching techniques.

This activity will also help build in Indonesia a better understanding of Australia. While short-term training in Australia would have advantages for both countries, it is relatively expensive and would require English language proficiency beyond the reach of the vast majority of Indonesian teachers.

Recommendation 15 AusAID
The Committee considers that there is value in adding a work experience component to the Australian Development Scholarship Program and recommends that the Australian Government provide substantial ongoing funding to the Government Sector Linkages Program to enable it to be used in conjunction with the Australian Development Scholarship Program by providing for a work component to be added to the Scholarship Scheme.

Response
The Australian Development Scholarships Program does not preclude work placements as part of postgraduate programs. However, the initiative for such placements currently rests with the host Australian university.

I (Mr Downer) have asked AusAID to take account of this recommendation as part of a review of the strategy for Australian Development Scholarships to Indonesia planned for later in 2005.

I note that placements in Australian Government departments and agencies are constrained by national security considerations.
The Government Sector Linkages Program (now Public Sector Linkages Program) has significantly facilitated development of strong linkages and working relationships between counterpart agencies in the Australian and Indonesian government systems, for example, between the Federal Court of Australia and Indonesia’s Supreme Court. Amongst other things, the Program supports visits to Australia, and in-Australia work secondments and training, for Indonesian officials.

**Recommendation 16 AusAID**

That the Australian Government establish a Parliamentary Development Program to provide assistance to developing parliaments.

**Response**

Although this recommendation goes beyond Indonesia, assistance of this kind is consistent with one of the key objectives of the Australian Development Cooperation Program with Indonesia viz., to strengthen the institutions and practices of democracy.

Australia is funding a program to develop and support the operation of the new Regional Representative Council (Dewan Perwakilan Daerah or DPD). This support is provided through the International Institution for Democracy and Electoral Assistance (IIDEA) and includes skills training and a series of proposed visits to the Australian Senate.

I (Mr Downer) have asked AusAID to explore further options for parliamentary assistance with relevant Australian Government agencies and other organisations such as the Centre for Democratic Institutions and to report to me on the feasibility of implementing this recommendation.

**Recommendation 17 DFAT**

The Committee recommends that the Australian Government increase funding to the Australia Indonesia Institute to enable it to maintain both the breadth of the range of programs it supports, to provide for continuity of successful core programs and to enable it to significantly extend its reach.

**Response**

The Government is committed to providing the Australia-Indonesia Institute (AII) with an appropriate budget to undertake its important work in deepening the people-to-people links between Australia and Indonesia. The Government has encouraged the AII to expand its funding base through collaborative links with partner organisations. It has received $246,000 of additional funding from AusAID to implement a new Islamic teacher’s training program in cooperation with the Indonesian Ministry of Religious Affairs. The Australia Council for the Arts has also agreed to provide the AII with $40,000 for a new cultural program to commence in 2004-05. The Government believes that the level of funding currently available to the AII is sufficient to allow it to play its important role of deepening Australian-Indonesian relations.

**Recommendation 18 DEST**

The Committee recommends that Indonesian Studies be designated a strategic national priority and that the Australian Research Council and the Department of Education, Science and Training be requested to recognise this in prioritising funding for both research and teaching.

**Response**

The National Research Priorities (NRP) were first announced in late 2002, and enhanced in late 2003 to take greater account of the contributions of social sciences and humanities research. The framework was developed following extensive consultation with the research community.

The goals that fall under the priorities framework represent important issues for our future and areas in which the contributions of research will play an important role. The Government recognises, however, that the framework does not provide a comprehensive list of all areas of research that are important to Australia. The Government would regard the proposal to add an additional goal on ‘Indonesian studies’ in this light.

It is envisaged that the NRP framework will be reviewed in around 2006-07 when the Government will consider whether the existing priorities and goals should be amended or enhanced. This will provide a degree of certainty to enable research agencies and funding bodies to implement the strategies that will make a real difference in delivering on the research priorities.
More information (including a full list of priorities and their associated goals, and agencies’ NRP-implementation reports) can be found on: http://www.dest.gov.au/priorities/

**Recommendation 19 DEST**
The Committee recommends that NALSAS (the National Asian Languages and Studies in Australian Schools program) be restored, or a program with similar aims and an equivalent level of funding be established.

**Response**
The Government contributed over $200 million through the National Asian Languages and Studies in Australian Schools (NALSAS) Strategy from 1994 to 2002. As well as redressing an imbalance between European and Asian languages in schools, the Strategy contributed to a significant increase in the study of the priority NALSAS languages, (including Indonesian) at primary and secondary school levels. It also contributed to deeper knowledge and understanding about Asia.

The decision to cease Government funding for NALSAS was long standing. In 1999, when the Government extended its NALSAS funding of $30 million a year for three years, it was on the understanding that the Strategy should have become self-sustaining in schools by the end of 2002. Education authorities were aware of this provision from 1999 and should have factored it into their planning for Asian languages and studies post 2002.

The Australian Government currently supports Indonesian language learning through its School Languages Programme. The Programme assists schools and communities to improve the learning of Asian, European and Indigenous languages. In the 2004-05 Budget the Australian Government committed $110 million for the School Languages Programme over the next four years.

In addition, the Australian Government is providing:

- $1.3 million annual core grant to the Asia Education Foundation (AEF) to work with schools to support studies of Asia across all curriculum areas, with a further $500,000 for 2004 to provide additional professional support;
- $3 million towards the development of online curriculum resources for the teaching of Chinese, Indonesian and Japanese, through The Le@rning Federation: Schools Online Curriculum Content Initiative (2001-06), a joint initiative of the Australian, New Zealand and State and Territory Governments;
- $1.2 million over three years (2003-05) to improve the quality of Asian language teaching through a national professional development programme for teachers; and
- Seed funding of $4.6 million over two years to establish a National Language Centre which will help Australian exporters and other business professionals, teachers, and the tourist industry to acquire specialist language (including Bahasa Indonesia) and culture training, and to improve Australia’s relations with its major trading partners.

While the Government takes a leadership role in encouraging the learning of languages in schools, it is the responsibility of State and Territory governments to ensure languages and studies of Asia programmes in their schools are adequately funded.

**Recommendation 20 DEST**
The Committee recommends that additional funding be provided to the Department of Education, Science and Training to enable it to provide an annual grant to the Australian Consortium for ‘In-Country’ Indonesian Studies, for running and salary costs.

**Response**
In the 2003-04 Federal Budget, the Government announced several initiatives to encourage more Australian students to undertake study overseas. Indonesia is one of Australia’s most important bilateral partners in education, with a well established tradition of academic, teacher and student exchanges. Education links have been important in the political relationship as well as facilitating business and trade opportunities. The people to people links developed through education have served to sustain ties between the two countries and will continue to underpin much of the relationship between the two countries in the future.
The Government has recently agreed to provide funding to the value of $75,000 per annum for 2 years to the Australian Consortium for ‘In-Country’ Indonesian Studies program (ACICIS). The Department will also work with ACICIS to develop a strategy for the ongoing viability of the program in the long term.

**Recommendation 21 DEST**

The Committee recommends that the Ministerial Council on Education, Employment, Training and Youth Affairs, develop a strategy for promoting understanding of Islam in Australian schools, and of creating ways of and encouraging Australian schools to establish sister school links with schools in Indonesia including Muslim schools.

**Response**

The Government is currently looking at ways to address the perceptions in some areas of the community that Australia is not racially or religiously tolerant. The Department of Education, Science and Training will work with other government bodies to address this issue.

**Recommendation 22 DFAT**

The Committee recommends that on October 12 in this and future years, Australians not only remember those lost and injured in the Bali bombings, but commit ourselves to making substantial and sustained efforts to deepen our understanding and appreciation of Indonesian society.

**Response**

The Government has a proud record on the commemoration of those killed and injured in the Bali bombings. For example, the Government arranged the first anniversary commemoration ceremonies in Bali and Canberra in October 2003 and ensured that those most affected by the bombings were able to attend. The Government organised a second anniversary memorial service in Bali in October 2004. The Government is working with Balinese authorities to ensure that any development of the bombing sites and memorials and their maintenance is undertaken in a manner that respects the memory of those Australians killed. Through its $10.5 million assistance package for Bali the Government established a living memorial to the Bali bombing. The Government is committed to deepening Australia’s understanding of Indonesia through a range of initiatives, including the Australia-Indonesia Institute and AusAID’s scholarship program for Indonesians to study in Australia.

**Recommendation 23 DCITA**

The Committee recommends that the Department of Communications, Information Technology and the Arts actively promotes in the agencies within its portfolio a commitment to building a relationship with Indonesia.

**Response**

The Department of Communications, Information Technology and the Arts (DCITA) supports the development of strong relationships with Indonesia in both the cultural and sporting areas. It has an overarching role of supporting cultural and sporting agencies within its portfolio to enable them to meet their diverse objectives and program outcomes. However, cultural and sporting agencies operate at “arms length” from the Government. Agencies set their own strategic direction and priorities in relation to cultural and sporting initiatives. The Department facilitates consultative fora to enable agencies to share information on important emerging issues. These fora provide an opportunity to discuss the agencies’ roles in international activities and to share information on target markets.

DCITA also facilitates information sharing on the many activities currently being undertaken within the portfolio. For example, the National Library of Australia (NLA) maintains a regional office in Jakarta from which the NLA’s Indonesian Acquisitions Program is managed. The staff of the library also undertake a variety of liaison and representational activities in Indonesia and the region.

There have also been many of the recent exhibitions organised by the National Collecting Institutions which feature Indonesian arts and culture. These exhibitions include:

- Sari to Sarong: 500 years of Indian and Indonesian Textile Exchange at the National Gallery of Australia in 2003;
- Gold and Civilisation at the National Museum of Australia in 2001;
• Treasures from the World’s Great Libraries at the National Library of Australia in 2001-02; and

The Australia Council also maintains strong cultural links with Indonesia by funding cultural liaison activities. Highlights of these activities include:

• Funding the Asialink residencies program—Over the past 15 years Australia Council funding has supported some two dozen residencies for Australian artists in Indonesia.
• The Community Cultural Development Board has funded Asialink for a series of cross-cultural projects that bring together artists and communities from Australia and Indonesia. Since 2000, five projects have been supported and have involved artists and communities in locations as diverse as Fremantle, Torquay, Padang, Sydney, Yogyakarta, Lombok, Jakarta, Melville Island, Komodo Island, Makassar, Bali, Christmas Island and Bathurst Island.
• The Literature Board has provided a $5,000 grant to the Ubud (Bali) Writers and Readers Festival in October 2004, for the fares, fees and expenses of participating Australian writers.

Recent cultural projects aimed at further developing the bilateral relationship between Australia and Indonesia include a project of the Arts Development Division of the Australia Council. The Council, in collaboration with the Australia-Indonesia Institute (AII), has developed a new program of assistance for arts and cultural programs between Australia and Indonesia. The “Saraswati Arts Program”, announced in August 2004, provides assistance to projects that build on currently existing cultural relationships between Australia and Indonesia. Under this program the AII makes five to ten grants per year to assist Australian and Indonesian arts organisations and individuals to develop existing links and experiences to produce new cultural programs and events. The program aims to encourage Indonesian organisations to include Australian product in their programs, and for Australians to seek Indonesian partners for longer-term projects. An example of a project funded is a theatre performance called, SAWUNG GALING kembalinya Legenda (BLACK ROOSTER, the legend returns). This collaboration between the Sydney-based Sidetrack Performance Group and Indonesian troupe with Wot Cross-cultural Synergy toured Nitiprayan, Solo, Surabaya, Bandung and Jakarta in late 2004 and reached an audience of over 7,600 people.

From time to time DCTTA programs also support activities that benefit the Australia-Indonesia cultural exchange relationship. In 2004, Visions of Australia—a program that provides funding for the development and touring of cultural exhibitions within Australia—provided a grant of $18,500 to develop an exhibition called Green Turtle Dreaming. This exhibition documents the complex traditional relationships and mythology of the turtle in Indigenous communities of Australia and neighbouring islands in the Indonesian archipelago.

In 2005 Visions of Australia provided a further grant of $41,999 to tour this exhibition to eight Australian venues, including some of the most remote in the country.

Recommendation 24 DFAT
The Committee recommends that the Australia Indonesia Ministerial Forum establish a Working Group on Arts, Heritage and Culture.

Response
The Australia Indonesia Ministerial Forum was established to promote trade and investment cooperation. The Australian Government has no plans to propose the establishment of a Ministerial Forum Working Group on Arts, Heritage and Culture. Cooperation on arts, heritage and culture is best promoted through other bilateral mechanisms, including the Australia-Indonesia Institute.

Recommendation 25 DFAT
The Committee recommends that the Australia Indonesia Institute receive additional funding to expand its efforts in promoting culture and arts.

Response
The Australia-Indonesia Institute already devotes considerable resources towards promoting culture
and the arts. It has expanded its efforts where possible by forging collaborative links with other funding organisations and by requiring grant applicants to seek funding from a range of sources. A new cultural program, the Saraswati Arts Program, was established in July 2004. The Institute has committed $100,000 to it for three years, and the Australia Council for the Arts has contributed $40,000 for the first year.

**Recommendation 26 DFAT**

That a portion of the increased funding recommended earlier for the Australia Indonesia Institute be dedicated to the furthering of the sports relationship between Australia and Indonesia.

**Response**

The Government does not believe that extra funding for the Australia-Indonesia Institute is required to cover sporting projects. The Institute remains open to applications for projects that seek to expand and improve sports links between Australia and Indonesia. Two sports projects received funding in the current year: to improve swimming coaching skills in Jakarta; and to develop school cricket sports programs and coaching skills in Bali and Lombok.

**Recommendation 27 AusAID**

The Committee recommends that AusAID examine and report on the value and budgetary implications of adding cultural heritage as a third crosscutting issue in its program.

**Response**

I (Mr Downer) have asked AusAID to consider this recommendation and report to me.

I note that support for arts and culture falls within the mandate of the Australia-Indonesia Institute, however, current guidelines for the new Public Sector Linkages Program funded through AusAID do not preclude applications relating to cultural heritage if they have a clear development dimension.

**Recommendation 28 DCITA**

The Committee recommends:

- that the Federal Government continue providing additional funding for transmission for Radio Australia; and
- that the Australian Broadcasting Authority examine and reports on the cost and feasibility and implications of Radio Australia taking advantage of spare short wave capacity directed at Indonesia and broadcasting on multiple frequencies.

**Response**

The Government renewed additional funding of $3 million per year to the ABC to strengthen Radio Australia’s broadcasts to the Asia-Pacific in the 2003-04 Budget for three years. Within this funding, the ABC has the flexibility to contract for the transmission services that it believes will best strengthen Radio Australia’s role in the region. Radio Australia uses transmission facilities in Australia, including facilities at Cox Peninsula, and offshore facilities in the Northern Marianas, Singapore and Taiwan for its shortwave services. Radio Australia also uses an extensive network of local relays across the Pacific and Southeast Asia. Accordingly, Radio Australia services are now obtainable throughout our region through a variety of media, including shortwave radio, direct-to-home satellite reception, local AM and FM relays, and the Internet.

In addition to this enhancement of Radio Australia services, since 2001 the Government has provided funding to the ABC to establish and operate a television service to the Asia-Pacific region. The Government is providing some $90 million over five years for the operation of ABC Asia-Pacific.

**TRADE PRACTICES AMENDMENT (NATIONAL ACCESS REGIME) BILL 2005**

**Report of Economics Legislation Committee**

Senator McGAURAN (Victoria) (3.38 pm)—On behalf of the Chair of the Economics Legislation Committee, Senator Brandis, I present the report of the committee on the provisions of the Trade Practices Amendment (National Access Regime) Bill 2005 together with the *Hansard* record of proceedings and documents presented to the committee.
Ordered that the report be printed.

COMMITTEES

Membership

The ACTING DEPUTY PRESIDENT (Senator Chapman)—The President has received a letter from a party leader seeking variations to the membership of certain committees.

Senator VANSTONE (South Australia—Minister for Immigration and Multicultural and Indigenous Affairs and Minister Assisting the Prime Minister for Indigenous Affairs) (3.39 pm)—by leave—I move:

That Senator Parry be appointed as a participating member of the following committees:

Community Affairs Legislation and References Committees.
Economics Legislation and References Committees.
Finance and Public Administration Legislation and References Committees.
Legal and Constitutional Legislation and References Committees.

Question agreed to.

SENATE PROCESSES

Senator CARR (Victoria) (3.40 pm)—I move:

That the Senate condemns the Government’s arrogant abuse of its Senate majority in subverting the Senate’s processes and procedures.

This is a pretty straightforward motion and a pretty simple case to argue. Overwhelming condemnation is deserved because this government, in a few short weeks since the Senate has resumed after the winter break, has pursued an agenda to make the Senate effectively redundant in terms of its traditional role as the vehicle by which governments are held accountable, legislation is scrutinised and civil liberties are defended through the parliamentary system in this country.

The fact is that it is not a very pretty picture at all. We have heard in recent times discussion about the uglies in the New South Wales branch of the Liberal Party. Well, they are quite at home here in the Senate today. What we have seen is that the mask of moderation—the mask of tolerance, the mask of commitment to small ‘l’ liberal values—has been ripped away. In its place we have seen the hard-edged authoritarianism of the Liberal ideologues. The last 10 sitting days have shaken the Senate in terms of what we have understood to be the parliamentary conventions that we have come to know in this country. We have seen a counter-revolution in regard to those parliamentary conventions. In fact, what we have seen is a new Senate standing order introduced—not written down, of course, but nonetheless effectively imposed—standing order No. 39/37. That is, the government now has guaranteed control of this chamber and, through it, untrammeled power in both houses of the parliament.

This morning I heard Senator Ian Campbell’s somewhat pathetic defence of the government’s actions. It was a real tragedy—horrible, hollow, insincere and even pretentious. I make the presumption that not everyone on the other side of this chamber is in fact a complete imbecile, that there are in fact still small ‘l’ liberals who have not abandoned all their principles. In that context we are entitled to ask whether or not they are deaf and blind to what is being done in their names. It makes me wonder how in this new political environment they are able to sleep at night.

In the last 10 days of parliamentary sittings we have seen a series of measures undertaken by this government to fundamentally alter the way in which this chamber operates. We have seen it in terms of the number of questions that are asked by the opposition and the number of dorothy dixers that are asked by the government. We have seen the number of dorothy dixers actually
increase. We have seen the inanities of the idiot sons of the landed gentry from Gippsland putting the finger to us all as a great metaphor of contemporary politics in this country. We have seen quite vicious attacks upon the clerks of the Senate and, in particular, on the Clerk of the Senate—and we will need to consider that in some detail.

We have seen an arrogant and contemptuous handling of the parliamentary committee system. Of course, with the Telstra matter that has been debated here in recent days, there can be no clearer example of the way in which this government is acting. In its contemptuous manner, it is clearly pursuing a policy which has the overwhelming opposition of the Australian people and which involves the disposal of a $30 billion asset in unseemly and indecent haste, and in a manner which is aimed at avoiding the glare of public accountability.

We have seen the way in which the government has sought to pursue legislation through this chamber by avoiding its responsibilities in terms of the cut-off motions—that is, trying to pre-empt the processes of parliamentary accountability by avoiding its responsibility to allow these matters to be discussed fully in this chamber. We have seen a lack of consultation about the way in which the procedures of this chamber are conducted and a complete break from the conventions that have grown up in this place, whereby the parties sit down and talk about the way in which the business is going to be conducted. It was a very civil procedure that had grown up through the terms of whoever has been in government in recent decades.

We have seen debates in the Liberal Party itself about the way in which the government should avoid Senate inquiries and Senate procedures—for instance, with regard to industrial relations.

Probably the greatest and most obscene of the changes we have seen in the last 10 sitting days has been the abuse of the privileges system. With the decision by a majority in this chamber to reject the advice of the President in the case of the privileges matter concerning the Mayor of Wyong, Brenton Pavier, and to reject the reference of the alleged breach of privilege in that matter, we have seen for the first time in 30 years the overturning of the convention of allowing these things to be discussed properly, impartially and in a non-sectarian manner when they concern matters that relate to the operations of the parliamentary committee system.

We have seen, for the first time in 30 years, a government use its majority to undermine the committee system in this country.

Until recently, the parliamentary committee system was regarded in this Senate chamber to be a world leader—certainly a national leader in terms of the operations of the parliamentary systems across this country. In my view, it was clearly a world leader. It was predicated on two basic propositions. The first was that witnesses should be able to come before the parliament, present their views and not be interfered with, not be threatened and not be intimidated. We now have a situation, as a result of the government’s breach of that 30-year convention, whereby witnesses before parliamentary committees in this Senate will face the prospect that they could well be interfered with. The government have given the green light to those who want to tamper with witnesses.

Of course, the second principle was that one should not give false testimony to Senate committees and that you should make sure that evidence of any type presented to the committee was accurate. What we have seen with the breach of this convention is that the green light has now been given to those who want to come along to a Senate committee and give false evidence. It strikes me that
that is a fundamental departure from the proper procedures that one could expect from a government that claims to have liberal values. What we have got here is a departure from and an abandonment of liberal principles with regard to proper parliamentary procedures. What we have got is an attempt to subvert and denigrate the Senate’s procedures.

The obvious great winner in all of this ‘reign of the uglies’ is Senator Abetz. Senator Abetz is able to see before him a new political environment where every slight, imagined or real, that has occurred to him over the last 11 years can now be repaid in spades. He is able to impose his rather strange and somewhat malleable sense of morality with regard to the Senate. He can systematically seek to undermine the consultative processes of the parliament and, of course, the committee processes of the Senate. Best of all, in his eyes, there are now fewer constraints on his need to try to bully and intimidate anyone who opposes his perverse view of Australian parliamentary democracy.

I would have to agree that on many things Senator Abetz does not discriminate. This is one occasion where he regards anyone as fair game. Politicians, officers of the parliament, academics, staff of the federal parliament—any member of the public who is indelicate enough to actually make a submission to a Senate inquiry which he has anything to do with and with whom he disagrees is liable to face the full wrath of his arrogance.

We have seen the situation reach new lows with his attitude towards the Clerk of the Senate. We have a situation here where the Senate is conducting an inquiry—as I am sure you are aware, Mr Acting Deputy President Chapman—into government advertising and government accountability. To the great annoyance of Senator Abetz, the majority of the submissions received actually recommended ways in which the accountability and transparency of government procedures could be improved. But what really upset him was the fact that the Clerk of the Senate made a submission. It was a submission, I might add, that was made well over a year ago, but Senator Abetz has since perpetrated what I can only describe as a travesty with regard to Senate procedures: a wilful and vindictive assault upon the Clerk.

Senator Abetz made an initial submission of seven pages, canvassing in a rather ill-tempered, intemperate sort of a way issues that were under scrutiny. The arrival of submissions from the public and even from the staff of the Senate led Senator Abetz to make a supplementary submission—a 43-page submission at that. It has been one of the more interesting pieces of government propaganda I have seen in recent times. He sought deliberately to misrepresent the opinions that he disagreed with of those who had made submissions. The real offence, as I said, was against the Clerk, who was somewhat unwise, in Senator Abetz’s view, to quote a 19th-century poet, Ralph Waldo Emerson, who commented on the question of accountability and people protesting their innocence. The Clerk said:

The combination of outrage at criticism and dexterity in concealment must wear thin.

And then he quoted these words:

The louder they talk of their honour, the faster we count our spoons.

What a crime to quote poetry. What a crime to suggest that governments occasionally protest too much. What a crime to suggest that there was an issue with the way governments seek to cover their tracks in terms of their official positions. What we have here is vindictive abuse of those who made submissions. He questioned motives. He imputed ill-intent. He refused to accept that not just the Clerk but a whole range of people
may have legitimate concerns about the way the government’s advertising programs were being run. The minister is essentially acting here as a new sort of administrative Rasputin: a mad monk driven by conspiracies, fantasies and a desire for revenge.

The minister’s 43-page submission was essentially a juvenile exercise reminiscent of student politics—a student political dirt sheet, one might say. It was a sort of debate on paper in which every trick of sophistry and rhetoric was applied to denigrate and demean others. As I said, it is an extraordinary double standard, whereby the minister seeks to attack the Clerk for being ‘scurrilous, slanderous and totally false’. What an extraordinary proposition—and one where the pot might be accused of calling the kettle black. When the Clerk gave evidence before the committee, he handled the minister’s puerile assertions with aplomb. The truth is that the Clerk’s position was grossly misrepresented. Any fair reading of the submission would bear that out. But to then go on to suggest that the Clerk was in the business of intimidating the staff of a Senate committee was way over the odds. That is a very hollow case which has demonstrated, yet again, just how arrogant this government has become.

What really annoyed me, though, was that the minister then sought to leak conversations regarding the Clerk and the President to the press. I notice that there has been no Federal Police inquiry into that leak. We cannot add that to the list from the leak squad of 113 police inquiries. It was quoted in the paper that the Clerk was to ‘shut up or it will cost you your job’. I asked the minister directly at the Senate hearing, ‘Who in your office leaked this information?’ He said: ‘Nobody in my office did that. It was me.’ He fully acknowledged and admitted that it was him who leaked the details of that conversation. On whether or not the matter had actually occurred, he was quite explicit, saying, ‘Yes, that is what occurred.’ Intimidation, strong-arm tactics and contempt for the integrity of individuals in the Senate are what we now have here as the rule of thumb by which this government seeks to operate. Is it any wonder that Senator Abetz has so much trouble in Tasmania? Is it any wonder that we see comments, for instance, in the Hobart Mercury, where his colleagues in Tasmania have described him as being ‘too conservative, too divisive and too extreme’.

We see it day in, day out and, as a result of the changes in the circumstances in this chamber that have occurred over the last 10 sitting days, we are seeing it much more than we ever have before. On many occasions the parliamentary procedures are being effectively corroded, undermined and subverted by an arrogant, extremist government which now sees that it has the capacity to do whatever it likes. This is the great dream that it has always had, and now it has the opportunity to pursue it.

Dr Shergold, the head of the Department of the Prime Minister and Cabinet, made a comment recently about advice on leaking within the Australian Public Service. He said that he had strong opinions on people like that and he argued, ‘Nothing can be more corrosive to the relationship of trust which underpins the Westminster tradition.’ He said that it was tantamount to democratic sabotage. One can only apply those same remarks to Minister Abetz, because he is seeking essentially to pursue his own personal vendettas against the officers of this parliament. The minister is adding further evidence to a long list of charges that can now be levelled at this government for its contempt and the way in which it has sought to undermine the processes of this chamber. In so doing, it has undermined the confidence that we might have in whether or not this chamber is able to do its job.
There have been 104 years of Federation. In that time we have seen that the government of the day has had control of both houses of the parliament for about 45 years. In the first half of the last century there was a different electoral system where the majorities of the governments of the day were often quite large. So it is important to note that in the period since proportional representation was introduced, there have been relatively few times in which governments have controlled both chambers. One would have thought that given the history of this country this government would have approached their untrammelled authority and power with a little more care. One would have thought that, if they were in the business of ensuring that there was a proper procedure in place to make sure that they did not make too many of their own errors, for their own protection they would have had a different attitude to the way in which people are treated in this country. (Time expired)

Senator BARTLETT (Queensland) (4.00 pm)—The Democrats support this motion. It is, as Senator Carr said, a very simple motion because it states a very simple fact: the processes the government is using in regard to getting the Telstra legislation through are an arrogant abuse of its Senate majority and are subverting the Senate’s processes and procedures. I made this point yesterday when the government put forward a motion to exempt the legislation from the normal requirement that there was a proper procedure in place to make sure that they did not make too many of their own errors, for their own protection they would have had a different attitude to the way in which people are treated in this country. (Time expired)

Senator BARTLETT (Queensland) (4.00 pm)—The Democrats support this motion. It is, as Senator Carr said, a very simple motion because it states a very simple fact: the processes the government is using in regard to getting the Telstra legislation through are an arrogant abuse of its Senate majority and are subverting the Senate’s processes and procedures. I made this point yesterday when the government put forward a motion to exempt the legislation from the normal requirement that it has to sit on the table for 14 days while people have a chance to examine it before it is debated. When I made that point we had Senator Ian Campbell come in here and try to suggest that the Democrats, Labor and the Greens were hypocrites because we had done the same thing in the past. He said: ... former senator Gareth Evans, the then Leader of the Government in the Senate, brought into this chamber in the middle of December, a few days before Christmas, the Native Title Bill ... There was no legislation and there were no amendments available.

He went on to say that Gareth Evans brought it into the parliament and he needed the cut-off motion and who voted for it—the Democrats. It is true that we did vote for the cut-off motion—and I would hate to disillusion Senator Ian Campbell—but so did the Liberal Party at that time. I would also like to point out the extreme difference between what occurred then and what has happened this time.

The bill was introduced not a few days before Christmas, as Senator Campbell said yesterday, grossly misleading the Senate and the public. It was introduced into the parliament on 16 November. It was introduced into the Senate on 25 November and referred to a committee to examine it for two weeks, reporting on 9 December. The debate did not start until 14 December on the second reading of the legislation and amendments were circulated the next day—a lot of amendments, it is true. The second reading debate did not finish until the Thursday and the committee stage did not start until 4 pm on the Friday. The coalition—the then opposition—kicked and screamed about how this was disgracefully fast-tracking important legislation and it unsuccessfully attempted a number of times to defer debate on the legislation. We debated it on the Friday, Saturday, Monday and Tuesday, and on Wednesday, 22 December, there was finally a guillotine motion moved, which was supported by the Democrats, the Greens and the Labor Party.

So to try to suggest that what the government is doing here, as Senator Ian Campbell did, is equivalent to what was done with the Native Title Bill in 1993 is simply false. It is the sort of completely misleading rhetoric we are getting from the government on everything to do with this Telstra issue. The fact is that this morning I had to give a speech on a piece of legislation one minute after it first
saw the light of day. There was no opportunity at all to examine it. Contrast that with what happened with native title when the bill was introduced and debate did not start until almost a month after its introduction, with a two-week—admittedly, a very tight time frame but nonetheless a two-week—Senate committee process in the meantime, as opposed to the one-day farce we have in relation to this legislation.

It is necessary to correct the record in relation to that because what Senator Ian Campbell said is grossly misleading. There was legislation. It was able to be examined. It was sent to a committee and, indeed, even the decision to exempt it from the cut-off motion at the time, after it had lain on the table for a month, was not opposed by the coalition at the time. Senator Campbell completely misled the Senate and completely misrepresented the Democrats and the other parties in this place. In doing so, he highlighted just how outrageous is the approach that the government is taking in relation to the Telstra legislation. The contrast could not be more stark.

This is an abuse of the Senate majority and it is a grotesque perversion and subversion of the Senate’s processes and procedures. To have legislation introduced and tabled on one day and to require debate to start on it instantly before the Senate committee hearing is an absurd concept. To have less than 24 hours from when the bill was tabled to when the Senate committee starts its consideration is an absurd concept. We will have witnesses here tomorrow, Friday, from 8 am who will have to comment to the Senate committee about the legislation and what it means. Some of those witnesses will be very talented and capable of doing that but it is an absurd proposition to suggest that people can give a fully informed assessment of the legislation in less than 24 hours.

The process tomorrow, as I understand it, will also be very unusual because of the impossibility of dealing with the issue in a day and hearing from the wide range of people who have expertise in all the different aspects of this important policy matter. We are going to have some sort of roundtable and we are going to get all the people together at once. There is going to be some sort of discussion, as opposed to the usual putting forward of opinions, taking questions and testing the evidence. It is just going to be a five-hour roundtable free-for-all, then the department will give evidence after that. I understand that that is the way the process is intended to occur, unless something has changed just recently.

You could not get a clearer example of the reality that this is a complex issue. People might say, ‘It’s just a matter of whether you sell or don’t sell; it’s pretty simple.’ We in this place, and most of the Australian public, know that it is much more complex than that, particularly if you are going to consider selling. There are all the issues to do with the surrounding regulatory regime, competition, pricing, the consumer service obligation, customer guarantees and the slush fund that the government has got together to enable itself to get support for the legislation to go through. All those things need proper examination. Clearly, that is not happening. It has to be said that the way that the government is going about this is close to unprecedented, certainly in recent history.

There is no precedent for bringing down a major bill, instantly starting debate on it and preventing any genuine sort of Senate committee hearing. The closest example I can think of is the appalling legislation brought forward in 2001 in response to the Tampa crisis. Then the government brought in, and brought on for debate straightaway, legislation that was unconstitutional, almost definitely, and that grossly subverted the rule of
law. That was of course opposed by the Senate. But, sadly, subsequent legislation was brought into this place that was guillotined through. Senate committee examinations into it were prevented. That is as close as you could get to a comparable example. Even in that case debate did not start the moment the legislation was tabled. But we did have guillotining it through and we did have a refusal to allow the bills to be examined by a committee. Indeed, we had a bill already at a committee that was basically voted on anyway, even though it was at the committee.

I am not sure that I would point to that as a good example, because the consequences of that legislative shambles have been reflected in the administrative shambles that we now have in the Department of Immigration and Multicultural and Indigenous Affairs, which the current minister is having to endure. There are a whole lot of reasons, not just those bills, but they were the key part of driving the so-called culture of the department that is now acknowledged by all people, including the minister and the Prime Minister, as a major problem. So the one example that I can point to that was a subversion of process and that the Labor Party enabled to happen, to their continual shame, is one that clearly demonstrates the point—

that if you go through the process in such an appalling way then the outcome is almost inevitably going to be appalling as well.

That is why this is such an important issue. It is not just a matter of saying, ‘We don’t want Telstra to be sold, so we are annoyed that it is going to happen.’ Obviously, the Democrats do not believe Telstra should be sold, but I believe it is far more significant that the process being followed is so appalling. If they do it to this issue, they will do it to any issue. It is a clear example of the total meaninglessness of all of the assurances given by those on the government side, including the Prime Minister, that the government would not abuse its Senate majority, would not exploit the situation and would not subvert proper parliamentary process. Nobody could possibly argue that what is happening with the Telstra legislation is anything other than a grotesque subversion of parliamentary process.

It is important to make the point that the end does not justify the means. To use these means is not necessary. There is no urgency. The only urgency is the political imperative for the government to get this off the agenda. But the means you use are part and parcel of the end that you get. You cannot disconnect the two. Following this process makes it much more likely that the end result will be worse than it needed to be. I have made the point a number of times already this week that those people who support the sale of Telstra have a bigger obligation to follow this process properly than those of us who do not. They need to make sure they do it properly. They need to make sure that all those different issues that I referred to before—the regulatory regime and the like—are dealt with properly. What we are seeing is an insistence on a process that will make it impossible for it to be done properly.

I emphasise the point that this total subversion of due process and total undermining of the spirit of our democracy and our parliamentary process is virtually unprecedented. It is a total abrogation of the Senate’s responsibility, I might say. The Senate is not the house of government; the House of Representatives is the house of government. This is the house of review. Government members in the Senate are preventing the Senate from doing its job, from operating as a house of review. That should be condemned in the strongest possible terms.

As I said, the only other comparison I can think of is with the large package of major amendments to the Migration Act that were
rushed through in 2001. I cannot think of any other example of the government’s attempts—such as Senator Ian Campbell’s attempts yesterday—to try to draw parallels with the native title debate. That just shows how stark the difference is. Sure, that process was reasonably fast, given the complexities of the issue, but it was also much more urgent. We had a significant High Court decision that dramatically rearranged aspects of land title and land management in Australia. We had a legislative void following that, so it was clearly urgent to get that resolved. There was massive community uncertainty and concern about what the situation was and what it would be, so it was very important to get that legislation through as quickly as possible.

Frankly, the fact that more than a month was allowed for examination, proper consideration and negotiation was an indication of the willingness to do what was necessary to properly examine the issues. But the Telstra legislation is irreversible. It is not even like the native title legislation where if you got it wrong you could fix it up down the track—and there have been amendments, for better or worse, down the track, and I note the Attorney-General is talking about doing some more, which needs to be examined. But with the Telstra legislation you cannot fix it up down the track: once it is sold, it is sold. It would be very hard to unpick in any way many of the consequences of that if they are not got right the first time around.

So there is no urgency, there is very little precedent and there is certainly no justification for the process that is being followed. I think it sends a crystal clear signal to the people of Australia about this government’s arrogance, about their contempt for democracy and democratic processes and about their contempt for the Senate. It also shows that they know they cannot sell the argument on Telstra—they might be able to sell Telstra itself, but they certainly will not be able to sell the argument and the justifications for doing it. They cannot win the debate so they are going to prevent the debate from happening. This is a sad day for democracy. It is certainly a sad day for the Senate that it is being subjected to this sort of perverted process.

**Senator CHAPMAN** (South Australia) (4.16 pm)—The motion that is before the Senate today, I remind the Senate, states:

That the Senate condemns the Government’s arrogant abuse of its Senate majority in subverting the Senate’s processes and procedures.

For the opposition—whether it is the Labor Party or their supporters in this debate, the Democrats—to establish the case for that motion they have to provide some evidence that what that statement says is true.

**Senator Vanstone**—Like having a Labor Deputy President when we might have not done so!

**Senator CHAPMAN**—Indeed, and thank you for reminding me about that, Minister; I will come to that in a moment.

**Senator Vanstone**—As Labor did once, you might remember.

**Senator CHAPMAN**—Indeed. What I was going to say is that evidence needs to be provided to support the case. So far, from Senator Carr and Senator Bartlett, we have had absolutely no evidence in support of the motion before the Senate today. Certainly from Senator Carr we had a number of assertions. We had assertions that the government has pursued an agenda to make the Senate redundant in holding the government accountable, that the hard edge of authoritarianism with the Liberal ideologues has taken over, that we have shaken parliamentary conventions, that in effect we have put in a new standing order relating to control and untrammelled power, and the like. Mere as-
sertions; no evidence to back those assertions up. He just made those statements and did not back them up with any evidence whatsoever.

In fact, most of Senator Carr’s speech was devoted to a vitriolic personal attack on Minister Abetz, who had the apparent temerity to make a submission to a Senate committee inquiring into government advertising that disagreed with a submission that had been made by the Clerk of the Senate and that put arguments to counter the Clerk’s submission to that committee. Surely Minister Abetz, as the minister responsible for government advertising, is fully entitled to put a case to a committee inquiring into that issue on behalf of the government and to point out where he believes a submission put by the Clerk of the Senate is in error.

**Senator Forshaw**—Have you read it? You should read it.

**Senator CHAPMAN**—I ask the Senate and I ask you, Senator Forshaw: what has that got to do with this resolution? Absolutely nothing. It has absolutely nothing to do with the opposition’s assertion that the government is abusing its majority. I would have fully expected Minister Abetz to respond to what he believed were the shortcomings in the Clerk’s submission to that inquiry whether the government had a majority in the Senate or not. It would be the minister’s responsibility to make such a submission, and it has got absolutely nothing to do with the fact that the government has a majority in the Senate. Yet Senator Carr devoted the bulk of his remarks to this alleged behaviour of Senator Abetz and, again without any evidence, linked it to the fact that the government has a majority in the Senate. Of course, it is of no relevance whatsoever to the motion that has been put forward today. So the opposition’s motion fails because there has been absolutely no evidence put to the Senate in support of it, merely assertions and a vitriolic attack on Senator Abetz that is quite irrelevant to the motion.

What really irks the opposition is that the government now has a majority in the Senate. It absolutely irks them because it demonstrates the overwhelming support that the government parties, the Liberal Party and the National Party, achieved at the 2004 federal election—a level of support that the Labor Party were never able to achieve in their 13 years in government. They were never able to achieve a level of support sufficient to give them a majority in this chamber in their own right. They were always dependent on minor parties or Independents to form a majority. Of course, that minority support was often willingly given to them because the minor parties that supported them were perhaps on the left of the political spectrum, the same as the Labor government of that time. So certainly Labor had an easier time of it in the Senate during their time in government than we have had for our first nine years in government without a majority, because they had minor party senators who were more likely to support their program.

What irks the opposition is that the government can now implement the program that we have put to the people of Australia at four successive elections and have had endorsed at four successive elections because finally, partly because the people of Australia got fed up with the way the opposition in this place was frustrating the government’s program, the people voted to give the government a majority in the Senate. That is evidence of democracy in action as determined by the people of Australia, not of the abuse of procedures, as the opposition would try and have us believe through putting up this motion today. We are now able to pursue that program without the opposition being able to abuse the procedures and the working pattern.
of this Senate, as they have done time and again in past years.

Need I remind the Senate of the way in which the opposition consistently abused the new committee structure that was set up some years ago, when the standing committees of the Senate were divided into two streams: the legislation committees and the references committees. The purpose of that was that legislation committees would examine legislation and deal with budget estimates hearings, and the references committees would deal with inquiries into broader issues. But what did we soon see after that new structure was introduced? We saw the Labor Party, aided and abetted by the Democrats or the Greens, referring matters of legislation to references committees. What better evidence does one need of the way in which the processes and procedures of this chamber were abused? It is not this government, but the opposition and minor parties combined, when they had the majority in the Senate, that completely abused the processes of the committees of the Senate. And yet they have the gall to come in to this chamber today and put up a motion that accuses the government of abusing the processes and procedures of the Senate, simply because the people of Australia have given us a majority by democratic election processes.

Senator Bartlett in his remarks—and if you observed the way he presented them you would have seen that in this case he did not really have his heart in them—has been sucked into supporting this motion by the Labor Party. He referred to the Telstra legislation, and accused the government of in some way abusing the procedures of this parliament by not referring it to a committee and by only having a couple of weeks of debate for it. Let me remind the Senate what the then Labor government did when it was introducing legislation to privatise previous government business enterprises? Let us look at what happened with the Commonwealth Bank.

Senator Webber—There is a big difference between an airline and telecommunications!

Senator CHAPMAN—There is a big difference between an airline and telecommunications, is there?

Senator Forshaw—The bank was a bigger icon.

Senator CHAPMAN—Yes indeed—but they were both government business enterprises providing services to customers.

Senator Webber—Telecommunications are an essential service.

Senator CHAPMAN—And are airlines not an essential service in the modern economy? Here is the Luddite Labor Party saying that in a 21st century economy airlines are not an essential service. Anyway, let me continue. The legislation to privatise the Commonwealth Bank was introduced into the Senate on 26 October 1995, and passed in the Senate on 27 November 1995—one month later. It was not referred to a committee. The only committee debate that took place was in the Committee of the Whole of this chamber.

Let us talk about the privatisation of Qantas. The legislation to privatise Qantas was introduced into this chamber on 12 November 1992 and passed on 7 December 1992—again a month later. It was not referred to a Senate committee for inquiry. The only committee debate was what occurred in this chamber in the Committee of the Whole.

Senator Webber—And did the Liberal Party vote for or against the sale of Qantas?

Senator CHAPMAN—I was going to come to that, and I will come to it in a moment. You have anticipated a very strong point that I was going to make later in this debate. But let me continue. I inform you
that the Commonwealth Serum Laboratories sale bill was introduced on 29 September 1993, and passed less than one month later on 27 October. That was in the House of Representatives. It was introduced in the Senate on 28 October 1993, and passed less than one month later on 23 November. It was not referred to a Senate committee of inquiry. The only committee debate was in the Committee of the Whole in this chamber. And yet the Labor Party have been carrying on all week and we have had Senator Bartlett carrying on in the debate today about the fact that the Telstra bill is being rushed through this chamber. It is actually being referred to a committee. We are having a committee of inquiry on the Telstra bill, which is something that never occurred for those three privatisation bills under the Labor government.

Let me now come to Senator Webber’s interjection. She asked, ‘Did the Liberal Party oppose that privatisation?’ No, we did not. And there was a lot of other Labor government legislation that we did not oppose—that we supported, in marked contrast to what this Luddite opposition has done in its nine years in opposition. It has adopted an approach of opposition for opposition sake. It does not look at the work that the government is doing, or at what the government’s legislation is trying to achieve or the benefits it is going to give to the Australian people and economy. Anything that comes into the Senate that might be a bit controversial, or might be a bit unpopular in the short-term, you can bet your bottom dollar the Labor Party will oppose it.

The three pieces of legislation to which I referred the Liberal Party supported because we knew they were good for Australia—just as the full privatisation of Telstra will be good for Australia and be good for Telstra, and just as the forthcoming workplace relations reforms that will be introduced by legislation in a few weeks will be good for Australia. Will the Labor Party support that? Of course it will not, because it has no constructive role to play in this whole parliament, let alone in this Senate. It is purely a party of opposition for the sake of opposition. We have seen that over nine years. The Labor Party has not done any of the hard yards on policy, as the Liberal Party and National Party did in their 13 years in opposition. We worked away night and day on policies of our own. We put them to the people in 1996 and they were endorsed. They have been endorsed at every election since and to the extent, at the last election, of giving us a majority in the Senate. But the Labor Party simply thinks it can fall back into government by being in opposition and opposing for the sake of opposing, by not putting any constructive policy alternatives forward, and by not supporting the good legislation that this government brings in and the good policies that this government has initiated and introduced over the last nine years in government.

That is where there is a dramatic contrast between the Liberal and National parties and the Labor Party. When we were in opposition we did the hard yards on policy development and, if the Labor government of the day introduced legislation that was beneficial and good for this country and its people, we supported it. We supported it time and again—and we have those three examples of privatisation, among many other examples that I could give, where we supported Labor government legislation. But what happened after March 1996 when there was a change of government? The new opposition, the Labor Party, opposed and opposed. There was never a good word for any of the policy initiatives of the Howard government. There was never any support in this chamber for our major initiatives—for example, our industrial relations reforms, our privatisation of tranches 1 and 2 of Telstra and our budget
initiatives. It criticised and criticised and never supported those good policies.

It is absolute humbug for the Labor Party to come in here today and put forward this motion that the government are abusing the procedures and processes of the Senate because we now have a majority. I can assure the Australian community that the very opposite is the fact. Within the government, issues are being debated very carefully before decisions are taken to proceed with legislation through this parliament—because we know we now have the absolute responsibility of a majority in both houses and the buck will stop with us in terms of the policy decisions and the legislation that is introduced.

Although the Labor Party will continue in their old Luddite ways of opposing for the sake of opposition—we will not see any constructive analysis or any constructive policies coming from the Labor Party—the Australian people have woken up to them. They have given us a majority. They know we will use it soundly for their benefit. So at least we do not have to worry about what the Labor Party do anymore—as the Australian people do not worry about what they do. The Labor Party have become irrelevant. They are irrelevant to the policy debate in Australia, because they are policy lazy. As I say, they take the easy way out and grab what is popular in the short term. They do not do the hard policy work, and they have suffered the electoral consequences over four elections.

As I said at the outset, actual evidence has to be presented by the opposition to establish their case today. They have failed to do that. They have merely made assertions without any evidence to back them up. They have merely launched a vitriolic attack on Senator Abetz for doing something that he would have done whether or not the government had a majority in this place. Simply, their case fails on that basis.

Senator FORSHAW (New South Wales) (4.32 pm)—I rise this afternoon to support this general business motion and, in doing so, I want to give some specific instances that prove the case as stated in the motion: that is, ‘The government’s arrogant abuse of its Senate majority in subverting the Senate’s processes and procedures.’ What has become clear in the short time since this parliament resumed after the winter recess and the government had, for the first time, an absolute majority on the floor of the chamber, is a pattern of behaviour in decision making which is all about ignoring due and proper process in this chamber. The pattern of behaviour that is developing is all about this government brutally using its numbers to truncate and even avoid debate. It is a pattern of behaviour which is all about this government ignoring longstanding conventions and principles regarding the functioning of this chamber, Senate committees and support staff of the parliament. I particularly want to highlight at least three instances to demonstrate that case.

I also remind the Senate that, when the Prime Minister was elected after the 1996 election, he made a big thing about lifting parliamentary standards and waxed lyrical about improving standards of ministerial accountability. He said that he would introduce a new code of ministerial accountability and he would take serious steps and enforce standards to ensure appropriate behaviour in the parliament and within his ministry. But it took only a couple of years before those standards were ignored. We all recall former ministers of this government who should have been forced to resign because of breaches of those standards and those codes but, because they happened to be closer to the Prime Minister than others who were forced out, they survived. Of course, it got embarrassing after only a couple of years. I think there had been five or six ministers and
a couple of parliamentary secretaries who had to fall on their sword because of breaches of conflict of interest provisions or ministerial standards codes. The Prime Minister’s words were hollow—and now we see them in all their arrogance and gross hypocrisy.

Let me turn firstly to the performance of the Special Minister of State, Senator Abetz, during the inquiry into government advertising being held by the Senate Finance and Public Administration References Committee, of which I am the chair. A moment ago, Senator Chapman said that Senator Carr’s remarks were not relevant to the issue of the use of the government’s majority. They are relevant. They are relevant for a number of reasons, but they are particularly relevant in this regard. When you read the submission of Minister Abetz and when you read the Hansard of the hearing that took place on 19 August, it is abundantly clear that Minister Abetz feels that he now has carte blanche to spray all over the place—attacking and demeaning senators, Senate committees and the Senate Clerk and even making what I believe were inappropriate inferences regarding the Senate committee staff. I was forced to intervene to prevent him from going further.

I will read from Minister Abetz’s submission to the inquiry. This is, of course, on the public record because it has been made public by the committee. I do not deny the right of Minister Abetz to make a submission and, indeed, to appear before the committee. I actually compliment him for doing that because it is very rare for ministers to come before a Senate committee. This is something that, when we were in government, very rarely, if ever, happened and it is something that does not happen much under this government, if at all. So it was at least a refreshing change that Senator Abetz volunteered to appear. He also put in a very long submission. He put in two submissions—his second one was the longer one.

The problem is that his second submission, of 43 pages, is a diatribe of abuse, a spray, an attack upon most of the witnesses who gave evidence and put submissions in—and a particular attack upon the Clerk. Many of these witnesses who gave evidence were people with renowned expertise in areas of social policy, government policy and government administration, including academics and people with longstanding expertise. Whether you agree with them or not is not the point; the point is their integrity and their professionalism should not have been attacked in the way that Senator Abetz did. They made submissions which went to the issues. For instance, Senator Abetz attacked one witness—a highly qualified academic working in this field—by saying her submission could be ignored because she happened to have worked for a Labor MP on one occasion. What he did not say to the committee, but it came out later, was that in fact she had also worked for a coalition MP. So, if ever you could demonstrate a lack of bias, that was it. This is what Minister Abetz said about the Clerk. He started his opening comments by saying this:

The Clerk of the Senate has done himself and the credibility of the Senate a grave disservice in commenting in a most ill-informed manner on the issues before this Committee ...

Then he goes on to make references to particular comments in the Clerk’s submission. He says:

An unsupported, scurrilous, slanderous, and totally false allegation, and one that confirms my view that Mr Evans has no idea what he is talking about.

This is just disgraceful. We can disagree with the Clerk’s views but we do not need to resort to that sort of intemperate and abusive language in a written submission. He goes on
to refer to a particular statement by the Clerk in his submission:

As it is, the allegation is just a base untruth by the Clerk of Senate against a sitting Senator, and in the absence of overt partisanship, must be borne out of a gross and culpable ignorance of the facts. Were I to have made this assertion about any of my Senate colleagues in the Senate, I am sure that Mr Evans would be instantaneously whirling around on his chair to instruct the President to have me unreservedly withdraw such a statement.

This is a submission from a minister to an important inquiry. All that Senator Abetz does here is belittle himself by resorting to that sort of cheap, snide and nasty comment. I do not even think it is worthy of undergraduate political debate, to be frank—I am not even sure it has reached that level. He concludes by saying:

Can I respectfully recommend that the Clerk of the Senate should have limited himself to informing the Committee of any relevant Senate motion and any relevant debate. To involve himself in this debate demeans his position as a non-partisan official.

Essentially what Senator Abetz does in this huge spray, this vile abuse against the Clerk, is to say that he is a note taker and that he should just sit back in his place and not contribute and not make a submission. I have had a little research done and I note that, for instance, in the period when we were in government between 1992 and 1995, the Clerk of the Senate made submissions to Senate inquiries on no less than 17 occasions. This is when, of course, we were in government and the opposition were pursuing issues through committees. They were happy to have Mr Evans doing it then, but not today.

Of course, what also came up in the inquiry, which Senator Carr asked questions about, was an article in the media that appeared on the day of the inquiry which, as was pointed out by Senator Carr and made clear at the hearing, was written following the minister telling the press about a letter that he had written to the President. At page 111 of the Hansard Senator Carr asked this question:

The article—and I take it from your previous comment that it is you who provided this information—says:

... that the minister—

that is you—

has warned that if the Clerk’s submissions are found to be “false and vexatious” then he would have to resign.

Is it your intention to attempt to force his resignation?

Senator Abetz—I have not indicated that that is my view. What I have indicated is a matter of principle that, if the Clerk continues to engage in this sort of behaviour—and, if I might say, he is getting very close to it. I have indicated to the President of the Senate in correspondence that my confidence in the Clerk is fast diminishing, especially given the circumstances of his submission. When facts are pointed out to him, instead of backing off he just makes it shriller. That must lead to a circumstance. He must leave himself open by making these sorts of very aggressive, ill-founded submissions to one day such a finding being made, and heaven help the committee and the staff that might have to deliver such a report to the Clerk.

Senator Carr—It says ‘false and vexatious’ in quotation marks. Are they your words?

Senator Abetz—I daresay they would be. I do not resile from them.

Senator Abetz did not set out to deny that he put this story into the media. He was proud of it. I at least give him credit for that; he was truthful. He told us that he told the reporter in the Australian about it. He was also proud—he was actually boastful—that he was clearly giving a very strong indication that the Clerk had better watch himself. This is a minister of the Crown, a senator of long standing. That is just disgraceful conduct. It clearly points to the fact that the arrogance of this minister now knows no bounds because...
he now feels confident that, having a majority on the floor of this Senate, he can do whatever he likes and he can say whatever he likes.

I also said earlier that the minister was, I believe—and I was chair at the time—reflecting on the staff of the committee. Fortunately, I intervened to stop him but there was a clear inference being made that, because the Clerk of the Senate was their superior, the staff would have to effectively write a report in accordance with the Clerk’s views. I intervened to point out that the secretariat staff write reports on the instructions of the chair and members of the committee, whether it is the majority report or a minority report. That is the sort of length Senator Abetz was prepared to go to. I pointed out at the time, and I am sure all members of the committee agree—Senator Johnston is here, Senator Bishop was here a moment ago and Senator Webber and Senator Stephens are here, and they are all on that committee—that they are excellent staff. They are supportive and they do whatever is asked of them by the committee. I do not believe they would ever do what was purported to have been suggested by Senator Abetz.

I do not need to detail other issues such as the changes the government have made to question time since they obtained a majority. They argue that because they have more senators they are entitled to ask more questions. Ministers cannot ask questions of themselves so question time is about the opportunity for backbench senators on the government and the opposition sides to ask questions. What we have seen since is these dorythi-dix questions from the government. They are getting worse. I do not know how many ways you can dream up these questions. There are no more ways in which you can ask a question which asks the government to pat itself on the back and then talk about alternative policies. We reached a real low today with Senator Abetz’s answer to a question on unfair dismissal cases in Tasmania. I know it is Thursday afternoon, but really—that is Senator Abetz.

We also had a debate yesterday, in which I spoke at length, on the refusal of the Senate to refer a matter to the Senate Privileges Committee. I believe that was regrettable and a bad precedent to establish, given what has happened over the last 30 years. Senator Johnston spoke in that debate against that motion and endeavoured to do as good a job as he could. I noticed that while the vote was being taken on that motion it was clearly evident that there was disquiet, concern, disagreement and, I believe, almost outright opposition from members of the government about the decision the government made to oppose that motion. They know it is wrong. Particularly those senators who have been here for a while, who appreciate and understand the work of the Privileges Committee and who have decency and integrity, realise that it was the wrong thing to do.

At the end of the day you did not use your numbers to knock over the opposition’s motion to refer. Rather you rejected the President’s decision because the procedure was followed, according to the standing orders, to write to the President. The President obviously felt that it was of enough importance that it should be brought to the Senate by way of a statement and the motion moved for referral. I accept that the Senate has the power and the government had the numbers to stop that but it has not solved the issue. In fact, if anything, it has left it more open to question.

I will finish on the Telstra bill—and this has been discussed at length already today—and the issue of this government’s arrogance in forcing this legislation through in such a short time simply because they have the
numbers and know they can do it, or think they can do it. They are very worried about what Senator Joyce is going to do so they have got him corralled here. It is a wonder they are even going to let him go back to Queensland this weekend! You never know, he might get back to Queensland and talk to his real political masters, the Queensland National Party committee of management, as I think it is called.

Every time I hear Senator Joyce on TV now he talks about having gone back and consulted with people, having gone back and consulted with the Queensland Nationals. Actually, he has gone back and consulted with The Nationals committee of management. Most of the people in the Queensland Nationals are telling him not to do it—former leaders and former premiers. He came into this parliament saying that he was going to represent the people of Queensland and that he was not going to support the sale of Telstra. When they did the deal—giving him a couple of billion—he said he had to go back to Queensland and consult. He had a couple of weeks to do that. Senator Barnaby Joyce was given a couple of weeks to go back and work out what his decision would be. Once he was locked in, the government said, ‘Right, now let’s ram it through before he changes his mind.’ Apparently the Queensland Nationals, the hillbillies in that show, can get a couple of weeks or more to work out their view and tell Senator Joyce how to vote, but this parliament does not get any time at all to consider the sale of Telstra. When they did the deal—giving him a couple of billion—he said he had to go back to Queensland and consult.

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I notice that Senator Bishop is here. He is aware that in another inquiry of our committee—an inquiry into roadworks on the Gallipoli peninsula—this morning we put through an extension of one month for that committee to report. Why did we do that? We did it because we were requested to by the government senators on that committee because they have not had enough time to write a minority report. They have already had four weeks to write it, and they still have not got it done. They have had the chair’s draft since 5 August. We were due to report next week. They said, ‘We need another four weeks to write a minority report on that discrete single issue.’ They are going to get 2½ months to write a report on that committee’s inquiry. They need that amount of time, but they will not give the parliament more than a day to consider the Telstra bill. That is a disgrace. It is arrogant and it is wrong. (Time expired)

Senator JOHNSTON (Western Australia) (4.52 pm)—May I commence my response to this motion by examining what the allegation is. It is a condemnation motion of the government’s alleged ‘arrogant abuse of its Senate majority in subverting the Senate’s processes and procedures’. In all the speeches I have heard to this point, I have not heard one piece of evidence to support the fact that the exercise of a majority vote—or any vote in this chamber—has in fact subverted the Senate’s processes and procedures. There are remedies for that, but the opposition has not sought the remedies.

What this is about, of course, is democracy. The opposition in this chamber are appalled that they have been cast into utter irrelevance; there must be something wrong in the world that they sit over there, completely vestigial to the process. Not a thing they can say or do or think or write carries any relevance, importance or significance whatsoever. They sit over there in utter contempt of
the process because the democratic structure of this country determined that they should be irrelevant. And they hate it. They loathe it. There they sit, wringing their hands, wondering: ‘How could it be? Us, the opposition in this chamber? So talented, so able, so capable, so brilliant that the people won’t vote for us! They don’t vote for us and we don’t have a majority in the Senate.’ That is the eternal lump in the opposition’s craw in this chamber.

Senator Carr comes in here accusing the government of arrogance. The arrogance is all with Senator Carr in this phoney, trumped-up, frivolous motion. It is a frivolous, phoney motion from a senator, may I say with due respect to him, who, in lecturing people on process, procedure and ethics, has a very, very questionable personal record himself. Coming from that paragon of institutional virtue, the Victorian branch of the ALP—the branch-stacking division in Labor—he comes here seeking to suggest that, because there has been a division or a number of divisions which the Labor Party have lost, there is something terribly wrong with the process. It must be that the government is abusing a process! That could be the only explanation at hand.

I remind members of the opposition that all senators in this place have been duly elected. This motion is an insult to their election. This motion is an insult to the Australian people for the votes that they duly cast. But the pain of it all really is that the votes they cast determined that Labor in this place would sit in utter irrelevance on the other side of the chamber. Of course, in detail, they won no seats in the regions. They lost seats in Tasmania. But the question is: why? This is the question the opposition in this place refuses to address. For 10 years, they have not had one original thought, one original idea. They have sat over there, looking to run smart and sharp motions of no consequence like this and comfort themselves that they are making some form of contribution to the national interest. I am sorry to have to disappoint them. The opposition in this place is a walking, staggering tragedy. They are irrelevant. Their vestigial outcome—the fact that they have produced nothing for so long—is a national disgrace.

Turning to Senator Carr: he comes here and lectures us on procedure, telling us that we are abusing the majority—and this from a senator who is the leader of the Left faction in Victoria. He is the heavyweight in Victoria that controls things. He runs the Socialist Left in Victoria. Of course, they are involved in litigation. They are not suing the Liberal Party; they are not suing anybody but themselves. Brian John Daley, plaintiff, is suing Stephen Newnham, who I think is the state secretary. Brian John Daley is the president of the Labor Party in Victoria. Stephen Newnham, the secretary, Timothy Gartrell and the Australian Labor Party, Victoria branch, are all defendants. So there we have an action in front of His Honour Judge Hargraves, seeking an injunction restraining themselves from conducting a ballot. This is the portent of the level of procedural integrity contained in the Victorian branch of the ALP. And Senator Carr comes here as a paragon of virtue!

Let us talk about what led to that court case. It was an exercise between Left and Right of who could out-stack whom, who could create forged memberships more readily than the other faction, and who could create phantom branch meetings in the seat of Gorton. This is Senator Carr’s division of which he is one of the senior factional leaders.

Both the Right and the Left in Victoria have failed to put in place any of the recommendations about procedural fairness and integrity recommended by Bob Hawke and
Neville Wran. They just continue to battle it out; they just continue to brawl on. Indeed, the Left inside the Victorian branch has had a fighting fund raised, garnishing $1,000 from each federal MP to fight—guess who—themselves! It is an outstanding piece of institutional integrity that we see in Victoria, led by, as I said, Senator Carr.

The thing that comes to mind here is that they cannot run themselves in Victoria. They want to tell everybody they can run the country, and Senator Carr has the temerity and audacity to come into this place and accuse the government of abusing its majority. It is a pathetic joke. Senator Conroy and Senator Carr are at loggerheads on the factional front-line in Victoria, and they are fighting over who is the biggest branch stacker.

Senator McLucas—What does this have to do with the motion?

Senator JOHNSTON—This is relevant because Senator Carr comes in here wanting to lecture the government about practice and procedure. He knows all about practice and procedure. In June, the Age published the fact that, in Senator Carr’s stronghold of Melbourne’s northern suburbs, an individual signed a statutory declaration saying that Senator Carr’s office used to pay the annual fees of many of the branch members. This man was moved to make his stat dec out of anger at the hypocrisy of hearing Senator Carr say publicly that he was against branch stacking and in opposition to the practice of some people paying for the memberships of others. Here we have a person swearing a stat dec saying, ‘If Senator Carr is complaining, let me tell you that what he’s complaining about is what he does.’ Here is an issue of procedure, here is an arrogant abusive process—and he comes here seeking to lecture the government. It is a joke.

Let us turn to The 7.30 Report of 25 July 2005, during which Kerry O’Brien said:

The Labor Party will launch an action in the Supreme Court of Victoria tomorrow on an issue that has sparked outrage amongst its ranks. The source of that outrage does not stem from any Federal Government policy. It stems from an even more bitter battle—the fight for pre-selections. The unseemly public feuding over branch stacking has embarrassed the Party in just about every state in recent years. The blow-up in Victoria burst into public view at the recent State Labor conference and will have its sequel when an injunction is presented by the left-wing Victorian branch to overturn federal intervention. The left is mobilising for war—levying state and federal MPs in its faction to fund the legal action. It’s not something Federal Labor Leader Kim Beazley will take any joy in as he struggles to build credibility against the successes of the Howard Government. Heather Ewart reports.

She said:

Believe it or not, these people are all members of the same political party. Their enemy is supposed to be John Howard and the Coalition.

But then we are talking about the Victorian branch of the Labor Party. This is Senator Carr’s branch, and he comes in here to accuse the government of arrogance and of subversion of the processes of the Senate. This has Senator Carr’s seal of approval and hallmark. Heather Ewart went on to say:

At a state conference a few months back bitter factional tensions between left and right erupted. It was a sign of much worse to come in the long-running row over party rules and branch-stacking allegations.

On the same program, Kim Carr said:

We have a situation where we have groups of people in this party who of course have now become dependent on the branch stackers because not only are they stacking the Labor Party, they’re also stacking the right. That’s the real problem here.
He is unrepentant. It is all about branch stacking, and he endorses it. Heather Ewart went on to say:

Senior federal frontbenchers were at each other’s throats for all to see here. On one side, Socialist left wing leader Kim Carr. On the other, the right, Stephen Conroy.

Senator Conroy is quoted as saying:
But the sheer breathtaking hypocrisy, it is hard to match my good friend and Senate colleague Kim Carr because he is one of the people who created the branch stackers.

There you have it. The Labor Party declaring the fidelity of one of their own, Senator Carr, who is the mover of this high-minded, high and mighty motion. Senator Conroy continued:
He was for them when they were in the left where I am, he was very for them.

Heather Ewart went on to say:
All that was missing was the war paint. Now that deep-seated animosity is about to spill into the Victorian legal system with the left planning to file an injunction in the Supreme Court tomorrow morning to try to overturn a national directive on party rules. It goes to the heart of who’s controlling the party, could ultimately affect preselections and is a public relations nightmare for Kim Beazley.

Nick Economou from Monash University said:
The reality for Mr Beazley is that he’s now got a frontbench made up of a number of MPs who are involved in a very bitter factional struggle. He’s also got a number of Caucus colleagues, especially from Victoria, who run the risk of losing pre-selection for their seats at the next election.

Heather Ewart went on to say:
It’s a highly technical debate, but all of this stems back to Simon Crean’s days as leader when he pushed for reforms to party rules to end branch stacking and reduce guaranteed union representation at party conferences from 60% to 50%. That was after an inquiry by ALP elder statesmen Bob Hawke and Neville Wran.

And Bob Hawke has his say on the program:
The factions are broken down into smaller parts into fiefdom and it is more about power and that’s what the Wran and Hawke recommendations are about, trying to make sure that the interests of the party are put first and not pursuit of the powers of particular little groups, which happens too often.

Heather Ewart goes on to say:
It seems nothing has changed too much there. Still, all party branchers agreed in principle to the changes, which also doubled the time a member has to be in a party before they vote in internal ballots from 12 months to 2 years and they must be on the electoral [role]. But in Victoria the left and the right never resolved how to put this into practice.

This is Senator Carr’s home state. This is Senator Carr’s background when he comes in here with this motion. Brian Daley says:
In my view, it’s simply been a matter of time until a particular issue came along which led to us having—or us being the left in Victoria having no option but to take the matter to another level, being the courts.

It is simply fanciful for Senator Carr and indeed many members on the other side of this chamber to suggest that, because they lose a vote—because they will lose every vote in this chamber where they are opposed to the government—it will be an abuse of power. That is a ridiculous proposition.

Heather Ewart finishes the program by saying:
The bottom line is for the average punter this looks like the Labor Party in disarray, unable to run itself, let alone the country. It hands John Howard easy ammunition when he’s hardly in need of it. Little wonder, perhaps that Kim Beazley says this is a matter not for him but for the party organisation and is resisting calls from the left to intervene. But if this continues, he’s the one who’ll wear the impact.

And Kerry O’Brien finishes by saying, ‘One of Kim Beazley’s nightmares.’ Senator Carr may fit that description; I’m not sure. But
when I look at the mess that his division is in, when I look at the branch stacking and the rorting, for him to come in here and seek to lecture this chamber and the Australian people about subversion of the Senate’s processes, I find that absolutely hypocritical. In the Age of 1 June, in an article by Paul Austin, we read:

Labor’s factional war is set to erupt again, with the left-winger leading the fight against alleged corruption in the party, federal frontbencher Kim Carr, himself accused of branch stacking.

And so the article goes on. This is the background, this is the process, this is the integrity that Senator Carr has brought.

Can I say that in Western Australia the story is not much different. In Western Australia we have a number of divisions, and indeed senators in this place from Western Australia have been affected grievously by forged memberships in the ALP. Indeed, currently in the west, just today, a member of the ‘New Right’, the Justice Minister in the state government, John D’Orazio, has seen his branch numbers plummet, from 568 in 2003 down to 138 by 30 June this year. The reason for this is that there has been some form of tightening up, and one of the reasons is set out in the article. It says:

Others believe his branch numbers may have suffered as a result of the troubles encountered by one of his main supporters ...

This is one of Mr D’Orazio’s main supporters—

... disgraced former Stirling mayor Adam Spagnolo. He admitted to postal vote fraud during sensational Corruption and Crime Commission hearings after he was confronted with taped evidence showing him and accomplices tampering with Stirling City Council postal ballots.

Mr Spagnolo, who worked in Bayswater City Council’s building department until his office was raided by CCC investigators last October, now faces charges of procuring another to take custody of a postal vote, one count each of forging a signature of an elector and uttering the signature of an elector and two counts of causing another person to open an envelope in which there was a postal vote.

Mr Spagnolo helped manage Mr D’Orazio’s 2001 election campaign, after the former long-serving Bayswater mayor turned to state politics, and he also recruited people to Mr D’Orazio’s ALP branches.

So there it is. The ALP come in here, seeking to suggest that a simple vote in this chamber is an abuse of process. They would know an abuse of process. They live and die by abuses of process. This is a waste of the Senate’s time and I must say I have never seen a more frivolous and pathetic attempt to justify the fact that the opposition sits over there in utter and complete irrelevance to the national interest.

Senator STEPHENS (New South Wales) (5.12 pm)—Considering that contribution to the debate, I think that we have all sat here in total irrelevance, listening to that drivel. I wish it had all been broadcast, because Senator Johnston’s contribution to this debate, if that is what it could be called, actually demonstrated to anyone who had the opportunity to listen—and I hope those people who are interested in this issue now go to the Hansard record—extraordinary arrogance and a level of condescension that beggars belief. In terms of his attitudes of being dismissive and contemptuous of democratic processes, that was something else. I suppose it was only to be expected given the contribution that Senator Johnston made to yesterday’s debate on the matter of privilege, where we saw the abuse of the government’s majority in the Senate and the processes and procedures that have served this chamber so well for such a long time being abused in such an extraordinary way.

But the issue is really that we are here much quicker than we thought we would be here; we are here arguing about this issue
much quicker than we thought. We had given the government credit for respecting its majority and respecting its capacity to manage its business. People understand that that is the democratic process. What we were not expecting was that we would see such an abuse of the Senate majority that the government has and its determination to railroad through legislation with disregard for common decency in terms of giving the people of Australia a chance to consider just what the legislation is all about.

We have had 10 sitting days and we have already seen what the government has in mind. First of all, we had the issue of question time on the very first day of sitting—reducing the number of questions that were given to the opposition, but with more doro-thy dixers to the government and so lots of opportunities for the government to trumpet its own successes. What a tragedy! Second, we have had the most extraordinary lack of opportunities to consider the work of the committees after Senator Hill indicated there was going to be a curtailing of the wide-ranging powers of committees to investigate the efforts and many bungles of the government, as demonstrated to the wider Australian society through the estimates process. So we know that Senator Hill and the government are quite interested in curtailing the work of the committees and we expect that very soon we will hear much more about that process as we move towards another estimates period, in November.

Let us think about just what is going on here. We have a government that wants to control debate, control the activity of the Senate and control the activity of the whole parliament. The government wants to hide behind its majority so that there is such a limited level of scrutiny of, and opportunity to hold it accountable for, its actions that people cannot see the glaring gaps and problems all around Australia after almost 10 years of a government that is tired and is papering up the cracks that are appearing across all of its portfolios.

We have a situation where the government is abusing its Senate majority, and I must reflect on yesterday’s debate regarding the matter of privilege that was referred to the President by the Senate Finance and Public Administration References Committee. The President ruled as he saw fit—that this matter should go to the Privileges Committee. Yesterday, in what was a most extraordinary debate, the government could not justify why it wanted to go against the reference to the Privileges Committee but used its numbers to push that argument through. There was no principle involved; it was just opportunism. It was about defending someone’s reputation, someone that we know is a card-carrying member and supporter of the Liberal Party.

But what it did was undermine some very important Senate processes and some important democratic principles that have served this Senate so well for so long. First of all, it certainly undermined the decision by Senator Calvert in his role as the President of the Senate, after he had determined quite sensibly that the issue should be referred to the Privileges Committee. He made a non-partisan decision. It was a sound decision and he obviously took advice on it to make that ruling. However, in his absence, we had the debacle yesterday where the government used its numbers to railroad the Senate and push through a decision that reversed his ruling and put in jeopardy the independence of the President in determining matters of privilege.

In doing that, we denied this gentleman his day in court, in many respects. We denied him the opportunity to defend his own reputation, and that is something that perhaps will come back to haunt the members of the government who, in being so quick to un-
dermine the decision of the President and to undermine the independence of the Privileges Committee, have actually done this gentleman a disservice, because if it had been referred to the Privileges Committee, where the government well and truly has the numbers, the committee might have determined that there was no case to answer.

This is the sort of thing we mean when we talk about the subversion of Senate processes—using the procedures politically and disregarding what are soundly based principles of the Westminster system that allow good governance, that allow a sensible approach to managing the business of the parliament. That is just one example of how the Senate processes have been absolutely subverted since the government managed to secure its majority.

Another example is the recent treatment of the Clerk of the Senate. That was the most extraordinary experience. It relates to the same issue as the finance and public administration committee’s current inquiry into the Regional Partnerships program. The Clerk provided evidence to the committee of events which occurred long ago, almost 12 months ago. This unleashed a tirade of abuse from the Special Minister of State, Senator Abetz, who made a personal criticism of the Clerk of the Senate but also a criticism of his role as the Clerk of the Senate. That again undermined the institution that is the Senate and undermined the institutional processes that make debate here so fair and transparent.

So the abusive treatment of the Clerk, the leaking of information and the briefing of journalists were in fact all a smokescreen to deflect attention from the major issue, which the finance and public administration committee is actually considering, and that is the government’s systematic plundering of the public purse to fund party political advertising in its own interests. That is the issue. So there is the current inquiry into the Regional Partnerships program and the inquiry into government advertising about legislation that we have yet to see. This is extraordinary advertising; it is advertising that has nothing to do with informing the Australian community about the impacts of the legislation, because we have not seen that legislation.

We have an extraordinary sense of doom about the integrity of parliamentary processes under this government. We have extraordinary situations where committee reports are not responded to. There is a litany of parliamentary committee work where there has been genuine contribution and where extraordinary pressures have been put on community organisations and individuals to provide information and submissions to those committees—and they have done so in good faith. They put resources and huge effort into providing information to a range of Senate inquiries only to have the Senate inquiry reports tabled, debated and then shelved, with no responses to recommendations. There are hundreds of examples of that.

We have hundreds of questions on notice—questions that have not been responded to; questions that are disregarded because either the government does not want to respond or is not prepared to put the time, effort and resources into answering them. That is a hugely insulting situation for the people of Australia who use the democratic processes of the Senate and the House of Representatives to organise questions on notice. These are the processes that allow the wheels of democracy to turn. It is very disheartening to think that we are at this early stage in the new Senate arrangements and the new parliamentary period—and it seems that things are not going to get any better.

Witnesses who now provide evidence to inquiries find that their submissions are sub-
jected to the most cutting and disparaging comments. We have people whose reputations have been criticised, who have been undermined professionally because of the evidence that they have provided to committee inquiries. That is an outrageous abuse of people’s power in this place. We had a minister of the government go through the submissions to an inquiry and attack those individuals and organisations providing submissions—and second-guess or misrepresent the intent of the witnesses. That is an outrageous abuse of process and power, and it does this place no credit at all.

We had that issue yesterday about cutting off debate on the Telstra bills. That was an extraordinary experience. However, I was very pleased to know that that debate was broadcast, and I have had several emails and phone calls already today from people saying: ‘How could that have happened? What did that mean?’ There is nothing else to say except that this is about the government using its numbers to push legislation forward and to push things through without debate. The problem is that there is no will on the part of the government to have any scrutiny or accountability about that legislation.

There is such a lack of transparency in what the government is bringing forward that this of course is of huge concern. And it should be of huge concern to people who want to see a democratic process, who want to see accountable government, who want to see their concerns taken seriously by a government. People do not expect to see a government that thinks it knows everything, that is so arrogant it is not prepared to be open-minded about the concerns of citizens and so arrogant that it is not prepared to take on board the fact that people might perhaps be so concerned about the privatisation of Telstra that they want to make a submission concerning the bills currently before the parliament. Today is a joke. We have a situation—

**Senator Patterson**—You didn’t give them a chance on Qantas, the Commonwealth Bank or CSL.

**Senator STEPHENS**—I will take the interjection because it really is a pathetic defence of what is going on in the parliament. We do have a committee structure in place. We do have a process in place that is about referring the legislation to a legislation committee. We do have a process in place that provides an opportunity to consider the legislation. What happened today? We had one advertisement in the *Australian*. That advertisement said, ‘If you want to make a submission to the inquiry into the privatisation of Telstra, go to the web site and click on the links.’ Guess what? Until midday today the links did not work because the bills had not been through the parliament. There are less than 24 hours to make a submission because people have to have their submissions in by 12 o’clock tomorrow. There are less than 24 hours to make a submission about an issue of such concern, and you might only have the capacity to make a submission if you have express post available.

We have the arrogance of a government that pretends that everything is fine with Telstra. It pretends that everyone has the capacity, if they want to, to have access to the internet. Well, it is just not like that out in the community. If you do not get the *Australian* until this afternoon, which is the situation for some communities in Queensland, if you do not get the *Australian* until tomorrow, which is the situation for people in north-western Western Australia, then you have less than 24 hours to make a submission to this inquiry. That is the biggest joke of all. This is about actually paying lip-service to a process. It is about undermining the capacity of people to make submissions.
The reality is that this government does not want to hear any voices of dissent. It does not want to hear any criticism. It does not want to have open and transparent decision making. It wants to use the majority it has in the Senate to railroad through bill after bill. It does not matter whether it is this bill or the bill we will see in the not too distant future about industrial relations or a bill about welfare to work or whatever other draconian measure we are going to see in this place over the coming months; this is the future for debate in this place. It is going to be undermined. It is going to be driven by the arrogance and intent of this government to go forward with an ideological agenda. It is actually going to bring about the undoing of this government, because the Australian people will not tolerate being treated like mushrooms and with such contempt.

Senator McGauran (Victoria) (5.30 pm)—I rise to speak on this Thursday afternoon general business notice of motion moved by the Labor Party. They are becoming more frivolous as every Thursday goes by, and they still have many years to serve in opposition. Nevertheless, for the sake of the broadcast and for Hansard, I will read out the motion:

That the Senate condemns the Government’s arrogant abuse of its Senate majority in subverting the Senate’s processes and procedures.

That is what we are spending our precious debating time on today. Not surprisingly, the government utterly reject such a motion. But one of the major grounds we reject this motion on is the fact that it is moved by Senator Carr himself. How absurd can one motion get when you allow a frontbencher—a parliamentarian and a senator—of the nature of Senator Carr to move this motion? Where are your tactics? What has happened to you? Have you been too long in opposition? We have two very sensible senators—very sensible within the context of the Labor Party—across the chamber listening to this debate and they must know that if they are seriously going to make the case—

Opposition senators—Who are they?

Senator McGauran—For the sake of the broadcast and for Hansard, they are Senator Marshall and Senator Campbell. Where are your tactics? Do you belong to the tactics committee? If you seek to make a case against the government, which we know that you have been desperately attempting to do ever since you lost the majority in the Senate, this is your line. This will be your line for the next three years. Again, you are going to miss the message of the election. The message of your loss at the last election—if the fact that we got the majority in the Senate is not enough to ram it home to you—was: put down your policies early, let them run a two- or three-year cycle so that people can absorb them and know what you stand for, and establish your economic credibility. I would have thought that a Thursday afternoon debate which is being broadcast, in which you are free to put up any motion you like, would be a good place to start to establish your credibility in economics. We always welcome an economic debate.

Instead, you put up Senator Carr to argue for your side of politics on procedure, propriety and so on. Anyone who heard his speech—it was off air; that much you can be thankful for—would know that he was at his raving best, throwing out the bile. But we all know his reputation in this parliament. What is more, you know it yourselves. He barely gets a ‘good morning’ from any of you across that side of the chamber, yet you have put him up to this. What has happened? Have you all caught your planes home? Senator Carr managed to fill in five minutes with what he sees as the abuse of Senate power. He tried to mount some sort of case. But then he spent the next 15 minutes, as Senator
Abetz would know, attacking one of our finest ministers. The most absurd, if not amusing, point—

Senator George Campbell—Which one is that?

Senator McGauran—Senator Abetz. I will repeat it for you: Senator Abetz, who is in the chamber today and is one of our finest ministers. He wears it like a medal when Senator Carr attacks him. I felt sorry for Senator Abetz. He does not in any way feel sorry for himself when being attacked by Senator Carr. He wears it as a medal. I will not spend too long on Senator Carr, rest assured, but I will say this: he accused the minister of being a Rasputin type, which was possibly unparliamentary. I ask: who is the Rasputin? Of all the descriptions Senator Carr could have plucked out, he plucks out Rasputin. It must be on his mind, because I dare say that anyone on his own side who was asked would cast a vote that Senator Carr plays the role of Rasputin in look and in acts better than anyone in this chamber. That was the absurdity that even Senator Carr had reached.

The previous speaker, Senator Stephens, said that we are a tired government—hardly. We do not have reform fatigue at all. That is your problem. We are bringing reform in the areas of Telstra, industrial relations and so on and you cannot take it. You simply cannot absorb that you are the ones with reform fatigue. That is quite an achievement, to have reform fatigue in opposition. I do not think it has been done before. As one of our previous speakers, Senator Johnston, said—

Opposition senators interjecting—

Senator McGauran—No, you are meant to have an ambition for government but you are all tired out. We are the ones bringing the reforms in. We are the ones bringing the ideas in. And we have been in government for nearly 10 years. As one of our previous speakers said, when we spent 13 cold years in opposition—and they were very difficult years—the one thing we did not lack that you do was we always had a plan, we always had policies.

The Acting Deputy President (Senator Ferguson)—Senator McGauran, I think it would be better if you addressed your remarks through the chair.

Senator McGauran—Quite right, Mr Acting Deputy President. The one thing we had in opposition in those 13 years that we were able to present at each election was a program of reform, a program of policy. It was to our detriment in 1993. We know that; we wrote it down in the famous Fightback book. Nevertheless, we had a belief in a policy that we stood by. That is the difference between your opposition and ours.

The Labor Party are now are in denial. They will not accept the vote of the people with regard to the Senate majority that we have—and I will say it was a surprise to us after the election too. We never expected a Senate majority. There has not been one since the Fraser years from 1975. But do not come in here and say we have carried out a coup d’état in the Senate—that we have somehow marched in and taken the majority. To remind you of the bleeding obvious: we won it at an election. The Australian people chose to vote for the coalition, and that is why we have a one-seat majority. You have been acting as if we have stolen the majority. It is a quite legitimate majority, it is a quite acceptable majority, and the Australian people expect us—unlike, probably, what happened the last time a conservative government had a majority—to use it to introduce the sorts of reforms we went to the election with. You would think that we had carried out a coup d’état on the Senate. Far from it.

Senator Marshall is a Victorian senator. You never hear of the media or the Labor
Party complaining about the majority that the Bracks government has in the upper house in Victoria. It has a sweeping majority in the upper house, but you never hear that that is the end of democracy; no, that is all right, because the Labor Party has the majority. Democracy is fine in Victoria, but democracy has ended here in the federal sphere. That is the great inconsistency and the absurdity of the Labor Party’s presentation here today.

If I may, I will give some gratuitous advice to the three Labor senators opposite—I am sure you will not take it, but nevertheless I want to put it down in Hansard. With all the reforms coming in, you ought not revert back to your modus operandi of opposition. It is time to change after four elections. Since we have been in government and you have been in opposition, no matter how important the reform that we want to bring in, no matter how obvious it is to you, and no matter how much national importance it might carry, you have opposed it every step of the way here in the Senate. That is why the Australian people, after three elections, finally woke up.

We used to rail against the obstruction of the Senate wherever we went—here in the chamber and outside in the public. After three elections, it really did get through. In 1996, you voted against every part of our budget which was aimed to lay the foundations of a surplus into the future and to reduce debt. The 1996 IR reforms, you can see now, have achieved a five per cent unemployment rate. You voted against them. You voted against the waterfront reform. You railed against the tax reform. Each one of those was an important piece of reform. Your form is on the board, and the Australian people may have taken some time but, after three elections, they finally saw the obstruction that you were carrying out here in the Senate. That is real abuse.

You may come in here and talk about petty procedures—which I hope I have time to address. They are all false assertions in regard to the committee system, question time and so on. You may come in here and try to build a straw man around that, but the real abuse has been by you. Over the past nine years, the past three election periods, you have blocked everything in the Senate. Filibustering: that is the real abuse of the Senate. Finally, the court of the ballot box proved your undoing. Under any judgment, that is the real abuse of the Senate. Of course, you were never alone in all that. It was not just the Labor Party, albeit they are the movers of this motion. We know that some of the greatest abusers sit over there in the crossbenches—Senator Brown and his Greens party. I invite Senator Brown to come in and speak on this motion, if he has the gall to. That is the real abuse of the Senate.

As I was saying, the Australian people woke up at the last election and, surprisingly enough, gave this government its majority. We will use that majority wisely and methodically, and we will maintain the processes of the Senate, regardless of how the other side wish to paint the picture. Let us start from day one. This is only the third sitting week of the new Senate. Would that be right, Senator Abetz?

Senator Abetz—Yes.

Senator McGauran—So we do not have to go back very far. From day one, the tradition in this parliament has been—and the instances of this have been few and far between but nevertheless it is on the record—that the majority holder in the Senate has both the President’s position and the Deputy President’s position. That is what we could have taken. We had every right to take up the Deputy President’s position. Previously, when we did not have the majority, we held the President’s position, and the Deputy
President’s position went to the other major party—which is the Labor Party—and that went to Senator John Hogg. As you know, that was open to us, and it would have been a procedural act to carry it out. We did not. We decided, in fairness and in our best judgment, to leave the Labor Party in the position of Deputy President. Not one of the other speakers has acknowledged that, and that has been the case from day one.

Do not say that we have rushed in here and grabbed every power position, acted ruthlessly and crushed the poor Labor opposition. Far from it. Senator Hogg is still sitting up in the big office of the Deputy President. It is a very good position and a well-paid position. I notice he did not put his name to this motion by Senator Carr. How could he? How could he dare? Why doesn’t he come here and speak on our side? If he is not careful, we might have a second think. I throw that in gratuitously, Senator Campbell. A serious man like you would not understand the whole jest and absurdity that this motion is.

Next Thursday, the tactics committee of the Labor Party: please get serious. Put up an economic motion so that we can debate the economy. If you have a good idea, we will listen to it. But to come in here, led by Senator Carr, knowing that Senator Hogg still sits in his office—and does a good job, may I add. He has been relieving the President, who has been away this week, all week at question time. And do you think that stopped your side from interjecting and abusing the system during question time? Senator Hogg has had to pull you up every question time, just about every second minute, and who do you think he singles out the most?

Senator Abetz—Senator Carr!

Senator McGauran—Senator Carr, during question time, even with his own colleague in the chair, will attempt to abuse question time and will interject profusely. We all know there are banter and interjections in this chamber. If you are pulled up but once by someone of the prestige of the Deputy President or the President, that should do it, at least for question time. But within seconds Senator Carr is at it again.

That was day one. On day two, did we rush in here and change the committee system? You expected, and probably hoped, that we were going to change the whole committee system so this side of the house would be able to control the committee processes and the committee reports—far from it. Those in the chamber and those listening to the broadcast will be interested to know that half of committees in the Senate—the references committees—are chaired by the Labor Party, and the opposition have the majority in those committees. And the opposition holds the deputy chair position in the legislation committees.

If we wanted to start shaping the system and the Senate reports our way, wouldn’t we have changed the Senate committee system? I notice that one of the speakers here, Senator Stephens, happens to chair one of the committees. She conveniently left that out of her speech. She chairs the Economics References Committee and she is Deputy Chair of the Economics Legislation Committee. Guess who has just walked in the chamber—that other fine Victorian senator, Senator Marshall, who has spoken very often this week.

Senator Abetz—He’s trying to save his preselection.

Senator McGauran—I take that interjection. I pulled back from saying the obvious there, but I hope he does. He happens to be the chair of the Employment, Workplace Relations and Education References Committee no less. He is also the deputy chair of the legislation committee. The Labor Party
hold—I have not counted them up—the position of chair on at least as many as seven committees. I notice Senator Forshaw had the gall to speak on this. He never said, ‘By the way, I am chair of a very important and influential Senate committee and have the casting vote.’ Senator Faulkner is Chair of the Committee of Privileges, and Senator Hutchins and Senator Crossin chair committees.

So do not come in here and say that we have abused the system when we have left the committee system status quo—much to our detriment. How many times in the previous parliament when you had the majority were the most frivolous, political and drawn-out references sent off to the references committees for debate and, obviously, to bring down a finding—before they even started we always knew that the finding would be—against the government. You have also abused the legislation committees in the estimates process. The estimates committees were set up and extended so more time could be given to asking questions and scrutinising the public servants and the ministers with regard to budget matters.

Senator George Campbell—What is the point?

Senator McGauran—I am trying to explain the estimates committees system. Do you ever turn up? I am not sure you ever turn up. You have abused the estimates committees system. Do you want to put a full stop on that?

The Acting Deputy President (Senator Ferguson)—Order! Senator McGauran, please ignore the interjections.

Senator McGauran—I ignore the interjection. In short, the Labor Party have abused the estimates committees system. It was initially extended so there would be more time spent on the committees and less time spent in the committee stages here in the Senate, so we could get through more business. The running of government is a very big and time-consuming business. We do not want filibusters in here. You can do that outside in the estimates committees. But you walk in here and ask the same questions in the committee stages and delay our bills. I will tell you how much you delayed our bills and obstructed the Senate. We were often debating 2004 budget matters when we had not even passed parts of the 2002 budget. You held up parts of the budget for over two years. In regard to Telstra, the debate on that is conclusive. We have spoken about how we are not rushing that through the parliament and so on. I have not been able to get to every point, and that is why I am very pleased to have the next speaker for the government, Senator Santoro, to cover those points that I missed out on.

Senator Santoro (Queensland) (5.50 pm)—It is a pleasure to speak in this debate and support the very sensible comments that have been made by my coalition colleagues before me. I want to be very specific in the contributions that I make in the remaining time in this debate. If I get the gist of what senators opposite, including the Democrats, have claimed today, it is that the government in the Senate is totally undermining our democratic and parliamentary practices in this place. That is their major claim. As I seek to reject what they have said, I would like to remind honourable senators opposite what they have already been reminded of on a couple of occasions this afternoon during this debate: the federal government, almost a year ago, won the election. The federal government also won the numbers in this place. The federal government received a mandate from the voters of Australia to introduce and fulfil the reform charter that they went to the people with.

Since the last election I have witnessed a constant attempt by the opposition, in the
form of Labor Party senators, assisted by their equally misdirected allies in the form of the Greens and the Democrats, to frustrate the implementation of the federal government’s reform agenda—for which the government received a thumping mandate, including a majority of the seats in this place. One has to ask why those opposite are objecting so strenuously to what we are seeking to do in this place and adopting every possible tactic the standing orders allow them to frustrate us. As I have previously said in this place, the answer is very simple: our opponents simply do not have a vision. They do not have a reform package. They do not have a policy plan or a package. They simply do not have good arguments in relation to any of the major reforms that the Howard-Costello government are seeking to advance through the Senate, whether they are in relation to Telstra, border protection, telecommunications in a broader sense or the education sector.

Any area of reform that this government is seriously undertaking is opposed frivolously, maliciously, randomly and comprehensively by those opposite. As Senator McGauran and others have said in this place today, that indicates a total lack of focus and a total lack of vision and policy on the part of those opposite. I do not think those opposite can argue against our policy. They cannot put forward arguments that stand up to the logic that makes up the reforms that we went to the public with and for which we received a mandate. When all the bluster and all of the argument is distilled, I do not think that the senators opposite can cut it, which is one of the reasons that they languish in the polls and, more importantly, why they have been rejected comprehensively on four occasions by the people of Australia since 1996.

In making this contribution this evening, I will draw on my limited experience since I came to this place in November 2002 and I will highlight a couple of issues that have not been highlighted by speakers on this side during this debate, including the gross abuse of process through the spurious and malicious reference to Senate committees of inquiries that have been utterly unethical, dishonest and un-Australian. There are two—

Senator Hutchins—Like military justice? Tell us about that one, Santo.

Senator SANTORO—I will talk about my experience. The first inquiry I will speak about is the Bali inquiry, where the reference was set up with a view to uncovering evidence that would prove that ministers in the Howard-Costello government and the government generally were aware of intelligence that the government did not reveal and which led to the death of Australians in the tourist strips of Bali. Those opposite knew that there was not a shred of proof to sustain that reference. Senators opposite knew that that most un-Australian of accusations was being made purely with a view to denigrate the government and to collect a political scalp. I sat through that inquiry as the deputy chairman and I searched my conscience to try to justify why the Australian public was paying for a political witch-hunt when everyone in Australia knew that there would be no minister, no government, no senator, no member of parliament that would have the blood of Australians on their hands. That was one reference that was a total abuse of process, a total abuse of democracy and a total abuse of the ability of the Senate to get on with the real business of governing.

The other example relates to another inquiry that I participated in, which was the cash-for-visas inquiry. That inquiry was another attempt to besmirch the reputation of a minister—in this case, Philip Ruddock. Irrespective of which side the witnesses came from—whether they were Labor lawyers, middle-of-the-road lawyers, right-wing con-
ervative lawyers or union type people—not one witness to the inquiry was able to pro-
vide a shred of evidence that Minister Ruddock was in any way dishonest. In addition, all of the witnesses went on to say that Min-
ister Ruddock was one of the hardest working ministers that had ever served in a gov-
ernment in the history of this country.

Senator Hutchins—What about Eric?

Senator SANTORO—I will take the in-
terjection. Without a shadow of a doubt, Minister Abetz could certainly join the ranks as one of the hardest working ministers in the history of this country. What a sensible interjection—which I took gladly—in relation to my esteemed friend and colleague.

They are two examples of wasteful and malicious inquiries. When both of those in-
quiries finished, there was not a shred of evi-
dence to achieve what the terms of reference set out to achieve—that is, to destroy the reputation and the political careers of two ministers and harm the government. That is my experience. The reason that I appreciated the opportunity of participating in this debate was that I wanted to get that off my chest.

There is another point that I want to make. We have heard the Greens and we have heard their friends the Democrats complain about abuse of process. Who could ever forget the disgraceful behaviour of Senator Brown and his then one other colleague on the occasion of the visit by President George Bush and the President’s address to the joint sitting of the parliament? I will not go into any further detail, because we saw what happened to the Greens at the last election. They were going to be the party which would have sufficient numbers returned in this place that would give them the balance of power and would control what happened in this place. But the public of Australia voted the opposite: they supported coalition candidates and they pro-
vided the Howard-Costello government with the ability to govern in its own right.

Without wanting to get too personal, it is instructional to note that, since 1996, when the Howard-Costello government came to power, only two people in this Senate have been suspended. One was an ALP senator—Senator Schacht, who was suspended in March 2001—and the other was Senator Brown, who was suspended on 8 March 2003. I do not know how that was achieved at a time when the government did not control the numbers in this place. They must have been very bad. That Labor Party senator and the Leader of the Greens must have been very bad to be suspended by a majority vote in this place. And we have members of those parties lecturing us on standards.

I pulled out the statistics—though, unfor-
tunately, I am running out of time to quote them—and found that, between 1985 and 1987 only seven bills were rejected by this place; between 1987 and 1990 only one bill was rejected; between 1990 and 1993, four were rejected; and between 1993 and 1996, 11 were rejected. But when this government took over—(Time expired)

Debate interrupted.

DOCUMENTS
National Oceans Office

Debate resumed from 18 August, on mo-
tion by Senator Bartlett:

That the Senate take note of the document.

Senator BARTLETT (Queensland) (6.00 pm)—I wish to speak on the annual report of the National Oceans Office to emphasise the importance of this area of activity and the often inadequate attention that is paid to our ocean environment. As it is obviously not where most people live and the vast majority of it is out of sight, below the water, we are remarkably ignorant and far less caring than we should be about the impacts of human
activity and the ecosystems that are there. The federal government has chosen to fold the National Oceans Office into the Department of the Environment and Heritage. The office was originally supposed to be an executive agency coordinating ocean policy across the department of environment, the department of fisheries and forestry, the Fisheries Management Authority and other agencies. There is an absolute necessity to make sure that there is cooperation between departments on oceans issues in order to ensure conflicting interests, including fishing, shipping, oil and gas exploration and environmental needs, are all adequately considered. Funding for this area of activity must be kept up.

The Democrats believe we need a national oceans act in order to provide the sorts of major reforms necessary to underpin regional marine planning. At present, regional marine planning, in my view, is not based, as was originally intended, on ecosystem based management. Rather, the Democrats fear that regional marine planning has deteriorated into a wish list for development and exploitation of ocean areas. As an example of this, the newly formed south-east regional marine park does not protect any areas from all human use. It does not appear to provide adequate green zones and fails to adequately limit the use of seismic testing equipment in important areas such as blue whale critical habitat.

We need to make sure that funding is provided to ensure adequate and coordinated research work such as mapping and biodiversity and resource assessment. There is a real risk that we are not sufficiently aware and informed about what is even in the oceans. From that basis of ignorance we are therefore unable to know how we are affecting it by a range of activities. This has become particularly problematic with the ever-growing power and capacity of commercial fishing vessels. I am aware of a new variety of fishing called bottom trawling that is taking place. This is basically dragging huge nets across the bottom of deep sea ocean floors in areas where we simply do not know what is there. We do not know what species are there, we do not know what the ecosystem is. The ocean floors are quite literally being destroyed—almost like being clear-felled—as a result of this type of activity.

We have to do more in the way of research to address our lack of knowledge. We have to be more cautious and precautionary in the approach we take in areas where we are unaware. Having a national oceans act would establish a national oceans authority to replace the executive agency that the National Oceans Office was originally intended to be. The Democrats believe that this should be much higher up the government’s agenda. We see a need to establish a comprehensive, adequate and representative network of marine national parks to assist in the protection of Australia’s flora and fauna in the context of resource use. We also see a need to protect those productive natural systems and processes which underpin our fisheries and tourism industries. There is an important role for the work that the National Oceans Office did in engaging the community on the need for conservation and ecologically sustainable marine use. It is crucial that under the change that has been made to the National Oceans Office these types of activities and responsibilities do not disappear.

Question agreed to.

Aboriginal Benefit Account

Debate resumed from 18 August, on motion by Senator Bartlett:

That the Senate take note of the document.

Senator BARTLETT (Queensland) (6.05 pm)—The issues surrounding the Aboriginal Benefits Account, the annual report of which we are discussing at the moment, need to be...
made clear to members of the Senate and the general public. The Aboriginals Benefit Account was established as a consequence of the Northern Territory land rights legislation that was put in place by the Fraser government back in the 1970s. Whilst nobody pretends that land rights and the flow-on income that has gone into the Aboriginals Benefits Account have been a panacea that has solved all the problems for Indigenous people, I nonetheless think it needs to be emphasised that this has produced a lot of value to many Aboriginal people in the Northern Territory. It is particularly important to emphasise this fact in light of reports that federal cabinet is considering significant changes to the Northern Territory land rights legislation.

The Democrats have long been supporters of land rights for Aboriginal people, and we believe the principle is a crucial one. There are some people in the community—including, I acknowledge, probably a minority but nonetheless some Aboriginal people—who suggest that land rights should be restructured to enable individual ownership, which would basically put at risk the intrinsic concept of inalienable freehold title that attaches to much land that has been made available under land rights legislation. I am very sceptical about that, as are the Democrats. However, the approach that I do take on Indigenous issues is that clearly there are many problems and many areas of gross inequality and disadvantage that Aboriginal people suffer in Australia that do not apply to many other Australians. In such a circumstance, we need to be willing to look at whether we need to do things differently. But the big caveat over that—and it certainly has to apply to something as fundamental as land rights—is that it should not and must not be done without the full involvement of, consultation with and subsequent agreement of the Aboriginal people.

Any suggestion that cabinet is looking at fundamentally changing the operation of the Aboriginal Land Rights (Northern Territory) Act—and, according to one report, it is looking to introduce legislation aimed at doing so before the end of this year—does give me and the Democrats a lot of concern. It would not be possible in any way, shape or form to conduct the sorts of consultations and listening that would be necessary in that short period of time. We are talking about communities that, in some cases, are in quite remote areas. We are talking about a wide range of different language groups. There are a lot of people for whom English is not their first language or even their second language. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Consideration

The following orders of the day relating to government documents were considered:


COMMITTEES

Environment, Communications, Information Technology and the Arts References Committee

Report

Debate resumed from 18 August, on motion by Senator Bartlett:

That the Senate take note of the report.

Senator STERLE (Western Australia) (6.09 pm)—I rise to give consideration to the Environment, Communications, Information Technology and the Arts References Committee report into the performance of the
Australian telecommunications regulatory regime. I was particularly concerned about the issues that were raised on page 19 of the report, which relate to the poor quality of telecommunications services in rural and regional areas. The committee reported that during the course of their inquiry they were frequently told about the inadequate level of services, especially in the state of Western Australia.

With the damning testimony received by this committee from across the country, I am not surprised that this government has no interest in allowing this Senate to have a proper inquiry into the Telstra fire sale. This government seems to have forgotten that not everyone voted for them at the last election. By refusing to allow a proper inquiry into the Telstra fire sale, it is denying those Australians who did not vote for it their inalienable right to have their representatives in this Senate act in their interests.

This government does not want any scrutiny. It knows that, the more people look into what the government is doing, the more they will get angry. And, of course, the government does not want Senator Joyce to wake up to the fact that he has been conned. I do not know whether Senator Joyce has read this report, but I suspect he has not. Any reasonable person who had read this report would realise that Telstra needs to be fixed, not flogged. But it seems that the government has only one response to the problems that ordinary Western Australians from across the state are experiencing with the telecommunications services they are receiving from Telstra: flog it off.

The Prime Minister and his lackeys in the National Party told the Australian people time and again before the last election that Telstra would not be sold until the services it provided were up to scratch. This report is clear evidence that Telstra’s telecommunications services are not up to scratch, yet this government is rushing to legislate to flog off Telstra as quick as it can. In my own experience, from crossing this country time and again as a truck driver, I know just how bad telecommunications services are in regional areas. I was talking to a school bus driver the other day, who shared with me his concerns about the lack of mobile phone coverage in the areas in which he works. He was telling me about the vast areas in Western Australia that are serviced by the school bus drivers who carry about 25,000 children to school and back every day that have no mobile coverage at all. Can the marketers of Telstra—those who sit opposite me now—put their hands on their hearts and say that everyone in their home state is getting the telecommunications services they deserve? I put it to you, Mr Acting Deputy President Lightfoot, that they cannot. I also put it to you that, if there were a need for one of those bus drivers to seek urgent emergency services—and I hope that there never will be such a need—for the children of the mums and dads who own the service through this government, and if this service were not available because of inadequate telecommunications services, the marketers of Telstra would be culpable in whatever sad outcome might result.

This hypothetical might seem extreme to some senators. That is simply because they are so out of touch with their own states that they allow their blissful ignorance to mask the reality of a less than satisfactory telecommunications service in this country. Speaking of being out of touch, we all use a common term when we ask friends and colleagues to ‘keep in touch’. In Western Australia there are far too many places where you cannot keep in touch. I will bet Canberra to a canker outbreak that that is the case throughout every state and territory across Australia.
I draw the Senate’s attention to an article in yesterday’s *West Australian*. The lead story on page 3 was titled ‘Crashed mum injured and alone’. From the immediate vicinity of this crash site, you can see the CBD very clearly. But at this very site mobile coverage fails. You can see Perth’s major trauma hospital, but you cannot call it from your mobile phone. This ‘satisfactory’ level of telecommunications service is based on the out-of-touch benchmarks set by an out-of-touch government as it pursues its goal of selling Telstra. The government is not interested in fixing Telstra; all it wants is to sell it. Instead of pursuing its obsession with privatising Telstra, the government needs to improve the levels of access to quality telecommunication services in Australia. Telstra should not be sold. Australians know this to be true.

**Senator O’BIERN (Tasmania) (6.15 pm)**—I rise to speak on the same report. Of course, it is interesting that we see on the Notice Paper on this very day a report about the performance of the Australian telecommunications regulatory regime. I want to touch on some of the matters that Senator Sterle touched upon, particularly in relation to my own state. Only a matter of a couple of weeks ago, Senator Minchin was talking to a group of schoolgirls in Canberra. One of the schoolgirls from my state asked him about the state of the telecommunications system in Tasmania and the problems within it. His answer was that he thought things were pretty well okay—which, frankly, is amazing, given the nature of the problems which exist there.

There is an article in today’s clips headed ‘Nunamara phones in $1 million upgrade’. It says, ‘Nunamara residents have complained about telephone services in the area for several years.’ It talks about one microcosm of the problems which exist in the state of Tasmania. Recently, we had some pretty heavy rains in northern Tasmania, and in other parts as well. In the central highlands, 240 millimetres was recorded in less than a 24-hour period in one area. Where I live, it was only 135 millimetres in that same 24-hour period. We experience, from time to time, very heavy rains. The problem with that is that the copper wire network experiences massive problems because of ageing and water damage during those events. Of course, Nunamara is one of those areas that is terribly badly affected. In fact, the article in the newspaper talks about the problems being due to flooding and, in addition to that, an excavation problem which damaged the lines.

All over the state, phones, including my own phone, experience repeated outages during bad weather and sometimes when there is no weather explanation for the problem. I have asked the head of Telstra Country Wide in my state if he can tell me why we experience repeated phone outages at my home. I asked him nearly three months ago. I have not had an answer yet. One would have thought that Telstra would be able to explain such a simple matter as why there were repeated line drop-outs.

It is not a life-and-death problem for me or my family. I think I can happily say that we can survive the usual practice, which is to discover that the phone lines do not work and to ring up and have someone tell you that the line will be transferred to a mobile phone. But there are a lot of people who are not in the same position as we are. There are a lot of people who do not have mobile phones or who cannot afford to experience the additional cost of operating on their mobile phone. If, of course, you are relying on the landline for internet or fax services then you are out of business. It is incredibly important that these sorts of reports are consid-
ered by the parliament. It is an incredible coincidence that, on a day like today, this report comes up for consideration.

Having experienced the problems myself and having spoken to many constituents in the seat of Bass, the seat won by the government—Mr Michael Ferguson won that seat in the elections last October—I was amazed that Senator Minchin said that he thought that the telecommunications services in Tasmania were pretty much up to scratch. What has Mr Ferguson been doing? Doesn’t he talk to the finance minister responsible for the sale? Presumably he has spoken to Senator Coonan about the problems that exist in his own electorate. He must have heard about them. Many people talk about them. They are very common. Indeed, today’s Examiner, in the city of Launceston, the main city in the electorate, is talking about one area—an area, I might say, to which Mr Ferguson made a specific promise about mobile phones which he has not yet kept. But he does know about the problem in Nunamara. Did he not talk to Senator Minchin about that? Or was he told to keep his mouth shut lest he hurt the Telstra share price, lest he be counselled in the way that the government is proposing to counsel Mr Trujillo and the three amigos for telling the truth?

The truth is that in regional Australia—in northern Tasmania and Tasmania generally—Telstra services are not up to scratch. Telstra has been spending some money. Clearly, what has been revealed to us is that not enough money has been spent. But the problem is very significant. I know former Senator Mackay, from my state, on many occasions raised in this chamber and in the estimates the issue of the copper network line system in Tasmania and the problems particularly experienced by that system, when heavy rain fell, because of water inundation and water problems. Telstra have been, frankly, tardy in addressing those problems. What amazes me is that the government is saying, with all this happening, that Telstra services are up to scratch.

What is even more amazing is the 11 August report which the government received, which told them unequivocally that the system is not up to scratch, that there are millions of line faults and call problems. I suppose it is ironic that yesterday we were dealing with Telstra legislation and the cut-off when many people in my state have been cut off in relation to their Telstra lines—and it is clear that that is happening all over the country. I will tell you one thing, Mr Acting Deputy President: when someone coming into this place has been elected on a promise that they will not support the sale of Telstra and has run around between the day when they were elected and their swearing-in saying that they would stand up to the government, that they would be the hero who would protect regional Australia, that they would do the right thing and that they would live up to their obligations and commitments to their constituents, but then within a matter of weeks of coming in here indicates that they have changed their mind—

Opposition senators interjecting—

Senator O’BRIEN—I am reminded that it was a matter of days. I am being generous, because I was thinking of 1 July, but you are right. From the time of swearing-in until the rollover, we saw a very quick conversion by Senator Barnaby Joyce. I understand that western Queensland has seen a new dance craze. It is called the ‘Barnaby backdown’. This senator’s performance has seen him go from hero to zero in the eyes of the Queensland electorate. I thought from the comments that Senator Barnaby Joyce was making before he was sworn in that he was going to be a very astute politician who would be very difficult to unseat and who would be a certainty for re-election when he stands be-
fore the people of Queensland on the next occasion. I can say that he is far from a certainty now because of what he has done. I can tell you that the information I have is that there is a lot of anger in Queensland, not just from rusted-on National Party supporters but from a lot of people who gave their support or their preferences on the basis of the promise that was given to electorate. It is a very dangerous thing to make a promise that you do not keep. It is even more dangerous when it is about an issue that the public feel very strongly about. One recent poll said that 88 per cent of the population do not support the sale of Telstra.

Mr Acting Deputy President Brandis, I know that you will profess to know more about what might happen in the Senate in your state when the election comes around, but I do know that your comments about the single-digit support for the National Party are probably not going to change and are not going to be assisted. The elevation of that single-digit vote will be extremely unlikely with Senator Joyce on the ticket, because of his performance. I seek leave to continue my remarks later.

Leave granted.

Senator BARTLETT (Queensland) (6.25 pm)—It is nice to see you smiling, Mr Acting Deputy President Brandis.

The ACTING DEPUTY PRESIDENT (Senator Brandis)—I am always smiling, Senator Bartlett.

Senator BARTLETT—I am glad to hear it. This report is apposite at this point in time. It is a report into the performance of the Australian telecommunications regulatory regime. It is a report by a committee that I chair, although I hasten to say that, even though I was the one to table the report, I do not take a huge responsibility for the production of this, because most of the work was done by my predecessor, Senator Cherry, in what was basically his final report. It is a pretty fair legacy to leave, I must say, because it does highlight many of the problems with the regulatory regime that currently exists.

I turn not to the comments of the majority but to the government members’ dissenting report. The government members expressed the view that the inquiry itself was unnecessary because there had been previous inquiries and that that was borne out by the fact that a number of the recommendations in the report are the same as recommendations put forward in previous reports. It is true that some of the recommendations are the same, although certainly not all of them. But I think that does not in any way suggest that the report or the inquiry was not necessary; it emphasises why it was so necessary—that is, because problems that have been identified time and time again are still not being acted on. That is why the failure or inability of the Senate to properly examine the Telstra legislation as a result of the decision of government members is so unacceptable and such a dereliction of duty. It will prevent the opportunity to scrutinise precisely the problems that this report identifies and to see whether or not what the government has put forward does address them. Some of these problems are openly acknowledged by the government members on the Senate committee in their dissenting comments at the back of the report.

One of the Telstra bills that was only tabled today and is being subject to a derisory one-day committee hearing tomorrow relates to competition and consumer issues. This report and its focus on the regulatory regime goes to the heart of some of those issues. Anybody who has looked at this area even fleetingly would know that, when you are dealing with competition and consumer issues in the telecommunications area, you are looking at quite a complex area of activity.
The legislation that was tabled today makes a number of amendments to the Trade Practices Act in relation to penalties for breaches, enforcement of conditions, limitations of exemption determinations and orders, variations and revocations of exemption determinations, and procedural rules, as well as matters to do with the operational separation of Telstra. Most of those are issues that the report of this inquiry went to.

It is quite clear that operational separation is complex and difficult to do effectively. This inquiry and, indeed, other reports, including reports put out by the Australian Competition and Consumer Commission, have highlighted some of the significant shortcomings in the existing arrangements in the pricing reporting and in the accounting separation and determinations that are being used already. It highlighted inadequacies in the process, but perhaps equally importantly—in regard to a recent report by the Australian Competition and Consumer Commission, which I spoke to in this chamber in the previous sitting week—clear indications of a lack of cooperation from Telstra and there were quite strong statements from the ACCC implying that there was less than good faith from Telstra in regard to the approach it was taking on some of its obligations under the existing law. That, I would suggest, is a cause for very significant concern. That report, I might say, went to activities and operations under the previous Telstra management, not under the current people who are causing so much angst for the government.

It is therefore extremely disappointing that the serious issues highlighted in this report are not able to be examined by the Senate, because it is one thing to say, as coalition members of this committee said, that we did not need this inquiry because it had already been looked at. I did not agree with that but, however much I disagreed with it, I could see the reason to make that argument. We have already had other Senate committee inquiries into other aspects of telecommunications. But there is no way you could say, ‘That means we do not have to look at new legislation that goes right to the heart of this very issue.’

It means, firstly, that it is an area that the Senate has put a lot of time into examining to see how it can be improved, so when legislation finally appears it would try to address it. To then be railroaded it through with late-night debates, guillotines and a truncated committee examination is, again, a dereliction of duty. It is particularly derelict of those members who are willing to support the sale, because they are the ones who are enabling these changes to happen and they are doing so without properly examining, even for themselves, what the real consequences would be. That is a real shame.

We have already spoken at length in other debates today and yesterday about that fact, but this report gives extra weight to how big a travesty that is. That is because it is a significant report in its own right about very complex issues. You can see that from many of the excerpts from the evidence contained in this report—particularly in relation to small business operators, people who are trying to enter the communication markets in different ways, ISPs and others, many of whom have significant problems with Telstra operating in what they allege to be an anti-competitive way.

We need to make sure that some of those very real and very significant problems are being addressed at this time, because it is going to be a lot harder to do it in future, and it is crucial, if we are going to take such a significant step, that we examine it properly beforehand. So it is very disappointing. It is, I believe, a real, significant failure—the largest to date in relation to this government’s
inability to responsibly handle the extra power that it was given by the people, in particular by the people of my own state of Queensland. It is a difficult responsibility, to be in that position of deciding how to deal with issues and how to progress them and what process to use—let alone how to vote at the end of it all. It is of course a position that I have been in and Australian Democrats senators have been in for many years, so we know that it is a lot harder than it sounds, and it is hard to do responsibly.

But I think that any objective observer would have to say that, even at times when people have disagreed with the decisions of the Democrats and the outcomes that we got in certain areas, no-one ever accused us of pork-barrelling. I cannot recall—out of all the nasty words that have been said about us, all the different descriptions and insults that were thrown from all sides, depending on whether we supported something or opposed something—that anyone ever accused us of using that position of power to pork-barrel and extract slush funds for our own particular constituencies. I do not think I have ever heard that term used about us; I have heard it used about Senator Harradine, I have heard it used about others and obviously we have heard it used about some members of the National Party in relation to this issue and others—and, in some cases, with some justification.

I think that is another example of how the loss of the Democrats’ ability to do that job should be a matter of concern. Obviously people will have a couple of years to judge how the government handles this extra power and responsibility, but I would have to say that this week has shown a pretty bad example for people to use when weighing up whether this change is actually for the better in regard to the Australian community. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Consideration

The following orders of the day relating to committee reports and government responses were considered:

Foreign Affairs, Defence and Trade References Committee—Report—Duties of Australian personnel in Iraq. Motion of Senator Hogg to take note of report agreed to.

National Capital and External Territories—Joint Standing Committee—Report—Antarctica: Australia’s pristine frontier—Report on the adequacy of funding for Australia’s Antarctic Program. Motion of the chair of the committee (Senator Lightfoot) to take note of report agreed to.

Regulations and Ordinances—Standing Committee—112th report—40th Parliament report. Motion to take note of report called on. Debate adjourned till the next day of sitting, Senator Bartlett in continuation.

Community Affairs References Committee—Report—Quality and equity in aged care. Motion of the chair of the committee (Senator Marshall) to take note of report called on. On the motion of Senator Moore debate was adjourned till the next day of sitting.

Community Affairs References Committee—Report—The cancer journey: Informing choice—Report on the inquiry into services and treatment options for persons with cancer. Motion to take note of report called on. Debate adjourned till the next day of sitting, Senator Adams in continuation.

Public Accounts and Audit—Joint Statutory Committee—Report 403—Access of Indigenous Australians to law and justice services. Motion of Senator Watson to take note of report agreed to.

AUDITOR-GENERAL’S REPORTS
Report No. 30 of 2004-05

Debate resumed from 11 August, on motion by Senator Bartlett:

That the Senate take note of the document.

Senator FORSHAW (New South Wales) (6.36 pm)—I rise to speak on this report of the Australian National Audit Office, Performance audit—Regulation of Commonwealth radiation and nuclear activities: Australian Radiation Protection and Nuclear Safety Agency, generally referred to as ARPANSA. This report was tabled in March of this year. I do at the outset want to compliment the Auditor-General’s office on this report because it is a very comprehensive report—the reports always are, but this was the first audit report to be undertaken of the role, administration, management and performance of ARPANSA since it was established a few years ago. It is certainly a report that I urge all senators to read.

It is a very critical report and the ANAO does not pull any punches when it comes to its assessment of the performance of ARPANSA. The audit examined five key areas, the first being key governance arrangements supporting the regulatory function, the second being recovery of regulatory costs, the third being licensing processes, the fourth being monitoring of compliance and, finally, management of noncompliance and unlicensed activity. I want to refer to some of the comments and findings in this report so that they are on the public record of the Senate. Reports of the Auditor-General come out regularly, but I am not sure how often senators and members get the chance to read them. Certainly, they are reports which should be highlighted, particularly one like this that is severely critical of the organisation being audited.

In the key findings of the audit report, under the heading ‘Managing the regulatory function’, it found:

… the size and scope of the regulatory function were underestimated during its planning and implementation—that is, the planning for and implementation of the establishment of ARPANSA. It goes on:

The number of sources was four times more than planned, and the number of facilities nearly three times more.

Those are sources and facilities which produce radioactive material. So that is a major critical finding at the outset, that when ARPANSA was set up it was hamstrung from the start—and this theme runs right through the report. At item 12, again in that first section of the report, under ‘Managing the regulatory function’, it says:

ARPANSA’s Chief Executive Instructions (CEIs) address management of the potential for conflict of interest between the regulatory function and other functions.

But then it goes on, in item 13:

However, overall management of conflict of interest is not sufficient to meet the requirements of the ARPANS Act and Regulations. Key aspects of the instructions, such as maintenance of a register of advices, have not been implemented. As well, the instructions do not require matters of conflict of interest to be documented. Potential areas of conflict of interest are not explicitly addressed or transparently managed. This includes ARPANSA’s obligation under the ARPANS Act and Regulations to license itself to operate two facilities, and many sources, to conduct its non-regulatory functions.

14. ARPANSA has a customer service charter. However, it does not monitor or evaluate performance against the standards of the charter.

Finally, in this section, it says:
15. ARPANSA has a documented process for recording and actioning complaints. However, the Regulatory Branch does not maintain a complaints register, as required.

This is a failure of very basic but very important functions of the agency. It should be remembered that ARPANSA was set up—and we supported it, and I think the principle was correct—as a national regulatory body to oversee the licensing and activities of various facilities operated under the Commonwealth’s control with regard to nuclear radiation. Unfortunately, as I said, it has not met many of those fundamental requirements.

Under the section ‘Management of cost recovery for regulatory activities’, the report states:

16. ARPANSA is required to operate on a user-pays basis, to meet the government’s requirements that entities regulated should bear the costs of such regulation. These costs include licensing and monitoring of compliance with the Act and Regulations.

17. However, ARPANSA does not have a documented cost-recovery policy/methodology, or other guidance addressing cost recovery. This is a fundamental failure. Further on it states:

Since ARPANSA’s establishment, licence fees have increased considerably.

But then it states:

There is substantial under-recovery of costs.

Further, it says:

In particular, the costs of regulation of the Replacement Research Reactor (RRR) have been under-recovered.

Indeed, I pursued these matters at estimates earlier in the year. As a result of some of these failures in cost recovery, the government has allocated one-off additional funding to ARPANSA particularly for dealing with the under-recovery of costs with regard to the new reactor. ANSTO has not been required to find the funding, but the government has come to the party.

The report also deals with licensing, which of course is a key regulatory activity. But it states:

27. The bulk of license assessments—some 75 per cent—were made without the support of robust, documented procedures. Assessments of applications were supported by draft procedures only, which staff were not required to follow.

28. Some 60 per cent of applications accepted for assessment have been processed without a fee. Accepting applications without a fee is a breach of ARPANS legislation.

Sixty per cent of the applications were assessed without a fee. That is a breach of the legislation. In a rather interesting finding, it also states:

31. ARPANSA has not rejected any applications for a licence.

It goes on:

33. ARPANSA advised that it does not consider that these applicants were deficient in demonstrating radiation protection and nuclear safety ...

However ... ARPANSA does not have systematic arrangements in place to provide assurance that—special conditions—

are not being used to overcome deficiencies within applications.

The process is clearly being circumvented in some way. In a rather significant comment, I think, it says:

ARPANSA does not have a centralised database for monitoring or reporting its processing performance.

There is much more in this report which time does not permit me to go to, but I will mention a couple more points. The report states that ARPANSA does not:

... have a strategy for identifying prohibited activity by non-licensed entities.

...
The ANAO found that there had been underreporting by licence holders.

ARPANSA has developed guidelines for entities to facilitate their reporting. However, the guidelines are out of date, do not reflect changed reporting requirements and do not specify a timeframe or format for reports.

I must compliment ARPANSA in one respect: they have taken on board every one of the 19 recommendations made by the Audit Office and have agreed to implement them, but it is going to cost hundreds of thousands of dollars to do so. I hope that they can get this right because it needs to be got right and very soon. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Report No. 51 of 2004-05

Debate resumed from 11 August, on motion by Senator Moore:

That the Senate take note of the document.

Senator MOORE (Queensland) (6.48 pm)—As a result of my continuing interest in the whole process of audit reports and the ongoing consideration of service delivery activities over the last few years by the Auditor-General, I find this report particularly interesting. It looks at a real case of two agencies which are designed to work in cooperation to provide a service to the community and which will be expected to work very closely in the proposed new Welfare to Work processes when they are introduced. The report looks at how service delivery has been provided to job seekers around the country. The best thing we could say about the findings in the report is that there was a mixed result. In fact, a pass was given but further action was required from the departments involved.

The objective of the audit was to assess whether the oversight of the Job Network by the Department of Employment and Work-
ways had a concern in this regard. This concern was actually reflected in this audit report in recommendations No. 6 and 7, which focus clearly on strengthening the accountability of the services provided by DEWR. ANAO recommended that:

DEWR introduces a facility to obtain data on the complaints received...

This department that had the oversight of the whole Job Network did not have an effective data collection process for linking the complaints of the people involved. If they had the knowledge and bravery to establish that they had a complaint, it was very difficult for DEWR to point to a way that they could identify what the complaint was, identify where it came from and, I think most importantly, identify what actions were taken to resolve the complaint with the person who had made it.

One of the recommendations, which was ‘Agreed in part’ by the department, was that the department should have accountability for the provision of a facility to obtain data on the complaints received. That is strengthened by recommendation No. 7, which states:

In order to improve the quality of information about job seeker complaints contained—
and improve the ability to use this information, DEWR should review:
complaint data entry processes and systems ... and resolve issues with inconsistency—
and review:
the current complaint classification system ...
Whilst that may be a little bit wordy, I think it focuses on a fairly serious issue. As we are looking at effective service delivery, one of the key aspects must be finding out how the people who are currently using the system feel it is going. As we have seen in other audit reports which were discussed recently in the Joint Committee of Public Accounts and Audit which was looking at the complaint mechanism in Centrelink as an agency in its own right, another key aspect must be trying to establish within the agency an effective mechanism for working with the clients to assess how things are going. Another is to look at ways of improving the service. The aspects that we were looking at were how to learn from what has gone on before and how to make sure that from what we have learnt we then, in audit language, improve and have accountability for development of effective review complaint data entry process systems and work out how to resolve issues of inconsistencies.

This audit report is important in its own right because we have to work out exactly how the job market providers are serviced and how their services link in to the wider expectations of the government in terms of making sure people have support. In my opinion, one of the values of this audit is linking in to the wider audit process, which is looking at how effectively the public service is providing service to the public. In this aspect, this report has a very valuable role to play. It identifies that the core expectation of the public is that they are getting value for money.

Over the last six to 12 years, money has been poured into this program area—into the Job Network and the end of the program I have to admit a bias toward, the CES network. That was something that I found very painful. But when we made the transition from what was referred to by the government of the day as ‘the old, inefficient mechanisms of the CES’ and established the process, which I believe is now into its third round of Job Network providers, there was the expectation that the process would be introduced, that there would be clear expectations set out and that we would be able to ensure value for money and that the jobseekers of Australia would be getting the services that they should get so they can seek jobs.
One of the things that I found most surprising in the audit was that at the time that the audit was done, the strategic documents held by DEWR, which is the leading agent of this program, did not explicitly link the goal of achieving employment outcomes with high quality service delivery. I would have thought that that would have been a threshold expectation in the strategic documents that the department holds. And it should not only be in the documents that it holds; it should be on public display for the community. That is, the idea of linking the goal of achieving employment outcomes, which is the mantra of the government—to have outcome-focused service delivery—with high quality service delivery. The department accepted the finding of the auditors that, in this area of strategic documentation, the public commitment to how we are going should be clarified and published. That was another element that the department said it would agree to in part.

The code and service guarantee require that the Job Network providers deliver a guaranteed set of services in accordance with specified principles and processes in a manner that is sensitive to the job seeker’s culture, circumstances and background. This is critical to the whole area, and was worked on over many years to ensure that we would have that personalised service. That is very positive, but the ANAO found that the documents contain service commitments that are largely subjective, do not specify the expected manner of job seeker behaviour in their interactions with the Job Network people and do not clearly specify the key role played by the Job Network members in compliance aspects of the welfare system. I stress that because we are talking about that balance between the rights and the obligations. Consistently, when people are seeking work through this process, they are reminded of their obligations. That link between the key role played in the compliance aspects of the welfare system by the Job Network members must be specified. I seek leave to continue my remarks later.

Leave granted.

Senator WONG (South Australia) (6.58 pm)—I also rise to speak briefly on Audit Report No. 51 of 2004-05: Performance audit: DEWR’s oversight of Job Network services to job seekers. This report demonstrates quite clearly that taxpayers are not getting what they pay for and job seekers are not getting the services they are promised from the Job Network. This report demonstrates quite clearly that the contractual obligations that this government has entered into through DEWR with Job Network members are on many occasions not complied with. Given the central role the Job Network will have under the government’s so-called Welfare to Work package, which is moving people from one welfare payment to a lower welfare payment, it is of great concern that DEWR appears to be unable to manage a significant proportion of the contractual obligations under the current contract.

I particularly want to refer to the section of the report that deals with intensive support customised assistance. This is one of the major phases of the government’s so-called active participation model service continuum. This is the phase at which one deals with job seekers who have been unemployed for a longer period of time, and its aim is to provide intensive and personalised assistance. Job seekers are eligible to commence ISCA, as it is called, after 12 months unemployment or if they are immediately identified by Centrelink as being highly disadvantaged. I would note that one of the changes the government has proposed in the budget is to change the definition of ‘highly disadvantaged’ such that it will be more difficult to access—which seems a somewhat bizarre
thing to do, as there are going to be more people coming through the employment services system who will probably be highly disadvantaged and face significant barriers. To seek to reduce disadvantage by a bureaucratic stroke of a pen seems to be a very strange approach indeed by the government.

The Audit Office examined the quality of services provided to job seekers by the Job Network during this period of ISCA. They looked at a number of things in particular, including timely commencement of job seekers in customised assistance. What was interesting about this—and it demonstrates that the government appears to be unable to ensure that contractual obligations are met—is that, in the period October 2003 to the end of 2004, some 41 per cent of job seekers who were eligible for intensive support were recorded as pending or waiting for assistance for 57 days or more. Another 20 per cent had been pending for 28 to 56 days. The report also demonstrates that the proportion of job seekers eligible for customised assistance but recorded as pending for 57 days or more increased from 36 per cent to 50 per cent over the 10-month period to the end of 2003-04.

This is in a context where DEWR’s expectation is that Job Network members aim to interview all new job seekers within two days of their registration, and their operational advice to Job Network members is that job seekers are to be given 14 to 21 days notice in writing of a requirement to attend an intensive support interview or any other interview. Yet when you have more than 50 per cent of job seekers waiting for 57 days or more, it really begs the question as to what the government is doing about ensuring contractual obligations are complied with. These are services that taxpayers are paying for, yet we have a situation where, over and over again, the Auditor-General identifies failings in the government’s oversight of the Job Network. This report particularly demonstrates that Job Network members in the audit sample often fail to meet their contractual obligations.

There are other areas in terms of the assessment of job seeker needs and the customising of job seekers’ job search plans—all of which are contractual obligations but were found, in the sample assessed by the audit officers, to often not be meeting contractual obligations. This really highlights the poor management of the Job Network contract by the Howard government. Unfortunately, these failings will have and have had the worst impact on those job seekers who are struggling to find work. This may explain why, under this government, you have a situation where the very long-term unemployed have increased by more than 60 per cent over the past five years. I want to emphasise that these are services for which the taxpayer is paying. These are services that DEWR says it expects from the Job Network members, but these are services that the Auditor-General has identified as not being provided on many occasions—and, more importantly, the Auditor-General has identified that DEWR does not manage them appropriately.

The key theme that is persistent and consistent through this document is the failure by DEWR to properly manage the contractual obligations under the Job Network. In the context of the government’s so-called Welfare to Work package, you really have very little confidence in the capacity of the Department of Employment and Workplace Relations and the minister to ensure that contractual obligations are met. What that means is: what the government says it will provide to job seekers is often not what it is providing. It is failing to ensure that what taxpayers are paying for is occurring, and it is failing to ensure that proper systems are in place to ensure that it occurs. People really ought to have very little confidence in the ability of
the department to manage the Job Network’s provision of services as they deal with the range of job seekers that will now be required to move through the Job Network under the changes that were announced in the budget. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Report No. 58 of 2004-05

Debate resumed from 11 August, on motion by Senator Moore:

Senator McLUCAS (Queensland) (7.05 pm)—In the short time that I have available this evening, I want to bring the Senate’s attention to Audit report No. 58, which is a performance audit into the National Respite for Carers Program. Senators would be aware that I have spoken in this place on a number of occasions about the government’s inept and incompetent management of such an important program as the National Respite for Carers Program. Senators will recall that earlier this year the government opted to use compulsory competitive tendering as the funding delivery mechanism to deliver the National Respite for Carers Program, along with another three community care programs.

The process was very hurried, extremely flawed, and has left people all over the country without respite services. These are people who are caring for elderly family members and, particularly, people who are caring for children with disabilities. With one single ideological action, these families have been left bereft of respite care services that they have come to expect and that they relied on for the operation of their family life.

This has been an ideologically driven activity to follow compulsory competitive tendering. This is eighties stuff, which we have moved on from. We know that it does not work as a method to bring community organisations to work together, to work collaboratively. The government has ensured that community organisations are competing with each other, and therefore all that fantastic collaboration and consideration of various clients’ needs has potentially been lost.

That is what the government did earlier this year, and they knew that at the same time the Australian National Audit Office was undertaking an inquiry into the operations of the National Respite for Carers Program. Seventeen programs are operated by the government under the community care suite of programs. Four of them have been addressed in terms of ‘the way forward’ document and trying to find a different way of service delivery. There was no need for the National Respite for Carers Program to be lumped into the first tranche of revision. There was no need for the government to say we were going to include this program in the compulsory competitive tendering round, but they did. As a result, we have people without respite care.

You start to understand why they might have done that when you read the National Audit Office report into the performance of the program. Senators will have read on many occasions the very polite and measured language of the Audit Office. It is unusual for them to use language that could be described as in any way inflammatory. They are very managed and very careful, but, reading between the lines of this report, it is absolutely damning. Time does not permit me tonight to go through the whole report, and I will seek leave to continue my remarks at the end. This is an example of the sort of language the Audit Office uses:

Health has not implemented a methodology to inform its targeting of NRCP—
the National Respite for Carers Program—
services to areas of greatest need.
They do not make sure that the people who are in greatest need get the services—there is no methodology. The department does not even know whether what they are doing is being targeted to areas of greatest respite need. At the very same time that this report was being undertaken, they went through a revision of the program. All of the work that the Audit Office has done now has to be seen through the sieve of a new program. I seek leave to continue my remarks later.

Leave granted.

Consideration

The following orders of the day relating to reports of the Auditor-General were considered:

Auditor-General—Audit report no. 38 of 2004-05—Performance audit—Payment of goods and services tax to the states and territories. Motion of Senator Bartlett to take note of document called on. Debate adjourned till the next day of sitting, Senator Bartlett in continuation.

Auditor-General—Audit report no. 45 of 2004-05—Performance audit—Management of selected Defence system program offices: Department of Defence. Motion of Senator Bishop to take note of document called on. On the motion of Senator Moore debate was adjourned till the next day of sitting.


Auditor-General—Audit report no. 49 of 2004-05—Business support process audit—Administration of fringe benefits tax. Motion of Senator Moore to take note of document called on. On the motion of Senator Bartlett debate was adjourned till the next day of sitting.

ADJOURNMENT

The DEPUTY PRESIDENT—Order! There being no further consideration of committee reports, government responses and Auditor-General’s reports, I propose the question:

That the Senate do now adjourn.

Nuclear Energy

Senator TROOD (Queensland) (7.10 pm)—I rise this evening to address the issue of Queensland’s uranium resources and the contribution they may make to meeting the world’s energy needs. Presently there are 441 nuclear reactors in 32 countries. They use 68,000 tonnes of uranium worldwide each year. Nuclear energy currently provides about 17 per cent of global electrical power. However, and I think this is the significant dynamic, this is expected to more than double by 2050. According to the International Atomic Energy Agency, 35 nuclear plants are currently under construction, with another 25 planned for the future. The world’s second largest energy consumer, China, is planning an astonishing fourfold increase in nuclear power production as an alternative to coal. It is expected to invest something in the vicinity of $US40 billion in nuclear power by 2020, with about 30 new reactors in the pipeline. India is also planning new reactors, 24 over the next few years.

There is a substantial and, it seems, fast growing demand for nuclear power. All the estimates are that existing sources of fuel supply will be insufficient to meet this demand. Even now, uranium production only meets half of the existing demand for fuel, the other 50 per cent being produced from the conversion of highly enriched uranium from obsolete military warheads. The IAEA predicts that these stockpiles will decline and countries will have to look elsewhere for fuel over the next 10 years.
Opening up new reserves of uranium is an obvious solution, and Australia is an obvious place to look. Australia has the world’s largest reserves of low-cost recoverable uranium—somewhere in the vicinity of 40 per cent. But, regrettably, we are not the largest exporter. Canada currently supplies 30 per cent of global demand, despite having far smaller reserves than Australia. Australia has three producing mines: Olympic Dam and Beverley in South Australia and Ranger in the Northern Territory. They produce around 10,000 tonnes a year, making Australia the second largest exporter of uranium. But we are capable of producing much more.

At present we are burdened by the consequences of the rather bizarre logic of the Australian Labor Party’s three-mine policy, which was introduced in the 1980s. The deal to appease the ALP Left always lacked, to my mind, a compelling rationale and is now well past its use-by date. As Summit Resources noted in a submission to the federal government’s inquiry recently into developing Australia’s non-fossil fuel energy industry, the policy:

... dissuades investment in uranium exploration in Australia and further consolidates our competitor countries’ advantage in the industry.

Fortunately, the federal government has now seen the manifest stupidity of this policy and last month moved to take control of uranium mining processes in the Northern Territory. We can expect that this will open up more reserves for exploitation.

But there are actually tremendous opportunities for uranium mining in my state of Queensland. The Queensland Bureau of Mining and Petroleum has identified 32 uranium deposits across the state. Indeed, four mines in North Queensland could begin production immediately if they were given the go-ahead. Summit Resources, Laramide and Maple Minerals have all recently invested millions of dollars in future uranium mining prospects near Mount Isa, Georgetown and Townsville. If the Queensland mines were allowed to go ahead, it would have several important consequences. It would serve to meet the growing demand for uranium on the world market; it would bring millions of dollars in investment to local communities; and it would bring hundred, perhaps thousands, of jobs to regional Queensland and help to underpin its long-term future.

It is interesting to ask why this is not happening. The answer is fairly straightforward. It is because the Beattie state government refuses to issue any mining permits. On numerous occasions this year the Premier has said that he wants the local emphasis to remain on the state’s abundance of cheap coal and new, cleaner coal-burning technologies. In the state parliament last month the Premier said that expanding the uranium industry is ‘nonsense’ and ‘would undermine the coal industry, which is the subject of billions of dollars in investment and supports jobs, businesses and communities in regional Queensland’. Apparently, we Queenslanders lack the capacity to mine coal and uranium at the same time!

It is true that one of my state’s great industries is the export of coal, but the reality is that most of it is coking coal and is used for the production of steel. Only 33 per cent is thermal and used in the generation of electricity. In any event, the worldwide demand for coal is currently so great that it will be years before we see uranium eating into the demand. Indeed, the International Energy Agency expects a 43 per cent increase in demand for coal over the next 20 years. The Minerals Council of Australia—an organisation not generally known for its inclination to undermine mining activities or the investment therein—does not share the Premier’s view of Queensland’s position. It has said that there is room for both commodities. In a
recent media statement it remarked that the opposition to uranium mining was ‘founded in ideology rather than sound science, risk assessment and good public policy’.

If this unwarranted obstruction to the growth of Queensland’s mining industries were not enough, we have the further, rather bizarre twist that the Beattie government is resisting change at precisely the time that the federal Labor opposition is at last reconsidering its commitment to its outdated and unsustainable three-mines policy. So confused is the ALP on this issue that Mr Martin Ferguson, the federal shadow minister for resources, is pressing for change while the shadow minister for the environment, Mr Albanese, opposes it, and Mr Beattie, on the right of the party, supports Mr Albanese on the left. Once again, we see a rather sad Labor Party in a state of policy confusion, to put it generously. Mr Ferguson is quoted as saying:

... it is hard to accept that in a resources state, coal stocks could be exploited to take advantage of the resources boom, but uranium deposits had to be left undeveloped.

I can only agree. What a remarkably sane statement. Here we are facing a global demand for uranium and Queensland could help meet it but the Queensland Labor government is adamant in its refusal to seize the opportunity. It is worth while asking who bears the cost of this rather perverse policy formula. To my mind, there is only one persuasive answer: the people of Queensland. The Queensland Treasury loses but, more importantly, several regional Queensland communities lose jobs, investment, opportunity and security.

I realise that some people have concerns about nuclear proliferation in relation to our supply of uranium, but let me say three things on that point: Australia has the toughest export safeguard requirements of any country—they go well beyond the IAEA safeguards in their integrity; we intend to maintain the integrity of that regime; and Australian uranium is for power generation. Our agreements prescribe the use for military purposes and there are no reported instances of diversion or misuse of material supplied by Australia. It is time the Beattie government acted in the interests of Queenslanders and granted those mining permits.

Adult Learners Week
International Literacy Day

Senator STEPHENS (New South Wales) (7.19 pm)—This evening I would like to raise the issue of Adult Learners Week, which is this week, and International Literacy Day, which we celebrate today and which is celebrated around the world. The celebration of International Literacy Day over the past decade has increased public awareness about literacy and has brought businesses and unions into the debate, but there is still much to be done. We need to ensure that social justice issues are kept to the fore. It is often very easy to question the value of years in terms of the celebration of those years, but we know that they do have an effect in changing social attitudes, government policy and individual behaviour. Raising awareness on important issues is one way that we can improve the social agenda for everybody.

Literacy in Australia is quite complex. The provision of literacy services, ranging from preschool education through to adult learning, is an important part of capacity building in our nation. It is not a new concept but it is relatively new. Current research suggests that, in Australia, we should be aiming for active literacy rather than just functional literacy—which, put simply, is the ability to accomplish simple reading and writing tasks. Active literacy is much more than just reading and writing; it actually in-
volves integrating, listening, speaking, reading, writing, critical thinking and numeracy skills. It also includes cultural and social knowledge, which enable us to participate fully in society.

Importantly, literacy is a matter of social justice not only in Third World countries and developing countries but also here in Australia. The four basic goals of a just society are, as we know, equity—the fair distribution of economic resources and power; equality of civil, legal and industrial rights; fair and equal access to services, such as housing, health and education; and, importantly, opportunities to participate in personal development, social and community life and decision making.

It might be thought that, given that we have a system of compulsory education, literacy problems are not an issue in Australia or are just a problem for people from non-English-speaking backgrounds who need to learn English. That absolutely is not the case. We know that there are very many reasons why adults did not, and some children still do not, develop adequate literacy skills while at school. We know that it might be because of disrupted schooling, hearing or sight problems, some kind of emotional disturbance during childhood, illness, poor teaching or family circumstances—children moving around or parental separation—all of those kinds of things. Literacy learning and literacy skills are influenced very much by the personal circumstances of individual children and adults.

The first national survey of adult literacy in Australia was carried out by a team headed by Rosie Wickert and took place in 1989. It was a very interesting survey and has been a benchmark survey for many other countries across the world. A sample of 1,500 adults aged 18 and over was interviewed. They came from all over Australia—from cities, towns and rural communities. The title of the report, *No single measure*, indicated the very important point that there is no particular measure or specific point that separates those people we might call literate from those we would consider illiterate. That is not a very useful classification at all. The strength of that survey lay in its approach to the measurement of literacy and the recognition that literacy is a relative ability that has many dimensions.

We no longer think about literacy as a fixed point on a scale or a fixed inventory of skills that can be defined or measured in a simple test, which is how it used to work when we were at school. Instead, we now recognise the following: document literacy, the ability to identify and use information on documents, such as forms and memos; quantitative literacy, the ability to apply mathematical operations to information contained in print material such as menus; and prose literacy, the ability to read and interpret prose in newspaper articles and books. Finding the expiry date on a learner’s licence or identifying the dosage instructions from a packet of tablets is document literacy. Totaling two entries on a bank deposit slip or working out how much extra a meal would cost on a public holiday when there is a 10 per cent surcharge is quantitative literacy. Locating information in a piece of text or identifying the issues in a newspaper article, of course, is prose literacy.

Some of the findings that came out of that benchmark study are still very relevant today. A majority of Australian adults can perform straightforward literacy tasks, but many continue to be unable to complete tasks of moderate complexity, particularly those that involve prose literacy and quantitative literacy. Of that survey sample, 10 per cent failed to achieve at all on quantitative literacy. About 70 per cent of those surveyed could not identify the issues in a newspaper article.
about technology. One per cent of the sample had such low literacy levels that they were not asked to continue with the assessment. More than half of those people were from non-English-speaking backgrounds, more than half were men over 60 and all came from unskilled backgrounds. Although the adults from non-English-speaking countries performed less well than those born in an English-speaking country, on all three dimensions of literacy the differences were much less than expected. Another important finding, and one that Labor acknowledges and supports, is that the quantity of reading materials in the childhood home is a good predictor of literacy performance as an adult.

At the time, Rosie Wickert warned that we should be careful not to assume that a disproportionate number of adults with literacy problems are from non-English-speaking backgrounds. As I said before, low levels of schooling, low levels of skills or low levels of health and other indicators of poverty are also indicators of low levels of literacy amongst all adult Australians. So exclusion from the survey of those born in non-English-speaking countries would not have had much of an impact on the average scores. Another study that confirmed a link between parents’ literacy and children’s reading ability was a Queensland study which surveyed 1,929 children in North Brisbane schools. That survey found that up to 25 per cent of students that had major difficulties in reading and writing came from homes where one or both of the parents also had low reading skills. When we think of the complex processes involved in reading and writing, it makes sense that a child’s early and regular experiences with books and reading are important.

Children who are familiar with books and who are read to at home go to school having already learned a lot about the structure of written language. They are also able to relate reading to the pleasurable experiences of listening to imaginative stories. Parents who have literacy problems are restricted in their ability to provide such experiences for their children and, in some cases, may have negative attitudes towards reading and writing because of their own sense of failure. The Australian Institute of Family Studies produced a report called *The social costs of inadequate literacy*. That report discussed how some parents with limited literacy skills feel frustrated and hurt when they are unable to help their children with reading tasks. The clear implication of that is that literacy is not a matter for schools alone but must be tackled on a variety of levels.

We have seen a whole range of things come into play since 1990, which was International Literacy Year. Certainly there has been an emphasis on workplace literacy and learning programs. Many people with low levels of literacy are effectively shut out of a lot of training programs because of the levels of literacy that are assumed or demanded. But there are costs to both employees and employers of literacy difficulties. They include the extreme disadvantage of lack of confidence and self-esteem experienced by young jobseekers who cannot read job ads, lost opportunities for those who do not seek promotion and costs to the community of employment and other service benefits. International Literacy Year has become a very important part of Adult Learners Week, which is this week and is celebrated every year. It is a time of supporting and securing lifelong learning and committing to that principle. It is an important policy and one that we should recognise is an important part of the social fabric of our society.

**Border Protection**

Senator **BARTLETT** (Queensland) (7.29 pm)—I would like to speak tonight about border protection. It is a phrase that is used a
lot in political debate in Australia. It is one of those phrases that are used many times without people thinking through what it really means. It is usually used in the context of protecting our borders, so-called, from asylum seekers who arrive in boats. My view is that that is an extremely distorted and indeed inaccurate way to portray the notion of protecting Australia’s borders from things that are a threat. The fact is that, even at the peak of unauthorised arrivals of people in boats back in 2001, there were only around 4,000 who arrived in the space of a year.

I am not saying that that should not be addressed. It should. I have supported some of the things the government has done to address it—and I have strongly opposed many—but I think it is totally false to talk about that very small number of people as if they are some sort of threat to the borders. As the minister herself pointed out some time back when Labor initially proposed a policy of coastguards, specifically or in part for this purpose: ‘You do not need to go out to find these people who are asylum seekers, because they want to be found.’ No other group of people that enters Australia for any purpose or reason is more thoroughly scrutinised for health, security, identity and background and in terms of whether they have the right to stay in Australia. They are forensically examined at great length and at great cost. They are not a threat to our borders.

To this day, we still spend significant amounts of money on surveillance, intelligence and use of the military—or, in my view, the misuse of the military—in the waters off the north-west of Australia. We scan, screen and search for any potential unauthorised boat arrivals, and that is termed ‘border protection’. The number of asylum seekers was 4,000 at its peak and, as I said, no other people who arrive in Australia are more thoroughly scrutinised. Compare that to the total number of people that arrive in Australia each year. The 2003-04 annual report of the Department of Immigration and Multicultural and Indigenous Affairs provides some of the statistics. I think people would be surprised to know exactly how many people arrive in and depart from Australia each year. If anyone wants to take a guess as they listen excitedly to this speech, there are around 18½ million passenger arrivals and departures—in fact, it is more than that: it is 18,579,685.

One thing that I would say DIMIA are good at is counting. They keep very close track of the numbers of people coming in and out. In fact, Australia does that much better than most other countries. Amongst the current controversies about our immigration administration and the excessive, unfair treatment of a small number of people, we do some things in the area of immigration exceptionally well. That is because we have had a controlled, organised and structured migration program for over 50 years. Most countries in Europe have never done it in a structured way and are only now starting to do so. The UK also does it quite differently as do others in mainland Europe, for example Germany. They have a lot to learn, and they are learning about it from Australia.

One of the issues is how to keep track of the numbers coming in and out. A problem that they have in the UK is that they do not know whether or not people are still in the country. That is something that we have under much better control. Obviously there are people who overstay and then disappear into the community—around 50,000 or so, none of whom are asylum seekers. In respect of border security, that much larger group of people is a genuine issue. The amount of resources that are put into that much more genuine and real issue of security and border security is far less than the literally billions that are spent targeting asylum seekers who
want to be found, who are found and who are assessed.

There are over 18½ million coming in and out, and the vast majority of those use electronic travel authorities or advanced passenger processing. Electronic travel authorities are now available over the internet. Depending on the country you come from—and there are quite a number now—you can basically get a visitor visa using that authority. Those names are checked against movement alerts, Interpol and the like, but the fact is that the level of screening for the vast majority of that 18 million is immensely lower than it is for unauthorised arrivals, refugees or asylum seekers. I am not saying that it should be tightened, because I think you have to balance out these things. The point was made after the London bombings in July that any one of those bombers would almost certainly have been able to get into Australia using an electronic travel authority that had been obtained over the internet. That is true, and we have to look at that, but I do not think we should be making it a lot harder for people to get in here on visitor visas. Our tourism industry depends hugely on these, and it is particularly important for my own state of Queensland. Frankly, you have to weigh up those things. You cannot put up a brick wall around your country, particularly in the modern world, and keep everybody out or make people go through 75 different hoops and hurdles before they can get in here just to visit. That is part of the risk of being in the modern world. It does not mean you would be reckless about it, but you also have to be realistic. The point I am making is that the use of the term ‘border protection’ in respect of asylum seekers is incorrect. It is misuse of our language. The migration and asylum seeker areas have suffered from the misuse of language and terminology over the last five to 10 years, and the term ‘border protection’ is one example.

I will use another example to show just how warped our priorities are, moving outside the migration area altogether but very much going to the issue of the integrity of our borders and threats to Australia. I saw a report in the *Northern Territory News* during the week—it is a high-quality paper which I read all the time. It quoted the Northern Territory Minister for Primary Industry and Fisheries talking about what he called a crisis in the seas off northern and western Australia following the release of figures, which that I think were got through freedom of information, that an average of 22 illegal fishing boats were spotted in north Australian waters every day. Over 8,100 vessels were spotted. These are not vessels that were detained and intercepted; these are vessels that were spotted but not intercepted.

According to the fisheries minister, Mr Kon Vatskalis, the illegal fishing people are getting more brazen, and they are not peasants fishing in a traditional way, as people might think with Indonesian fishing vessels. They have sophisticated operations: they have freezers; they have global positioning devices; and some of them have large numbers of crew. According to him, some of them are landing on the Territory coast, stashing equipment and shark fins and even digging wells for fresh water. They carry dogs, birds and rats on board and, according to him, there are even reports that some bring pet monkeys with them. This is clearly a genuine threat in terms of quarantine and disease potential in terms of things like bird flu, tuberculosis and rabies. Obviously it means that not only are our fisheries resources at risk of being stolen, in terms of stuff that Australians have entitlement to; there is also the ecological impact of unregulated take of fish on such a large scale.
If you compare the amount of resources put in to try to stop such a small number of boat arrivals who come here and are detected—that is, we do manage their quarantine issues—with the amount of resources put in to deal with the over 8,000 vessels a year, which could each have crews of 20 or more on them, that are allowed to wander in and out, illegally fishing in our waters, some of them landing on the mainland, you get an idea of how big the failure of the government is on real border protection and real security of our resources and our disease-free status as a country. I think that is an extra reason to be critical of the government focusing on people who are not a threat but who are good political fodder, spending extraordinary amounts of money on that and clearly not putting enough resources and focus on something that is a genuine threat and a genuine risk to our borders. I think those figures are quite damning, and I would agree with the Northern Territory minister that something needs to be done. (*Time expired*)

**Senate adjourned at 7.40 pm**

**DOCUMENTS**

**Tabling**

The following documents were tabled by the Clerk:

[Literary instruments are identified by a Federal Register of Legislative Instruments (FRLI) number]


 Civil Aviation Act—Civil Aviation Safety Regulations—Airworthiness Directives—Part 105—

 AD/CASA/26 Amdt 1—Steering System Hydraulic Installation [F2005L02508]*.

 AD/S-PUMA/58 Amdt 1—Swashplate Bearing Attaching Screws [F2005L02510]*.

 Customs Act—CEO Instruments of Approval Nos—

 45 of 2005 [F2005L02490]*.

 46 of 2005 [F2005L02496]*.

 48 of 2005 [F2005L02498]*.

 Defence Act—Determinations under section 58B—Defence Determinations—

 2005/34—Remote locality conditions of service.

 2005/35—Conditions of service—Woomera, Port Wakefield, Antarctic and attendance allowances.

 Social Security Act—

 Family and Community Services (Tasmanian Motor Accidents Insurance Board ‘Future Care Payments’) Determination 2005 [F2005L02463]*.

 Family and Community Services (Victorian Transport Accident Commission ‘Attendant Care Service’ and ‘Post Acute Support’) Determination 2005 [F2005L02464]*.


 * Explanatory statement tabled with legislative instrument.
Indexed Lists of Files

The following document was tabled pursuant to the order of the Senate of 30 May 1996, as amended:

Indexed lists of departmental and agency files for the period 1 January to 30 June 2005—Statement of compliance—Department of Health and Ageing.
QUESTIONS ON NOTICE

The following answers to questions were circulated:

Minister for Communications, Information Technology and the Arts: Overseas Travel
(Question No. 693)

Senator Chris Evans asked the Minister for Communications, Information Technology and the Arts, upon notice, on 4 May 2005:

(1) In relation to all overseas travel where expenses were met by the Minister’s portfolios, for each of the financial years 2000-01 to 2004-05 to date what was the total cost of travel and related expenses in relation to: (a) the Minister; (b) the Minister’s family; and (c) the Minister’s staff.

(2) In relation to all air charters engaged and paid for by the Minister and/or the Minister’s office and/or the department and its agencies, for each of the financial years 2000-01 to 2004-05 to date: (a) on how many occasions did the Minister or his/her office or department and/or agency charter aircraft, and in each case, what was the name of the charter company that provided the service and the related respective costs; and (b) what was the total cost.

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

(1) Central Departmental records indicate the following costs were met by the Ministers’ portfolio in relation to ministerial overseas travel by the various Communications Ministers since 2000-01.

(a)  

<table>
<thead>
<tr>
<th>Year</th>
<th>2000/01</th>
<th>2001/02</th>
<th>2002/03</th>
<th>2003/04</th>
<th>2004/05</th>
</tr>
</thead>
<tbody>
<tr>
<td>Costs</td>
<td>$693.08</td>
<td>$5972.65</td>
<td>$4985.73</td>
<td>$715.26</td>
<td>$1623.68</td>
</tr>
</tbody>
</table>

(b) Nil.

(c)  

<table>
<thead>
<tr>
<th>Year</th>
<th>2000/01</th>
<th>2001/02</th>
<th>2002/03</th>
<th>2003/04</th>
<th>2004/05</th>
</tr>
</thead>
<tbody>
<tr>
<td>Costs</td>
<td>$145.20</td>
<td>$22.00</td>
<td>$780.98</td>
<td>$nil</td>
<td>$nil</td>
</tr>
</tbody>
</table>

(2) (a) and (b) In relation to ministerial overseas travel, records indicate there has been no charter aircraft used.

Minister for Employment and Workplace Relations
(Question No. 882)

Senator Chris Evans asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 6 May 2005:

For each of the financial years 2000-01, 2001-02, 2002-03, 2003-04 and 2004-05 to date, can details be provided of all privately or commercially sponsored travel, including cost and sponsor for: (a) the Minister; (b) the Minister’s family; (c) the Minister’s personal staff; and (d) officers of the Minister’s department.

Senator Abetz—The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator’s question:

(a) and (b) Senator Abetz will be answering on behalf of all Ministers.

(c) No private or commercially sponsored travel was undertaken by my personal staff.

(d) The Department of Employment and Workplace Relations was created in November 2001. Data is therefore provided for Financial Years 2002-03 onwards.
<table>
<thead>
<tr>
<th>Financial Year</th>
<th>Purpose</th>
<th>Company</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>2002-03</td>
<td>Accommodation at multi-customer five-day conference run by company.</td>
<td>Hitachi Data Systems</td>
<td>Details not available from company.</td>
</tr>
<tr>
<td>2003-04</td>
<td>Accommodation at multi-customer five-day conference run by company.</td>
<td>Hitachi Data Systems</td>
<td>Details not available from company.</td>
</tr>
<tr>
<td>2004-05</td>
<td>Accommodation at multi-customer five-day conference run by company.</td>
<td>Hitachi Data Systems</td>
<td>Details not available from company.</td>
</tr>
<tr>
<td>2004-05</td>
<td>Accommodation at multi-customer conference run by company.</td>
<td>RightNow Technologies</td>
<td>Details not available from company.</td>
</tr>
</tbody>
</table>

**Minister for Workforce Participation**  
(Question No. 897)

**Senator Chris Evans** asked the Minister representing the Minister for Workforce Participation, upon notice, on Friday, 6 May 2005:

For each of the financial years 2000-01, 2001-02, 2002-03, 2003-04 and 2004-05 to date, can details be provided of all privately or commercially sponsored travel, including cost and sponsor for: (a) the Minister; (b) the Minister’s family; (c) the Minister’s personal staff; and (d) officers of the Minister’s department.

**Senator Abetz**—The Minister for Workforce Participation has provided the following answer to the honourable senator’s question:

(a) and (b) Senator Abetz will be answering on behalf of all Ministers.
(c) No private or commercially sponsored travel was undertaken by my personal staff.
(d) Please refer to response provided by the Minister for Employment and Workplace Relations to question 882.

**Tasinformatics Centre of Excellence**  
(Question No. 928)

**Senator O’Brien** asked the Minister for Communications, Information Technology and the Arts, upon notice, on 2 June 2005:

With reference to the Minister’s media statement 036/05 dated 18 April 2005:

(1) Can a copy be provided of the original business plan for the Tasinformatics Centre of Excellence submitted by the University of Tasmania and the Tasmanian Department of Health in September 2003; if not, why not.

(2) What key changes to the ethical framework were requested by the University of Tasmania and how did these differ from the Intelligent Island board’s decisions with regard to the Centre and its position on the Centre’s ethical framework.
QUESTIONS ON NOTICE

(3) (a) What modelling the department has undertaken or commissioned to assess the impact on the Tasinformatics Centre of Excellence of the application of the various proposed ethical frameworks; and (b) can a copy of the modelling be provided; if not, why not.

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

(1) The Department of Communications, Information Technology and the Arts consulted relevant parties to seek advice as to whether they considered that there was potential damage to the public interest in the plan being released. The University of Tasmania has objected to the release of the business plan on the grounds that disclosure may be prejudicial to ongoing funding negotiations. In view of the University’s objections the business plan will not be released at this stage, but may be released once current negotiations are finalised.

(2) The ethical framework approved by the Intelligent Island Board formed part of the original business plan for the Tasinformatics Centre of Excellence submitted by the University of Tasmania and the Tasmanian Department of Health and Human Services in September 2003. Subsequently the University decided it was unable to agree to inclusion of the following provision of the funding agreement:

“The Centre will not conduct, sponsor or promote any research involving products or tissue sourced from human embryos in such a way as to destroy or to cause harm to an embryo or to use tissue or data from any such source with the exception of data that is in the public domain.”

(3) (a) None. (b) No, as none was carried out.

Australian Customs Service

(Question No. 1055)

Senator Ludwig asked the Minister for Justice and Customs, upon notice, on 4 August 2005:

(1) (a) How many staff have been seconded from other areas of the Australian Customs Service to work on the Cargo Management Re-engineering (CMR) project since it began; and (b) can details be provided for: (i) the length of secondment, (ii) the Australian Public Service classification, (iii) the background and relevant skills, and (iv) the duties in the CMR project.

(2) What training is given to staff that are seconded to the CMR project.

(3) How many staff were assigned to the Integrated Cargo Service since the project began.

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

(1) (a) The number of Customs staff that have been seconded from other areas of Customs onto the CMR project team is 243 staff. The secondment of staff from within Customs to work on internal projects is a common practice. There are many other staff not accounted for in this figure that have worked/are working on CMR issues as a normal part of their jobs in Canberra and the regions.

In preparing this figure and for the tables below, the term secondment has been taken in its normal APS context to mean people who have been transferred on a temporary basis from other areas of Customs to work full time on CMR.

(b) (i) Table 1 shows the total duration that staff have been seconded to the project team over the period from 1999 to mid 2005.

<table>
<thead>
<tr>
<th>Total duration of secondment to the project team</th>
<th>Number of staff</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 6 Mths</td>
<td>77</td>
</tr>
<tr>
<td>6 Mths to Less than 12 Mths</td>
<td>45</td>
</tr>
<tr>
<td>1 Yr To 2 Yrs</td>
<td>44</td>
</tr>
<tr>
<td>2 Yr To 3 Yrs</td>
<td>48</td>
</tr>
</tbody>
</table>
(ii) Table 2 shows the highest Australian Public Service classification of all staff seconded to the project team over the period 1999 to mid 2005.

<table>
<thead>
<tr>
<th>Highest APS classification level of staff during their time on the project team</th>
<th>Number of staff</th>
</tr>
</thead>
<tbody>
<tr>
<td>Customs Level 1/APS 3</td>
<td>7</td>
</tr>
<tr>
<td>Customs Level 2/APS 5</td>
<td>58</td>
</tr>
<tr>
<td>Customs Level 3/APS 6</td>
<td>85</td>
</tr>
<tr>
<td>Customs Level 4/APS EL1</td>
<td>52</td>
</tr>
<tr>
<td>Customs Level 5/APS EL2</td>
<td>33</td>
</tr>
<tr>
<td>SES Level 1</td>
<td>6</td>
</tr>
<tr>
<td>SES Level 2</td>
<td>2</td>
</tr>
<tr>
<td>Grand Total</td>
<td>243</td>
</tr>
</tbody>
</table>

(iii) It is not practicable to provide the background and relevant skills of each member of staff who has been seconded to the CMR project team. However, most staff are expected to have a sound Customs background with particular knowledge of the imports and exports environment including familiarity with Customs and/or industry business process, as well as some knowledge of electronic cargo processing, IT or technical skills.

(iv) It is not practicable to provide the duties for each position in the CMR project, however, the specific work includes:

- developing policies, legislation, business practices and processes, structures and staffing impacts associated with the CMR business model
- undertaking systems analysis, design, development, testing, implementation and review activities
- developing business rules and user specifications in areas such as import/export declarations, cargo reporting, risk analysis and evaluation, client interface and data management
- developing and implementing change management plans for Customs
- developing and implementing change management plans for industry, including IT migration strategies
- addressing client enquiries
- delivering knowledge and skills about CMR and ICS to industry and staff
- undertaking project support in areas such as resource management, quality management and project management.

(2) Staff joining the CMR project undertake a range of training appropriate to their own personal development needs and those of the project area to which they are seconded. Generally, Customs staff joining CMR teams already have a level of knowledge and skills about Customs business processes and systems, and quite a few staff were already skilled in systems development life cycle methodology. Training uses a range of approaches including formal classroom, workshop and on-the-job delivery. Specific training delivered to a range of Customs staff on the project include:

- Project management
- Systems analysis and design
- Creating quality user requirements and testing processes
QUESTIONS ON NOTICE

- Test Director for developing and running test scripts in the software
- Unicentre Service Desk (USD) for documenting client requests/support
- ITIL IT Information Library for managing user support
- Mapping Implementation Guidelines for edifact messages
- System and business process (eg. ICS business process workshops)
- Data entry into ICS systems (eg. user application forms, etc)
- Team leadership
- Client service
- Security awareness.

(3) The number of Customs staff that have been assigned to the Integrated Cargo System (ICS) since the project began is 135.

The ICS is a subset of the CMR project that deals with the analysis, design, development, testing and implementation (including training and communication) of the new cargo system. “Assigned” has been taken to mean all staff who work/have worked with the ICS, including staff seconded from other Customs areas and ongoing and non-going staff recruited to work with ICS.

**Australian Customs Service**

(Question No. 1057)

Senator Ludwig asked the Minister for Justice and Customs, upon notice, on 4 August 2005:

(1) Can details be provided on: (a) the training given to part-time exit line Customs officers under the recently announced plan for ‘surge capacity’ in Customs airport operations; and (b) how this training differs from regular training for new Customs personnel.

(2) How many persons have begun the three-week training.

(3) Of those persons, how many have completed the training.

(4) Of those persons who did not complete the training: (a) how many failed the course; (b) how many chose not to complete the training; and (c) how many left the course for other reasons, and what were the reasons.

(5) Of those who have completed the training, how many have since resigned or been dismissed.

(6) Can information be provided, by area, on ACS staff turnover.

(7) (a) For each of the years 2001 to date, how many persons undertake the general training stream; and (b) of those persons, how many have completed the training.

(8) Of those who did not complete the training: (a) how many failed the course; (b) how many chose not to complete the training; and (c) how many left the course for other reasons, and what were the reasons.

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

(1) (a) The Customs intermittent employees (CIEs) complete a training course that includes the full Passenger Clearance Course which is provided to all Customs Trainees, and the following subject matter:

- Airport Briefing (structure and functions)
- Communication in the Workplace (including client service)
- Comply with legislation in the Public Sector
QUESTIONS ON NOTICE

- Uphold the Values and Principles of the Public Service
- Working with Diversity
- OH&S
- Role of a Primary Officer
- Powers of Officers
- Passenger Concessions
- Passenger Cards
- PACE
- Outwards alerts processing
- Security Awareness.

(b) Customs employees who are recruited as Customs Trainees are required to complete a Certificate level III in Government and complete the following mandatory modules:

- Uphold the Values and Principles of the Public Service
- Comply with Legislation in the Public Sector
- Work Effectively in the Organisation
- Contribute to Workgroup Activities
- Work Effectively with Diversity
- Follow Defined Occupational Health and Safety Policies and Procedures
- Communicate in the Workplace
- Exercise Regulatory Powers
- Prepare Evidence
- Conduct Records of Interview
- Make Arrest

Other work specific training including the Passenger Clearance Course may be conducted depending on the work placement of the recruits.

While the CIEs may receive statements of attainment when they have successfully completed their courses, they will not complete the full range of courses required for a Certificate III in Government.

(2) 28.
(3) 20 with 4 still undergoing training.
(4) (a) 4. (b) Nil. (c) Nil.
(5) Nil.
(6) Separation rates\(^1\) by region for 2004/2005
   - ACT, 8.35%
   - NSW, 6.11%
   - VIC, 5.42%
   - QLD, 5.91%
   - SA, 8.64%
   - WA, 4.80%
   - TAS, 9.72%
NT, 15.16%
Total, 6.62%

(7)  

<table>
<thead>
<tr>
<th>Year</th>
<th>(a) Started</th>
<th>(b) Completed</th>
</tr>
</thead>
<tbody>
<tr>
<td>2001</td>
<td>609</td>
<td>585</td>
</tr>
<tr>
<td>2002</td>
<td>219</td>
<td>200</td>
</tr>
<tr>
<td>2003</td>
<td>135</td>
<td>125</td>
</tr>
<tr>
<td>2004</td>
<td>166</td>
<td>163</td>
</tr>
<tr>
<td>2005 to 30 June</td>
<td>162</td>
<td>154</td>
</tr>
</tbody>
</table>

(8)  
(a) 7. (b) 50.
(c)  

<table>
<thead>
<tr>
<th>Category</th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
</tr>
</thead>
<tbody>
<tr>
<td>Move to Other APS Agency</td>
<td>1</td>
<td>-</td>
<td>1</td>
<td>-</td>
</tr>
<tr>
<td>Death</td>
<td>-</td>
<td>2</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Abandonment of Employment</td>
<td>-</td>
<td>1</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Dismissal - Misconduct</td>
<td>1</td>
<td>-</td>
<td>-</td>
<td>1</td>
</tr>
</tbody>
</table>

1 Includes only ongoing employee separation.