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RADIO BROADCASTS

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- **PERTH** 585 AM
- **HOBART** 747 AM
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- **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, Com-
mander of the Royal Victorian Order, Military Cross

Senate Officeholders

President—Senator the Hon. Paul Henry Calvert
Deputy President and Chairman of Committees—Senator John Joseph Hogg
Temporary Chairmen of Committees—Senators Guy Barnett, George Henry Brandis, Hedley
Grant Pearson Chapman, Patricia Margaret Crossin, Alan Baird Ferguson, Michael George
Forshaw, Stephen Patrick Hutchins, Linda Jean Kirk, Philip Ross Lightfoot, Gavin Mark Mar-
shall, Claire Mary Moore, Andrew James Marshall Murray, Hon. Judith Mary Troeth and
John Odin Wentworth Watson
Leader of the Government in the Senate—Senator the Hon. Robert Murray Hill
Deputy Leader of the Government in the Senate—Senator the Hon. Nicholas Hugh Minchin
Leader of the Opposition in the Senate—Senator Christopher Vaughan Evans
Deputy Leader of the Opposition in the Senate—Senator Stephen Michael Conroy
Manager of Government Business in the Senate—Senator the Hon. Christopher Mar-
tin 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
Nationals Whip—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
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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

Prime Minister: The Hon. John Winston Howard MP
Minister for Trade and Deputy Prime Minister: The Hon. Mark Anthony James Vaile MP
Treasurer: The Hon. Peter Howard Costello MP
Minister for Transport and Regional Services: The Hon. Warren Errol Truss MP
Minister for Defence and Leader of the Government in the Senate: Senator the Hon. Robert Murray Hill
Minister for Foreign Affairs: The Hon. Alexander John Gosse Downer MP
Minister for Health and Ageing and Leader of the House: The Hon. Anthony John Abbott MP
Attorney-General: The Hon. Philip Maxwell Ruddock MP
Minister for Finance and Administration, Deputy Leader of the Government in the Senate and Vice-President of the Executive Council: Senator the Hon. Nicholas Hugh Minchin
Minister for Agriculture, Fisheries and Forestry and Deputy Leader of the House: The Hon. Peter John McGauran MP
Minister for Immigration and Multicultural and Indigenous Affairs and Minister Assisting the Prime Minister for Indigenous Affairs: Senator the Hon. Amanda Eloise Vanstone
Minister for Education, Science and Training: The Hon. Dr Brendan John Nelson MP
Minister for Family and Community Services and Minister Assisting the Prime Minister for Women’s Issues: Senator the Hon. Kay Christine Lesley Patterson
Minister for Industry, Tourism and Resources: The Hon. Ian Elgin Macfarlane MP
Minister for Employment and Workplace Relations and Minister Assisting the Prime Minister for the Public Service: The Hon. Kevin James Andrews MP
Minister for Communications, Information Technology and the Arts: Senator the Hon. Helen Lloyd Coonan
Minister for the Environment and Heritage: Senator the Hon. Ian Gordon Campbell

(The above ministers constitute the cabinet)
Howard Ministry—continued

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<td>Minister for Justice and Customs and Manager of Government Business in the Senate</td>
<td>Senator the Hon. Christopher Martin Ellison</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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<td>Minister for the Arts and Sport</td>
<td>Senator the Hon. Charles Roderick Kemp</td>
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<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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<tr>
<td>Special Minister of State</td>
<td>Senator the Hon. Eric Abetz</td>
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<td>Minister for Vocational and Technical Education and Minister Assisting the Prime Minister</td>
<td>The Hon. Gary Douglas Hardgrave MP</td>
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<tr>
<td>Minister for Ageing</td>
<td>The Hon. Julie Isabel Bishop MP</td>
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<td>Minister for Small Business and Tourism</td>
<td>The Hon. Frances Esther Bailey MP</td>
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<tr>
<td>Minister for Local Government, Territories and Roads</td>
<td>The Hon. James Eric Lloyd MP</td>
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<tr>
<td>Minister for Veterans’ Affairs and Minister Assisting the Minister for Defence</td>
<td>The Hon. De-Anne Margaret Kelly MP</td>
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<td>Minister for Workforce Participation</td>
<td>The Hon. Peter Craig Dutton MP</td>
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<td>Parliamentary Secretary to the Minister for Finance and Administration</td>
<td>The Hon. Dr Sharman Nancy Stone MP</td>
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<td>The Hon. Warren George Entsch MP</td>
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<td>The Hon. Gregory Andrew Hunt MP</td>
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<td>Parliamentary Secretary (Children and Youth Affairs)</td>
<td>The Hon. Sussan Penelope Ley MP</td>
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<td>The Hon. Patrick Francis Farmer MP</td>
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**SHADOW MINISTRY**

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<td>Leader of the Opposition</td>
<td>The Hon. Kim Christian Beazley MP</td>
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<td>Training, Science and Research</td>
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<td>and Deputy Manager of Opposition Business in the House</td>
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<td>Shadow Minister for Housing, Shadow Minister for Urban Development and</td>
<td>Senator Kim John Carr</td>
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<td>Shadow Minister for Local Government and Territories</td>
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<td>Shadow Minister for Public Accountability and Shadow Minister for Human</td>
<td>Kelvin John Thomson MP</td>
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<td>Shadow Minister for Finance</td>
<td>Lindsay James Tanner MP</td>
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<td>Shadow Minister for Superannuation and Intergenerational Finance and</td>
<td>Senator the Hon. Nicholas John Sherry</td>
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<td>Shadow Minister for Child Care, Shadow Minister for Youth and Shadow</td>
<td>Tanya Joan Plibersek MP</td>
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<td>Minister for Women</td>
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<td>Shadow Minister for Employment and Workforce Participation and Shadow</td>
<td>Senator Penelope Ying Yen Wong</td>
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<td>Minister for Corporate Governance and Responsibility</td>
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*(The above are shadow cabinet ministers)*
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<td>Shadow Minister for Consumer Affairs and</td>
<td>Laurie Donald Thomas Ferguson MP</td>
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<td>Gavan Michael O’Connor MP</td>
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<td>Shadow Assistant Treasurer, Shadow Minister for Revenue and Shadow</td>
<td>Senator Kate Alexandra Lundy</td>
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<td>Minister for Small Business and Competition</td>
<td>The Hon. Archibald Ronald Bevis MP</td>
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<td>Shadow Minister for Transport</td>
<td>Alan Peter Griffin MP</td>
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<td>Shadow Minister for Sport and Recreation</td>
<td>Senator Thomas Mark Bishop</td>
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<td>Shadow Minister for Homeland Security and</td>
<td>Anthony Stephen Burke MP</td>
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<td>Shadow Minister for Aviation and Transport Security</td>
<td>Senator Jan Elizabeth McLucas</td>
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<td>Shadow Minister for Veterans’ Affairs and</td>
<td>Robert Charles Grant Sercombe MP</td>
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<td>Shadow Special Minister of State</td>
<td>Peter Robert Garrett MP</td>
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<td>Shadow Minister for Defence Industry, Procurement and Personel</td>
<td>John Paul Murphy MP</td>
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<td>Shadow Minister for Immigration</td>
<td>The Hon. Graham John Edwards MP</td>
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<td>Shadow Minister for Aged Care, Disabilities and Carers</td>
<td>Kirsten Fiona Livermore MP</td>
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<td>Shadow Minister for Justice and Customs and Manager of Opposition</td>
<td>Jennie George MP</td>
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<td>Business in the Senate</td>
<td>Bernard Fernando Ripoll MP</td>
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<td>Shadow Minister for Overseas Aid and Pacific Island Affairs</td>
<td>Ann Kathleen Corcoran MP</td>
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<td>Shadow Parliamentary Secretary for Reconciliation and the Arts</td>
<td>Catherine Fiona King MP</td>
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<td>Shadow Parliamentary Secretary to the Leader of the Opposition</td>
<td>Senator Ursula Mary Stephens</td>
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<td>Shadow Parliamentary Secretary for Defence and Veterans’ Affairs</td>
<td>The Hon. Warren Edward Snowdon MP</td>
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<td>Shadow Parliamentary Secretary for Education</td>
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<td>Shadow Parliamentary Secretary for Environment and Heritage</td>
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<td>Shadow Parliamentary Secretary for Treasury</td>
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<td>Shadow Parliamentary Secretary for Science and Water</td>
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<td>Shadow Parliamentary Secretary for Northern Australia and Indigenous</td>
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Thursday, 6 October 2005

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

PETITIONS

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

Indigenous Australians
To the Honourable President and Members of the Senate assembled in Parliament:
The petition on certain citizens of Australia draws the following issues to the attention of the Senate:
• Funding is urgently needed for Indigenous people disadvantaged by low-incomes, who suffer with incontinence.
• Funding is also urgently required for the introduction of educational programmes in schools and healthcare facilities on the prevention of incontinence.
Your petitioners therefore request the Senate to make funding available for Indigenous Australians who suffer with incontinence.

by Senator Allison (from 248 citizens).

Trade: Live Animal Exports
To the Honourable President and Members of the Senate in the Parliament assembled.
This petition of the undersigned citizens of Australia draws to the attention of the Senate the stress and extreme suffering caused to cattle, sheep and goats during their assembly, land transport and loading in Australia, shipment overseas, and then unloading and local transportation, feedlotting, handling, and finally slaughter without stunning in importing countries.
Further, we ask the Senate to note that heat stress, disease, injury, inadequate facilities, inadequate supervision and care, and incidents such as on board fires, ventilation breakdowns, storms and rejection of shipments contribute to high death rates each year, e.g. 73,700 sheep and 2,238 cattle died on board export ships in 2002. Many thousands more suffer cruel practices prior to scheduled slaughter.
We the undersigned therefore call upon the Senate to establish an inquiry into all aspects of live animal exports from Australia, with particular reference to animal welfare, to be conducted by the Senate’s References Committee on Rural and Regional Affairs and Transport.

by Senator Bartlett (from 1,976 citizens).

NOTICES

Withdrawal
Senator WATSON (Tasmania) (9.31 am)—Pursuant to notice given at the last day of sitting, on behalf of the Standing Committee on Regulations and Ordinances, I now withdraw business of the Senate notice of motion No. 1 standing in my name for eight sitting days after today.

Presentation
Senator Stott Despoja to move on the next day of sitting:
That the Senate notes:
(a) the decision of the United States of America (US) to commence military commission proceedings against Mr David Hicks;
(b) that Mr Hicks will be the first Guantanamo Bay detainee to be tried by these military commissions;
(c) the comments by the United Kingdom’s Attorney General, the Right Honourable Lord Goldsmith, that ‘the United Kingdom has been unable to accept that the US military tribunals … offer sufficient guarantees of a fair trial in accordance with international standards’;
(d) the Government’s refusal to advocate for Mr Hicks to appear before a properly constituted court; and
(e) the decision of Mr Hicks to apply for British citizenship.

Senator Bob Brown to move on Tuesday, 11 October 2005:
That the Senate considers that any changes to the tax deductibility status for non-government organisations should be applied consistently
across the board, specifically, so that organisations representing the business community are treated in the same manner as community-based organisations.

BUSINESS

Rearrangement

Senator ELLISON (Western Australia—Minister for Justice and Customs) (9.32 am)—I move:

That government business order of the day No. 5 (Acts Interpretation Amendment (Legislative Instruments) Bill 2005) be considered from 12.45 pm till not later than 2 pm today.

Question agreed to.

Rearrangement

Senator ELLISON (Western Australia—Minister for Justice and Customs) (9.32 am)—I move:

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

(1) general business notice of motion No. 272 standing in the name of Senator Carr relating to the Australian electoral system; and
(2) consideration of government documents.

Question agreed to.

Postponement

The following item of business was postponed:

General business notice of motion no. 271 standing in the name of Senator Siewert for today, relating to the Murray River, postponed till 11 October 2005.

ETHANOL

Senator ALLISON (Victoria—Leader of the Australian Democrats) (9.33 am)—I move:

That the Senate—

(a) notes that:

(i) the Coalition Government, in 2001, enacted a mandatory maximum limit on inclusion of ethanol in all grades of petrol of 10 per cent, and
(ii) as a result of this mandatory limit, Australia is unable to cater for flexible fuel vehicles now on the market which are designed to run on up to 85 per cent ethanol; and

(b) calls on the Government to remove the existing mandate limiting the amount of ethanol in petrol to 10 per cent.

Question put.

The Senate divided. [9.37 am]

(The President—Senator the Hon. Paul Calvert)

Ayes………... 8
Noes………. 50
Majority……… 42

AYES

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

NOES

Adams, J. Barnett, G.
Bishop, T.M. Boswell, R.L.D.
Brandis, G.H. Brown, C.L.
Calvert, P.H. Campbell, G. *
Carr, K.J. Chapman, H.G.P.
Colbeck, R. Eggleston, A.
Ellison, C.M. Evans, C.V.
Ferguson, A.B. Ferris, J.M.
Fielding, S. Fieravanti-Wells, C.
Fifield, M.P. Forshaw, M.G.
Hill, R.M. Hogg, J.J.
Humphries, G. Hurley, A.
Hutchins, S.P. Johnston, D.
Kirk, L. Lightfoot, P.R.
Ludwig, J.W. Lundy, K.A.
Macdonald, J.A.L. Marshall, G.
Mason, B.J. McEwen, A.
McGauran, J.J.J. McLucas, J.E.
Moore, C. Nash, F.
Parry, S. Polley, H.
Santoro, S. Scullion, N.G.
Stephens, U. Sterle, G.
Troeth, J.M. Trood, R.
Watson, J.O.W. Webber, R.
Wong, P. Wortley, D.

* denotes teller
Question negatived.

CLIMATE CHANGE

Senator MILNE (Tasmania) (9.41 am)—
I move:
That the Senate—
(a) notes the release on 22 September 2005 of
the report, entitled Climate change health
impacts in Australia: Effects of dramatic
CO$_2$ emission reductions, by the Australian
Conservation Foundation (ACF) and
the Australian Medical Association
(AMA);
(b) expresses its concern about the findings of
the report that if emissions continue unabated:
(i) by 2100, 8 000 to 15 000 Australians
could die each year from heat-related
illnesses,
(ii) the dengue transmission zone could
reach as far south as Sydney, and
(iii) climate change is likely to exacerbate
poverty and may lead to large scale
population displacement throughout the
Asia Pacific region; and
(c) calls on the Government to implement the
actions recommended by the ACF and the
AMA to:
(i) reduce Australia’s greenhouse emis-
sions by 60 to 90 per cent by 2050 to
avoid dangerous levels of climate
change,
(ii) ensure an additional 10 per cent of
Australia’s electricity comes from re-
newable energy sources by 2010, with
further measures to ensure this figure
grows,
(iii) take a leadership role internationally to
ensure a global approach that aims at
preventing global temperatures increas-
ing more than 2°C above pre-industrial
levels, and
(iv) make building resilience to climate
change in developing countries an Aus-
tralian aid priority.

The Senate divided. [9.46 am]
(The President—Senator the Hon. Paul
Calvert)

Ayes..........  8
Noes..........  52
Majority....... 44

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
Adams, J.  Barnett, G.
Bishop, T.M.  Boswell, R.L.D.
Brandis, G.H.  Brown, C.L.
Calvert, P.H.  Campbell, G.
Carr, K.J.  Chapman, H.G.P.
Colbeck, R.  Crossin, P.M.
Eggleston, A.  Ellison, C.M.
Evans, C.V.  Ferguson, A.B.
Ferris, J.M. *  Fifield, M.P.
Fierravanti-Wells, C.  Hill, R.M.
Forshaw, M.G.  Humphries, G.
Hogg, J.J.  Hurley, A.
Johnston, D.  Joyce, B.
Kirk, L.  Lightfoot, P.R.
Ludwig, J.W.  Lundy, K.A.
Macdonald, J.A.L.  Marshall, G.
Mason, B.J.  McEwen, A.
McGauran, J.J.J.  McLucas, J.E.
Moore, C.  Nash, F.
Parry, S.  Polley, H.
Santoro, S.  Scullion, N.G.
Stephens, U.  Sterling, G.
Troeth, J.M.  Trood, R.
Watson, J.O.W.  Webster, R.
Wong, P.  Wortley, D.

* denotes teller

Question negatived.

DEPLETED URANIUM MUNITIONS

Senator SIEWERT (Western Australia)
(9.51 am)—I move:
That the Senate—
(a) notes the medical evidence that exposure to radiation from depleted uranium munitions is a health hazard;

(b) notes that the military of the United States of America (US) still deploys depleted uranium munitions in a wide variety of weapons systems; and

(c) calls on the Government to seek a written commitment from the US that depleted uranium munitions will not be used on Australian training ranges or in exercises in Australian waters.

Question put.  

The Senate divided. [9.55 am]  
(The President—Senator the Hon. Paul Calvert)  

Ayes…………  8  
Noes…………  50  
Majority………  42  

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  
Adams, J.  
Barnett, A.J.J.  
Bishop, T.M.  
Brown, C.L.  
Brandis, G.H.  
Campbell, G. *  
Carr, K.J.  
Chapman, H.G.P.  
Colbeck, R.  
Crossin, P.M.  
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.  
Forshaw, M.G.  
Hill, R.M.  
Hogg, J.J.  
Humphries, G.  
Hurley, A.  
Hutchins, S.P.  
Johnston, D.  
Joyce, B.  
Kirk, L.  
Lightfoot, P.R.  
Ludwig, J.W.  
Landy, K.A.  
Macdonald, J.A.L.  
Marshall, G.  
Mason, B.J.  
McEwen, A.  
McLucas, J.E.  
Moore, C.  
Nash, F.  
Parry, S.  
Polley, H.  

Santoro, S.  
Scullion, N.G.  
Sterle, G.  
Troeth, J.M.  
Trood, R.  
Watson, J.O.W.  
Webber, R.  
Wortley, D.  

* denotes teller

Question negatived.

NOBEL PRIZE WINNERS

Senator EGGLERSTON (Western Australia) (9.59 am)—I, and also on behalf of Senator Webber, move:

That the Senate—

(a) congratulates Professor Barry J Marshall and Dr J Robin Warren on being awarded the 2005 Nobel Prize in Physiology or Medicine in recognition of their joint discovery that gastric inflammation and almost all gastric and duodenal ulcers are caused by $Helicobacter pylori$;

(b) notes that the two medical scientists persisted with their research in spite of enormous scepticism from the medical profession and that the award of the Nobel Prize is a fitting reward for their scientific curiosity when, having made observations which did not fit in with conventional thinking, they courageously applied the scientific method to prove their results; and

(c) acknowledges the great benefit their discovery has brought to mankind in demonstrating that most forms of gastric inflammation and ulcers are caused by $Helicobacter pylori$ and are treatable with antibiotics at low cost.

Question agreed to.

COMMITTEES

Legal and Constitutional References Committee

Extension of Time

Senator CROSSIN (Northern Territory) (10.00 am)—I move:

That the time for the presentation of the report of the Legal and Constitutional References Committee on the administration of the Migration Act be extended to 1 December 2005.
Question agreed to.

DOCUMENTS

Tabling

Senator MINCHIN (South Australia—Minister for Finance and Administration) (10.01 am)—I table the following documents:

Inquiry into the circumstances of the Vivian Alvarez matter.

Report relating to the implementation of the recommendations of the Palmer report of the inquiry into the circumstances of the immigration detention of Cornelia Rau.

Response to the recommendations of the report of the Commonwealth Ombudsman of the inquiry into the circumstances of the Vivian Alvarez matter.

Senator BARTLETT (Queensland) (10.01 am)—I seek leave to move a motion in relation to the document on the inquiry into the circumstances of the Vivian Alvarez matter.

Leave granted.

Senator BARTLETT—I move:

That the Senate take note of the document.

This is obviously an important matter and it has received some coverage in today’s newspapers. I think it is something that deserves more thorough examination and more appropriate comment by the Senate and that should be noted when it is tabled. The circumstances surrounding this case have been the subject of a lot of public debate and speculation and deservedly require a lot of investigation.

I am not someone who likes to pronounce sentence on individual public servants and demand that people be sacked or charged or whatever, but I do think that circumstances like this raise extraordinarily serious questions. The wider issue, of course, is not just this individual case but what things can be done and have been done to ensure, as much as is humanly possible, that it has not happened elsewhere and that it does not happen again. Those questions, I think, are still not fully answered. We do have a Senate committee inquiry of course at the moment which was established on my motion and is an attempt to look at the wider issues: whether we actually need to change the act or make other administrative changes to improve the administration of this whole area. I think in that respect there is more that still needs to be done.

This is an issue that should be examined, as much as possible, in a dispassionate way. We all have our policy and philosophical views on this area, but in many respects this goes to the heart of good public administration. Regardless of your overall broader policy view, that policy—all policy—must be administered properly, efficiently, fairly and with basic human decency. All of those things have fallen over here and we need to do a lot more to really ensure that any wrongdoing is properly identified and addressed, certainly, and also that whatever changes can be made are made to prevent this sort of thing from continuing to happen. We have talked a lot about culture change; that is good, but there needs to be a lot more than just talk. We need to look fairly thoroughly at the detail of it and that is something that the Democrats certainly will continue to do.

Senator LUDWIG (Queensland) (10.05 am)—I rise to also take note of the report. Obviously, as the report has just been tabled, I do not have it in front of me at this time. The government fortunately, or unfortunately, only provided one copy. That will obviously come up this afternoon or this evening and I will make a further contribution then. If not, I will seek leave at some later stage to do that, if the government permits.
There is a report on the Alvarez inquiry in the *Australian* today, which is interesting given the government has only just tabled the report now. So it appears that the government—it may have been the government—or others have already provided some of the information to the *Australian*, maybe to take some heat out of the issue. The article, by Elizabeth Colman, says:

Three middle-ranking immigration officials have been blamed for covering up the wrongful removal of Australian citizen Vivian Alvarez and could face the sack.

It goes on:

A damning report into the Immigration Department’s handling of the affair by Victoria’s former police commissioner Neil Comrie has cited three public servants …

I will not go any further, but the article then talks about, and blames, a culture in the immigration department that developed under former Minister Ruddock and has continued under Senator Amanda Vanstone. That seems to be the theme running through first the Palmer report and now the Comrie report.

Just separating those two for the moment, the Palmer report also damned the department for its culture, administration and organisation but stopped short of the ministers. That of course looked into the very sad case of Cornelia Rau and how this government and the immigration department treated her. The second report that came to light referred to the Vivian Alvarez matter. It is similarly damning and provides a terrible tale of an Australian citizen who had been treated shockingly by this government and was deported or ‘removed’, as the department prefers to say, to the Philippines. That particular case was referred by the acting minister at the time, Mr McGauran, to Mr Palmer and, effectively, Mr Comrie to report on. We have spoken a lot about that issue. We have also had an inquiry into that. That inquiry is still continuing. It has provided an interim report and there will be a follow-up now that the Comrie report has been tabled and we are able to digest its contents.

The report also seems to blame the culture within the immigration department. Mr Metcalfe has provided the new broom, so to speak, to sweep through the department. Of course, he has a big task ahead of him. We hope that it is not simply going to be a cosmetic change that he is going to wrought within the department because, in this instance, what we have really called for is a royal commission with the ability to sweep the minister aside as well. The department needs a complete clean-out to ensure that the problems that were encountered in the cases of Cornelia Rau and Vivian Alvarez do not happen again. Of course, another 200 cases have been referred to the Comrie report which we have not been able to examine as yet. We need to ensure that the immigration department does not deport an Australian citizen and does not lock up an Australian resident for 10 months, as was the case with Cornelia Rau. We need to ensure that the department not only changes its culture but also changes the way it approaches these issues and the way it approaches its legislation. In fact, one wonders why there cannot be a complete review of the entire legislation while a commission is inquiring into it.

I will be corrected if I am wrong, but the Comrie report appears to begin to sheet home some of the blame to where it should lie—that is, with the ministers responsible for the department. Having sat on the Senate Foreign Affairs, Defence and Trade References Committee inquiry into the Solon matter, having sat through the immigration inquiry, estimates and a range of hearings with the immigration department, it seems clear to me that that culture that has been reported is not from the bottom-up. It is not a culture that starts at low- or middle-ranking bureaucrats and spreads out and around; it has been
identified by Mr Comrie as a culture that starts from the top. It starts from the attitude and the way that the department is being handled.

With regard to the cases of Cornelia Rau and Vivian Alvarez, it seems clear that if the culture did start with Mr Ruddock and Senator Amanda Vanstone then it is their responsibility to acknowledge that and step aside. That is what they should do. They should recognise that they are part of the problem. It is not good enough for them to blame the middle-ranking bureaucrats and the under-secretary—they already sacked the executive—bring in a new Mr Metcalfe and say: ‘That’s all right. We’ve tied all that up. We can move on.’ It is simply not sustainable to do that. I think Mr Comrie has belled the cat in this instance. He has sheeted home where the blame should be—that is, at the ministers’ feet. That is where the blame with regard to this matter should rest.

If you go back over the circumstances of this, you see that it is not only about a department that has been inculcated with a culture that is black but it is also about mismanagement and incompetence by the ministers concerned. One of the significant issues that we came across during the inquiry into the Alvarez matter was the inability of the department to produce and search reasonable and timely records that would enable them to conclude, ‘This person is an Australian citizen who should not be deported or removed but who in fact needs help.’ In her case, it was a relatively short period of a couple of months between when they first became aware of Ms Solon and when they then removed her to the Philippines.

A number of questions kept coming up, such as: why did it not go further? Why were inquiries not made? Why did the Australian Federal Police or the missing persons bureau not become involved in these issues? Why did they not search their records, not only for the names that they had but more broadly? Why did they not talk more with DFAT? There is a whole list of unanswered questions in my mind about how this department should have been more responsible in ensuring that these things were not going to happen, could not happen and did not happen.

Even when the records about what they did were provided by the department to the committee, they showed that there was no coordinated way of dealing with these issues. There was no coordinated way of ensuring that there were proper checks and balances put in the system. Even in the case of Ms Solon, there was no final check and no examination of the file before they decided to remove her. The legislation says that, if under section 189 you determine that she is an unlawful non-citizen and you come to that conclusion, you have to remove her under the following provisions. But, even then, they do have a ministerial series of instructions which say that you should at least have a bit of a check before you remove someone.

It is interesting that they could not find that checklist. This is a department that handles a whole range of important matters and they could not find that checklist. I have asked the question: ‘Why couldn’t you find it? Would it demonstrate that perhaps you shouldn’t have removed it?’ I do not know. It is a question that we may never find the answer to. In this instance, I think this report is well overdue. The department should take cognisance of it, and the minister should give it close scrutiny, do the right thing and remove herself. Without Senator Vanstone gone, I am not convinced that the culture in this department will in fact change.

Senator NETTLE (New South Wales) (10.15 am)—It is very difficult to talk to a report that we have not received, but that is the opportunity that we are given. All we
have to go off is a report in one of today’s newspapers about what may or may not be in the report that the government has tabled—and we do not have a copy of that report. The newspaper report talks about three middle-ranking immigration officials being blamed for covering up the wrongful removal of Australian citizen Vivian Alvarez and notes that they could face the sack. The media report says that the officers could face dismissal, suspension or other disciplinary action under recommendations contained in the report, which was written with the office of the Ombudsman. The only idea we have of what is in the report—because we cannot access the report—is that blame is being sheeted home to three middle-ranking officials within the Department of Immigration and Multicultural and Indigenous Affairs and that they will suffer consequences as a result of this.

I do not know if it is in the report, but where is the indication from the government about the responsibility that they will take? I do not know if this is an opportunity to choose three middle-ranking department of immigration officials and put the blame on them, leaving the government and the minister able to wash their hands and say, ‘It was those three middle-ranking officials in the department of immigration.’ That is not the way that this government should be taking responsibility for the deportation of an Australian citizen—and that is what we are talking about. We need the government and the minister to take responsibility for their actions which have resulted in this deportation.

As Senator Ludwig said, 200 other cases of wrongful deportation were also looked at in this inquiry. We do not have the information in front of us yet because we do not have the report about those circumstances. I now have a copy of the report. It is very hard to talk to something that you have just been given while you are talking to it. We do know the stories of other people’s experiences of deportation, the way it damages and ruins people’s lives. It creates major tragedies in people’s lives. We have not seen, to date, the minister or the government taking responsibility for the way in which they have damaged these people’s lives. That is what we need to see. We now have the opportunity to look through the report and the government responses. But all we have had so far in the media report is the blaming of three middle-ranking department of immigration officials. It is not good enough. It is a systemic failure from the department. The government and the minister need to take responsibility.

In a recent immigration inquiry, which we were involved in just last week, we were hearing about whether there has been any cultural change or shift in the department of immigration as a result of the recommendations from the Palmer inquiry. We heard numerous examples. People appeared before the committee and talked about cases from the last couple of weeks in which they have been involved and in which they have not seen any shift in the culture of the department. The changes that were put forward by the Palmer recommendations were described as putting more ambulances at the bottom of the cliff rather than building a fence at the top of the cliff. That, of course, relates to putting more psychiatric staff at Baxter detention centre to help. Psychiatrists who have worked in this detention centre say that it does not matter how many psychiatrists you put there, it is the detention environment itself that is toxic and creating the problem.

There have been announcements, which came out of the Palmer recommendations, that hockey fields will be built at Baxter detention centre. Building a hockey field does not change the circumstances for somebody in detention. Their greatest concern is the indefinite nature of their detention. This government went to the High Court to defend its
right to indefinitely detain people in our immigration detention centres. It wants to be able to say, out of the Palmer recommendations, ‘But we’ll build them a hockey field.’ Detaining people indefinitely and building them a hockey field is not good enough. How is that going to change the circumstances and the mental health consequences of those people? This government went to the High Court to defend its right to indefinitely detain people in the community. That is what we have seen so far and that is what we heard from witnesses last week in the immigration inquiry public hearings. Those witnesses told us about the changes that they have seen as a result of the Palmer recommendations.

We now have the opportunity to look at the recommendations in the report on Vivian Alvarez. We shall wait and see what people in the community dealing with these cases say are the consequences of the actions that occur on the ground after these recommendations come into play. However, we will continue to operate, unless we see some significant change from the government, in an environment in which they take no responsibility. The government and the minister take no responsibility. We hear that three public servants are being blamed for the circumstances of Vivian Alvarez’s deportation. Where is the ministerial responsibility in that? It is absolutely absent. Where is Senator Vanstone and her responsibility for the operations of her department in that? It is a big blank. We do not know. We have heard nothing. She is not in here. We cannot hear from her. We wait to see the minister take responsibility for the actions of her department in the deportation of an Australian citizen. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

AUSTRALIAN MEAT AND LIVE-STOCK INDUSTRY (EXPORT OF LIVE-STOCK TO SAUDI ARABIA) ORDER 2005

Motion for Disallowance

Senator BARTLETT (Queensland) (10.21 am)—I move:


This motion seeks to disallow the instrument that recommenced the export of livestock to Saudi Arabia. Disallowances are always a blunt instrument. It is all or nothing—keep it all going as is or knock everything out—but it is the only instrument that the Senate has available to use in the area of live exports. Despite it having been an area of such controversy to the Australian community for so many years, it is very rare that there is actually any direct action the parliament and the Senate can take in the form of making a decision to pass or not pass a particular motion or action of the government.

It was over 20 years ago now that a Senate committee report unanimously found that, if an assessment was made solely on animal welfare grounds, the live sheep trade should come to an end. Of course, there are grounds other than animal welfare, as the report acknowledged—there are social and economic grounds—and it was felt that, when they were taken into account, the trade should be continued for the time being. But certainly the fact is that, 20 years on, the trade has not only continued but has actually massively expanded. It has done this with the support of governments of both political persuasions.

The simple fact and the undeniable truth that was found by the Senate committee in-
query over 20 years ago has basically been put to one side. The extreme animal cruelty involved in the trade has been seen as unfortunate: it is something that we can try to mitigate a bit here and there, but it is just the way it is and we have to accept that because there are jobs and money at stake. That is the basic argument. There have been changes made over the course of those 20 years, usually in response to major disasters—and there has been a litany of disasters in the live export trade, particularly to Saudi Arabia, over those 20 years. After each one, there is an inquiry, there is a report, there are recommendations, there are changes and we are all assured that it will all be fine.

The Democrats’ view is that enough is enough. We have had more than 20 years to fix up these problems and to address the inherent cruelty in the trade, and that has not been able to be done satisfactorily. The most recent inquiry, the Keniry inquiry, after the Cormo Express debacle, is another example. There was an initial report that was based on narrow terms of reference that did not even go to the heart of many of the animal cruelty problems. It looked at only one part of things. Even that narrow report was only partly adopted. It was not fully examined.

The other thing we did not know 20 years ago is just how extreme the cruelty is. We can no longer use the excuse that we do not know. Footage has been taken and has been screened on Australian television programs, including 60 Minutes and others, showing the extraordinary, unbelievable cruelty that Australian animals exported to some of these places are routinely subjected to. We cannot pretend we do not know. We either accept it as it is and say that we are willing to be part of that degree of cruelty because of the economic gain, or we say that it is not satisfactory for Australia to be part of, supporting and indeed trying to expand incidents of that extreme cruelty.

Of course, the other thing that we now know much more clearly is that the live export trade in many respects, even when you look at the economic and social aspects, also costs Australia jobs. There has been widespread loss of Australian jobs in abattoirs and meat-processing facilities around the country—not all of it due to the live export trade, but some of it quite clearly due to it. In my own state of Queensland, the abattoir in Rockhampton simply was unable to operate because it was not able to source the animals because people were putting them on ships to send them off shore, still alive, because the producer got more money for it. It is a totally understandable economic response from the producer but it is clearly costing Australia jobs.

The facts are now clear that this not only involves extreme and undeniable cruelty to literally millions of animals but it also costs Australia jobs. The government likes to point to a report called the Hassall report, commissioned by the industry body LiveCorp, which said that the live export trade provides 9,000 jobs. Those jobs included people like farmers and transport drivers, who would be doing the same work if they were providing the animals to facilities in Australia rather than to facilities for export. The fact is, of course, that not only was the Hassall report commissioned by LiveCorp but it was done by a company that had a director who was the chairman of LiveCorp at the time.

There was a separate report that I believe needs to be given much more attention. That was a report commissioned by the Australian Meat Processor Corporation, undertaken by SG Heilbron Pty Ltd. Dr Selwyn Heilbron is a senior business economist and corporate consultant with specialist expertise in Australian and international agribusiness. He has served as a research consultant with the World Bank and a senior economist with the department of trade in Canberra. He is not,
as far as I know, a bleeding-heart animal rights activist but a hard-nosed economist. His report suggested, among other things, that the live export trade could be costing Australia around $1½ billion in lost GDP and around 10,500 lost jobs. The primary factor driving the profitability of the live export trade is market distortions in favour of live animals. If it were not for these factors, the rising demand for meat in importing countries would have been met by exports of chilled and frozen meats.

It also made clear that the live animal export trade is not complementary to the chilled meat trade in most respects. There is a small amount of overlap but, in most respects, it directly competes for the same export market. It has been the government bias towards the live export trade that has allowed the live export sector to grow and expand at the cost of the chilled meat trade—costing Australia jobs and, of course, along the way involving those animals being subjected to an extreme and extraordinary degree of cruelty.

It is fairly fashionable amongst some senators in this place to be very dismissive about animal welfare issues and the people that advocate animal welfare. We have seen in recent times a ramping up of that rhetoric, whereby people who dare to even try to highlight these issues and present a point of view about them are publicly attacked and vilified by the government. We have seen the taxpayer-funded company Australian Wool Innovation deciding to take Australian activists to court under the Trade Practices Act solely for attempting to encourage Australians to choose for themselves to not be associated with a practice that they believe is cruel.

We have seen reports in the last few days that the RSPCA—again, hardly an extremist animal rights organisation—are at the top of the government’s hit list in regard to tax deductible status because they dared to run a campaign against live animal exports during the last election. That campaign, I might add, was not directed at voting against the government. The live export trade has been supported by both major parties for a long time, so, inasmuch as it was critical, it was critical of all parties that have been supporting the live export trade. It certainly did not advocate a vote for the Democrats, even though we have been campaigning against the trade for decades. It simply put out the facts and encouraged people to make their views known and to express their concerns. For the trouble of running a campaign against live animal exports, the RSPCA are told that their tax deductibility status is at risk. This is the state our country has come to: people who hold a strongly held and valid view based on ample evidence, evidence not terribly different from what a unanimous Senate committee itself reported on 20 years ago, are threatened.

We have government ministers calling some of these organisations ‘terrorists’. That might sound like farcical political rhetoric, but in these days, when we have talk of wide-ranging changes to the law to give massive powers to various government bodies and offices through so-called antiterrorism legislation, when you get labelled by government ministers as a terrorist, it is not much of a step to wonder whether some of these new laws will get used against you. In fact, it is no step at all—that is what is happening in the United States, where industry are responding to consumer campaigns by trying to bring people within the ambit of those sorts of laws. And that is happening here in Australia, with the taxpayer-funded wool body taking Australians to court over such campaigns. The evidence is that the degree of intimidation and extreme attacks from government and industry people against
those who simply want to speak out has got worse in the last two decades.

Let it not be forgotten that this concerns a large section of the Australian community. The response that we continually get—that people who are concerned about these issues are wild-eyed extremists who should be discounted—is basically slandering hundreds of thousands of Australians. By far the largest petition tabled in this chamber in the last couple of years was on this very issue, with over 100,000 people signatories to the petition expressing concern about the live export trade. Are all of those people extremists? Should all of those people just be dismissed as ratbags and radicals?

During the period when the trade to Saudi Arabia was suspended there was a corresponding dramatic increase in exports to the Middle East, including to Saudi Arabia, of frozen carcasses and chilled and processed meat. For many years the lie has been peddled that we have to export these animals live because people there will not buy the product if it is killed here in Australia—that it has to be killed locally for some cultural, social, economic or religious reason. That is simply a lie, and the statistics and the facts show that. We have also had the lie that the animals have to be killed in a certain way for religious reasons and that they will not buy it from anywhere else—that is again completely false. There are Halal-accredited slaughterhouses in Australia and in other countries like New Zealand. There are certainly problems with those from time to time but, if we put even a 10th of the energy, effort and government assistance into developing Halal-accredited slaughterhouses in Australia, we could be dramatically expanding that value-adding market.

It is the same as any other area. Even though we are talking about living, breathing, sentient creatures, people want to treat this solely as an economic debate in which the suffering of those animals does not matter. Just look at the economics. This is a product, albeit living and breathing, that is exported in its rawest possible form, and the value adding is done overseas. Value adding can and is being done in Australia and, if it had the sort of support that the live export market had, it would be happening a lot more.

There is ample evidence that the trade involves extraordinary and extreme cruelty. There is enough suffering involved in the enormous distances that the animals have to be trucked from all around Australia to the various ports. Then there is the loading, off-loading and reloading of them onto some of these ships that carry enormous numbers, tens of thousands, of animals on voyages, lasting a further number of weeks, to many parts of the globe. There is no doubt that there have been improvements in some of their conditions. But small, incremental improvements in the face of widespread suffering are simply not sufficient. On top of that, we simply cannot disassociate ourselves from the extraordinary and unbelievable cruelty that those animals are subjected to at the other end. There is now ample evidence of that. Going back to my comment before about this being an issue of concern to the public, I know that, when those issues have been raised on 60 Minutes and other programs, they have received some of the largest public responses of all of the topics that continually get screened on those sorts of shows.

This is not an issue that is going to make many people change their vote. Very few people would change their vote or the government on the basis of an issue like this, but that should not be interpreted as meaning that people do not care about the issue, that they do not feel strongly about it or that they do not believe something should be done
about it. We now know far more than we did 20 years ago about the level of suffering involved. It is now clear that the industry, in many respects, costs Australian jobs and costs Australia money. Of course, if you closed the live export industry down tomorrow, it would cost some people money and jobs. That is why I have always advocated that we should be looking at a transition from one industry to the other. It is one of those cases where we are fortunate that there is a clear alternative, and if there was some genuine political will then we could make a transition from one to the other that would minimise the hardship and difficulty for some of the people affected. But it would also, it has to be said, increase economic opportunities for a whole range of other people. It would provide jobs in many areas where people are looking for them and where jobs have disappeared.

Whether you look at the economic argument or the animal welfare argument, the facts make it pretty clear that this trade is harming Australia’s economy and is making us complicit in an extraordinary degree of cruelty as well. Either way, when you look at both arguments together, there is no excuse for continuing down this path other than a lack of political will and vested interests who do not want change. I can understand why some people do not want change, but this is an area where change will, overall, bring net economic benefits to people and will also mean a significant reduction in extreme cruelty.

If people are going to support the trade continuing, then they simply have to say that they are willing to accept that degree of extreme cruelty. I do not, the Democrats do not, and we have campaigned for decades—from Don Chipp’s time—against this sort of extreme cruelty. The campaigns of many people around the country, and indeed around the world, against this trade have led to some incremental improvements in particular factors, but they clearly cannot address the cruelty that is intrinsic in this area.

This is an issue that has been the subject of international campaigns. I am not one of those people who suggest that Australia should immediately fall into line every time somebody overseas complains, but in a broader economic interest argument there are clearly going to be factors that are not going to go away. Simply responding to those people who express their concerns that highlight the facts with abuse, threats of legal action and labels like ‘terrorists’ will not help anybody. It will not help the industry to be put into a trench warfare situation. It does not help the taxpayer who has their money diverted towards court actions and those sorts of things when it could be spent on assisting people to address some of the legitimate issues that are raised.

This is the only mechanism that the Senate has to put these issues on the record and try to force this issue. As I said at the start of my speech, disallowances are blunt instruments, but they are the only instrument available. In the face of decades of a total lack of willingness by governments to acknowledge some of these basic facts, it is the least that can be done to put these issues on the record and try to hold governments to account for what they are doing. That effort will certainly continue and the facts surrounding this issue will continue to be put out in the public arena, regardless of the intimidation from those who seek to oppose it.

Senator FERRIS (South Australia) (10.41 am)—I am absolutely puzzled as to what Senator Bartlett is trying to do today. We are debating a disallowance motion of some regulations. Those regulations were, quite importantly, put in place to fundamentally improve the live sheep trade, but in Senator Bartlett’s speech today I did not hear
him refer to those regulations. All I heard him talk about was shutting down the trade. So, on the one hand, he is trying to disallow regulations which, if they were to be passed, would return the industry to a worse state of animal welfare than we had before—arguably to the dark days of the Cormo Express that we all admit were inappropriate and very unfortunate—and, on the other hand, he is talking about shutting the entire trade down.

The regulations that Senator Bartlett is moving to disallow today are in place to facilitate improved travel for animals involved in live export. So why on earth would Senator Bartlett move to disallow regulations that do that? It is only when you carefully listen to his speech that you find he is opposed to the entire trade. He wants to shut the entire trade down, even though he knows—I am sure he knows because the rest of Australia knows—that Middle East customers do not want frozen carcasses. They want live meat. They want halal killing and they want fresh meat. So, for us to arrogantly say to these countries, ‘You will have it the way we give it to you, the way Senator Bartlett wants it given, or you won’t have it at all,’ is just an arrogant dismissal of a customer’s set of criteria and demands. It is quite curious, to say the least.

As a South Australian, I know the importance of the live export trade to rural and regional South Australia and the impact that any such ban as suggested by Senator Bartlett this morning would have on farmers and rural industries not only in South Australia but in other states as well. Following the 2004 Keniry report into Australia’s live export trade, a range of very important measures were put in place so that another incident like the Cormo Express could never happen again. As a result of the changes to the live sheep export industry after the release of the Keniry report, each ship carrying livestock to the Middle East now has a vet and stockmen on board to care for the sheep. Each sheep has food and water on demand and can lie down to rest. The air on board is changed twice as often as on a commercial airliner, and there are special pens for sick animals to receive special veterinary care. It sounds better than some of the airlines that we travel on!

In response to one of the recommendations of the Keniry review, legislation was introduced by the government last year to increase regulatory control of this industry. The competency of licence holders is now assessed directly by government rather than by the industry. Livestock export licence holders are required to meet the new standards to obtain approval to export each consignment of animals. As well as the new administrative arrangements, the Australian government has signed memorandums of understanding with the major importers of Australian livestock in the Middle East, including Saudi Arabia and the UAE. Those memorandums detail the conditions under which the livestock are to be exported and include the provision that in the event of a dispute concerning health, such as we had with the Cormo Express, animals will be unloaded into a quarantine station rather than being left on the vessel to drift around the Middle East.

I ask Senator Bartlett whether, in moving a disallowance of these regulations, he truly wants to go back to the pre-Keniry reform days when there were far higher mortality rates, far less scrutiny on the industry and far less support for the animals. Which part of the regulations does Senator Bartlett object to—or is it the case that he simply wants to shut the trade down? If he wants to shut the trade down, he should not move the disallowance of these regulations, because that would return us to the bad old days before
Keniry; he should simply move to shut it down.

**Senator O’BRIEN** (Tasmania) (10.46 am)—Senator Bartlett did concede that the disallowance is a blunt instrument in response to a regulatory measure by the government. He did not really address many of the specifics about the particular regulations, which are about reopening the trade with Saudi Arabia; indeed he indicated support for a much more drastic measure, which is to close down the live export industry. Whilst we are debating a motion to disallow a regulation that allows the export of livestock to Saudi Arabia, we actually heard Senator Bartlett propose a case for closing down live exports.

In relation to Senator Bartlett’s motion, Labor’s position is that we will not be supporting it. Our view is that this trade is important in terms of the sheep and cattle sectors, and we do not propose to support its closure. We have heard no reasons why the particular regulation, expressed in the terms of Senator Ferris, to require more humane practices is not an improvement, and we would be very loath to oppose it. It is fair to say that this trade is an important alternative market for sheep and cattle producers, but it is in need of significant reform to ensure that appropriate animal welfare standards are met by the industry. That is not to say that other trade in animal carcasses, frozen or otherwise, ought not be expanded—the government ought to be putting as much effort as possible into expanding those trades—but we are not of the view that this trade ought to be closed down.

We do have a strong view that the government should continue to work with this industry, with animal welfare agencies and with the countries that take our animals, to improve animal welfare practices. The reality is that Labor was a driver of reform in this industry. It was the Labor Party and this Senate that forced a reluctant government to address key problems with the live export sector. Prior to the last election, I released a detailed policy that went to the key areas of this industry that required reform. The administration of this important industry was nothing short of a disaster, and who could forget the **Cormo Express** fiasco?

As senators would recall, this government received a number of independent reports on the need to reform animal welfare practices in the live export sector between 2000 and 2002, but it did nothing. The former Minister for Agriculture, Fisheries and Forestry, Mr Truss, failed to act to reform this sector, despite a number of reports calling on him to do so. The Howard government had to be dragged, kicking and screaming, to develop and implement an appropriate regulatory regime to enforce animal welfare standards for the live export sector. Labor continues to support the industry, but that support is only on the basis of ongoing significant reform to lift animal welfare standards to an acceptable level and that the industry is accountable for the manner in which it runs its business. Those reforms and that accountability are key to our continued support.

We will not be supporting this motion. We do not believe it is appropriate at this time to support a closure of the sector, which is the real intent of the motion. We do support the improvement of animal welfare standards in the sector. We do not believe that Saudi Arabia should be excluded from the trade if there are appropriate measures in place. These regulations make it clear that the government now has to accept responsibility for the maintenance of those standards, and on that basis we will support them. If those standards deteriorate, it will be the responsibility of this government, and we will be making sure the government is held to account.
Senator ADAMS (Western Australia)—I too am amazed at Senator Bartlett’s move to disallow these regulations. These regulations have certainly improved conditions under which livestock are transported, and Senator Ferris has described that. As a Western Australian farmer I am very annoyed at the rhetoric levelled at those involved in the live export trade. The live export trade is crucial to farmers, pastoralists and livestock transport operators who live and work in rural and remote areas of Western Australia.

Western Australian producers supply approximately 80 per cent of Australia’s total live exports. In 2004 Western Australia provided 43.3 per cent of Australian live cattle exports, which amounted to 600,000 head. Most of these cattle are produced in the north-west, and without the live export market many pastoralists would have to leave their properties. Eighty-three per cent of sheep exports, which amounts to 2.7 million sheep, are produced in the mid-west, the goldfields, the Great Southern wheat belt and the south-eastern areas of Western Australia. Most of these sheep leave from the port of Fremantle and spend two weeks on feedlots before they are loaded to enable them to get used to the specially produced pellets which they will be fed on their 12-day trip to the Middle Eastern markets and to Saudi Arabia. Sixty-one per cent of Australia’s goat exports, which amounts to 23,000 head, come from the pastoral rangeland area of Western Australia. With the downturn in the wool industry and the loss of sheep to wild dogs, a number of pastoralists have been able to remain on their properties due to the export trade available for feral goats.

Last week, in the Western Australian parliament, the Minister for Agriculture and Forestry, the Hon. Kim Chance, was asked the following question:

Would the minister and the Labor Government be prepared to publicly support the shipping of live exports from Western Australia on a continuous basis that would allow confidence in investment in this industry both here and overseas?

His reply:

Yes … The government supports the humane trade of animals within, or from, Western Australia and notes that the live export industry provides substantial economic and employment benefits, particularly in rural areas. The government recognises the importance of the live export trade to livestock producers and others involved in the industry and notes the lack of capacity in existing abattoirs to process all the livestock currently exported from Western Australia. In terms of continuity of live exports, the government recognises that the trade is subject to the pressures of worldwide supply and demand, and the decisions of importing countries, which may vary from time to time. The government also recognises that animals are exported from Australia under the provisions and legislation of the Australian government. The Australian government is negotiating with trading partners with regard to security of access of livestock shipments. The Australian government has also recently introduced the Australian Standards for the Export of Livestock as a further component in ensuring that livestock exports meet trade and community expectations in relation to animal health and welfare.

It is very satisfying to me that the Western Australian government is prepared to stand up and be counted on such an important issue for rural and remote producers and transport operators. Indeed, it is very interesting to note that at this point in time Western Australian abattoirs do not have the capacity to process the sheep that are produced in Western Australia should the live export trade be disrupted or ceased.

Recently I had the pleasure of attending a conference hosted by the Great Southern Area Consultative Committee, which was a great success but served to highlight the difficulties of running a business in a rural area where there are not enough skilled people
around. One abattoir operator in the area spoke of 100 current vacancies at their operation in the Great Southern. One hundred is a staggering number of vacancies for any business, let alone one involved in the food-processing industry, where speed and output are the basis of a profitable operation. So there is no way in the world the meat-processing industry in Western Australia could cope if live exports were stopped.

I know that there are some people in this country, and some in this chamber—we have heard that today—who deplore live exports, but let me tell you that the industry has made huge improvements in recent years. Legislation introduced last year has increased government regulatory control of the industry, as recommended by the Keniry review. Senator Ferris has described that. In addition to the new administrative arrangements, which improve sourcing, selection and preparation practices, the government has signed memorandums of understanding with the major importers of Australian livestock in the Middle East, including Kuwait, United Arab Emirates, Jordan and, of course, Saudi Arabia, which is the country these regulations are about. These MOUs detail the conditions under which livestock are exported and include the provision that, in the event of a dispute concerning health, the animals will be unloaded into a quarantine station rather than left on the vessel.

As I mentioned earlier, there are some in our community and elsewhere, and even some in this chamber, who do not support the live sheep trade and may even want to see it banned. We have heard that today. The United States pressure group People for the Ethical Treatment of Animals, PETA, is one organisation that would like to see the trade banned altogether. As a farmer, I find this very difficult. We look after our sheep, as do any other people who export live sheep. As far as we are concerned, the criticism that is levelled at us is just not acceptable. Our transport operators have quality assurance systems they have to comply with. I just think it is unfair. We do our best. We are improving all the time and we do look after our animals and ensure that when they arrive at their destination the people receiving them are getting a quality product.

Senator SIEWERT (Western Australia) (10.58 am)—The live exportation of any animal for the purposes of human consumption is cruel and unnecessary. While I appreciate that this order looks at addressing the conditions under which live animal export is conducted, I stand in support of Senator Bartlett’s motion to disallow it, as I believe that, no matter what conditions or requirements are put around it, the exporting of live animals should not take place under any conditions, least of all under a set of regulations that can be applied at the discretion of the Secretary of the Department of Agriculture, Fisheries and Forestry. While live sheep export plays a significant role at the moment in both pastoral and farming activities—and as an agricultural person from Western Australia I understand that role—you cannot say that pastoral or farming activity is truly sustainable on the basis of triple bottom line if it is based on cruelty to animals. That is not ethical and it is not sustainable, to my mind.

A lot of animals die unnecessarily on every live sheep export that leaves our shores—that is undeniable. In addition to these deaths, many animals suffer illness or injury but survive—for example, sheep are susceptible to eye irritations and infections due to dusty conditions on board and many suffer eye problems that can cause blindness even during the two weeks of the trip on board the ship. Once Australian animals arrive in the importing countries they are entirely subject to the customs and practices of that country. None of the countries to which Australia sends our sheep for slaughter have
equivalent animal welfare protection standards and the vast majority, particularly in the Middle East, have no such laws or they are inadequate or they do not enforce their standards. Slaughter methods that animals endure in the majority of importing countries would be illegal in Australia.

Since Australia suspended trade to Saudi Arabia as a result of the Cormo Express rejection, Saudi live animal requirements have been sourced from neighbouring North African countries—local sheep used to local conditions. During the previous ban on live sheep and cattle from Australia to Saudi Arabia, there was a threefold increase in exports of chilled and frozen mutton and lamb to that market—clear evidence that customers in the Middle East will accept meat from animals killed in Australia. Why then do we need to export live animals? If Australia banned the live export of animals it would bring to the fore Australia’s valued international disease-free meat status, which adds immense potential to further market growth, and would extend our current exports of chilled meat to this region.

Importantly, an Australian ban on live export on welfare grounds would provide a powerful ethical precedent that other countries would have difficulty ignoring. Australian and major international welfare groups could continue to highlight the unacceptable nature of long distance transportation which, strengthened by an Australian ethical stand, would influence other countries. The OIE, effectively the World Animal Health Organisation, has made long distance sea transportation of animals one of its four priorities and has commenced the task of developing an international standard which will in due course have an effect on standards used by any country that seeks to undertake this ill-advised and unacceptable activity.

It is a fallacy, I believe, to think that there is a lack of refrigeration or refrigerated trucks in many of the Middle Eastern countries we export to. These countries do distribute chilled or frozen meat. Many customers already buy their meat from supermarkets similar in size to those found in Australia. Indeed, at least 70 per cent of Australian sheep sent live to the Middle East already enter the wholesale market chain, being killed and then distributed chilled to butchers for sale. The current major importer of live Australian sheep into the Middle East markets on its web site frozen microwavable meals and a wide variety of processed products from Australian sheep.

We need to deal with the issue of cultural requirements. Australia has certified halal slaughterhouses with the slaughter of each animal overseen by Muslim officials who are licensed by importing countries. The animals are slaughtered here and then the carcasses are exported chilled or frozen. In Australia, Islamic leaders have approved the pre-stunning of sheep prior to the slitting of throats because electrical stunning is reversible. The animal is not injured, and therefore the practice is consistent with Islamic requirements. During the recent investigation by Animals Australia and Compassion in World Farming, it was found that Australian sheep being killed in the main Kuwaiti abattoir were not being killed according to halal requirements. Similar inconsistencies have been reported by independent observers in Egypt and other Middle Eastern countries in recent years.

There is a claim that about 9,000 people are employed in the live sheep export industry; however, independent observers have suggested that a lot of these people are already employed in the industry as sheep farmers, stock hands, stock transport drivers, shearers et cetera. While it is true that there are people employed additionally in this in-
industry, we put to you that more people would be employed if we had not had a series of regional abattoirs close down as a direct result of the live sheep export trade.

A major economic report researched and written in the year 2000 on the impacts of the live export trade by respected agricultural economists Dr Heilbron and Terry Larkin provided a very different perspective. The Heilbron report found that the live sheep export industry directly competes in the Middle East market with Australian chilled or frozen sheep meat industry products. The report also concludes that, if the sheep and cattle currently exported were instead processed in Australia, a further approximately $1.5 billion would be added to Australia’s gross domestic product, there would be around $250 million more in household income and around 10,500 full-time jobs would be created.

There are also major concerns that the disaster riddled live sheep industry has the ability to negatively impact on the reputation of Australia’s broader and more valuable rural exports—a fact that has been recognised by many members of the farming lobby and by the recent Keniry report, which we understand was paramount in New Zealand’s decision to severely restrict its live export trade.

The Australian Meat Industry Employees Union has opposed the live sheep trade for many years due to the closure of abattoirs throughout regional Australia. The union claims that 70 abattoir closures and the loss of up to 20,000 jobs are directly attributable to the live export trade. The closure of abattoirs has occurred due to inadequate supplies of sheep and cattle, competition for animals with the live export industry buyers and thus higher prices, which make local slaughter uncompetitive. It is a shame that it is claimed that there are now not enough employees or local abattoirs to process sheep with abattoirs closing due to the live sheep export business. Local abattoir closures do not only affect individual abattoir workers. The loss of employment created by the closure of a major industry, with the resultant departure of families forced to leave to seek employment elsewhere, affects the viability of all local businesses in small rural and regional towns.

Importantly, as the Heilbron report and a 2004 West Australian government task force report concludes, live export competes directly with Australia’s meat export trade into the same markets. The animals could be killed and processed here under strict Australian regulations prior to export. Historically, the live export trade has been fraught with disasters; the Cormo Express disaster was just one in a long series of disasters. It provides farmers with uncertainty, not security, and has the potential to impact negatively on Australia’s international reputation and rural export industries.

Senator Ian Campbell interjecting—

The ACTING DEPUTY PRESIDENT (Senator Forshaw)—Order! The debate has been conducted without interruption so far.

Senator Ian Campbell interjecting—

The ACTING DEPUTY PRESIDENT—Order, Senator Campbell!

Senator SIEWERT—Clearly, far greater long-term security for both Australian farmers and Australian workers in meat processing industries in Australia could be created through vigorous marketing of Australian chilled disease-free meat to importing countries. While Australia offers live animals, which provides to importing countries the added incentive of job creation and value-added products through local killing and processing of animals, the full potential of Australia’s chilled carcass trade will never be explored or realised. Even the adoption of the recent recommendations of the Keniry...
review has not led to substantial changes for Australian animals during and after live export. The Keniry review terms of reference only related to the preparation, selection, loading and shipboard phase of the live export process. While the report has made a number of very good recommendations, the inherent nature of transportation stress, congregations of large numbers of animals and transportation to another hemisphere, particularly for all sheep, with the inherent and persistent dangers of the sea, implementation of the—

Senator Ian Campbell—Can we have a bit of vigorous debate in this chamber?

The ACTING DEPUTY PRESIDENT—Order, Senator Campbell! Would you refrain from interjecting. The debate, as I said, has been conducted appropriately and in accordance with the standing orders so far. All speakers, including government senators, have been heard in silence. You should give the same courtesy to other senators in this chamber.

Senator Ian Campbell—It is not in accordance with standing orders.

The ACTING DEPUTY PRESIDENT—Senator Campbell, would you stop interjecting.

Senator SIEWERT—Implementation of the report recommendations cannot substantially reduce nor eliminate the current unacceptable suffering and mortalities that occur. Significantly, the Keniry review had no brief nor provided any recommendations in relation to the treatment of our animals in importing countries.

Senator Ian Campbell—Mr Acting Deputy President, I rise on a point of order. You just said that this debate is being conducted in accordance with the standing orders. Standing order 187, headed ‘Speeches not to be read’, at page 92 of the standing orders says quite clearly:

A senator shall not read a speech.

This senator is reading a speech. That is against standing orders.

Senator Bob Brown—On the point of order, Mr Acting Deputy President: the minister himself frequently reads speeches in this place.

Senator Ian Campbell—I do not.

Senator Bob Brown—You do.

Senator Ian Campbell—I do not.

The ACTING DEPUTY PRESIDENT—Order! Address your remarks through the chair, Senator Brown.

Senator Ian Campbell—The last time I read a speech was in May 1990.

The ACTING DEPUTY PRESIDENT—Order, Senator Campbell! You were just heard in silence when you raised a point of order. Have the decency to give other senators the same courtesy. Senator Brown, would you direct your comments on the point of order to the chair.

Senator Bob Brown—As you will recognise, Mr Acting Deputy President, there is no point of order.

The ACTING DEPUTY PRESIDENT—I am aware of the contents of the standing order. I am also aware that senators do regularly refer to copious notes when making their speeches. There is no point of order.

Senator Ian Campbell—Mr Acting Deputy President, on the point of order—

The ACTING DEPUTY PRESIDENT—I have just ruled on the point of order. There is no point of order.

Senator Ian Campbell—There is a difference between reading copious notes and reading a speech.

The ACTING DEPUTY PRESIDENT—I have just ruled on the point of order. Resume your seat.
Senator SIEWERT—I have almost finished, in any case.

Senator Ian Campbell—The last time I read a speech was in May 1990. Never let the truth get in the way of anything.

The ACTING DEPUTY PRESIDENT—Order, Senator Campbell! I have called you to order on a number of occasions. I would ask you to at least have some respect for the chair and for the chamber and to allow Senator Siewert to complete her speech in silence.

Senator SIEWERT—in conclusion, while I acknowledge that the regulations may make conditions slightly better for the sheep that are being transported, we do not believe that we should be supporting the live sheep export trade or any live export of animals. We should be looking to how we can better value-add and support our farmers in this country through the processing of these animals in this country, which will support farmers and regional Australia in the long term much better.

Senator NASH (New South Wales) (11.12 am)—As a New South Wales farmer, I find it absolutely incredible that the Democrats and the Greens have such a naive and simplistic view of this whole issue. I cannot agree more with my colleagues who spoke previously, Senator Ferris and Senator Adams. If Senator Bartlett is so concerned about this industry and so concerned about this issue, why would he be moving to disallow an order that is there to improve the industry in the national interest. I note Senator Bartlett said in this place on 20 June this year that the live export industry is:

... an industry I believe should never have got off the ground.

He said:

The live export trade has never been appropriately managed, monitored or enforced, and now grows worse with every passing day. All I can say, Senator Bartlett, is that the facts say it very differently. Since 2000, mortality rates throughout the industry have significantly improved. Across the board the mortality rate for cattle, sheep and goats has at least halved. I think perhaps these particular facts might be of interest. For cattle voyages of less than 10 days duration, the number of shipments with reportable mortalities has dropped from 12 in 2000 to three in 2004. This year, I am advised, there have no reported incidents to date—hardly ‘now grows worse with every passing day’. For cattle voyages of 10 days duration or more, there were just nine voyages with reportable mortalities in 2000. This year, I am advised there have been no reported incidents to date. Again, a situation that is hardly growing worse with every passing day. I am advised also that sheep voyages with reportable mortalities have fallen from eight in 2002 to none last year. The average mortality for goats has also halved in recent years.

The Australian live export industry operates within a regime of strict standards and conducts itself in a manner that provides the least impact on the livestock. Last year, the government increased live export regulatory control, as those sitting on the other side of

Chamber
the chamber would know. New Australian standards were introduced on 1 December 2004. Competency of licence holders is now assessed directly by government. Export licence holders are required to meet the new standards to obtain approval to export each consignment of livestock. This government has also signed memorandums of understanding, MOUs, with the major Middle East importers of Australian livestock: Kuwait, the United Arab Emirates, Jordan and Saudi Arabia. These MOUs detail the conditions under which livestock is exported. They include a provision that, in the event of a dispute concerning health, the animals will be unloaded into a quarantine station within 36 hours rather than left on the vessel. We all want to see improvement in this industry, and we are seeing it.

Despite the views of some in this place, this government maintains its commitment to supporting this vital industry. This support is balanced by ensuring that the live export industry is held to high standards of animal welfare. This government is committed to working with the live export industry to continue to improve practices and reduce the mortality rate on livestock voyages.

Senator Bartlett said earlier that it was costing Australian jobs. I beg to differ. The Australian live export industry provides an estimated 9,000 jobs in rural and regional Australia—rural and regional communities like the one I come from where jobs are so very important. Supporting those jobs is what we do. According to LiveCorp and Meat and Livestock Australia, for every job generated in the live export chain another 1½ jobs are created—jobs for ancillary suppliers and services such as livestock agents, transport operators, exporters, stevedores and shipping companies. Live export also benefits feedlot operators, fodder and chemicals suppliers, veterinarians, saleyards, stockmen, port authorities, helicopter mustering services and the finance and insurance sectors. These are all the people who live out in the regions of this country of ours.

Senator Bartlett might say there is no need for live export, but I can certainly remind the senator that demand certainly exists in the global marketplace for livestock. It is fanciful for him to say that, if Australia stopped its live export trade, it would be taken up by Australian export meats. The demand for live animals is quite different from the demand for meat. If we stop live exports, our supply would most certainly be replaced by other countries in the region who have minimal desire or ability to effect animal handling changes. I ask Senator Bartlett this: would he prefer to see live exports supplied by another country which may not operate on the same strict basis as Australia? Would he like to see 9,000 jobs permanently lost from the Australian work force? How would he suggest that we make up the almost $750 million shortfall to the Australian economy in lost export earnings? We have MOUs with our major Middle East importers of Australian livestock, we have improved animal welfare and we have improvements in this government’s legislative requirements to ensure better operation of the industry—all contributing to improving this industry, which is so vital to farmers and so vital to this nation as a whole.

Senator BARTLETT (Queensland) (11.18 am)—In conclusion, I do need to correct the record, unfortunately, of a lot of false statements that were made by a range of government speakers in regard to this issue. It is symptomatic of the problem with this debate. There is simply not an interest in listening to the arguments that are put forward. There is not an interest in actually acknowledging the facts. All you get are the same distortions and falsehoods, repeated time after time again. The simple fact is that there is an alternative market. We heard the statements made by a number of speakers
that if the live animal trade was phased out, it would not be replaced by processed meat and frozen meat products. That is simply not true. We saw that just in the short period of time when the trade to Saudi Arabia was suspended: the exports from Australia in frozen meat and in chilled carcasses increased dramatically. The statement that we heard from Senator Ferris that these countries will not buy frozen meat is simply wrong. It was probably always wrong and it is certainly wrong now.

All we get are these puerile insults: ‘City slickers. They wouldn’t know. They don’t care about the farmers.’ If you want to turn this into an issue that generates a divide between city people and country people, then I do not think that is in the interests of farmers or country people. It is a simple fact—and I referred to this in my initial comments, which were clearly not listened to—that there is a large number of jobs that have been lost in Australia as a result of the live export trade. In my comments, I said that of course there are jobs that are dependent on it but there are jobs that have been lost from it as well. You cannot simply talk about one part and then pretend the consequences do not exist on the other side. Why do some jobs in rural Australia matter but not other jobs in rural Australia? A bit of consistency would go a long way in trying to actually get a rational debate around this issue.

I remind the Senate of the report on this matter. It is not me making all these comments and these claims, as Senator Nash suggested. It is people like Dr Heilbron and Mr Larkin—agricultural economists. They are the ones who are saying that the live export trade will be costing about $1½ billion in lost GDP, around $270 million in extra household income and around 10½ thousand lost jobs—and the vast majority of those 10½ thousand lost jobs would be in rural communities. So don’t come in here and say, ‘You don’t care about farmers’ jobs and we are the only ones that care.’ The facts are there.

The suggestion from Senator Ferris is that there is this secret and I actually want to close down the trade. Of course I am opposed to the trade. The Democrats have been opposed to the trade for decades. I have also argued many times that it is quite feasible and would be more responsible, rather than to continue this trench warfare, to provide the same sort of encouragement to the alternative trades that the government currently provides to the live export trade. You would then be able to get the sort of transition without some of the hardships that go along the way with any change. Some of those things may be forced on rural communities in any case.

Frankly, to continue to turn a blind eye to the economic opportunities in the alternative trade and just stubbornly insist on the most basic non-value-added approach, of live export, is actually leaving rural communities more exposed because markets disappear from time to time. We are seeing with the live cattle trade, at the moment, significant fluctuations in that market. We had a report just last week, on 28 September—I think it was on the ABC—of cattle being trucked more than 3,000 kilometres from the Kimberley region that Senator Adams was talking about, all the way across to Roma in my home state of Queensland—and Roma is not that far from the coast. And they were trucked all that distance because the owners were getting a better price in the saleyards there than they were for the live trade, for a range of reasons including fuel prices and that sort of stuff. There are a range of other factors that can come into play here. But that is in a situation where we actually have market distortions in favour of the live trade—market distortions, and active government discrimination—
Senator Lightfoot—You know nothing about the market economy.

Senator BARTLETT—that act against the opportunities there—

Senator Ian Campbell—Do you know why the Canning Stock Route was built?

The ACTING DEPUTY PRESIDENT (Senator Forshaw)—Order!

Senator BARTLETT—I realise that it is probably a waste of time, in terms of some of the senators in the chamber, to actually try to put the facts on the table, because all they give is abuse—

Senator Ian Campbell—People have moved cattle around Australia since settlement.

Senator Lightfoot interjecting—

The ACTING DEPUTY PRESIDENT—Order! Would senators on my right please cease interjecting and allow Senator Bartlett to—

Senator Ian Campbell—I’ll send you some Banjo Patterson.

The ACTING DEPUTY PRESIDENT—Senator Campbell, would you stop, firstly, interjecting and, secondly, talking through—

Senator Conroy interjecting—

The ACTING DEPUTY PRESIDENT—Order, all senators. Has everybody finished?

Senator BARTLETT—Mr Acting Deputy President, I think interjecting on the speaker is one thing, but continually interjecting on the chair is extremely disorderly.

The ACTING DEPUTY PRESIDENT—I was about to make that point, Senator Bartlett, before I was further interrupted—by somebody on my left, as well! Proceed, Senator Bartlett.

Senator BARTLETT—Let us just go to the basics of this regulation we are debating here today. The suggestion that this regulation actually enables nicer travel conditions—and that, if it were disallowed, we would go back to the bad travel conditions—is simply not true. A range of regulations, on which I have not touched, have been put in place that address travel conditions and the like—minor improvements here and there. But this regulation enables trade to be reopened to Saudi Arabia and, even if the travel conditions are slightly better for the animals, they will still endure those conditions if the trade is reopened and, I might say, the conditions and torture that they get at the other end.

Senator Ferris interjecting—

Senator BARTLETT—We have had comments, and we had another interjection just then, about it being first-class travel—Senator Ferris said, I realise somewhat in jest, that these are better than the conditions in which some of us travel in planes. Apart from the fact that these are voyages lasting more than a week rather than a few hours, the conditions on the ships can be imagined, with animals in numbers that, I might say, go beyond 100,000 in some cases. To say, ‘It is a wonderful thing; the sheep can now lie down to rest’—although I guess it is better if they can do that than if they can’t—or to suggest that somehow or other this is the lap of luxury, is just farcical. And, to use the analogy of air travel, I have not noticed one per cent of people on air travel around the country dying along the way, which is what happens to the sheep as a routine matter on these voyages.

Senator Nash was talking about a drop in ‘no reportable mortalities’. What that means is that, unless a certain number die, they do not even bother talking about it, and it is only once they get to a certain percentage that they become ‘reportable mortalities’. These are the sorts of nice phrases that are used to make it sound like everything is okay. But the fact is that there are still sig-
significant mortalities. The numbers have dropped; I agree with that. And, obviously, that is welcome. But that is one part. And the other aspect that people can no longer ignore is what happens to these animals at the other end.

Senator Heffernan—They get eaten.

Senator BARTLETT—Well, they do get eaten; you are right. That is very insightful, Senator; but they can also get eaten if they are slaughtered here, without having to go through all that suffering. And, as part of that process, they are subjected to extraordinary cruelty in offloading and in being slaughtered in those countries, and we cannot say that that has nothing to do with us.

Government senators interjecting—

The ACTING DEPUTY PRESIDENT—Order! Senator Bartlett, direct your remarks through the chair please.

Senator BARTLETT—I am not sure I would say that that is something we can totally wash our hands of and say that it is the responsibility of a higher power. I think it is something that we do have to acknowledge we play a part in. That footage has been screened on Australian television. Now people know what happens. I understand the sensitivity that farmers have with this: they feel that they are always been criticised as being cruel. I am certainly not saying, as Senator Adams might be inferring, that farmers mistreat their animals but, once they leave the farm, those animals sure as hell go through a lot. People can decide that they do not care about that and that they just want that short-term economic opportunity. That is fine. But they should at least acknowledge that that happens rather than continue to pretend that it does not. The refusal to even acknowledge that it happens is part of why people continue to get so—

Government senators interjecting—

Senator BARTLETT—Well, if you think that the sorts of conditions that have been screened regularly on Australian television as to what happens to those animals are satisfactory then you should say so. And, if that is the position of the government, then it would be useful to a more fully informed debate that those things were on the record, rather than just occasional platitudes about gradual improvements in animal welfare.

There is one other factor in this that needs to be emphasised. There is clearly an alternative trade and there has clearly been an expansion of that trade just in the last year. In August, exports to the Middle East, including Saudi Arabia, were up 87 per cent on last year. These countries buy frozen meat that is slaughtered in Australia and exported to them. If we removed some of the market distortions that currently favour the live export trade they would buy more of that product. To continue to turn our backs on that market is quite bizarre. This obsession with the short-term status quo not only continues to allow a lot of unnecessary suffering but also is economically unwise.

Senator Joyce interjecting—

Senator BARTLETT—We are talking about job opportunities for rural Australians, Senator, and we are talking about economic opportunities for Australia. I am not against trade—I am not commenting on other parties. I do believe trade is in many cases a very valuable thing, but we cannot look at just one aspect, the benefits, and ignore all of the other consequences. The regulation I have moved to disallow today enables this trade to be reopened with Saudi Arabia. That means that the suffering that is part of that trade will continue as well.

Senator Joyce—The suffering of the sheep?

Senator BARTLETT—Yes, the suffering of the sheep; they suffer rather a lot, Senator.
Some people are concerned about that. As I have said, there are also ample economic arguments that indicate that the blind adherence to this particular trade ignores economic opportunities for rural Australia in particular. The willingness of many in the community to endeavour to engage in developing those opportunities should not just be buried beneath the usual avalanche of falsehoods and abuse that happens whenever anyone wants to raise the issue of animal welfare and animal cruelty. The only other comment I would make is that this disallowance motion is specifically about the trade with Saudi Arabia, but of course there are still plenty of live animal exports to other parts of the Middle East and the South-East Asia region.

State governments have a responsibility here as well. The Western Australian government took a very long time and dragged its feet in relation to a very clear-cut and simple instance of an apparent breach of its own WA animal welfare laws. That is now finally before the courts, after more than two years. Ensuring that animal welfare laws at the state level are complied with, even in parts of the trade that relate to Australia, is something that state governments have been honouring when they are breached more than when they are enforced. In the absence of any attempt on the part of governments—state and federal and Labor and Liberal—to engage in an open and honest way with these issues, there will just continue to be more community concern and community pressure to get existing laws properly enforced and ensure that the public are made more aware of the facts.

That puts producers in rural communities in a position where they are more likely to be pulled into trench warfare, which I do not believe is in their interests. We are seeing that at the moment with the bizarre and very aggressive approach of Australian Wool Innovation to Australian activists as well as international activists, chewing up enormous amounts of money with court action and with a range of threats simply to try and intimidate people who just want to get the facts onto the public record and ask people to act on a matter if it is one that concerns them.

If it is not something that concerns people, that is fine. It is not the position that I would take, but it is a position that people as individuals, as industries and as governments can choose to take—but they should at least do so openly and in a way that acknowledges that some people have legitimate concerns about these issues. If others do not, well, so be it. But I am certainly concerned about the unnecessary suffering of animals and I am certainly concerned about lost economic opportunities for rural communities. I think it is shame that others in this chamber do not seem to share that view.

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

The Senate divided. [11.39 am]
(The Acting Deputy President—Senator JOW Watson)

\[\begin{array}{ll}
\text{Ayes} & 7 \\
\text{Noes} & 42 \\
\text{Majority} & 35 \\
\end{array}\]

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

NOES
Adams, J.  Barnett, G.
Bishop, T.M.  Boswell, R.L.D.
Brown, C.L.  Campbell, I.G.
Carr, K.J.  Chapman, H.G.P.
Colbeck, R.  Conroy, S.M.
Crossin, P.M.  Eggleston, A.  *
Faulkner, J.P.  Ferris, J.M.
Fielding, S.  Fieriavanti-Wells, C.
Thursday, 6 October 2005

SENATE

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Forshaw, M.G. Hogg, J.J.
Harley, A. Hutchins, S.P.
Johnston, D. Joyce, B.
Kirk, L. Lightfoot, P.R.
Ludwig, J.W. Lundy, K.A.
Marshall, G. McEwen, A.
McLucas, J.E. Moore, C.
Nash, F. O’Brien, K.W.K.
Polley, H. Santoro, S.
Scullion, N.G. Stephens, U.
Sterle, G. Troeth, J.M.
Watson, J.O.W. Webber, R.
Wong, P. Wortley, D.

* denotes teller

Question negatived.

COMMITTEES

Employment, Workplace Relations and Education References Committee

Reference

Senator FIELDING (Victoria—Leader of the Family First Party) (11.43 am)—I move:

That the following matter be referred to the Employment, Workplace Relations and Education References Committee for inquiry and report by 25 November 2005:

The matter of overtime and shift allowances, with particular reference to:

(a) the effectiveness of shift allowances and overtime in achieving their original purpose (i.e. enabling workers to achieve a balance between paid work and family responsibilities and to participate in their communities by discouraging employers from employing them outside or beyond normal hours);

(b) the cost impact of shift allowances on employers who are unable to afford to operate for as long as they would like because of having to pay shift allowances;

(c) the extent to which overtime has become a means for employers to compensate workers for low pay;

(d) whether overtime and shift allowances are sufficiently effective in achieving their original purpose, and if not, what other measures could be adopted to achieve this objective now; and

(e) if the payment of overtime and shift allowances ceased to be mandatory, what mechanism would be used to compensate those workers who rely on overtime as an essential part of their take home pay.

This motion is about having a Senate inquiry into penalty rates—overtime and shift allowances. It is important to note that these penalty rates were one of the first paid work-family initiatives. They were designed to discourage employers from requiring workers to work antisocial hours and to promote a good balance between paid work and family and community life. The question is: are penalty rates still achieving the original purpose of maintaining that balance between work and family and community life?

At a time when the government is overhauling the workplace relations system, it is even more important to consider this matter. This is an ideal opportunity for the Senate to look at this issue and to have an inquiry into how in the 21st century we can move forward to achieve a paid work and family balance that will genuinely help families, the community and employers.

Retaining the ideal eight-hour day is extremely important to ensure the balance between work and family and community life. We need to examine new ideas and ways for achieving the purposes for which penalty rates, overtime and shift allowances were originally designed. The government’s changes will no longer require employers to pay penalty rates. This is such an important issue that an inquiry needs to be held about getting the right balance between work and family.

The original design of penalty rates has been corrupted over a period of time so that sometimes penalty rates are used to compensate for low pay, which is an issue in itself. So, the original design, which was intended
to achieve a balance between work and family, is no longer effective and, in actual fact, is sometimes being used to compensate for low pay. In highly capitalised industries, how employers pay penalty rates is not such an important issue and, therefore, it can compensate low pay as well.

Those affected are people like cleaners, who need a decent wage. They often rely on penalty rates. With the government’s potential changes, new workers or people changing jobs will find themselves potentially receiving different amounts. Small businesses will need to grapple with maybe having employees on two wages, with some getting penalty rates and some not. There may be some guarantee for those workers already receiving penalty rates, but those workers changing jobs or coming into the work force will no longer be guaranteed those allowances. So you may have this problem with small businesses grappling with having people on two different wages who are employed to do the same job. I think this would cause immense problems, even though small businesses would sometimes find that penalty rates are a disincentive for them to grow their business. I am not sure that having employees on two different types of wages will solve it. I think it would be very difficult for them to manage.

The system is broken. As I said before, the original purpose of penalty rates was to act as a disincentive for making people work antisocial hours. That is not as effective as it was originally. But, after a hundred years, I do not believe in going backwards and just removing it. I do not think that really is progress at all. In the interest of families, in the interest of the community and in the interest of small businesses and workers, as we move forward into this century, I think it is quite right that the Senate take time to look, through an inquiry, at how we can achieve the original purpose for which penalty rates were designed. We need to look at how we can move forward to make sure that we get a balance between paid work and family and community life.

Senator IAN CAMPBELL (Western Australia—Minister for the Environment and Heritage) (11.50 am)—I indicate that the government will not be supporting this motion. We believe that the issues that Senator Fielding has quite accurately referred to are issues that are integral to the government’s industrial relations reform agenda that will be brought before the parliament in a very short period of time. They will be available for the parliament to see what the government has in mind in terms of the legislative provisions. The parliamentary consideration of those legislative provisions should await the arrival of the legislation, which I expect to be introduced into the other place in a short period of time.

Senator WONG (South Australia) (11.51 am)—I indicate on behalf of the opposition that we will be supporting Senator Fielding’s committee reference. I want to make a number of comments, both about his contribution and the indication from the government that they will be opposing this. In his comments in support of this reference, Senator Fielding reminded us of the eight-hour day, and some of the thinking behind shift allowances, penalty and overtime rates more generally, from the working family perspective. It is a perspective that, unfortunately, in today’s employment arena, has not had sufficient attention. This government has been talking, for quite a number of years now, about work and family. They have done a lot of talking on it but they really have delivered very little on an issue which is of pressing concern to the many Australians who are struggling to maintain a balance between the demands of their work and their family responsibilities and the need to actually spend time with family.
Senator Fielding referred to the eight-hour day. It is often good in this place to remember a bit of history, particularly at a time when the government seems intent on bashing anything to do with trade unions. It was trade unions in this country that first argued for an eight-hour day. One of the reasons for that was to ensure that people actually had adequate time for rest and also adequate time for their families and for their communities—something that, unfortunately, the government wants to disregard.

We support this motion. We did raise an issue with Senator Fielding about the inclusion of occupational health and safety consequences of shiftwork and overtime. Our preference would have been to have that in the motion, but certainly the motion as it stands is something we support.

This is a test for the government—one that, as Senator Ian Campbell has indicated quite clearly, they are not going to respond to in a positive way. It is part of the continuing test as to how this government uses its Senate mandate and to what extent it wants to avoid scrutiny and consideration of policy and political issues which are relevant to the Australian community. If you talk to most Australians about the issue of work and family, they do not think it is an esoteric issue. They do not think that it is an issue that is simply about a piece of legislation here or a piece of legislation there. This is about people’s lives.

It seems to us on this side of the parliament that it is a very reasonable proposition that an issue that is of such relevance to Australian workers should be considered with the fullness of a reference committee inquiry that enables a range of policy considerations to be looked at. Senator Ian Campbell’s response is, ‘We’ve got the legislation coming in.’ Senator Campbell, that is going to be an inquiry on the government’s agenda. Yes, we want that. We hope that the government will actually have a proper inquiry and will allow scrutiny of what are billed as being and are likely to be some of the most wide-ranging reforms to Australian workplaces in many years which will affect millions of Australian workers. Yes, we do want a proper inquiry into that, but we do not want an inquiry that is only on the government’s agenda. There are broader policy issues here, and policy issues which, frankly, this parliament is well behind on. We are well behind where the community is at in terms of discussion in this place and certainly in terms of government policy on the issue of work and family.

Most Australians want this to be considered and addressed. They want to have a look at how in today’s world, when many people have jobs which demand so much of their time, we can balance the various responsibilities and the various desires we have in life to spend time with family as well as to achieve a reasonable level of economic security. This is a test for the government. This is a test about whether they are prepared to be subject to scrutiny and whether they are prepared to allow this chamber, through its committee process, to engage in a consideration of policy options on issues relevant to the Australian community. As I said, this is something on which there is broad-ranging concern in the community.

One final issue I wanted to raise—and Senator Fielding raised a very good point about this—was about low-paid workers and the role that penalty rates now play in many low-paid workers’ working lives. In my previous profession, I represented quite a number of cleaners and other people in such industries. Senator Fielding is correct—and this is something the Labor Party has been saying for some time: unfortunately, we have a situation in Australia where there are some workers who are on such low hourly rates or who have such intermittent hours of work...
that they are forced to work longer shifts in order to get the overtime payments because they simply cannot afford not to. That is a very relevant issue. It might be an issue the government wants to duck and walk away from, particularly with its plans to undermine the minimum wage in this country, but it is a very real issue for many Australians.

So we support the inquiry. We say that if the government proceed, as they intend, to vote this down then it is simply another demonstration that they are not interested in work and family issues. Despite the government talking about it for many years and despite the Prime Minister saying, ‘This is the barbecue stopper; it’s part of our agenda,’ we have seen very little movement on it, very little policy on it and certainly very little addressing of the concerns of Australians and their families. We will also see that the government yet again does not want this chamber, through its committee process, to actually go out to the community to discuss issues which are of concern to them. It would be yet another use—or misuse, in our view—of the government’s mandate to shut down discussion, to shut down debate and to shut down inquiry.

Senator SIEWERT (Western Australia) (11.57 am)—The Greens also support this motion on a committee reference, although we do have an amendment which I will put forward in a moment. We are deeply concerned about the government’s agenda for the so-called reform of the industrial relations system in this country and the impact that will have on workers and their families. My concern with this motion is that we do not believe that it articulates quite well enough the need to look at the impact of the overtime and shift provisions on employees and their families. That is why we want to amend it a bit further.

We agree that there is an urgent need to look at these issues. We believe that changes to overtime and penalty rates will impact hardest on those most disadvantaged in our community: women; younger workers; those in low-skilled, low-paid jobs. As has already been articulated in this place, many workers in lower paying jobs currently rely very heavily on overtime payments, on working late shifts, to make enough money to support their families. For some, the loss of overtime and penalty rates will be the final straw that drives them just over the line of having to default on simple things like being able to pay their mortgage. Many families do rely on these penalty rates to support them and keep them out of poverty. Workers do make the difficult choice to work night shifts, to work overtime, to work outside regular hours. That is time that they have away from their families. They make that decision—a very hard decision—in exchange for earning a bit of extra money to improve their living standards. They are now potentially being asked to give up that time and not get that additional overtime pay. They have already given up a lot to work overtime and now they are being asked to give up more.

If you look at the case of students, who are now facing such heavy bills to get their education, they are having to work overtime, night shifts and outside regular hours and do casual work so that they can support themselves in their studies. Reducing the penalty rates they receive for working outside normal hours will either mean they have to work longer hours to make the money they currently do, or they will have to give up their studies, or they will compromise their studies even further by working much longer hours.

Looking at the increase in the amount of casual work that is already happening in this country: between August 1994 and August 2003, the number of casual employees rose by 44.8 per cent while the number of full-
time employees grew by only 10.8 per cent. In other words, there is a shift in our employment from full-time to casual work; therefore, a greater number of people are relying on overtime and penalty rates. These people are going to be significantly disadvantaged. There is a fallacy that Australia is the land of the long weekend. On average, Australian employees work 1,855 hours per year, compared to those in other developed countries, who work an average of 1,643. In Norway, for example, they work only an average of 1,376 hours per year. The hours that our workers in Australia work is increasing. Again, they are going to be significantly disadvantaged by the changes.

There is continual carping about the need to lower our wage bill. But, looking at the economics, the proportion of our gross domestic product spent on wages has dropped 10 per cent while the proportion of GDP taken as corporate profits has increased 10 per cent. The line being run that we need to reduce wages to make our industries and businesses more profitable is nonsense when you look at the facts. That is why we support the proposal to look at the role of overtime and shift allowances. We think it is very timely. I agree with Senator Wong that it is absolutely fundamental that we look at these changes outside the government’s proposals, because that way we can have a broader discussion. But we do think that we need to look at the effect overtime and shift allowances have on families and employees. That is why I am proposing an amendment to Senator Fielding’s motion. I move:

Omit paragraph (b), substitute:

“(b) the impact on employees and their families of low wages and the need to work long hours of overtime”.

Senator STOTT DESPOJA (South Australia) (12.02 pm)—I will start with the Greens amendment to Senator Fielding’s motion. Senator Fielding’s motion is one that the Australian Democrats are happy and keen to support. We certainly think the Greens amendment to that is a worthy addition. Having said that, if it does not get up, I do not think that anything in Senator Fielding’s motion precludes a discussion or examination of the issues that have been put in the amendment by Senator Siewert on behalf of the Greens. I indicate that the Greens will have the support of the Democrats on that amendment, as I think those issues deserve consideration.

I endorse the comments that have been made by the speakers before me. However, I am disappointed at the government’s decision not to support this inquiry. It is a good inquiry. It is a basic, important inquiry that ties in with the government’s purported commitment to work and family issues and, in particular, to striving to work out some kind of work and family balance—and aren’t we all?

What is the government concerned about? Is it really a process question? The government has a raft of legislation in relation to workplace relations that we are all anticipating and some of us are very apprehensive about. This stands alone from many of the debates. Of course, work and family balance will be an integral part of the debates, but, regardless of whether or not we have access to that legislation, this issue is here and now. In fact, as people have said, it is not only timely, it is long overdue.

I make the point—and I am sure Senator Fielding understands this—that no one party in this place has a monopoly on caring for families or caring for the needs, the roles and the rights of workers and working families in Australia. I would argue that all senators in this place have a commitment to that concept. We may have differing views as to how to achieve or maintain a work and family
balance, but this is a great opportunity for us to examine some specific issues.

Speakers before me have talked about some of the phenomena that we have experienced in this country. Yes, we are one of the hardest working nations on earth. We have this extraordinary experience now where, on the one hand, we have people unemployed or underemployed and, on the other hand, many workers in Australia, regardless of what workplace they are involved in, are working harder than ever before. One of the most comprehensive surveys was a research paper done by the ACTU—I think, and I will check my facts, more than a year ago—where workers were asked, ‘What do you want?’ and they said, ‘More time with family.’ It is a bit of a no-brainer. If I polled the chamber, I am pretty confident most people would say, ‘More time with family.’ I would be very concerned about those who said, ‘More time in parliament.’ It is an issue for all of us, whether we are members of parliament or whether we are working or not working.

The other issue which I want us to examine at some point in this place, because we seem to have stopped talking about it, is that of underemployment and unemployment. We seem to be accepting that five or six per cent is an acceptable target for unemployment. It is not, for a variety of reasons. We are forgetting the experiences and the difficulties of those people who are unemployed or underemployed, particularly the long-term unemployed in Australia—and the numbers are not going down; that is a significant part of our community—as well as those young people, particularly in regional, remote and rural areas, who are still experiencing incredibly high levels of unemployment. They are the issues we need to look at. Why did we stop talking about unemployment targets? Why aren’t we talking about new industries and new types of employment? Pertinent to this inquiry that Senator Fielding has suggested is the issue of casualisation which other colleagues have brought up—the high level of part-time and casual jobs, again not married with a high level of full-time, sustainable, long-term, and in many cases meaningful, jobs for Australians. These are the issues we really do need to target.

This is a specific area of debate, and an important one, but we have to remember that if we are going to talk about achieving a meaningful work and life or work and family balance, or to overcome what Dr Barbara Pocock has termed the ‘work/life collision’, then we need to examine and consider a suite of reforms. That includes looking at everything from overtime—in 2001 the Democrats proposed a fair hours fund to convert some overtime positions into jobs, and that is only one idea; France and other European countries have also looked at this—and those kinds of ideas right through to some of those supports that families want and need such as child care and parental leave. Certainly, maternity leave is a priority. All of those issues are part of the work and family debate. It is time that we had that debate. This is a small but important first step in that debate, and I commend the motion to the chamber. I hope that the government will reconsider its position, because if we are committed to debating these issues, even if we do not all agree on the solutions, and the government has indicated that it is—it is a barbecue stopper—then this is the time to vote for it. I hope this vote does not go down.

**Senator BOB BROWN** (Tasmania) (12.08 pm)—The support the Greens have for this inquiry is in line with the very strong role that the Greens have played over more than a decade in wanting workers to get a better deal in this country where serially, under Labor and particularly in the last 10 years of Australian workplace agreements, the rights of workers and the ability of unions to defend the rights of workers have
been eroded. An obvious outcome of that has been two things. Those who engage in difficult labour, such as in manufacturing and in infrastructure, often get very poorly paid whereas those who are involved in what can be called manipulation of the way in which society works—for example, trading on stock exchanges in such esoteric things as the currencies—get enormous incomes for no contribution whatever to society in terms of benefit to families or benefit to the country.

We are going from bad to worse in this direction. The loss of amenity for workers to be assured that they would be paid overtime, for example, is much greater than it appears on the face of it, simply because so many people are casualised and so many people are part-time workers. They lose not only a dinkum income but their right to adequate leave, to ensured overtime and to a whole range of rights that ought to have been theirs. We are about to see a massive further move to the extreme right, to the philosophy that the market rules—

Senator Stott Despoja—And women in the home. Senator BOB BROWN—and, as Senator Stott Despoja says, women in the home, which is part of the extreme right philosophy that says leave it to the market and let those who have the least power—that is, the least money—be left to their own devices. In a sense, and we hear it coming from several ministers, this government’s philosophy is, ‘It is your own fault if you are working long hours and you are getting low pay; somehow or other that is your lot in life.’ It harks back to early industrial age thinking.

It is up to parliament to make and keep this a fair country, but what we are hearing from the government is that they do not want an inquiry into this—of course they do not, because the government is in the employ of the big end of town, of the big corporations, very often the big employers like the supermarket chains and the fast food outlets which do not treat their employees adequately for the work they do in ensuring these very profitable chains provide the services that they do. And who gets the profit? The already wealthy do.

We have seen serial changes to the tax operations in this country which favour the rich over the poor. We are about to see the industrial relation changes come through. What is more, the minister said, ‘No, we do not want an inquiry now; it can wait until then.’ Really? Would that be like the inquiry we saw the government afford on the Telstra legislation, which was fast-forwarded, guillotined and gagged in this Senate chamber just a couple of weeks ago when there was six hours spent on it on the Friday? No. That the government is pulling the rug from under Family First and Senator Fielding on this inquiry is indicative of the fact that it is going to push that legislation through with the minimum of inquiry.

There will be no opportunity for the community to adequately debate it, let alone time for busy workers and parents to adequately work out the impact the industrial relations changes will have on their families. Sure, the business organisations will know about it. After all, they are helping to draft the legislation. But will the average family, parent or worker who sustains this country? No, they will not. Will they have input? No, they will not. And the vote by the government today is simply thumbing its nose at Family First and saying, ‘If you want to come in and do what the Greens, the Democrats and the Labor Party have been doing for years in this period of government’—that is, trying to defend the right of families to get a fair go at the cake of this wealthy nation of ours—‘post election we are not going to support that.’
You have to be consistent about these things. If you are going to support the interests of families, you have to do it consistently, as the Greens do. We have had two motions this morning. One was from Senator Milne about the enormous impact that global warming is going to have on everybody, not least families. It talked about 8,000 to 15,000 Australians potentially dying each year from heat related illnesses by the end of this century. It also talked about dengue reaching as far south as Sydney. That is breakbone fever. The motion also states ‘climate change is likely to exacerbate poverty and may lead to large scale population displacement throughout the Asia Pacific region’. The motion sensibly called on the government to do a number of things which governments elsewhere are already doing to defend families—our grandchildren—in this country from that awesome impact. Senator Fielding and Family First voted against that motion. I do not understand how that could be.

Senator Siewert’s motion calls for Australian servicepeople to be protected from depleted uranium munitions used by the US in such things as joint training exercises. Depleted uranium is a dangerous material which impacts on the health of servicepeople. It changes their whole lives. We ought to ensure that our defence personnel are not exposed to depleted uranium. But what did Senator Fielding do? He voted against that motion. There may be some explanation for this. I do not understand how that could be.

A few weeks ago, Senator Milne moved for a family impact statement on the privatisation of Telstra, which we know is going to have not only an impact on communications but also a financial impact on every family in this country. Where was the family impact statement? Not only did the Senate not get the family impact statement but Family First and Senator Fielding voted against the Greens motion to have that statement here before the legislation was dealt with. They voted against it.

The question here is: where is the philosophy of Family First? It resides with the Greens and with the other parties on this side of the House. Senator Fielding may be sitting on the other side of the parliament, and he is getting duded on this motion today, but if you were to ask where the consistency is in a presentation of the interests of families I would say it is manifestly missing. It is not just slipshod; it is erratic and unable to be defined. Already in the short time that Family First has been in this parliament, it has voted against the interests of families in this country. So it is good to see a motion coming forward which, on the face of it, is to inquire into the impact on families—although it has been left to Senator Siewert to move an amendment which specifically gets down to that impact.

Senator Siewert’s amendment is that the inquiry should look at ‘the impact on employees and their families of low wages and the need to work long hours of overtime’. It is a very specific amendment which says, ‘Let’s look at what these changes are going to mean for families.’ Let us be straight about it, if that is our intent—and, indeed, it is the intent here. It is an important amendment. It concentrates the mind of the proposed inquiry clearly on the impact on families of the very clear fact that in this country—even before the industrial relations package we are about to see—families are being disrupted and driven into poverty. There is a growing gap between the power and the money of the haves and the disempowerment and the lack of money of the have nots, and the lack of ability to get union backing, because of laws that have already gone through the parliament—the disability of the disempowered and the poor to have a fair say in what goes on.
It is a commendable motion from Senator Fielding. It will be improved by the amendment of Senator Siewert, but the government stands indicted through its refusal to have this inquiry. We are on course to see the government cut across the necessary public debate in the industrial relations field with the legislation that is about to be dumped on this parliament and, again, gagged and guillotined through here in the coming weeks. That is how this government operates. The fact is that the government has the numbers. It is going to be a very complex suite of legislation. If the government were supporting Senator Fielding’s motion, it would put some doubt in the asseveration that the government is going to dump the legislation on the Senate, dump it on the House of Representatives, dump it on the parliament and put it through with a minimum of investigation. But it is not.

Senator IAN CAMPBELL (Western Australia—Minister for the Environment and Heritage) (12.21 pm)—Under standing order 191, I make it quite clear that Senator Brown has misrepresented, misquoted and quite clearly misunderstood what I said in my speech. By his very words and his reference to his colleague’s amendment to Senator Fielding’s motion—he refers to the impact of the government’s legislation on families—he seeks to make my case. That was simply and clearly that the matters that Senator Fielding refers to—and this is what I said in my speech which has been misunderstood or misquoted and, I would say, misrepresented—

Senator Wong—Is this a speech or a point of order?

Senator IAN CAMPBELL—I refer you to standing order 191. Standing order 191 specifically allows a senator to get to his or her feet and make an explanation of a speech where he or she has been misquoted or misunderstood. I have been misquoted and I do not intend allowing Senator Brown to verbal me on two occasions on the one day. Previously he said that I regularly read speeches. I think the last speech I read in this chamber was actually on 16 May 1990.

In relation to Senator Fielding’s motion, I made the very clear point that there is a lot of merit—and the government will vote in accordance with that merit—in waiting for the industrial relations legislation to be here. Senator Brown chose to misquote me on this. I also suggest, Mr Acting Deputy President, that you look closely at what Senator Brown said in his speech about reflecting on votes on two or three entirely unrelated issues. It was an attack on Senator Fielding’s voting record. Mr Acting Deputy President, I think you will find it is in contravention of standing order 193—reflecting on a vote of the Senate.

Senator Marshall—I rise on a point of order. Mr Acting Deputy President, Senator Campbell is addressing the Senate under standing order 191. Clearly he has gone way outside the realms of that standing order and is now introducing new debatable matters into the debate. That is inappropriate and you should bring him to order.

The ACTING DEPUTY PRESIDENT (Senator Watson)—Senator Campbell, you have a right to raise your concern but you do not have a right to debate it. I think Senator Marshall is concerned that perhaps you are now debating the issue.

Senator IAN CAMPBELL—I think Senator Marshall has a good point. I think I should sit down under standing order 191. I have stuck to the standing order.

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The ACTING DEPUTY PRESIDENT—Senator Ian Campbell.

Senator Ian Campbell—Mr Acting Deputy President, I now rise on a point of order. I ask you, Mr Acting Deputy President, to
look very closely at standing order 193, which says that senators should not reflect on any vote of the Senate. I think you will find, if you read Senator Bob Brown’s contribution, that although he sought to make a political attack on Senator Fielding, by reflecting on how Senator Fielding voted on a number of other Greens motions this morning or in recent times, in fact what Senator Brown was doing was reflecting on a vote of the Senate. I ask that you and perhaps the President look closely at Senator Brown’s contribution to the debate and see whether he was in fact breaching standing order 193. I do not seek an immediate ruling on that.

Senator Bob Brown—On the same point of order, Mr Acting Deputy President: I would not normally recommend a move that is going to waste your time, but I think I would support Senator Ian Campbell’s move that you do look at what I had to say, because you will find that it was entirely within standing orders and quite proper.

The ACTING DEPUTY PRESIDENT—I will refer the matter raised by Senator Ian Campbell to the President.

Senator FIELDING (Victoria—Leader of the Family First Party) (12.26 pm)—I would like to sum up but, before I do, I want to say that I have had some conversation with Senator Siewert about her amendment to the motion. At the moment her amendment substitutes paragraph (b) with a new paragraph (b). We discussed adding that substitute paragraph to the amendment rather than substituting paragraph (b)—in other words, leaving the motion as it is and actually adding the new paragraph to the end of the motion.

Senator SIEWERT (Western Australia) (12.26 pm)—by leave—I amend my amendment to Senator Fielding’s motion and move it in the following terms:

At the end of the motion, add:

“; and (f) the impact on employees and their families of low wages and the need to work long hours of overtime”.

Senator WONG (South Australia) (12.27 pm)—Before Senator Fielding sums up and the debate is closed, I would like to indicate our position on the amendment. We are happy to support the Greens amendment from this side of the chamber. I want to make two comments about Senator Ian Campbell’s contributions. If the government are going to vote this down and not allow this matter to go to inquiry, will the minister give an indication as to the type, scope et cetera of inquiry the government will be permitting on their wide-ranging industrial relations legislation? In particular, if the government vote this down, are they going to give an undertaking today—because they say, ‘We are voting this down because we’re going to have another inquiry’—

Senator Ian Campbell—I didn’t say that. You should listen to what I said.

Senator WONG—As I understood you, Senator Campbell—and I am happy to go back—the government’s position is that you are going to oppose this motion because you are going to have an inquiry into the industrial relations legislation.

Senator Ian Campbell—No. I said that twice.

Senator WONG—Okay. That is fine. Can we make it clear that, on the industrial relations legislation, which is going to have a wide-ranging impact on millions of Australian workers, the government is not going to give an undertaking to have an inquiry, nor will it give an undertaking it will not have another Telstra debacle style inquiry of a single day to inquire into legislation that is very important—

Senator Abetz—That was on a vote of the Senate. You are reflecting on the Senate.
Senator WONG—Senator Abetz is making another contribution. Is the government going to give an undertaking it will allow a proper inquiry into the industrial relations legislation?

Senator Abetz—It’s up to the Senate.

Senator WONG—Perhaps if you could stop interrupting, Minister Abetz, we might actually finish this debate. Is the government going to give an undertaking—

Senator Ian Campbell—Why don’t you address your remarks through the Acting Deputy President? You are in breach of standing orders.

Senator WONG—Are you going to shout at me for the entirety of this debate?

Senator Ian Campbell—Mr Acting Deputy President, I rise on a point of order: the opposition senator on her feet is staring across the table and asking me questions. There is a fundamental rule of debate in this place that actually makes it work—that is, that the remarks of a senator need to be addressed to the chair and through the chair. If senators do not want interjections, they should not stare across at the front bench of the government and ask questions directly of ministers, which, quite frankly, intuitively invite me to respond by way of interjection. I would be happy to seek your call when the senator resumes her seat, but she cannot have it both ways.

The ACTING DEPUTY PRESIDENT (Senator Watson)—I would ask Senator Wong to address the chair but, at the same time, I say: all interjections are disorderly.

Senator WONG—I am very happy to address my remarks through the chair. I did not realise the government was so concerned about scrutiny that Senator Campbell would get so sensitive about me looking at him during the debate and saying that perhaps he should give an undertaking. He might take a point of order about me looking at him, but he is quite happy to have Minister Abetz and himself interject on the opposition when we are putting a point of view.

There is a very simple proposition: Senator Fielding is seeking an inquiry into overtime and shift allowances, a matter that goes to the heart of the work and family balance that has broad support across every party in this chamber except the government. The government have indicated they do not want this inquiry. They made reference to the industrial relations legislation they are proposing to bring into this place shortly. What I am asking is: if the government vote this down because they say their legislation is coming in, will the government give an undertaking that their industrial relations legislation, which will impact on millions of Australian workers and their families, will be the subject of a proper inquiry by this Senate before it is voted on? If the government do not in the context of this vote give that undertaking, it will be very clear to everyone in this chamber and to the Australian community that this government do not want scrutiny of their radical industrial relations agenda.

Senator FIELDING (Victoria—Leader of the Family First Party) (12.31 pm)—This is an important issue—and I think we should get back to the core of it—for Australians and it is an important issue for Family First. It has great impact on families and small businesses. Each senator would know how important family and work balance is, and I do not think we should be paying lip-service to such an important inquiry. Regardless of the legislation that may be coming through, this is an issue of the day that needs quality time spent on it.

We hear a lot about family and work-life balance. The Australian Institute of Family Studies revealed that financial affairs are important in people’s consideration of having...
children. The institute also found that male partners’ jobs and job security are key concerns. Issues about penalty rates will impact a lot of Australians and Australian families, and this is a very big concern. Some workers are forced by economic circumstances to rely on penalty rates. They rely on them to boost their home pay and to make ends meet. The concern about whether penalty rates may or may not be there in the future will impact negatively upon families.

The whole issue about penalty rates is being raised because the original design of that issue has been corrupted today. This is a concern about making sure that we have got the right work and family balance. The eight-hour day is important, and we want to make sure that moving forward we look at this issue and give it due time and consideration. I ask each senator as they think about this issue in the coming minutes to really think about this: are they paying this nation and the Senate total regard when they look at how they vote on this particular issue? I appeal to the government to look at this issue and vote for this motion, as it gets to the heart of the issue about getting a good work and family balance.

Senator MURRAY (Western Australia) (12.34 pm)—Briefly on this issue, in one way—

Senator Abetz—I rise on a point of order, Mr Acting Deputy President: chances are leave might be granted, but I thought Senator Fielding had closed the debate.

Senator MURRAY—by leave—I think Senator Fielding now realises his motion is going to go down. Firstly, I want to make the point that the issues of family and work that he is concerned with can be picked up on the current Democrat initiated inquiry into agreement making. I would urge him and any of his constituency to make submissions to that inquiry. Secondly, I am advised that the government will agree to an inquiry into the workplace bills that are coming up and I would assume that that will be a proper, not a clayton’s, inquiry. We should follow up this issue with these matters being fully addressed in that forum. But it is an important lesson you are learning here, Senator Fielding: the government will decide what is in the government’s interest and it is not sympathetic to the views you are expressing.

The ACTING DEPUTY PRESIDENT (Senator Forshaw)—The question is that the amendment moved by Senator Siewert be agreed to.

A division having been called and the bells being rung—

Senator Ian Campbell—Mr Acting Deputy President, I suggest that you call the division off.

The ACTING DEPUTY PRESIDENT—We will put the question again, so that it is clear. I am putting the question that the amendment moved by Senator Siewert be agreed to.

Question agreed to.

The ACTING DEPUTY PRESIDENT—I now put the motion as moved by Senator Fielding, as amended.

Question put.

The Senate divided. [12.42 pm]

(The President—Senator the Hon. Paul Calvert)

Ayes............. 32
Noes............. 32
Majority........ 0

AYES

Allison, L.F.ll. Bartlett, A.J.J.
Bishop, T.M. Brown, B.J.
Brown, C.L. Campbell, G. *
Carr, K.J. Crossin, P.M.
Evans, C.V. Faulkner, J.P.
Fielding, S. Forshaw, M.G.
Senator BOB BROWN (Tasmania)—I move:

That the following matter be referred to the Legal and Constitutional References Committee for inquiry and report:

All matters relating to the arrest and deportation of American citizen, Mr Scott Parkin.

The Senate ought not to let go the way in which Mr Parkin was arrested and deported from our country. I will briefly go through the facts of the matter. Mr Parkin, who I understand is a 33-year-old American citizen, has been a long-time advocate for the peaceful resolution of human affairs. He is opposed to war. He is opposed to violence. He is very much in favour of the resolution of our differences around the world through peaceful means. As such, he is in the tradition of Martin Luther King, the great American peace advocate and achiever of civil liberties for the American people, and, before that, Mahatma Gandhi and, indeed, right back to HD Thoreau in the United States in the 1840s.

As part of his advocacy he has been opposed to the illegal invasion of Iraq and the motivation for that invasion. He has talked quite a deal about those who stood to gain, not least Halliburton, the huge US corporation and armaments manufacturer which is making billions of dollars out of the invasion and occupation of Iraq. The former CEO of Halliburton is now the Vice-President of the United States. He is the deputy to George W Bush—that is, Mr Dick Cheney. There is no doubt that Scott Parkin has been a thorn in the side of the Bush administration and Halliburton and its former CEO.

Mr Parkin came to Australia. He was granted a visa. There was some delay, but he was given a visa after all the due vetting by the Australian authorities. He attended a protest outside the Opera House. It was a gathering of the rich in the name of the Forbes corporation, and it included some US business interests. He went on to have talks with Australians interested in peace and global affairs, and he set up some further talks about peace, what it really means and, of course, the fact that it needs to be understrapped by a much fairer world. I am given to believe that about a week before he was arrested he was called by ASIO and asked to undertake an interview. I am also given to believe that he asked
if this was necessary and was told, ‘No, it’s not.’ It was a voluntary thing, so he declined and went about his peaceful organisation. Then one Saturday, the Federal Police arrived and Mr Parkin was arrested. Within days he was deported, his visa having been withdrawn.

A number of important questions arise here, of course. How could it be that, in our democracy where our Prime Minister goes around the world—very often hand-in-hand with President George W Bush—advocating democracy and liberty, somebody who advocates peace in a tradition that goes back beyond Jesus Christ 2,000 years ago could be arrested in our country and deported with no other explanation to the public? How could that be, particularly in view of the fact that the Australian government had given him a visa just some weeks before?

I have a theory—because you have to look for some explanation—and that is that the Bush administration does not like Mr Parkin. For some reason, it did not get engaged fast enough but did get involved in the publicity that Mr Parkin was generating in Australia; maybe the US embassy picked up on that and did not like it. And, in communication with the government of our Prime Minister John Howard, the Bush administration decided that his visa should be withdrawn—and this is an Australian visa, not an American visa—and that he should be sent back to America. The consequent impact will very likely be, of course, that Mr Parkin will have a record—not for anything he has done, but because of these government moves—which will make it difficult for him to get visas to travel to other countries as well.

At least I know this: there is no way an American citizen would be deported from our country, under this government, without extensive consultations between Washington and Canberra, between the Bush administration and the Howard prime ministerial office. That means, of course, that both Prime Minister Howard and President Bush approved of this American having his visa withdrawn and being deported under these circumstances.

Consequent to Mr Parkin’s deportation, we awoke one morning to find a story on the front page of the Australian newspaper, which is so often the recipient of information from the government that the government wants to put out into the public arena. The story alleged that Mr Parkin had been deported because he was going to—not because he had, but because he was going to—make statements or encourage people to roll marbles under the hooves of horses in protests in Australia and, indeed, give techniques by which people who were arrested by the police could be taken out of custody.

There are a couple of problems with this ASIO information, which stood uncontested on the front page of the Australian newspaper. The first is that Mr Parkin has never advocated anything remotely like that. In fact, it is contrary to what he has advocated consistently in his pursuit of peaceful means for human beings to interact with each other. The second is that, when he was questioned about this, having been deported with a security officer on either side of him in the plane crossing the Pacific and then furnished with a bill for $11,000 by the Australian government, in the consequent interview he made it very clear that not only had he never advocated such things but that he never would. He is opposed to any form of gratuitous animal cruelty, and ditto to affronting the police in the way that was advocated. I point out again that the accusation was not that he had advocated such things—and it appears an ASIO operative or informant must have been at some of the meetings, and public meetings at that, that he had been attending in Australia—but that he was going to.
What country are we in? Surely the Inquisition is behind us. Surely the Salem witchcraft trials were some centuries ago. Surely Joan of Arc was put to the stake before our own more enlightened times. Even the McCarthy period of the 1950s in the United States at its apogee, we had hoped, had gone back into history. But no; in the year 2005, this peaceful man, advocating peace in our peace-loving democracy, is picked up in a police state operation, has his visa removed—by decision of the Attorney-General, effectively; the chief law-maker of this country—and is deported, his rights taken away without any due reason being given at all.

And then we see a fit-up, a false track from ASIO, appear on the front page of a newspaper, to try to justify that which is not only unjustifiable but which must be totally repugnant to any person who believes in a fair go in this country. This is the Howard government, in cahoots with the Bush administration, showing what it can do under the laws it wants to bring in in the name of security. It can take away the rights of a peace activist, for goodness sake, on political grounds.

What happened here was that a political decision was made by Prime Minister Howard and by the chief law-maker of this country, the Attorney-General Philip Ruddock, acting as a court. With no evidence extant, with no ability for the defendant to defend his position—indeed, with no charge; certainly with no legal representation or cross-examination—he was found guilty, sentenced and deported.

These are all the hallmarks of a police state activity. We must not be frightened of saying that, because that is what it is. If we are going to defend the rule of law—but, more particularly, justice—in this country then we have to confront injustice when we see it, particularly politically motivated injustice by a government which dominates both houses of the parliament. We have to be fearless in doing that.

Here is the Greens motion saying: let us have an inquiry into this matter. Let us get the ministers and the representatives to come forward and put their point of view. Let us have ASIO explain to senators—in camera if necessary if there is some national security factor at stake here—before a Senate inquiry, because Senate inquiries are so important as a watchdog on the government.

But there are two problems. The first is that the government is going to vote against it because it has got the numbers in this place. The second is that the honourable Leader of the Opposition, Mr Kim Beazley, sought an ASIO briefing on the arrest and deportation of Mr Parkin and after that briefing said publicly that he agreed with the government’s actions and no further explanation was required. Incidentally, I made a request for the same briefing and was refused. That is a government decision, but it is an absolute affront that any member of parliament should be refused such a briefing; we are all elected equal into this parliament by the people of Australia. When matters as important as this are at stake the justification should be forthcoming and, if it is going to be in camera, let it be so. I am no less capable of recognising the security of this country, which I love, than are Mr Beazley, Mr Howard, Mr Ruddock or anybody else. The very fact that I was denied that briefing indicates that the government does not and cannot stand by the decision that it took.

My understanding is that the opposition is not going to support this inquiry either. That is not just a pity; it is a failure by the Labor opposition and in particular by the Leader of the Opposition, who took the decision to support the Howard government in deporting
Mr Parkin and to stand by that decision. Here are the two big parties saying: ‘We will make these decisions in camera, out of public view, and we will not have them inquired into by our fellow senators. We do not want them to look behind this curtain where these decisions are being made.’ I put it to you, Acting Deputy President Forshaw, those decisions were wrong, cannot be justified and are an affront to the justice system that we hold dear in this country. I cannot believe that Labor is not going to support this motion. I cannot believe it. But there we have it. So the constructive opposition on this matter is left to the crossbench and to the Greens in moving this motion. Thank God we are here.

Everywhere I have been in the country in the last couple of weeks people have come up to me and said: ‘How could this happen in our country? How could this peace activist from the United States, of all places, be denied such a comprehensive range of rights?’ The answer is: it cannot be justified and it must not be allowed. Who is next to be removed from our midst because the government politically disagrees with them? Who is next on the Prime Minister’s list of people he does not want around in our country because they do not fit to his political comfort? This is very dangerous.

Of course we can all say: ‘No, we cannot have what happens in other countries happening in Australia. We are different—we are in some way superior in our ethics and a bulwark of democracy and justice to other people elsewhere around the world.’ That in itself is a grand mistake. We do have a parliament here which is a watchdog on executive government and which must be strong in using those watchdog powers. But I suspect today that that is going to be left to the Australian Greens and the Australian Democrats, and that must be a worry in itself.

This is an extremely important motion. It is asking for an inquiry. It is not a motion to say, ‘Bring Scott Parkin back to Australia; pay his $11,000 debt; give a public explanation as to why he was deported on a farrago of misinformation and concocted claims.’ No, this is a motion to say, ‘Let us inquire into those things. Let us see if Senator Brown is wrong and that there is some other information out there that we do not know about.’ A Senate inquiry can look at that. If there is some security reason that it cannot come into the public arena, a Senate committee can deal with that in camera. It is a very important inquiry. It is a very important motion. I appeal again to the Labor Party to support it—and to the government for that matter. If they are right, support this for goodness sake.

Senator LUDWIG (Queensland) (1.06 pm)—Senator Brown is clear on what the Labor Party’s position is in respect of this matter. We are not going to support the reference to the Legal and Constitutional References Committee that he has proposed. Senator Brown has ranged widely over the issue, but I am not going to deal substantively with it, because, in principle, what we have before us is procedural in that it is a proposal for a reference to the Legal and Constitutional References Committee. That committee, as Senator Brown knows, has a chair and deputy chair. I am unaware of whether or not Senator Brown has spoken to the deputy chair, but I am aware that he has not spoken to the chair about bringing a reference forward. The usual process that people in this place adopt is to consult with the minister and, usually, the shadow minister of the particular area, and with either the chair or deputy chair, or both, to get references up. It is not easy to get references up in this place, as Senator Brown clearly knows. At the end of the day he may have been unsuccessful even
if he had gone through those processes. But I am unaware of whether or not he has.

The other question of course is whether or not the Legal and Constitutional References Committee is the appropriate committee to in fact deal with the issue. There is a joint committee, the ASIO-DSD committee, which could deal with this issue in a more practical manner. I am unaware of whether or not Senator Brown has written to that committee and asked them to look into the matter. That committee is equipped to deal with these sorts of security sensitive issues. I think the Labor Party made the point last time Senator Brown moved a motion in respect of a similar matter that we did not think it was appropriate, and we have concluded again that it is not appropriate that references be sent to the Legal and Constitutional References Committee about such matters.

Also, Senator Brown will have the opportunity to ventilate this matter in estimates, which is coming up shortly, when ASIO appears as an agency. Senator Brown can pursue the matter at that time, and see how far he can progress it. The difficulty he will strike is that a references committee is usually used for a wide-ranging inquiry into a more general matter. They usually take submissions on and deal with particularly broad issues and then produce a report. From listening to his submission it appears that Senator Brown is asking for a rather short, sharp examination of ASIO, perhaps in camera. The difficulty that I suspect he will find is that ASIO may or may not provide the information he requests, in which case it would become a moot point as to whether or not the references committee would in fact advance Senator Brown’s arguments or produce the information that he is seeking. If Senator Brown has been unsuccessful in obtaining a briefing from ASIO I suggest that an alternative is to pursue reference of the matter for inquiry by letter to the relevant committee. That may or not provide him with any joy.

As happened last time in relation to a similar matter, Labor has requested and received a briefing, as correctly pointed out by Senator Brown. Our leader, Mr Kim Beazley, and the shadow minister for homeland security, Mr Arch Bevis, received a briefing in relation to the Scott Parkin matter. As a consequence of having received those briefings, Labor does not support the details of sensitive security operations being disclosed in an open forum. The difficulty of holding a references committee inquiry is of course that it could end up with ASIO informing the committee that it was not prepared to provide information in either an open forum or in camera. Unfortunately, as Senator Brown knows, in camera evidence, once provided, can be released by individual senators. We are all aware that that can happen sometimes—although I know that Senator Brown would not do that in any event—and my guess is that that would bear on ASIO’s ability to provide information. It might be the case that it would provide it to the Joint Committee on ASIO, ASIS and DSD, and that is a matter that you could explore. But, in terms of the direction that you are seeking to take today, Labor does not think that it should be supported in the way that Senator Brown has gone about it. So we will not be supporting the motion, as I have said. The matter that you have aired is obviously a matter of concern to you, and we encourage you to take every available opportunity to pursue it in the way that you wish to. Labor has pursued it in the way that we have decided to. We have received private briefings and we are satisfied with those private briefings.

Senator STOTT DESPOJA (South Australia) (1.12 pm)—I rise on behalf of the Australian Democrats, as spokesperson for matters concerning the Attorney-General and
foreign affairs, to support the motion before us. In the last 15 minutes I have become incredibly conscious of the basic and fundamental rights and freedoms that I think we as Australians, and those people who visit our country, should enjoy. I feel as though they have died away. My wrath, while directed so strongly at the government, today finds another home with the Labor opposition. It is extraordinary that any spokesperson would suggest that the Democrats apply for or get a briefing. There is no statutory obligation to inform or brief members of the crossbenches on an issue of so-called national security such as this, on a security threat or indeed on an issue of national interest, which I believe this issue is. If we break this matter down to the basics, Senator Brown is asking for us to know as a parliament—that is, as representatives of the people of Australia—what happened. Why was Scott Parkin deported? The government and the opposition do not want to tell us that. I am the first to acknowledge that there is information and classified briefings that should not necessarily be available to all members of parliament or indeed to the community at large. I accept that. But, even if you will not tell us, why won’t you tell the person who was deported? That is the extraordinary thing here, and it amounts to an absolute abuse of basic human rights. People might disrespect or dismiss this issue because it does not involve an Australian citizen. But surely they still believe that the person at the heart of this scandal has the right to know why his visa was revoked or, if he does not, that perhaps his legal representatives have the right to know.

We have revoked a visa that was legally and appropriately obtained in the first place, as I understand it. We have arrested a man, thrown him into jail and into solitary confinement, deported him, given him a bill for the pleasure, failed to tell him why and then encouraged him, as I understand it, not to challenge the reasons for the revocation of that visa—that is, the implication was, ‘If you don’t challenge this, you’ll be deported faster.’ Of course, at the time you would have presumed that leaving faster was not an unsatisfactory outcome because, if Mr Parkin had stayed any longer, albeit in solitary confinement, he would have incurred more costs and a higher bill. These are the circumstances with which we are dealing.

What strikes me about this is that it strikes at the heart of some basic freedoms and principles that we hold dear—or at least I thought we did: that people would know what they were being arrested for, charged with if they are charged and detained for. I understand that we have made changes to laws in recent times and we all anticipate further changes to laws in the name of countering terrorism—an objective with which we all agree—but the impact of those laws in terms of some of these basic freedoms and principles, civil rights and human rights, is going to be extraordinary, because if this does not even raise a whimper from Her Majesty’s opposition then we are in trouble, folks.

If the government do not want to tell me the specifics I will accept that, grudgingly, but I will accept it. If the government will not give me classified briefings on material, I do not like it but I accept it. But if they will not tell the lawyer and the individual who is being deported after getting a legal visa in the first place then something has gone wrong with our society.

This motion is basic and simple. It calls for an inquiry into these issues. It says:
That the following matter be referred to the Legal and Constitutional References Committee for inquiry and report:

All matters relating to the arrest and deportation of American citizen, Mr Scott Parkin.
That does not entail the disclosure of certain material and information if the government so chooses, and certainly it can be in camera. There is surely some information that senators can be given so that there is some understanding. The argument must be that, if we are going to make decisions on this and debate these issues, we deserve a little more information.

As to the issues of which committee and the process that has been pursued, I do not know if I am even going to dignify that with too much comment. Suffice to say, if the Labor Party are not happy with this committee, I certainly am happy to work with them—and I am sure Senator Brown on behalf of the Greens would be too—to find an appropriate committee. I suspect that there are parliaments around the world that would find a committee. They would find a select committee or they would find a royal commission. They would do whatever has to be done in order to find out why we arrest, put in solitary confinement, deport and charge, financially speaking, a person at the heart of an issue like this and then fail to tell them and their lawyers why. I am all ready to hear the information; I am all ready to be convinced that there was an issue of a threat to national security. I am quite happy to listen to that information and presumably be satisfied by it, but what we have instead is a situation where we can pick and choose people, albeit from other countries, and deport them. We do not even have to let them in—we know that—but once they get here legally we can deport them.

There is no evidence. No-one is charged with a crime and no evidence is provided of a crime having been committed. In fact, as I understand it, when Mr Parkin returned to America the FBI was not waiting for him at the doorstep or at the airport. So we have no evidence of what this man has done or is alleged to have done, except, as has been pointed out, what we must presume is a leak to our national daily paper—on the front page, I might add—that suggests that he was going to do something—

Senator Bob Brown interjecting—

Senator STOTT DESPOJA—Senator Brown suggests that this is reminiscent of Salem and burning witches at the stake. I think it is more reminiscent of the futuristic film Minority Report—that we are actually anticipating what people are going to do, even though we have no evidence that that was going to take place. In fact, we may arguably have evidence to the contrary.

I want an inquiry because I am not sure how else, as a citizen, let alone a legislator, I am going to be satisfied that we have not become some kind of Stasi land where people just disappear if we do not like what they are saying about us or our allies. I strongly recommend Anna Funder’s book, because it got a bit too close to the bone for me, especially in a period when we are talking about national ID cards and removing people and putting them in detention for up to 14 days without charge. Come on. We are seriously skating close to an erosion of civil liberties and human rights in this country like never before and if people are kidding themselves that we do not have a problem more fool them.

So when Senator Brown talks about talking to Australians—average punters, people who care about their community, their constitution, their politics or whatever; wherever people are on that spectrum—it means that people are concerned. You listen to talkback radio, you get the emails—

Senator McGauran—Have you once in this chamber acknowledged the war on terror?

Senator STOTT DESPOJA—Yes, I had a dear friend who died in it. How dare you!
The ACTING DEPUTY PRESIDENT (Senator Forshaw)—Order! Senator Stott Despoja, I would ask you—

Senator McGauran—Then you should—

The ACTING DEPUTY PRESIDENT—Senator McGauran, cease interjecting.

Senator STOTT DESPOJA—Senator McGauran, will you apologise and withdraw?

Senator McGauran—Then don’t say our—

The ACTING DEPUTY PRESIDENT—Order, Senator McGauran! Cease interjecting. Every other speaker in this debate has been heard in silence, and Senator Stott Despoja is entitled to—

Senator McGauran—She should—

The ACTING DEPUTY PRESIDENT—Order, Senator McGauran! Do not interrupt the chair while the chair is addressing the chamber.

Senator Bob Brown—Mr Acting Deputy President, on the point of order: it would be appropriate—though I do not know whether he has the bigness to do it—for Senator McGauran to withdraw his distasteful remarks.

The ACTING DEPUTY PRESIDENT—Senator Brown, I do not recall precisely the remarks that Senator McGauran made, but he does recall them. I do not think that a point of order was actually raised, but I am happy to have the issue reviewed. Senator Stott Despoja has not asked for the remarks to be withdrawn, so I will rule there is no point of order.

Senator STOTT DESPOJA—Thank you. Perhaps the interjection epitomises the level of this debate. How dare anyone suggest that we do not care about terrorism or the war on terror! And especially, how dare Senator McGauran make those remarks when a close friend of mine was in the World Trade Centre—but Senator McGauran knows that. It makes me all the more determined to get justice, not revenge, and in the process not let terrorism change the lives of my fellow countrymen and countrywomen.

I do not want people to be under attack. I do not want terrorists to succeed—of course not. But I do not want to lose the basic principles that I hold dear as a citizen. I genuinely believe that these rights are under attack, and any objective commentator recognises this. Of course we have to strike a balance. Of course we have to work together and be strong in the face of terrorism and fear. But we have to make clear that the things that we are fighting for—that we all agree are worth fighting for—are protected, too.

I do not know Scott Parkin from a piece of wood. I know very little about this man. What I am asking for is information and enlightenment so I as a legislator can make an informed decision on this. I have not challenged our statutory obligations under the ASIO Act. I have not suggested that the information provided to the opposition is inadequate. I think the crossbenches have the right to that information, too. As I said in the intelligence services debate yesterday, one option put forward by the Democrats is that of extending the mandate and the composition—that is, the number of representatives on the new joint standing committee on the intelligence services—to include the crossbenches.

There are questions that we need to know the answers to. We need to know why ASIO made a security assessment of American peace activist Scott Parkin based on matters relating to ‘politically motivated violence, including violent protest activity’. Are there specific guidelines? We need to know what exactly constitutes, in the eyes of the Attorney-General and others, a ‘violent protest
activity’. We need to know who makes the final judgment in that process. We need to know when the Attorney-General became aware that Mr Parkin represented a serious threat to Australian national security. We need to know if Mr Parkin has acted in any way contrary to Australian laws while he has been in Australia.

If Mr Parkin posed a serious threat to national security, why was he granted a visa? He was granted a visa. Senator Brown points out that it may have been longer in the processing than otherwise you would expect. But why was a visa granted to him and then revoked without explanation? I want to know who or what prompted initial serious concerns that Mr Parkin posed or constituted a serious threat to Australian national security. I want to know when this occurred. Surely this is not all classified information. Surely our Attorney-General can inform us of some of these things.

Senator Brown talks about a leak to the Australian newspaper. I am not suggesting that the journalist should give up their source—not at all. Most of us in this place would recognise the important role that journalists play. They need that trust—that relationship—between them and their sources, from wherever they may come. I am certainly not accusing anyone of being responsible for that leak. But I want to know how that information—more information than I have been able to get my hands on—ended up in the newspaper.

In the current climate, the government acts with alacrity when they hear of a leak that may have sprung from government sources—it may be journalists; it may be public servants. Look at their methods. Look at the extent that they have gone to to investigate certain complaints. We are at the point where we have two journalists, as I understand it, facing the consequences—which may involve prison time—of not revealing their sources. So why is the government so tardy in looking into this issue? I acknowledge that the Inspector-General of Security and Intelligence is looking into this issue, but that is not at the behest—as I understand it, Senator Bob Brown, through you, Mr Acting Deputy President—of the government.

These are some of the questions that we have. If our laws currently as they are composed allow for this kind of unjust treatment—because until we have information to the contrary, it is unjust and un-Australian, to invoke that phrase—to happen, then I do not know what is going to be acceptable and allowable under changes that are being considered. But I will not stand idly by while these changes take place or these kinds of methods are employed by government or anyone else.

Even if the opposition feel satisfied with that classified briefing to which they have been privy, I appeal to them and say that this is line in the sand stuff. Even if you feel that your leaders have enough information, this is the time when you as legislators need to acknowledge that we all need more information. We cannot stand by and let this kind of activity take place without challenge. The Democrats will be supporting the motion before us.

Senator Sandy Macdonald (New South Wales—Parliamentary Secretary to the Minister for Trade) (1.29 pm)—The government opposes Senator Bob Brown’s referral of this matter to the Senate Legal and Constitutional References Committee. I think we have witnessed another self-indulgent display by Senator Brown. Senator Brown is well aware that the Australian government has a longstanding practice of not revealing security information, and I am not going to get into personal comments about Mr Parkin, a United States citizen. That is why the government has expert security advisors. I also
understand that the Leader of the Opposition, Mr Beazley, has been briefed satisfactorily on this matter.

Senator Brown’s suggestion that the circumstances surrounding Mr Parkin’s deportation be referred to the Senate Legal and Constitutional References Committee demonstrates his ongoing disregard for the consequences of publishing security sensitive material. Senator Brown has previously demanded that ASIO provide security information to the Senate regarding the detention of this United States citizen, Scott Parkin. Senator Brown was essentially asking for details of the security assessment that formed the basis for cancelling Mr Parkin’s visa, as we have heard. Today’s motion simply seeks the same information in another way. The government is simply not about to compromise security sensitive material to make Senator Brown happy.

ASIO discharges its increasingly difficult functions in protecting the Australian community from all sorts of politically motivated violence in a highly professional and accountable manner. All our security agencies do this in a whole range of ways. ASIO is subject to scrutiny in the form of administrative, judicial and ministerial review. ASIO is also subject to the Parliamentary Joint Committee on ASIO, ASIS and DSD—a committee that I was very pleased to be able to serve on before I became a parliamentary secretary—and to the Inspector-General of Intelligence and Security, IGIS.

As Senator Brown is aware, the inspector-general will be conducting an inquiry into ASIO’s involvement in Mr Parkin’s affair. I make the point, from Senator Stott Despoja’s comment, that the inspector-general does not need to investigate process or matters as instructed by the government. He has a wide-ranging remit as a statutory officer and is able to self-initiate the sorts of inquiries that he thinks are appropriate. He is totally independent, highly professional and not answerable to the government. Clearly, the inspector-general provides independent oversight of ASIO, and the inspector-general’s investigation should satisfy Senator Brown.

Very clearly, the government opposes Senator Brown’s opportunism, but this is a reminder, and the Senate should be aware, that Senator Brown will use every opportunity to take a swipe at the United States. He appears to have a burning dislike and mistrust of the United States. Luckily, it is not a view that is shared by this side of the chamber or substantially by the other side of the chamber, nor in fact by the great majority of Australians. We do not like the opportunity taken by Senator Brown to always be critical of the United States in every shape, way and form. The government opposes this proposal.

Senator MURRAY (Western Australia) (1.34 pm)—I stand to be corrected, but I suspect I am the only member of parliament amongst current members of the House of Representatives and the Senate who has been deported from a country, so I have some personal knowledge of what that means and what that experience entails. At the time, I was destined to be the next president of the National Union of South African Students, I was a strong supporter of human rights—as I still am—I supported the Universal Declaration of Human Rights and I definitely supported the right of all black people throughout Africa to have the vote, both in my own home country of Rhodesia, as it was then, and in the apartheid ruled regime of South Africa.

Of course, it is no news to the Senate that those sorts of views were regarded very unfavourably in South Africa. In fact, those who supported the National Party, which ran the South African government, commonly referred to people like me as kaffir lovers—
in Afrikaans, kaffir boetjies—as liberals, which was quite interesting; as communists—een van die rooi gevaar in Afrikaans—and so on. I was not into violence. However, to the great credit of that awful regime, when they deported me, they did tell me and everybody else why they deported me, and they did make it very clear under what laws and for what reasons they were deporting me. So I think I was accorded a little more respect than Mr Parkin was in these circumstances.

In Rhodesia I was refused the right to teach children—I had intended to become a teacher—because I supported the right of people to vote. It was hard for me to make a livelihood. I and my mother were followed by the secret police, had our mail opened, had our phones tapped and so on. I suspect—as I said, I stand to be corrected—I am the only member of the present parliament who has experienced the full weight of a very ugly state apparatus.

But Rhodesia was an extraordinary place. I am also very much against those who seek to pursue their aims by violence, so I volunteered for the Rhodesian armed forces. That must have caused some consternation in some quarters, but they accepted me and I spent nine years in and out of a war in which I nearly lost my life once and in which I saw things I never want to see again. The point of that story is that you can be a great supporter of human rights and universal human values and still oppose things like the ugliness of terrorism—in my case, very identifiably and vigorously so. The two are not in contrast and those who seek to put the argument in that way do themselves and members of parliament a disservice. It is a great shame to hear that expressed in a citadel of great democracy such as the Australian parliament.

The message we need to take from the Parkin episode is manifold. But, most of all, it is that, as much as possible, you need to keep the Australian people in touch with the facts and reassure them that there is no abuse or misuse of power. The difficulty we all face in these matters is that we are asked to take matters on trust. The difficulty with that is that you get three categories of problem with taking things on trust. The first category is that of the small minority of people who lie. The second category is that of the small minority of people who are so immoral as to abuse and misuse power in a way which furthers their own ends. The third category is that of the vast majority of human beings, amongst whom I number, who make mistakes and just get it wrong.

I look at somebody like Tony Blair, for instance—he is a powerful, interesting, charismatic, forceful and strong leader in a great democracy—and see that he got it absolutely wrong. Like a number of other leaders I can think of, he said there were weapons of mass destruction in Iraq. He got it absolutely wrong. I do not necessarily put him into either of the first two categories I just outlined. The point is that if you were to accept that you should take on trust his belief, which he said was based on intelligence, you would have been misled into a war which has had immense consequences.

Do we know or are we able to know that the intelligence given surrounding Mr Parkin was accurate? My own experience in Rhodesia was that the Rhodesian intelligence forces, which were extremely adept and extremely skilled, got it entirely wrong about Mr Mugabe and how well he would do in winning an election. Intelligence is a very difficult business. I hear that the Leader of the Opposition has been given a briefing. How does he know on what basis that briefing is founded? How does he know what the foundations of it are? We are not dealing here with a person reputed to be at the centre of a vigorous bombing ring or anything—
even the government does not allege that. We have not heard anything of that sort. Mr Parkin is just apparently a person of some concern to the government. That may be, but there is a problem if you do not tell us about the lower order of people and we are suspicious of your motives and reasoning, or there may be a mistake of assessment. We just do not know.

I do not know anything about Mr Parkin. I am always fearful of a state, wherever the state is and whoever the state is, that says, ‘Trust me; we always know what you don’t know and you have to trust us.’ My personal experience is that you have to be wary of that. I say to the government that, if you asked the 76 senators in this place and the 150 House of Representatives members, not one would oppose the right of an Australian government to deport people who are a threat to our country and not one would oppose the right of an Australian government to refuse entry to this country to someone who is inimical to the national interest of this country. I cannot imagine there is one such member. But I would suggest to you that if you went and took an accurate poll on conscience of every individual senator and member they would always say, ‘Tell us why.’

It does not matter that it is Senator Brown who is moving this motion. It does not matter that sometimes Senator Brown gets right up your nose and right up everybody else’s nose—including mine now and again, and I return the compliment. That is not the issue. He has raised an issue of fundamental importance and that is that in a democracy you must keep the Australian people and the Australian parliament, which represents the Australian people, properly informed. Otherwise, because people will use and abuse power and will make mistakes, you will lead on to injustices. That is not acceptable from the government, many of whom I count as good friends and good people. It is just not accept-

able. I want you to take away from this debate the thought in your heads to think more carefully about this. I say to the opposition—and I make this challenge to the opposition senators—that you have got to not step backwards. If the Leader of the Opposition says, ‘Trust me, chaps—I have had a briefing, I know all about it,’ do not trust him either. You do not know if he has been conned or misled by somebody who has made a mistake in intelligence gathering or assessment. We rely on you and you have to carry the flag with us.

Senator MILNE (Tasmania) (1.44 pm)—I rise today to support the motion that the circumstances surrounding the deportation of Scott Parkin be referred to the Senate Legal and Constitutional References Committee. I am doing so because, as other speakers have said, and I am not going into those arguments, it is a matter of justice and fairness that the Australian people know why somebody was plucked off the street and deported from this country, with no questions asked of the rest of the community. We are standing here today asking those questions.

I was in Europe last week, and I came back through the UK on the day when an 82-year-old man was thrown out of the UK Labour Party conference because he dared to interject and say that Jack Straw was a liar after Jack Straw had said that the only reason that the British were in Iraq was to provide democracy to the Iraqi people. The old man was challenging that view because Tony Blair had said, as this government has said, that they went into Iraq over weapons of mass destruction. Another person stood up and said, ‘Leave the old man alone.’ He, too, was thrown out, and they were both detained under the new terrorism act in the UK. That old man was a refugee from Nazi Germany and had been a Labour Party member since before Tony Blair was born. That is how the
terror laws are being used in the UK: to shield the government from criticism.

The crisis of confidence that is being shown here in Australia at the moment is that the Australian people have lost trust and confidence in their government. They simply do not believe them anymore. John Howard, the Prime Minister, was shown to have lied about the ‘children overboard’ affair. As to the issue of the war in Iraq, quite clearly the weapons of mass destruction were not there. Then we have the issue of the SIEVX. For a long time the government insisted that the SIEVX had gone down in international waters. And now that has been changed—quietly changed—to say, ‘These days we’re not sure where the SIEVX went down.’ That is why people in Australia are very suspicious of and have little trust in what the government do. I would also like to correct Senator Sandy Macdonald’s statement that Senator Bob Brown hates the United States.

Senator Bob Brown—it is not true.

Senator MILNE—it is not true, just as the simplistic accusation concerning the war on terror was not true. It is not the people of the United States or, indeed, the land itself; it is the actions of the Bush administration.

Senator Sandy Macdonald—if Senator Milne wishes to pick me up on things I said, I would like to raise a point of order. She accused the Prime Minister of lying. The Prime Minister does not lie. That is unparliamentary language.

The ACTING DEPUTY PRESIDENT (Senator Watson)—Be careful, Senator Milne, with the language that you might attribute to the Prime Minister.

Senator MILNE—Thank you, Mr Acting Deputy President.

Senator McGauran—On a similar point of order to that of Senator Macdonald: I did hear Senator Milne accuse the Prime Minister of lying, thus it is worthy of a withdrawal.

The ACTING DEPUTY PRESIDENT—if you said that he lied, you have to withdraw that, but I am not sure that you actually said that, Senator Milne. You did use the word, but not in that particular form of words.

Senator MILNE—I cannot recall the exact form of words, but that was clearly the intent of what I said. I withdraw it to the extent of saying that matters pertaining to the ‘children overboard’ affair showed that the Prime Minister was wrong in relation to the circumstances surrounding children being put overboard, as had been stated by the Prime Minister at the time.

I go on to say that, in the circumstances in the UK, people are shocked. Stickers have started appearing all over the UK, saying, ‘I love my country but fear my government.’ That is pretty frightening stuff in a democracy. It is pretty frightening when people are starting to lose so much confidence in their authorities that they are saying that they love their country but are becoming frightened of their government because of the excesses of power in terms of taking away people’s civil liberties. And that is the point that we are debating here today. Like other senators who have spoken, I do not know Scott Parkin, but I do know that people have basic human rights and basic civil liberties, and one of those is that, if they are plucked off the street, they have a right to be told what it is that they are accused of. Their lawyers have a right to be told what they are accused of.

I find the tawdry excuses of the Labor opposition absolutely unbelievable. It actually demonstrates the truth of what was said in recent media publications about the Labor Party not standing for anything anymore. What we have heard here is that the Leader of the Opposition, Kim Beazley, had a briefing and was satisfied, and was apparently
also satisfied that the person who was de-
ported was not told why they were deported
and that their lawyers were provided with no
information. Apparently that is satisfactory
to the Labor opposition in this country. Is not
satisfactory to the Greens and it is not satis-
factory to the Democrats. We want to stand
here and know that people in this country are
afforded justice. If we are elected as sena-
tors, the very basic things that we ought to be
able to guarantee to every single Australian
and every person who is here with a visa that
was legally acquired are the justice they de-
serve, the fairness they deserve and an ex-
planation for whatever occurs to them.

It seems to me that Mr Parkin was issued
with a visa quite legally, which means that
when the investigation took place about giv-
ing the visa he was not found to be a security
risk. So something occurred between when
he came to the country and when he was
grabbed off the street that suddenly gave
people the understanding that he was some-
ting of a threat to this country, even though
every single thing he had said at meetings
had showed that he was a peace activist and
opposed to violence. The only thing that he
had been talking about that may have been
objectionable to the Bush administration, and
hence the Howard government, is the rela-
tionship between Mr Cheney, Halliburton,
the war in Iraq, the influence of oil compa-
nies and the way that certain companies like
Halliburton have benefitted enormously from
the war in Iraq. If that poses a security risk to
Australia then there is real cause for concern
about what is going on. If that is not the case
then the people deserve to know, or else the
Scott Parkin matter is going to go into the
same category as the ‘children overboard’
affair, the war in Iraq and the SIEVX. It is a
basic, absolutely fundamental matter in this
democracy.

I see opposition senators shaking their
heads. I heard accusations of opportunism. I
heard the demonisation, if you like, of people
who do not agree. Suddenly we are accused
of being extreme, a minority and so on. Yes,
we are a minority, but we are also coura-
geous enough to stand up for what is right. It
is about time in this Senate that people did
stand up and ask questions and not just go
along with private briefings. If the briefing
was suitable for the Leader of the Opposi-
tion, why was it not suitable for the Democ-
rats and the Greens? It might well be that we
have a healthier degree of scepticism about
the explanation than the Leader of the Oppo-
sition does.

I want to put on the record my strong sup-
port for this motion. It should be going to a
Senate inquiry. The government is on notice.
It can vote us down here, as can the Labor
Party, but the fact of the matter is that people
in Australia are now unnerved by the abuse
of absolute power. You have control over
both houses, you can do as you like and you
are doing as you like in this circumstance,
with the support of the Labor Party. That is a
matter of grave concern for Australians and
people are feeling unnerved. Do not be sur-
prised if people meet you in the street and
say, ‘I love my country but I fear my gov-
ernment.’

Senator Nettle (New South Wales)
(1.53 pm)—Senator Milne is right when she
says that people in this country are uncertain
as a result of what the government has done
on the issue of Scott Parkin. A week after
Scott Parkin was deported by this govern-
ment, on the basis of an adverse security as-
essment that appears to have been leaked to
a government friendly journalist writing for
the Australian, I received an email at my
office from somebody who is planning to get
married here in Australia. Like Scott Parkin,
many of the guests that they have invited to
their wedding are involved in the nonvio-
lence movement in the United States. For his
wedding here in Australia, this guy has in-
vited a whole lot of peace activists from America. He sent me an email saying: ‘I’m really frightened. What do I tell them now? Do I tell my friends not to come to my wedding?’ The track record of this government is to deport somebody who is from America and who is involved in that nonviolent, peaceful action. That is where Scott Parkin comes from. The entire history of his involvement in political action has been to advocate nonviolence. So I received this email from someone living in Australia saying: ‘What do I do? Do I tell my friends not to come because what I have as an example of the way in which the government may treat them is that they may deport them?’

Scott Parkin was not only deported but also held in a cell in Melbourne for the days before he was deported. When the immigration inquiry that I am a part of was in Melbourne, it heard from one of the lawyers about the cell that Scott Parkin was held in before he was deported. It is inside a police headquarters in Melbourne. It is a cell that is usually used only for a couple of hours when people are held before they are transported elsewhere. No light comes into the cell. The lawyer, who has been involved with many people who have been held in that cell on the basis of criminal conviction, said that no light comes into it and he described it as a dungeon. That is where Scott Parkin was held. Scott Parkin was held in a dungeon—described as such by a lawyer who has had dealings with people who have been held there; he has seen the cell—and not told anything. Scott Parkin has still not been told why he was deported. His lawyers have still not been told why he was deported. The only person that the government say they are prepared to tell is the Leader of the Opposition. So they are not telling the guy or his lawyers why he was deported, but they are happy to tell the Leader of the Opposition. It is interesting to note that the Leader of the Opposition then said, ‘That’s okay; you can deport Scott Parkin.’

A Scott Parkin peace lecture, which I was involved in, was held here at Parliament House. It was a nonviolence workshop like the ones that Scott Parkin had held. One of the participants in that workshop was Andrew Wilkie, the former ONA analyst. At that workshop and in his book Andrew Wilkie talked about ASIO briefings for leaders of the opposition that he has sat in on where there has been selective divulgence of information. He did not say that there had been any lying; he said that bits of information that supported the government’s case were provided to the Leader of the Opposition in those ASIO briefings and that other bits of information which did not support the government’s political case were not provided. I would be surprised if the Leader of the Opposition was not aware of the statements that Andrew Wilkie has made, but clearly the Leader of the Opposition has chosen not to hear the concerns of someone who has sat in on these ASIO briefings; rather, he just takes the word of ASIO that it is okay to deport Scott Parkin. I call on the Senate to support the motion that has been moved by Senator Bob Brown. We need an inquiry into why Scott Parkin was deported.

**Question put:**

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

The Senate divided. [2.03 pm]

(The President—Senator the Hon. Paul Calvert)

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<td>Noes</td>
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**AYES**

Allison, L.F.    Bartlett, A.J.J. *
Brown, B.J.     Milne, C.
Murray, A.J.M. & Siewert, R.

**NOES**

Abetz, E. & Adams, J.

Barnett, G. & Bishop, T.M.

Brown, C.L. & Calvert, P.H.

Campbell, G. & Campbell, I.G.

Carr, K.J. & Chapman, H.G.P.

Colbeck, R. & Conroy, S.M.

Coonan, H.L. & Crossin, P.M.

Eggleston, A. & Ellison, C.M.

Evans, C.V. & Faulkner, I.P.

Ferguson, A.B. & Fielding, S.

Fierravanti-Wells, C. & Fifield, M.P.

Hill, R.M. & Hogg, J.J.

Humphries, G. & Hurley, A.

Hutchins, S.P. & Johnston, D.

Joyce, B. & Kirk, L.

Lightfoot, P.R. & Ludwig, J.W.

Lundy, K.A. & Macdonald, I.

Marshall, G. & Mason, B.J.

McEwen, A. & McGauran, J.J.J.*

McLucas, J.E. & Minchin, N.H.

Moore, C. & Nash, F.

O’Brien, K.W.K. & Parry, S.

Patterson, K.C. & Polley, H.

Santoro, S. & Scullion, N.G.

Stephens, U. & Sterle, G.

Vanstone, A.E. & Watson, J.O.W.

Webber, R. & Wong, P.

Wortley, D.

* denotes teller

Question negatived.

**QUESTIONS WITHOUT NOTICE**

**Comrie Inquiry**

Senator **LUDWIG** (2.07 pm)—My question is to Senator Vanstone, the Minister for Immigration and Multicultural and Indigenous Affairs. Can the minister confirm that the Comrie report tabled today described the overall mismanagement of the Department of Immigration and Multicultural and Indigenous Affairs as ‘catastrophic’ and that its officers were manipulative and operated within a flawed culture? Can the minister now indicate whether she was aware of any cultural problems in her department prior to the identification of Ms Cornelia Rau and Ms Vivian Solon? Is it really the case that the full responsibility for the unfortunate treatment of Ms Rau and Ms Solon rested with three public servants? Why is it that the little fish in the immigration department have again been scapegoated by the government but the big fish that are responsible for the culture are still getting away with it?

Senator **VANSTONE**—I thank Senator Ludwig for his question. I can confirm that the Comrie/Ombudsman report does refer to the handling of the Alvarez case as catastrophic. You might like to read out the sentence after that which confirms that there are a number of people diligently doing their jobs who did try to bring what they saw as a mistake to the attention of their superiors. In fact, they did bring it to the attention of their superiors, who then did nothing with it.

Senator, you asked me why the blame rests with three people. I am not in a position to apportion blame. Under the Public Service Act, there is now a requirement that an investigation take place in relation to the three people named, one of whom has retired, as I understand it. I take this opportunity to correct the record. This morning I think I said that person had resigned. In fact, they have retired. I do not think there is much in that. As a consequence of no longer being a member of the Australian Public Service, they will not be subject to that inquiry. I was also asked this morning whether it is possible for the other two to resign and so remove themselves from that procedure. I understand that the answer to that is also yes.

Those people are not being investigated in relation to a culture in the department but for matters that are spelt out in the report. I do not want to say any more than that because the secretary will be the final decision maker in relation to these investigations and I do not want to create any impression that either I or he have some predetermined course of
action in relation to this. I think that we have to wait and see what Mr Boucher says. Having said that, he is obviously going to have the report. He can have any supporting documents that were put together by Mr Comrie and the Ombudsman. As I understand it, he can have assistance from the Ombudsman’s office so that we do not have to redo all the factual matters. He is entitled to look at it fresh and ask any further questions that he wants to ask. The three public servants are being held responsible for the conduct as outlined in the report and not for anything else. I am not going to comment any more on that.

As to whether I sensed there was a cultural problem prior to these matters, that has been answered before, and I refer you to the numerous Hansards from the estimates that you were at, Senator. I refer in particular to remarks on the department’s need to have a much stronger user-friendly client focus. With the announcement this morning of some $230 million or more over five years going into a range of initiatives to address what Mr Palmer said, I am satisfied that we will in fact achieve that. So it is simply not correct for you to say that these people referred to in the Comrie/Ombudsman report are being held responsible for that at all. The government recognises what needs to be done. Nearly a quarter of a billion dollars is being put into fixing this. That is the answer to your question, Senator.

Senator LUDWIG—Mr President, I ask a supplementary question. Minister, isn’t it the case that the responsibility for the culture which led to the detention and removal of Ms Solon rests with both the minister and her predecessor Mr Ruddock? When will the minister and her predecessor actually take responsibility for generating the extremist ideology that is responsible for the appalling culture that exists in the immigration department? How many more reports do we have to get? I know there are still 200-odd people who have been removed and that there is still another report due. Minister, how many reports do we still have to get before you will take responsibility for this appalling mess?

Senator VANSTONE—First of all, let me indicate that I do not expect that there will be one report. I have had discussions with the Ombudsman, and I would expect that these will be done in clusters. For example, if there is a group of people with a common issue that was dealt with in a particular way—for example, a mental health issue—I would expect that they would be dealt with together. If there were people whose problems might have eventuated because of poor record keeping or unsatisfactory information technology support, I would expect they would be grouped together. That is my understanding. It is a matter for the Ombudsman. I am just indicating to you that my understanding is that we would not necessarily look at one report. We might wait a long time for that. My personal opinion given to the Ombudsman is that the sooner we can deal with this matter the better, because my commitment as soon as Rau came forward was not to simply deal with that one matter, put my head in the sand and hope nothing else would happen but to do what I still believe is the right thing—that is, go back and see where this could possibly have happened again. We will clean all of these matters up. (Time expired)

Finance

Senator CHAPMAN (2.13 pm)—I direct my question to the Minister for Finance and Administration. Will the minister inform the Senate of any recent indications of the strength of the Australian government’s finances? What is the explanation for the continuing strong results? Has the minister con-
considered and reached conclusions about any alternative approaches?

Senator MINCHIN—I thank Senator Chapman for that good question. Since the Senate last sat, the Treasurer has released the final budget outcome for 2004-05. That confirmed the strength of Australia’s finances, with an underlying cash surplus of $13.6 billion, or around 1½ per cent of GDP. The outcome was $4.4 billion higher than the budget estimate. This healthy surplus has allowed us to reduce general government net debt to a figure of just $11.5 billion dollars, down from the $96 billion we inherited from Labor in 1996. Australia’s net government debt is now just 1.3 per cent of GDP, which is amongst the lowest of developed economies. In fact, the OECD average of net government debt is around 40 per cent of GDP.

This very good fiscal position is good news for ordinary Australians. It has kept pressure off interest rates, and we welcome the Reserve Bank’s latest decision to keep rates steady. It has also allowed us to reduce general government net debt to a figure of just $11.5 billion dollars, down from the $96 billion we inherited from Labor in 1996. Australia’s net government debt is now just 1.3 per cent of GDP, which is amongst the lowest of developed economies. In fact, the OECD average of net government debt is around 40 per cent of GDP.

Perhaps one of the more surprising reactions to this surplus was that of the opposition leader, who told the Insiders program that he thought the government should now have further income tax cuts so that motorists could deal with the increased cost of petrol. Mr Beazley, of course, conveniently forgot that he had tried to prevent Australian families from getting any tax cut on 1 July. Under the Labor Party alternative package, which they continued to support, there were no tax cuts at all until next year, and the full phase-in was not until 2008.

Labor’s claim at the time of the budget in May was that our tax cuts were inflationary, they were part of some spending spree that was running down the surplus, and they would put upward pressure on interest rates. Now, of course, a few months later, they are complaining that the surplus is too big and they want to spend it. That is exactly the way Labor ran the budget when they were in government and when Mr Beazley was the finance minister. That is why they left us with a $10 billion annual deficit and $96 billion in debt. This final budget outcome is good news. It shows that we were right to deliver tax cuts in the last three budgets and that we do need continuing fiscal discipline to main-
tain the strong financial position and keep downward pressure on interest rates.

Regional Partnerships

Senator O’BRIEN (2.17 pm)—My question is to Senator Campbell, the Minister representing the Minister for Local Government, Territories and Roads. I refer the minister to the $1.2 million Regional Partnerships program grant to Primary Energy. Can the minister confirm that in July 2004, in his former capacity as Minister for Local Government, Territories and Roads, he issued instructions to the department to advance the approval of the Primary Energy grant? Is it the case that this improper intervention, based on an incomplete application form lodged under another funding program, resulted in the approval of the $1.2 million grant against explicit departmental advice? Would the minister now table the instruction he issued to the department, putting the fix on the approval of this grant?

Senator IAN CAMPBELL—I thank the Labor Party senator for asking a question. It is, in fact, the first question I have received from the Labor Party this entire year.

Senator Chris Evans—You’ve been travelling half the year, to be fair.

Senator IAN CAMPBELL—Not half the year.

Senator Hill—He’s been saving the world.

Senator IAN CAMPBELL—Senator Hill is dead right. For the whole year I have been waiting for a question on Primary Energy. I have had a file sitting here with a Primary Energy brief in it for a whole year. In fact, it is getting dusty. I suggested last time Senator O’Brien asked a question about Regional Partnerships and regional services that, over the Christmas break, over the summer adjournment of the parliament—because it was before the Christmas break when Senator O’Brien last asked a question—it would be worth while, instead of criticising a government that steadfastly supports the regions through a series of programs, including the proponents for Primary Energy, and instead of bagging the government and people like Mr Ian Kiernan, the chairman of Primary Energy, he get out, buy a pair of Baxter boots, RM Williams boots—

Senator Abetz—Blundstones.

Senator IAN CAMPBELL—or Blundstone boots, get a little bit of dust on them and go down and talk to some of the locals—do so at Gunnedah. Speak to the Primary Energy people. Senator O’Brien, in relation to Primary Energy—

Senator Chris Evans—Mr President, I rise on a point of order. I think the minister is now 2½ minutes into the answer. He has made no attempt to answer the question at all. Rather than try and abuse the questioner, Senator O’Brien, I ask you, on the basis of relevance—

Senator Hill interjecting—

Senator Chris Evans—It may have been longer; it may have been shorter, Senator Hill—I bow to your superior time keeping. I ask you, Mr President, to draw the minister’s attention to the question. He says he has been waiting for the question. Here is his chance to answer it.

The PRESIDENT—Order! The minister has 2½ minutes left, and I remind him of the question.

Senator IAN CAMPBELL—Mr President, I am well aware of the question. The question relates to Primary Energy. The question relates to the fact that, in my role as a former minister—it is interesting to get a question in question time about your role as a former minister, but I am happy to field it—I supported the Regional Partnerships program. Labor have been trying to pour
scorn on the Regional Partnerships program to which this question relates. They do not like the government supporting people in the regions—people in a struggling region. This proposal was brought forward under the Namoi Valley Structural Adjustment Package. It was a very important structural adjustment package to aid the people who were going to find structural problems as a result of decisions to make sensible use of water in that region. It passed all of the assessments under that package. When we rolled that package into the Regional Partnerships program, I thought it was appropriate to confer with those people who had put so much energy into this—more recently, people like Ian Kiernan, who, quite frankly, at the estimates committee, Senator O’Brien said was not the chairman of the company. It was brought to his attention that he was in fact the chairman. He is bagging a guy who set up Clean Up Australia, a world-leading environmental organisation, and who became a very successful sportsman, winning one of the first single-handed, round-the-world yacht races—and I stand by all the decisions I have made in relation to Primary Energy. I say to the Labor Party: get out there and talk to some people in the Namoi Valley. Get out there and talk to people in Gunnedah. Instead of bagging people who live in regional Australia, why don’t they get out there and do something positive for them, rather than bagging them all the time.

Senator O’Brien—Mr President, I ask a supplementary question. I draw to the attention of the minister that, when the committee sought to go to Gunnedah, witnesses who were alleged to know something about the matter would not attend and appear before the committee. I again ask the minister to table the instructions he issued to advance the approval of the $1.2 million Regional Partnerships grant for Primary Energy. Can the minister also confirm that Primary Energy consisted of just a $1 shareholding when it was awarded this $1.2 million Regional Partnerships grant? Despite the payment of over $1 million to date to this $1 company for a so-called grain-to-ethanol project, is it also true that the project is yet to convert a single grain into a drop of ethanol?

Senator Ian Campbell—Here we have a Labor Party senator who seems to think that there is something wrong with a company that proposes to build an ethanol plant in regional New South Wales receiving assistance from the Commonwealth government to progress the financial and engineer-
ing studies for that project. What they are saying is that, unless you are like former Labor Prime Ministers like Paul Keating and Bob Hawke who have multimillion-dollar companies, if you are a struggling farmer in outback New South Wales, you should not get assistance. I say to you: pull on a pair of Baxters, pull on a pair of RM Williams or pull on a pair of Blundstones and go out and talk to them.

_Senator Carr interjecting—_

_The PRESIDENT—Order! Senator Carr!_

_Senator IAN CAMPBELL—Am I surprised that the farmers out there do not want to talk to you? No, because it would be a pretty odd sight._

**Economy: Exports**

_Senator NASH (2.25 pm)—My question is to the Minister for Defence and Leader of the Government in the Senate, Senator Robert Hill, representing the Minister for Trade. Will the minister advise the Senate how the increased level of exports is contributing to the strong Australian economy? Is the minister aware of any recent figures that highlight this continuing export growth?_

_Senator Chris Evans interjecting—_

_Senator Ian Campbell interjecting—_

_The PRESIDENT—Order! Senator Evans and Senator Campbell, discussions across the table are out of order._

_Senator HILL—I thank Senator Nash for her question. She is a senator who is obviously interested in the welfare of rural exporters. I can give her some good news. It builds upon the broader economic success of the Australian economy, to which Senator Minchin—_

_Senator Carr interjecting—_

_The PRESIDENT—Senator Carr, you are being particularly disruptive today. I ask you to come to order._

_Senator HILL—The Labor Party does not wish to hear good news. This is good news: I have the opportunity to congratulate Australian exporters, because Australian exports for the month of August totalled $14.7 billion, which is the highest figure ever recorded for Australian exports in the month of August, some 12 per cent higher than the previous August. This data supports the continued strengthening in the Australian export sector. The first two months of the 2005-06 financial year showed exports were 14.4 per cent higher than in the first two months of 2004-05. Given that the Australian economy generated a record level of exports last financial year, the results from August highlight the underlying strength of our export performance._

This financial year has seen exceptionally strong growth recorded in iron ore exports, up some $876 million, and coal exports, up $1.4 billion, compared with the same period last year. August saw stronger growth in exports to ASEAN countries, especially Thailand, and to the US and Taiwan. So, although it may be to some extent fuelled by the rapid growth of the Chinese economy and the huge demand that that is creating, our exports are in fact finding markets more broadly across the world. Interestingly, now around one in five Australian jobs is generated by exports. Of course, for rural and regional Australia the figure is even higher, estimated at one in four jobs.

This government has seen the growth of the Australian export sector as being critical to the prosperity of all Australians. That is why so much effort has been put by this government into widening market opportunities through bilateral trade negotiations and through multilateral trade negotiations. Our negotiations with ASEAN and with China will further benefit the sectors to which I have been referring. But, beyond that, the success of the sector is also related to the
successes within the management of the Australian economy that have been provided by the Howard government. When this government came to office, it experienced the situation of a $10.4 billion deficit which it had to address and which was addressed by cutting expenditure. This government took hard decisions, reducing public expenditure, which enabled interest rates to come down, and to keep interest rates down as we have has been a big part in the success of the Australian export sector.

Equally important has been the ability of this government in its economic management to keep inflation low and to keep inflation steady. Equally important again has been the performance of this government in tax reform, providing a better balance of tax between taxes on income and taxes on expenditure so that there is incentive for investors in the rural and natural resource sector to go out there and invest with confidence that they will be rewarded for their effort and for their investment. Also important, and I come to my final point, has been the reform that this government has initiated in relation to industrial relations — reform that must continue.

_Tumbi Creek_

_Senator CARR (2.30 pm) — My question is to Senator Ian Campbell, the Minister representing the Minister for Local Government, Territories and Roads. I refer the minister to an email sent by Mr Graham Hallett, the special adviser to the Minister for Local Government, Territories and Roads, to the Wyong Shire Council on 22 November last year warning officials to ‘keep their counsel’ about the true state of Tumbi Creek. Is it the case that prior to issuing this warning Mr Hallett conspired with the then Liberal Mayor of Wyong Shire, Councillor Brenton Pavier, to stop the then deputy mayor, Mr Bob Graham, from revealing the truth about Tumbi Creek? Can the minister confirm that on 12 November Mr Hallett committed this conspiracy to writing when he emailed yet another Wyong councillor to say: Brenton mentioned the need to stop Councillor Graham on Tumbi. This is essential.

Why was it so essential to stop the then deputy mayor of Wyong Shire from telling the truth about the Tumbi Creek rort?_

_Senator IAN CAMPBELL —_ I thank Senator Carr for the question. It reminded me of an experience I had on a Qantas flight from Perth to Melbourne recently when I settled in to watch the Channel 9 news and I saw an article with my colleague Senator Joyce discussing the Telstra sale and an article about a protest, with some of Senator Hutchins’s mates from the Transport Workers Union coming up to parliament —

_The PRESIDENT —_ Senator, I remind you of the question.

_Senator IAN CAMPBELL —_ I am mindful of the question. This is in the context of looking at issues that occurred over a couple of years ago and talking about them now. It is quite appropriate. I am going to get to the nub of the question momentarily, Mr President, you will be pleased to know. As I watched this news article — and Tumbi Creek was not on this particular newsreel — I got a sense that the news was a bit out of date, particularly in the context of the fact that we were obviously within 24 hours of the Bali bombings on Saturday night. It struck me as unusual that there would not be some coverage of that at the top of the news. I then suggested to the flight attendant that I thought the news might have been on an old newsreel.

_Senator Carr —_ Mr President, I rise on a point of order. I remind the you, Mr President, that the question related to an email dated 12 November 2004. I ask that the minister be drawn back to the question.
The PRESIDENT—I take your point of order, but I have asked the minister to return to the question. I remind him of the question, and he has 2½ minutes left.

Senator Chris Evans—I take a further point of order, Mr President. I think the minister is deliberately ignoring your warnings. I think this is an abuse of question time and I think you ought to direct him to answer the question. Recollections of his travels and of what news he watched on a Qantas flight are fascinating, and I would be happy to have a cup of tea with him afterwards so he can take me through it, but we have asked him a question in question time which is about holding a government accountable, and I think he ought to be directed to answer the question.

Senator IAN CAMPBELL—On the point of order, I have four minutes to answer the question—and, on 100 per cent of occasions over the last nine years opposition senators have asked a supplementary, so I probably have five minutes. I do not think that it is within the standing orders to direct me how to answer the question. I am very cognisant of the fact that I have four minutes. I am spending the first minute putting my answer into a contextual framework which will make sense to Senator Carr, and I think he will have a full answer—

Opposition senators interjecting—

The PRESIDENT—Order! There has been a lot of wasting of time in question time today. I ask the minister to return to the question.

Senator IAN CAMPBELL—I reminded the flight attendant that the newsreel was out of date, and she made an apology and she said, ‘Yes, we must find the current newsreel.’ When Senator Carr got up to ask his incisive question about Tumbi Creek, it gave me a bit of a deja vu experience. The question relates again to a Regional Partnerships program. It yet again relates to Tumbi Creek, a place that I have visited. I recommend that any senator who has the opportunity to visit Tumbi Creek do so. It is a fantastic community served by a very effective local member from the House of Representatives.

Senator Ferris—Did you wear your boots?

Senator IAN CAMPBELL—I was wearing my RM Williams boots the day that I went there. The Tumbi Creek issue is one that I took a close interest in in my previous capacity as the Minister for Local Government, Territories and Roads. The Labor Party affiliated members of the local government made it quite clear they did not want support for the dredging of Tumbi Creek to solve the environmental problems which were impacting, might I say, on the recreational value of the area. Many people from Sydney and other parts of New South Wales visit there for holidays, and the fact that Tumbi Creek was not flowing through to the sea and needed dredging was impacting on their recreational enjoyment of that very important environmental area of New South Wales. So I took a close interest.

Not only did it become clear to me that the local Labor affiliated members of the council wanted to undermine federal assistance to dredge the creek but, when I wrote to the then state minister seeking state assistance under, I think, another program, they consistently refused to help. What it said to me was that Senator Carr, Senator O’Brien and Labor Party people generally in local, state and federal government fall into the trap of simply not being interested in regional Australia. When Senator Carr, deja-vuesque, got up here again and criticised the decision-making process to assist the people around Tumbi Creek and to assist in what is very important work to make sure that Tumbi Creek flows again, that fell into a typical Labor pattern of criticising any government
program that supports regional Australia. I commend the project and I commend all of those who supported it. *(Time expired)*

**Senator CARR**—Mr President, I ask a supplementary question. Since the minister is having some difficulty recalling this email, would he now grant leave for this email from the special adviser to the Minister for Local Government, Territories and Roads to be tabled? I ask if he will agree to that. Can he also reveal what other actions the government has taken to conceal the truth about Tumbi Creek and why it was that Mr Hallett’s outrageous conspiracy to ‘stop Councillor Graham’ was not revealed to the parliament or the public when Minister Lloyd counselled his staff member earlier this year?

**The PRESIDENT**—I will put the question regarding leave at the end of your answer to the supplementary question, Minister.

**Senator IAN CAMPBELL**—Once again Senator Carr, in his supplementary question, has made it quite clear that Labor will not only bag any project that seeks to help regional Australia but also, if it is in one of their electorates—for example, the grants that went to the electorate of Brand for Kim Beazley; Mr Beazley has gone back into the Brand electorate claiming credit for getting money for Regional Partnerships—

**Senator Conroy**—Mr President, I rise on a point of order. It is on relevance and the minister’s deliberate flouting of your request for him to come back to the question. Once again, could you draw him back to the question? I am not sure how a press release from Kim Beazley can possibly be relevant to Tumbi Creek and an email.

*Honourable senators interjecting—*

**The PRESIDENT**—The Senate will come to order! Minister, you have half a minute left. I ask you to return to the question.

**Senator IAN CAMPBELL**—The question relates to the Regional Partnerships program. You have in Labor a leader who supports Regional Partnerships when it suits him, in Mangles Bay and Rockingham, but if it is in Tumbi Creek in New South Wales—his new domicile, I might tell you; he is now a Sydneysider—he will not support it. There is gross hypocrisy from Labor on this—gross hypocrisy from their leader, who supports it in Mandurah when it suits him and calls it a rort from his new home in Pyrmont.

**The PRESIDENT**—Is leave granted to table the email?

Leave granted.

**National Security**

**Senator BARNETT** (2.40 pm)—My question is to Senator Ellison, the Minister for Justice and Customs. Will the minister inform the Senate of the Australian government’s ongoing commitment to aviation security and, in particular, to implementing the recommendations arising from Sir John Wheeler’s inquiry into airport security?

**Senator ELLISON**—I thank Senator Barnett for what is a very important question. The Howard government has a proven commitment to tough and well-resourced initiatives in relation to aviation security, and we have seen this over a period of time. But we have always said that security is a work in progress. We have devoted to date, apart from the Wheeler recommendations, in excess of $280 million to aviation security. We have set up air security officers who operate domestically and internationally—world’s best practice, and so much so that we will be having an international conference here in Australia in relation to air security officers.

We have increased our counterterrorism first response from 250 officers to 400 officers around our major airports in Australia. As well as that, we have provided resourcing of over $80 million for regional aviation se-
curity initiatives. We have seen that by way of direct assistance for security measures, training programs, response teams from the Australian Federal Police, and the hardening and strengthening of the cockpit doors which are an essential part of our aviation security.

Senator Barnett’s question referred to the Wheeler report. We commissioned an inquiry by Sir John Wheeler, a renowned international expert in aviation security, and we have accepted the thrust of all of his recommendations. What is worth while to note, however, is that he said there are already well-resourced initiatives in place, and he praised a lot of the work that the Australian government was doing in relation to aviation security. We have announced a $200 million package in addition to the in excess of $280 million we have already committed to aviation security. What we are doing, for the first time, is looking at policing at our airports across Australia, involving state and territory policing as well.

It was very pleasing to see that, when the Prime Minister put this to the Council of Australian Governments, the Premiers and Chief Ministers came on board and agreed with our initiatives. We will be seeing, as a result of the Wheeler recommendations, a range of initiatives, including increased airside patrols by Customs at our international airports. We will see the Australian Crime Commission playing an important role in the exchange of intelligence on criminality at our airports. Indeed, prior to the John Wheeler report, I had already commissioned the Australian Crime Commission to conduct a national intelligence report on our airports, and that work is continuing. As well as that, we will see commanders in place at our major airports, who will have direction and control of those people working at our airports in the event of a crisis or an emergency.

This $200 million package will strengthen such things as our ASIC card-checking. It will strengthen CCTV, which is essential. Closed-circuit television, which Customs operates, has been found to be very effective and, in fact, was the subject of praise by Sir John Wheeler. I might add that Sir John Wheeler is on record as saying that the Australian Customs Service is one of the finest customs services in the world today. I think it can take great credit for that.

Aviation security, like all security, is a work in progress. We will continue to address aviation security as a national priority, and these measures, which will involve some $200 million worth of expenditure, will see an even further strengthening of our aviation security in Australia so that we can say Australian skies are not only safe but secure.

Stem Cell Research

Senator FIELDING (2.44 pm)—My question is to the Minister representing the Minister for Industry, Tourism and Resources, Senator Minchin. I refer to the clearly partisan forum on stem cells, co-sponsored by Biotechnology Australia, in August where all of the panel members supported therapeutic cloning. After the meeting, the Coalition for the Advancement of Medical Research encouraged people to sign letters to the Lockhart committee supporting therapeutic cloning. A similar forum organised by Biotechnology Australia will be held in parliament next week. Why does the government allow a publicly funded body, which claims to provide ‘balanced and factual information on biotechnology’, to adopt partisan positions in controversial public debates?

Senator MINCHIN—I thank Senator Fielding for that question. I will do my best in endeavouring to answer it, although I suspect I might need some more information from Minister Macfarlane. For Senator Fielding’s information, I note that during the
debate that he was not present for I was an opponent of the legislation which has enabled some research into embryonic stem cells in this country. Of course, that legislation also provides for the banning of human cloning. I point that out to Senator Fielding.

Against that background, it is a fact that the government, through the auspices of the industry portfolio, is supportive of the development of a biotechnology industry in this country. We have endeavoured to support such endeavours, albeit that any research that is engaged in by the biotechnology industry must comply with the laws of this parliament and the state parliaments. To the extent that any company or research outfit involved in biotechnology research is involved in this delicate and difficult area of stem cell research, it must comply with existing law. The fact is that this parliament, in passing the laws that it did, provided for a review of relevant parts of the legislation. That review is being chaired by Justice Lockhart, and it is appropriate for any interested parties to put proposals or submissions to the Lockhart review. At some point this parliament will or may be dealing with any recommendations which may come from that review.

This is a delicate matter. There is an appropriate role for the Department of Industry, Tourism and Resources, in support of the biotechnology industry, to be involved in this matter and to do so within the ambit of existing law. I do not think it is unreasonable, under those auspices, for companies involved in this industry to put submissions to Justice Lockhart as to how they think the existing laws work and are working or how they may be amended. At the end of the day it is a matter for this parliament as to whether or not there will be any changes to those arrangements. Presumably, as was the case with the last debate, matters involving research on embryos would be a matter of conscience for both the Labor Party and the Liberal Party. Senator Fielding can reach his own conclusions on any proposals which might come before this parliament again. I am sure Minister Macfarlane and the industry department will continue to ensure that that department and industries involved in the biotechnology industry operate within the law.

Senator FIELDING—Mr President, I ask a supplementary question. Minister, I note that researchers at Swinburne University of Technology found last year that 63 per cent of the Australian public do not feel comfortable with scientists cloning human embryos for research purposes. Given Biotechnology Australia’s partisan role in the current debate, how does the taxpayer know when this agency is indeed providing ‘balanced and factual information’ and when it is wasting taxpayers’ money on promoting partisan positions?

Senator MINCHIN—I can only reiterate (a) that cloning is prohibited but (b) that Biotechnology Australia must operate within the law and must respect the laws of the country. I am not personally aware of any evidence of it actively campaigning to change those laws, but I am happy to have Senator Fielding’s concerns properly considered by the industry minister.

Electoral Reform

Senator HUMPHRIES (2.49 pm)—My question is to the Special Minister of State, Senator Abetz. Will the minister update the Senate on the response of the states and territories to the government’s proposals to prevent prisoners from voting in federal elections?

Senator ABETZ—I thank Senator Humphries for his question, noting that he is a distinguished former Attorney-General and Chief Minister of the Australian Capital Territory. I reaffirmed in my speech to the Sydney Institute on Tuesday night that the gov-
ernment will move to prevent prisoners who are serving a sentence of full-time imprisonment from voting in federal elections. The rationale for this move is clear and unassailable. If the community, through the courts, under the rule of law, has judged an individual to have so offended against society’s laws that they should forfeit their fundamental right of freedom by being separated from society, then it seems passing strange that they should retain their right to vote and a voice in the future direction of that society.

All bar one of the states and territories have put a restriction on prisoners voting in their elections. So imagine my surprise when this was said yesterday—and we will see if Labor knows who said it: ‘Prisoners, of all the groups that make up our society, are perhaps most vulnerable’. Really? Try telling that to the victims of Martin Bryant, the Port Arthur mass murderer, or to the victims of Ivan Milat; or, for that matter, to rape victims. The quote goes on: ‘Why should they—prisoners—be excluded from the most fundamental right?’ Who served up this out-of-touch nonsense? Who said it? They all know, but they will not identify themselves with Mr Jon Stanhope, the Chief Minister of the ACT.

I agree that the democratic right to vote is important, but what about the victims’ right to life, their right to freedom of movement, their right to freedom from torture—and I could go on? For once there is a glimmer of light in the Labor Party. One of their state ministers has indicated he would gladly adopt the Howard government’s position on prisoner non-voting for state elections. Who said that? Again Labor know. Indeed Senator Mark Bishop has raised his eyebrows. He knows who said it. But they will not say it, because they do not know which side to jump on. Of course, it was Mr McGinty, the Minister for Electoral Affairs in Western Australia, who went on the record saying that he would gladly embrace the proposal being put forward by the federal government.

Once again we have the Labor Party devoid of a policy position. They do not know which way to jump—to Mr Stanhope, who has got this extreme radical view, or, as I might suggest, to Mr McGinty, who has got a more level-headed approach, which I think is a lot more in touch with community sentiment on the issue of prisoner voting. To assist those opposite in deciding how to make up their mind on this issue, can I refer them to the old jingle: it’s moments like these you need McGintys!

Illegal Fishing

Senator STERLE (2.53 pm)—My question is to Senator Ellison, the Minister for Justice and Customs. I refer the minister to his claim yesterday that the government has located a Coastwatch office in Broome. Can the minister confirm that Coastwatch located an Indonesian fishing vessel 80 nautical miles to the north-west of Cape Leveque and over 150 nautical miles inside Australian waters on 14 March this year? Did Coastwatch take photographs of the crew processing sharks on the deck of this vessel? Can the minister confirm that a subsequent request made through the Australian Fisheries Management Authority to Customs and the Navy to intercept the vessel was ignored?

Senator ELLISON—I can say with confidence that we do not ignore requests that are made for assistance and that any request for assistance is considered in the context of what available assets we have. So I totally reject that at the outset. Coastwatch, Customs, Navy and defence services would simply not ignore a request. What they would do is consider that in the context of the assets available.

Now that the question of seizure of vessels has been raised, I can tell you that in the last 36 hours we have seized seven foreign
fishing vessels off the north-west of Australia. They are now being taken back to Broome and Darwin—one has sunk. We have arrested 55 crew. This is part of the operation that we have in protecting our borders to the north of this country.

Since the Howard government came to power we have resourced Customs to the tune of $600 million for offshore protection and border protection, and that has been evidenced in a variety of ways—by increased air surveillance, by the doubling of the days of our Customs maritime fleet and by our operations in the Southern Ocean. We have put in place a comprehensive measure to deal with border protection of Australia—$600 million to the offshore border protection of this country. To the north of this country we have a concentration of ADF, Air Force and Navy, as well as Coastwatch and the Customs maritime fleet.

We take the matter of illegal fishing very seriously and we have applied the necessary resources to it. But of course you still get sensationalism—and in this question, the incorrect implication that we ignore requests for assistance. That is totally incorrect. We saw it said on the front page of the Northern Territory News today that Customs had refused to provide a photo of some alleged Indonesian fishermen on an Australian beach. That photo was taken in December last year. It was released by Customs six months ago. So much for the big scoop for the Northern Territory News! What a joke they are. We released that photo six months ago. The headline said, ‘This is the photo Customs didn’t want you to see, yet we released it.’ That just displays a total beat-up by people who are trying to, incorrectly, attack a very good agency such as the Australian Customs Service, which Sir John Wheeler said was one of the finest Customs agencies in the world today. Also, why do they want to beat up and attack the Royal Australian Navy, which has been out there protecting our interests and protecting our borders for many, many years? We have Air Force out there with P3Cs. We also have Coastwatch with Dash 8s and other aircraft looking after Australia’s interests.

Senator Ludwig—Mr President, I rise on a point of order on relevance. The minister has obviously misheard the question. The question said:
Did Coastwatch take photographs of the crew processing sharks on the deck of this vessel?
Can the minister be drawn back? He has, by my estimation, less than a minute left to answer the question. Could he direct his answer to the question that was asked?

Senator Ian Campbell interjecting—
Senator Chris Evans interjecting—
The President—Order! We want to return to question time, and Senator Evans interjecting across the chamber and interjections from my right do not help. Senator Ellison, you have half a minute left to answer the question and I remind you of that question.

Senator Ellison—I have been addressing the question’s allegation that we ignored a request. I have been dealing with that and demonstrating the great resources and efforts that are being made to protect Australia’s borders. The implication of the question was that we ignore requests for assistance. I am saying we do not.

In relation to the particular incident, I will get back to the Senate with any further information that I can and provide that to the Senate. But one thing I do say is: if a question is going to be put in terms of, ‘Why did you ignore this request?’ I am quite entitled to reject that, and that I have done. (Time expired)

Senator Sterle—Mr President, I ask a supplementary question. Can the minister
confirm that this vessel was then sighted on two more occasions the following day, 60 nautical miles north-west of Cape Leveque, and that assistance from Customs and the Navy was again requested to apprehend this vessel? Can he confirm that despite this second request neither Customs nor the Navy took any action? Given the government had clear evidence that this vessel was operating illegally and was well within Australian waters, why was no action taken to apprehend it?

Senator ELLISON—I am glad the supplementary was a great improvement on the first question and that there was no allegation of ignoring a request for assistance. I will take that matter on notice and get back to the Senate with further information.

Climate Change

Senator MILNE (3.00 pm)—My question is directed to the Minister for the Environment and Heritage, Senator Campbell. Can the minister confirm that when the Asia-Pacific Partnership for Clean Development and Climate was announced in July the government boasted that there would be a follow-up meeting in Adelaide in November which would attract high profile delegations, including Condoleezza Rice, to negotiate the details of the partnership, including a joint fund to finance emission cutting projects? Will the minister now confirm reports that the meeting has been postponed and can he explain to the house which country or countries within the partnership sought the postponement? Can he respond to whether the postponement was to avoid embarrassment at the conference of the parties to the framework convention on climate change in Montreal in December because the partnership is in fact an empty shell with no detail or substance worked out and that, unlike the Kyoto protocol, it contains no greenhouse gas reduction targets?

Senator IAN CAMPBELL—I thank Senator Milne for a very important question. I know that the Greens do tend to focus on other issues. I know that in their policies and on their web site, which I visited recently—in fact, on 5 August—they spend a lot more time talking about removing criminal sanctions on personal drug use, making cannabis more readily available, decriminalising the use of drugs and making them more available to particularly young Australians, but in fact they do from time to time stray across environmental issues. I had actually been seeking through my own committee to get a question up on greenhouse gases this week and I am very pleased that Senator Milne has asked it.

The Asia-Pacific partnership is regarded internationally as the most substantial new initiative in this area. Ten days ago I attended a meeting convened by the incoming president of the conference of the party, Stephane Dion, the minister for environment from Canada. He invited me as the minister for environment from Australia to be a friend of the president. He will be the president of the conference in Montreal.

I think Senator Milne asked a question about some issues relating to the juxtaposition of the first ministerial meeting for the Asia-Pacific Clean Development and Climate Change partnership and the conference of the parties. At the meeting of 38 ministers who attended the meeting in Ottawa 10 days ago, a number of points came out as we prepare for the conference of the parties. The first is that there is a clear recognition amongst all of those governments that the Kyoto protocol is ineffective, that it is not the answer and that if we put all of our eggs in that basket then the world will be environmentally doomed. Thousands of people will die as a consequence of climate change. There will be destruction of economies. There will be destruction of biodiversity.
There will be destruction of species. There was a clear recognition that if we all focus on trying to rejig some sort of protocol down the track then climate change will damage the environment substantially.

There was a clear recognition at the meeting of the friends of the president of the conference of the parties on the UN Framework Convention on Climate Change that the world is going to have to find a different way forward and that the partnership approach that was put together with the leadership of the Howard government bringing together 48 per cent of the world’s emitters, including Japan, the United States, Korea, India and China, was one of the most substantial steps forward that had been taken.

Senator Bob Brown—Mr President, I rise on a point of order: the minister has avoided the question about the meeting in Adelaide. He has got a minute left. Ineffective may be something he is expert at, but that was not what he was asked about; he was asked about the meeting in Adelaide and he should answer the question.

The PRESIDENT—The minister has a minute left to answer the question, and I would remind him of the question.

Senator IAN CAMPBELL—I do not need reminding of the question. I believe the meeting that will take place between the ministers of Australia, the US and the other countries—Japan, India, China and Korea—is one of the ways that the world will successfully address climate change. I also believe that the meeting of the conference of the parties in Montreal will be an incredibly positive step forward because of the leadership of Stephane Dion. We want to bring the ministers together. There has, to be quite accurate, been discussion about the timing of the meeting. The timing of the meeting has no relevance to the date of the conference of the parties which was set last year in Argentina. All of the people who care about the climate and the planet want to make sure that the partnership is something that delivers substantial new benefits for reducing greenhouse gas emissions into the atmosphere so we can save the planet. We also want to make sure that the meeting in Montreal takes substantial steps forward. (Time expired)

Senator MILNE—Mr President, I ask a supplementary question. I ask the minister again to confirm that the meeting of that Asia-Pacific partnership, which the government boasted about so readily in July, has been postponed. I ask him to indicate which countries asked for the postponement and why. I also ask: if it was not a hastily cobbled together arrangement for public consumption at ASEAN, which is the impression that the Greens have, will the minister now detail to the Senate which aspects of the partnership have been negotiated since July in preparation for the meeting, and how much funding has the government committed to the joint fund under the partnership arrangement to reduce emissions?

Senator IAN CAMPBELL—The Greens have a perception of the partnership because they do not like the partnership. They do not like practical action. They think we should stick with the Kyoto protocol, which would see a 40 per cent increase in greenhouse gases on this planet, which would make the planet boil. The partnership is aimed at practical processes to reduce greenhouse gases going into the atmosphere through using technology. No-one has asked for a postponement of the meeting, to answer your question directly. We want to make sure that the most senior ministers are available. We will announce the details of the meeting as soon as all the nations in the partnership, who are very keen to come to Australia to progress action on climate change, can do so and we will take constructive steps forward,
not just the greenwash that the Greens are allowed to get away with, day in and day out.

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

QUESTIONS WITHOUT NOTICE:
ADDITIONAL ANSWERS
Privacy
Senator ELLISON (Western Australia—Minister for Justice and Customs) (3.07 pm)—During question time yesterday, Senator Stott Despoja asked me a question relating to section 7C of the Privacy Act. I have obtained further advice in relation to that question. I table that advice and seek leave to incorporate it.

Leave granted.

The document read as follows—

I understand that the Privacy Commissioner has determined that the exemption in the Privacy Act for political representatives applied to a complaint that Senator McGauran had disclosed personal information.

I am unable to comment on the reasons for the Privacy Commissioner’s decision.

In 2000 the Government amended the Privacy Act 1988 to provide, for the first time, protection for Australians on how their personal information is used by private sector organisations.

Privacy is not an absolute right. It must be balanced with other rights such as freedom of political communication, which is integral to Australia’s representative democracy.

The exemption in the Privacy Act for political acts and practices applies to political representatives, registered political parties, their volunteers and contractors. Along with the media exemption, this exemption encourages free and effective political communication.

I note that the Senate Legal and Constitutional Committee (the Committee) tabled their report The real Big Brother—Review of the Privacy Act 1988 on 23 June 2005.

Recommendation 11 of that report recommends that the need for political acts and practices exemption be examined.

The Government is currently considering the recommendations made by the Committee.

Senator Bob Brown—Mr President, I rise on a point of order. Yesterday the Minister for Defence said that he would seek to get from the Attorney-General information about communications between the two governments on the deportation of Scott Parkin and would give that to the chamber after question time. It did not happen; it has not happened today. I ask: where is it?

The PRESIDENT—That is not a point of order but the minister may wish to respond.

Senator HILL (South Australia—Minister for Defence) (3.09 pm)—I seek leave to respond.

Leave granted.

Senator HILL—In the debate yesterday, I took certain questions on notice and said that when I had an answer to them I would provide that answer at the conclusion of question time. The questions have been referred to the minister and when I get the answers I will obviously state them publicly here.

QUESTIONS WITHOUT NOTICE:
TAKE NOTE OF ANSWERS
Regional Partnerships
Senator O’BRIEN (Tasmania) (3.09 pm)—I move:

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

I realise that it is probably a motion that is redundant in the sense that the minister did not have any answers to the questions that were asked of him. He spent a considerable amount of time hiding behind the fact that Mr Ian Kiernan had been, at some stage or
other, appointed as president of the $1 company that was in receipt of $1.2 million worth of grants. I believe over $1 million of that grant has already been paid to the company. Frankly, he continued to avoid a key part of that question—that is, the seeking of a commitment to table the letter which was his involvement in the expedition of the application.

I did hear the minister say that this application was urgent and timely. I do believe that the application was sitting in the files of the government for many months. It just so happened—I think it was in June 2004—that we were told that Minister Campbell had written to the department to ask them to expedite the processing of this particular application. Did that have anything to do with the impending election? Why didn’t he write many months before? Why did he write almost at the end of his tenure as the relevant minister? Could it have had anything to do with the impending election and the desire for the government to get as many grants approved as possible in the lead-up to the election?

The minister can assist us to understand that by providing a copy of the letter that he sent to the department. The Senate committee inquiry into the Regional Partnerships program has asked for a copy of that correspondence. But, of course, the government has not provided that. I could interpolate here that there are a great many matters where the committee inquired of this particular department to get the government to provide information. I understand that, although a great many aspects of the information were not supplied while the committee was completing its report, some information has been provided too late for the committee to consider it but apparently before the inquiry has reported to the parliament. That is the level of contempt with which the government has treated the parliamentary process.

We are talking about a grant for over $1 million to a company with the intent of facilitating the financing of an ethanol project. This was an approval that was, I think, about a year old. I would have thought that a year after the funding was granted, and with more than $1 million of the grant paid, Minister Campbell would have been able to come in here and say: ‘This project has proceeded. They have got the assistance from the Commonwealth. Almost all of the grant has been paid and the company is able to say that it has got sign-off for business partners to fund the construction of an ethanol plant.’

I listened through the answer to the question. I listened through the answer to the supplementary question. He did not say that there was any commitment to funding this project. So there has been about $1 million of public money paid to a $1 company and we have nothing to show for it. We have the fact that Mr Ian Kiernan is the president of the company, and Senator Campbell seems to delight in hiding behind Mr Kiernan to avoid answering questions about his role in this grant to this company and the payment of what I believe will ultimately be $1.2 million to this company. But there has been not one ounce of information about why there has been no performance in relation to an outcome on this grant—not one litre of ethanol. (Time expired)

Senator JOHNSTON (Western Australia) (3.14 pm)—Primary Energy is one of the most exciting renewable energy projects that has ever been seen in Australia to this point in time. It takes feed wheat and converts it to ethanol.

Senator O’Brien—No, it doesn’t.

Senator JOHNSTON—With respect to the very learned Senator O’Brien, who discloses one of the greatest amounts of commercial ignorance that this chamber has ever had the luxury to experience through its mi-
crophones, a project in its infancy has to have equity owners. This project has an equity owner. It is an idea, and as it grows so the equity owners will increase. The idea is a very good idea, and I defy him to say it is not a good idea and not a good project. The reason that Senator O'Brien does not like this project and the government sponsoring it and the reason that it has some sort of problem for him is because it is in the electorate of Gwydir. It is a National Party electorate. It comes from Gunnedah. What lies at the bottom of it is a $1.2 million grant. How come Gunnedah, which is in the former Deputy Prime Minister’s electorate, is getting a $1.2 million grant? Let me say that this is a good project. Projects like this in Western Australia get state and federal grants all the time. I defy Senator O’Brien to show that there is anything wrong with this grant.

It is a very exciting project, a great project. It is a project that will deliver substantial employment to regional New South Wales. As Senator O’Brien says, it was an application that was on the table in the department for many months and, for his benefit, that is called due diligence. The government just does not hand out $1.2 million. It is called due diligence. If the application had been dealt with very quickly, from the Senator O’Brien’s perspective the government would not doubt have dealt with it with undue haste.

Again, here we have the ALP seeing projects being developed in regional Australia by the coalition government and it irks them to the back teeth. So they hold an inquiry to have a look at what is going on with Regional Partnerships. When the report is tabled, it will be very interesting to see what they have found. If they were to be believed at the beginning of the inquiry, there would be fraud, corruption and a conspiracy to defraud, which is what I think the Leader of the Opposition said at one stage. Let us see if that is borne out. Let us see if that has any feathers to fly with. I very much doubt it.

For Senator O’Brien to say that the Primary Energy project has a value of $1—that is the insinuation and the innuendo in talking about the way that equity ownership is held in a proprietary company—is grossly unfair and is very typical of the line taken by him. When you cannot find anything wrong with a project—and that is something I will have some more to say about later on this afternoon, I trust, Mr Deputy President—the only thing you can do is play the man. In this instance, sadly, tragically, the opposition is playing the man and trying to denigrate a very good project. I trust that I will be standing here in a year’s time saying that that project is on the way and on the verge of delivering cheap ethanol.

I should also pause to point out that the intellectual property surrounding that project, as Senator O’Brien well knows, was given in evidence in camera to the committee. When he asks about the $1 shareholding, the government is very loath to disclose the business plan model, the underlying technology and all of that sort of stuff because we have our hands tied, and he knows it. It is cheap opportunism. Play the man. Run the insinuation. Run the innuendo and the smear. That is what this is about. This is a fabulous project. Mr Matthew Kelly is the prime mover of the project, and a finer Australian you would not have met. He is a very determined engineer who has committed himself to the project.

(Time expired)

Senator STEPHENS (New South Wales) (3.19 pm)—I too rise to take note of the answers today from Senator Ian Campbell, or the lack of answers, in relation to the questions that were put to him about the projects funded under the Regional Partnerships program. As Senator Johnston said, the report of the committee on which we both participated
will be tabled later this afternoon. I am sure that we will hear much more about that program once the report is tabled. Throughout the inquiry, we actually were very concerned about the processes that Senator O’Brien referred to today. They were the processes that involved decision making and intervention by the minister’s office and by individuals who were members of staff in the minister’s office in decision making and announcements about those projects.

There are two projects that we are concerned about and that we asked questions about today. One is Tumbi Creek, which the minister pooh-poohed as involving a sense of déjà vu. But for the people on the Central Coast, the debacle that surrounded the Tumbi Creek case really highlighted what many people in regional Australia are concerned about—that is, the extent to which good policy initiatives of governments of all persuasions can be completely sidelined by political decisions which are inappropriate and which serve the country very poorly and certainly serve regional communities very poorly. When projects are put up like that people are compromised. Individuals who provided evidence to the committee were denigrated and not given a chance to respond or defend themselves. The Tumbi Creek case is one that still has strong resonance on the Central Coast. It is a project that really showed the flaws of the Regional Partnerships program. As such, the minister had the chance today to actually explain and to put on the record the documents that would have allowed some public explanation of the intervention that took place in relation to that project.

I turn now to the question about the Primary Energy project. Again, this is a worthwhile ethanol project. Nobody denies that someone who has a concept for a worthy regional development project should be allowed to pursue funding through the state and federal governments, and the Regional Partnerships program and the Namoi Structural Adjustment Package are appropriate sources of funding to support what is a regional development initiative. But, again, the question comes down to the administration, the transparency of decision-making, and the intervention at ministerial and senior bureaucratic level into the decision-making process. That is, I think, a very fair and reasonable question to have asked the minister today, and, again, he fudged his answer. He fudged—as Senator Johnston tried to do in his response—by trying to suggest that Labor senators and the opposition were trying to denigrate the individuals involved, when in fact it is about holding the government responsible on the issues of accountability, decision making, transparency and understanding that there should be some fairness and equity in how decisions are determined for the Regional Partnerships program.

These were two cases that were considered during the Regional Partnerships inquiry. No-one is going to deny that we have actually had the opportunity to see some fantastic programs being funded under the Regional Partnerships program, but they were fantastic in the sense that there was adherence to process—that the guidelines were actually maintained and reviewed; that the decisions and the processes put in place by the Department of Transport and Regional Services were reflected in the documentation and the decision making that took place to support those projects. What we are concerned about on this side of the chamber is to ensure that regional Australia does get to understand and appreciate a process that is fair for everybody and is not going to be manipulated—(Time expired)

Senator BARNETT (Tasmania) (3.25 pm)—It is a pleasure to take note of the answers given by Senator Ian Campbell to questions from members of the opposition.
Those questions were inspired and motivated by an intention to denigrate, to degrade and to devalue the merits of the Regional Partnerships program, yet this is one of the most successful Australian government programs in history, in my view.

This is part of a politicisation of that program by the opposition. It started last year when they had a very disappointing election result. They are trying to rewrite history with their efforts to denigrate this program by saying that the government pork-barrelled; that the government used slush funds; that the government was part of a conspiracy to defraud the Commonwealth to obtain seats in rural and regional Australia. Well, the facts speak for themselves. Let me say this: res ipsa loquitur—the facts speak for themselves. It will be very welcome when that report is tabled, hopefully later today. We will all welcome the facts when they are divulged in that report.

I want to focus on a couple of points and, in particular, on the Tumbi Creek matter that was raised by Senator Carr. In his answer, Senator Campbell referred to Kim Beazley, and a point of order was taken, to say, ‘Why should he be allowed to refer to correspondence from Kim Beazley, the Leader of the Opposition?’ Well, I will tell you why: it was entirely appropriate, because it was the Hon. Kim Beazley, in the other place, on the public record, who asserted that members of the local council, the Wyong Shire Council, were involved in a conspiracy with federal members of parliament in an attempt to defraud the Commonwealth.

I have expressed the view, publicly and privately, that those allegations by the Leader of the Opposition were entirely baseless, but he has made the accusation—this was last year. So, on 9 February 2005, he moved a censure motion against the Minister for Local Government, Territories and Roads, the Hon. Jim Lloyd, for, among other things, conspiring with others to defraud the Commonwealth and specifically directing local Wyong officials who knew the truth to stay silent. Absolute rot! The Leader of the Opposition said that, in the parliament, on the public record.

When asked during our deliberations, on the public record, Mayor Pavier—his name was mispronounced by Senator Carr as ‘Mayor Paver’; his name is Brenton Pavier and he is the Mayor of the Wyong Shire—rejected these claims. At the hearing I asked, ‘So you are not involved in any conspiracy?’, and the mayor said, ‘I have not been involved in any conspiracy.’ It is on the public record. So it was appropriate for Minister Campbell to refer to the Hon. Kim Beazley on this matter, because he is alleging that there was a conspiracy to defraud the Commonwealth. When the report comes down we will all see if there was a conspiracy to defraud the Commonwealth. We will all see if there was so-called pork-barrelling and whether slush funds were used, and the facts will speak for themselves.

You see, the Tumbi Creek matter was very important to the local community. The dredging of Tumbi Creek had many benefits, and it was fully supported by Ken Ticehurst—the indefatigable Ken Ticehurst, a real fighter; he has drive and tenacity, and he is very adamant that his community should get the best of all possible worlds. The Tumbi Creek dredging project is an important project for Ken Ticehurst and the local council, and it had full community support. We actually visited Tumbi Creek. The project was going to deliver a range of outcomes, including mitigating flood risk for residents in the local area, improving the environmental state of the creek and restoring a natural recreational asset to its proper condition.
The opposition members know that, yet they are trying to pull this whole program, this Regional Partnerships program, into disrepute; to denigrate the program. But it is simply one of the most successful programs in history. And, in fact, the benefits show that; for the funding expended to 31 December, 1,000 jobs have been delivered throughout Australia. For every $1 invested, $3—

(Time expired)

Senator FORSHAW (New South Wales) (3.30 pm)—I also rise to take note of the answers given by Senator Ian Campbell to questions on Regional Partnerships projects in question time today. As all senators and others listening here in the parliament and on the airwaves will recall, at no stage did Senator Campbell attempt to answer the specific questions he was asked. In fact, he effectively treated question time in this Senate with a degree of contempt. In one instance when he was asked questions about the projects, he started to tell us about his plane journey and what in-flight program he was watching, showing total contempt for his role as a minister and the requirement on him to answer questions here in question time.

To go specifically to the two questions that were asked of Senator Ian Campbell, the first regarding the Primary Energy project and the second one regarding the Tumbi Creek project, I just want to remind the Senate of the facts. I say ‘the facts’ because government senators have made assertions about what the facts are. Of course any reading of the evidence from the public hearings by the Senate Finance and Public Administration References Committee—and no doubt people will have an opportunity to read our report later—demonstrates that the facts in both these cases are that due process was not followed, there was a lack of transparency, there was ministerial interference or interference by a minister’s officers and there was abuse of proper accountability processes.

In the case of Primary Energy, I think Senator Stephens made a very good point: what we the opposition are claiming here and what the evidence demonstrates is not that the concept of the project is in any way to be maligned or criticised—certainly, we are not opposed to the Regional Partnerships program; in fact, it was a Labor government that established the area consultative committees which have an integral role in this program and it was a Labor government that established many of the sorts of programs that are now similarly implemented through Regional Partnerships. Now the issue is about process, it is about proper accountability.

The Primary Energy project has been granted, as Senator O’Brien said, $1 million of public funds. If that $1 million is not going to be properly used and accounted for then it means that some other worthwhile project that might have got that $1 million has missed out—and there were plenty of applications made under the Regional Partnerships program that were not successful or were unable to access funding because they were not of a high enough priority. This was a project that was assessed by the Department of Transport and Regional Services as a high-risk project. There was clear confusion in the evidence before our committee as to who was responsible for due diligence: was it the applicant or was it the department? The department did not know. There was a direction by the minister to fast-track approval of the funding for this project, when the department had serious misgivings about it. Evidence was given to the committee that the department’s own advice—its first lot of advice—was changed at the direction of a staff member of the former Deputy Prime Minister, John Anderson.

That is just a brief summary of what occurred. You have got to ask the question: in those circumstances, was this project approved simply to give political advantage
during the period leading up to the last federal election to candidates and members in particular seats? That is what occurred. The same thing occurred with Tumbi Creek. The minister said in his answer that this is a great natural waterway that will be used for leisure activities. The evidence to the committee was that the dredging of that creek would not lead to that result at all. The money should have been spent on other activities. (Time expired)

Question agreed to.

Climate Change

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

That the Senate take note of the answer given by the Minister for the Environment and Heritage (Senator Ian Campbell) to a question without notice asked by Senator Milne today relating to climate change.

It appears that Australia has really perpetrated an appalling confidence trick on the world in relation to climate change. Remember July, with the big announcement by the Minister for Foreign Affairs, Alexander Downer, at the ASEAN conference that Australia was going to lead the way with its Asia-Pacific partnership on climate change? It was going to engage in technology transfer and so on and so forth. It was going to challenge the Kyoto protocol; it had a better way. At that time the Minister for Foreign Affairs said there would be a ‘globally significant meeting’, ‘the most significant international meeting ever held in Adelaide.’ He also said: … this will be the most heavyweight delegation and event that I have been able to attract.

Well, it seems that Minister Downer failed to attract anyone. In July, Condoleezza Rice was coming—no word about that today, and the minister refused in question time to acknowledge that the meeting has collapsed. There is no meeting in Adelaide in November on climate change. Why? Because they have done nothing since the ASEAN meeting, nothing at all, to negotiate this. It was a hastily cobbled together announcement to disguise what was effectively an agreement for the export of coal and uranium to India and China. That is what this was about and it was dressed up as a climate change announcement: the big delegation was coming to Adelaide. The whole point of doing it in November was to try and undermine the conference of the parties to the United Nations Framework Convention on Climate Change, which is going ahead in Montreal in December.

At that meeting of the parties to the Kyoto protocol, they will be talking about the second commitment period. They will be talking about where we go from here on climate change. The Adelaide meeting was designed quite clearly and cynically to undermine the effectiveness of the Kyoto protocol meeting but, after they all went away, they have made no attempt whatsoever to get around the table. It was announced on the BBC. We had to find out from the BBC that the Australian government was not going to go ahead with its globally significant meeting and that the foreign minister, Alexander Downer, had failed to attract anybody. In fact, on the BBC News web site, it says:

Criticised at the time for being short on detail, ministers referred forwards to the inaugural ministerial meeting, to be hosted by the Australian government in Adelaide in November.

A senior official involved in the process told the BBC News website that the meeting would not now take place as scheduled, and that January was the earliest possible time.

The Australian government declined to confirm the postponement, but said that there had been no formal announcement of a date or location.

Then we find that the Minister for Foreign Affairs, in order to try to cover up his embarrassment about the fact that he has done
nothing, said nothing, negotiated nothing and had no ministers around the table anywhere, and blamed threats of protest by leftist groups for doubts that the meeting would take place in Adelaide in November. Come on! Let us have a look at any of the correspondence relating to this matter. Let us see where the correspondence has been with Condoleezza Rice and the US. Where has the negotiation taken place? Where is the draft text that they were negotiating for November? We could not even get the minister to indicate today how much the Australian government were going to put into the joint fund that they promised would be established in order to fund this technology transfer that was supposedly going to take place.

I think it is absolutely appalling. The only good thing about it is that the rest of the world will confirm their already strongly held view that Australia does nothing on climate change. We had another example of that this morning, when the minister and the government, joined by the Labor Party, voted down a motion to note the ACF and AMA report on the likely health impacts of climate change in Australia and calling on the 60 per cent to 90 per cent reduction in greenhouse gasses that is needed if we are going to seriously deal with climate change. They voted that down. Then we had the minister getting up today and going all over the shop about his ministerial friends group that he is going to meet up with in Montreal and so on. Australia’s role at every single climate change COP has been to undermine any effort by the EU and by interested parties in taking steps that allow for compliance and enforcement of the protocol. It is well known that Australia’s position has been to undermine, disrupt and bring out the worst possible outcomes.

(Time expired)

Question agreed to.

BUSINESS
Rearrangement

Senator SANDY MACDONALD (New South Wales—Parliamentary Secretary to the Minister for Trade) (3.41 pm)—I move:

That the routine of business for the remainder of the day shall be as follows:

(a) government business order of the day No. 5 (Acts Interpretation Amendment (Legislative Instruments) Bill 2005);
(b) business of the Senate orders of the day No. 1 (presentation of the report of the Finance and Public Administration References Committee on the Regional Partnerships program) and No. 2 (consideration of the Procedure Committee’s first report of 2005);
(c) consideration of proposal pursuant to standing order 75;
(d) tabling of documents;
(e) committee memberships;
(f) general business notice of motion No. 272;
(g) not later than 6 pm, consideration of government documents under general business; and
(h) not later than 7 pm, consideration of committee reports, government responses and Auditor-General’s reports.

Question agreed to.

ACTS INTERPRETATION AMENDMENT (LEGISLATIVE INSTRUMENTS) BILL 2005
Second Reading

Debate resumed from 23 June, on motion by Senator Patterson:

That this bill be now read a second time.

Question agreed to.

Bill read a second time.

In Committee

Bill—by leave—taken as a whole.
Senator SANDY MACDONALD (New South Wales—Parliamentary Secretary to the Minister for Trade) (3.42 pm)—I move government amendment (1) as circulated on sheet QC216:

(1) Schedule 1, page 4 (after line 20), at the end of the Schedule, add:

6 Subsection 46B(11)

Omit “39 and 40”, insert “39, 40 and 44”.

7 Before paragraph 46B(11)(a)

Insert:

(aa) the reference in section 37 of the Legislative Instruments Act 2003 to registered were omitted, and the note to that section were repealed; and

8 After paragraph 46B(11)(c)

Insert:

(ca) references to registered were references to made; and

(cb) references to subsection 38(1) of the Legislative Instruments Act 2003 were references to subsection (9) of this section; and

(cc) references to subsection 38(3) of the Legislative Instruments Act 2003 were references to subsection (10) of this section; and

I table a supplementary explanatory memorandum relating to the government amendment moved on this bill. The memorandum was circulated in the chamber on 14 September 2005.

Question agreed to.

Bill read a third time.

COMMITTEES

Finance and Public Administration
References Committee

Report

Senator FORSHAW (New South Wales) (3.43 pm)—I present the report of the Finance and Public Administration References Committee entitled Regional Partnerships and Sustainable Regions programs, together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

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

Leave granted.

Senator FORSHAW—I move:

That the Senate take note of the report.

I seek leave to have my tabling speech incorporated in Hansard.

Leave granted

The speech read as follows—

Introduction

This inquiry into the administration of the Regional Partnerships Program (RPP) and Sustainable Regions Program (SRP) has been extensive, lengthy and important. It was established following allegations raised in parliament and the media about the misuse of the programs in the lead up to the 2004 federal election. Concerns raised included allegations of serious impropriety in the approval and announcement of certain grants, and the discovery that certain procedures governing the administration of the programs had been concealed from public view. Allegations were also made by a member of the House of Representatives that political conditions were placed on several grants made under the Regional Partnerships Program.

Between 2 February and 15 September 2005, the Committee conducted nineteen public hearings across the length and breadth of Australia. The
Committee also conducted four site inspections of projects approved under RPP. The Committee took evidence from 99 witnesses at these hearings, and received 56 submissions and seven supplementary submissions.

Obstacles to the conduct of the inquiry
It is unfortunate that the Committee’s examination of the matters referred to it by the Senate was hindered by a lack of cooperation from the Department of Transport and Regional Services (DOTARS), the department responsible for the administration of the RP and SR programs. On a number of occasions, DOTARS failed to provide the Committee with timely and accurate information. DOTARS also refused to provide access to departmental witnesses with specific knowledge of the matters examined.

The Committee decided during the inquiry process to seek access to copies of RPP and SRP applications and ACC and SRAC recommendations on these applications. This led to a cost in terms of time and effort as the Committee was forced to seek this information directly from ACCs and SRACs. All ACCs and SRACs eventually provided the information, although some only complied after the Committee ordered them to provide the documents.

Of grave concern, however, were the further attempts of DOTARS to obstruct the inquiry by providing misleading information on two occasions to ACCs and SRACs regarding the powers of Senate committees, the obligations on those bodies to comply with the Committee’s request and the privileges afforded witnesses providing evidence to committees. I was authorised by the Committee to write to DOTARS warning that the dissemination of incorrect advice about committee powers and procedures constitutes interference in the process of the inquiry and may be considered a contempt of the Senate.

Further, at the time of finalising the report the Committee was still awaiting answers to a substantial number of questions taken on notice by the department. Indeed the Committee received hundreds of pages of answers and supporting documentation only yesterday after we had finalised the Report. The Committee understands that the answers had been compiled by the department and provided to the minister’s office some time ago. These delays and failures to respond by both the department and the minister are totally unacceptable and indeed contemptuous as they had had many weeks to provide the information requested.

Misleading Evidence
There are two issues regarding possible misleading evidence to which I need to refer. The Committee received evidence in answers to questions on notice which contradicted evidence given by Wyong Shire Mayor, Cr Brenton Pavier, at a public hearing on 24 February 2005. The Committee considered that the answers to questions on notice provided a prima facie case that the Mayor’s oral evidence was deliberately false and misleading and therefore may have constituted a contempt of the Senate. The Committee resolved to raise a matter of privilege under standing order 81, and wrote to the President of the Senate asking that he give precedence to a motion to refer the matter to the Committee of Privileges, in accordance with that standing order.

On 5 September 2005 the President made a determination giving precedence to the motion that the matter be referred to the Senate Committee of Privileges. The motion was put to a vote in the Senate on 7 September 2005 and negatived. This was a highly unusual development. Normally, following a determination by the President such motions are passed without debate. The Committee Report records its dismay that on this occasion the Senate departed from longstanding practice.

The second issue concerns the failure by a witness, Mr Greg Maguire, to provide information on donations that he claimed he, or his companies, had made to the federal and state election campaigns funds of Mr Tony Windsor MP. Mr McGuire stated to the Committee that he had made such donations and undertook to provide the details. He subsequently refused to provide the information. Mr Windsor and his former campaign manager, Mr Stephen Hall, denied that Mr Maguire had made any contributions to Mr Windsor’s election campaigns. Given the obligation on both donors and recipients to disclose both cash and in-kind contributions to election campaigns, the Committee is concerned that Mr Maguire may be in breach of the Electoral Act.
The Committee therefore intends to refer this matter to the AEC for examination.

**Regional Partnerships Program Administration**

The Committee’s report provides an overview of administrative aspects of RPP, including the program guidelines, assessment and approval procedures, funds approved, and evaluations and reviews of the program. A number of concerns with the accountability of aspects of the program are raised. Areas of particular concern include the use of the Strategic Opportunities Notional Allocation (SONA) procedures to approve projects that do not meet the published RPP eligibility criteria, political bias in the levels of funding approved across electorates and the striking increase in funding approvals prior to the 2004 federal election. Analysis of grants approved from the commencement of the program through to 31 December 2004 shows that over half of the total funding approved in this period was approved in the three months preceding the election announcement.

**Area Consultative Committees (ACCs)**

ACCs fulfil two key roles in relation to the RP program—providing information and assisting proponents in developing applications, and providing comments and recommendations to the department on applications made from their region. ACCs also have primary responsibility for promoting the program. The Committee received generally favourable evidence regarding the competence and effectiveness of the ACCs in performing these roles, and the dedication of ACC members and staff to the progress of their regions.

The Committee considers that the involvement of ACCs in RPP application development is an important safeguard for ensuring that applications are of a high standard and meet the program guidelines. The Committee also considers that the ACCs’ comments on applications provide an important source of advice and means of assessing the local priority given to projects.

According to administrative procedures for RPP, applications should be automatically referred to the relevant ACC, and ten working days allowed for the ACC to provide comments and recommendations. However, the Committee became aware of applications that were not forwarded to ACCs for comment, or where the ACCs were given insufficient time to consider and rate the applications. The Committee considers that in bypassing the ACC review process, the department sidestepped an integral part of the assessment process.

**Case studies**

The Committee examined in detail the circumstances surrounding the application, assessment, approval and announcement of RPP grants for six projects namely:

- The Beaudesert Rail heritage railway;
- Dredging at Tumbi Creek;
- Primary Energy Pty Ltd’s grains to ethanol plant proposal;
- A2 Dairy Marketers’ milk processing plant proposal;
- The Australian Equine and Livestock Centre; and
- The University Of New England National Centre of Science, Information and Communication Technology, and Mathematics Education for Rural and Regional Australia.

These case studies point to serious deficiencies in the transparency and accountability of processes by which projects are brought forward, considered and approved for funding under RPP. In some cases, evidence points to undue political pressure to expedite grant approval and announcement at the detriment of sound application development and assessment. While the Committee recognises that many beneficial projects have been funded under the program, these six case studies involve grants totalling in excess of $15.5 million. They demonstrate that there is significant scope for improving the administration, accountability and transparency of RPP.

I would like to just comment briefly on a couple of the projects that were examined in detail by the Committee.

**Beaudesert Rail**

The Beaudesert Rail (BR) was the recipient of four Commonwealth Government grants totalling $5.7 million. These comprised a grant of $75,000 plus GST to produce a business and marketing plan; $5 million from the Centenary of Federation fund to develop and operate a heritage railway;
$10,000 plus GST for a report on BR’s financial position and suggestions for a way forward; and a $600,000 grant under the RP program.

The Committee concluded that the $600,000 RPP grant to BR approved in November 2003, was made for political purposes. Documents provided in evidence to the Committee reveal that in the final days leading up to the decision to provide BR with an RPP grant rather than a loan, the then Deputy Prime Minister, The Hon John Anderson MP, who was also the portfolio minister for RPP, was involved in discussions with the Prime Minister’s office about the matter of government assistance for Beaudesert Rail. It appears that this was when the proposed form of assistance changed from a loan to an RPP grant. DOT ARS was still unaware of this change the day before the grant was approved and was continuing to work on the basis that any funding would be in the form of a loan.

This project completely bypassed the program’s normal assessment procedures. Besides DOT ARS being cut out of the process, BR was not required to make an application for RPP funding and the relevant ACC was not given an opportunity to comment on the project. Evidence also shows that the department was not satisfied that the project was financially viable and was still seeking evidence of the project’s prospects of solvency just days before the grant was approved.

The Committee considers that the BR grant serves as a warning of the effects of expediting projects without undertaking adequate due diligence checks. Beaudesert Rail’s financial viability was marginal at best (it was under administration at the time of the RP grant) and it ceased operation in August 2004. Creditors took possession of its assets in February 2005.

The manner in which the government resorted to using program funds for the BR grant reveals the disregard on the part of its most senior ministers for the RPP guidelines. It is one of several examples the Committee found of the virtually unfettered discretion in the hands of ministers under this program. The other striking aspect of the BR case is that program funds were used to achieve a political outcome in a government-held electorate following direct intervention from the Prime Minister.

Tumbi Creek

Two grants totalling $1.49b million to Wyong Shire Council for dredging work at the mouth of Tumbi Creek were approved by Parliamentary Secretary De-Anne Kelly in mid-2004. The Committee was concerned about the allocation of such a large grant to a project with limited beneficiaries which provided a short-term rather than a long-term solution, particularly given that sustainability is an important feature of the RPP project viability criteria.

The Tumbi Creek dredging grant applications were assessed and approved within remarkably short time frames when compared with many other RPP grants. Departmental witnesses advised the Committee that the Parliamentary Secretary’s office had requested that the department give the project priority.

The Committee is particularly concerned that the haste with which these grants were approved meant that normal application development and assessment processes were circumvented. On the advice of a ministerial staffer the Council submitted its applications directly to DOT ARS, rather than preparing the applications in consultation with the relevant ACC. The Committee received evidence that the relevant ACC had a number of concerns about the project, yet the ACC’s comments on the first application were not forwarded to the Parliamentary Secretary before the funding decision was made and the ACC was not provided with a copy of the second application.

A high degree of political collaboration involving ministerial advisers, the federal member’s office and members or officials of the Council was evident in relation to this particular RPP project. In one instance, involving a ministerial adviser countermanding departmental advice, the Committee considers that the communication was entirely inappropriate and is evidence of wider concerns about the unchecked growth in the power of ministerial staffers.

The lack of necessary state licences, required before the dredging work could proceed, is another example of the haste with which this grant was approved and announced. The latitude in the RPP guidelines meant that while the dredging project remained effectively ineligible to actually receive funding until the relevant approvals and
licences were obtained, the grant announcement could still be made. RPP funding for the dredging work was announced by the Prime Minister in a marginal electorate just days before the 2004 federal election was announced. Yet, as at mid-August 2005, a funding agreement for the project still had not been entered into.

Primary Energy

The Committee’s examination of the Primary Energy Project highlights concerns about the administration of applications made under one program but funded another.

DOTARS admitted that the Primary Energy application fell outside the RP guidelines and assessed the project as “high risk”. The Strategic Opportunities Notional Allocation (SONA) procedures were therefore used to circumvent the RP eligibility restrictions and fast-track the approval following a request from a minister.

The area of gravest concern about the Primary Energy project relates to the ministerial involvement in the department’s assessment of the application. The direction from one minister to the department to expedite the application to allow funding to be provided within two weeks seemed to pre-empt any rigorous assessment of the project. The Committee found that the on final departmental advice to the minister on the application was altered following the intervention of Mr Anderson’s chief of staff at senior levels in the department. Although departmental officers gave conflicting evidence on the chain of events leading to the change of advice, evidence from the former acting secretary of the department at the time reveals that the revised advice differed markedly from the department’s original advice.

This was not only another example of the high degree to which ministerial offices intervened in certain projects but also a case which transgressed the department’s practice of quarantining ministers from decisions related to applications from their own electorates. Because the application concerned a project in Minister Anderson’s electorate, neither the minister nor any of his staff should have been involved in any way with the decision making on the project.

The electoral division of New England featured prominently in the inquiry due to the proliferation of issues that emerged about the operation of the Regional Partnerships Program in that electorate. The Committee examined allegations that the Independent member for New England, Mr Tony Windsor MP was offered an inducement not to stand for the seat of New England at the 2004 federal election. The issues also included his claims that political conditions were put on grants made to three projects in the New England electorate.

Mr Windsor claimed that the grant to the Australian Equine and Livestock Centre, which was announced in September 2004 as a $6 million election commitment to be funded from RPP, was made conditional on his removal from the equine centre working group. He claimed that this condition had been imposed to prevent him taking credit for the project. The Committee found that there was at least a perception among some people involved in seeking an RP grant for the project that Mr Windsor’s involvement would not be helpful in obtaining funding. However, the evidence was not conclusive that any such condition had been imposed on the grant.

Allegations of electoral bribery were investigated by the Committee in the context of Mr Windsor’s claims regarding the equine centre grant. This matter was also the subject of an investigation by the Australian Federal Police, which had found that no further action was necessary. Mr Windsor alleged that an intermediary, Mr Greg Maguire (the chair of the equine centre working group), had offered him an inducement on behalf of the then Deputy Prime Minister, the Hon John Anderson MP, and Senator Sandy Macdonald. The Committee received conflicting evidence. Without compelling and incontrovertible evidence, a committee of the Senate cannot make an adverse finding against a Senator or Member who has denied the allegations made against him. In the case of the alleged inducement, the evidence is not sufficient for this Committee to depart from that principle.

Mr Windsor also alleged that staff members of the University of New England had received a $4.95 million RPP grant for the National Centre of Science, Information and Communication Technology, and Mathematics Education for Rural and Regional Australia (SiMERR) in return for fa-
vourable comment in a local newspaper about the National Party. The Committee found that the National Party sought to obtain political advantage from the grant by way of advertisements carried in the local newspapers at the time of the centre's official opening, and the university did not act appropriately in having its SiMERR advertisement appear with a party political advertisement. But the Committee found there was no evidence to prove Mr Windsor's allegation about 'cash for comment'.

In the case of the allegations about the opening of the Grace Munro Centre, which was not the subject of an RPP grant, the Committee believes that Senator Macdonald's attempt to exclude Mr Windsor from the opening was inappropriate.

The Sustainable Regions Program

The Committee examined a second regional development program—the Sustainable Regions Program (SRP), which aimed to assist ten regions facing major economic, social or environmental change. The Committee's examination of the Sustainable Regions Program raised questions about the basis on which the participant regions were selected and how members of the Sustainable Regions Advisory Committees (SRACs) were chosen. DOTARS declined to provide the Committee with evidence on these matters on the grounds that they were ministerial decisions.

The Committee noted that the due diligence process for Sustainable Regions applications is more rigorous than the Regional Partnerships requirements. It is of particular interest that due diligence checks are conducted prior to the SRAC recommendation and the department's advice being presented to the minister, in contrast to the practice found in some cases with RPP where due diligence checks only occurred after funding had been announced. Had this process existed under RPP, several of the failed projects investigated by the Committee may have been avoided.

The Atherton Tablelands Sustainable Region Advisory Committee

The Atherton Tablelands Sustainable Region Advisory Committee (ATSRAC) was the subject of a large amount of evidence to the inquiry. The evidence from members of the Atherton Tablelands community was overwhelmingly negative, and focused on perceptions of conflict of interest arising from the presence of four local mayors on ATSRAC, concerns about the inconsistent application of SRP guidelines, the lack of transparency of the application process and allegations of misplaced regional priorities. The Committee found that ATSRAC has little credibility with members of the community because of the number of projects that had failed or been viewed as unworthy.

The Committee notes that ultimately, responsibility for the composition and functionality of the ATSRAC board rests with the minister who appointed it. The Committee also recognises the difficult position of the mayors, who were elected to represent their shire but required, as members of ATSRAC, to subsume the interests of the shire under a strategic view of regional benefit. However, these tensions may not have been problematic had ATSRAC been appointed with a more balanced membership.

The three projects discussed in detail, JAM Custom Kitchens, the Atherton Hotel and Kalamunda Ecostay, raised concerns relating to competitive neutrality, conflict of interest and the lack of transparency of the application process. These projects highlight the inherent difficulties in providing government grants to the private sector, namely that while a grant may have a particular purpose, it frees up capital for other purposes (for example, in the case of the Atherton Hotel, the purchase of poker machines), raises due diligence and competitive neutrality questions and can create fractures in small and already fragile communities. This particularly applies if the grant process is not seen as transparent, rigorous and equitably accessible.

Findings and recommendations

In general terms, the Committee's inquiry found that the main processes by which projects are proposed, considered and approved for funding under the Regional Partnerships Program are reasonably sound, although there is scope for strengthening these processes and building more rigour and transparency into the governance framework. The Committee makes a series of recommendations that would make it mandatory for all applications to be developed in consultation with ACCs and for ACCs to have a minimum of ten working days to consider all relevant appli-
The Committee considers that involvement of the ACCs in the application development process is an important safeguard for the RP program. Multi-region funding applications would also have to be referred to all relevant ACCs under the improved assessment procedures that the Committee recommends DOTARS develops.

To assist ACCs to perform this enhanced role, the Committee recommends a review of the resourcing of ACCs and enhanced training of committee members and staff, as well as the adoption of three-year operational funding contracts to support strategic planning. It also recommends the Government conducts a review of the role of ACCs to ensure their contribution to regional development is maximised.

The Committee considers that greater transparency around the RP program is required to allow the Parliament to monitor this significant area of expenditure and as a check on arbitrariness and politicisation. It recommends that a biannual statement be tabled in the Senate that lists information basic to providing an adequate level of scrutiny of the program, including all RP grants approved in the preceding six months, the department’s and ACC’s recommendations for each grant and a statement of reasons for decisions which are inconsistent with departmental and/or ACC recommendations.

The Committee also recommends that ACC recommendations be disclosed to funding applicants on request.

In the Committee’s view, the SONA procedures represent a fundamental accountability black hole and need to be removed. They expand the scope for departmental and ministerial discretion to unacceptable limits, providing a default to fund projects without reference to the program criteria/guidelines. The Committee recommends that the SOMA guidelines be abolished.

The Committee also concluded that the processes and procedures of the Sustainable Regions Program appear to be broadly sound, but its examination of SR projects in the Atherton Tablelands region highlighted problems arising from an insufficiently representative SRAC structure, opaque processes for appointing SRAC members and a lack of transparency around application processes. It makes recommendations to address those deficiencies.

To strengthen the governance framework for both programs, the Committee recommends that projects must have obtained relevant approvals or licences to be eligible for RP or SR funding. Similarly, it recommends that no program funding be approved for projects that fail to meet either program’s guidelines and other tests including proper due diligence. It also calls for due diligence processes and competitive neutrality procedures to be strengthened.

One of the major areas of concern to emerge from the inquiry surrounds the role of ministers and their staff. The Committee found that current arrangements are not adequate to mitigate the risk of conflicts of interest. It is also deeply concerned by the intervention by ministerial offices in the department’s assessment processes which the Committee considers was inappropriate and antithetical to the principle of the public service providing frank and impartial advice to ministers.

While the Committee, on balance, supports the retention of ministerial discretion for each program, it recommends that ministers, parliamentary secretaries and their staff should be prevented from intervening in the assessment of grants. It also recommends strengthening existing measures to keep ministers at arm’s length from applications that originate from their own electorates.

The finding that over half of grants approvals occurred in the three months leading to the federal election announcement in 2004 is another critical area of concern. This can only feed allegations of ‘pork barrelling’ with these programs and increase perceptions of bias, particularly in the context of election campaigns. The Committee recommends improved procedures to enhance the accountability of ministers during the sensitive period leading up to federal election campaigns.

I conclude, as is also stated in the incorporated speech, by recording the committee’s thanks to the secretariat staff—Alistair Sands, Terry Brown, Lisa Fenn, Melinda Noble and Alex Hodgson—for their sterling efforts during the inquiry. They had thousands of pages of submissions and documen-
tary material to read and collate, as well as having to organise an extensive series of public hearings and help finalise a lengthy report. They were a great team and we could not function without them. I commend the report to the Senate.

**The DEPUTY PRESIDENT**—I understand that informal arrangements have been made to allocate specific times to each of the speakers in today’s debate. With the concurrence of the Senate, I shall ask the clerks to set the clock accordingly.

**Senator MURRAY** (Western Australia) (3.45 pm)—I would like to commence, of course, where the Chair of the Senate Finance and Public Administration References Committee left off, and that is by thanking the secretariat. There are reports which are much easier for the secretariat to handle than this one. The physical load on the secretariat and the task required of them was immense indeed. The committee and the Senate should be grateful for their efforts—I certainly am.

The inquiry into the Regional Partnerships program and the Sustainable Regions Program, which is the subject of this report, in my view revealed the Senate at its best. I was a little surprised at the somewhat exaggerated tone—I will not use the word ‘hysterical’—of the government’s minority. Whilst it was indeed a highly politicised and political issue, in the end it showed that the Senate expresses itself well when it has to adjudicate on these matters. And a very fair outcome resulted.

A hot political question was handed to the Senate to answer. That question was: did the then Deputy Prime Minister, the Hon. John Anderson, and Senator Sandy Macdonald offer an inducement to independent member of the House of Representatives Tony Windsor to vacate his seat? The answer to that question, as produced by the evidence, was unequivocally no, and those two members of parliament are cleared by the report. The evidence presented to the committee revealed that it was the chairman of the board of the National Equine and Livestock Centre, Mr Greg Maguire, who caused Mr Windsor and his associates to have that belief. I must say that, in making those remarks, I am personally pleased because Senator Macdonald is known to me. I like the man, I respect him and I am glad that he has been relieved of the burden of the allegation. And, of course, with respect to the former Deputy Prime Minister, I have always found him to be a straightforward and genuine person to deal with.

The second hot question placed on the committee’s agenda related to the use of the government’s Regional Partnerships program and the Sustainable Regions Program for political pork-barrelling. Again, the committee has been unequivocal in continuing to support the maintenance and continuance of the Regional Partnerships program and the Sustainable Regions Program. But, with respect to the issue of political pork-barrelling and a perception of that occurring, the answer the committee provides to that question is, ‘Yes, in part.’ The committee did find evidence that, in a minority of instances, there was political interference and poor process, particularly in pre-election periods. The committee has recommended an accountability facelift, which is needed to restore the credibility and overall value of the programs. I believe the committee’s recommendations are the right nip and tuck for these programs.

Unless the government reacts favourably to the majority of the committee’s recommendations, the programs will continue to be treated with great suspicion in the media and by the public. It is critical that the government introduces greater probity, accountability and process improvements to the programs. I know it is the job of government senators to defend the government and it is the job of opposition senators to attack them.
but, when all sides of parliament are in agreement as to the need for programs like this, it is incumbent on everyone to fix the problems that have been identified. One of the immediate problems you have with any issue of ministerial discretion is that the closer you come to an election the greater the temptation is for those involved with the political process, including or perhaps especially staff members, to get overanxious and to start to interfere in processes which should be kept at arms-length and be handled properly.

In that respect, I draw the attention of the Senate to the recommendation that, when the minister’s decision to approve or not approve a grant is different to the recommendation of either the area consultative committee or the department, or the funding amount approved by the minister is different to the amount recommended, then the grant approval decision should be made in conjunction with the relevant shadow minister. That would be in the period from 1 July preceding a general election. The committee then recommended that all grants approved in those circumstances should be announced jointly by the minister and the shadow minister. That would then address the issue of ministerial discretion nearing an election, which raises other problems.

I want to compliment the chair not only on producing this report in difficult political circumstances but on introducing to the Senate another report which is equally as important and which should be read, in my view, in conjunction with this report. I refer, of course, to the work of the same Senate committee, the Senate Finance and Public Administration References Committee, and its report entitled Staff employed under the Members of Parliament (Staff) Act 1984 of October 2003. Recommendation 2 of that report says in part:

The Committee recommends that the government should make ministerial staff available to appear before parliamentary committees in the following circumstances:

And the fourth and fifth dot points read:

Critical or important information or instructions have been received by a minister’s office but not communicated to the minister; or

A government program is administered to a significant extent by government MOPS staff.

This is an issue that this inquiry exposed again—that is, the involvement of ministerial staff in executive actions. Recommendation 12 of that same report is:

The Committee recommends that the MOPS Act be amended to require that the Prime Minister promulgate a code of conduct for ministerial staff.

To my knowledge, that has still not happened. Recommendation 20 says:

The Committee recommends that all departments provide written guidance to staff regarding interactions with minister’s offices, and that all senior staff receive adequate training in this area.

You can see that what I am concentrating on is the danger in the circumstances where ministerial discretion applies. It is ministerial discretion that you have to be particularly careful about. I welcome the committee’s recommendations as not just trying to fence off ministerial discretion in an appropriate manner without removing it but trying to ensure that the issues of integrity, probity and good process are not only maintained but are drastically improved with respect to the way in which these programs are carried out.

In conclusion, I want to remind senators of the two fundamental conclusions of the report. The first is that the minister and the senator who were the subject of allegations are found not to have been at fault. Secondly, the programs, in a minority of cases, do exhibit some real accountability issues, and those recommendations will address that.
Senator BARNETT (Tasmania) (3.54 pm)—It is an honour to stand here to speak to the report—in particular, the government senators’ report—which has been tabled today. I will be dealing with three main areas in the report. Firstly, there are the allegations of the most serious kind with respect to the former Deputy Prime Minister and Senator Sandy Macdonald. Secondly, I will be talking about the merits of the Regional Partnerships program. Thirdly, there are the accusations of pork-barrelling, slush funds, conspiracy to defraud the Commonwealth et cetera made by the Labor members of the parliament in the Senate and in the House of Representatives.

Firstly, I want to say that the allegations made with respect to the Hon. John Anderson, the Deputy Prime Minister, were in my view designed to defame and discredit his good name and his reputation as a member of parliament and indeed as an Australian citizen. The accusations were also made with respect to the involvement of Nationals Senator Sandy Macdonald. Despite the Australian Federal Police finding no case to answer against the two men named in relation to the allegations of corruption and an inducement to leave politics and despite the fact that that Federal Police finding was delivered prior to this inquiry proceeding, the Labor senators in this place persisted with the inquiry in one of the most scurrilous acts, in my view, to besmirch the good name of a man who is held in the highest regard across all quarters of this nation. It was for me one of the low points of my political career in this Senate to date. In my view, Labor should be ashamed of themselves in their pursuit to damage the reputation of the Hon. John Anderson and Senator Macdonald.

The report has found no case to answer. In fact, not only that but the report found that the allegations of Mr Tony Windsor were in fact wrong in matters of fact. The matter had been addressed and dismissed, as I said, even before the Senate referred this inquiry to the committee for examination and report. The allegations made by Mr Windsor seriously impugn the reputation and integrity of the former Deputy Prime Minister and Senator Macdonald and, despite the AFP’s finding, Mr Windsor did not withdraw the allegation or publicly apologise at the time, nor has he done so since, for his assertions. So the government senators, as is set out in our report, consider that Mr Windsor should publicly withdraw and regret his allegations and should apologise on the public record to both the former Deputy Prime Minister, Mr Anderson, and Senator Macdonald for his derogatory and defamatory statements. I hope that now he will consider this report and do exactly that.

Secondly, in terms of the merits of the program, I want to say that this is one of the most successful government programs in history. It delivers outstanding returns for and on behalf of the taxpayer. Specifically, I would like to say that, for every $1 invested by the Australian government there is $3 invested by other partners. In terms of state Labor governments, who in fact support the program, for every $1 the Australian government puts in they put in 93c, so it is nearly dollar for dollar. It is indeed an outstanding return on investment. That is, in anybody’s book, a $3 return for a $1 investment. In terms of job creation, for every $50,000 expended there are three jobs in the short term, moving to four jobs in the longer term. Again, that is a great result.

In terms of the accusations by the Labor Party of pork-barrelling, a conspiracy to defraud the Commonwealth and slush funds, let us have a look at the projects and the program and how it works. Of the Regional Partnerships projects approved, the ALP-held seats had a higher approval rate than the coalition-held seats: 78 per cent to 76 per cent,
which is almost exactly the same. That dispels in any way, shape or form the accusations by the Labor Party of pork-barrelling. The approval rates are the same.

Interestingly, when you look at areas in the provincial or remote categories it puts to rest any claims of politicisation. The eight electorates held by ALP members before the 2004 election received $7.51 million, more than double the $3.16 million of Regional Partnerships funding received by the eight provincial seats held by the coalition members. So that is further evidence.

In terms of the veracity of the audit reports, let us just say that there were three internal reviews by the respected independent consultants, KPMG, and five external reviews of the program. There were no findings of maladministration or wrongdoing in the management of the Regional Partnerships program. It can be proven that the ALP have embarked on a costly and, in my view, wasteful attempt to rewrite the history of the 2004 federal election for their own purposes because they have shown contempt for regional areas in Australia. I hope they will consider the report and reflect on that and make amends for it.

Senator O’BRIEN (Tasmania) (4.00 pm)—This report of the Senate Finance and Public Administration References Committee will prove to be a millstone around the neck of this tarnished government. It shows what millions of Australians have known for a very long time: that the Howard government will do whatever it takes to maintain its grasp on power. For nine long years this government has shamelessly plundered public resources to buttress its political fortunes. As the highest taxing government in Australia, it has had no shortage of resources at its disposal.

It needs to be said at the outset that the Howard government did not want this inquiry into Regional Partnerships and Sustainable Regions to proceed. It opposed the inquiry reference and obstructed the proceedings of the committee in every conceivable way. The government refused to produce departmental witnesses, withheld critical information about project approvals, provided the committee with erroneous information that took months to correct the record and wrote to some potential witnesses encouraging them to ignore the committee’s request for assistance. So great was this obstruction that the committee draws attention to it in its report.

The report also notes the committee’s dismay at the government’s handling of concern about potential misleading evidence given by the Liberal Mayor of Wyong Shire, Councillor Brenton Pavier, during the committee’s inquiry. The committee resolved that evidence from Councillor Pavier in connection with the infamous Tumbi Creek grant may have been deliberately false and misleading and have constituted a contempt of the Senate. Last month, the President of the Senate gave precedence to a motion that the matter be referred to the Privileges Committee but, consistent with the government’s abuse of its majority in this place since 1 July, it denied the Privileges Committee the opportunity to consider the matter. It was an outrageous decision that served to cover up the tawdry relationship between Councillor Pavier and the office of Minister Lloyd in connection with the Tumbi grant and demonstrated utter contempt for the only thing that really matters in the Senate committee system: the truth.

This report details the outrageous abuse of the Regional Partnerships and Sustainable Regions programs—an abuse that gathered momentum in the lead-up to 2004 election. As a result of this committee’s inquiry, most Australians know that many grants were approved against departmental and/or local
advisory committee advice. They know that many grants were approved despite the fact that they fell outside the published program guidelines. As a result of Labor’s scrutiny, the Australian people have learnt that the Howard government operated a set of shadowy guidelines that meant that any Regional Partnerships program could be approved, no matter what.

What I think will shock readers of this report is the extent to which the government abused the Regional Partnerships program, in particular in the three months preceding the calling of last year’s federal election. Analysis based on the government’s own data shows that in June, July and August 2004, Regional Partnerships grants worth more than $71 million were approved—more than one half of all the approved funding since the commencement of the program on 1 July 2003. It is not just the timing of Regional Partnerships grant approvals that exposed the government’s abuse of this program; the distribution of funds tells another damning tale contrary to the submission that was put to us before. Analysis of approved Regional Partnerships grants to 31 December 2004 shows that in rural seats the average amount of funding approved for government held seats was $1.5 million; for Labor seats, $1.1 million; and for Independent seats targeted by the National Party, $4.9 million. In metropolitan seats, the average amount of funding received by the government held seats was $180,000, while Labor seats received just half that amount—and that was in metropolitan seats for a regional program.

This report lays bare the Howard government’s rorting of regional programs to achieve political goals, not sustainable regional development outcomes. So comprehensive has the abuse of regional funding been that many projects funded under Regional Partnerships and Sustainable Regions have become bywords for rorting. A number of them—Beaudesert Rail, Tumbi Creek, A2 Dairy Marketers, Primary Energy and the Atherton Hotel—are examined as case studies in this report. Cumulatively, the value of the five projects I have just named exceeds $5 million—that is, $5 million to fund a steam train that would not go, a creek that dredged itself, a milk company that folded before the ink on the funding announcement was dry, an ethanol company worth $1 that has yet to produce a drop of fuel and a hotel funded to run ‘wacky Wednesdays’ and stunt bikini babes, while other communities on the Atherton Tableland cry out for potable drinking water.

The extent of the pre-election pork-barrelling catalogued in this report will shock Australians. I also think the detailed examination of assessment and approval processes for selected grants will surprise many, including members of the press gallery who have grown relaxed and comfortable—perhaps too relaxed and comfortable, I might say—with the abuse of office by the Howard government. With respect to the government, the architects of the rorted regional programs under examination, I do not expect that much will change. The thin and partisan minority report issued by government senators suggests as much. In yesterday’s Australian newspaper, economics editor Alan Wood says:

Regional development is a polite euphemism for keeping Nationals happy ...

Sadly, under this government, he is right. The Howard government has no commitment, none whatsoever, to the development of Australia’s regions. The only commitment it has is a commitment to maintaining office, whatever the cost. Nonetheless, I do urge the government, or at least the handful of its members who after nine long years still care about the quaint concept of propriety of office and good governance, to read the major-
ity committee report and take heed of its conclusions and recommendations.

It would be remiss of me not to thank Senator Forshaw, the Chair of the Senate Finance and Public Administration References Committee, and recognise the fair and even-handed manner in which he conducted this inquiry. I also acknowledge fellow Labor Senators Carr, Stephens and McCluskey and Democrats Senator Murray, who contributed so ably to the committee’s work on this. I do note that Senators Johnston and Barnett have attended and have sought to defend the government as best they can against this litany of irrefutable accusations which we level against them.

I think all members of the committee, whether they are signatories to the majority report or not, would extend their sincere thanks to the committee secretariat, including the secretary, Mr Alistair Sands, and his staff, Ms Lisa Fenn, Ms Alex Hodgson and Ms Melinda Noble, who travelled with the committee and did an extensive amount of work assisting in pulling together the vast array of written material that the committee received. Let me also thank Hansard and the sound and vision staff, who provided this inquiry with the same sterling service they provide to all committees. I conclude by noting that this inquiry has shone a bright light on one of the dark recesses of this government.

Senator JOHNSTON (Western Australia) (4.08 pm)—Regional Partnerships has proved to be one of the best pieces of public policy ever enacted in the history of our federation. Standing alongside recent projects such as Roads to Recovery, this program has delivered more jobs, more investment and more development in regional Australia than any project in recent history.

I categorise the opposition’s theme in this report in one word: disappointment. There is disappointment that there was no evidence and no capability or possibility of a finding against former Deputy Prime Minister Anderson; disappointment that there was nothing to support the scurrilous accusations of coercion against Senator Sandy Macdonald; and disappointment that there was absolutely no evidence such as would substantiate any case against Mayor Pavier, no evidence against Minister Kelly and no sustainable evidence against Mr Maguire. Disappointment is the word that categorises all of the matters behind this majority report. I quote from page 16 of the introduction to the report:

Without compelling and incontrovertible evidence, a committee of the Senate cannot make an adverse finding against a Senator or Member who has denied the allegations made against him. In the case of the alleged inducement—

this is talking about former Deputy Prime Minister Anderson—

the evidence is not sufficient for this Committee to depart from that principle.

Further on, it says:

... the Committee found there was no evidence to prove Mr Windsor’s allegation about ‘cash for comment’.

These are the facts. If you had listened to Senator O’Brien, you would think that they had found a smoking gun. But this is the truth—they found nothing. With respect to my good friend and colleague Senator Sandy Macdonald, the report says:

There is no evidence, however, that the Senator attempted to coerce or threaten the council, even when it became apparent that the council intended to proceed to invite Mr Windsor to participate in the opening.

There was no evidence. That was the foundation of this inquiry. That is why we travelled Australia—in the vain hope that Labor would be able to stick something on these good men. And they have stuck nothing on them—absolutely nothing. We have page
after page of fabulous reference to a magnificent piece of public policy. The government senators make no bones about the fact that Regional Partnerships is something that must go on. The hard work of the volunteers in the area consultative committees needs to be acknowledged. I congratulate them on their volunteer work and for the things they do for their communities. They are the unsung heroes out there in the bush.

De-Anne Kelly is much maligned by the Labor Party. In the few minutes I have left, let me recite what was said about her by a witness. She wanted to support A2 Milk, which actually paid 50c a litre to dairy farmers. Mr Stewart, who gave evidence on behalf of that organisation, said:

We walked into De-Anne Kelly’s office that day and I said, ‘The farmers are desperate and, because of the government levy, they are going to the wall. It was supposed to help them.’ I said, ‘We actually pay 50c a litre, where some are only getting 29c and 31c.’

In answer to a further question, Mr Stewart said:

She said, ‘How can you do that?’

He explained to her the benefits of A2 Milk and went through setting out the possibilities of farmers receiving a decent return. He said—and it is on the Hansard, in the committee records—that she conducted herself in an exemplary fashion and would not sit with him because he was a candidate or applicant for money. There is an absolute vindication of Minister Kelly in the way that she has conducted herself in all of this. I am very pleased and proud to say that she had the dairy farmers’ best interests at the forefront of her mind at all times. That is a lot more than can ever be said about the opposition senators, who went through this witch-hunt for no real reason. I thank the committee secretariat for their hard work—for no really good reason, unfortunately. I seek leave to continue my remarks.

Leave granted.

Procedure Committee
Adoption of Recommendations

Senator SANDY MACDONALD (New South Wales—Parliamentary Secretary to the Minister for Trade) (4.14 pm)—I move:

That the recommendations of the Procedure Committee in its first report of 2005 be adopted, as follows:

(1) That the Senate authorises the storage outside Parliament House by the National Archives of Australia of documents laid before the Senate, provided that the storage of those documents is under the control of the Department of the Senate and microfilm copies of them are available within Parliament House.

(2) That the following resolution operate as a sessional order:

(1) The Senate confirms that any disclosure of evidence or documents submitted to a committee, of documents prepared by a committee, or of deliberations of a committee, without the approval of the committee or of the Senate, may be treated by the Senate as a contempt.

(2) The Senate reaffirms its resolution of 20 June 1996, relating to procedures to be followed by committees in cases of unauthorised disclosure of committee proceedings.

(3) The Senate provides the following guidelines to be observed by committees in applying that resolution, and declares that the Senate will observe the guidelines in determining whether to refer a matter to the Committee of Privileges:

1. Unless there are particular circumstances involving actual or potential substantial interference with the work of a committee or of the Senate, the following kinds of unauthorised disclosure should not be raised as matters of privilege:
(a) disclosure of a committee report in the time between the substantial conclusion of the committee's deliberations on the report and its presentation to the Senate;

(b) disclosure of other documents prepared by a committee and not published by the committee, where the committee would have published them, or could appropriately have published them, in any event, or where they contain only research or publicly-available material, or where their disclosure is otherwise inconsequential;

(c) disclosure of documents and evidence submitted to a committee and not published by the committee, where the committee would have published them, or could appropriately have published them, in any event;

(d) disclosure of private deliberations of a committee where the freedom of the committee to deliberate is unlikely to be significantly affected.

2. The following kinds of unauthorised disclosure are those for which the contempt jurisdiction of the Senate should primarily be reserved, and which should therefore be raised as matters of privilege:

(a) disclosure of documents or evidence submitted to a committee where the committee has deliberately decided to treat the documents or evidence as in camera material, for the protection of witnesses or others, or because disclosure would otherwise be harmful to the public interest;

(b) disclosure of documents prepared by a committee where that involves disclosure of material of the kind specified in paragraph (a);

(c) disclosure of private deliberations of a committee where that involves disclosure of that kind of material, or significantly impedes the committee's freedom to deliberate.

3. An unauthorised disclosure not falling into the categories in guidelines 1 and 2 should not be raised as a matter of privilege unless it involves actual or potential substantial interference with the work of a committee or of the Senate.

4. When considering any unauthorised disclosure of material in the possession of a committee, the committee should consider whether there was any substantive reason for not publishing that material.

(4) Before deciding to raise a matter of privilege involving possible unauthorised disclosure of committee proceedings, any committee may seek the guidance of the Committee of Privileges as to whether a matter should be pursued. If the committee decides that such a matter should be raised, it must consult with the Committee of Privileges before taking the matter further.

(5) When applying this resolution a committee shall have regard to the matters set out in paragraphs 3.43 to 3.59 of the 122nd Report of the Committee of Privileges, June 2005.

Question agreed to.

MATTERS OF URGENCY

Electoral Reform

The ACTING DEPUTY PRESIDENT (Senator Chapman)—I inform the Senate that at 8.30 am today Senators Allison and Carr submitted letters proposing a motion to debate a matter of urgency in accordance with standing order 75. To decide which letter would be submitted to the Senate, the
matter was determined by lot. In accordance with the result of that procedure, I inform the Senate that the following letter, dated 6 October 2005, has been received from Senator Carr:

Dear Mr President,
Pursuant to standing order 75, I give notice that today I propose to move:

That, in the opinion of the Senate, the following is a matter of urgency:

The need for the Senate to support the maintenance of compulsory voting for elections to the Senate and the House of Representatives.

Yours sincerely

Senator Carr
Senator for the State of Victoria

Is the proposal supported?

More than the number of senators required by the standing orders having risen in their places—

The ACTING DEPUTY PRESIDENT—
I understand that informal arrangements have been made to allocate specific times to each of the speakers in today’s debate. With the concurrence of the Senate, I shall ask the clerks to set the clock accordingly.

Senator CARR (Victoria) (4.15 pm)—I move:

That, in the opinion of the Senate, the following is a matter of urgency:

The need for the Senate to support the maintenance of compulsory voting for elections to the Senate and the House of Representatives.

This is a matter of urgency because in recent days we have seen a barrage of leaked material, inspired leaks from the Liberal Party in this parliament, aimed at softening up this country for major changes to the electoral arrangements in this country—major changes to the Electoral Act. This is a few days in advance of a parliamentary committee report into the last election, which is to be tabled on Monday. We have seen an enormous amount of backgrounding from government members about this forthcoming report and a prolonged and deliberate campaign by the advocates of voluntary voting within the government to be pursued by this government. This is despite the fact that the Prime Minister himself has said that it is ‘not on the government’s agenda’. The urgency is this: a report published in the *Age* on Wednesday, 5 October said:

A senior minister will fight to make voluntary voting Coalition policy at the 2007 election, despite John Howard saying it is ‘not on the Government’s agenda’.

This is despite the fact that the National Party, as the junior member of this coalition government, have ruled out support for such a proposition. The report went on:

Finance Minister Minchin, one of the advocates for change, immediately sought from Mr Howard clarification of what he had meant.

Senator Minchin later told *The Age* Mr Howard was not ruling out voluntary voting becoming policy at the next election.

‘I will continue to argue the case for the Coalition to go to the next election with a policy for ending compulsory voting,’ Senator Minchin said.

When asked by *The Age* to clarify, a spokeswoman for Mr Howard said, ‘Compulsory voting will remain, including at the next election. It is not on the agenda for change. But it is still open to others to discuss the case for voluntary voting.’

We have heard from the National Party. Senator Minchin’s position has been made quite clear. Senator Boswell, on the other hand, has said that the National Party would firmly reject such a proposition. In last Tuesday’s *Age* he is reported as saying:

Cynicism towards politicians and politics is at a high enough level without giving people the option to completely disconnect and take no interest or responsibility in who runs the country and how it is run.

Senator Boswell commented further:
Their major concern with non-compulsory voting was that we believe all voters should have ownership of their government. Compulsory voting provides a clear connection between the people and the Parliament.

He further pointed out that in the 2004 election in the United States, voter turnout was some 55.3 per cent. He went on:

This means that, theoretically, the President could have been elected by less than 28 per cent of the population. The last Australian Senate election had a turnout of nearly 95 per cent.

Those comments have been made in repeated circumstances across the country in recent times. This urgency motion today provides the opportunity for the National Party to put up or shut up. It provides the opportunity for the National Party to put their votes behind their stated public positions. Instead of being the doormats of this government, instead of providing their traditional role as being the rollover merchants, those who acquiesce to every wish of the Liberal Party, this is an opportunity for the National Party to come forward and say to the people of this country by their vote that they are opposed to changing the electoral system.

The electoral system we currently have was one of the two great reforms introduced to this country. This country has a very fine tradition in terms of its international reputation in public administration but also in terms of its electoral laws—two fundamental principles of a decent democratic system. In 1918 we had the introduction of preferential voting in this country, and compulsory voting was introduced in 1924. As I see it, these two are the most significant progressive electoral reforms this country has seen. Both those changes were introduced by non-Labor governments, and I think we should give credit where it is due.

There was a concern at the time that the newly-formed National Party needed special protection because the people who tend to vote for the National Party—and it is pretty much the same profile today in their electorates—tend to be the poorest in our society and the least educated. They tend to be people, like Labor voters, that need governments the most and they need the political system to respond to their needs the most. That is the major problem with voluntary voting. It is a system designed to disenfranchise the citizenry of this country. It is a system that has the effect of removing from the electoral system itself the participation of those that need government the most—the poor and the dispossessed, the people with less access to the opinion-makers. They are people who need government services and they need to ensure that the parliamentary system responds to their needs.

So my concern, as we look at this proposal that Senator Minchin is pursuing, along with Senator Abetz and many others, is that a pattern of behaviour is being established whereby the government is attempting to restrict the franchise and to restrict the capacity of Australians to participate in the election of governments in this country. We have a situation today where the government is proposing the abolition of compulsory voting over time—and that is what we are being softened up for. The National Party has the chance to put its money where its mouth is here. We are being softened up for a proposal that clearly would see a significant shift in the level of participation in the electoral system in this country.

A dress rehearsal is being proposed through Senator Minchin’s actions and his clear defiance of what the Prime Minister is saying, while he is claiming that this is not on the agenda at this time. What is in fact being proposed, through the back door, is that this become a matter of government policy after the next election. We have a full-scale assault being made upon the integrity of our national electoral system, and with the
Senate report next week we will see that claim made over and over again. The ultimate target of the abolition of compulsory voting is being established here.

Senator Abetz, of course, has been the vanguard of those changes. He is an extreme right winger in terms of his behaviour in Tasmania. He has long held these views about trying to provide a restriction on the right of people to participate in the affairs of this country. What we have seen in major democracies of the world where there is voluntary voting is a general trend toward a decline in the levels of participation in the electoral system. Of course there are a whole range of factors that lead to those circumstances, but what you see essentially is that the participation in the electoral process of the majority of eligible voters is declining in those countries, which is, in effect, reducing the democratic legitimacy of those elections. But, by contrast, in Australia we have a situation where well in excess of 95, 96 and 97 per cent of the population vote. Figures such as that have, year after year, demonstrated the participation rates in the Australian federal electoral system. We have a situation where no-one can legitimately claim that the electoral system lacks integrity or that there is a lack of legitimacy in the results that are being produced.

What we have is a philosophical argument being presented by some sections of the extreme right wing of the Liberal Party. It is a philosophical argument that essentially argues that people should not be compelled to vote. Our current legal system does not compel people to turn up. It asks people to do one very simple thing: every couple of years, turn up to a polling station. And you do not have to do that if you get a postal vote. There is no requirement to actually cast the vote. What we have here is a somewhat muddled set of thinking on the question of compulsion. No-one that I am aware of in this parliamentary system is publicly prepared to argue that there should be voluntary payment of taxes. No-one says we should have voluntary school attendance. No-one says we should have voluntary wearing of seatbelts. So it is not a question of compulsion; it is a question, in my mind, of political advantage. Requiring citizens to participate in the process of choosing their own government actually serves to improve the level of government. It ought to provide the opportunity for Australians to have a say in who runs their parliament. It ought to be a situation where citizens are less likely to be alienated from the processes of the political system and be less disengaged from the system of government we have in this country.

On the contrary, the suggestion has been put to us by Senator Abetz, Senator Minchin and the other flat earth people in the Liberal Party that essentially we should have a mechanism whereby an advantage should be given to those who they think are more likely to support the Liberal Party: those who are well educated, well connected, articulate and able to enjoy the benefits of wealth. We have a situation where, with the homeless, the aged, those of non-English-speaking backgrounds and those in Indigenous communities, an effort is being made at all possible levels to discourage them from participating in the processes of government. Those who need the services of the state the most are being encouraged to withdraw from having their say.

Everyone knows that the general level of support for the ballot is particularly strong in this country. Opinion poll surveys suggest that in excess of 70 per cent of Australians support the notion of compulsory voting. There is no compelling reason that has been argued as to why that should change, other than a very narrow partisan view in some quarters that this will support the Liberal
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Party’s electoral fortunes. I do not believe that it is too much to ask that people participate in the ballots of this country. The current trend in international politics suggests that the logic for voluntary voting is to move against people participating in political processes. If we have a mechanism whereby voluntary voting is pursued, in my view the level of apathy and disengagement will be increased.

There was a situation recently in the United States where, after the hurricane that hit New Orleans, night after night we saw on our TV screens dreadful images of people who had been left behind by the American political system. They were trapped in their basements, trapped in their attics, away from the services of government. They were the least powerful, the poorest. I note that the number of black faces was all too evident in those TV shots that I saw. We noticed that the people who are the most disengaged from the political system in the United States were the ones who ended up with the poorest services. It seems to me that that is a direct consequence of a political system that discourages people from registering to vote and from participating in the electoral system.

What we are noticing here is an orchestrated campaign by the extreme right wing of the Liberal Party aimed at shafting the National Party and undermining what they see as the traditional working-class support of the Labor Party. In response we have heard some feeble, mealy-mouthed comments from the National Party. This is their chance to put their vote on the table and say that they disagree with the extremists within the Liberal Party. This is the chance for the National Party to come clean and to support the policy which they claim they are prepared to argue for. Australia has a very proud record in terms of its electoral systems. We ought not to allow that to be diminished. (Time expired).

Senator EGGLERSTON (Western Australia) (4.31 pm)—Senator Carr is quite right: there is some discussion about our system of voting. There are some people who are promoting the idea of a change to non-compulsory voting. That just shows that the coalition is a healthy political organisation where people have different points of view and where people are free to express their points of view and encourage debate. I note that in the Labor Party there has been some debate about things like taxation. Some of the leading luminaries of the Left of the Labor Party, like Lindsay Tanner, are talking about the need to provide greater reward for effort for higher income earners. That is probably a little more heretical than Senator Carr seems to feel the suggestion that we should go to non-compulsory voting is. It just shows that there is healthy debate within the Australian political system.

Australia is one of quite a few countries around the world that do have compulsory voting. I think there are more than 20 countries that do, and they include Austria, Belgium, Brazil, Greece, the Philippines and Switzerland. Quite a few South American countries also have compulsory voting. Many countries in the world have non-compulsory voting. It is interesting to look at the voter turnouts in those countries. I believe that in the 2001 UK election the voter turnout was 59 per cent. In the US presidential elections the turnout is often less than 50 per cent.

There is an argument that it is undemocratic to force people to vote. The argument goes that people should have the option to vote. If they want to participate in electing a government then that is their choice. They should be allowed to opt not to vote. But, in fact, as Senator Carr has said, what people are required to do in our system is to turn up at a polling place, where they have their names crossed off a roll. If they choose not
to vote or to vote informally then that is their business. It is a very interesting argument, this one. I am politically a classical liberal. I believe in the individual, in the right of the individual to conduct their affairs without undue influence from the heavy hand of government—

Senator Carr—By paying tax.

Senator EGGLESTON—By paying tax, indeed. I do not think we should all pay too much tax. I think we should have reasonable reward for effort for all Australians so that if you work hard then you earn more. I believe in that sort of thing. I believe in freedom of choice. I can see the point of view that Australian laws which make voting in state and federal elections compulsory, and which impose penalties for noncompliance with those laws, can be regarded as coercive. Nevertheless, Senator Carr, I am one of those Liberals who do support the system of compulsory voting in state and federal elections. In view of what I have just said, you may say that it is inconsistent for me to hold that sort of view, that it is inconsistent with my basic political philosophy as a classical liberal. I have four strong reasons for supporting compulsory voting.

Senator Carr—So you will vote for the motion.

Senator EGGLESTON—I do not object to your motion at all. As I said, I do support compulsory voting. I support it first of all for what might be called the ‘democracy is a fragile flower’ argument. If you look around the world, and particularly around our own region, you will see that there are very few genuinely democratic nations. As Australians we are the inheritors of a great democratic tradition. I think it is important that our citizens are aware of the democratic tradition that they enjoy. One of the ways of making them aware of it is to require them to go along to a polling booth every three or four years to vote for a government.

Secondly, the uniquely Australian combination of compulsory and preferential voting means that an Australian election is a more complete assessment of the political mood of the citizens of this country than occurs in almost any other country in the world. That is an important point because, in effect, the combination of compulsory and preferential voting means that general elections in Australia are a unique poll of the political mood of the Australian people. The Australian people, through the process, end up with a government which more genuinely represents their point of view.

Thirdly, there is the question of apathy in the Australian public about political issues or participating in politics. I spent about eight years in local government in Western Australia, where the voter turnout before the introduction of postal voting was usually between 13 per cent and 18 per cent. Before compulsory voting was introduced in Australia, voter turnout in federal elections and for the Senate, for example, was, I believe, around only 50 per cent. That leads me to another point. With low voter turnout it is possible for political interest groups to manipulate election results and stir up groups who have fairly—

Honourable senator interjecting—

Senator EGGLESTON—Yes, exactly—the big unions could get all their members out there to vote and they could end up winning seats in areas where perhaps you would not expect them to. In Western Australia in the early nineties we had a particularly nasty gentleman called Mr Van Tongeren painting anti-Asian graffiti around Perth. He thought about running candidates in elections. One could imagine that somebody like him, or some very extreme groups with similar views, could end up getting people in par-
liament under a system of non-compulsory voting. I think that would be a very undesirable consequence.

My fourth reason for supporting compulsory voting is that non-compulsory voting has two adverse effects. Firstly, you have to get the vote out. If you have ever been to the United States or the UK during a general election you will have seen that they spend all their time worrying about how to get the voters to the polls. They run buses and offer inducements. We do not have to do that in Australia. We just talk about issues and policies. So we are not diverted by the fact that we have to get the vote out. The fact that the vote is compulsory, as I have already said, means that the policies that each of the parties present have to appeal to the whole Australian population. Australia probably gets a better policy outcome with compulsory voting than do countries where it is non-compulsory.

So I believe that compulsory voting has many things in its favour. Not least of them is that compulsory voting means that the act and outcome of voting in Australia represents the considered views of the whole Australian community. It is, in effect, also a statement of respect for the democratic processes which we enjoy in Australia. I believe that through our compulsory preferential system the Australian people end up, as I have said, with a government that most represents the consensus. I for one on this side of the political fence can see no reason to change our present system. I hope that the merits of compulsory preferential voting will be understood by both the people of Australia as a whole and our political leaders, and that that system is retained. Senator Carr seems to think there is some great dissension within the ranks of the coalition over this issue. As with many issues, I suppose there are a few people who want to change things but I think the majority want to leave the system as it is, Senator Carr.

Senator MURRAY (Western Australia) (4.40 pm)—I too welcome this debate and am absolutely unafraid of it, particularly since the vast majority of the Australian public support compulsory voting. I am not at all convinced that those who support voluntary voting are going to win the day. But, having said that, one needs to argue and to keep arguing the case. The Democrats say that voting is a means of participating in the political process uniquely accessible to the largest number of citizens. For many, it represents the only way that they believe they can influence what the government does. Removing the obligation to vote is not simply a matter of freeing people from the performance of a duty. It represents a devaluing of the act of voting by any government that supports that change, and a corresponding devaluing of the people’s role in the system of government.

We think that compulsory voting helps to ensure the expression of choice, at least by a majority of voters, and helps guard against opportunities for improper or illegal electoral practices, such as multiple voting or bribing voters. The Democrats are firmly of the opinion that voluntary voting allows more illegal or improper voting practices to occur than does compulsory voting. We say that voting is the civic responsibility of all citizens in a democratic society. We say that each citizen must take responsibility for who governs them and how they are governed. We say that compulsory voting ensures the expression of choice by all those eligible to vote and, as far as possible, ensures that parliaments are elected according to the will of all their citizens.

The great virtue of the Australian system is the combination of compulsory voting and the preference vote. Compulsory voting
helps legitimise the electoral process and the parliaments chosen by it. Social and political cohesion is promoted, and alienation of the disadvantaged from the political process is diminished. Citizens develop a sense of ownership of the political and decision-making process. Nowhere is that more evident than on voting day, when hordes, thousands, of citizens who do not usually participate in party political affairs turn out to help in the process of voting. And they enjoy it enormously. Compulsory voting contributes to civic education and the entrenchment of civic values. Election campaigns therefore can focus on the issues and choices before the voters rather than overconcentrate on mechanisms for simply getting people to the polls. Compulsory voting diminishes opportunities for the exercise of corrupt, illegal and improper practices during elections, and the involvement of all citizens in elections provides some protection against domination by minority interest groups, the economically powerful and other elites. I have never thought it a virtue of the American system that the President of the United States of America is elected on one-quarter of eligible voters' votes.

There is also the furphy often put about that countries with compulsory voting are very rare. They are not. Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Chile, Cyprus, Ecuador, Egypt, Fiji Islands, Greece, Italy, Lichtenstein, Luxembourg, Nauru, Paraguay, Peru, Singapore and Switzerland all have systems which include compulsory voting. It is also commonly thought that a minority of citizens around the world support compulsory voting but in fact a very large number of people within democratic societies exercise compulsory votes. From memory, somewhere in excess of 600 million people and nearly 10 per cent of democracies around the world indulge in compulsory voting. Of course, the political parties in control of societies with voluntary voting fear the introduction of compulsory voting and preference voting because they know that they give far more power to the people.

One of the great virtues of our system and one of the great legitimacies that the present Prime Minister enjoys is that he can truly claim to be the majority representative as a result of our system because of the interaction of compulsory voting, the primary vote, the preference vote and the number of seats that he acquires. Whichever party the Prime Minister comes from, that is always something Australians can be thankful for.

Senator FAULKNER (New South Wales) (4.45 pm)—I support the urgency motion before the Senate. I note in the urgency motion the use of the terminology 'compulsory voting'. I think compulsory voting as a term is very easy shorthand, and it is certainly common usage, but it is more accurate to describe our system as compulsory attendance at a polling booth. Attendance is the compulsion; attendance is the obligation on citizens. That has been a hallmark of our electoral system since 1924. It ensures a high and therefore representative turnout in our elections. It makes sure that every citizen in the country has a stake in the result of an election.

It is worth recalling that, when introducing the Commonwealth Electoral Bill, ex-senator Herbert Payne, a nationalist, said: If people exhibit no interest in the selection of their representatives, it must necessarily follow, in the course of time, that there must be considerable deterioration in the nature of laws governing the social and economic development of this country. Since that time, voters have, in ex-senator Herbert Payne's words, ensured that those who live under our form of government 'see that it is democratic not only in name but in deed'. I challenge anyone to say that the sys-
The system of compulsory voting has not operated successfully throughout this country. Compulsory voting is what empowers people in our Australian democratic process. Everyone has a stake in the outcome, and that is essential in any democracy.

When all Australians have had the opportunity to participate in the electoral process, whether or not you like the outcome, it is pretty hard to argue that the outcome does not represent the will of the people. People genuinely accept that citizenship and participation in a social democracy bring certain obligations that are largely unquestioned as part of our daily lives—paying taxes, attending school, driving on the right side of the road, abiding by the law and voting in elections. The acceptance by society of such obligations is what keeps and promotes our social and political cohesion. The Labor Party believes that voting is a communal act by all Australians. It is an affirmation of the commitment of Australians to democratic and public processes. Compulsory voting at attendance ballots is the hallmark of our democratic electoral system.

Labor is also very acutely aware of the fact that voluntary voting would mean that political parties and political campaigns will inevitably target those people who are most likely to vote. It is the most disadvantaged in the community who tend not to vote in voluntary systems and it is precisely those people that government has a special responsibility and obligation to. Those people—the young, people from non-English-speaking backgrounds, people who do not live in capital cities, the poor, the vulnerable and the disadvantaged—have least access to the resources to enable them to put their views forward to influence policy formulation. Who is it to say that their vote should be given less weight than that of the so-called informed sections of our society?

It is no wonder that Senator Eric Abetz thinks it would be a good idea to disenfranchise those people in our society whom the government he is a member of and a minister in has abandoned. You cannot really take much notice of anything Senator Abetz says. I was here in question time today when Senator Abetz, in answer to a Dorothy Dix question he was asked about prisoner voting, said:

‘Prisoners, of all the groups that make up our society, are perhaps most vulnerable’. Really? Try telling that to the victims of Martin Bryant, the Port Arthur mass murderer, or to the victims of Ivan Milat; or, for that matter, to rape victims. The quote goes on: ‘Why should they—prisoners—be excluded from the most fundamental right?’

He is quoting Mr Stanhope, the Chief Minister of the ACT. Senator Abetz said:

Try telling that to the victims of Martin Bryant, the Port Arthur mass murderer, or to the victims of Ivan Milat; or, for that matter, to rape victims.

Even Senator Abetz, one of the most incompetent ministers in this incompetent government, knows that a prisoner who is serving a term in jail of the length that Milat and Bryant are serving—they will never be released from jail—cannot vote under our electoral system. He ought to know that, because he, Senator Abetz, is the person who introduced the Electoral and Referendum Amendment (Prisoner Voting and Other Measures) Act 2004. I have the act here. I have the explanatory memorandum that stands in the name of Senator Abetz, the Special Minister of State. It amends the Electoral Act to prevent prisoners serving a sentence of three years or longer from enrolling to vote.

How scummy, how low, how deceitful and how ordinary for a minister to say that in question time! Why doesn’t this lily-livered, gutless minister get down here and apologise to the Senate and to the Australian people for that appalling and dishonourable mislead?
we saw in question time today? Of course he will not do it, because there are no standards under the Howard government.

Voluntary voting will mean that political parties will concentrate their efforts on mobilising the vote on election day. They will not be concentrating their efforts on ideas, policies and programs for government. We are going to see from the National Party in a moment. We have already heard Senator Boswell in this debate wax lyrical about how, for once, they are going to stand up to the government—on one issue they are going to stand up to the government. I want to warn Australians and warn National Party members and voters about what Senator Boswell and other members of the National Party are really on about with voluntary voting. You cannot believe them. You know that they have never stood up to the Liberals—ever—in their political lives. You know that not one of them has ever had the courage to cross the floor in the Senate—not one of them. You know that not one of them has ever had the capacity or ability to serve in the Howard government in the 10 years that it has been in office. Not one of them has ever served as a minister. But did you know that when the heat was put on when the issue of compulsory or voluntary voting was last debated in the Senate they caved in to the Liberals—as they always do?

I remind the Senate not to forget the sheer lily-livered gutlessness of the National Party over the constitutional convention bill in 1997. What a yellow-bellied lot they were when that bill was in the chamber for debate! It introduced voluntary voting for the Constitutional Convention. When the heat was put on the National Party, they—as they always do—limply gave in. They ran up the white flag to the Liberals and Senator Minchin, as they always do. They would not support what was the majority in this chamber to try and ensure that we had a compulsory attendance ballot and not a voluntary postal ballot. (Time expired)

Senator JOYCE (Queensland) (4.55 pm)—I have a strong interest in the process of voting and, much to the derision of many of my colleagues in here, have made my intentions clear from platforms such as my maiden speech. I have also tried to get the parliament to encompass new forms of technology as methods of voting. Australia unfortunately sees voting as something that is to be squeezed in between doing the shopping and taking the kids to netball. We are a moderate society, and politics tracks pretty closely between the certain cap and collar of right and left views. Step outside that paradigm and, Latham-like or Whitlam-like, the result is a political recoil, represented by the majority that is now held in both houses by the coalition. Labor would understand from the problems it currently has in raising union membership that people have other things to do and other places to go. In Australia, it could well be the gardening. One could call attention to the state of this house on so many occasions and see that people often have other things to do.

In my tour of the US with the young political leaders in 2002, I saw that non-compulsory voting means that the biggest motivator is aimed at pitching a message to get people out to vote. The problem is not so much one of coming up with a strident motivator to shake people out of their complacency or out of bed but one of fulfilling the policy objective that is set down as a reason to get people out of bed.

We in this country pitch to the middle ground. We pitch to that 10 per cent who change their views and who affect power in our country. In 105 years this has given us unbridled freedom. We have never had to worry about a revolution or a civil war. It has been an effective mechanism of government.
‘Ex sapienta modus’ was the motto of my university. It means ‘out of wisdom comes moderation’. If we get rid of compulsory voting, we are proposing a move from wisdom to foolishness as we inspire the vitriolic edges to start holding sway in our parliament. Are we happy to put our nation on a political see-saw with wide and varied oscillations between the far right and the far left?

In the US, 52 per cent of people voted at the last congressional election. I would say that we would have a more relaxed attitude in Australia. I heard what was said before by my colleague from the Democrats, but I have in front of me information showing that at the last election in Switzerland 42.3 per cent of the people turn out to vote. I would suggest that Australians would have a much lower level of voting involvement than other countries.

Now let us think about the Senate. It is on the record that, with the right preference flows from the Machiavellian source of undisclosed above-the-line preference deals, you can attain a Senate position with as little as 1.9 per cent of the vote. Let us take our good friends in Tasmania in this instance. Tasmania has 342,809 people on the electoral roll. With 45 per cent participation, that would mean that there would be 154,264 voters. With only 1.9 per cent needed, that would mean that a senator could be elected to the parliament with the princely number of 2,931 votes. I can find all sorts of interesting groups who could muster up those numbers and who could thus be involved in our federal parliament.

I believe this motion could well be supported by the Citizens Electoral Council, the League of Rights or any community of beligerent marginal union groups. The Free Marijuana Party in Queensland attained 17,485 votes. So we could be welcoming to our parliament Mr Nigel Freemarijuana to deliberate over the affairs of our nation. But let us not leave out my state of Queensland, where Labor Premier Red Ned Hanlon installed the gerrymander or malapportionment system in the late 1940s—which, to all intents and purposes, is still there and possibly worse. Premier Beattie attained power in the last state election, in a unicameral system, winning 63 out of 89 seats with just 47 per cent of the vote.

Because of that situation, we now have in Queensland a Pythonesque parade of ministers losing portfolios, being sacked from portfolios or not realising they have portfolios. We had a minister who was sacked from the health portfolio and then picked up the primary industry portfolio and then picked up the backbench—because that is where they have sent him. Forty-seven per cent of the vote and 70 per cent of the seats brought into power the health disaster, the power crisis, the water crisis and the infrastructure crisis. The Labor government in Queensland is a euphemism for a management crisis. Maybe if there were a greater reflection of seats to the percentage of the vote they muster, the Labor government in Queensland just may be a little bit more on their game.

Why would Labor want Mr Nigel Freemarijuana as a new senator? Maybe the best thing to do is to refer to Mr Graham Richardson, who, in his book Whatever it Takes, discussed changes to the Electoral Act. About the manipulation of the Electoral Act, he said:

... that Labor could embrace power as a right and make the task of anyone trying to take it from us as difficult as we could.

So Labor's form is well and truly on the books. I would applaud the Labor Party if they approved compulsory preferential voting but, if they want to install a Queensland Labor fiasco over the whole of our nation and endorse first past the post, they are not
being fair dinkum. On this issue, Labor must be dismissed as not being fair dinkum. They need to get out of their box and say, ‘We believe in compulsory preferential voting,’ but they will not. I acknowledge that they express different views on the other side of the chamber but today we have seen that we can have different views. That is why we have a Liberal-National coalition. That is why we are in government.

Senator Carr—That’s why you are the doormats.

Senator Joyce—It is good to see that we have stirred them out of their box. They are out of their box now. They do not like the words ‘compulsory preferential voting’. They do not like that phrase because it is the key to their demise. That shows how weak their argument is and how little is encompassed in it. This morning I abstained from the vote on ethanol. So your argument in the first instance is wrong as well. Where was the Labor Party? They were all together in their box. When was the last time the Labor Party actually broke and voted along state lines? They do not have the guts. It is not there. It is all a sham. It is a fiasco—and it goes on. I would like to see the day when Mr Faulkner and Mr Carr are on separate sides of the room, but that is not going to happen. The union thugs will get in there and screw them down and make sure that they toe the line.

So, if you want to advocate compulsory preferential voting, I will be voting with you. If you endorse it in Queensland and bring it in tomorrow, we will have a fairer system for all and you will give back to Queensland their right of representation.

Senator Bob Brown (Tasmania) (5.03 pm)—I thank Senator Joyce for that entertaining speech. I can assure him that, with one exception, the Greens will be endorsing the National Party’s policy of compulsory preferential voting at the next Queensland election, if that is what the party’s policy is. We too support such a policy rather than the optional preferential system which the Labor Party in New South Wales and Queensland supports. Moreover, we support—and I am sure Senator Joyce will consider this strongly because it is fairer still—proportional representation. Where you have a unicameral system—such as in Queensland where the upper house was abolished many decades ago—it is all the more important that you have proportional representation, so that each party is represented according to the votes given to it by the people of Queensland or whichever state it may be and voters have their votes valued equally: one person, one vote, one value.

I have noticed, Senator Joyce, that if there is one thing that riles the Labor Party in this chamber it is to advocate proportional representation as a fairer system for representation in the House of Representatives in this parliament.

Senator Joyce interjecting—

Senator Bob Brown—You will note that it is not on the agenda of Senator Abetz, the Special Minister of State, but it would, arguably, be the most important breakthrough we could have in giving a fairer voting system to the people of Australia.

The Greens are also very strong supporters of the compulsory voting system that we have, but I want to say two things about that system. First of all, we do have non-compulsory voting. What is required is compulsory attendance at the ballot box or in the voting booth. But, if you want to pick up your form, leave it blank and put it into the ballot box or you want to put in an informal vote with a comment on an issue or about somebody, you are very welcome to do that. You do not have to vote. What you have to do as part of your responsibility as a citizen
in this democracy to balance the rights which flow from it is go to the ballot box with your vote and deposit it. There is not compulsory voting. You do not have to select a candidate or a party if you do not want to do that. That is the beauty of the system that we have in this country. But it does call upon citizens to shoulder the responsibility—much the same as, when it gets down to life and death issues, we require people to wear seatbelts or drive on the left-hand side of the road. There are some responsibilities that we as a community have to have. While it is a different matter, one of those ought to be attending the voting booth on election day.

One of the things that might weaken Senator Abetz’s resolve when it comes to the matter of non-compulsory voting—that is, not having to go anywhere near the ballot box or take any interest in politics in this country—is that the Greens, of all parties, would do best out of that. We are not advocating it but we would stand to do best out of it. The indicators in the analysis of voters is that the Greens have the highest percentage of tertiary educated voters. I think it would be very likely that we would also have the highest percentage of voters who study and watch politics. There is no doubt that if non-compulsory voting came in we would lose fewer of our voters than the other parties. That is something that the government needs to take into account because I think there is a political imperative in the whole suite of proposals that has been put forward by the government. It is aimed at enhancing the government’s prospects at the next election. So it is going to be interesting to see the legislation that comes up and will be put through this parliament, no doubt, in the next little while. It will largely be there to foster the interests of the coalition, but not necessarily of the National Party. There is going to be a healthy debate when that time comes.

Senator McGAURAN (Victoria) (5.08 pm)—I am the last speaker on this urgency motion and I will conclude the government’s argument on it. I will firstly say to Senator Carr, and those on the other side, that on any analysis this does not rate as an urgency motion. Senator Carr has tried to whip up heat on this and Senator Faulkner has unloaded his usual daily bile that sticks in his throat and which he must in some way unload, either on his own colleagues or on this side of the house, or it eats him. To try and say that this is a matter of urgency for the Senate to discuss is an absurdity and just shows how disconnected the opposition are now. I could suggest subjects for you to bring in here that are worthy of debate in this house and are worthy of an urgency motion which we may well come to vote on. But to say that the matter of compulsory voting, or not, is a matter of urgency is not only disconnected but also an abuse of Senate time. It is an absurdity.

This is not a government policy. The government have absolutely no intention of changing the current policy. What has upset Senator Carr and those on that side is that we, as individuals, hold separate opinions, that we seek to debate it and that Senator Minchin has done a paper on it and presented it in certain forums and, for that matter, so has Senator Abetz. As the Prime Minister has said, to take the heat right out of the argument and right out of this urgency motion, there is no attempt by the government to change our compulsory system. If we did, and we have no intention of doing so, we would take it to the people. It is not a matter of process of passing it through this Senate; it would be matter of doing what we are doing at the next election. I think what you have got mixed up, Senator Carr, is that at the next election at we will be taking a referendum to the people—but not on this issue. This is not going to raise its head again ex-
cept in idealistic forums that we on this side debate in. We do not mind if there are different opinions. We are taking to the people in a referendum at the next election the question of four-year terms, on which you agree with us.

So how this can reach the status of an urgency motion is beyond me. There are so many other issues to debate. For example—why I am helping you I do not know—why would you not bring in the petrol issue? That really is an issue that is hurting the people out there. We understand that. We would like to debate that issue; to put it out there on air. We fully understand that the high prices are hurting the households of Australia. Have you ever thought of raising that issue? Maybe we should take the opportunity of raising urgency motions, if you are not going to raise them responsibly. You come in here with a gigantic beat-up; a complete waste of time for the Senate.

Nevertheless, I will address the matter. I am quite happy to address the matter, I simply do not want to address it in this chamber at all. As Senator Murray said, there are many countries, including Australia, that have compulsory voting but it is true to say that most countries have voluntary voting. The point was well made by several speakers, including Senator Joyce no less, that we have grown up with this since Federation. This is a system that Australians have grown up with. It is a cultural heritage, if you like. It has given them a study and knowledge of the political system that I think many other countries that have the voluntary voting system are devoid of. The fact that it has been compulsory has given Australians a greater knowledge of, let alone a contribution to, their democracy. In over 100 plus years, that has filtered through from generation to generation, and we have one of the most informed voting publics in the world. That is one good argument for why we should keep it.

References were made to the American system. Senator Boswell and Senator Joyce mentioned that the turnouts there are so low. Senator Boswell’s press release says that the highest voter turnout was some 60 per cent in 1968 but at the last presidential election, in 2004, they had 55 per cent, and at the one before that they were down to about 37 per cent. So you can imagine that the President is elected on less than that. He could be elected by something like 25 per cent of the population of the United States. We do not want that sort of system here. We are not used to it. What is more, as you all know the non-compulsory system very much shapes the politics of the day, which I, for one, would seek to avoid. That is because you have to get the voters out there, so the whole campaign style changes. In fact, we would have to spend more on campaigning than we do now. If there is a criticism now from the minor parties or from the public that we spend too much on TV ads and mail-outs during election campaigns, I think it would greatly increase under the voluntary system. As we know in America there are many, what we would see as dubious or certainly not normal, ways of getting the voters out to vote. This is done by cars, all sorts of inducements, bussing them there, dropping them off at the aged care centre. In our system we would find those sorts of voting inducements a little dubious. We do not welcome it.

This has been a well studied subject. I do not know why Senator Carr has suddenly put heat into the issue, or attempted to. This parliament has studied it. The respected Joint Standing Committee on Electoral Matters tabled a report in the parliament after the 1996 election. Part of that report, and part of their criteria for assessing each election, is the question of compulsory or voluntary voting. They did another one after the 1998
election and after the 2001 election. On each occasion, the government, in its response to the report, has rejected the change to the system and supported the existing system. I refer members of the Senate to the Report of the inquiry into the 2001 federal election and matters related thereto by the Joint Standing Committee on Electoral Matters. It sets out in a special chapter, chapter 7, the arguments for and against compulsory voting. It is comprehensive and somewhat convincing for the compulsory voting argument. As a concluding comment, I would direct members of the Senate to that report.

Question agreed to.

COMMITTEES

Membership

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

Senator SANDY MACDONALD (New South Wales—Parliamentary Secretary to the Minister for Trade) (5.16 pm)—by leave—I move:

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

Environment, Communications, Information Technology and the Arts Legislation Committee—
  Appointed—Participating member: Senator Conroy

Foreign Affairs, Defence and Trade Legislation and References Committees—
  Appointed—Senator Bishop

Legal and Constitutional References Committee—
  Discharged—Substitute member: Senator Parry

Rural and Regional Affairs and Transport Legislation and References Committees—
  Appointed—Participating member: Senator Joyce.

Question agreed to.

ELECTORAL REFORM

Senator LUNDY (Australian Capital Territory) (5.16 pm)—At the request of Senator Carr, I move:

That the Senate opposes attempts by the Government to restrict the franchise and reduce the transparency of the Australian electoral system.

In doing so, I would like to make the observation that it is an extreme Prime Minister that has found the gall and arrogance to push forward two cabinet ministers to promote voluntary attendance at polling booths, or voluntary voting, and a range of undemocratic changes to the electoral system—a role which Senators Minchin and Abetz seem to relish on a regular basis.

Make no mistake: the demurring of the Prime Minister that we have observed in his apparent rejection of voluntary voting is, I think, a mere smokescreen to the extremism of the remaining proposals the have been laid out by Senator Abetz. The Prime Minister is about as sincere in his support for compulsory voting as he was with his rejection of the racist polices of Pauline Hanson. He is, after all, a great actor and he has had nine long years to practice.

It is less than a year after the last election and a mere three months since the Howard government took control of the Senate and we are already defending a fundamental tenet of fairness in Australian democratic processes. Unfortunately this concurs with my own depressing predictions early in this term that the leadership of the Liberal Party would not be able to control themselves in their arrogant eagerness to fulfil all their student politics fantasies.
Without exception, the proposals put forward by Senator Abetz are designed to make it harder to vote. The irony of these ideas being floated at a time when Australian troops are serving overseas to assist more people to vote in Iraq and Afghanistan seems completely lost on Senator Abetz and the Liberal government. By his own figures, the proposal to do away with the seven-day grace period for eligible voters to enrol or update enrolment after the writs are issued would have affected 423,000 voters if it were enacted before the 2004 poll. How can a proposal to potentially disenfranchise 423,000 people be called a reform?

Senator Abetz’s justification for making the changes is completely disingenuous and deceptive. He claims that it places an unreasonable pressure on the Australian Electoral Commission to process these changes in a short period and that it increases the chances of errors or possible fraud. But hang on a minute: isn’t this the Australian Electoral Commission’s job? Isn’t the requirement to keep accurate and up-to-date electoral rolls one of the principal duties of that commission, along with the duty to ensure that all Australian voters have the opportunity to vote at an election? The fact is that it gets busy around the time an election is called and surely that would go with the territory. Would it not be far more productive for the Howard government to consider strategies to enable the Australian Electoral Commission to deal with these incoming enrolments and changes more quickly and efficiently, such as providing more resources?

It is incredible to believe that Senator Abetz’s motivation is concern for the poor dears down at the Electoral Commission that get a bit rushed around election time, so he will change the rules for them. Forgive my sarcasm, but the truth is more likely to be that the government is motivated to reduce the resources to organisations like the Australian Electoral Commission and, indeed, the Australian Public Service generally and to impose draconian Australian workplace agreements on dedicated public servants. It does not care for them or empathise with them and furnish them with additional resources. For Senator Abetz to claim that workload is an excuse is like saying that when the Australian Taxation Office gets a bit busy around income tax return time they should not process the returns. It is like the Australian Bureau of Statistics getting snowed under every four or five years during the census, so they should not bother compiling the stats. Where does Senator Abetz stop? It is both a fallacious and an absurd claim that he is somehow on a quest to make it easier for federal bureaucrats to do their jobs. What a fraudulent argument.

It is not as if the Australian Electoral Commission is taken by surprise every election. The simple fact is that the seven-day grace period after the issuing of the writs has been a part of the administrative landscape for a long time. I am sure the Australian Electoral Commission will always adequately cope with it like any other federal agency copes with peaks in workload. This is in large part a credit to the dedication and energy of the people within those organisations. In fact, the Australian Electoral Commission already has strategies in place to deal with the enrolment surge. The Australian Electoral Commission has a number of pre-emptive programs, such as the innovative Rock Enrol program that runs in cooperation with Radio Triple J and sets up enrol-to-vote stalls at rock festivals, targeting young voters.

It is also worth while looking at Senator Abetz’s other claim that the rush of enrolments and changes to enrolments during the seven-day grace period leads to a greater risk of fraud or possible errors. Fraud? Where is
Senator Abetz’s evidence to back up this ridiculous allegation?

Senator Abetz—Ask Mike Kaiser.

Senator LUNDY—I point out that Senator Abetz is not in his seat and is trying to interject. Senator Abetz seems to be suggesting that frazzled and overworked AEC staff are more likely to let a dubious enrolment slip through during the seven-day grace period and a phantom voter may be added to the electoral role. However, as the Joint Standing Committee on Electoral Matters found during its inquiry into the conduct of the 2001 election, there is absolutely no evidence that this is at risk of happening. In fact, the committee found that the processes for checking and matching voter details before adding them to the roll are exactly the same prior to an election being called as during the seven-day grace period. In normal circumstances, voters are only added to the electoral roll when matching and checking processes uncover no anomalies in the enrolment. During the seven-day grace period, voters are only added to the electoral roll if the matching and checking processes uncover no anomalies. It is exactly the same process. If the voter’s details cannot be verified or an anomaly is uncovered, they are not added to the roll. Therefore, harassed and harried Australian Electoral Commission officials working under pressure during the grace period adding thousands of nonexistent people or pets to the roll without adequate checks are a complete figment of Senator Abetz’s very active and vivid imagination.

The joint standing committee’s inquiry after the 2001 election received 203 submissions, but the report mentions only three submissions that support shortening the period between the issuing of the writs and the closing of the electoral rolls. It is no surprise to see that the chief among those was by the Liberal Party of Australia. The other submissions were by the Festival of Light and the Council for the National Interest. Surprise, surprise, three out of 203 submissions saw some problem with the seven-day grace period, and one was by the party of Senator Abetz. In fact, I suspect Senator Abetz wrote that submission. I would be interested in his comments on that.

As I said, only around one per cent of submissions to the 2001 inquiry saw any problem with the seven-day grace period, and one of those was by the federal government. Other submissions argued against reducing the current close of the rolls on the grounds that it would reduce enrolment by the young and socially disadvantaged; result in less accurate rolls for polling day; increase queues, confusion and inconvenience at polling booths; and produce delays in the delivery of election results. Does this scenario sound familiar? Remember that these comments and reflections are about what happens if you do not have the seven-day grace period. Queues, confusion and delays in results are recent experiences in the US. It makes me wonder if the Howard government is merely copying the now well-documented strategies of the Bush administration to try and disenfranchise Democrat voters and make it harder for people to participate in the democratic process in the US.

It is also important to note that the Australian Electoral Commission has made a number of submissions to the Joint Standing Committee on Electoral Matters over the years in support of the seven-day grace period. It made the following statement in 2002:

Expert opinion within the AEC is that the early close of rolls will not improve the accuracy of the rolls for an election ... In fact, the expectation is that the rolls for the election will be less accurate, because less time will be available for existing electors to correct their enrolments and for new enrolments to be received.
So what is Senator Abetz really up to with this proposed change, since the Australian Electoral Commission itself does not favour it? You do not have to look far to work it out, because he makes it clear in his own speech. He specifically says that it is not a move designed to benefit the Liberal Party by preventing young people from voting. I think he protests too much. How could it be anything but? At the last election, of the 78,816 new enrolments received by the Australian Electoral Commission, 68,958 were from voters aged 24 and under. That is, 87 per cent of the new enrolments were young voters. These 68,958 young voters would have been prevented under Senator Abetz’s proposals from voting in the last election, not because they were not eligible, able or motivated to vote but because of the simple administrative barrier of not being on the roll.

In his speech, Senator Abetz puts up a smokescreen by quoting the figures from the last election—that 40 per cent of young people voted Liberal compared to 32 per cent who voted Labor. Senator Abetz holds his hand to his heart and says, ‘Look at the figures. If anything, we are shooting ourselves in the foot.’ What a crock! This government never does anything that will not advantage it politically. The obvious point about Senator Abetz’s figures is that they are primary voting figures, and everyone in this place would know the two-party preferred figure would be higher for Labor. In fact, poll after poll for voting intention put two-party support for Labor higher amongst young people. This is what the government is hoping to cancel out.

To quote the Australian Electoral Commission again, in a submission on this issue to the joint standing committee it said: Of particular concern is the possible impact of the early close of rolls on young people who wish to take up their franchise for the first time but are usually only motivated to do so by the announcement of an election.

I recall that as a young person it was the calling of the 1987 election that prompted me and many friends to enrol, even though we had been in the work force for a long time—I had turned 18 only a short time before that. It is normal for the announcement of an election to prompt enrolment amongst school leavers and those who have reached the age of 18. That is normal for young people, and it is that process which the government knows well. Look at numbers like the 68,000 young people joining the roll after the announcement of the election. They are the voters that the government wants to deprive of the chance to participate.

Playing the margins is what winning elections is all about according to this government. We know every vote counts, but the Howard government is determined to use its power of incumbency and dominance of the Senate to exploit every political advantage it can, no matter how unethical or unfair. The government has declared war on one group of young people—the university students of Australia—through its voluntary student unionism legislation. Maybe it fears the future ramifications of this sledgehammer policy and hopes to soften the electoral backlash through these devious administrative means to disenfranchise young voters.

It is repugnant that in a narrow-minded attempt to garner this slight political advantage the government is attacking the democratic concepts it was elected to protect and respect. Every government elected in this country is elected to protect and respect our democratic processes. No government in its right mind would campaign to inhibit democratic participation through the restriction of voting, and this government is no exception. It did not campaign on these issues. I did not see any election ad saying, ‘We’re going to prevent young people from partici-
participating in elections.’ I did not see anything that said, ‘We’re going to make it easier for bigger political donations to be made without any scrutiny.’ I do not see where that came forward in the campaign. All this against the expert advice offered to the government by the Australian Electoral Commission, which favours the maintenance of the status quo in relation to the seven-day grace period. It is the government’s duty to protect the right of all eligible Australian voters to make their judgment on polling day as to who they believe is better suited to govern this country.

I would now like to turn to the second part of the motion put forward by Senator Carr—that is, the government’s attempts to reduce the transparency of the Australian electoral system. Senator Abetz has proposed increasing the declarable limit for disclosure of political donations from $1,500 to $10,000. This is a huge jump in the limit before donation details are required to be made public. This will open the way for massive amounts of money to go into party coffers without the public knowing its source. Senator Abetz justifies this massive increase in secret donations on the basis that the $1,500 threshold was set in 1992 and has been eroded by inflation. He suggests that $1,500 in 1992 is equivalent to $10,000 now, so it is much of a muchness.

Senator Abetz—No, I didn’t say that at all.

Senator LUNDY—It is inexplicable, Senator Abetz; I am glad you acknowledge that. Doesn’t this government lay claim—falsely of course—that it is responsible for the record low inflation we have enjoyed for the last 10 years? Yet here is a government minister saying, ‘Inflation has eroded the value of the dollar so much that $1,500 in 1992 is now worth about $10,000.’ Wow! If only average persons’ salaries had gone up at the same rate, it would have been excellent. By Senator Abetz’s reckoning, a salary of about $50,000 today was worth about $7,500 in 1992 dollars. Conversely, the $40,000-odd that I was earning back then would be worth about $266,000 in today’s money, and that is not bad for a trade rate. I do not know that I would have thrown that job in to become a senator, if I were earning that in a trade. Needless to say, it is another Senator Abetz smokescreen, and he is using all kinds of spurious arguments to somehow justify these ridiculous and unfair proposals.

The other reason he gives for raising the disclosable donation limit is red tape. Again Senator Abetz is concerned about the administrative burden that the Australian Electoral Commission has been placed under. What would you give to have Senator Abetz as your boss? Again, forgive me for my sarcasm, but I think he is trying so hard to develop a reputation as being a sharing, caring minister, who is so heart-wrenchingly concerned about easing the workload of the public servants who serve his department, that he is saying: ‘Take a rest. Don’t worry; I’ll just change the law so you don’t have to work so hard.’ I am sorry, Senator Abetz, it just does not wash. No-one believes you. They know you are trying to be mean and tricky again and to deprive people of their democratic rights.

The Prime Minister is fond of saying that he is, in the end, answerable to the Australian voting public every three years when they make an overall judgment on his performance. But these are hollow and deceptive words when he supports draconian changes to the electoral laws like those that we are debating today. The Prime Minister ought to be maximising participation in the assessment of the government’s performance, not seeking to chip away at the edges, where the government feels it might be able to benefit itself at the polls. After nine long years the government is arrogant and complacent and
is clearly trying to get away with more and more. I would suggest that it can only scare, exploit and take for granted the Australian voting public for so long. A naked attempt to disenfranchise sections of the voting public will be the beginning of the end of a government drunk on power.

Sadly, in the meantime, the losers in this whole exercise will be primarily young Australians, who no doubt will keenly understand the political system has been skewed against them. I encourage them to get angry rather than cynical, to get active rather than apathetic, and to join Labor to fight the appalling, unethical and undemocratic methods and motivations of the Howard government. The losers will also be voting Australians trying to do the right thing and keep their enrolment details accurate. I encourage them to remember the unfairness of making their democratic right to vote that much harder and more complicated. I encourage them not to reward the Liberals with their vote.

I also deplore the attempt to reduce scrutiny of the electoral system. The Howard government will make it easier for donations to be made to political parties to influence the democratic processes but a lot harder to actually exercise the right to vote. This is another example of an arrogant and out-of-touch government ready to use its control of the Senate to ram through its ideological agenda, as our shadow minister for electoral matters, Alan Griffin, has said recently in a press statement.

In concluding my contribution today, it is probably a good thing that the gloves are off this government in their extraordinary agenda to undermine democratic processes so early in their term of having control of the Senate. It is barely three months since the Howard government took control of this place and already we are seeing fundamental attacks on our democratic system. I hope that Australian voters make the observation early and remember this moment, this debate, along with all the other unfair and extreme agendas of the Howard government, when they finally do get to cast their vote at the ballot box in about 2½ years time.

Senator MURRAY (Western Australia) (5.36 pm)—I am one of those who like an activist minister, because I do not think that any government of any kind, of any party, should be elected just to sit on its tail. I welcome the fact that the minister has put out for public debate various issues, because it enables those issues to be debated and to be challenged and, hopefully, the most sensible view to prevail. Having said that, of course, it automatically implies that I think that some of what the minister intends to do is neither sensible nor proper.

The difficulty we all face in this place, perhaps the government most of all but also the opposition as the alternative government, is that the media—and therefore, and perhaps also separately, members of the public—automatically always see political parties operating in this area from self-interest. That is not always true. It is certainly the case that political parties of all persuasions have passed laws relative to the Commonwealth Electoral Act which have not been out of self-interest, because they have improved the franchise, perhaps, to their disadvantage or provided for disclosure which might be awkward and so on. One of the most famous was, of course, the expansion of the numbers in the Senate and the change to the way in which the Senate was elected. Certainly the major parties at that time might have thought now to have voted against their interests, but I think it was in the interests of Australia.

You can look at the minister’s and the government’s approach from two perspectives. One perspective is that they genuinely believe that the changes they propose are in
the national interest and will improve the integrity of our system and matters of that kind. The other perspective is that they are just doing it out of self-interest and will do what assists them in keeping power or retaining the vote. You would have to be naive in public life to believe that self-interest does not affect the way in which human beings, and human beings in political parties, will react to matters. But you would also have to be unbearably cynical to believe that they never, ever act in matters that arise from genuine belief and genuine conviction.

I want to move on in my remarks to an area which is relatively uncontroversial because I think it reflects an attitude that is common in the Australian population. This general business motion we are being asked to debate says that the Senate opposes attempts by the government to restrict the franchise and reduce the transparency of the Australian electoral system. But, of course, the Senate does not oppose all attempts by the government to do that. I want to start by addressing the issue of prisoners voting. I do not think that the government have closed down the franchise of prisoners because they think it will help them win elections. I think they have done so out of conviction. I do not think the Labor Party have supported the reduction of the franchise of prisoners because they think that will affect their self-interest. I think they have done it because it is an easy thing to do and a popular thing to do. My problem is that I do not think it is the right thing to do.

I heard the minister earlier today refer to the case of an outrageous ratbag such as Ivan Milat having the vote. But the fact is that he is being punished for his crime by the removal of his liberty. That punishment does not then withdraw from him duties and rights as a citizen. For instance, were he to have investments and earn income—and I do not know if he does or does not—he is obligated to pay taxes, he has to put in tax returns and that tax money is used by the government. Does the government say, ‘This is tainted money; we won’t touch it’? Of course it does not. It says, ‘We will use that money.’ The point is that, if taking away the vote from somebody is to be considered to be a punishment, in my view you give that power to judges. If you want to say to judges that part of the punishment of a person to be sentenced is that they will have their vote taken away from them, I have no problem with that—none whatsoever—if it is a judicial penalty. But this is an administrative penalty.

Worse, in our country some people are jailed in some states for some offences for which they are not jailed in other states. It is all very easy to point at Ivan Milat, but most people in our jails are poor unfortunates who have lost their way. They deserve to be punished, but they also deserve a second chance. They do not deserve to have their rights of citizenship taken away from them. Think, for instance, of my own state or other states, where some people are fined for failing to pay their fines—that is, parking fines that have accumulated and so on—and others are jailed for doing so. If you are a serial non-payer of fines, you are jailed. You would take the vote away from that person. It is possible that a journalist would be jailed for refusing to give up their source. That is an honourable act, but you have to look out, because the judges are going to give you a whack. Are you going to take the vote away from that person because they are in jail?

What about people who are wrongly convicted? That keeps happening, you know. Later on they are pardoned. They do not get much compo, but they get pardoned. A person was completely absolved of murder recently. That person would have had his vote taken away. There are 3,000-plus people on remand in our prisons—in other words, they are in prison for the period that they await
trial. Half of those 3,000 people will be found not guilty and the other half will be found guilty.

Senator Abetz—People in remand would not be covered.

Senator MURRAY—I know that people in remand have not had their right to vote taken away from them, but later on they will have their vote taken away from them. But if the judge takes into account the fact that they have been in jail on remand and sentences them and releases them, they will have had an advantage over other prisoners. Do you follow the argument? They would have been jailed and they would not have had their vote taken away from them. They are then sentenced, but that sentence is taken into account and they do not have their vote taken away from them.

What I am describing here is a variable set of rules and standards. I do not have any problem with the view that anyone might take that certain crimes should be adjudicated by a judge as requiring the vote to be taken away. In fact, it is Democrat policy that anyone who commits treason shall not be allowed to vote, because treason is a crime against citizenship. So there is a direct argument. This is an issue which just is not popular. Go into any bar or kitchen or sports club or street in this country and say, ‘Do you think that prisoners should have the right to vote?’ and the average Australian will say, ‘No.’ The Labor Party and the government are both on safe ground in taking away the vote in this area. But I do not think that it is right and I argue against the reduction of franchise. This is a prime example of where a government and an opposition—and they are not acting in self-interest at all—are acting out of genuine belief. I do not condemn in this place the minister’s or the opposition’s belief in this, but I think that their belief is founded on poor principle.

The Australian system of government is founded on the sovereignty of its citizenry—that is, that the people possess the ultimate power over the system of government and any move that disenfranchises any group of citizens inevitably undermines the sovereignty of the people. It is important to understand that, whilst prisoners are deprived of their liberty while in detention, they are not deprived, or should not be deprived, of their citizenship of this nation. If you are going to pick on just one element of their citizenry obligations, what are you going to do about the other elements?

Currently, any person serving a prison sentence for the full term of the House of Representatives is ineligible to vote whilst in prison. This applies to offences committed under either Commonwealth or state law. I ask again: what happens if a state law jails you in one state and not in another state, or jails you under state law but not under Commonwealth law? One person gets a vote for a crime because he is not jailed and in another state, for the same crime, he does not. It just does not make sense to me.

Prisoners do not lose all their rights in prison, only some of them. This government, amongst all other governments, recognises the modern view—and it is a modern view—that prisoners have the right to be treated humanely and to have proper civil rights apply to them. Those rights are inalienable and are guaranteed by international and domestic law. There is no logical connection between the commission of an offence and the right to vote. There is no uniformity amongst the states as to what constitutes an offence punishable by imprisonment. Denying prisoners the vote does not in any way act as a deterrent to committing crime and, remember, going to jail is there for deterrence as well as for punishment.
Australia is a signatory to the International Covenant on Civil and Political Rights, part of which provides:

... that every citizen shall have the right to vote at elections under universal suffrage without a distinction of any kind on the basis of race, sex or other status.

And this includes being in jail. Under the current and proposed laws, convicted persons in detention are being discriminated against on the basis of their legal status. As we say, a justifiable exception to these arguments is for crimes against citizenship—namely, treason or treachery—which should, by their nature, carry with them the loss of the right to vote. The other exception we have of course is people of unsound mind. Although some people might think that some of our voters are nuts, we do not want those who are genuinely nuts voting in a government of nuts, so we will leave the people of unsound mind out of the voting conundrum.

There are other areas of franchise which I think the government should be genuinely interested in developing and expanding, and they may well be doing so. When we think about expanding the franchise we are thinking about a system where we have a compulsory requirement to enrol and a compulsory requirement to attend at the polls. We know that the number of adult Australian citizens—that is, those above 18—who are entitled to vote, plus those who are not Australian citizens but are British citizens who were on the roll prior to 1984, is far greater than the number who actually vote. We know that there are a substantial number of people—I do not know the exact numbers but I am told there are hundreds of thousands—who miss the net, if you like. It seems evident to me that with modern computer interactive technology it is possible to mine the various databases of power and water utilities, drivers licence application areas and various other enrolment areas far better than we do at the moment. It is possible to give the AEC powers to demand access in certain areas on a better basis than we can do at the moment. I am sure it is an area which would not be governed by self-interest. It is in the interests of all parties and all governments to do that. I think that there is an opportunity to encourage the government to enlarge and expand the franchise to reach out to young people.

There is a group of people categorised as homeless in this country. The official Bureau of Statistics figure is about 105,000. But of course homelessness varies enormously in terms of subcategories. There are the poor souls who are genuinely homeless, who doss out in parks and creeks and so on, whose lives are often miserable and who have had unfortunate circumstances bring them there. Thank God for all the wonderful Australians, the wonderful volunteers, who give their time, their effort and their money to look out for those unfortunates. Then, at the other end of the scale, there are people who are temporarily in tough times. They have lost their home or their family for some reason and are between worlds. But when you are trying to reach out to somebody who sleeps in a park, it is very difficult under our voting rules to find them and get them to register. But of course those sorts of people, whilst they might be shifted around between various parks and creeks as the authorities move them on, invariably go to one common place all the time, and that will be the place they eat or where they feel comforted and looked after. It might be a church, it might be a care centre, it might be a cafe or that sort of thing. I think there is an opportunity to reach out to those disadvantaged people who feature at a very low level in terms of voting. I think about one in four or one in five homeless people vote. They have a great stake in a government of any persuasion, because of course in the end it
may be the volunteers, the churches and the charities that provide sustenance and help but it is the government that can get them out of that hopeless circumstance. That is an area which I hope the government would look to expand the franchise.

I do not condemn any young person for not bothering about the vote. Without any disrespect, I can imagine Acting Deputy President Lightfoot, when he was 18, having many more things on his mind than just the vote when he was out in country Australia. It is a wonderful thing, being 18; many of us probably wish we were back there. Many do not enrol and they fall outside the system. We also, strangely, make it a voluntary act to sign up for the vote at citizenship ceremonies. I think I am right in that; it certainly was the case until recently. That is the most extraordinary thing I have ever heard. If you want the rights and responsibilities that go with that certificate, at the same time you should be made to enrol as a voter. If you do not want to vote, you do not get the certificate. I would make it obligatory for citizens to become voters. That is another way in which we could enlarge the roll.

So let us turn to the areas in which the government is saying it will reduce those on the roll. The most controversial is the idea of closing the writs early. The minister may be able to enlarge on this but, in my mind, between the time the Prime Minister advises the country that he is going to call an election and the writs being served can be anything from one to five days. At the last election it was two days. So, effectively, what has been happening is that between one and five days—I think it is five days, but the minister might know better—and seven days later those who have been dilatory are able to re-enrol. I would really suggest that the government think twice about knocking those people off. I do not think it is in their interest or in the opposition’s interest to do that. They might decide not to put new enrollees on, because new enrollees, of course, could be those that are subject to greater checking. But, with people who have already validly been on the roll, why on earth would you knock them off? The other thing, of course, is that you should keep the writs open to make sure you knock off dead people. (Time expired)

Senator ABETZ. (Tasmania—Special Minister of State) (5.56 pm)—I have about three minutes to try to deal with all the issues that have been raised in this debate. I thank the Labor Party for having raised this issue and drawn people’s attention to the speech I gave at the Sydney Institute on Tuesday night. Unfortunately, time is very short.

Can I deal first of all with Senator Faulkner’s quite outrageous assertions in relation to prisoner voting. He knows full well that the Chief Minister of the Australian Capital Territory issued a media release saying that all prisoners should be entitled to the vote. Therefore, the assertion about the Ivan Milats and others already being disenfranchised is quite right but, if the Jon Stanhope thread of the Labor Party were to get their way, then everybody would get the vote—and that is why at question time I encouraged those opposite, in determining their policy, to follow the Jim McGinty line, which is to ban all prisoners from voting. The reason is quite simple. If, through the rule of law, the courts determine that you are unfit to walk the street, then the chances are that during that period of time you are unfit to cast a vote.

In relation to the disclosure laws, let it be made perfectly clear that all the changes that were made to the Electoral Act in 1984 were a cynical manipulation of our electoral laws. Graham Richardson brags about it in his book Whatever It Takes. Look at page 144, in the chapter ‘Changing the rules’. He brags about the cynical manipulation of the elec-
toral system ‘to make it as difficult as possible for our political opponents to win government’ so that Labor ‘could embrace power as a right’. That was the reason they made a whole host of changes, including setting a most ridiculous limit of $1,000 as the disclosure threshold at the time. Over 20 years ago, we as the Liberal Party said the threshold should be $10,000. We have maintained that consistently. That is what it is in the United Kingdom and New Zealand under Labour governments. To correct Senator Murray in the moments that are left: what we are proposing is closing the roll to new entrants on the day the writs are issued but still having a three-day grace period for those people who want to change their address.

Opposition senators interjecting—

Senator ABETZ—Those opposite are already interjecting. Not even the Whitlam government proposed such an outrage as was perpetrated by the then Special Minister of State, Mr Beazley. It was a very cynical exercise by Graham Richardson. For 83 years our democracy survived very well without leaving that seven-day grace period. The reasons are fully outlined. I commend my speech made to the Sydney Institute and the reforms that we are proposing.

Debate interrupted.

DOCUMENTS

The ACTING DEPUTY PRESIDENT (Senator Lightfoot)—Order! The time allotted for the debate having expired, the Senate will now proceed to the consideration of government documents.

Consideration

The following orders of the day relating to government documents were considered:


Motion of Senator Ludwig to take note of document agreed to.


COMMITTEES

Privileges Committee

Report

Debate resumed from 5 October, on motion by Senator Faulkner:

That the Senate endorse the finding at paragraph 1.25 of the 123rd report of the Committee of Privileges.

Question agreed to.

Foreign Affairs, Defence and Trade References Committee

Interim Report

Debate resumed from 15 September, on motion by Senator Hutchins:

That the Senate take note of the report.

Senator BARTLETT (Queensland) (6.01 pm)—This is the interim report by a Senate committee inquiring into the removal, search for and discovery of Ms Vivian Solon, also known as Vivian Alvarez, a longstanding Australian citizen who was wrongfully deported back in 2001. She spent most of her time in Australia living in and around my home town of Brisbane. The report is an interim report because the committee felt it was not able to finalise its work until the report into this matter by the Ombudsman and Mr Neil Comrie was released. That report was tabled earlier today by Minister Minchin, so it is appropriate to use the debate on this interim committee report to reflect on the contents of the report tabled earlier today.

I start by saying that the contrast between the approach taken by Senator Vanstone and, for example, Senator Hill, in dealing with an important public policy matter could not be more stark. We have just passed a motion
taking note of Senator Hill’s response to the report of the Senate committee hearing into military justice. What happened on that occasion was that the minister came into the chamber and responded, not much more than three months after a very comprehensive Senate committee report. He presented the government response himself. It was a very detailed response. He did not accept all the recommendations, and we can be critical of that, but he at least outlined why in quite a lot of detail. He put it on the record himself. That was not only a matter of providing information to the Senate and the public on the public record, available for all time through the Hansard record rather than just hoping that it would stay up on some media release database somewhere; it also showed the seriousness with which the minister takes his responsibilities, as the person who is ultimately responsible.

Contrast that with the approach of Senator Vanstone to the release of the report by the Commonwealth Ombudsman into the circumstances of what is called the Vivian Alvarez matter. What did we have? We had a response this morning without notice, I might say. I am, as people would know, a whip, and I go to the whips meeting every evening. At the whips meeting last night, when we were going through what was going to happen today, there was no mention of this. The first we knew of the report being released was when we saw mention of it on the front page of the Australian today. At 10 o’clock Minister Minchin stood up and, with the words ‘I table the following document’, presented it and sat down again. There was no sign of the minister responsible. She could not even be bothered to come in here to throw the thing on the table. There was no statement by the minister on the record in the chamber about it, demonstrating her level of commitment, her recognition of her ultimate responsibility as the minister for what can only be described as one of the most disgraceful and unbelievable failures in public policy administration that anyone could imagine. In fact, it is beyond imagination, frankly.

For the minister who oversaw, and is still responsible for, the department that perpetrated this unbelievable injustice and cover-up to not even be bothered to come into the chamber to present the report makes it very hard to believe that the culture change that the minister keeps going on about actually extends to the government and the minister. They are happy to shift the blame to public servants, some of whom could well deserve a lot of blame in this case. But if there is no sign of respect for the seriousness of the issue or of the direct responsibility that the minister has to bear by bothering to come into the chamber to present it—let alone then commenting on it and presenting her initial responses to it or views on it—then I think one can only take from that that the level of seriousness, commitment and acknowledgment of ultimate responsibility is not there. It is not good enough to hold a press conference somewhere else and put up a media release on your web site. It is not good enough at all.

If we look at what is in the report that was released today, we see that it goes to not just the individual matter but some of the continuing problems that exist today in the Migration Act and the powers that still apply to a range of migration officers and the minister. The report found:

The management of this case was very poor, lacking rigour and accountability. Migration series instruction 267 requires that a compulsory check list be completed in removal cases—

that is, where people are removed from the country—

… was not complied with. That meant that another requirement under the instruction that the check list be approved by the officer in charge of
migration compliance was also not complied with.

People rely on these sorts of ministerial instructions being followed by public servants. But the fact is that, even when there is no ill will, it is not always done. People occasionally do not comply with instructions and do not follow the pathway. The problem is that, once the initial error happens, be it due to ill will, incompetence, lack of understanding, poor training or whatever, a whole range of other things become almost unstoppable. That is because there are no independent checks and balances, there is no outside scrutiny and there is inadequate transparency. Ms Solon was not only deported, of course; before she was deported or removed she was also detained. The inquiry formed the view that the decision to detain her under the Migration Act was not based on a reasonable suspicion, because there were no relevant or sufficiently timely or thorough inquiries made. There was a lack of rigorous analysis. Therefore the action was unreasonable and it was therefore, by implication, unlawful, although that is ultimately for a court to determine.

That power still exists today. And it is automatic. We hear the expression 'mandatory detention' a lot. It is called 'mandatory detention' because it is automatic. As soon as a migration officer forms a reasonable suspicion that someone is unlawful they have to detain them. They have to lock them up. In this case, a seriously physically unwell and mentally ill woman was locked up in a motel room for a week. She was on her own except for, of course, the permanent, around-the-clock, 24-hour security guards. That requirement still applies today. People that are detained in those sorts of circumstances, no matter how unwell, have 24-hour security guards present with them the whole time, at immense cost to the taxpayer. That is just what somebody needs when they are mentally unwell.

DIMIA sent in someone to certify that Ms Solon was fit to travel. They sent in a locum medical practitioner who had no background knowledge of Ms Solon’s case at all and no access to the medical records—not even the most recent ones—about her significant ill health, basically to tick-off on whether or not she was capable of getting on a plane and getting off at the other end. That sort of thing is not a one-off stuff-up. It is part and parcel of the approach that DIMIA takes, and it happens because it is automatic. It is almost like a treadmill or conveyor belt. Once that initial tick is put in the wrong box, people are put on a conveyor belt that takes them all the way to the mincer. There are very few checks and balances along the way to get them off that conveyor belt.

We have seen not only the initial extraordinary incompetence that led to Ms Solon’s deportation but also that a wide range of people became aware, certainly by 2003, that an Australian citizen had been wrongfully deported. I see that as an even greater outrage. To their credit, a number of DIMIA officers brought this fact to the attention of various supervisors. Those supervisors, to their strong discredit, did nothing. They did nothing a number of times, if that is possible, because they were notified a number of times. But it was not just DIMIA. DFAT officers were provided with information that indicated that an Australian citizen had been wrongly deported. They did nothing. The officer at the contact centre at DIMIA was notified. They did nothing. Information was forwarded to the Entry Systems and Movement Alert office in Canberra. They did nothing. Three people in particular have been singled out for particular failings. I am not into the practice of blaming public servants who are trained to recognise whose responsibility this issue would have been. But the
fact is, as is acknowledged in the report, that Ms Solon’s circumstances and situation were the subject of significant discussions held by a wide range of people in the Brisbane office of DIMIA.

The ACTING DEPUTY PRESIDENT (Senator Lightfoot)—Order! The honourable senator’s time has expired.

Senator BARTLETT—I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Community Affairs References Committee Report

Debate resumed from 15 September, on motion by Senator Marshall:

That the Senate take note of the report.

Senator MARSHALL (Victoria) (6.12 pm)—I rise to take note of the Community Affairs References Committee report entitled Quality and equity in aged care. The report was tabled in the Senate on 23 June this year. It reports on a broad inquiry into many issues. I do not intend to cover all of them today, but I do want to talk specifically about the workforce shortage and training issues that were identified as a serious problem and impediment to our future needs as an ageing community.

It is well understood that Australia has an ageing population. We will require in the future not only adequate facilities to cope with our ageing population but also a skilled and committed workforce to maintain those adequate facilities and provide our community with the level of care they will expect. The report was prepared by the Community Affairs References Committee against the backdrop of the Hogan report, a report commissioned by the government which looked extensively at the funding requirements, and in particular the future funding requirements, of aged care. While the government has gone some way to addressing some of those needs, it has effectively been an inadequate response to maintain the standard of aged care that our community will expect into the future.

The committee received 243 public submissions and 10 confidential submissions. That is a substantial number and it indicates the strong public concern about what is going to happen as our population ages. The committee conducted nine days of public hearings and a number of site inspections. The report made some 51 recommendations going to what the Commonwealth government can do to improve the situation in aged care.

Since this report was tabled, Senator Patterson has been on talkback radio. The whole aged care issue has been one of public discussion. My interpretation of Senator Patterson’s comments on public radio is that, unfortunately, she seemed to want to put too much emphasis on the failure of the states in the areas of care that they have responsibility for. That is a common theme with this government. I do not say that the states do not have responsibility, particularly in the areas of disability and where young people are being cared for in aged care facilities. Clearly, the states need to do more, but it is too simplistic and a dereliction of duty simply to try to blame the states and get them to take responsibility for what is obvious to all is a Commonwealth responsibility as well. It cannot be a single responsibility; it is a joint responsibility.

The issues I want to talk about in particular are workforce shortages and training. Before I go into the detail of those issues, it is with some regret that I note that, although it is a requirement of the Senate that the government responds to committee reports within a three-month period, there has been no government response to this report and the 51 recommendations which go to the
very heart of what we see as some very serious problems for the future of aged care. I note that this is a unanimous committee report. It is not some political stunt, as some may like to see it. It is a unanimous report from minor party members as well as government members on the committee. It is disappointing that, even though it has been a public issue and Senator Patterson has been talking publicly about it and identifying many of the serious concerns that we have about aged care, the government has been unable to respond to this very comprehensive report, which was commended by both opposition and government senators when it was tabled.

I do not have time to go through all the issues that the committee identified, but I do want to talk about the work force issues. Again, without an adequately trained and skilled work force it does not matter whether or not we have lots of wonderful facilities; we cannot provide proper aged care. It is certainly an issue which does not seem to be addressed in any real meaningful way by the government at this time. The report of the committee noted the acute shortage of nurses in the aged care sector and stated:

The Committee pointed to evidence which indicated that delivery of quality care was under threat from the retreat of qualified nurses, both registered nurses and enrolled nurses, from the aged care sector.

It went on to state:

... there has been little improvement to the situation since 2002 with concerns being raised not only about the shortage of aged care nurses but also general practitioners with older persons’ health expertise, geriatricians, psycho-geriatricians and allied health professionals. The challenge for the future is to ensure a skilled and committed workforce, able to meet the growing demand for services for ageing Australians.

It is important to look at the picture we have now of the skilled work force. An overview of the trends in the aged care work force indicates that:

- in June 2000, approximately 131 230 people, or 1.3 per cent of the Australian workforce were employed in the aged care industry;
- an estimated 32 628 people volunteered in aged care;
- between 1995-96 and 1999-2000, the number of employees in residential aged care declined while the number of people being cared for increased;
- in accommodation for the aged (low care), the number of employees increased by 33 per cent; and
- between 1996 and 2001 the share of direct care provided by registered and enrolled nurses declined in both nursing homes and accommodation for the aged while the use of personal carers increased significantly.

The Australian Institute of Health and Welfare data on nursing show that:

- in 2001 there were 19 109 registered nurses and 13 109 enrolled nurses employed in geriatrics/gerontology which represented 12 per cent of all registered nurses and 31.2 per cent of all enrolled nurses;
- between 1997 and 2001, the number of nurses working in geriatrics/gerontology declined 8.7 per cent;
- nursing homes and aged care accommodation accounted for 14.6 per cent of all nurses—the second largest proportion;
- the number of nurses working in nursing homes and aged care accommodation declined by 28.0 per cent between 1995 and 2001; and
- nurses working in nursing homes and aged care accommodation tended to be older than nurses in other work settings and they worked shorter hours.

The committee found:

There are a range of significant workforce issues in the aged care sector. Serious staff shortages, especially of qualified nurses and allied health professionals, are widespread.
The committee also found:
... that the barriers to recruitment, retention and re-entry of nurses to the aged care nursing ... include:

- lack of wage parity;
- inadequate staffing levels;
- inappropriate skills mix;
- workload pressure;
- increased stress levels; and
- an inability to deliver quality care—

and the massive amount of paperwork required in the industry. The report went on to state:

The lack of wage parity was seen as a major barrier ...

It found:

... differences in maximum and minimum wages in Queensland in 2004 ranging $68.06 per week (13.3 per cent) for an assistant in nursing to $93.98 per week (15.7 per cent) for Enrolled Nurses and from $165.35 to over $300 for Registered Nurses levels ...

That is the comparison between the general nursing sector and the aged care nursing sector. That is a significant barrier to retention and recruitment in the aged care sector. It is something that certainly needs to be addressed. The government did attempt to go some way to addressing that issue. Unfortunately, money that was set aside by the government to try to close that disparity in wages between the general nursing sector and the aged care sector—some $877 million, I might say—has not been properly directed by the industry to deliver what it was intended to deliver. That money that was set aside for closing that gap has been used in many instances simply to go into general revenue.

**The ACTING DEPUTY PRESIDENT (Senator Lightfoot)**—Order! The honourable senator’s time has expired.

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

Leave granted.

**Senator McLucas** (Queensland) (6.22 pm)—I would like to speak on the same report my colleague Senator Marshall spoke on. As we know, in June this year the report from the Community Affairs References Committee entitled *Quality and equity in aged care* was brought down. There were 51 recommendations in that report. Tonight I want to focus on just two, recommendations 43 and 44, which go to the issue of the delivery of care not in residential aged care but in the community. The committee report unanimously recommended:

That the Commonwealth provide a clearly defined timetable for implementing all aspects of *A new strategy for community care: the way forward.*

*The way forward* was brought down last year. It recognised that there is complexity in the delivery of community care in the country. There are services that provide community care which are jointly state and Commonwealth funded, there are some Commonwealth funded services, and in some states there are significant numbers of local government funded community care services. *The way forward* was meant to provide a blueprint. It was meant to say, ‘This is how we can provide some clarity for the community and pull away the complexity so that consumers of aged care services who want to receive aged care services in their own home can do it somewhat more easily.’ It is the view of the committee that that report, whilst a good start, did not go far enough. It did not provide a clear message to service providers about who was going to do what and how it was going to be funded. Recommendation 44 says:

That, in supporting the approach in *The Way Forward* for implementing a more streamlined and coordinated community care system, the Com-
monwealth address the need for improved service linkages between aged care and disability services.

We now know that as a result of The way forward the government’s first response was to introduce competitive tendering in four programs that operate in the community care sector in Australia. Labor was very critical of the process earlier this year, when some days were allocated for services to reapply for the funding that they were currently receiving in order to deliver the services that they were currently delivering. We know that there were a number of very qualified and very excellent services that essentially lost their funding as a result of that competitive tendering round.

On 5 July this year, on behalf of those services, I asked the Minister representing the Minister for Ageing two quite simple questions on notice. I received an answer on 20 September. The date due for tabling, as we know, was 4 August 2005. I was very pleased to finally receive what I thought would be an answer to two very simple questions.

I have used the opportunity of this debate previously to say that what we asked for were two lists—first, the services that were funded up until 30 June 2005 and, secondly, those that were funded after 30 June 2005 for four separate programs: the National Respite for Carers Program, the most substantive program of the four; the Commonwealth Carelink Centre Program; the Continence Aids Assistance Scheme; and the Carer Information and Support Program. I asked two very simple questions: who was funded up until the financial year and who was funded after. I also asked what area they were going to service and what funds they were going to receive, both before and after.

As you can imagine, I was extraordinarily horrified to receive an ostensible answer that went no way to answering the questions. This is an example of the arrogance of this government. This arrogant government has no respect anymore for the role of the Senate. The role of the Senate, as we know, is to scrutinise the operations of the executive. But this government answered this question appallingly. I will go to that in a moment.

While being offended that the government has no respect for the Senate and its operations anymore, think a little for the people who are providing those services who do not know who got funded and who do not know why they did not get funded. Think of the carers who need the respite who have been told, ‘We don’t operate that service anymore.’ They are trying to find the answer to why they do not get weekend care anymore. Why is it that younger men in Canberra with dementia cannot get the respite services that they used to get? Why is it that families in western Queensland cannot have holiday care anymore? That is the reason I asked these questions. The first question was: who was funded up until 30 June? The minister answered:

Organisations funded under the National Respite for Carers Program with funding agreements commencing March 2005—

and I cannot work out the relevance of that answer—

are at Attachment A.

That was for the National Respite for Carers Program. The answer went on to state:

There were no organisations with funding agreements that ended on 30 June 2005 for the Continence Aids Assistance Scheme.

There was no answer at all about the Commonwealth Carelink Centre Program or the Carer Information and Support Program. The second answer was as follows:

Tables of services and centres funded under the National Respite for Carers Program and Commonwealth Carelink Program with funding
agreements commencing 1 July 2005 are available on the Department of Health and Ageing website... There were no organisations with funding agreements that commenced on 1 July for the Continence Aids Assistance Scheme.

There was no reference at all for the Carer Information and Support Program.

What I am looking for is pretty evident not only because the question is very plain but also because I have stood in this place on four or five occasions calling for the answer to this question. So if the words were not quite right—and I actually think they were—the department and the minister, in particular, would have got the nuance of what I was asking for. But there is no reference at all to the amount of money that has been allocated either prior to or after 30 June. There is nothing that even says, ‘This is commercial in confidence,’ which is the usual shield that the government uses. There is no attempt at all to properly answer this question that I have asked on behalf of carers, on behalf of people with a disability and—most importantly, because of the nature of the programs—on behalf of frail aged Australians who are looking for some clarity in the types of services that they are receiving in this country.

The report, which was unanimous and signed off by Liberal Party senators in this place, acknowledges that accessing community care services in the country is a complex thing to do. That is a reality. This program was meant to bring some clarity. All we want is some simple answers to some very simple questions. This government is so arrogant that it will not provide the information to the Senate and, far more importantly, it will not provide that information to the community that it is meant to be serving. This is an appalling situation. I put the minister on notice yet again that I will continue to ask for this information and I will continue to hound the department—which I am quite sure knows exactly what I am looking for and why. We will continue to ask these questions in this place through questions on notice and eventually in Senate estimates until we know the answers—not because we want to score a political point but because we want to serve the community that we are in this place to serve.

There are many people with disabilities and their families and many older Australians who are facing quite difficult times, particularly because of the loss of service under the National Respite for Carers Program. It is arrogance in the extreme for Minister Bishop to simply foist this important question. There is no explanation as to why we do not know the funding amounts and why we get a partial answer that is in fact a non-answer because it does not even answer the question that I asked. This is arrogance in the extreme, and we will pursue this minister to make sure that the community understand what has happened to this particular funding program. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Community Affairs References Committee Report

Debate resumed from 15 September, on motion by Senator Moore:

That the Senate take note of the report.

Senator MOORE (Queensland) (6.33 pm)—I rise to speak again in this place about the Senate Community Affairs Reference Committee report, *The cancer journey: informing choice*. A number of senators in this place have drawn attention to this report in the three months since it was released in June this year. We have reached the three-month stage, and we are now waiting to get a response from the government to the 33 recommendations that were brought down by this very powerful and very dedicated committee.
People would remember that, when this report was released, there was a unified response by all the senators who were fortunate enough to be part of the process. We were privileged to be part of this process because we were able, over a relatively short period of time, to talk with many people who shared interests, experience, care and sorrow through what they described as the cancer journey. Through the committee process, we received submissions and held public hearings across the country. We were also privileged—I again use that word; it comes up so often in discussions on this process—to talk with people who wanted to share their knowledge, who were proud and happy to be part of the Senate process and who recognised that this was a chance to have their voices heard in discussions on what they hoped would be the opportunity to have almost immediate or at least some chance of policy change across our country and on a range of issues looking at how we as a community respond to the needs of the people who have been diagnosed with cancer and those people who share the experience by being families, friends and working in the industry.

Senator Marshall mentioned in his earlier contribution the particular issues of the workforce. There were so many similarities. We were fortunate that the Senate Community Affairs References Committee was working both on the issue of aged care in Australia and the issue of cancer almost at the same time, and the issues consistently crossed over. We were talking with people who were experiencing massive changes to their own lives but they felt that, by working together in a cooperative way, engaging with governments—not just the federal government but also each state government—and working with people in the medical industry, there could be advances achieved and that, through the advances that people could achieve now, the future lives of people in Australia and across the world could be enhanced.

A number of the 33 recommendations before us talked about the need for coordination. They talked about the fact that across our country marvellous things were being done and there were opportunities for people to have different forms of treatment and different communication processes and to use alternative therapies in different ways, but there needed to be some real sharing of knowledge and experience as well as coordination. We were told—and it was announced with much fanfare—about the introduction of Cancer Australia, which was going to be the new body funded by the federal government. It was announced that this body was going to take on many roles being expected by the community—including coordination and the link between the various experimental and innovative therapies and scientific advances that were going on—and would work across the country to make sure that we could get the best possible outcomes.

At a number of our public hearings, we heard that there was an expectation that the role of the newly announced Cancer Australia would be to pick up some of the work that people were asking to be done across all states. Many of the 33 recommendations actually put forward tasks for Cancer Australia to take up, because we believed that this particular group would be working into the future. We had evidence from people from different cancer councils around the country and from different community and volunteer groups—all of whom were working with much good will, encouragement and enthusiasm—that there was a deep need to have some central coordination.

We hear so often that in our country, because of the different constitutional expectations, there needs to be some clear coordination effort and this is no different in The can-
cer journey: informing choice recommendations. We were looking at how Cancer Australia could work to put this future planning together. It was three months since we released the report, and much more than three months ago that we heard the evidence. I think there is now an expectation across the country about what is actually happening. We are keen to work with the new body, Cancer Australia, to put into place so many of these exciting recommendations, but we cannot get any information back. Maybe it is just that at the moment there are so many priorities impacting on government, in particular in the area of health—we all know that there are so many things happening in that portfolio—but that is not much of a response or answer to the people who had such high expectations. I think that we have a responsibility when we create an expectation by going through the process of a Senate inquiry and consciously working with people who have put forward their ideas.

I know that there was great interest when this particular report was released. People travelled to be in the gallery. There was significant media interest in the whole process, and there were 33 recommendations. That is by no means a record for Senate committees, there have been many committees that have had more recommendations, but I do not think there are very many that have better recommendations that should be acted upon. So this evening, and I hope in future activities around this place, we will be reminding the government about the expectation that we have created in the community. I again state that this cancer inquiry produced a unified report. Senators from all parties had a shared experience by working with the community. The recommendations that activities be coordinated through Cancer Australia were shared by all of us. We are saying that this committee has made its recommendations, we have spoken through the media and with the various family and support groups across the country and now we want to see these things put in place.

I hope we will have the chance at future meetings and through the adjournment process, as well as this chance, to talk about some of the specific recommendations. This evening I want to touch on just one, which is something that I think came as a bit of a surprise to some of us on the committee—that is, the particular issue of adolescents, young adults, who had been diagnosed with cancer and were working through their treatments. A particular problem that came up when talking with some wonderful people in Melbourne who work at some of the hospitals there, particularly with this group, was that sometimes these young people are lost in the system. There is wonderful work being done through hospitals and specialised wards. Of course, when people are adults there are expectations that various clinics, hospital wards and treatment processes will respond to their needs. But we heard about the special needs of people who are already going through the major issues of being young adults in our community and at the same time having to face the amazing issue of looking at a diagnosis of cancer, and there is a wide range of those diagnoses, and also the quite confronting and intrusive treatments that people take in their efforts to become well, or at least as well as they possibly can. We heard evidence about the need to look specially at providing more immediate, one-to-one support for families going through that process and the difference in response to treatment that was achieved when young people were part of their own treatment and felt that people understood what they were going through.

In the 33 recommendations, recommendations 31 and 32 specifically look at this issue. Recommendation 32 states:
The committee recommends that state and territory governments recognise the difficulties experienced by adolescent cancer patients being placed with inappropriate age groups and examine the feasibility of establishing specialised adolescent cancer care units in public hospitals.

Of course, that recommendation applies to the private sector as well, but in this part of the committee we were taking evidence from the public sector. We believe that this is something that could happen when there is a given will by all those involved. Of course, there is a funding aspect. Just about all of those recommendations have some funding impact. But we think if people could really understand just this one area that I am concentrating on this evening, there would be a recognition that we can achieve great things and provide immediate support and help to adolescents who are facing what we referred to before as the cancer journey.

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—Mr Chen Yonglin’s request for political asylum. Motion of the chair of the committee (Senator Hutchins) to take note of report called on. On the motion of Senator Kirk debate was adjourned till the next day of sitting.

AUDITOR-GENERAL’S REPORTS

Report No. 9 of 2005-06

Senator STEPHENS (New South Wales) (6.44 pm)—I move:

That the Senate take note of the document.

I want to speak tonight on this important report: Provision of exported assistance to rural and regional Australia through the TradeStart Program: Australian Trade Commission (Austrade). It examines the very significant TradeStart Program that works to support, in particular, rural and regional small to medium enterprises to commence exporting on a sustainable basis and to convert what are called ‘irregular exporters’ to regular, sustained exporting. This is an important program and this is a very important report because it reflects on the success of a program that has punched above its weight in many respects. It is one of the good news stories of Austrade and it has made a significant difference to the New Exporter Development Program targeting regional and outer metropolitan areas.

The Audit Office makes some very significant findings in this report and most of them are very positive. I would like to focus on those first and then deal with the concerns that the Audit Office had about the program. First of all, TradeStart, as I said, has punched above its weight for a small program. The overwhelming message was that the clients interviewed by ANAO advised that they would not have achieved an export sale without the assistance of Austrade through the TradeStart program and that it has a considerable impact on rural and regional Australia, certainly in assisting companies to commence exporting. We know that the importance of developing a sustainable export stream for small to medium enterprises in regional Australia is one of the ways that we are going to ensure that we have sustainable regional communities. TradeStart contrib-
uting very much to that key priority of the Australian government and, of course, of the Australian opposition.

Half of the export sales in 2003-04 were for amounts under $20,000, reflecting the program’s targeting of small to medium enterprises. For exports, $20,000 probably does not sound like very much but for someone who is trying to establish an exporting business that can be a significant first step in creating overseas markets and helping to develop some of the important standards and critical levels of exports to ensure a continuing and sustainable business model.

Interestingly, the average program cost for each export sale was again around $20,000, which reflects in part the model for TradeStart, which is generally resource intensive. That acknowledges the fact that there are difficulties in breaking into export markets but that once small and medium enterprises actually get that break they are able to take off, grow and sustain themselves without that ongoing assistance from government.

The overall audit conclusion states:

... management of TradeStart provides potential new and irregular exporters in rural and regional Australia with accessible and well-managed export coaching services.

In fact, one of the important findings and one of the important features of the TradeStart program is the focus on coaching and mentoring small businesses so that they do understand the demands of the export markets, creating and sustaining export markets and providing some opportunities through Austrade to define new markets overseas that normally individuals, at such a small scale, would not have access to. So it is a great program that is being accessed by many small businesses in rural and regional Australia and needs to be encouraged. We know that the businesses that considered they would not otherwise have exported have made this step. Few entrants to TradeStart have been recorded as sustaining exporting in the medium term and that reflects the youth of the program—the fact that it needs to maintain that over a longer period of time than is considered in the report.

We have some recommendations from Austrade and the ANAO about how to improve this program to support small and medium enterprises in regional Australia. Interestingly, while the Audit Office has made these recommendations, they are not about the transparency and the management of the government program, which is of course one of the important roles of the ANAO; they are about improving the processes to support small and medium enterprises. They are important recommendations and all six have been responded to and agreed to by Austrade.

The first recommendation was:

The ANAO recommends that, to support proposals put forward and demonstrate reasons for decisions, Austrade document all key decisions during intermediate stages of competitive selection processes.

That highlights an issue that occurred with the first process of selecting allies, as they are called, for TradeStart, which commenced in July 2002. At the time, Austrade did not use systematic selection criteria to choose organisations to participate in the program. In itself, the request for proposals meant that the selected organisations were encouraged to participate but systematic selection criteria were not used to choose them. That is something that reflects on the transparency and on the good reputation of Austrade’s programs, and certainly that was addressed.

The second recommendation was:

... when the opportunity presents itself, possibly with the move to new contractual arrangements, Austrade determine the extent to which TradeStart office locations align with assessed needs and priorities.
That recommendation is also very important because it reflects the integration of TradeStart offices and services with the broader applications and activities of AusTrade services. That recommendation was also agreed to by Austrade.

The third recommendation that:

... Austrade strengthen the transparency of decision-making on applications to join the New Exporter Development Program, and accountability for these decisions, by requiring TradeStart export advisers to complete, and file, the initial client needs assessment checklist for each applicant.

That was a very important recommendation, again about transparency of decision making and ongoing accountability measures for what is an excellent program.

The fourth recommendation was:

... Austrade implement more structured procedures to manage the potential for conflicts of interest arising from the TradeStart export advisers’ responsibilities.

As you can well imagine, that reflects the fact that there may be competitive interests looking to actually engage in a similar market and that TradeStart export advisers would have to balance two individuals with similar kinds of export potential and make sure that no conflicts of interest arise or, if conflicts of interest arise, that there is a process for managing that.

The fifth recommendation was:

... Austrade identify and implement appropriate mechanisms for timely ... preliminary market intelligence about the suitability of potential market(s) for TradeStart clients’ products or services.

That speaks for itself and was also agreed to.

Finally, the sixth recommendation was:

... expand the TradeStart performance framework with targets for rural and regional Australia, and reporting on them.

Of course, it is a statement of the obvious that, when you cannot actually benchmark or showcase what are excellent examples of successes in a program like TradeStart, you cannot possibly market this project to potential clients. *(Time expired)*

Question agreed to.

**Report No. 10 of 2005-06**

**Senator MARK BISHOP** (Western Australia) (6.54 pm)—I move:

That the Senate take note of the document.

I rise to speak to Audit Report No.10, to do with the Orion maritime patrol aircraft fleet upgrades. It is disturbing that, once again, the Auditor-General raises serious concerns about the management of a project which has cost almost $1 billion. Once again, the report highlights the failures which are recognised as fairly common in Defence these days—poor planning, inadequate research and inadequate specifications, resulting in huge time delays and cost blow-outs.

This project was a multiphased refurbishment program designed to prolong the in-service life of Orion aircraft. The project was to include an upgrade to Orion combat systems, which would ensure their military effectiveness until about 2015. Eighteen aircraft were to be upgraded at an approved cost of some $629 million. A further three second-hand aircraft were to be purchased from United States foreign military sales, at a cost of $42 million. With modifications, they would provide additional aircraft for training and passenger/cargo transport for the Orion fleet. The third component of the project was the acquisition of an advanced flight simulator, at a cost of $48 million, for aircrew training.

Problems in the Orion upgrade project surfaced almost immediately. Difficulties in integrating a range of new systems with existing aircraft systems led to unacceptable schedule slippages. There was a four-year delay in the delivery of the first aircraft. Again, poor planning was to blame. The
Auditor-General found that Defence were unable to test interactions between the modified equipment and software prior to installation. There were problems with the integration of data management systems. The result of the lengthy delays was that aircraft were fitted with components that were obsolete by the time they were installed. There were further schedule slippages of up to two years in the refurbishment of three additional aircraft purchased from United States foreign military sales.

The reason for the purchase and refurbishment of the three aircraft was to reduce the training burden on the main Orion fleet. However, the three aircraft only achieved about 300 dedicated flying training hours a year, against a target of some 1,200 hours per year. The reason was that the aircraft were used for transport flights. Although this provided the Air Force with additional operational transport capacity, training needs were compromised. This in turn was necessary because of the extensive delays in the Orion upgrade program. There simply were not enough aircraft on hand to do the job. Once again, procurement slippages had a direct effect on capability.

The third component of the project was the acquisition of an advanced flight simulator. Once again, poor planning contributed to a 10-month schedule slippage. The effect of that delay was that delivery of an essential training capability was over two years late. As we have seen in a number of procurement projects, delay invariably leads to cost blowouts. This project was no exception. This project cost $243 million more than its original estimate. The Auditor-General was once again critical of contractual arrangements entered into by the defence department for this project. Once again, cost-plus agreements were used. Compared with fixed price contracts, these agreements invariably lead to overspends. Consultants and contractors love them. Further, there were no specific penalties for delays. Hence, the defence department were unable to exert pressure on the contractors to meet delivery time frames.

In closing, it should be noted that the Orion fleet of aircraft have been in Australian service since 1978. They are a vital link in our border protection strategies and perform a significant role in our commitment to coalition operations. Approval for midlife upgrades to the fleet to extend its in-service life was the right decision, but once again a litany of problems with the project management has overshadowed that success. Protracted delays in the delivery of modified Orion aircraft meant the Air Force had fewer and less capable operational aircraft available. The effect was a gap in our capabilities for border surveillance and reconnaissance. This is risky business, as it could easily lead to reduced capability when we need it most.

As I have said on many occasions, it is simply not good enough when defence spending is under so much pressure. Inevitably, overspends in one area cause shortages elsewhere. Apart from the critical need to ensure that our defence forces are properly equipped and kept safe, taxpayers also have an interest. While ever waste is seen on such a massive scale, cynicism often results. Other interests dependent on government funding, such as health and education, are entitled to ask why this repeated performance should be tolerated.

In the last few months the ANAO has been highly critical of the M113 armoured personnel carrier upgrades, the FFG frigate upgrades, the development and implementation of the PMKeyS personnel software project and the Bushmaster project. Along with the Orion fleet upgrade, these projects represent around $3 billion of defence spending. The Auditor-General has identified a long history in Defence of poor planning, cost
blow-outs and schedule slippages. It is our responsibility in this place to keep up the surveillance. To that end, we do express our gratitude to the Auditor-General, without whom most of this performance would have passed unnoticed.

Question agreed to.

Consideration

The following orders of the day relating to reports of the Auditor-General were considered:

Auditor-General—Audit report no. 30 of 2004-05—Performance audit—Regulation of Commonwealth radiation and nuclear activities: Australian Radiation Protection and Nuclear Safety Agency. Motion of Senator Bartlett to take note of document agreed to.

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 agreed to.

Auditor-General—Audit report no. 51 of 2004-05—Performance audit—DEWR’s oversight of Job Network services to job seekers: Department of Employment and Workplace Relations; Centrelink. Motion of Senator Moore to take note of document agreed to.


Auditor-General—Audit report no. 4 of 2005-06—Performance audit—Post sale management of privatised rail business contractual rights and obligations. Motion of Senator Moore to take note of document agreed to.

Auditor-General—Audit report no. 8 of 2005-06—Performance audit—Management of the Personnel Management Key Solution (PMKeyS) Implementation Project: Department of Defence. Motion of Senator Bishop to take note of document agreed to.

ADJOURNMENT

The ACTING DEPUTY PRESIDENT (Senator Hutchins)—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.

Australian Defence Force Parliamentary Program 2005

Senator ADAMS (Western Australia) (7.01 pm)—I wish to speak tonight on the Australian Defence Force Parliamentary Program 2005. As a recent participant in the 2005 Australian Defence Force Parliamentary Program, I wish to congratulate all those involved on presenting such an innovative and well-structured program. The ADF program, which began in 2001, is designed to give parliamentarians the same opportunity I had, to see first-hand and to understand how the members of our defence forces live, work and train to meet their day-to-day challenges while they defend our nation and its national interests. Having been part of the program I now have a far better understanding of the Navy’s role and especially that of the support bases and their involvement in keeping ships at sea, maintaining the Fleet Air Arm capability and the training of expert personnel to perform a variety of tasks and duties. This experience will now give me an opportunity to be able to contribute to an informed debate on defence and national security issues with the information and knowledge I have gained from being a participant in the program.

It was indeed a privilege for my two parliamentary colleagues and me to be attached to the Navy’s training establishments for five days and to enjoy the company of the men...
and women who are involved in the many and varied aspects of Navy life. Our first day began in Sydney when we joined the HMAS Stuart, which was commissioned in August 2002 and was the first Anzac class frigate to be based at Fleet Base East in Sydney. HMAS Stuart is under the command of Commander Peter Leavy, who made us very welcome and made sure that our time spent on the ship was well worth while. I thank the commander for his wonderful hospitality. Because of problems with the ship’s navigational equipment, we were delayed in sailing on time, so we had the opportunity to stay on board that evening and learn far more about the ship and its crew. We were given an excellent safety briefing, a tour of the ship and learnt how to climb down a rope ladder into the RIB, a rigid inflatable boat, in which we did a quick tour of Sydney Harbour.

We sailed early next morning en route to Jervis Bay and had the opportunity to see the ship’s gun fired during target practice. It is interesting to note that there are a number of environmental regulations associated with the firing of this gun. It cannot be fired if there are whales, dolphins, seals or sea birds in or near the target area. The ‘man overboard’ drill was also put into action while we were at sea. This was a very impressive exercise and it was interesting to see how each member of the crew was deployed to deal with the situation. I was especially impressed with the equipment available for the medical team to handle such a situation. On leaving the Stuart we were all presented with an individual cartoon drawn by a very talented midshipman, Candice Poole. I thank her and wish her well with her naval career.

Our next visit was to HMAS Creswell at Jervis Bay, hosted by Commanding Officer Captain Tony Aldred, and I thank him for his hospitality. HMAS Creswell is located on the south-western shores of Jervis Bay, 180 kilometres south of Sydney. It is part of a large national park which includes some magnificent woodland and beaches. The Royal Australian Naval College forms the major part of HMAS Creswell, which is the single service centre for naval officer training. Officer initial training and officer and senior sailor advanced training are conducted here with seamanship, fitness and survival training being the main components of the course. There is also an excellent Navy museum within the establishment. The Kalkara flight line is also based at HMAS Creswell. This unit supplies state of the art aerial targets for naval exercises. I was fascinated with the technology used in a number of the projects being undertaken by this unit.

HMAS Albatross, the home of the Fleet Air Arm, was the next base visited. This visit was hosted by Commanding Officer Captain Grant Ferguson, and I thank him also for his hospitality. It is the largest operational Navy establishment—some 520 hectares—and it employs 1,600 people from the Navy, Army, Air Force and civilian population. It is the Navy’s only air station, has an operational military airfield and is situated near the town of Nowra, approximately three hours south of Sydney.

The primary task of HMAS Albatross is to support the four naval air squadrons, which provide air support to the fleet. The four squadrons operate Squirrel, Seahawk, Westland Sea King and Super Seasprite helicopters. The air station is also the home to the Navy Aviation Force Element Group. The Commander Australian Navy Aviation Group has responsibility for the delivery of aviation capability to the government. HMAS Albatross is also the home to Australia’s Museum of Flight and has become a high-profile tourist attraction.

We then moved on to HMAS Kuttabul, which was commissioned in 1943 and is situated at Garden Island in Sydney. This
establishment is under the command of Commander Brett Chandler, and it includes in excess of 1,450 personnel and 55 lodger units. I thank Commander Brett Chandler and Lieutenant Commander David Jones, the executive officer, for their wonderful hospitality. Kuttabul includes a large number of lodger units. We were able to look at Fleet Base East, Garden Island, the maritime headquarters and the dry dock.

Time does not permit me to go any further on this, so I will go on to the next base we visited, which was HMAS Waterhen. This is the Royal Australian Navy’s commissioned establishment located on the northern shores of Sydney Harbour. It is the home of Australian Mine Countermeasures and provides an administration, port and health services and transport and logistics support to Commander Australian Navy Mine Warfare and Clearance Diving Group. We were very fortunate to go aboard the minehunter Yarra and to go back out through the heads to try out their equipment. We went out towards a dive wreck and did quite a lot of coastal mapping of the sea floor.

When we returned we were taken by sea transfer to HMAS Penguin, which is where the main hospital base is. It is also where they have their decompression chamber, which I was very interested in, having a medical background. From there we went on to HMAS Watson, which sits on the cliffs of South Head in Sydney. It has a most beautiful Memorial Chapel of St George the Martyr and does all maritime warfare training in the Royal Australian Navy. The chapel is a conspicuous and timeless memorial to all men and women of the Royal Australian Navy who have lost their lives in war. It really is a most beautiful place. At Watson the role of the Training Authority Maritime Warfare is to help prepare officers and sailors of the Royal Australian Navy to go to sea to be part of the team that contributes to fleet requirements and outcomes. This was a very interesting area and I could probably spend my whole time just speaking about HMAS Watson. In conclusion, I would like to say what a wonderful experience this was and thank Lieutenant Commander Sam Jackman and Mrs Sue Collicutt of Navy headquarters for the work that they did in getting this program together and accompanying us on the trip.

Infrastructure Funding

Senator HUTCHINS (New South Wales) (7.10 pm)—Tonight I want to speak about infrastructure. For a number of years now, this government has trumpeted the message that the growth story of the Australian economy was authored by it. The hard years of reform under previous Labor governments are conveniently forgotten. For senators opposite, the change of government represented year zero in Australia’s economic history. But if the government seeks to have a monopoly on the sweet fruits of economic growth, it must also bear responsibility for the bitter harvest that is about to come.

That bitter harvest has its seeds in the chronic underinvestment in Australia’s infrastructure over the last decade. At every step in the production line and every link in the supply chain, Australian consumers and exporters are paying the price of higher transport costs, slower delivery times, lost exports and an inability to compete abroad. We are seeing it in an unsustainable current account deficit as we live beyond our means in soaking up consumer imports whilst not paying our way in the world market. We are relying on foreign direct investment in the same way as during the 1920s, when we relied to our peril on British finance to develop our manufacturing base. But it is not just business that is borrowing beyond its means. More and more Australian families have to spend more than they earn just to have the basics of life.
That is why we need to challenge the conventional orthodoxy on infrastructure development. Recently, CEDA found that much of Australia’s infrastructure is at a crossroads. CEDA argued that Australia’s infrastructure has suffered from two decades of underinvestment. In particular, the rapid growth of China and, increasingly, India has revealed that much of our transport infrastructure is unable to cope with the new trade and investment opportunities presented by these new markets. CEDA estimated that this backlog in infrastructure is around $25 billion in water, energy and land transport.

Infrastructure investment began to decline in the 1980s as governments shifted priorities in their budgets to service delivery rather than long-term investments. Driving this trend was tight fiscal policy and an increasing caution regarding debt financing. However, everything must come at a price. For every dollar of investment, 39c of demand-driven growth is injected into the economy. Estimates suggest that, if Australia had the infrastructure it needs at present, we would have an increase in GDP of 0.8 per cent, exports would increase by 1.8 per cent, business investment would increase by 1.2 per cent and housing investment would increase by 1.8 per cent.

Moreover, these effects are cumulative, so the difference over five years would be growth of around 10 per cent—almost three years of economy wide growth at the current rate. That is the difference between five years of growth and two years of growth. Growth of that magnitude would also be enough to put a large dent in the current account deficit, potentially reducing it by about two-thirds. This lost opportunity is the bitter harvest that this government has presided over. Government expenditure as a share of GDP, which was around 7.2 per cent in the seventies and eighties, has fallen to a low of 3.6 per cent. No-one wants to spend the money on the low risk, low gain essentials that everybody needs.

Let us consider the legacy of underinvestment. A recent professional evaluation by Engineers Australia rated key sectors of Australia’s infrastructure on a scale from A to D. An A rating meant that the infrastructure in question was sufficient to meet both Australia’s current and future needs. Needless to say, no infrastructure sector received an A rating. Only four of the 13 sectors were given a B rating, indicating they were sufficient for present but not future demands. The remainder—nine out of 13 sectors—received C and D ratings, which means that these key infrastructure components were unable or seriously unable to meet present, let alone future, needs.

Even the PM’s task force, which was cobbled together in post election hubris, noted that the current export bottlenecks would compromise export potential in the next five to 10 years. However, rather than physical infrastructure constraints being the main source of bottlenecks, the PM’s task force found that the market imperfections for confused, complicated and overlapping regulatory agencies and jurisdictions were the main source of frustration. What the report did not of course point out was that the PM and the government only have themselves to blame. However, in an effort to shift the blame for this state of affairs, the task force argues what we need is less regulation concerning infrastructure investment decisions. Rather than simply saying that the government has been asleep at the wheel in managing infrastructure provision and access, the task force couched its language in a way that holds no-one to account and rehashes the same old free market mantra about too much regulation. You have to read between the lines in the report. Buried in the report is the following comment:

CHAMBER
A quest for ‘first best’ solutions, combined with a focus on removing monopoly rents, have distracted from what should be the regulatory task: which is not to determine whether what has been proposed by way of access conditions is optimal, but whether it is reasonable.

That is, second-best is good enough.

If you actually go out and listen to what business have been saying then you hear a very different story. They do not accept second-best ideas. Business want to see greater contractual certainty and efficient access regimes that match their vertical integration structures. They want to see the regulator take an active part in coordination. They do not want to see a toothless regulator. The facts of the transport and infrastructure industry tell us a very different story from the swan song that the government is trying to sell us.

Recently Toll Corporation announced its intention to acquire Patrick Corporation. Patrick are remembered mostly for their grubby attacks on waterside workers in the 1990s. It is ironic that Chris Corrigan is now running to the ACCC to help him out of his fix, lauding the benefits of having an independent umpire. It appears that Mr Corrigan thinks that only big business, not workers, should be able to seek regulation of their working environment. A successful takeover of Patricks by Toll would mean that Pacific National, the joint venture rail company, would also come into Toll’s stables. That is good for market consolidation, and market consolidation is good for an increasingly efficient supply chain. One example would be the terminal currently operated by Patricks at Sydney’s Port Botany. Under a merger, Toll would not only control the terminal but also all the rail traffic in and out of the port. That has got to be good for lowering transport costs because it fixes some of the bottlenecks at Sydney.

I turn now to comments that were made by the CEO of Xstrata Coal, Mr Peter Coates, concerning the capacity of Australia’s infrastructure to deliver on massive demand for coal by China. Mr Coates sought to put the recent strains on coal infrastructure in context. His words in the Daily Commercial News were:

Estimates of future requirements must be driven by demand-driven market forecasts and not supply driven ideals.

Xstrata notes that it is unable to fulfil around 10 per cent of demand for coal exports due to capacity restrictions. However, this must be viewed in the context of a doubling of thermal coal prices and a tripling of coking coal prices, which significantly diminish any lost opportunity in this regard. Xstrata believes that a warning ought to be sounded regarding infrastructure investment. Underlying this message is pessimism that future demands for Australian coal and commodity exports may not be as strong in the future as they have been in recent years. The worry is that the gains from reinvesting present profits in infrastructure development would not be realised in future gains as, put simply, the demand will not exist for such exports in the future. What we would then be left with would be a series of white elephant port and rail links across the eastern seaboard. Moreover, the risk associated with any investment bubble is that when it bursts higher transport costs would flow from under-utilised assets whose owners would then seek to recoup a decent rate of return.

In terms of the transport industry, Xstrata has also noted an unforeseen problem with diversification. Whilst diversification lowered costs in the last decade as inefficient firms were subjected to price competition, it also lowered the returns on investment as no provider was willing to be exposed to the long-term risks in investing in such infrastructure. Xstrata argues that the main prob-
lem in market failure in infrastructure lies in multiple layers of ownership across the supply chain rather than regulatory problems perse. This is in stark contrast to the claims of the PM’s task force. The problem is that we need to invest in infrastructure but, when we make that decision, it has to be the right decision and not the building of white elephants.

Indigenous Affairs: Native Title

Senator BARTLETT (Queensland) (7.20 pm)—I would like to speak tonight about the important issue of economic opportunities for Indigenous people and for Aboriginal communities and the related important issue of the control of Aboriginal communities over their land. We have seen this week an announcement by the Indigenous affairs minister, Senator Vanstone, about changes to the Northern Territory’s land rights act and encouragement for similar sorts of changes to land rights legislation in various states.

The process that the minister has followed in regard to announcing these changes cannot do anything but raise people’s concerns about the genuineness of the government’s intent. As I stated earlier today, the same minister did not even bother to come into the chamber to table a scathing report into monumental failures of officers of her own department in regard to the deportation of an Australian citizen. This week we had the Indigenous affairs minister announce what purported to be—depending on whom you listen to—quite significant and wide-ranging changes to land rights title in the Territory. One of the other Liberal Party members has called them ‘revolutionary’. But she has not yet bothered to come into this chamber and present the details to the parliament on the record in her capacity as minister.

Senator Vanstone’s office provided some details—an advance leak or something—to the Australian newspaper, which printed some details, I think it was on Tuesday, and then she announced the details via press release at a media conference outside the chamber—such as the details were. There was nothing at all here in the parliament. All we had was one Dorothy Dixer at question time to give her a chance to spruik the government’s spin and put the boot into anybody who disagreed. We got the usual sort of thing where anybody who actually raises concerns ‘does not care about Aboriginal people’ or ‘is trying to stop Aboriginal people from being able to own their own homes’ and that sort of thing. That is the full extent of what this minister has done. To me, that says that the minister is not serious and cannot even be bothered or does not want to present some decent details—and present them in the parliament, where they stay on the record into the future.

Again, I contrast that with the approach that Senator Hill took with the significant announcement this week of changes to military justice. As he fronted up to justify his position, including disagreeing with some Senate committee recommendations, he did it via a ministerial statement in the chamber. It is a simple way of showing respect not just for the chamber but also, and more importantly, for the people and the issues for which he has responsibility as Minister for Defence. On something as fundamental as the economic advancement of Aboriginal people and as fundamental as land title and land rights in the Northern Territory, this minister has not bothered to do that. That, to me, raised a big question mark about exactly how serious it is, particularly when the minister has said, ‘Here are some changes in a press release; I haven’t got the details yet,’ but apparently expects them to become law this year. ‘This year’ means within two months, because that is all the parliamentary sitting time we have left. We have about four sitting weeks of the Senate left for the year and we have not seen any details yet. Talk about
contempt. And it is contempt not only for the parliament and the Senate but also for Aboriginal people. That makes it very hard to believe that there is genuine intent behind this. But it has been backed up, of course, by some of the usual boosterism—and, I might add, inaccuracies—about the proposed changes. For example, we had the *Australian* newspaper’s editorial talking about these changes. It stated:

... building on the foundation of the greatest Aboriginal land rights victories, the Mabo and Wik decisions, which helped deliver something like 20 per cent of the continent, in the form of land title, into indigenous hands, but little in the way of economic benefit.

That statement has so many inaccuracies that it is hard to know where to begin. It is false for several reasons. Firstly, Wik and Mabo did not deliver land per se to Indigenous people; they delivered some native title rights to land—no thanks to the government, which fought it every step of the way. Native title bears very little relation to the Northern Territory land rights act, which predates native title by a long period. There are very wide-ranging forms of title that can barely be compared. Let us not forget who led the fight politically and in this chamber to do everything they could to limit the economic opportunities that Indigenous people could extract from those rights, including native title rights. The Liberal Party and the National Party did everything possible to restrict opportunities for Aboriginal people to extract economic advantage from those rights and to limit those rights as much as possible. As they now come in here and present themselves as champions of Aboriginal economic advancement by saying, ‘We’re going to enable you to get some rights out of your land title,’ pardon me if I express some cynicism.

Of course it is not just this Liberal government. Other governments at other levels and of other parties have also significantly and regularly opposed rights for Indigenous people to commercially exploit natural resources or to trade in or own the natural resources on their land. Somehow it is now all Indigenous people’s fault: they have not tried hard enough, there is all this red tape and they are not able to figure out how to lease their land under their land title in a prompt way.

All this is being built up as a big opportunity for economic advancement—and maybe it is. Maybe it will assist Indigenous people but, if it does not, who will be blamed? It is not going to be the government saying, ‘Oh no, we got it wrong.’ Once again it will be: ‘Oh well, Indigenous people can’t get it right. You try and help them and they just can’t help themselves.’ They will be blamed. Surely by now we would have learned about making proposals—no matter how good their intrinsic merits, and I am not denying that this may have some intrinsic value—that are presented to Indigenous people by the great white masters in Canberra saying: ‘Have we got an idea for you! This’ll do it for you. Wear that. Off you go; it’ll be great. You’ll love it.’ How many failures have we seen in imposing those sorts of things on Aboriginal people without having the basic respect to consult them first? That goes to the core of the issue here.

There could well be some merit here, and I am not disputing that. Frankly, I think all of us, whatever our views on all of these issues, have to acknowledge that we as legislators have all failed with regard to economic opportunities for Indigenous people and we need to be willing to park our ideologies at the door and consider any idea on its merits, so I am prepared to do that. But when it is presented in this way, with the key communities and the key land councils that are directly affected not knowing the details, just being given this thing and then being told it is going to be legislated by the end of the
year, what do you expect? If it is going to have any chance of working, surely you have to work with the Indigenous communities that are going to be directly affected. No-one could blame them for being cynical after everything they have experienced over so many years.

The government, along with the minister, announces an extra $7 million addition to the successful home ownership program run by Indigenous Business Australia to help people in Aboriginal communities borrow money at concessional interest rates. That is good, but guess what: you only get it if you agree to sign up with what the government wants. Let us put that into perspective. This government spends more keeping a very small number of refugees locked up on Nauru—for more than four years—than it is willing to provide in extra assistance for Aboriginal people to own housing.

The government are willing to steal $20 million of taxpayers’ money without a second thought so that they can advertise their own party’s political policies in the industrial relations area, just because they have run into a bit of flak over them. They are willing to spend $336 million building a new detention centre on Christmas Island. Yet we have a paltry $7 million extra to help with Indigenous housing, conditional on the states agreeing to follow the government’s approach. A lot of criticism and concern have been expressed by the relevant land councils. I do not say that that means the idea is without merit, but I say that if you cannot take, and are not even interested in taking, the time to work with those councils and with Aboriginal people first then your chances of succeeding are dramatically decreased. If you cannot be bothered doing that to start with, you have to wonder how serious you really are about wanting to succeed. This issue has to be put on the table and it has to be taken out to the communities. They need to be consulted. They need to be shown that respect. That does not mean that they need to agree with every single bit of it before you move forward, but unless you show that respect to start with then what hope have you got? (Time expired)

Education and Training

Senator SANTORO (Queensland) (7.30 pm)—On Tuesday in this place I had the opportunity to dispel the erroneous and misleading statements made by the Leader of the Opposition, in his Skills and Schools Blueprint, on the performance of the Howard government on the issue of apprenticeships. In addressing this issue, I reminded members of the opposition that Labor’s performance in the area of the employment of traditional trade apprentices has to be one of the greatest embarrassments to the Leader of the Opposition. In the last three years of the last Labor government, under Mr Beazley, apprentice commencements were at the lowest levels in more than a decade, averaging just 120,000 commencing apprentices per year. With extraordinary policy success, Labor managed to slash apprentice commencements from 150,000 in 1991 to around 120,000 in 1993, and that is where they kept them.

Labor also managed to foster an education system which was effectively under the control of the Australian Education Union. It was so rigid in its work practices and service standards, so out of touch with the needs of employers and apprentices, and so out of date, with ageing infrastructure and training equipment, that the critical capacity of our country to build the skills we needed for the future was being severely diminished.

Successive reforms by this government have massively improved vocational education and training in Australia, despite the long periods of continued opposition by Labor state governments to these essential
changes. But, on the strength of good policy and runs on the board, we now have a growing realisation even from the TAFE sector that the old Labor ways are now thankfully a thing of the past. That is why the Australian government’s case for the states and territories to offer AWAs to TAFE teachers is being widely supported by the TAFE teachers themselves, by employers, by industry associations and by students. It seems that everyone, other than the Australian Education Union and Labor in this place, supports these reforms.

Labor Party senators know they failed to deliver on vocational education and training when they had the chance. They failed a massive number of young people who should have been helped into trade careers right through the early nineties. They failed to foresee the impact that that would have on the skills we need today—in fact, right now. Sadly, the shallow, revisionist approach to apprentice training and vocational skills development being offered by Labor in the Beazley blueprint is also manifest in his attitudes towards higher education. This is backed by the same void, the same gaping hole and the same lack of quality research and policy analysis that we have come to expect from Labor these days.

The Beazley blueprint bloopers also attacks—totally erroneously, I must say—the Howard government on higher education. Higher education is as important to the future of this country as building vocation skills. As I have strongly advocated time and again, both university and vocational pathways through education and learning into careers and a future economic contribution are equally valid and equally important to a broad based and balanced Australian economy.

Beazley’s bloopers get it wrong on HECS, gets it wrong on education investment by this government and gets it wrong on the numbers. But before I address these matters, let me provide some comments on what the Labor opposition are offering. Senators, I think you should know what the future will be for higher education under Labor. A quick look at their published policy on their website really says it all. It says:

Labor will:
- improve access with more university places;
- ensure affordability; and
- properly fund our universities; and
- abolish full-fee places for Australian undergraduate students.

For an area as critical and complex as higher education, Labor articulate the above mentioned policy points. No, you did not miss anything—that is it. The real problem is that this is a manifest demonstration of the revisionist thinking of the Beazley opposition, with no understanding of why the Howard government have had to do so much work to fix the bureaucratic, non-responsive and disconnected higher education system that we inherited from Labor.

When will Labor learn that you fundamentally fail the system by managing its inputs to the exclusion of the outputs and when your only policy interest is around those things important to the AEU—that is, the 3Cs: control, centralism and cronyism? Where in Labor policy do they talk about quality of student learning, completion levels, employability of students, quality and integrity of research, employer satisfaction with graduates, international standards? And the list goes on. I will tell you: nowhere! The complete failure to understand and have any policies that will address the real needs of the key clients of higher education—the students and the employers—is in itself sufficient evidence to discredit the erroneous and misleading statements made by Mr Beazley.
in his blueprint blooper. I will, however, pick up on a couple of his mistruths and make it absolutely clear that, without question, Labor’s position is without credibility.

Firstly, I will deal with the assertions that HECS is a huge disincentive and the ludicrous proposition that somehow HECS is a plot designed to attract fee-paying students from overseas at the expense of Australian students. The simple facts are that participation in higher education is at a record high. There were 716,422 domestic students in 2004—up by 135,516 from 1996, which is a 23 per cent increase. There were 525,505 domestic undergraduate students—up by 71,642 from 1996, which is a 16 per cent increase. Australia is achieving above average tertiary attainment levels. The recent Education at a glance OECD publication showed that, of Australians aged 25 to 64 years, 20 per cent had university level attainment, compared with an OECD country mean of 16 per cent. We come third, after the US and Canada.

There is no evidence that HECS dissuades students from going to university. On the contrary, HECS has provided far greater access to people who wish to attend university and has encouraged increased diversity across age groups. For example, 25 per cent of Australians aged 25 to 34 years now have a university attainment. I also want to point out that between 2004 and 2009 the Australian government will be funding an additional 39,100 new places. This year, an additional 12,058 places are being funded in the higher education system, compared to 2004. So in no way is the claim that HECS is creating some form of massive disincentive to people to engage in university proven to have foundation.

In response to Mr Beazley’s notion that the Howard government is responsible for a chronic underinvestment in education and training, and to every OECD figure he offers which shows how far behind the rest of the world we are, I say that he should go back and question the people responsible for his research, policy and advice. Australian public and private expenditure on educational institutions stands at a healthy six per cent of GDP, whilst the average expenditure of OECD countries is 5.7 per cent. Australia’s spending on tertiary educational institutions, defined as spending on those in VET and higher education, was 1.6 per cent of GDP, which was 0.2 per cent above the OECD country mean of 1.4 per cent, and in which we rank third after the US and Sweden. Finally, expenditure per full time equivalent student in Australia was above the OECD country mean for all sectors, with expenditure on tertiary education of $US12,416 compared to the OECD mean of $US10,665.

Mr Beazley also talks about the two emerging regional powerhouses of China and India, attempting to draw a correlation between the annual output of those two nations of four million graduates a year and Australia’s education expenditure. Once again, that is a meaningless comparison, and the assertion that this government has made cuts of $5 billion from our universities is an absolute mistruth. Funding for higher education in Australia has in fact increased from $5.3 billion in 1996 to $7.2 billion in 2005, and will rise to $7.8 billion next year. One really must question the sources from where Mr Beazley draws his information, research and advice.

I have to comment also on the extraordinary allegations that this government is responsible for a lack of funding that has resulted in 20,000 eligible applicants being turned away from our universities every year, as well as 34,000 from TAFE. The fact is that unmet demand for places in university and TAFE is now at its lowest level since at least 2001, the most recent year for which we have comparable data. That means that 81
per cent of all eligible applicants received an offer for a place this year. That trend has been particularly strong in NSW, Victoria, Queensland and WA, where unmet demand has almost halved.

It is also worthy of note, as all senators in this place would be aware, that the TAFE system is predominantly funded by the states. If unmet demand exists in the TAFE system, then Mr Beazley should look long and hard at the states and encourage them to make urgently needed reforms to increase the capacity and efficiency of TAFEs, to open up work force participation and to expand industrial flexibility. I take this opportunity to commend each of the states for agreeing to the new national training agreement, which will see increased support for those important reforms.

In conclusion, perhaps I should revisit comments that I made during the second reading debate for the Australian Technical Colleges (Flexibility in Achieving Australia’s Skills Needs) Bill 2005, in which I suggested renaming the Beazley blueprint the ‘Blueprint for skills and schools of a failing politician,’ or perhaps the ‘Blueprint for skills and schools for Australia 1993’. Either way, it is clear that what the Labor Party are now advocating demonstrates their total lack of understanding about how this country has progressed in vocational and higher education. It is clear that Labor’s blueprint is so far behind the innovative, future oriented and effective policies of the Howard government that they have to rely on mistruth after mistruth. It is not good policy, and it is not good for Australia. (Time expired)

Obstetric Fistula

Senator ALLISON (Victoria—Leader of the Australian Democrats) (7.40 pm)—Obstetric fistula is a life threatening, preventable injury of childbearing that affects millions of women right across Africa and other extremely poor countries. The existence and tragedy of obstetric fistula is one of the reasons that many in this place wanted our Prime Minister to take the message of the importance of sexual and reproductive health to the conference of leaders at the United Nations in New York a few weeks ago where the Millennium Development Goals were being reviewed.

Obstetric fistula has a devastating impact on the lives of an estimated two million women globally who have the condition and are not treated. It could be solved by improving food security, the status of women and the provision of health services, including access to caesarean sections, the procedure used in 20 per cent of childbirths in Australia—around 50,000 a year. I am indebted to Marie Coleman, a well-known feminist and advocate for better health services for women, who visited Ethiopia earlier this year and wrote about this condition. She explains that Ethiopia is what the United Nations describes as food deficient, which means women and girl children get less food but still do the heavy work like wood gathering, water collecting and carrying huge bags of grain. This leads to malnourishment and underdevelopment of bone and muscle. The average female age of marriage in rural areas is 12½, the level of female illiteracy is 75 per cent and AIDS has already struck 4.4 per cent of women there.

Of the three million women who become pregnant each year in Ethiopia, 9,000 will develop obstetric fistula. An obstetric fistula is usually caused by several days of obstructed labour and develops when blood supply to the tissues of the vagina, bladder and/or rectum is cut off. The tissues die and a hole forms through which urine and faeces pass uncontrollably. The consequences of fistula are life shattering—
The PRESIDENT—Order! The time for the adjournment debate has expired.

Senator ALLISON—I seek leave to incorporate the remainder of my speech.

Leave granted.

The speech read as follows—

The baby usually dies during the birth, and the woman is left unable to control her flow of urine or faeces.

Fistula is most common in poor communities in sub-Saharan Africa and South Asia where access to reproductive health services care is limited. In 1989, the World Health Organization estimated that at least 50,000 to 100,000 new cases occur each year. But the secrecy and shame that surround the condition make it difficult to get a reliable estimate of its prevalence. Needs assessments done as part of the UNFPA Campaign to End Fistula suggest those numbers are far lower than the reality.

In fact, the WHO estimates that in areas of high maternal mortality, two to three women per 1,000 pregnancies develop fistula, which would mean that the prevalence is likely much higher than the 1989 estimates.

International capacity to treat fistula remains at only 6,500 per year.

Untreated, fistula can lead to frequent ulcerations and infections, kidney disease and even death. Some women drink as little as possible to avoid leakage and become dehydrated. Damage to the nerves in the legs leaves some women unable to walk. These medical consequences, coupled with social and economic abandonment, often contribute to a general decline in health and early death. Some women however live with the condition for 40 years or more.

Often, society blames the woman for her condition, and some women blame themselves. Among women in traditional cultures, where women’s status and self-worth may depend almost entirely on marriage and childbearing, abandonment and divorce are common, particularly when it becomes clear that the fistula will not go away.

71% of patients were divorced or separated in a recent study of 899 fistula cases at the Evangel Hospital in, Nigeria. In India and Pakistan some 70% to 90% of patients studied in the 1980s had been abandoned by family or divorced, usually facing a life of extreme poverty.

At the Addis Ababa Fistula Hospital, founded in 1973 by Australian husband and wife team Doctors Catherine and Reg Hamlin, women with fistula are helped. The hospital was extensively redeveloped with an AusAid grant in 1999.

The Australia and Norway have also provided money for the Hamlin Fistula Hospital to open two outposts for surgery, effectively doubling their capacity by 2007. These hospitals make no charge for their services and are entirely dependent on private and government philanthropy.

One woman in every five coming to the Addis Ababa hospital said she begged for food to survive. Some cannot cope with the pain and suffering and resort to suicide.

Prevention, rather than treatment, is the key to ending fistula. Making family planning available to all who want to use it would reduce maternal disability and death by at least 20 per cent.

Most fistulas occur to adolescent girls, whose bodies are not fully developed for childbearing. Reducing adolescent pregnancies would decrease pregnancy complications, including obstetric fistulas.

Skilled attendance at all births and emergency obstetric care for women who develop complications during delivery would make fistula as rare in Africa as it is in Australia.

Low income and minimal control over their finances increases a woman’s risk of fistula. Women who cannot easily travel to hospital, because of long distances, high costs of transportation or lack of decision-making power in the family, are at high risk. Malnutrition and early childbearing make it more difficult for a woman with a small pelvis to deliver her babies vaginally.

Fistula is treatable as well as preventable. Reconstructive surgery can mend the injury, and success...
rates are as high as 90 per cent for uncomplicated cases. (For complicated cases, the success rate is closer to 60 per cent.)

Two weeks or more of post-operative care is needed to ensure a successful outcome. Counseling and support are also important to address emotional damage and facilitate social reintegration. The average cost of fistula treatment—including surgery, post-operative care and rehabilitation support—is $300.

If the surgery is successful, women can resume full and productive lives. If not, women must have a urostomy and wear a bag to collect their urine. They can usually have more children, but Caesarean sections are usually necessary to prevent a recurrence of fistula.

Most fistula sufferers are either unaware that treatment is available or cannot access or afford it. Capacity in most areas where fistula is common cannot meet the demand. An estimated two million women with fistula await treatment.

More specialized fistula repair centers, expanding the capacity of existing hospitals to provide repairs, establishing hostels for fistula patients, and training surgical and nursing staff are desperately needed.

Australia could do much more for Africa in targeting reproductive health programs. Australia is yet to spend the millions of dollars on reproductive healthcare programs it promised in 1994 at the International Conference on Population and Development in Cairo.

For the sake of these women, their babies and their lives, this situation must change. According to Thoraya Obaid, Executive Director of the UN Population Fund, at the current rate of action, it will take decades to end fistula.

In this place we must get used to talking about the uncomfortable reality of sexual and reproductive health needs.

Senate adjourned at 7.43 pm

DOCUMENTS

Tabling

The following documents were tabled by the Clerk:

[Legislative instruments are identified by a Federal Register of Legislative Instruments (FRLI) number]

- Civil Aviation Act—Civil Aviation Safety Regulations—Airworthiness Directives—Part 105—AD/BEECH 1900/47—Elevators [F2005L02957]*.
- Customs Act—CEO Instruments of Approval Nos—
  75 of 2005 [F2005L02996]*.
  76 of 2005 [F2005L02997]*.
  77 of 2005 [F2005L02998]*.
  78 of 2005 [F2005L02999]*.
  79 of 2005 [F2005L03000]*.
  80 of 2005 [F2005L03001]*.
  81 of 2005 [F2005L03002]*.
  82 of 2005 [F2005L03003]*.
  83 of 2005 [F2005L03004]*.
  84 of 2005 [F2005L03005]*.
  86 of 2005 [F2005L02993]*.
  87 of 2005 [F2005L02992]*.
  88 of 2005 [F2005L02977]*.
  89 of 2005 [F2005L02991]*.
  90 of 2005 [F2005L02990]*.
  91 of 2005 [F2005L02989]*.
  92 of 2005 [F2005L02988]*.
  93 of 2005 [F2005L02987]*.
  94 of 2005 [F2005L02986]*.
  95 of 2005 [F2005L02985]*.
  96 of 2005 [F2005L02983]*.
  97 of 2005 [F2005L02982]*.
  99 of 2005 [F2005L02980]*.
  100 of 2005 [F2005L02979]*.
  101 of 2005 [F2005L02978]*.
  102 of 2005 [F2005L03007]*.
  103 of 2005 [F2005L03008]*.
- Tariff Concession Orders—
  0505906 [F2005L02932]*.
  0505964 [F2005L02933]*.
  0505967 [F2005L02934]*.
Defence Act—Determinations under section 58B—Defence Determinations—
2005/37—Compassionate and carer’s leave.
2005/38—Overseas conditions of service—post indexes.

Medicare Australia Act—Medicare Australia (Functions of Chief Executive Officer) Direction 2005 [F2005L02968]*.

Telecommunications Act 1997—
Telecommunications (Minor Variation to Numbering Plan) Declaration 2005 [F2005L02943]*.
Telecommunications Numbering Plan Variation 2005 (No. 3) [F2005L02942]*.

* Explanatory statement tabled with legislative instrument.
QUESTIONS ON NOTICE

The following answers to questions were circulated:

Payment Scheme for Airservices Australia’s Enroute Charges
(Question No. 244)

Senator O’Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 22 December 2004:

(1) Which air operators receive payments under the Payment Scheme for Airservices Australia’s Enroute Charges programme.

(2) What is the outcome of the client satisfaction survey undertaken in October 2004.

(3) Is this survey part of a wider review of the programme; if so: (a) who is undertaking the review; (b) what is the purpose of the review; and (c) when will the review findings be announced.

Senator Ian Campbell—The Minister for Transport and Regional Services has provided the following answer to the honourable senator’s question:

(1) Operators receiving payments under this scheme include:
Janami Air Pty Ltd
Aeropelican Air Services Pty Ltd
Aerotechnology
Airlines of South Australia
Air Link
Airlnorth Regional Airlines
Australasian Jet Pty Ltd
Brindabella Airlines
Careflight (NRMA)
Careflight (Goldcoast Helicopter Rescue)
Chartair
Corporate Air
Golden Eagle Airlines
Jet City Pty Ltd
King Island Airlines
Lip-Air Pty Ltd
Macair Airlines
Maroomba Airlines
Mission Aviation Fellowship
Northern Region SLSA Helicopter Rescue Service P/L
Oberon Air Pty Ltd
O’Connor Airlines
Pearl Aviation Pty Ltd
Queensland Rescue (Archerfield)
Regional Partnerships
(Question No. 251)

Senator O’Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 22 December 2004:

With reference to the claim on page 111 of the department’s annual report for 2003-04 that a Regional Partnerships program grant funded some operating costs of the heritage railway from Beaudesert to Bethania in Queensland:

(1) Can the Minister confirm the accuracy of departmental evidence given to the Rural and Regional Affairs and Transport Legislation Committee during the Budget estimates on 27 May 2004 (Hansard p. 102) that that grant enabled Beaudesert Rail to ‘pay off its creditors—it had amassed an unsustainable bundle of creditors—and to provide it with some supplementary operating funds for the remainder of the financial year’.

(2) (a) On what dates were Regional Partnerships payments made to Beaudesert Rail; and (b) on each occasion, what was the amount of the payment.

(3) (a) How much of the $660,000 Regional Partnerships program grant to Beaudesert Rail was directed to paying creditors; and (b) how much was directed to operating costs.

(4) Will the Minister provide detailed advice of creditors and monies owing at the time of the grant decision; if not, why not.

(5) When did the Minister and/or the department first become aware that Beaudesert Rail had ‘amassed an unsustainable bundle of creditors’.

(6) (a) On what date did the Commonwealth commence discussions with Beaudesert Rail on the provision of a loan to assist its operations; (b) on what date did the Commonwealth offer Beaudesert Rail a loan; (c) what was the amount of the loan offer and the proposed interest rate and term of re-
(7) On what date:
   (a) was a Regional Partnerships program funding application for the Beaudesert Rail project submitted;
   and
   (b) was advice sought from the local Area Consultative Committee.
(8) (a) When did the Minister approve the conversion of the loan to a grant under the Regional Partnerships program; (b) what was the financial position of Beaudesert Rail at this time; and (c) what due diligence preceded the decision to convert the loan to a grant.
(9) (a) Do the Regional Partnerships program guidelines provide that the Government cannot fund retrospective costs in relation to a project; and (b) does the department define retrospective funding as funding to meet any expenditure, or commitment to expenditure, incurred prior to a Regional Partnerships programme funding agreement being signed by both parties.
(10) On what date was the funding agreement in relation to the Beaudesert Rail project signed.
(11) Does the funding of creditors under the Regional Partnerships program constitute retrospective funding; if so: (a) did the funding of the Beaudesert Rail project to pay creditors constitute a breach of the program rules; and (b) does the Minister accept responsibility for the breach.
(12) On what date was:
   (a) the funding agreement for Beaudesert Rail signed by both parties;
   (b) a satisfactory independent audit of accounts in accordance with the Government’s requirements undertaken; and
   (c) the Government provided with evidence of an acquittal of expenditure against the approved budget for the project.
(13) Has Beaudesert Rail produced evidence of satisfactory performance and achievement of all project milestones.
(14) What outcomes can the Minister attribute to the allocation of $660,000 in Regional Partnerships program grant money to the Beaudesert Rail project.
(15) Who determined that the allocation of Regional Partnerships program funding to Beaudesert Rail should be featured in the department’s annual report.

Senator Ian Campbell—The Minister for Transport and Regional Services has provided the following answer to the honourable senator’s question:

(1) Yes.
(2) (a) Two grant payments were made through the Regional Partnerships program on 19 December 2003 and 6 February 2004, (b) These payments were for $440,000 and $220,000 (GST inclusive) respectively.

(3) (a) $440,000 (GST inclusive), (b) $220,000 (GST inclusive)
(4) A list of admitted creditor claims included in a report to creditors of 28 August 2003 was lodged by the Provisional Liquidators with the Queensland Supreme Court on 5 September 2003. A copy of Attachment A “Listing of Admitted Unsecured Creditor Claims”, is available from the Senate Table Office.
(5) The former Minister received a letter from the Member for Forde raising the possibility of assistance for Beaudesert Rail on 7 January 2003.
(6) (a) see answer to part (5), (b) A loan was offered to Beaudesert Rail on 11 June 2003 subject to a number of conditions being met, (c) The loan offer was for $400,000. As a loan agreement was
never finalised the proposed interest rate and terms of repayment were never agreed. (d) The Department considered and negotiated possible loan terms with the voluntary liquidator, consistent with the conditional loan offer made by the Prime Minister to Beaudesert Rail. The Department provided briefing to the Minister on the progress of these negotiations, (e) As a loan was never provided to Beaudesert Rail, the source of funding was not identified.

(7) (a) and (b) No application was received under the program. 
(8) (a) The offer of a loan to Beaudesert Rail was superseded by the Government’s approval of the provision of a grant on 5 November 2003, (b) Beaudesert Rail was under administration, (c) The Department assessed the project’s viability and likely risks. The Department engaged KPMG to consider the historical trading pattern of Beaudesert Rail, its financial viability and creditor position at the time and its projections for future trading.

(9) (a) Yes, (b) Yes.
(10) 14 December 2003.
(11) (a) and (b) Regional Partnerships program guidelines were not applied to this project as negotiations about possible assistance had begun prior to the program’s commencement.
(12) (a) The funding agreement was signed on behalf of the Beaudesert Shire Railway Supporters Group on 5 December 2003 and was executed by the Department on 14 December 2003, (b) The Department received an audited statement of receipts and expenditure in respect of the funding on 22 December 2004, (c) The Department was provided with evidence of the acquittal of the first tranche of funding on 3 February 2004. Evidence of the acquittal of the total expenditure of project funds was provided to the Department on 22 December 2004.
(13) Yes.
(14) The grant enabled the Administrator to assemble a Deed of Company Arrangement that would allow Beaudesert Rail to be brought out of voluntary liquidation. The grant also enabled the continuation of State Government job training programs that provided work experience for job seekers.
(15) The Beaudesert Rail project is briefly mentioned on page 111 of DOTARS 2003-04 Annual Report. It is listed as one of a number of examples of funded projects. DOTARS selected these examples to highlight the diversity of projects funded. Beaudesert Rail was included because the Parliament had appropriated funds to enable reimbursement of the Regional Partnerships program for the funds expended on this project.

Minister for Communications, Information Technology and the Arts: Overseas Travel (Question No. 725)

Senator Chris Evans asked the Minister for Communications, Information Technology and the Arts, upon notice, on 4 May 2005:

For each financial year since 2000-01 to 2004-05 to date:
(1) (a) What overseas travel was undertaken by the Minister; (b) what was the purpose of the Minister’s visit; (c) when did the Minister depart Australia; (d) who travelled with the Minister; and (e) when did the Minister return to Australia.
(2) (a) Who did the Minister meet during the visit; and (b) what were the times and dates of each meeting.
(3) (a) On how many of these trips was the Minister accompanied by a business delegation; and (b) can details be provided of any delegation accompanying the Minister.
(4) Who met the cost of travel and other expenses associated with the trip.
(5) What total travel and associated expenses, if any, were met by the department in relation to: (a) the Minister; (b) the Minister’s family; (c) the Minister’s staff; and (d) departmental and/or agency staff.

(6) What were the costs per expenditure item for: (a) the Minister; (b) the Minister’s family; and (c) the Minister’s staff, including but not necessarily limited to: (i) fares, (ii) allowances, (iii) accommodation, (iv) hospitality, (v) insurance, and (vi) other costs.

(7) What were the costs per expenditure item for each departmental and/or agency officer, including but not necessarily limited to: (a) fares; (b) allowances; (c) accommodation; (d) hospitality; (e) insurance; and (f) other costs.

(8) (a) What was the total cost of air charters used by the Minister or his/her office or department; and (b) 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 respective costs.

Senator Coonan—The answer to the honourable senator’s question is as follows:
The Special Minister of State is to provide an answer on behalf of all Ministers to parts (1), (4), (6) and (8). Costs met by the Minister’s portfolio are provided in response to Questions 693 and 697.

(2) The Department of Communications, Information Technology and the Arts does not maintain central electronic records of meetings held by the current and former portfolio ministers on each of their overseas visits. Indicative planned programs (in the form of hardcopy booklets prepared, prior to departure, by the Department) are held in the Department, however, no final record of meetings is held. Electronic copies of these booklets are not held back to 2000-01 and to provide an indicative listing would require a significant diversion of resources.

(3) (a) and (b) The Department’s central electronic records indicate that a former Minister for Communications, Information Technology and the Arts, Senator Richard Alston, was accompanied by a business delegation on the following visits:

November 2000—Israel – 2000 Convergence and Communications Mission. The Australian Business Mission was organised by the Australia-Israel Chamber of Commerce and Israel-Australia Chamber of Commerce and promoted the IT&C sector.

December 2000—India – IT World 2000 Comdex: Trade Mission

April-May 2001—ICT trade mission to the Middle East (United Arab Emirates, Saudi Arabia, Egypt and Turkey) to promote Australia’s ICT sector, focussing on potential opportunities for two-way investment and trade.

March 2003—The Minister was involved in some aspects of a private trade mission (Australia/Central European Countries Entrepreneurial Study Mission): Belgium, Germany, Austria, Hungary, principally involving the CeBIT Conference and the ICT World Forum in Germany.

In my visit to Korea in June 2005, I led the Australian delegation to the 2nd Korea-Australia Broadband Summit in Seoul. The delegation was organised by Austrade and AEEMA (Australian Electrical and Electronic Manufacturers’ Association). The delegation included representatives of the following Australian ICT companies:

Alive Technologies
BigWorld Pty Ltd
Bravura Solutions
Gramercy Venture Advisors
KOZLINE
m.Net Corporation
MediaZoo
Ovum Pty Ltd
Pacific Magazines
PIXe
Seven Network Limited
Telstra Bigpond
Viewlocity Asia Pacific

(5) (a), (b) and (c) Please refer to the response to Part (1) of Senate Question on Notice 693. (d) Total costs met by the Department, associated with the departmental officers included in the ministerial parties, are as follows:

<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>
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<tr>
<td>$</td>
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<td>$45399.70</td>
<td>$49662.15</td>
<td>$nil</td>
<td>$64,331.67</td>
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</table>

(7) A breakdown of the costs outlined against (5)(d) is readily available in terms of Airfares and travelling allowance/other:

<table>
<thead>
<tr>
<th>Year</th>
<th>Airfares</th>
<th>Travelling Allowance/Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000/01</td>
<td>$33,663.60</td>
<td>$6,156.98</td>
</tr>
<tr>
<td>2001/02</td>
<td>$28,051.60</td>
<td>$17,348.10</td>
</tr>
<tr>
<td>2002/03</td>
<td>$29,288.54</td>
<td>$20,373.61</td>
</tr>
<tr>
<td>2003/04</td>
<td>nil</td>
<td>nil</td>
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<tr>
<td>2004/05</td>
<td>$43,644.51</td>
<td>$20,687.16</td>
</tr>
</tbody>
</table>

Minister for the Arts and Sport: Overseas Travel
(Question No. 729)

Senator Chris Evans asked the Minister for the Arts and Sport, upon notice, on 4 May 2005:

For each financial year since 2000-01 to 2004-05 to date:

(1) (a) What overseas travel was undertaken by the Minister; (b) what was the purpose of the Minister’s visit; (c) when did the Minister depart Australia; (d) who travelled with the Minister; and (e) when did the Minister return to Australia.

(2) (a) Who did the Minister meet during the visit; and (b) what were the times and dates of each meeting.

(3) (a) On how many of these trips was the Minister accompanied by a business delegation; and (b) can details be provided of any delegation accompanying the Minister.

(4) Who met the cost of travel and other expenses associated with the trip.

(5) What total travel and associated expenses, if any, were met by the department in relation to: (a) the Minister; (b) the Minister’s family; (c) the Minister’s staff; and (d) departmental and/or agency staff.

(6) What were the costs per expenditure item for: (a) the Minister; (b) the Minister’s family; and (c) the Minister’s staff, including but not necessarily limited to: (i) fares, (ii) allowances, (iii) accommodation, (iv) hospitality, (v) insurance, and (vi) other costs

(7) What were the costs per expenditure item for each departmental and/or agency officer, including but not necessarily limited to: (a) fares; (b) allowances; (c) accommodation; (d) hospitality; (e) insurance; and (f) other costs.

(8) (a) What was the total cost of air charters used by the Minister or his/her office or department; and (b) 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 respective costs.

**Senator Kemp**—The answer to the honourable senator’s question is as follows:

The Special Minister of State is to provide an answer on behalf of all Ministers to parts (1), (4), (6) and (8). Costs met by the Minister’s portfolio are provided in response to Question 697.

(2) The Department of Communications, Information Technology and the Arts does not maintain central electronic records of meetings held by the Minister on overseas visits. Indicative planned programs (in the form of hardcopy booklets prepared, prior to departure, by the Department) are held in the Department, however, no final record of meetings is held. Electronic copies of these booklets are not held back to 2000-01 and to provide an indicative listing would require a significant diversion of resources.

(3) (a) and (b) Senator Kemp was not accompanied by a business delegation.

(5) (a) to (c) Please refer to the response to part (1) of Senate Question on Notice 697. (d) Total costs met by the Department, associated with the departmental officer included in the ministerial party, are as follows:

<table>
<thead>
<tr>
<th></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>Airfares</td>
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<td>nil</td>
<td>$32,476.07</td>
</tr>
<tr>
<td>Travelling Allowance/Other</td>
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<td>$4,851.77</td>
<td>$35,416.06</td>
<td>nil</td>
<td>$18,581.51</td>
</tr>
</tbody>
</table>

(7) A breakdown of the costs outlined against (5)(d) is readily available in terms of Airfares and Travelling Allowance/Other:

<table>
<thead>
<tr>
<th></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>Airfares</td>
<td>nil</td>
<td>$4,851.77</td>
<td>$35,416.06</td>
<td>nil</td>
<td>$18,581.51</td>
</tr>
<tr>
<td>Travelling Allowance/Other</td>
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<td>$16,816.53</td>
<td>nil</td>
<td>$13,894.56</td>
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</table>

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**TS Hawkesbury**

(Question No. 980)

**Senator Chris Evans** asked the Minister for Defence, upon notice, on 24 June 2005:

(1) What complaints have been made about the administration of navy cadets at Training Ship (TS) Hawkesbury at Gosford.

(2) Are there ongoing investigations by the New South Wales Office of Fair Trading and/or the Australian Tax Office into fund-raising activities in support of cadet activities at TS Hawkesbury.

(3) Have any matters relating to cadets at TS Hawkesbury been referred to the New South Wales Police for investigation.

(4) What Defence-originated investigations have been initiated or completed on complaints of maladministration at TS Hawkesbury.

**Senator Hill**—The answer to the honourable senator’s question is as follows:

(1) Two complaints were made in early 2003. The first complaint related to the treatment of a cadet by the management of the unit and the second complaint related to a change of command at the unit and the manner in which it had occurred.

(2) Yes. The New South Wales (NSW) Office of Fair Trading is investigating the affairs of the Unit Support Committee, TS Hawkesbury. It is not known whether the Australian Taxation Office is making its own inquiries regarding this matter.

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**QUESTIONS ON NOTICE**
(3) One matter is known to have been referred to the NSW police, but the incident did not occur at TS Hawkesbury or at a cadet activity. The mother of a cadet referred the incident to the NSW Police but, subsequently, decided not to pursue the matter further.

(4) The two complaints in 2003 were investigated by the Navy and a number of management shortcomings were identified. The investigation is complete and its recommendations have either been or are being implemented. An alternative dispute resolution approach has been adopted to assist all the parities involved.

**Defence: Legal Costs**

(Question No. 1042)

Senator Mark Bishop asked the Minister for Defence, upon notice, on 1 August 2005:

(1) To date, how much has been spent by the department in relation to Mrs Susan Campbell’s application to the Anti-Discrimination Tribunal of Tasmania.

(2) What is the estimated cost of the application to the Federal Court of Australia seeking injunctive action with respect to Mrs Campbell’s application.

(3) What legal costs have been incurred in relation to other applications by Mrs Campbell, including a previous application to the Human Rights and Equal Opportunity Commission (HREOC).

(4) In (1) and (3) above: (a) which law firms represented the Commonwealth; (b) to date, what total payments have been made; and (c) who was the approving delegate.

(5) (a) At what level was the decision made to seek the injunction; (b) who made the decision; and (c) was the Minister informed.

(6) What is the reason for making the application, and would that apply to any other state constituted tribunal of a similar nature.

(7) Has the approval or opinion of the Attorney-General or his department been sought; if so, what was the substance of that advice.

(8) Has Mrs Campbell sought assistance with legal costs; if so, when and with what outcome.

(9) Has an offer of compensation been made to Mrs Campbell with respect to: (a) her own costs; and (b) pain and suffering as the result of the suicide of her daughter.

(10) That other legal disbursements have been paid by the department in the matter of Lt Commander Robyn Fahy, including representation before HREOC, but excluding the $384,000 plus $60,000 costs already incurred on behalf of Commander McKenzie; and (b) to whom were those payments made.

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

(1) As at 10 August 2005, the legal costs and disbursements for defending the claim brought by Mrs Campbell before the Anti-Discrimination Tribunal of Tasmania were as follows:

Professional costs - $53,051
Disbursements - $9,287
Plus GST - $6,234
Total - $68,572

(2) It is difficult to estimate the cost of the application to the Federal Court of Australia in the matter of Commonwealth of Australia & Glenn Kowalik v Anti-Discrimination Tribunal of Tasmania & Susan Campbell (No. TAD 23 of 2005) (“the Campbell matter”). Phillips Fox, which represents the Commonwealth in the Federal Court proceedings, has provided an estimate of $45,000, based upon an expected one day of hearing, and taking into account the time spent in preparing submissions.

QUESTIONS ON NOTICE
However this could vary, in particular, depending upon the position that the various states and territories take with respect to possible intervention.

(3) As at 10 August 2005, the legal costs and disbursements for defending the proceedings before the Human Rights and Equal Opportunity Commission (HREOC) were as follows:
Professional Costs - $113,396
GST - $11,340
Total - $124,736
As at the same date, in relation to Mrs Campbell’s application before the Supreme Court of Tasmania, the costs were as follows:
Professional Costs - $14,030
Disbursements - $35,759
GST - $4,952
Total - $54,741

(4) (a) Phillips Fox represents the Commonwealth in each of the proceedings brought by Mrs Campbell, and in the injunction application before the Federal Court. The Australian Government Solicitor is consulted in relation to any constitutional issues that arise during the course of proceedings, in accordance with the Legal Services Directions issued by the Attorney-General.

(b) To date, the total payments that have been made are $248,049.

(c) Costs are payable against an itemised account in taxable form, and are certified as being appropriate for payment by the instructing officer within Defence Legal Division, and approval is then sought from the approving delegate, in this instance, the Director of Litigation.

(5) (a) Following the most recent decision of the Anti-Discrimination Tribunal of Tasmania of 30 May 2005, advice was sought from the Commonwealth’s senior counsel, Mr Peter Hanks QC. This advice concluded that the Tribunal’s reasoning on the construction of the Tasmanian Act, and in particular on the question whether the Act should be read as expressing an intention to apply to the Commonwealth, is wrong. The advice concluded that there were substantial grounds on which the jurisdiction of the Tribunal to proceed to hear the complaint under the Tasmanian Act could be challenged.

Following receipt of this advice, discussions took place involving the Director of Litigation and the Head of Defence Legal Division. The RAAF was also consulted in relation to the possible injunction proceedings. In light of the constitutional issues raised by the proceedings, approval was also sought from the Office of Legal Services Coordination within the Attorney-General’s Department, which in turn consulted the Constitutional Litigation Unit of the Australian Government Solicitor. In light of the broad public interest in the issues raised, it was agreed that it was appropriate for the Federal Court application to be lodged.

On 28 June 2005, an application was lodged in the Federal Court seeking an injunction restraining the Anti-Discrimination Tribunal of Tasmania from proceeding further with Mrs Campbell’s complaint. While the principal respondent is the Tasmanian Anti-Discrimination Tribunal itself, Mrs Campbell has also been named as a party because she initiated the complaint to the Tribunal.

(b) Following the discussions and consultations outlined in part (a) above, the decision to lodge the Federal Court proceedings was made by the Director of Litigation, Defence Legal Division, in consultation with the Head, Defence Legal Division.

(c) Yes.

(6) The application to the Federal Court has been made on the basis that the Tasmanian Anti-Discrimination Tribunal does not have jurisdiction to entertain claims against the Commonwealth.
The Australian Defence Force requires certainty regarding which laws apply to it and its personnel across the full span of its roles, both nationally and internationally. The ADF is part of the Commonwealth, and looks to the laws of the Commonwealth dealing with discrimination and harassment as those with which it must comply in the work place.

Prior to this case, the Tasmanian Anti-Discrimination Tribunal had accepted the principle that it does not have jurisdiction to entertain claims against the Commonwealth or Commonwealth bodies in the matters of Murphy v Family Court of Australia [2002] TASADT 9 and Daly & Swanton v Australian Broadcasting Authority [2005] TASADT 2.

The Commonwealth’s application is made specifically in relation to the Anti-Discrimination Act 1998 of Tasmania. If the matter is ultimately decided upon constitutional grounds, it will have broad significance, and the potential to affect the jurisdiction of other state and territory tribunals. If the decision is based upon the construction of the Tasmanian legislation, its broader effect will depend upon the wording of the particular state or territory legislation.

The broad significance of this matter is reflected in the fact that, on 5 August 2005, counsel for Defence argued successfully before the Anti-Discrimination Tribunal of Tasmania that four other matters involving various allegations relating to Australian Navy Cadets should be adjourned pending the outcome of the Federal Court proceedings in the Campbell matter.

The Commonwealth has also raised similar issues with the Anti-Discrimination Board of New South Wales, and is awaiting a decision from the Board as to whether it will agree to a matter involving alleged issues of discrimination also being adjourned pending the decision of the Federal Court in this matter.

(7) As outlined in the response to part (6) above, the opinion of the Office of Legal Services Coordination of the Attorney-General’s Department was sought prior to the Federal Court proceedings being lodged. On 27 June 2005, the Office of Legal Services Coordination advised that it approved of Phillips Fox instituting the proposed Federal Court proceedings, subject to certain specified conditions. These conditions related to the settling of written submissions on constitutional issues by the Australian Government Solicitor, and the choice of counsel, particularly in circumstances where the matter might go on appeal, in which case the involvement of the Solicitor-General may be appropriate.

(8) Mrs Campbell has made no application for legal assistance at Commonwealth expense. Were such an application made, it would be considered on its merits in accordance with the principles outlined in the Legal Services Directions issued by the Attorney-General.

(9) No compensation has been offered to Mrs Campbell.

The Department of Defence is bound by the Attorney-General’s Legal Services Directions and the Commonwealth’s obligation to act as a model litigant in relation to the proceedings brought by Mrs Campbell. In order to settle any claim for compensation brought by Mrs Campbell, Defence would need to be satisfied that it is likely that it would be found liable by a Court for the loss claimed by Mrs Campbell.

The only final decision to date is that of HREOC, which concluded that it did not consider that monetary compensation should be payable on the basis that “[t]he limited information that has been given to HREOC in relation to Mrs Campbell’s loss does not identify an entitlement to common law damages.”

As part of the HREOC complaint, the Commission in that matter was willing to conduct a mediation. Defence agreed to attend the mediation, but Mrs Campbell refused.

In relation to the Supreme Court proceedings, from Defence’s perspective the investigative path required by the Legal Services Directions is not yet completed. Importantly also, Mrs Campbell has
yet to rectify the defects in her pleadings that were identified by the Supreme Court at directions hearings on both 8 March 2005 and 5 April 2005.

(10) (a) As at 23 August 2005, the legal costs and disbursements in respect of various matters pertaining to Lieutenant Commander Fahy, including the HREOC matter (but excluding costs associated with the Western Australian Medical Board) were as follows:

- Professional Costs - $97,176 (incl GST)
- Disbursements - $4,009 (incl GST)
- Total - $101,185 (incl GST)

(b) The payments were made to Phillips Fox, which represents the Commonwealth in relation to the administration of Lieutenant Commander Fahy’s complaint and subsequently her claim before HREOC.

**New Apprenticeships Incentives Program**

**(Question No. 1079)**

Senator Wong asked the Minister representing the Minister for Education, Science and Training, upon notice, on 11 August 2005:

(1) For each of the years from 2001 to 2004, can information be provided on the 50 qualifications for which the highest number of incentive payments were made under the New Apprenticeship Employer Incentive.

(2) For each of the years from 2001 to 2004, can information be provided on the total value of the payments for each of the qualifications listed in (1) above.

Senator Vanstone—The Minister for Vocational and Technical Education has provided the following answer to the honourable senator’s question:

The following four tables list the fifty New Apprenticeships qualifications against which the highest number of New Apprenticeships employer incentives payments have been made, as well as total amount of incentives paid against each of those qualifications for the calendar years 2001, 2002, 2003 and 2004.

The totalled payments cover the full range of the New Apprenticeships Incentives Programme, including commencement, progression and completion payments as well as special and additional incentives. It is important to note that there is no direct correlation between the number and value of claims as this information reflects only those claims submitted by employers.

You should also note that traditional trades qualifications are under-represented in these tables because until recently most traditional trade apprenticeships were conducted using different qualification codes for each State and Territory. Most apprenticeships are now covered by single National Training Package qualifications and this is reflected in the higher position in the 2004 table for occupations such as electricians, carpenters and hairdressers.

(a) – New Apprenticeships qualifications attracting the highest number of New Apprenticeships employer incentives payments - 2001

<table>
<thead>
<tr>
<th>Rank</th>
<th>National Training Information Service (NTIS) code</th>
<th>Qualification long description</th>
<th>1 - Claims</th>
<th>2 - Amount (GST incl)</th>
</tr>
</thead>
<tbody>
<tr>
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QUESTIONS ON NOTICE
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* - indicates pre-NTIS qualification


(b) – New Apprenticeships qualifications attracting the highest number of New Apprenticeships employer incentives payments - 2002
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* - indicates pre-NTIS qualification
(c) New Apprenticeships qualifications attracting the highest number of New Apprenticeships employer incentives payments - 2003

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<td>Certificate III in Retail Operations</td>
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<td>2 - Amount (GST incl)</td>
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<td>2 - Amount (GST incl)</td>
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(d) – New Apprenticeships qualifications attracting the highest number of New Apprenticeships employer incentives payments - 2004

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<tr>
<th>Rank</th>
<th>National Training Information Service (NTIS) code</th>
<th>Qualification long description</th>
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<th>2 - Amount (GST incl)</th>
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<td>Qualification long description</td>
<td>1 - Claims</td>
<td>2 - Amount (GST incl)</td>
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QUESTIONS ON NOTICE

Rank   National Training Information Service (NTIS) code | Qualification long description                                                                 | 1 - Claims | 2 - Amount (GST incl)

45     CHC40799  | Certificate IV in Community Services (Disability Work)                                           | 1,495      | $2,339,700
46     AUR31899  | Certificate III in Automotive Vehicle Body (Vehicle Painting)                                   | 1,478      | $2,028,946
47     90181NSW | Certificate III in Plumbing                                                                     | 1,456      | $2,021,045
48     PMB30101  | Certificate III in Plastics                                                                    | 1,443      | $2,037,585
49     AUR21799  | Certificate II in Automotive Mechanical (Vehicle Servicing)                                     | 1,422      | $1,618,684
50     LMF30402  | Certificate III in Furniture Making (Cabinet Making)                                            | 1,402      | $1,973,203


Burrup Peninsula
(Question No. 1082)

Senator Bartlett asked the Minister for the Environment and Heritage, upon notice, on 15 August 2005:

With reference to the development of Burrup Peninsula:

(1) Has the Minister received a nomination to list Western Australia’s Burrup Peninsula on the National Heritage List; if so, what is the current status of that nomination.

(2) Has the Minister received a referral under the Environment Protection and Biodiversity Conservation Act 1999 from Woodside Energy in relation to development on Burrup Peninsula, which has the potential to disturb ancient rock art on the site.

(3) Will the Minister consider implementing an emergency heritage listing for the area while consideration is given to whether the application for development by Woodside Energy will have a significant impact on Australia’s cultural heritage.

(4) Has the Minister given, or is he aware of, any assurances that have been given, regarding the future heritage listing of the site, to: (a) the original nominees; or (b) parties interested in further development.

Senator Ian Campbell—The answer to the honourable senator’s question is as follows:

(1) Yes, there have been three nominations. All the nominations are under assessment by the Australian Heritage Council.

(2) A referral has been received and a decision taken by my delegate that the matter is a controlled action. This proposal will require a formal environmental assessment process.

(3) The information I have is that no works on ground are proposed before the second quarter of 2006. If there is no threat in the near future, the requirements for emergency listing under the Environment Protection and Biodiversity Conservation Act 1999 would not be met.

(4) No.

New Apprentices and Vocational Education and Training Students
(Question No. 1089)

Senator Wong asked the Minister representing the Minister for Education, Science and Training, upon notice, on 16 August 2005:
With reference to the answer to question no. E144 06 provided to the Employment, Workplace Relations and Education Legislation Committee during estimate hearings on 2 June 2005: Can the Minister update the second table (Percentage of New Apprentices/Vocational Education and Training (VET) Students) with the 2004 figures following the National Centre for Vocational Education Research’s release of the 2004 VET students statistics on 4 July 2005.

Senator Vanstone—The Minister for Education, Science and Training has provided the following answer to the honourable senator’s question:

Percentage of New Apprentices/VET student

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<tr>
<td>2000</td>
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<td>22.9%</td>
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<tr>
<td>2004</td>
<td>24.0%</td>
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The percentages in the table above represent the total number of New Apprentices in training as at 31 December 1999 - 2004 as a percentage of the total number of VET students recorded by the National Centre for Vocational Education Research (NCVER) for each year.

Alice Springs Seismic Monitoring Station

(Question No. 1090)

Senator Nettle asked the Minister representing the Minister for Industry, Tourism and Resources, upon notice, on 17 August 2005:

With reference to the joint United States of America (US)-Australia seismic monitoring station at Alice Springs:

(1) Did the seismic monitoring station at Alice Springs register the earthquake that caused the tsunami in Asia; if so, what action did the employees at the station take; if not, what is the role of such a monitoring station.

(2) Does this monitoring station have any connection with the Japanese early warning systems for tsunamis.

(3) Does the joint US-Australia seismic monitoring service have the equipment to measure earthquakes of the size that caused the Asian tsunami.

(4) Is the monitoring station’s equipment calibrated for military reasons such as detecting underground nuclear explosions, rather than ‘natural’ earthquakes.

Senator Minchin—The Minister for Industry, Tourism and Resources has provided the following answer to the honourable senator’s question:

(1) Yes. The station provided data to Geoscience Australia which subsequently used the data in the analysis of the earthquake.

(2) Not at the time of the December 26 tsunami. However, as the station forms part of the International Monitoring System (IMS) for the Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO), the Japanese tsunami warning centre can now access data through the CTBTO. Geoscience Australia would also be able to make the data available directly if requested.

In March 2005, the CTBTO agreed, on a test basis, to the release of real-time data from the IMS in order to assess its usefulness for tsunami warning purpose. Australia has strongly supported this move. Geoscience Australia will use IMS data as part of the $69 million Australian Tsunami Warning System (ATWS) that was announced by the Australian Government on 12 May 2005, and will play a leading role in assessing its value. The ATWS, together with other national warning systems, will form a highly coordinated network – the Indian Ocean Tsunami Warning and Mitigation System (IOTWS).
(3) There is no joint US-Australia seismic monitoring service. Geoscience Australia provides a seismic monitoring service using data from the joint US-Australia seismic monitoring station at Alice Springs, as mentioned in Q1 above.

(4) When established, the station’s primary role was for the monitoring of nuclear explosions, and, as mentioned, it forms part of the IMS for the Comprehensive Nuclear-Test-Ban Treaty. In addition, over the past several decades the station has played a strategic role in the monitoring of earthquakes in the Australasian region undertaken by Geoscience Australia.

Health and Ageing: Funding
(Question No. 1091)

Senator Allison asked the Minister representing the Minister for Health and Ageing, upon notice, on 17 August 2005:

With reference to the answer to question on notice no. 365 (Senate Hansard, 9 August 2005, p. 80) relating to pregnancy counselling which states that, ‘The objective of the Family Planning Program is to provide a balanced approach to differing family planning service models, aimed at promoting responsible sexual and reproductive behaviours, rather than focusing on one particular strategy or program. There are no requirements in the contracts with these organisations for them to declare whether or not they are ‘pro-life’ or ‘pro-choice’. Consumers are protected by the provisions of the Trade Practices Act 1974 which deals with misleading or deceptive conduct by a corporation’: Can the Minister indicate if services for which no fee is charged and which are funded by the Commonwealth through the Family Planning Program are covered by section 75AT of the Trade Practices Act 1974.

Senator Patterson—The Minister for Health and Ageing has provided the following answer to the honourable senator’s question:

Section 75AT of the Trade Practices Act 1974, which contains provisions against price exploitation, does not apply to pregnancy support and counselling services that are provided at no cost to the client.

Acrylamide
(Question No. 1092)

Senator Allison asked the Minister representing the Minister for Health and Ageing, upon notice, on 18 August 2005:

(1) Is the Minister aware that the Joint Food and Agricultural Organisation/World Health Organisation Expert Committee on Food Additives and Contaminants (JECFA) has investigated the possible risks of acrylamide in food and concluded that: (a) cancer was the most important toxic effect of acrylamide; and (b) consumption of foods with acrylamide at current levels of occurrence may be a public health concern.

(2) What data is available on the exposure of Australians to acrylamide in food.

(3) Has Food Standards Australia New Zealand (FSANZ) identified a safe level of acrylamide.

(4) Does FSANZ require all packaged food sold in Australia that contains acrylamide to list it as an ingredient; if not, what foods, if any, are required to list this ingredient.

(5) What action is being taken to reduce the presence of acrylamide in food.

Senator Patterson—The Minister for Health and Ageing has provided the following answer to the honourable senator’s question:

(1) I am aware the Joint FAO/WHO Expert Committee on Food Additives (JECFA) considered acrylamide, a substance that is formed in some foods during frying and baking, in February 2005. At this meeting, JECFA considered all of the currently available data, both toxicological data and exposure data on acrylamide. JECFA considered that available data on the potential for acrylamide
to cause cancer were insufficient and is awaiting the results of ongoing studies. JECFA noted that the daily intake of acrylamide for the general population was 1 microgram per kilogram of body-weight for mean consumers and 4 micrograms per kilogram of bodyweight for high consumers. JECFA considered that this level of intake may indicate a human health concern.

(2) To date there have been two exposure assessments calculated for acrylamide for the Australian population. Both of these were considered by JECFA as a part of their evaluation in February.

The first exposure estimate was conducted using Australian food consumption data from the 1995 Australian National Nutrition Survey (NNS) and concentrations of acrylamide found in a range of foods (primarily carbohydrate or cereal based) from international sources. This assessment was conducted when acrylamide was first identified in foods, and when no Australian concentration data were available.

The second exposure estimate was conducted following the collection and analysis of Australian foods. The foods selected for analysis were carbohydrate based, as the data that have been generated internationally indicate that these foods constitute the major sources of acrylamide in the diet. The exposure assessment used the 1995 Australian NNS consumption data.

Estimated daily exposures to acrylamide from both assessments were 0.5 micrograms per kilogram of bodyweight for mean consumers, and 1.5 micrograms per kilogram of bodyweight for high (95th percentile) consumers.

Both Australian estimates were in the range of the exposures evaluated by JECFA.

(3) No. There is a significant amount of research taking place in both the US and Europe to investigate any potential adverse health effects associated with the levels of acrylamide found in food. FSANZ will continue to monitor the outcome of this research and work with other national food regulatory agencies to address any concerns.

(4) No. Chemicals formed during processing of food are not required to be listed as an ingredient.

(5) Work is continuing internationally to better understand the conditions under which acrylamide is formed in food and the levels at which it occurs. Until further information is available on these matters and on the toxicity of acrylamide, it is premature to be considering the need to reduce the levels in food.

Great Apes Survival Project
(Question No. 1104)

Senator Bartlett asked the Minister for the Environment and Heritage, upon notice, on 19 August 2005:

With reference to Australia’s participation in the United Nations’ (UN) Great Apes Survival Project (GRASP):

(1) Is the Minister aware of the GRASP Intergovernmental Meeting to be held in Kinshasa from 5 to 9 September 2005.

(2) Has the Minister responded to the formal invitation for Australia to attend the meeting sent through the permanent representatives at both the UN Environment Programme and UNESCO.

(3) Can the Minister confirm whether an Australian representative will be attending the meeting.

(4) Given that the Minister recently announced that the Government intends to provide funding through its Regional Natural Heritage Programme for orang-outang conservation projects in Sumatra and Kalimantan and in other areas of South East Asia, does the Minister consider it appropriate to cooperate with UN agencies to ensure Australia is part of a coordinated action on great ape conservation.
(5) Will the Minister ensure Australia becomes a state member of GRASP prior to September’s meeting in order to ensure Australia’s commitment to orang-outang survival in our region is recognized in international forums.

Senator Ian Campbell—The answer to the honourable senator’s question is as follows:

(1) Yes.

(2) I have replied to the Vice President of Australian Orangutan Project, Mr Tony Gilding, advising him I will not be attending the meeting.

(3) Australia will not be sending a representative to attend the meeting.

(4) Yes.

(5) The Government supports international efforts to promote the survival of orangutans, as recognised by Australia’s contributions to orangutan conservation projects in South East Asia under the Regional Natural Heritage Programme. Furthermore, all Great Apes are listed on Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). Australia enforces CITES import and export controls through the wildlife trade provisions of the Environment Protection and Biodiversity Conservation Act 1999, which ensures high levels of protection for great apes against possible illegal trade.

The Government does not consider that further value would be added to these existing efforts by Australia becoming a state member of GRASP at this point.

Australian Red Cross Blood Service

(Question No. 1105)

Senator Bob Brown asked the Minister representing the Minister for Health and Ageing, upon notice, on 19 August 2005:

(1) What is the Government’s analysis of the Australian Red Cross Blood Service ban on homosexual and bisexual men, who are sexually active, donating blood.

(2) Are there homosexual men whose sexual activity puts them at no greater risk of blood-borne diseases than heterosexual men and women; if so, why are they being prevented from donating blood when heterosexual men and women at greater risk are not.

(3) What is the estimated number of such potential donors.

Senator Patterson—The Minister for Health and Ageing has provided the following answer to the honourable senator’s question:

(1) Regulatory requirements set by the Therapeutic Goods Administration and state and territory legislation require the Australian Red Cross Blood Service (ARCBS) to pre-screen donors based on declared behaviour and potential risks which may affect either the recipient or the donor.

The ARCBS donor deferral policy relating to men who have had sex with men in the past twelve months is to defer blood donation for a twelve month period. It is one element of the broader ARCBS donor deferral policy which applies uniformly to sexual activity which carries an increased risk of contracting blood borne diseases. Donor deferral is a risk reduction strategy focused on known risk factors, not an individual’s sexual orientation. It is consistent with international practice.

The ARCBS advises that, in relation to male-to-male sex, the policy is based on the statistically higher incidence of contracting blood borne diseases related to this activity and to reduce risk relating to ‘window period’ infections, during which infections cannot be detected by currently available tests.
(2) The ARCBS donor deferral policy applies uniformly to sexual activity which carries an increased risk of contracting blood borne diseases. It does not target homosexual men as a specific group nor ignore high risk sexual activity of heterosexual men and women. For example, donor deferral applies to any potential donor who has had sexual contact with a male or female sex worker, or if they have been a male or female sex worker in the previous twelve months, or if they have had sexual contact with a person from a country with a high prevalence of HIV. All people with these risk factors are deferred from donating blood for twelve months.

(3) The Australian Government has no information to enable an estimate of the number of such potential donors.

**Government Vehicle Fleet**  
(Question No. 1109)

Senator Allison asked the Minister for the Environment and Heritage, upon notice, on 29 August 2005:

With reference to the environmental strategy introduced by the Government in 2003 that aims at 28 per cent of the Government vehicle fleet scoring greater than 10 on the Green Vehicle Guide by December 2005:

(1) Is the Government on track to meet this target.

(2) How is this performance data relating to the Government’s vehicle fleet made accessible to the public.

Senator Ian Campbell—The answer to the honourable senator’s question is as follows:

(1) Taken on an agency by agency basis, the target has been met by at least 27 agencies out of the 99 which reported their fleet data in ‘Energy Use in the Australian Government’s Operations’ published in August 2005.

The next report on the target for 2005 is expected to be available in December 2005. The Green Vehicle Guide, which provides the ratings for these vehicles was finalised in August 2004, which will mean that the December 2005 report will be the first to cover a full year of operation.

This target is being examined in the context of the Government’s overall energy efficiency policy.

(2) The progress on the target is reported annually in ‘Energy Use in the Australian Government’s Operations’, published by the Australian Greenhouse Office.

**Government Vehicle Fleet**  
(Question No. 1110)

Senator Allison asked the Minister for the Environment and Heritage, upon notice, on 29 August 2005:

(1) Is the Government aware of efforts made by the Australian Capital Territory, Victoria and Queensland governments to increase the number of Toyota Prius in their respective vehicle fleets to a quantity more than 1% of total fleet size.

(2) Will the Government consider increasing the number of Toyota Prius in the Government fleet to match those achieved by the Australian Capital Territory, Victoria and Queensland governments.

(3) Will the Government consider mandating a percentage of hybrid vehicles to be included in the government vehicle fleet.

Senator Ian Campbell—The answer to the honourable senator’s question is as follows:

(1) Yes, the Government is aware of these actions.
and (3) Fleet management issues will be considered in the context of the Government’s overall energy efficiency policy. In general, the Government prefers a performance based approach rather than a technology specific approach.

**Wind Energy**

(Question No. 1113)

**Senator Allison** asked the Minister representing the Minister for Foreign Affairs, upon notice, on 29 August 2005:


(2) Does the Government agree with GWEC’s prediction that Australia’s wind energy industry will be brought to a standstill in 2007 if market measures remain unchanged.

(3) Does the Government agree that Australia is well-placed to become the renewable energy hub of the Asia-Pacific region, resulting in billions of dollars of investment and export income, and hundreds of new jobs, especially in rural and regional Australia.

(4) Does the Government acknowledge that the cost of wind energy has dropped 50 per cent in 15 years and on current trends in major markets is on course to be cost-competitive with conventional fuels within a decade.

(5) Does the Government agree that it is desirable to remove the obstacles and market distortions that currently constrain the wind industry’s potential; if so, what action is proposed to ensure the continued development of wind power generation beyond 2007.

(6) In recognising the importance of addressing climate change under the APPCDC, what evidence is there that suggests that ‘clean coal’ technologies and nuclear power are ‘practical ways that promote economic development’, as quoted by the Minister for Foreign Affairs (Mr Downer) in a joint statement with the Minister for the Environment and Heritage, dated 11 August 2005.

(7) Does the inclusion of nuclear power and clean coal in the suite of technologies to be included as examples of technology cooperation with other members of the APPCDC, indicate that these technologies are likely to be as cost-competitive and readily implemented as wind power; if so, what evidence does the Government rely on in forming this view.

(8) (a) What criteria will be used to assess the technologies to be funded under the Low Emissions Technology Fund; and (b) if the criteria are yet to be established, what is the process to do so and over what time frame.

(9) Will short term abatement be one of those criteria; if not, why not.

(10) If there is to be ‘no setting of arbitrary goals or timelines’, are any goals or time frames proposed to be developed under the APPCDC.

**Senator Hill**—The Minister for Foreign Affairs has provided the following answer to the honourable senator’s question:

(1) The Vision Statement for the Asia Pacific Partnership on Clean Development and Climate explicitly includes wind power as one of the areas for collaboration by partner countries. However, no decisions have yet been made on specific implementation measures or arrangements. These issues
QUESTIONS ON NOTICE

will be discussed at the initial ministerial meeting of partner countries, planned to be held in Australia in November 2005.

(2) No.
(3) Yes.

(4) The cost competitiveness of wind energy has improved markedly over the last 15 years. At this point it is not possible to say if and when wind may become fully competitive against conventional forms of electricity generation.

(5) Yes. The Government’s Energy White Paper, Securing Australia’s Energy Future, includes a number of initiatives to promote the development and demonstration of a broad range of low emission technologies, and address impediments to the uptake of renewable energy. Examples include a $14 million Wind Energy Forecasting Capability; a $20 million Advanced Electricity Storage Technologies programme; and a $100 million Renewable Energy Development Initiative. The Australian Government is also working with the States and Territories through the Ministerial Council on Energy to reduce regulatory and technical impediments to renewable energy uptake, with a particular focus on wind energy.

(6) Technologies such as the advanced use of fossil fuels and nuclear power have the ability to meet the world’s growing demand for competitively priced, reliable based load electricity providing security of energy supply, reducing air pollution and greenhouse gas emissions and providing other health and environmental benefits. It is unlikely that renewables or any single fuel source can supply the world’s current or future electricity needs. This is a view shared by the International Energy Agency (IEA) in its 2004 World Energy Outlook.

(7) The Partnership’s Vision Statement includes a wide range of potential areas for collaboration, but makes no comment on full cost-effectiveness. The indicative areas listed in the Statement reflect the range of natural resource endowments, and sustainable development and energy strategies, of partner countries.

(8) These matters fall outside my portfolio and should be addressed to the Minister for Environment and Heritage and the Minister for Industry, Tourism and Resources.

(9) These matters fall outside my portfolio and should be addressed to the Minister for Environment and Heritage and the Minister for Industry, Tourism and Resources.

(10) In developing and agreeing practical collaborative activities or projects, partner countries may agree specific goals relevant to those activities.

Wind Energy

(Question No. 1114)

Senator Allison asked the Minister representing the Minister for Industry, Tourism and Resources, upon notice, on 29 August 2005:


(2) Does the Government agree with GWE’s prediction that Australia’s wind energy industry will be brought to a standstill in 2007 if market measures remain unchanged.
(3) Does the Government agree that Australia is well-placed to become the renewable energy hub of the Asia-Pacific region, resulting in billions of dollars of investment and export income, and hundreds of new jobs, especially in rural and regional Australia.

(4) Does the Government acknowledge that the cost of wind energy has dropped 50 per cent in 15 years and on current trends in major markets is on course to be cost-competitive with conventional fuels within a decade.

(5) Does the Government agree that it is desirable to remove the obstacles and market distortions that currently constrain the wind industry’s potential; if so, what action is proposed to ensure the continued development of wind power generation beyond 2007.

(6) In recognising the importance of addressing climate change under the APPCDC, what evidence is there that suggests that ‘clean coal’ technologies and nuclear power are ‘practical ways that promote economic development’, as quoted by the Minister for Foreign Affairs (Mr Downer) in a joint statement with the Minister for the Environment and Heritage, dated 11 August 2005.

(7) Does the inclusion of nuclear power and clean coal in the suite of technologies to be included as examples of technology cooperation with other members of the APPCDC, indicate that these technologies are likely to be as cost-competitive and readily implemented as wind power; if so, what evidence does the Government rely on in forming this view.

(8) (a) What criteria will be used to assess the technologies to be funded under the Low Emissions Technology Fund; and (b) if the criteria are yet to be established, what is the process to do so and over what time frame.

(9) Will short term abatement be one of those criteria; if not, why not.

(10) If there is to be ‘no setting of arbitrary goals or timelines’, are any goals or time frames proposed to be developed under the APPCDC.

Senator Minchin—The Minister for Industry, Tourism and Resources has provided the following answer to the honourable senator’s question:

(1) No decisions have yet been made on specific implementation measures or arrangements. These issues will be discussed at the initial ministerial meeting of partner countries, which will be held in Australia in November 2005.

(2) No.

(3) Because of a range of Government initiatives, investment in the renewable energy industry in Australia has grown substantially, Australia’s renewable energy industry in a strong position to actively participate in the Asia-Pacific.

(4) The cost competitiveness of wind energy has improved markedly over the last 15 years and the Government expects this trend to continue into the future. However, it is not possible to say when wind may become fully competitive against conventional forms of electricity generation.

(5) Yes. The Government’s 2004 Energy White Paper, Securing Australia’s Energy Future, included a number of initiatives to promote the development and demonstration of low emission technologies, and address impediments to the uptake of renewable energy. They included $14 million for Wind Energy Forecasting Capability; a $20 million Advanced Electricity Storage Technologies programme; and a $100 million Renewable Energy Development Initiative. The Government is also working with the States and Territories through the Ministerial Council on Energy to reduce impediments to renewable energy uptake, with a focus on wind energy.

(6) Technologies such as clean coal and nuclear power have the ability to meet the world’s growing demand for competitively priced, reliable based load electricity providing security of energy supply, reducing air pollution and greenhouse gas emissions and providing other health and environmental benefits. It is unlikely that renewables or any single fuel source can supply the world’s cur-
rent or future electricity needs. This is a view shared by the International Energy Agency (IEA) in its 2004 World Energy Outlook.

(7) The Partnership’s Vision Statement includes a wide range of potential areas for collaboration, but makes no comment on relative cost-effectiveness. The indicative areas reflect the range of natural resource endowments, and sustainable development and energy strategies of partner countries.

(8) In June 2005, the Minister for Environment and Heritage and I jointly released a Statement of Challenges and Opportunities and Draft Programme Guidelines for the Low Emissions Technology Demonstration Fund (attached for your reference). These guidelines included draft eligibility and merit criteria. Public consultation, including public meetings in Melbourne and Brisbane and a formal submission process, provided constructive feedback on the draft documentation that will inform the final programme guidelines.

(9) Short term abatement was not one of the draft eligibility or merit criteria, as published in the Statement of Challenges and Opportunities and Draft Programme Guidelines. The Fund is part of the Government’s long term strategy as described in the energy white paper. The strategy will prepare Australia’s economy to respond to any long-term emissions constraints that may be required as part of an effective global response to climate change.

(10) Details of a possible work plan for the APPCDC are yet to be discussed by member countries.

Yampi Sound
(Question No. 1118)

Senator Siewert asked the Minister for Defence, upon notice, on 30 August 2005:
With reference to the Australian Broadcasting Corporation news story of 18 July 2005, ‘Yampi Sound to become major military training ground’: Given that the Yampi Sound defence base, north of Derby in Western Australia’s Kimberley, is set to become a major training ground for Australian and allied armed forces, can the Minister advise whether the Government will permit the use of depleted uranium ammunition (DU) in this training area; if so: (a) why; (b) have local authorities been advised of the intended use of DU in their immediate area; and (c) have any studies been carried out to determine the transmission potential of any wind-blown fugitive dust or volatised material associated with the DU use on the surrounding communities; if not, will this apply to all forces using the area.

Senator Hill—The answer to the honourable senator’s question is as follows:
No.

Road Funding
(Question No. 1125)

Senator O’Brien asked the Minister representing the Minister for Local Government, Territories and Roads, upon notice, on 30 August 2005:
With reference to an article in the Narrabri Courier of 28 July 2005 headlined, ‘Lobby for roads urges Anderson’: (a) is the Minister aware of comments attributed to the Member for Gwydir (Mr Anderson) that councils across Australia should invest in a professional lobbyist to obtain additional funding from the Federal Government; and (b) does the Minister agree with the Member for Gwydir’s comments.

Senator Ian Campbell—The Minister for Local Government, Territories, and Roads has provided the following answer to the honourable senator’s question:
(a) No; and (b) The Minister for Local Government, Territories, and Roads has no role in the day-to-day operations of Councils. Councils are free to operate as best suits their individual circumstances and in the best interests of their rate-payers as they see fit.
Canberra Airport
(Question No. 1128)

Senator O’Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 30 August 2005:

With reference to an article in The Canberra Times of 3 August 2005 headlined, ‘Discount shopping at airport’:

(1) (a) What representations have been made to the Minister regarding the development of 9,000 square metres of retail space at Canberra Airport; (b) who made the representations; and (c) on what date were they made and by whom.

(2) (a) What representations has the Minister made on behalf of the proponents of the development; and (b) on what date were they made and to whom.

Senator Ian Campbell—The Minister for Transport and Regional Services has provided the following answer to the senator’s question:

(1) (a) (b) and (c) No representations have been made to me regarding the proposed development of 14,900 square metres of retail space at Canberra International Airport.

(2) (a) and (b) I have made no representations on behalf of the proponents of the development.

Roads to Recovery Program
(Question No. 1140)

Senator O’Brien asked the Minister representing the Minister for Local Government, Territories and Roads, upon notice, on 6 September 2005:

With reference to the article in The West Australian of 30 August 2005 entitled, ‘High hopes for further Roads to Recovery funding’:

(1) Does the Minister agree with the reported statement attributed to Mr Anderson that a third or fourth round of Roads to Recovery funding may be required to address a national backlog of road work.

(2) (a) What representations has the Minister had from Mr Anderson regarding a third or fourth round of Roads to Recovery funding to address the national backlog of road work; (b) what was the nature of each representation; and (c) on what date and in what form were these representations received.

Senator Ian Campbell—The Minister for Local Government, Territories and Roads has provided the following answer to the honourable senator’s question:

(1) Australian Government policy is that the Roads to Recovery Programme is scheduled to run to the end of 2008/09.

(2) (a) nil; (b) n/a; and (c) n/a.

Clerk of the Senate
(Question No. 1161)

Senator Bob Brown asked the President of the Senate, upon notice, on 7 September 2005:

With reference to the answer to question on notice no. 1107 (Senate Hansard, 5 September 2005, p. 190): Did the President or any of his staff discuss the matter with Senator Abetz or his staff.

The President—The answer to the honourable senator’s question is as follows:

If ‘the matter’ refers to the article in The Australian newspaper on p 3 on 19 August 2005, the answer in regard to me is ‘No’ and in regard to my staff is ‘Not to my knowledge’.

QUESTIONS ON NOTICE
**Seniors Concession Allowance**

*(Question No. 1173)*

**Senator Chris Evans** asked the Minister for Family and Community Services, upon notice, on 14 September 2005:

With reference to the Seniors Concession Allowance:

1. For the 2004-05 financial year, how many people received the allowance and what was the total cost of the allowance.

2. For each of the financial years 2005-06, 2006-07 and 2007-08, what are the estimated numbers of people who will receive the allowance and what is the estimated total cost of the allowance.

**Senator Patterson**—The answer to the honourable senator’s question is as follows:

1. The outcomes for 2004-05 are not yet available. They will be published in the FaCS Annual Report, due for release late October 2005.

2. The 2005-06 FaCS Portfolio Budget Statements provide the estimates for 2004-05 and 2005-06 (see pages 123 and 143). Forward year estimates by program are not published.

**Age Pension**

*(Question No. 1174)*

**Senator Chris Evans** asked the Minister for Family and Community Services, upon notice, on 13 September 2005:

With reference to people in receipt of the age pension:

1. As at 30 June for each of the years 2000 to 2005, how many people were in receipt of: (a) the full single pension; (b) the full couples pension; (c) the full couples (separated by illness) pension; (d) a part single pension; (e) a part couples pension; and (f) a part couples (separated by illness) pension.

2. As at 30 June for each the years 2001 to 2005, can information be provided on a distribution of: (a) the assessed fortnightly income of recipients in $50 intervals (e.g. $0-$50, $51-$100, $101-$150 etc); and (b) the assessed assets of recipients in $25 000 intervals (e.g. $0-$25 000, $25 001-$50 000, $50 001-$75 000 etc).

**Senator Patterson**—The answer to the honourable senator’s question is as follows:

1. The table below shows the number of Age Pension recipients in each category (a) to (f) in June of each year 2000 to 2005*:

<table>
<thead>
<tr>
<th>Year</th>
<th>2000</th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a)</td>
<td>Full Single Pension</td>
<td>582,554</td>
<td>578,944</td>
<td>604,529</td>
<td>603,869</td>
<td>581,860</td>
</tr>
<tr>
<td>(b)</td>
<td>Full Couples Pension</td>
<td>539,756</td>
<td>547,421</td>
<td>600,361</td>
<td>614,892</td>
<td>595,819</td>
</tr>
<tr>
<td>(c)</td>
<td>Full Couples (Illness Separated) Pension</td>
<td>16,122</td>
<td>15,943</td>
<td>17,008</td>
<td>17,522</td>
<td>17,516</td>
</tr>
<tr>
<td>(d)</td>
<td>Part Single Pension</td>
<td>221,663</td>
<td>237,532</td>
<td>214,983</td>
<td>224,258</td>
<td>247,024</td>
</tr>
<tr>
<td>(e)</td>
<td>Part Couples Pension</td>
<td>356,210</td>
<td>391,424</td>
<td>362,598</td>
<td>381,086</td>
<td>414,920</td>
</tr>
<tr>
<td>(f)</td>
<td>Part Couples (Illness Separated) Pension</td>
<td>7,500</td>
<td>8,187</td>
<td>7,497</td>
<td>8,264</td>
<td>9,510</td>
</tr>
</tbody>
</table>

* Centrelink data is not reported at 30 June of each year. Table excludes small number of age pensioners with invalid codes recorded. Does not include DVA paid age pensioners.

2. (a) The table below shows the distribution of the assessed fortnightly income of Age Pension recipients in June of each year 2001 to 2005**:

<table>
<thead>
<tr>
<th>Year</th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a)</td>
<td>Full Single Pension</td>
<td>221,663</td>
<td>237,532</td>
<td>214,983</td>
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<td>(b)</td>
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<td>(c)</td>
<td>Full Couples (Illness Separated) Pension</td>
<td>7,500</td>
<td>8,187</td>
<td>7,497</td>
<td>8,264</td>
</tr>
</tbody>
</table>

**QUESTIONS ON NOTICE**
<table>
<thead>
<tr>
<th>Income ($)</th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 to 50</td>
<td>896,201</td>
<td>957,180</td>
<td>957,672</td>
<td>896,526</td>
<td>887,409</td>
</tr>
<tr>
<td>51 to 100</td>
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### QUESTIONS ON NOTICE

#### Income ($) 2001 2002 2003 2004 2005

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<th>2003</th>
<th>2004</th>
<th>2005</th>
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**Centrelink data is not reported at 30 June of each year. Does not include DVA paid age pensioners.**

Includes blind age pensioners who are not subject to the normal social security means test provisions.

#### Assets ($) 2001 2002 2003 2004 2005

<table>
<thead>
<tr>
<th>Assets ($)</th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
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QUESTIONS ON NOTICE

**Commonwealth Seniors Health Card**
(Question No. 1175)

Senator Chris Evans asked the Minister for Family and Community Services, upon notice, on 14 September 2005:

With reference to the Commonwealth Seniors Health Card:

1. As at 30 June for each of the years 1999 to 2005, how many people had a card.
2. As at 30 June for each of the years 2006 to 2008, what are the estimated numbers of people who will have a card.
3. For each of the financial years 1999-2000, 2000-01, 2001-02, 2002-03, 2003-04 and 2004-05, what was the total cost of the card.
4. For each of the financial years 2005-06, 2006-07 and 2007-08, what is the estimated total cost of the card.
5. As at 30 June 2005, what was the distribution of incomes of those with a card, in intervals of $5000 per annum (e.g. $1-$5 000, $5 001-$10 000, $10 001-$15 000 etc) and can the same information be provided on the distribution of incomes for couples and individuals.
6. In terms of the total cost of the card, proportionally what are the main cost items (e.g. the Pharmaceutical Benefits Scheme concession, the Senior Concession Allowance).
7. In terms of the income test for the card: (a) how is the income information of individuals collected; and (b) is this information independently verified; if so, how.
8. (a) Does Centrelink conduct annual reviews to ensure that persons issued with a card remain eligible for the card (i.e. that their income remains below the thresholds) or is the cardholder required to inform Centrelink of a change in their circumstances; and (b) if such reviews are undertaken, can a description of the review process be provided.

Senator Patterson—The answer to the honourable senator’s question is as follows:

1. The number of Commonwealth Seniors Health Card (CSHC) holders at the relevant dates were as follows:

<table>
<thead>
<tr>
<th>Date</th>
<th>1999</th>
<th>2000</th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
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<td>277,681</td>
<td>282,691</td>
<td>287,326</td>
<td>See Note 1</td>
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</table>

Source: DSS/FaCS Annual Reports.

Note 1: The outcomes for 2004-05 are not yet available. They will be published in the FaCS Annual Report, due for release late October 2005.

2. Forward estimates of cardholder numbers are not published.

3. The total costs to the Family and Community Services (FaCS) portfolio are outlined in the table below.

Source: DSS/FaCS Annual Reports.
### QUESTIONS ON NOTICE

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
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<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
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<tr>
<td>Telephone Allowance</td>
<td>N/A</td>
<td>N/A</td>
<td>$8,668,000</td>
<td>$11,668,000</td>
<td>$12,251,000</td>
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<td>Great Southern Rail</td>
<td>See Note 2</td>
<td>See Note 2</td>
<td>See Note 2</td>
<td>See Note 2</td>
<td>See Note 2</td>
<td></td>
</tr>
</tbody>
</table>

Source: FaCS Annual Reports.

Note 1: The outcomes for 2004-05 are not yet available. They will be published in the FaCS Annual Report, due for release late October 2005.

Note 2: Funding for concessions provided to Commonwealth Seniors Health Card holders on Great Southern Rail services is not separately appropriated. Rather they are contained within the total cost of all concessions on GSR services. Separate data is not available.

N/A: Not applicable – Seniors Concession Allowance was not introduced until December 2004.

Telephone Allowance for CSHC holders was introduced in September 2001.

(4) The 2005-06 FaCS Portfolio Budget Statements provide the estimates for 2004-05 and 2005-06 (see pages 123 and 143 for Seniors Concession Allowance, Telephone Allowance for Commonwealth Seniors Health Card holders, and Reimbursement to Great Southern Railway for Concessional Fares). Forward year estimates by program are not published.

(5) The outcomes for 2004-05 are not yet available. They will be available following publication of the FaCS Annual Report, due for release late October 2005.

(6) FaCS does not have data on the cost components that are the responsibility of other agencies.

(7) (a) and (b) Centrelink asks customers for details of their income and their partner’s income in the Commonwealth Seniors Health Card claim form. Claimants (and their partner) are asked to verify their income by supplying a tax notice of assessment for the last financial year. If this is not possible they are asked to supply a tax notice of assessment for the financial year prior to that year. If a customer is still unable to supply a tax notice of assessment, an estimate of taxable income can be accepted by Centrelink, but is subject to the subsequent provision of a tax notice of assessment.

(8) (a) Centrelink does not conduct annual reviews. Customers are advised in the letter that has the card attached they must notify if their income exceeds the relevant income limits. A new card, valid for the next 12 months, is issued to customers in August each year. Customers are reminded at this point of their notification responsibilities. Periodically there are articles in Centrelink’s quarterly ‘News for Seniors’ magazine also reminding these customers of their notification obligations and the relevant income limits. The Winter 2005 edition of this magazine had such an article.