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the Senate and committee hearings are available at

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SITTING DAYS—2005

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

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FORTY-FIRST PARLIAMENT
FIRST SESSION—FOURTH PERIOD

Governor-General

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

Senate Officeholders

President—Senator the Hon. Paul Henry Calvert
Deputy President and Chairman of Committees—Senator John Joseph Hogg

Leader of the Government in the Senate—Senator the Hon. Robert Murray Hill
Deputy Leader of the Government in the Senate—Senator the Hon. Nicholas Hugh Minchin
Leader of the Opposition in the Senate—Senator Christopher Vaughan Evans
Deputy Leader of the Opposition in the Senate—Senator Stephen Michael Conroy
Manager of Government Business in the Senate—Senator the Hon. Christopher Martin Ellison
Manager of Opposition Business in the Senate—Senator Joseph William Ludwig

Senate Party Leaders and Whips

Leader of the Liberal Party of Australia—Senator the Hon. Robert Murray Hill
Deputy Leader of the Liberal Party of Australia—Senator the Hon. Nicholas Hugh Minchin
Leader of The Nationals—Senator the Hon. Ronald Leslie Doyle Boswell
Deputy Leader of The Nationals—Senator John Alexander Lindsay (Sandy) Macdonald
Leader of the Australian Labor Party—Senator Christopher Vaughan Evans
Deputy Leader of the Australian Labor Party—Senator Stephen Michael Conroy
Leader of the Australian Democrats—Senator Lynette Fay Allison
Liberal Party of Australia Whips—Senators Jeannie Margaret Ferris and Alan Eggleston
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
## Members 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
<table>
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<td>Prime Minister</td>
<td>The Hon. John Winston Howard MP</td>
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<tr>
<td>Minister for Trade and Deputy Prime Minister</td>
<td>The Hon. Mark Anthony James Vaile MP</td>
</tr>
<tr>
<td>Treasurer</td>
<td>The Hon. Peter Howard Costello MP</td>
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<tr>
<td>Minister for Transport and Regional Services</td>
<td>The Hon. Warren Errol Truss MP</td>
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<tr>
<td>Minister for Defence and Leader of the</td>
<td>Senator the Hon. Robert Murray Hill</td>
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<td>Government in the Senate</td>
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<tr>
<td>Minister for Foreign Affairs</td>
<td>The Hon. Alexander John Gosse Downer MP</td>
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<tr>
<td>Minister for Health and Ageing and Leader of</td>
<td>The Hon. Anthony John Abbott MP</td>
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<tr>
<td>Attorney-General</td>
<td>The Hon. Philip Maxwell Ruddock MP</td>
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<tr>
<td>Minister for Finance and Administration, Deputy</td>
<td>Senator the Hon. Nicholas Hugh Minchin</td>
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<td>Leader of the Government in the Senate and</td>
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<td>Vice-President of the Executive Council</td>
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<tr>
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<td>The Hon. Peter John McGauran MP</td>
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<tr>
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<td>Senator the Hon. Amanda Eloise Vanstone</td>
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<td>and Indigenous Affairs and Minister Assisting</td>
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<td>the Prime Minister for Indigenous Affairs</td>
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<tr>
<td>Minister for Education, Science and Training</td>
<td>The Hon. Dr Brendan John Nelson MP</td>
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<tr>
<td>Minister for Family and Community Services and</td>
<td>Senator the Hon. Kay Christine Lesley Patterson</td>
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<tr>
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<td>The Hon. Ian Elgin Macfarlane MP</td>
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<td>The Hon. Kevin James Andrews MP</td>
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<tr>
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<td>Senator the Hon. Helen Lloyd Coonan</td>
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<td>Minister for the Environment and Heritage</td>
<td>Senator the Hon. Ian Gordon Campbell</td>
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(The above ministers constitute the cabinet)
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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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<tr>
<td>Minister for Human Services</td>
<td>The Hon. Joseph Benedict Hockey MP</td>
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<tr>
<td>Minister for Citizenship and Multicultural Affairs</td>
<td>The Hon. John Kenneth Cobb MP</td>
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<tr>
<td>Minister for Revenue and Assistant Treasurer</td>
<td>The Hon. Malcolm Thomas Brough MP</td>
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<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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<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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<tr>
<td>Minister for Workforce Participation</td>
<td>The Hon. Peter Craig Dutton MP</td>
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<tr>
<td>Parliamentary Secretary to the Minister for Finance and Administration</td>
<td>The Hon. Dr Sharman Nancy Stone MP</td>
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<tr>
<td>Parliamentary Secretary to the Minister for Industry, Tourism and Resources</td>
<td>The Hon. Warren George Entsch MP</td>
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<td>Parliamentary Secretary to the Minister for Health and Ageing</td>
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<td>The Hon. Teresa Gambaro MP</td>
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<tr>
<td>Parliamentary Secretary (Trade)</td>
<td>Senator the Hon. John Alexander Lindsay (Sandy) Macdonald</td>
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<td>Parliamentary Secretary (Foreign Affairs) and Parliamentary Secretary to the Minister for Immigration and Multicultural and Indigenous Affairs</td>
<td>The Hon. Bruce Fredrick Billson MP</td>
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<tr>
<td>Parliamentary Secretary to the Prime Minister</td>
<td>The Hon. Gary Roy Nairn MP</td>
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<tr>
<td>Parliamentary Secretary to the Treasurer</td>
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<td>Wayne Maxwell Swan MP</td>
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*(The above are shadow cabinet ministers)*
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Shadow Minister for Consumer Affairs and Shadow Minister for Population Health and Health Regulation
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Shadow Minister for Agriculture and Fisheries Shadow Assistant Treasurer, Shadow Minister for Revenue and Shadow Minister for Small Business and Competition
Gavan Michael O'Connor MP Joel Andrew Fitzgibbon MP

Shadow Minister for Transport
Senator Kerry Williams Kelso O'Brien

Shadow Minister for Sport and Recreation
Senator Kate Alexandra Lundy

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

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

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

Shadow Minister for Immigration
Anthony Stephen Burke MP

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

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

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

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

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

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

Shadow Parliamentary Secretary for Education
Kirsten Fiona Livermore MP

Shadow Parliamentary Secretary for Environment and Heritage
Jennie George MP

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

Shadow Parliamentary Secretary for Immigration
Ann Kathleen Corcoran MP

Shadow Parliamentary Secretary for Treasury
Catherine Fiona King MP

Shadow Parliamentary Secretary for Science and Water
Senator Ursula Mary Stephens

Shadow Parliamentary Secretary for Northern Australia and Indigenous Affairs
The Hon. Warren Edward Snowdon MP
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The PRESIDENT (Senator the Hon. Paul Calvert) took the chair at 12.30 pm and read prayers.

BUSINESS
Consideration of Legislation
Senator ELLISON (Western Australia—Manager of Government Business in the Senate) (12.31 pm)—by leave—I move the motion as amended:

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

- Customs Tariff Amendment (Commonwealth Games) Bill 2005
- Education Services for Overseas Students Amendment Bill 2005
- Health Insurance Amendment (Medicare Safety-nets) Bill 2005
- Higher Education Legislation Amendment (2005 Measures No. 4) Bill 2005
- Higher Education Legislation Amendment (Workplace Relations Requirements) Bill 2005
- Migration and Ombudsman Legislation Amendment Bill 2005
- Tax Laws Amendment (Loss Recoupment Rules and Other Measures) Bill 2005
- Telecommunications (Interception) Amendment (Stored Communications and Other Measures) Bill 2005
- Therapeutic Goods Amendment Bill (No. 2) 2005.

I table two further statements of reasons justifying the need for the Health Insurance Amendment (Medicare Safety-nets) Bill 2005 and the Higher Education Legislation Amendment (Workplace Relations Requirements) Bill 2005 to be considered during these sittings and I seek leave to have the statements incorporated in Hansard.

Leave granted.

The statements read as follows—

HEALTH INSURANCE AMENDMENT (MEDICARE SAFETY-NETS) BILL 2005

Purpose of the bill
The bill amends the Health Insurance Act 1973 to vary the extended Medicare safety-net thresholds from 1 January 2006, to $500 for concession card holders and families in receipt of FTB(A), and $1,000 for all other families and individuals.

Reasons for Urgency
On 14 April 2005, the Prime Minister foreshadowed announcement in the Budget to vary safety-net thresholds to maintain the sustainability of the extended Medicare safety-net. If the legislation is not passed and implemented in 2005, safety-net benefits will continue to be paid above the current safety-net thresholds indexed for the next calendar year.

(Circulated by authority of the Minister for Health and Ageing)

HIGHER EDUCATION LEGISLATION AMENDMENT (WORKPLACE RELATIONS REQUIREMENTS) BILL 2005

Purpose of the bill
The bill makes amendments to the Higher Education Support Act 2003 (the Act) to provide for the inclusion in the Commonwealth Grant Scheme Guidelines of requirements to be known as the Higher Education Workplace Relations Requirements.

This will mean that a Higher Education Provider’s basic grant for a year is increased (5% if the year is 2006; 7.5% if the grant year is a later year) under section 33-15 of the Act if the Minister is satisfied that the provider has met the requirements of:

- the National Governance Protocols; and
- the Higher Education Workplace Relations Requirements by the respective dates set out in the Commonwealth Grant Scheme Guidelines.

Reasons for Urgency
The Minister announced the introduction of the Higher Education Workplace Relations Requirements jointly with the Minister for Employment and Workplace Relations on 29 April 2005. The
announced that higher education providers would need to comply with the requirements by 30 November 2005. The amendments in the bill must be passed to provide for sufficient time for the requirements to be included in the Commonwealth Grant Scheme guidelines to come into effect prior to 30 November 2005. If the bill is not passed by 10 November 2005, the guidelines will not be able to be amended (and tabled as a disallowable instrument) in time for the reforms to be in place by 30 November 2005. There is approximately $150 million available for higher education providers that meet the requirements.

(Circulated by authority of the Minister for Education, Science and Training)

Senator LUDWIG (Queensland) (12.32 pm)—It is a question of procedure as to how the debate proceeds from here. There are two further bills that the opposition would seek to have omitted from that list: the Health Insurance Amendment (Medicare Safety-nets) Bill 2005 and the Higher Education Legislation Amendment (Workplace Relations Requirements) Bill 2005. If the government is minded to include those for the purposes of ensuring that some bills can be debated today or can be available from today onwards—that is, those that have met the agreement of exemption from the cut-off—and to have the debate in relation to those bills at a subsequent time then we can proceed to do that. Alternatively, if the government persists and does not omit them we will oppose that and have the debate now.

Senator ELLISON (Western Australia—Manager of Government Business in the Senate) (12.33 pm)—by leave—I further amend the motion by omitting the following bills:

- Health Insurance Amendment (Medicare Safety-nets) Bill 2005
- Higher Education Legislation Amendment (Workplace Relations Requirements) Bill 2005

Senator BOB BROWN (Tasmania) (12.35 pm)—The problem here is that the minister says that these pieces of legislation are urgent. I have not seen that case argued successfully in the documents before the Senate. I suggest that the government’s incompetence at getting legislation here in time for the proper procedure—which is that such bills wait their turn in the next session, under provisions of the standing orders, so that we can converse with the constituency, the Australian people, before the bills are rushed through the Senate—ought to be acknowledged. It is very easy for the minister to put out a document saying, ‘Here are the reasons for urgency ...’ but when you read such documents you find that there is no acceptable reason there. There is no compelling argument there for urgency. This is just the minister routinely coming in and saying, ‘I’ve got all these bills and I want them exempted from the standing orders.’ Clearly these pieces of legislation have been in the
bureaucracy for months. I suggest that the government should give us due notice that such pieces of legislation are coming before the Senate. It does not want the Senate to have due time to deal with them, but the Senate should be notified that the legislation is coming up so that at least we can go to the constituency and say: ‘The government’s bringing on this legislation. What should we be watching for?’

What we are seeing here is a process of disdain for the Senate. It is accelerating and expanding. The government is simply thumbing its nose at the Senate and saying: ‘We don’t want to have debate on this. We have the numbers.’ The Australian public will be cut out. Watch the process we are going to have with the industrial relations legislation, which the government is now publicly debating at the public’s expense. It is spending millions of dollars on advertising in the public arena, and we do not have any legislation here. The next thing is that the government, if it does not call for the cut-off, and I suspect it will, will guillotine that legislation in this very place before Christmas.

That is a manipulation of this place, and it cannot go by as though the government own the place and can simply abandon the rules and form and say to the Australian public: ‘Get lost. You don’t have a right to have input into this legislation. We have changed things now. We will put it through as fast as we want and we will enhance this process by waiting as long as possible, dropping the bill on the Senate, getting an exemption from the standing orders and pushing the bill through.’

And that is it: minimum debate and total disdain for the proper review role that this Senate has. You cannot review legislation unless the public has seen it, is able to digest it and is able to come back with suggestions to all senators. I predict that this process is simply going to get worse, to the point where the government will try to remove standing order 111. I think that the matter ought to be dealt with differently.

Talking of the urgency of this legislation, where is the government urgency motion on the disasters in Pakistan and Guatemala? Where is the urgency motion on that as a paltry $500,000, plus $5 million now, gets sent by a government that invests so much elsewhere—in Iraq, for example? There is massive human suffering to the north-west, and the government’s main job is to stop us properly debating bills.

The Prime Minister should be ashamed of himself because that is not on the agenda today. We can turn our backs on that issue as far as this legislation is concerned and have the government use numbers to make these bills urgent. The priorities are wrong. There is massive suffering in Pakistan, Kashmir, India and Guatemala right now, while we are sitting here, and this government is taking a totally cavalier attitude to it. It is putting dollars out and that is it, while it gets on with its other business. That is not the fair-go Australia I believe in. That is not the fair go for our neighbours that will make this world a more secure place. So I would appreciate it a lot more if the government had been in here with an urgency motion today on how best it could get advice from this Senate to help those people suffering in our neighbourhood. That would have been a much more acceptable motion to begin the Senate sitting with today, rather than getting rid of the cut-off so that we do not have to debate pieces of legislation now that the government has a majority.

Question agreed to.
Debate resumed from 5 October, on motion by Senator Coonan:

That this bill be now read a second time.

Senator GEORGE CAMPBELL (New South Wales) (12.41 pm)—When this matter was last before the chamber, I was speaking about the poor performance of the private sector in this country in relation to skills training. In fact, one of the main reasons we have a skills crisis in Australia today is that the private sector has failed miserably to put aside adequate resources in order to maintain training at levels sufficient to replace labour as it moves out of the work force. They have largely ignored the need for proper, structured and long-term training programs in order to ensure continuity and flow of skilled labour into the Australian work force. In the main, in this country, it has always been performed by public utilities. As they have been privatised and taken out of the system, they have reduced the number of people they have had in training, particularly in the traditional trades, and that has substantially exacerbated the problem we have in respect of skills today.

It is also interesting that other issues have impacted upon the number of skilled tradespeople in our society. That was shown clearly by a study done by ACIRRT—the Australian Centre for Industrial Relations Research and Training, which is part of Sydney university—for the Victorian Manufacturing Council, which in fact clearly demonstrated that companies becoming leaner and meaner during the nineties in order to improve their competitive capacity to operate in the global marketplace impacted on the capacity of those companies to train skilled labour. They just did not have the capacity. They did not have the resources. They did not have the time available within the traditional work force to provide the training necessary to ensure that replacement of labour. That is exacerbated, as we well know, by the rush of companies to engage outside contractors and contracting companies that notoriously never train at all but simply buy labour from wherever it is available within the existing work force.

All of those are and have been factors in the skills shortages that occurred in this country during the late nineties. Those factors should have been the focus of this government’s policy to address those skills shortages. There was a Senate inquiry into skills shortages that went for a substantial period of time. Some 49 recommendations came out of that inquiry proposing changes and policy initiatives in order to address the issue of skills shortages in this country. In the main, those recommendations had the agreement of government senators as well as senators on the opposition side of the chamber. They were, in the main, unanimously agreed recommendations made on behalf of the committee. But we did not even receive, and have still not yet received, a response from the minister in respect of that report. The minister has not even seen fit to put pen to paper to tell the Senate and the Senate committee what the government’s view is on those unanimous recommendations—whether it agrees or disagrees with them. He has just ignored those recommendations. I think it was not because he did not know how to respond but because he did not know how to deal with the issue. He had been caught out. He had a set of recommendations that were far in advance of the thinking of his own department, and which were certainly in advance of the government’s thinking on how to respond to and deal with the issue of skills shortages.
And what has the government done? The government has made a decision to spend $343 million on technical colleges. Essentially, they will be run by the private sector. Supposedly, there will be private training providers scattered around the country working in conjunction with industry. They will not produce a single tradesperson until around 2010-11. We will have to wait some five or six years to see any return on that investment of $343 million. This is from a government which has consistently, over the period it has been in power, cut funding to the public training provider—the TAFE colleges, which have the infrastructure and resources in place to provide additional training places. The TAFEs are able to cope immediately with training requirements for new entrants coming into the work force and to produce skilled tradespeople at the end of the TAFE process.

The infrastructure was already in place. Why was there the need to set up a separate infrastructure? If you think about it, you have to say that it is pretty much a matter of this government ripping $240 million out of the TAFE system, the public training system, and moving it over into the private training system. That is, in fact, what they have done. This is not additional money; this is money that should have been spent through the TAFE system. If TAFEs had been adequately funded it would have been spent through the TAFE system in the late nineties and early noughties. That funding should have been allocated as part of the formulas that are in existence.

In addition, the government has not only cut the funding available to the TAFE systems but also attached blackmail conditions to providing it. It is saying to the TAFE system and to state governments that that funding is conditional on them being prepared to implement its industrial relations agenda. I know, because of what came out yesterday, that this is about cutting wages in this country. It is about reducing the level of income for the vast majority of workers in this country to make us more competitive with China and India by being at their level of pay. That is what the government’s agenda is on industrial relations. That is why it is imposing upon state governments, which happen to be Labor governments, blackmail conditions that are a requirement of their getting additional funding for their TAFE institutions. It is an absolute outrage, and at some stage this government will be brought to book for that approach.

The government has also attempted to try to deal with the skills shortages issue through migration. I would be the last person in this chamber to be opposed to the migration of skilled migrants. I was one. But when I came to this country there was a genuine skills shortage—

Senator Colbeck—So there is not now?

Senator GEORGE CAMPBELL—I will come to that, Senator Colbeck. Do not get yourself into an area that you know nothing about; you might get your fingers burnt. There was a genuine shortage of skilled workers in this country then. Why? It was because unemployment was less than one per cent. All young people leaving school were finding full-time jobs. There was no shortage of job opportunities for young people at the time I came to this country, so it was a genuine skills shortage. There is not a genuine shortage of skills in this country at the moment. There is a genuine lack of young people trained in skills and who are able to provide those skills to the community. There are young people, 16- to 19-year-olds, walking the streets of Blacktown, south-west Sydney, Macquarie Fields, Campbelltown, Brisbane and any place you want to go, who could readily be picked up today, put into a trade and trained if the government were genu-
inely concerned about doing so, and about solving some of the social problems as well as the economic problems—

Senator Colbeck interjecting—

Senator GEORGE CAMPBELL—Look at your own area, Senator Colbeck. Go to Tasmania, Senator Colbeck, and have a look at the number of 16- to 19-year-olds who are getting jobs in the skilled trades which will provide them as adults with lifelong opportunities. You are not meeting your commitments to those people. They ought to be the focus of any skills program. It is one thing to supplement solutions to genuine skills shortages by bringing in skilled migrants; it is another thing to supplant solutions that will give young people in this country the opportunity to get the skills to earn good incomes in our society in the longer term, which is what your skilled migration program is all about. You have not genuinely looked at the provision of opportunity to young people in dealing with the skills shortage. This program will not deal with it. It may, over the longer term, have some impact but that is still open to judgment. We will not be able to make any judgment about it until 2010-11, and that is a long time to wait to see a return on an investment of $343 million when you could have got it immediately by putting it into the TAFE system.

Senator HUTCHINS (New South Wales) (12.53 pm)—It is a pleasure to follow my colleague Senator Campbell, who is a former Belfast apprentice, I understand. He may have served one of the longest apprenticeships in Belfast, not because of any lack of skill but probably because of his industrial and political activity at the time.

I want to speak in relation to the Australian Technical Colleges (Flexibility in Achieving Australia's Skills Needs) Bill 2005 because I come from Sydney's greater west, an area that, for people who are not familiar with it, stretches from areas near the Hawkesbury River near the council of Hawkesbury in the north, right down past the Parramatta and Nepean rivers to Campbelltown and Camden in the south, and out to Penrith in the west, where I have my electorate office. That area, Madam Deputy President Troeth—I know that you, being a Victorian, would not necessarily be familiar with it—is an area with one of the fastest growing populations in this country. It has the third largest economy in Australia, behind the Sydney CBD and Melbourne. I decided I would make a contribution to this debate because the area in which I have my office and where a substantial number of young people live has missed out on the opportunity to have one of these new technical colleges. I refer to the bid by a firm called Westech from Penrith in Western Sydney.

My concern is that we have been misled by our local member, Jackie Kelly, the member for Lindsay, that we in our area were probably going to be successful in getting one of those technical colleges. For your information, of the 25 colleges that were successful, one is in Western Sydney. That was the bid put forward by the Parramatta Diocese of the Catholic Church. It will cover schools in the Blacktown, Parramatta and Campbelltown districts, but not schools in the north-west of Sydney, nor schools in the extreme west and nor, it could be argued, schools in the south-west. Congratulations to the Parramatta Diocese on being successful. But we were led to believe that the bid based on Penrith would have the nod. Maybe I am wrong in implying that the member for Lindsay said it would be successful, but she certainly gave every impression that it would be. We in that area were led to believe that we would have access to one of these new Australian technical colleges.

The bid will only cater to 300 students. The area of Australia that has the fastest
growing population and the fastest growing economy in the country will only have 300 extra places under this Commonwealth government scheme. More people live in that area than probably in Western Australia and Tasmania combined. Yet we were only able to secure one of these technical colleges in that part of Australia.

In recent weeks, South Australia was able to add an additional college to the original figure of 24. Good luck to them, I say. It is good luck that they were able to increase the number of colleges they have access to. But in the end the area that I live in and represent has once again been deprived by this government of access to opportunities that others in regional and rural Australia have access to. To include another college in South Australia is, in essence, an insult to not only greater Western Sydney but also the activities of the federal member for Lindsay, Jackie Kelly.

In a speech in a grievance debate in December last year the member for Lindsay, Miss Kelly, lavished praise on the new member for Greenway, Louise Markus. She said that Mrs Markus is a person who looks out for the people of Blacktown and their area, who understands their aspirations and who is willing to fight for them. She may well be. But that is not something that the people of Lindsay can say about their member, Jackie Kelly. Jackie Kelly does not fit the criteria that she has set for her coalition colleague Louise Markus. She does not look out for the people of Penrith, she does not understand their aspirations and she clearly has not been willing to fight for them.

You may recall that prior to the last election the member for Lindsay said that no-one in Western Sydney wanted to go to university. That is what she said. We had the opportunity to highlight Miss Kelly’s comments about what she thought about the people she represented. She not only does not want them to go to university but also does not even want them to have access to a technical college or to get technical training. That is what we are faced with. We were led to believe that this was an opportunity we would have access to. But again Miss Kelly has not been successful. You may recall that Miss Kelly was a minister in one of the Howard governments. She often used to be presented and trotted out as the face of Howardism. She cannot even get one of the junior ministers to give her a lift up in getting this college granted to our area in her seat of Penrith.

When Miss Kelly had an opportunity to talk about TAFE a while ago, she used that opportunity to slag off TAFE. She said that TAFE was second class, that people who graduated from it were second class and that those students:

... can do a beautiful weld—a perfect, copybook weld—but he needs a whole lot more welds an hour than those people are capable of delivering.

She was talking about welders who graduated from TAFE colleges. I point out to Miss Kelly and my coalition colleagues that the parliamentary secretary for education, Pat Farmer, actually has an automotive engineering certificate from Granville TAFE—and congratulations to him. I am not sure that the out-of-touch member for Lindsay was aware of that about one of her coalition colleagues. Miss Kelly went on to argue that TAFE was inflexible, that the timetables would not change and that it throws business into disarray. What is the member for Lindsay’s solution to this? All she did was carry on about how this does not provide this flexibility. She offered up no solutions at all and in fact has not been able to offer us any solutions, because we do not have a technical college in greater Western Sydney.
She also argued that there was a skills shortage, but she cannot do anything about it out in the west. The federal government has ignored greater Western Sydney. As I said, the college from the Parramatta diocese will operate for schools in Parramatta, Blacktown and Campbelltown—not those in other significant parts of Western Sydney, which is, as I repeat again, one of the fastest growing areas in terms of population and economy in the country. It has the third largest economy in the country after the Sydney CBD and Melbourne. What is the federal government offering us? It is not offering us anything, particularly in this legislation.

Senator George Campbell eloquently outlined the faults and difficulties that have been presented by the inactivity of the federal government over nine years. Why are they going overseas to try to secure employment in this country for 20,000 tradesmen? This has not happened overnight. This has been happening for some time. Already at the moment one in four trainees and apprentices do not get any formal training at TAFE or similar institutions. A staggering 40 per cent of people who start a new apprenticeship do not complete their training. Completion rates for traditional apprentices have declined from 71 per cent to 60 per cent. Metal fitters and boilermakers have been on the national skill shortage list for eight of the last 10 years—and the coalition has been in power now for nine of the last 10 years. Machinists, refrigeration mechanics and welders have been on the national skill shortage list for nine of the last 10 years. The number of mechanics, auto-electricians, panel beaters, chefs, sheetmetal workers, nurses and medical technicians has been declining every single year for the past decade. And, since September 1996, skilled vacancies in the construction trades have increased by 77 per cent. The reality is that these short-sighted decisions have consequences, and in 2004-05 the chickens well and truly came home to roost. We had the most significant decline in the number of Australians in training in more than a decade—it was down seven per cent, or 122,000 people. The Australian Industry Group, one of the federal government’s lapdogs, estimates our economy will soon be short at least 100,000 skilled tradespeople.

These warning signs should be sending some terrible signals through to the federal government. Anybody in power should be proposing solutions to this difficulty that industry is going to face in the next few years. It is not as though we do not have out there young men and women who would be interested in pursuing trades if they were available to them, but a paltry 300 per year, as Senator Eggleston interjected, is not going to be the solution to the difficulties that industry is going to find in the future with the decline of these opportunities. And where are the opportunities coming from? As I said earlier, the fact is that the government is going to hunt overseas for 20,000 tradespeople because it cannot fill the positions at the moment. That is a sad indictment on this government, because it has been in power now for nine years, and it will have to bear a terrible responsibility in the future if it cannot fix this.

I am disappointed that my area has been ignored and run over by this government. I believe that once upon a time, when the member for Lindsay was the pin-up girl for the Prime Minister, there was no end to the largesse available to electorate of Lindsay, but now it appears, even from her own words, that the member for Greenway has the pin-up girl status for the federal government and the Prime Minister in particular. As I said earlier, the member for Lindsay could not even get the ear of a junior minister in this area to influence his decision in relation to these technical colleges.
We have proposed a plan. Last week, Kim Beazley proposed a real plan for students to learn trades whilst finishing school. That blueprint would see the establishment of dedicated trades and technology high schools as well as ‘trade tester’ programs for students in years 9 and 10. That is a reasonable position to put. It is a real policy and one that we believe will address the growing skills shortages. It is not what we have been presented with by the federal government: bandaid solutions and real panic as we see it now hunt in all parts of the world to find 20,000 tradesmen that it may not find. What do we do if we do not find them? Those skills shortages are still there. The government’s solution is 300 people per year over the next few years at 25 colleges all over the country. As Senator Campbell rightly said, only a few hundred people will come on line, and that will not occur until 2010. There is a real problem, and I know that thoughtful men and women in the government see that there is a crisis ahead and there should be a real solution, not this bandaid one, not this PR stunt.

Senator COLBECK (Tasmania—Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry) (1.07 pm)—It is fascinating that Labor’s contributions to the debate have been complaints about or the slagging off of Australian technical colleges and yet last week the senator came in and complained that he does not have one in his area. It does not add up. The Parramatta diocese college that has been awarded does in fact cover Penrith and the western suburbs of Sydney so I think that it is more an opportunity to have a go at the local member than it is to make a substantial contribution to the debate. It seems absurd that all Senator Hutchins’s colleagues come in here and say that the colleges are no good and that they have no substance and yet, even in his final statement, he seems to be indicating that what Kim Beazley has offered is nothing more a metamorphosis of the Australian technical college into some sort of specialist high school. Perhaps the Labor Party has looked at the government policy and thought: ‘Perhaps that might work. We will have a go at that but we will call it by a different name because we do not want it seen that we are taking up government policy. We’ll call it something of our own.’ The contributions particularly from Senator Campbell demonstrate that Labor really do not understand what the Australian technical colleges are about.

The traditional TAFE system has a part to play, but this is about a new system of offering trades education to trainees and to apprentices. It provides an opportunity that was not possible before for the education system to work cooperatively with apprentices, the training system and with business. Senator Hutchins mentioned the inflexibility of the TAFE system. Certainly that exists and there have been some issues where the TAFE system just cannot offer the flexibility and the type of employment that an Australian technical college will be able to provide. This is because an Australian technical college is based on and managed by the business community and negotiations to provide the education are held with the education sector. So the flexibilities required by business and the trainees and the apprentices going through the system can be built into the process.

Senator Campbell mentioned my home state, Tasmania. In the college that has been offered there I am aware of one business that is prepared to double or triple its apprentice intake based on an Australian technical college. It will not do that based on the traditional system. I think that is a significant outcome both for the employment of apprentices and for training in addressing the trade and skills issues that the country currently has. That is due in no small part to the work of the local member, Mark Baker, in Brad-
don. He has gone out and sat down with businesses, explained the concept of the Australian technical college—and that was the result. He came away with 120 or 130 new apprenticeships on the north-west coast of Tasmania by going out and explaining what it was all about and enthusing business. In fact the Tasmanian Chamber of Commerce has been one of the most enthusiastic groups that I have ever seen involved with an Australian technical college. They saw the concept, what it could do for training and where it could take people, and they have come on board and now are a key partner in Tasmania in the Australian technical college that will be based across the north of my home state. This is a significant change.

Senator Campbell talked about picking up kids who do not have jobs in communities all around the country. If we started today, they would still not be available for the Australian work force for another four years. He complained about the Australian technical college not putting anybody out until 2010. It will be 2009 or 2010 no matter when you start training apprentices. They are some of the ridiculous arguments that have been put up by Labor Party in this debate.

This Australian Technical Colleges (Flexibility in Achieving Australia’s Skills Needs) Bill 2005 implements the Australian government’s election commitment to establish technical colleges in 24 identified regions throughout Australia. More than $343 million over five years will be appropriated under this bill to support the establishment and operation of the colleges. The Australian technical colleges will become centres of excellence in trade training, offering high quality training and facilities and providing instruction linked to workplace requirements. The passage of this bill will enable up to 7½ thousand Australians per year to undertake high-quality education and training at an Australian technical college. Students will graduate from these colleges with their senior secondary certificate of education and be well on their way to pursuing a rewarding and fulfilling career in the trade of their choice. They will have a strong foundation to continue with their preferred trade after they complete year 12 but also keep open the option of going on to further study, if they so choose. This is another important element of the Australian technical college, something that does not exist necessarily under the trade process. Students will come out with grade 12 qualifications and the capacity to go on to university, if that is what they desire. They have flexibility to not only work through a trade but also to go on to higher education, if that is what they decide they want to do after completing their apprenticeship. The current system does not offer that.

The regions that the Australian government identified for establishment of these colleges all face particular challenges in relation to meeting trade skills needs in the short and long term. These regions will clearly benefit from college graduates who will move from the colleges to full-time training and then eventually into full-time employment in the vital industries in the region, taking with them the relevant skills and knowledge that they acquired during their studies at the college. The Australian technical college initiative will ensure that Australia’s future tradespeople will acquire qualifications and skills relevant to industry needs and relevant to their regional needs. Through this initiative industry will be able to play a vital role in training their future employees. This will ensure that young people pursuing a career in the trades will have a full appreciation and understanding of industry requirements before they enter the work force on a full-time basis. This will benefit industry now and into the future.

The Australian technical colleges will offer an education and training environment
which promotes the take-up of school based new apprenticeships in the trades while also providing students with the opportunity to complete their senior secondary education. Where possible colleges will partner local TAFEs and training providers to avoid unnecessary duplication and utilise the expertise and training facilities already existing in the region in which they are established. The Australian technical colleges will be complementary to existing training provisions such as the VET in Schools programs, where enrolments are mainly in non-trades-related fields, and TAFE programs where the focus tends to be more on post-school training provision.

Local businesses and industry leadership will be a feature of the colleges. Each college’s governing body will be led by a local industry or business representative. Industry and business members reflecting the mix of trades and industries offered by the college will comprise a significant component of the governing body membership. The expertise of these industry and business members will be complemented by educational, parent and local community representatives, who will also form part of the membership. The composition of the governing body will be guaranteed through the requirements of the funding agreement with the Australian government.

In short, Australian technical colleges offer high-quality education and training of direct relevance to the needs of the region. It is clear that business and industry involvement in the Australian technical colleges will be much more than simply offering support or playing a part role in the operation of the colleges. The Australian technical colleges will produce high-achieving graduates who have acquired an appropriate level of knowledge and skills to enable them to contribute, and with their choice of further training or education.

The colleges will have trades focus to ensure that they are able to develop a distinct culture and ethos promoting careers in the trades as a secure, lucrative, rewarding and well-regarded career choice. For this reason, the curriculum offered by the colleges will need to be relevant to the trades being undertaken by the students. The curriculum will offer academic courses in English, science, mathematics and information technology and will also incorporate enterprise education and small business and employability skills. The opposition has complained that this will restrict the curriculum being offered to students. In fact, many of the colleges will have partnership arrangements with other schools to provide parts of the academic curriculum. This will provide opportunities for some students to take academic courses which may not be part of the standard academic program offered by the college.

The Australian government is committed to raising the profile of vocational and technical education. Attracting young people to trade related professions is vital for Australia’s future. The Australian technical colleges initiative offers a new approach to achieving this and forms an important part of the Australian government’s strategy for tackling skills shortages. The Australian technical colleges will promote trade qualifications as a highly valued alternative to a university degree. Over time, they will develop a reputation which will show students and parents how vocational and technical education provides access to a secure, lucrative and rewarding career. I commend the bill to the Senate.

Bill read a second time.

In Committee

Bill—by leave—taken as a whole.

Senator ALLISON (Victoria—Leader of the Australian Democrats) (1.18 pm)—I and also on behalf of Senator Evans move:
(1) Page 9 (after line 18), after clause 14, insert:

**14A Accountability for advertising expenditure**

(1) Money appropriated by section 23 must not be expended for any public education or advertising project in relation to matters or actions authorised by this Act, where the cost of the project is estimated or contracted to be $100,000 or more, unless a statement has been presented to the Senate in accordance with this section.

(2) The statement must be presented by the minister to the Senate or, if the Senate is not sitting when the statement is ready for presentation, to the President of the Senate in accordance with the procedures of the Senate.

(3) The statement must indicate in relation to the proposed project:
   a. the purpose and nature of the project; and
   b. the intended recipients of the information to be communicated by the project; and
   c. who authorised the project; and
   d. the manner in which the project is to be carried out; and
   e. who is to carry out the project; and
   f. whether the project is to be carried out under a contract; and
   g. whether such contract was let by tender; and
   h. the estimated or contracted cost of the project; and
   i. whether every part of the project conforms with the Audit and JCPAA guidelines; and
   j. if the project in any part does not conform with those guidelines, the extent of, and reasons for, the non-conformity.


This motion is to do with a standard government advertising amendment put up many times by my colleague Senator Murray and others in this place. In fact, since the early 1980s the Democrats have campaigned for greater controls on the misuse of taxpayer funds for government political advertising. It is true that all governments over time have been guilty of using taxpayers’ money for party political purposes, but under the coalition government the scale and cost have escalated to a very alarming level.

The extent of the government’s lack of interest in this question and its contemptuous disregard for the Auditor-General’s report No. 12, I think, is alarming. I will remind the Senate about that report and those recommendations. The guidelines say that the material in advertising should not be liable to misrepresentation as party political. The guidelines under this heading recommend:

- Information campaigns should not intentionally promote, or be perceived as promoting, party-political interests ...
- Material should be presented in unbiased and objective language, and in a manner free from partisan promotion of government policy and political argument.
- Material should not directly attack or scorn the views, policies or actions of others such as the policies and opinions of opposition parties or groups.
- Information should avoid party-political slogans or images.

The amendment that I have moved today ensures that the government complies with the Auditor-General’s guidelines by outlining conditions and procedures that the government must fulfil if it intends to undertake
advertising in relation to this bill or any programs that are established under this bill.

Back in 2003, with Labor support, we successfully moved a Senate order to enforce tougher controls on government advertising. That was a very important and notable step forward in enforcing tougher controls on government advertising. It went some way towards trying to resolve public confidence in our institutions of government. But, disappointingly, the coalition government has refused to comply with that Senate order. That order required details of each advertising or public information project to be tabled in the Senate. That would cover the purpose and nature of the project; the intended recipients of the information to be communicated; who authorised the project; the manner in which it is to be carried out and by whom; whether the project is put out to contract and, if so, whether such contract was let by tender; the estimated or contracted cost of the project; and whether the project meets established guidelines and, if not, the extent of and reasons for nonconformity. But that, as I said, has been contemptuously ignored by this government.

The extent of that contempt I think we have seen in the last 24 hours as it becomes clear that $20 million will be spent on workplace advertising in the media. Even in government terms, this is a huge amount of money. The Prime Minister claims this is entirely proper as it informs the public of government’s intentions and that it is quite legitimate to explain policy in advance of legislation being introduced. The Democrats do not agree. Clearly, it is aimed at countering some very effective advertisements from the unions by softening up the public before the legislation is introduced. But it is ideologically based and taxpayers should not be funding such a party political campaign.

We believe the principle is simple. After parliament passes the law, and provides the money to support it, it is right and proper to use taxpayers’ money to inform Australians of associated government services. However, before that occurs, any government proposal is just that—a proposal that is to be debated, often at length, by the political parties in the parliament. There are endless forums available to the government to make its case. That is all that should be available to the government. Just as Labor, the Democrats, everybody else here and others rely on the media to get their viewpoint across, so it should be for the government.

As private organisations, the unions are perfectly entitled to advertise their point of view. If their message must be countered, then let business organisations set about doing that. Or is it true that businesses think a government that has its hand in taxpayers’ pockets is also in their pockets? All we are asking for is compliance, so that the controversy surrounding the often blurred line between legitimate government and political advertising is addressed. But as compliance has been absent, and appears it will continue to be, the Democrats plan to step up our campaign against publicly funded political advertising.

Senator WONG (South Australia) (1.23 pm)—This amendment is being co-sponsored by the opposition. It is important to note that the amendment does not prevent governments from advertising. It says, ‘If you’re going to spend more than $100,000 then you should be clear and upfront with the Australian people and present a statement to this chamber about the purpose of the advertising, various other matters and to what extent you are conforming with the relevant guidelines.’ If they oppose this amendment, as they have consistently done, the government are saying, ‘We don’t want to have to be accountable to the chamber and, through
that, to the Australian people, for the expenditure of public moneys for advertising. We don’t want to have to explain in a coherent fashion why it is a good use of taxpayers’ money.’

Senator Allison is right. I have previously spoken in this place on this amendment, as have other Labor shadow ministers, and have outlined the extraordinary excesses of this government when it comes to using public funds to proselytise its own political message. I recall government ministers on the other side justifying expenditure on the basis of informing the public. What we saw prior to the last election was an extraordinary amount of money spent on Medicare advertising and that was justified on the basis that people needed to know what their entitlements were. Of course, when the rock solid, ironclad guarantee from Minister Abbott was breached, when that election promise was broken, I do not recall the government saying then that they needed to use public funds to advertise the fact that the government had changed its position and that people’s entitlements had changed. So it is an entirely inconsistent position of this government—one which is all about political opportunism, which in itself is a bad thing, but is even worse when the opportunism is being funded by the Australian taxpayer.

We went to the last election with an election commitment to regulate government advertising; to legislate that all advertising be measured against guidelines recommended by the Auditor-General. Kim Beazley has previously moved a private member’s bill to give effect to this. It is clear that Labor has indicated what our position in government would be on this issue. I support many of the comments made by Senator Allison. We think it is extraordinary, on the eve of a $100 million advertising campaign, that this government continues to ignore not just calls from the opposition and the minor parties, but also the criticisms of the Auditor-General in ANAO report No. 12 about the fact that government advertising does not have appropriate guidelines or protocols on information in advertising campaigns. We support the amendment.

Senator COLBECK (Tasmania—Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry) (1.27 pm)—The amendment moved by the Democrats will not have any impact on government advertising. All funding under this bill goes to the Australian technical college authority as negotiated in the funding agreement. None of it can be used for government advertising. Any government advertising of ATCs will come from departmental funds appropriated for that purpose through the usual budgetary appropriations and approved specifically for that purpose. An ATC authority may conduct its own local advertising which will target its local market and is therefore unlikely to spend large amounts on advertising. Business plans submitted by Australian technical college authorities involving any large advertising amounts would be monitored in any case. However, if an ATC does need to spend more than $100,000 on advertising to recruit quality staff and to attract students and employers, this amendment will have the effect of delaying the Australian technical college’s ability to do its work. The funding agreements for each ATC, as outlined in part 2 of the bill, will include accountability requirements on their expenditure.

Question put:
That the amendment (Senator Allison’s and Senator Evans’s) be agreed to.

The committee divided. [1.33 pm]

(The Deputy President—Senator JJ Hogg)
Ayes………….. 33
Noes………….. 35
Majority…….. 02

AYES
Allison, L.F.  Bartlett, A.J.J.
Bishop, T.M.  Brown, B.J.
Brown, C.L.  Campbell, G.
Conroy, S.M.  Crossin, P.M.
Evans, C.V.  Faulkner, J.P.
Fielding, S.  Hogg, J.J.
Hurley, A.  Hutchins, S.P.
Kirk, L.  Ludwig, J.W.
Landy, K.A.  Marshall, M.
McEwen, A.  McLucas, J.E.
Milne, C.  Moore, C.
Murray, A.J.M.  Nettle, K.
O’Brien, K.W.K.  Polley, H.
Siewert, R.  Stephens, U.
Sterle, G.  Stott Despoja, N.
Webber, R. *  Wong, P.
Wortley, D.

NOES
Abetz, E.  Adams, J.
Barnett, G.  Boswell, R.L.D.
Brandis, G.H.  Calvert, P.H.
Campbell, I.G.  Chapman, H.G.P.
Colbeck, R.  Coonan, H.L.
Eggleson, A. *  Ellison, C.M.
Ferguson, A.B.  Fierravanti-Wells, C.
Heffernan, W.  Hill, R.M.
Humphries, G.  Johnston, D.
Joyce, B.  Kemp, C.R.
Lightfoot, P.R.  Macdonald, I.
Macdonald, J.A.L.  Mason, B.J.
McGauran, J.J.J.  Minchin, N.H.
Nash, F.  Parry, S.
Ronaldson, M.  Santoro, S.
Scullion, N.G.  Troeth, J.M.
Trood, R.  Vanstone, A.E.
Watson, J.O.W.

PAIRS
Carr, K.J.  Fifield, M.P.
Forshaw, M.G.  Payne, M.A.
Ray, R.F.  Ferris, J.M.
Sherry, N.J.  Patterson, K.C.

* denotes teller

Question negatived.

The DEPUTY PRESIDENT—The question is that the bill stand as printed.

Question agreed to.

Bill reported without amendment; report adopted.

Third Reading

Senator COLBECK  (Tasmania—Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry) (1.37 pm)—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

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

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

Second Reading

Debate resumed from 8 September, on motion by Senator Abetz:

That these bills be now read a second time.

Senator ABETZ  (Tasmania—Special Minister of State) (1.38 pm)—I understand that speakers from the opposition may want to speak. In anticipation that, if there is such a speaker, nothing new will be said—without being too uncharitable—allow me to conclude the debate.

Senator Wong—In the spirit of goodwill.

Senator ABETZ—Yes, exactly right. Senator Wong: in the spirit of goodwill. I thank honourable senators for their contributions to the debate on the Asbestos-related Claims (Management of Commonwealth Liabilities) (Consequential and Transitional Provisions) Bill 2005 and the Asbestos-
related Claims (Management of Commonwealth Liabilities) Bill 2005. Most honourable senators would be aware of the difficulties that asbestos has created in the community, especially for workers engaging with asbestos related materials. These bills seek to introduce a regime whereby all Commonwealth claims can be dealt with in an appropriate manner for the benefit of workers and to streamline the processes.

These bills centralise the management of asbestos claims against the Commonwealth. Existing procedures for processing claims will be streamlined without reducing current and future entitlement. It being the case that there are no other speakers from the opposition, for other comments on the bills I simply refer honourable senators to the second reading speech made when these bills were introduced. I thank senators for their contributions.

Question agreed to.

Bills read a second time.

In Committee

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

Bill—by leave—taken as a whole.

Senator MURRAY (Western Australia) (1.40 pm)—Before we commence, I have a general question of the minister. Item 5 subsection (3) of the bill says that, with respect to the funding of this bill:

The Consolidated Revenue Fund is appropriated for the purposes of this section.

That is what is known as a standing or sometimes a special appropriation. What that means to me is that, having passed it with that item, the expenditure will not require approval in the annual parliamentary appropriations bills. The money is simply taken from the general revenue fund. This is a practice which I am observing occurs more and more in bills of the Commonwealth. Comparable jurisdictions, such as the United Kingdom, do not have standing appropriations to the extent that we have them. I am advised that, in the United Kingdom, for instance, standing appropriations amount to only about 25 per cent of total government expenditure.

My question to the minister, through the chair, is: if item 5 subsection (3) on page 3 means that the government does not have to come back to the parliament for revenue to fund this bill, can you indicate how long you think these liabilities are likely to occur and whether it would not have been more appropriate, if you are going to use this mechanism, perhaps to limit it until a certain year and then come back to the parliament for the matter to be considered in the annual appropriations? I am concerned that, once the bill is passed, the parliament will completely lose any control over expenditure because the government of the day will have the authority to simply draw on the consolidated revenue fund as it sees fit.

Senator ABETZ (Tasmania—Special Minister of State) (1.43 pm)—The chances are that Senator Murray is correct in his assessment of the Australian budget. I know that the Clerk of the Senate laments that about 80 per cent of appropriations are now made in this manner. That is ultimately a matter for the parliament to determine. I note what you say about the United Kingdom parliament and I am willing to accept what you say in relation to that. It has been the trend in Australia by successive governments and I do not want to pass any further comment on that at this stage.

In relation to the ongoing liabilities for this, I have been advised that there is still the possibility of a lead-in time of up to 50 years, given that it may not necessarily be
known for some decades to come whether somebody might contract an asbestos-related disease. Therefore, the Commonwealth's liability may potentially be open for a considerable period of time. I am informed by the advisers that any payments made in relation to this will be in Comcare's annual report as a specific item and therefore the parliament will be informed on at least an annual basis as to the payments that have been made. One would hope that they will tail off, but that is at this stage unknown, and I am not sure that we necessarily have a full handle on the extent. Senator Murray, I am advised that—and do not necessarily hold us to this—the thinking is that asbestos related condition liabilities over the next 50 years have been estimated to be $900 million, or $0.9 billion, so it is a very large sum of money, and your question is appropriate. It is very hard to determine what the figures will be 50 years hence, but they will be reported annually.

Senator MURRAY (Western Australia) (1.46 pm)—I thank the minister for his answer, because that is what prompted me to raise it in this particular circumstance. This is a bill that deals with liability. I did suspect hundreds of millions, so it does not surprise me that you talk of a figure of $900 million. What this means, if the figures are accurate, is that this bill makes an appropriation of $900 million for 50 years. The question is twofold. One issue is that it is not within the power of the government to end the liability. People will sue or will make application. It is not like another program; it is a different approach. The second issue is whether future explanatory memoranda in the circumstances should indicate, where the consolidated revenue fund is being used, what the long-term projection is.

I do not recall the explanatory memorandum saying—but maybe it does—that over 50 years there will be a $900 million approach. Whilst I accept, Minister, that it may be good government policy to appropriate for a number of years—that is a common feature; there is triennial funding, for instance, for many programs—it might have been appropriate with respect to this one to have the government come back to the parliament at some future date. I accept that this is a late time to give you a call on this, but I ask the government to note that, with respect to particular circumstances like these, the parliament needs a better heads-up than it might have had in respect of this.

Senator ABETZ (Tasmania—Special Minister of State) (1.48 pm)—Briefly, I accept the point Senator Murray makes. I am not sure what its implications would be, but, for the benefit of honourable senators, the figure of $0.9 billion is in fact located on the second page under the general heading ‘Outline’. That is the second paragraph on the second page. If you were to look at the aspect of the explanatory memorandum that deals with specific clauses, it is not repeated, so I can understand that it may not have been picked up by Senator Murray.

Senator WONG (South Australia) (1.49 pm) by leave—I move opposition amendments (1), (2) and (3) on sheet 4606:

(1) Clause 4, page 3 (lines 1 to 10), omit the clause, substitute:

4 Transfer of liabilities from Stevedoring Industry Finance Committee and retention of management of actions

(1) On the commencement of this section:

(a) a liability of any kind (whether actual, potential or contingent) of the Stevedoring Industry Finance Committee established by section 4 of the Stevedoring Industry Finance Committee Act 1977 ceases to be a liability of the Committee and becomes a liability of the Commonwealth; and
(b) the Commonwealth becomes the successor in law in relation to the liability.

(2) Notwithstanding anything in subsection (1), the Commonwealth must, if requested by the Committee, transfer to the Committee the management of any actions, and take any steps necessary to enable the Committee to:

(a) become a party to any action or actions; or
(b) apply to court to join any other persons to any action or actions; or
(c) conduct or settle any action or actions; or
(d) enforce a judgement relating to any action or actions.

(2) Page 3 (after line 10), after clause 4, insert:

4A Review of Stevedoring Industry Finance Committee's consideration of claims

(1) Not later than 1 July 2006, the Minister must cause to be conducted a review of the management of asbestos related claims by the Stevedoring Industry Finance Committee for the purpose of making recommendations about whether that management by the Committee should continue.

(2) A review conducted in accordance with subsection (1) must call for submissions from the public and may conduct public hearings.

(3) A review conducted in accordance with subsection (1) must be completed and a written report provided to the Minister, not later than 31 August 2006.

(4) The Minister must cause a copy of the report to be laid before each House of the Parliament within 15 sitting days after receiving it.

The amendments moved by the opposition relate to an issue which was raised in the second reading debate by me and by some other speakers. They seek to retain the Stevedoring Industry Finance Committee in its current form at least until August 2006. The proposition is that a similar arrangement occur in relation to the stevedoring industry committee as occurs in relation to the Defence Asbestos Litigation Cell. In our view, given that an arrangement has been made for Defence to recognise the unique circumstances which exist in relation to claims in that area, the opposition seek a similar arrangement for the stevedores in relation to allowing them to perform their specialised role. The proposed amendments include provision to conduct a review of the SIFC by 31 August next year to assess whether the management of claims by the Stevedoring Industry Finance Committee could continue.

I again restate the reasons I outlined in my earlier speech as to why these amendments ought to be supported. Employee and employer representatives on the Stevedoring Industry Finance Committee, along with legal consultants to that committee, have extensive experience and knowledge in relation to the treatment of these claims. The committee has worked together cooperatively to ensure speedy, just and reasonable outcomes for the claimants and their surviving partners, usually widows. Given that, we believe the committee should continue to be in operation. Importantly, committee members have extensive knowledge of the history of industry participants and the relevant ports, particularly given that the relevant period in terms of the claims with which the committee is dealing extends for a considerable period prior to 1977. The committee has provided a truly useful and beneficial service to both the government and asbestos-related victims in dealing with claims from waterside workers. We see no clear utility in disposing of and discarding the knowledge and experience the committee has so far brought to the claims management process.

Finally, the stevedores were unaware that the Commonwealth was proposing any al-
on the interdepartmental committee which considered this matter. As a government, we believe that there has been sufficient consultation and, for the reasons I have briefly outlined, we oppose the amendments.

**Senator MURRAY** (Western Australia) (1.55 pm)—The Democrats do not think there is much of a reason to leave stevedoring as a separate body, but neither would we oppose it being left aside on the same basis as the Defence one. It is not of concern to us that stevedoring should be a separate body in that sense, and we certainly think a review is acceptable.

**Question put:**
That the amendments (Senator Wong’s) be agreed to.

**The committee divided.** [2.00 pm]

(The Chairman—Senator JJ Hogg)

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QUESTIONS WITHOUT NOTICE

Department of Immigration and Multicultural and Indigenous Affairs

Senator LUDWIG (2.04 pm)—My question is to Senator Vanstone, the Minister for Immigration and Multicultural and Indigenous Affairs. I refer the minister to finding No. 11 of the Comrie report, which says that the detention of Vivian Alvarez Solon was unlawful. Does the minister recall telling Senate estimates on 25 May 2005:

People assume that, because you were released and because you were found to be lawful, your detention was unlawful. That is not the case ...

How does this accord with the minister’s response to the Comrie report that there are an additional 20 matters that ‘appear to involve unlawful detention’? Does the minister now acknowledge that her department has been operating outside the law, including by ignoring Federal Court rulings on the use of continued detention under section 196 of the Migration Act?

Senator VANSTONE—I thank the senator for the question. Through you, Mr President: Senator Ludwig, with respect, it is a very old trick for an old senator to play to quote a portion of Hansard. It is quite true and I do say that the category ‘released, later found lawful’ is not a synonym for ‘you were unlawfully detained’. In that category there would be a variety of instances where someone would later be found lawful. I have indicated on occasions, including in estimates hearings, that those might be that you were detained for a period of hours, perhaps crossing from before midnight into the next day, because you were not willing to give your name or there was an issue in ascertaining whether you had the visa you said you had. You were found lawful, so you were released. But the reasonable suspicion was a valid one and therefore you were lawfully detained. Equally, you might later become lawful because of the operation of a court decision, and that would mean that the detention in the first place was lawful. I am somewhat embarrassed on the good senator’s behalf because this point, this distinction, is very well understood by people who understand immigration matters.

Senator Conroy—You should be embarrassed on your own behalf.

The PRESIDENT—Order!

Senator VANSTONE—in relation to the remainder of the question—

Senator Conroy interjecting—

The PRESIDENT—Senator Conroy, are you reflecting on the chair?

Senator Conroy—No.

The PRESIDENT—I would ask you to withdraw and keep quiet.

Senator VANSTONE—the latter part of the question was about whether the department had been, generally speaking, acting unlawfully. If you ask that generally speak-
ing, my answer is no. Do I accept completely the Comrie report? Yes. Is this government going about determinedly fixing what have been long-term problems in the immigration department’s record keeping and IT? Yes.

I referred recently to another case that happened in the 1990s and continued to have an impact right up until about 2003. This was the case of a person who was an Australian citizen in the Philippines and who was repeatedly refused entry into Australia. How, you might wonder, did that happen? It is a different scenario: one is a citizen being wrongfully deported and another is a citizen not being allowed back into the country. You would think, therefore, that there would be some interest in this issue, but I notice that not many people are keen to take up one of the problems that has surfaced in Labor’s time, because our record keeping allows us to go back to at least 2000 and right the wrongs. That is what I instructed my department to do as soon as Rau surfaced: go back and find if this could have ever happened again and go through every single case.

Prior to 2000, it was not possible to check the people who were released and later found to be lawful, but we have come across this particular example because it has only recently been resolved. And, in that case, it was not a question, necessarily, of culture; it was a question, very much in line with the Alvarez Solon report, of poor record keeping and poor IT. The fact that this woman was a citizen had been listed on some other records within the department—not the one accessed by the people who were looking to bring her back into Australia—and some of her information was entered on her husband’s file. So when people had a look at her file it did not show that she was an Australian citizen, so she was refused entry to her own country time and again. Why? Because of poor record keeping—nothing to do with one government or another and everything to do with immigration being a huge and growing department with a huge and growing relevance to Australia. Therefore, a long overdue improvement in IT and record keeping is being implemented by this government: $230 million over five years. *(Time expired)*

**Senator LUDWIG**—Mr President, I ask a supplementary question. The minister has it wrong again. I refer to the report by the secretary in response to the Comrie inquiry, which says:

> Until improved arrangements are in place to ensure cases of particular concern (out of those cases recorded in the system as ‘released not unlawful’) can be more easily identified, there will be ongoing discussion with the Ombudsman regarding any cases which appear to involve unlawful detention.

Minister, to ‘appear to involve unlawful detention’ means that you must have not had a reasonable suspicion to detain the person in the first place. That is the question which you failed to answer the first time around.

**Senator VANSTONE**—The secretary is quite right in what he says. It is an absolute confirmation of his commitment and the government’s commitment—namely, that every case later found lawful will be properly looked at. And there may be cases within that where there was not a reasonable suspicion at the time. There may be, but equally—

**Senator Ludwig**—One after 3½ years!

**Senator VANSTONE**—With respect, the good senator can seek to have this presented in another way but the plain fact is that if people are released and later found lawful, on my instruction every one of those cases—whether it is of short duration, whether they are later found lawful by a court, whether it is a question of reasonable suspicion or whatever—is being looked at and every one of them will go to the Ombudsman, as I indi-
cated on a previous occasion here, until we are completely satisfied that we have a mechanism to not refer every single case. And I point out: on a reasonable suspicion you are not always going to get it right. That is obviously the case. *(Time expired)*

**Workplace Relations**

**Senator Johnston** (2.11 pm)—My question is to Senator Robert Hill, the Minister representing the Prime Minister. Will the minister provide the Senate with further details regarding WorkChoices, the recently announced reforms to Australia’s workplace relations system, which, among other measures, will see the establishment of a simpler national workplace relations system? Will the minister further outline why these next steps are necessary, sensible and fair in order to further strengthen the Australian economy and continue to build on productivity and real wages growth over the past few years. Is the minister aware of any alternative policies?

**Senator Hill**—I thank Senator Johnston for his important question. Yes, the Senate will be aware that yesterday the Prime Minister and the Minister for Employment and Workplace Relations released WorkChoices, a new workplace relations system, which explains in detail how the new workplace relations system would operate for our country. The new system will, of course, replace a rigid and outdated system that was designed over 100 years ago and has too much red tape, too much complexity and too much confusion. The government believes that these big but sensible changes will improve Australia’s economic performance, create more jobs and enhance living standards for working Australians and their families. One year ago, Australians answered loud and clear the question: ‘Whom do you trust to keep Australia’s economy strong?’ They know that under the Howard government more than 1.7—

**Senator George Campbell interjecting**—

**Senator Hill**—Yes, job security under the Howard government. More than 1.7 million new jobs have been created. Real wages of Australian workers have risen by 14.9 per cent. The unemployment rate is the lowest in 30 years, and interest rates, of course, have been kept low and steady, in stark contrast with the record of the previous Labor government. However, the Howard government does not intend to rest on these achievements. The job is not yet done. Indeed, it never is done. More must be done to ensure that our economy remains strong and productive to ensure that these levels of prosperity endure.

**Senator George Campbell interjecting**—

**The President**—Order!

**Senator Hill**—We must unlock the next wave of productivity growth to secure our economic future. That is the future for all working Australians. For these reasons, the Australian government is moving towards one simpler national workplace relations system: WorkChoices.

**Senator George Campbell interjecting**—

**The President**—Senator George Campbell, come to order!

**Senator Hill**—As the Minister for Employment and Workplace Relations has said, these changes are evolutionary, not extreme. They are based on providing more choice and flexibility for both employers and employees. The government is about finding new and better ways to reward effort, increase wages and balance work and family life.

**Senator George Campbell interjecting**—

**The President**—Order! Senator George Campbell, I have continually asked
you to come to order. Do not put me in a position where I have to warn you.

Senator HILL—I am asked if I know of any alternative. From Labor, I know of no alternative. They will rest on this 100-year-old system that is now outdated and outmoded. They are unable to produce a reform or alternative to provide a better outcome for working Australians. They have abandoned working Australians in terms of the need for this country to remain competitive, to provide more jobs and to continue to provide the prosperity about which I have spoken. Mr Beazley, their current leader, has never been able to produce a policy in this or any other area. After nearly 10 years in opposition and the Australian Labor Party are still a policy-free zone. This is the alternative: a Howard government which remains reformist, which wants to build on the economic successes that have given a new prosperity to all Australians, and which is prepared to take the political risk to bring these reforms and changes to the Australian parliament. What do we get as an alternative from the Labor Party? Absolutely nothing. (Time expired)

Department of Immigration and Multicultural and Indigenous Affairs

Senator KIRK (2.16 pm)—My question is to Senator Vanstone, the Minister for Immigration and Multicultural and Indigenous Affairs. I refer the minister to the Comrie report’s findings about the flawed culture that exists in the immigration department. Can the minister indicate whether she believes the culture in the immigration department has changed in the two years that she has been its minister? If so, when did it change and in what way? Does the minister believe that ministers should have direct responsibility for the culture of their departments? Is the minister responsible for the flawed culture in the immigration department? Can the minister indicate whether she is responsible for changing the culture of the immigration department?

Senator VANSTONE—I thank the senator for the question. Again, I am somewhat embarrassed on behalf of the questioner, because the prospect of a culture in a department with some 3,000 staff changing on a particular day at a particular time is, forgive me, somewhat laughable. Cultures change over quite an extensive period of time. I do not think it is ever possible to say that it is in a particular week, month or three-month period that a culture changes across a broad organisation with, I think, about 3,000 staff, offices in every state, a national office and changing responsibilities, or to measure completely the culture across that department. So I cannot see any possibility of answering the first part of the senator’s question.

Is it a minister’s job, where they perceive the need for a culture to change, to do things to ensure that it does change? Yes, I think it is. It is a responsibility shared with the secretary and senior office bearers of a department. I am embarking on that task with Mr Metcalfe, a former departmental employee who spent some time in the Department of the Prime Minister and Cabinet and is now back in charge of the department. I might take the opportunity to put on record my thanks to Mr Metcalfe and the team that he has brought in from other departments for the effort that they have put in and the results that they have achieved in terms of what we are now doing in the immigration department. I am sure there is no single thing you can do to change a culture. With respect, there was naivety in that part of the senator’s question which implied that you can say there is a single day on which a culture changes. What is needed is partly some policy change, some administrative implementation and, in the conduct of affairs from the top of the department down, to indicate very
clearly to departmental officers that those that have an attitude or cultural perception that is unsatisfactory need to change.

That leads me to the last part of my answer to Senator Kirk: I encourage her to look closely at the Comrie report and to go back and look at the Palmer report to see within them those places where those gentlemen refer to people, both in DIMIA and in GSL, who are well motivated and doing an excellent job under difficult circumstances. I am keen to put on record my understanding that a cultural problem in a department does not mean that every person in that department is incompetent. It does not mean that every person is of bad faith and it does not mean that every person has an incorrect cultural approach to a problem. It is a far more complicated issue than that. I can assure you that the government, the secretary of the department and I are committed to that task.

Senator KIRK—Mr President, I ask a supplementary question. How can the minister be responsible for changing the culture of the immigration department when she has said that she does not bear responsibility for the culture that has developed under her watch? Is the minister seriously suggesting that she bears no responsibility for any of the actions of her department over the last two years? If the minister is not responsible for her department’s actions, what does she actually do as the minister for immigration?

Senator VANSTONE—Again, I ask the senator to go back and fully read the Comrie report and the Palmer report. If you do that, Senator, you will see that there are a number of problems that led to both the Rau matter and the Alvarez matter. One of them is a cultural issue in parts of the department—just one. Others relate to record-keeping problems and IT problems. I refer you to my answer to Senator Ludwig and to the fact that those problems have been around for a very long time. So, Senator, with respect, if you are trying to indicate that there is only one issue here, a cultural issue, and not IT issues, record-keeping issues and issues, frankly, that go back to your party’s time in government, you are sadly mistaken.

**Workplace Relations**

Senator FIFIELD (2.22 pm)—My question is to the Minister for Finance and Administration, Senator Minchin, representing the Minister for Industry, Tourism and Resources. Will the minister update the Senate on recent figures which point to an improvement in the export of Australian manufactured goods? How will the government’s workplace relations reforms underpin future growth in the Australian economy?

Senator MINCHIN—I thank Senator Fifield for that timely question. The latest figures on exports of manufactured goods represent a very sharp rebuke to those who might have been sounding the death knell of Australian manufacturing. The figures compiled by the Department of Foreign Affairs and Trade show that so far this year exports of complex manufactured goods are up 8.5 per cent on last year. That strong export growth is being led by pharmaceuticals and, pleasingly, the automotive sector. Pharmaceutical exports have increased by 24.7 per cent so far this year to $1.8 billion, and exports of fully built motor vehicles are at record levels, having reached $1.9 billion in the first nine months of this year—a 7.4 per cent rise. Those results follow the release of figures last week which show that total Australian exports for August reached a record $14.7 billion, the highest ever figure recorded for August. With motor vehicle exports strong, the domestic market is also strong. September was another record month for car sales. On current trends, the industry will easily beat last year’s record sales of 955,000.
I note in particular Mitsubishi’s recovery in the domestic market. Mitsubishi’s year-to-date sales are up 15 per cent on the corresponding period last year. Mitsubishi’s Australian CEO, Tom Phillips, has announced that he will be resigning at the end of this month following the release of the new Adelaide built 380 model. On behalf of the government, I want to congratulate Mr Phillips on his great achievements during his time with Mitsubishi and his leadership of what is a very dedicated and skilled work force at the Adelaide plant.

I was also asked by Senator Fifield what the government is doing to underpin future growth in the Australian economy. Our government indeed takes a long-term view of the economy and is not prepared to rest on its considerable economic achievements. In what is a very competitive global economy, the need for ongoing reform is paramount. If we stand still, as those opposite seem to advocate, Australia will be left behind and our living standards will inevitably drop.

Over the past 12 years, other OECD countries have tried this sort of Labor ‘stand still’ approach, resisted reform and claimed that everything in the garden is rosy. What we have seen, particularly in western Europe, have been disastrous outcomes. In Germany, unemployment stands at an extraordinary 11.8 per cent. In France, it stands at 10.2 per cent. In Spain, it still stands at 10 per cent. Our unemployment is gratifyingly half of that rate, but we still have half a million Australians who are looking for work and cannot get it. That is why this government is so determined to reform Australia’s workplace relations arrangements.

Workplace relations reform is the next logical step in Australia’s ongoing reform agenda. It will help reduce the constraints which we see on future economic growth. Our reforms are aimed at improving productivity, at increasing real wages—which have recorded strong growth under our government—and particularly at providing more job opportunities, especially for that half a million who still cannot get work. We need a more flexible, enterprise based IR system—a national system—if we are to ensure that Australian industry can remain internationally competitive. Australian manufacturing in particular needs a 21st century approach to workplace relations if it is to maintain the very strong recent performance we have had on Australian exports.

**Workplace Relations**

Senator MARSHALL (2.26 pm)—My question is to Senator Abetz, the Minister representing the Minister for Employment and Workplace Relations. Can the minister confirm that the no disadvantage test for Australian workplace agreements will effectively be abolished under the government’s proposed industrial relations changes? Doesn’t this mean that the next time an employee seeks to make an agreement with their employer, many prevailing award conditions—such as penalty rates, shift allowances, overtime and redundancy pay—can be lost with no compensation? Hasn’t the government also effectively removed the independent umpire, the Australian Industrial Relations Commission, from the agreement-making process? Isn’t this why the Prime Minister has consistently refused to offer any assurance that no-one will be worse off as a result of the government’s extreme industrial relations plans?

Senator ABETZ—At the outset I reject the premise of the senator’s question. These are not extreme changes in any shape or form. In fact, today’s newspapers clearly outline that the employers are saying they do not go far enough and that the unions are saying they go too far. We in the government are positioned very comfortably in the mid-
tle, which shows that we have the balance right.

In relation to the first part of the honourable senator’s question, he talks about the no disadvantage test being taken away. Under the current no disadvantage test, the total of four weeks annual leave can be traded away. Under our proposals, only two weeks will be able to be traded away, thereby protecting workers’ rights to annual leave. A minimum of two weeks is guaranteed. In fact, if they have five or six weeks annual leave guaranteed by their awards, they still have that capacity to negotiate only two weeks annual leave. That is good for workers. I indicate to Senator Marshall that under the no disadvantage test the sick leave component of awards could also be traded away. Ten days of sick leave will be protected by law. It will not be able to be traded away. These are the benefits to Australian workers. While I am on benefits to Australian workers, we will legislate for 10 days sick leave and personal carers leave.

Senator George Campbell interjecting—

Senator ABETZ—As Senator George Campbell knows well, he as a trade union official was unable to successfully negotiate for 10 days sick leave or personal carers leave to be included in manufacturing awards. They only have eight. What Senator George Campbell and his union could not deliver to workers in the manufacturing industry, the Howard government is going to deliver. So those on that side who are seeking to assert that these arrangements are somehow antiworker are clearly wrong.

Indeed, as I sat in my office with my staff this morning I said, ‘If I were a paid trade union official/Labor senator, what would my first question be today to try to spook the workers of this country?’ And of course the first question was, as I predicted, the one on the no disadvantage test. Of course, as I have been able to point out, the no disadvantage test has allowed workers and employers to negotiate away the totality of annual leave. That will no longer be allowed under our proposals. Similarly, every worker is going to be guaranteed 10 days sick leave—and Senator George Campbell may well interject—

Senator George Campbell interjecting—

The PRESIDENT—Senator George Campbell, I have told you that I would warn you. If you continue this I have no option but to warn you. Now come to order! Shouting across the chamber continually is disorderly and it also delays question time.

Senator Chris Evans—Mr President, I rise on a point of order. I respect your ruling advising Senator Campbell to not interject, but I also suggest—

Senator Ian Macdonald—Is this a point of order or just a—

Senator Chris Evans—It is a point of order. I suggest that when you allow ministers to directly speak to senators across the chamber in answering their questions, to goad them and to refer to them, then you need to call the minister’s attention to the standing orders, and then we will not see the deterioration of standards inside the chamber.

Honourable senators interjecting—

Senator Conroy—That would be the first time you would have done it.

The PRESIDENT—I can do without any help from you, Senator Conroy.

Senator ABETZ—I did not goad Senator George Campbell. If I wanted to goad Senator George Campbell, I would be referring to the 100,000 workers who lost their jobs, according to Mr Keating, as a result of the sort of industrial activity that Senator George Campbell took whilst he was a union official.

Senator George Campbell interjecting—
Senator ABETZ—But, whilst he was able to ensure that 100,000 workers lost their jobs in the manufacturing sector and was unable to give them 10 days sick leave, the Howard government will be delivering 10 days sick leave to them. What is more, we have been engaging in providing workers—

(Time expired)

Senator George Campbell interjecting—

The PRESIDENT—Senator George Campbell, your reference to the minister was out of order. I ask you to withdraw it.

Senator George Campbell—What reference was that, Mr President?

The PRESIDENT—You know what it was. I ask you to withdraw.

Senator George Campbell—Which one? I made several references to the minister.

The PRESIDENT—Senator George Campbell, I have asked you to withdraw the comments you made to the minister that were disorderly. I am not going to give credence to your comments. I ask you to withdraw.

Senator George Campbell—I am happy to withdraw, but I would like to know what I am withdrawing.

Senator MARSHALL—Mr President, I ask a supplementary question. In asking it, I note that the minister never referred to penalty rates, shift allowances, overtime and redundancy pay, which were the specific things I asked him about in the question. He skirted them for obvious reasons. Is the minister aware that on page 15 of the package released yesterday the government includes as an example a job seeker who must accept an AWA before they will be hired? Doesn’t that state that the AWA removes the following award provisions that the employee is currently entitled to: public holiday rates, rest breaks, annual leave loading, bonuses, allowances, penalty rates, and shift and overtime loadings? Won’t the job seeker be forced to accept an AWA that strips away almost all existing award entitlements, and doesn’t this confirm that the Prime Minister’s announcements are simply a sugar-coated poison pill?

Senator ABETZ—The honourable senator is of course wrong, and I suggest to him that he read the totality of this very well constructed booklet. It is a pity that he did not ask me to comment on the umpire and Australian Industrial Relations Commission aspect of his first question, because I would have been delighted to answer that as well, but when you string so many questions together and then you are limited to four minutes to answer it does make it difficult. In relation to the job seeker, the job seeker and the employer will be able to sit down and negotiate an agreement, and we all know that the happiest workplaces are those where the employee and the employer have actually negotiated an agreement which suits both the employee and the employer rather than those where an award which bears no relevance to the needs of individual workers and individual employers is foisted on them from on high by the industrial relations club. (Time expired)

Workplace Relations

Senator SANTORO (2.35 pm)—My question is to the Special Minister of State, Senator Abetz, representing the Minister for Employment and Workplace Relations. Will the minister inform the Senate how the Howard government’s proposed industrial relations reforms will boost employment and wages whilst protecting workers’ rights? Is the minister aware of any alternative policies?

Senator ABETZ—I thank Senator Santoro, a former distinguished minister for industrial relations in Queensland, for his question. I am going well today, because I
also predicted this question. Yesterday, the government announced WorkChoices, a plan to improve our inflexible and unfair industrial relations system so that we can boost employment and wages. We will achieve this by placing an increased emphasis on flexibility and cooperation between employees and employers. The happiest workplaces occur in situations of mutual agreement, where conditions are determined between employees and employers. They are working conditions such as those enjoyed by Ms Sandra Xuereb as profiled in the *Australian* today. Ms Xuereb’s AWA allows her to choose her work hours to help cope with the demands of being a single mother of three. Among other things, the agreement between Ms Xuereb and her employer allows her to take her children to and from school and, in her words, ‘Leave in the middle of the day and do what I have to do.’ I ask rhetorically: how more family friendly can you get?

Let us see what some people have been saying about WorkChoices today. Who has said it is pretty easy: ‘These proposals go nowhere near enough to free up the labour market,’ or how about: ‘The fact is there is still too much government handholding, still too much government red tape with respect to whole areas of the industrial relations system’? They were criticisms from the Institute of Public Affairs and ACCI.

On the other hand, we have the criticisms of the ACTU—their mates over there—such as Greg Combet who described them as ‘extreme’. Mr Beazley has now promised to roll back these reforms—very dangerous ground for Mr Beazley. He has been there before. He announced a roll-back only to roll over and embrace our policy in relation to tax reform when he realised how good those changes were. He will be doing exactly the same in relation to our workplace relations changes.

This criticism from both sides of the equation indicates that we have got the balance right. The current conditions of those who choose to stay on awards will be maintained. Four weeks annual leave, 10 days personal carers leave, 52 weeks unpaid parental leave, a 38-hour week and the minimum wage will be protected by law. So to say that WorkChoices does not protect workers rights, as is the ACTU mantra, is simply wrong. Take for example sick leave, in WorkChoices, as I have indicated before, 10 days will be guaranteed, protected by law and cannot be traded away. That is good news for the workers of Australia. We, as a government, are interested in continuing the trend of increased wages and increased employment in this country, something that Labor in 13 years could not achieve but we have achieved in our 9½ years in office. We intend to build on that for the benefit of Australian workers and their families.

**Family Day Care**

Senator SIEWERT (2.39 pm)—My question today is directed to the Minister for Family and Community Services, Senator Patterson. My question relates to comments made by the minister in the *Sunday Age* concerning proposed changes to family day care centres. Amongst other things, the minister referred to linking family day care centres to welfare to work. Can the minister clarify how the government’s welfare to work changes will be linked to what she called ‘not top-cost child care’? Can the minister explain whether this means that single mothers being pushed back into the workplace will be given the choice of putting their children in what may be dodgy second-rate centres while they work or having their benefits cut if they put their children’s health and safety first? Can the minister also explain how the family day care program can be expanded to workplaces ‘that cannot afford more formal child care’ without cutting cor-
ners that will impact on children’s safety and wellbeing?

Senator Patterson—I thank the honourable senator for her question. I would like to start by saying that I take objection to her comments about the standards of family day care. I do have concern about the fact that family day care in Victoria is not regulated and over the last 12 months, ever since I took over the area of child care, I have been calling for the state to regulate family day care. They should regulate family day care and outside school hours care, and—while I am at it—New South Wales should regulate outside school hours care. Every parent has the right to know that their child is in care which is regulated and approved and has appropriate regulations. It makes it very difficult for us to assess quality when it is not regulated. Having said that, I object strongly to her view that family day care is a lesser form of care, and I think that every family day care worker would be offended—

Senator Bob Brown—Mr President, I rise on a point of order. The minister is here to answer the question, not to assume a point of view which Senator Siewert did not put forward in her question.

The President—There is no point of order.

Senator Patterson—The honourable senator did actually imply that family day care was a lesser form of care, and I take objection to that on behalf of hundreds of family day care workers who do a fantastic job caring for children in their homes. I know that they would find what was said objectionable. So I want to start with that.

The other thing is that family day care is a form of care which is more flexible than long day care because children are looked after in small groups. I am happy to give Senator Siewert a briefing on the differences between family day care, long day care and the various other forms of care. For example, with the Welfare to Work program the majority of children will be in outside school hours care, and we announced in the last budget 84,300 additional places in outside school hours care. There are some children having outside school hours care and family day care but the vast majority of them are in specifically dedicated outside school hours care programs. So we are asking in the welfare to work reforms for people with children who have reached six to participate in the work force. These children will not be long day care or in family day care except for the small minority but they will be in outside school hours care. So that premise was wrong.

Half the things in the question and the premise upon which the question was based were wrong. With family day care, for example, some businesses may have a house on the property—a very high-quality house in their small business in a light industrial, inner city area that they may be able to have in venue care. This is a form of day care for small groups of children where a family day care worker could work with those children in the small business, looking after them, to actually enable businesses to supply family day care where they do not have enough children to qualify for 30 or 60 long day care places. I am looking at ensuring that we have as many care places for young children as possible, particularly in areas in the inner cities where land values are high, but also in areas where I am not getting the cooperation I should be getting from state and local council governments—and if I am asked a supplementary I might tell you about how that is panning out.

We have given more assistance to families for quality child care, doubling the number of places from 300,000 to 600,000 and doubling the funding to over $9 billion over the next four years. We have also seen an in-
crease to 84,300 places allocated for outside school hours care. This was 10 times more than Labor had built into its budget in its last election commitment because it knew that under Labor jobs would go down and demand for child care would go down as well.

Senator SIEWERT—Mr President, I ask a supplementary question. Can the minister explain how, if federal funding for child care places is allocated on the basis of demand, 20,000 new places went to Queensland, which already has 145,858 federally funded places, while only 5,020 went to Victoria, which currently has fewer federally funded places and is facing a chronic shortage?

Senator PATTERSON—I would actually suggest that the honourable senator comes to us and we will go through it with her. Let me just say that long day care places are uncapped. If people make provision for long day care, whichever state it is in, if it is approved and registered and parents send their children there, the parents get assistance through child care benefit and now child care tax rebate, a benefit that the Labor Party will not talk about or commit to.

Also, in Queensland the starting age for children at school was later—it is now moving, but it was later—which would mean there would be a higher demand for long day care because there are more children or another year’s cohort. That is why it is higher in Queensland. It is not some complex, peculiar arrangement. It is uncapped, so the demand actually drives the number of places that we fund in terms of assisting parents who have those places. That is one of the explanations for the difference between Queensland and Victoria, not some sort of conspiracy that you might have been dreaming up in your mind. (Time expired)

Charitable Giving

Senator WATSON (2.46 pm)—My question is directed to Senator Patterson, the Minister for Family and Community Services and Minister Assisting the Prime Minister for Women’s Issues. Is the minister aware of any new research on the amount of money that Australians give to the charitable sector? Will the minister inform the Senate of the importance that a strong economy plays in underpinning charitable giving?

Senator PATTERSON—I thank Senator Watson for his question. It is an important one, because today I launched the summary findings of a research project—

Senator Bob Brown interjecting—
Senator Ian Campbell interjecting—

The PRESIDENT—Order! Senator Ian Campbell, your colleague has the floor.

Senator PATTERSON—I launched the summary of a project called Giving Australia, a project which the Australian government funded through the Community Business Partnership initiative of the Prime Minister in the late 1990s. The report was coordinated by ACOSS for the partnership in conjunction with two institutes. For the first time in Australia, we now have extensive qualitative and quantitative data on the extent of giving by Australian individuals and businesses. We know that Australians are generous and compassionate. The report, Giving Australia, shows that Australians last year gave $11 billion to charitable organisations. This amount does not include the estimated $300 million that Australians contributed to the relief effort following the Asian tsunami.

Unfortunately, over the weekend, with the earthquake in Pakistan we have seen in our region another natural disaster on a massive scale. Latest reports are that some 20,000 to 30,000 people have been killed and over 40,000 people have been injured. I am sure I speak for all in the chamber when I say that our thoughts are very much with the people of Pakistan, Afghanistan and India and all of
those people involved in rescue missions, treating the injured and delivering relief to those people. The Australian government has responded quickly by already pledging over $5 million in aid. These funds will be used to support the UN agencies in the field providing medical assistance, food and shelter. I am confident that Australians will again demonstrate their spirit for giving and show their compassion by donating generously to relief efforts.

The Giving Australia report that I launched this morning shows that last year individuals gave $7.7 billion or $424 each, which is an increase of 88 per cent since 1997. So we have seen individual giving going up by 88 per cent. Business giving has also increased significantly. Since a survey in 2001 by the Australian Bureau of Statistics, giving by business has doubled. In 2003-04, business gave $3.3 billion.

While Australians have undoubtedly always given generously to worthy causes, the Howard government has changed the tax system to make it easier and more attractive for people to give. That was, I must say, through the work of the members of the Community Business Partnership—leaders in business and leaders in the not-for-profit sector—who made suggestions about ways in which we could change the taxation system and make it easier for local community foundations to be set up to actually encourage people to give so that their funding could stay within their areas and they could determine where those benefits might go. Also, through the Australian Workplace Giving Program, which I launched in August this year, people can make contributions via their payroll and make immediate donations to businesses.

Of course, you cannot give what you do not have. The report found and acknowledged that giving is influenced by the capacity of individuals and businesses to give, either financially or non-financially. One of the reasons we have seen an increase in giving is that people have more resources, through increased wages, and businesses have more resources, through increased profits and productivity, to actually contribute and give. I think this is a very worthy comment on Australians. But also it means that you only get that sort of giving when you have a strong economy.

### Workplace Relations

**Senator WORTLEY** (2.50 pm)—My question is to Senator Abetz, the Minister representing the Minister for Employment and Workplace Relations. I refer the minister to the Prime Minister’s announcement yesterday about the so-called protections for employees who are compelled to enter into Australian workplace agreements. Is it the case that, if an AWA contains any provisions about conditions such as penalty rates, shift allowances or overtime, these provisions will prevail even if they are a reduction on conditions contained in the relevant award? Isn’t it the case that many AWAs contain a provision that states that the all-up hourly rate includes payment for penalty rates, shift allowance and overtime? Can the minister confirm that such provisions would completely remove access to any of the so-called protections announced yesterday by the Prime Minister?

**Senator ABETZ**—Once again, I will commence my answer by repudiating the premise of the honourable senator’s question. Nobody is going to be compelled into an Australian workplace agreement. Australian workplace agreements are something that will be entered into—

*Opposition senators interjecting—*

**The PRESIDENT**—Order!

**Senator ABETZ**—Can I repeat: nobody is going to be forced or ‘compelled’, to use the language of the honourable senator, into
an Australian workplace agreement. All existing workers are completely protected.

Opposition senators interjecting—

Senator ABETZ—Those opposite, trying to regain some ground, are interjecting, ‘What about new workers?’ What we want to see in relation to new workers is the capacity for new employees to be able to sit down with their employers and negotiate a deal. It is no different to what exists today with an employer that has an award.

Opposition senators interjecting—

The PRESIDENT—Senators on my left will come to order!

Senator ABETZ—An employer that has an award and wants to stick with the award will say to a prospective employee, ‘This is the award—take it or leave it.’ There is no room for negotiation in any shape or form. Those opposite know that. So if you have a lady like Ms Xuereb, who I referred to in a previous question, who wants to be able to take her children to and from work—

Senator Chris Evans—Mr President, I rise on a point of order going to relevance. The minister has made no attempt to answer the question. I do not know if he is not across the detail. He first of all claimed that there were claims in the question that were not there. Could you ask him to answer the specific question about the AWA provisions that was asked of him?

The PRESIDENT—I cannot direct the minister on how to answer a question. If you can find in the standing orders where it says anything about relevance in answers to questions, I would be pleased to see it.

Senator ABETZ—With a point of order like that, you can fully understand why Mr Latham sacked Senator Evans in favour of Mr Beazley. We know what Mr Latham thought of Mr Beazley, so one assumes that he thought even less of Senator Evans. No worker will be compelled into an Australian workplace agreement. I was asked about workplace agreements and people being compelled. That was the honourable senator’s question.

Senator Chris Evans—that wasn’t the question.

Senator ABETZ—It was the question.

The PRESIDENT—Senator Evans, come to order! Senator Abetz, I remind you of the question.

Senator ABETZ—The question was prefaced by the notion of workers being ‘compelled’. That was the word used, I took a note of it, and after question time Senator Evans might like to come in and apologise for his silly interjection. I know that he has to protect his backbench senator, who was given a very bad question by the question time committee, but not a single worker is going to be compelled to sign up to an Australian workplace agreement. In relation to existing workers, their conditions remain. As for new workers, they will be able to sit down with their employers and negotiate and discuss the conditions under which they want to be employed. Under the award system so favoured by the Australian Labor Party you have an award, brought down from on high by the Australian Industrial Relations Commission, which may bear no resemblance to the needs and aspirations of either the employee or the employer.

The wonderful example of Ms Sandra Xuereb in the Australian today, exactly highlighted the benefits of an Australian workplace agreement—where a single mum of three kids is able to negotiate her hours of work so that she can take the kids to and from school and, if need be, take time off during the day to attend to her family’s needs. That is the great benefit of Australian workplace agreements. That is a great benefit of flexibility. Of course, the one thing those
opposite are scared of is that employees and employers might actually decide what is in their interests rather than having a trade union official telling them what is in their best interests.

Senator WORTLEY—Mr President, I ask a supplementary question. Is the minister aware that the government’s own AWA watchdog, the Office of the Employment Advocate, endorsed an agreement which paid a Baker’s Delight employee 25 per cent less than she was entitled to and abolished all of her sick leave and annual leave entitlements? Is it not the case that the government cannot guarantee that such situations will not arise in the future? Is that not the reason why the Prime Minister has refused to provide an assurance that no-one will be worse off as a result of the government’s changes?

Senator ABETZ—It is very difficult to accept at face value what the honourable senator is asserting when in her first question she used the word ‘compelled’ and then only a minute later her leader got up to deny that the word was used. I have a funny suspicion that the Baker’s Delight situation, of which I do not have the details in front of me, might not have been under an AWA. It would be interesting if it was. If that exists under the current system, it goes to show why workers’ rights have to be protected by law as we intend to.

Workplace Relations

Senator BARTLETT (2.58 pm)—My question is to the minister representing the Minister for Employment and Workplace Relations. Can the minister outline the total amount of taxpayers money spent to date by the government on developing, producing and publishing advertising, and other information material, to promote the workplace relations policies of the Liberal and National parties? What is the total amount of taxpayers money that the government has budgeted to spend on this matter by the end of this year?

Senator ABETZ—Can I thank the new look Senator Bartlett for his question. In relation to the government campaign, it has been a long established practice by government. When we are a government, we do not take on that role as a Liberal-National Party government per se, but as a government for the people of Australia, and we have a right to communicate with the Australian people. The Australian Labor Party and the Democrats have run campaigns against us in relation to our informing the Australian people about important things such as national security and tax reform. The Australian people have basically said to them that appropriate campaigns will be supported by the Australian people at the ballot box.

In relation to industrial relations changes, there are significant changes which will be of real benefit to workers. We also need to ensure that the workers of Australia are made fully aware of all of their rights and entitlements against employers that potentially might want to rip off employees. So it is important—

Senator Carr—How much taxpayers’ money are you burning?

The PRESIDENT—Order! Senator Abetz, I remind you of the question.

Senator ABETZ—Mr President, there were numerous aspects of the question and I think I still have about two-and-a-bit minutes to go. Senator Carr was at a Senate committee hearing just on Friday dealing with this very issue.

Opposition senators interjecting—

The PRESIDENT—Order! If the minister wants to continue, fine. I would remind him of the question, but it is very difficult with the noise that is going on on my left.
Senator ABETZ—As I was saying, it is vitally important that the workers of Australia be made fully conversant with the facts of our proposals so that their rights can be protected, so they know what their entitlements are. What we as a government will do is run a campaign that is sufficient to ensure that the workers of Australia fully know what their entitlements are. When we are two days into the announcement, it is impossible to assert and state how much will be spent on such a campaign. It is trick question 101 from backbenchers school, and I would have thought that Senator Bartlett would have known better than to try to bowl one of those. It stands to reason that we as a government will monitor the situation to ensure that the workers of Australia are fully aware of their rights and entitlements—and, as a result, no final figure has been put on it and I do not intend to put a final figure on it. We will do that which is necessary to ensure that the workers of Australia have a full understanding of all their rights and entitlements and all the benefits that will be flowing to them under our proposals.

Senator BARTLETT—Mr President, I ask a supplementary question. Is the minister seriously trying to tell the Senate and the Australian people that there is no budget set aside for the total amount of advertising and other information expenditure on this campaign that he insists is so important? I also ask him to indicate whether or not the government, unlike with the Telstra legislation, will actually allow a proper and adequate Senate committee inquiry into this very complex area of law, or will the public just be left with an unknown amount of their own money being spent on telling them, via their television screens every night, how good it is?

Senator ABETZ—The fact that there was no separate line item in the budget in relation to the workplace relations campaign was something that those opposite took to the High Court and failed on. They miserably failed on that. Now they are coming in here trying to tell the Australian people that somehow the High Court got it wrong. If the Australian people have a choice between the views of Senator Bartlett and the views of the High Court, could I commend to them the views of the High Court. In relation to Telstra, I understand that Senator Bartlett is in fact suggesting that we should engage in a public relations campaign on that, and I will draw his views to the attention of the Prime Minister.

Welfare to Work

Senator STEPHENS (3.04 pm)—My question today is to Senator Abetz, the Minister representing the Minister for Employment and Workplace Relations. Is the minister aware that one in every four people who receive the disability support pension has a psychological or psychiatric condition? Does the minister know that many of these conditions are sporadic and may not prevent a person from being able to work 15 hours in a specific week but may prevent them from working 15 hours a week on a regular basis? Does the minister know that many of these conditions are exacerbated by stress? Doesn’t the government’s threat of withdrawing social security payments from people with a mental illness who do not meet their work obligations increase the risk of making mental illness worse for many Australians?

 Senator ABETZ—What we have here, unfortunately, is an ongoing attack on the Welfare to Work proposals that we as a government have put forward. As I have said on a number of previous occasions in relation to this issue, we as a government are concerned about workers’ abilities rather than their disabilities. What Labor would do is simply to throw the pension at them, wash their hands
and walk away. We say that if there are people with disabilities who are able to work for 15 hours or more and are assessed as such then we as a government are actually going to commit hundreds of millions of dollars to assist them in gaining employment and engaging them within society through a workplace.

In relation to an individual who has a mental disability or a mental illness and has sporadic episodes of that illness, I dare say that those specific circumstances would need to be taken into account. Without knowing the full details, trying to deal with hypotheticals is always very difficult. I think everybody on both sides of the chamber accepts that trying to draw up these hypotheticals is very difficult for us to deal with. What I would say to Senator Stephens, with respect, is that we as a government have announced some changes to our initial proposals as a result of community consultation, because of our concern to ensure that our proposals will be as fair as possible. It goes a lot further than the Labor Party, who have no proposal whatsoever to offer the Australian people other than to simply throw the pension at them and then walk away. That is not good enough for us and we will continue with our Welfare to Work program.

**Senator Stephens**—Mr President, I ask a supplementary question. Is the minister aware of a recent study by Mission Australia which found that 76 per cent of people in the Personal Support Program have a mental illness? Is it not also the case that there are not enough places in the Personal Support Program, the program that provides the most intensive support for—

**Senator Hill**—Mr President, I raise a point of order. That is clearly not a supplementary question arising out of the answer that was given. It is a second question. That is outside the rules.

**Senator Chris Evans**—Mr President, on the point of order: Senator Stephens’s question was about the welfare reform package of the government and its treatment of people with mental health issues. It is a supplementary question that goes to the treatment of those people. I remind Senator Hill that it is Mental Health Week and the senator is raising concerns about how people with mental health issues will be treated under the government’s social security policy. It is quite clearly in order.

**The President**—Order! I will look at the question after question time. Senator Stephens, please continue.

**Senator Stephens**—In conclusion, my question to the minister is: in Mental Health Week, instead of increasing the stress for Australians with a mental illness by threatening to stop their payments, why won’t the government actually fund the services that are designed to help them?

**Senator Abetz**—As I sought to point out to the honourable senator before, this package is in fact costing taxpayers. This is not about cutting funding to those with disabilities and on welfare. We are spending more money on them to assist them to engage in the work force. Anybody who has had some experience with mental health knows that, if a person is able to be engaged in the work force, if they have a reason for getting up of a morning and if they have a job to go to where they undertake some useful task, it is of great assistance to their mental health. We as a government would seek to engage everyone possible down that path, not only for their own personal mental health benefit but also for the benefit of society as a whole.

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

Citrus Industry

Senator HILL (South Australia—Leader of the Government in the Senate) (3.09 pm)—On 5 October, Senator Milne asked me a question relating to citrus exports. I said I would refer aspects of it to the Minister for Trade. He has provided me with further information, which I seek leave to have incorporated in the Hansard.

Leave granted.

The information read as follows—

Australia exports more than two-thirds of its agricultural produce and the sustainability of our agricultural and food industries relies upon unimpeded access to the global market and the existence of fair and consistent trading rules around the world. Australia’s trade story is about both imports and exports—we cannot expect trading partners to take our produce if we do not apply the same rules to their products.

The government maintains effective and WTO consistent trade remedies for Australian industry to address an unexpected and unforeseen surge of imports, dumped imports or subsidised imports that have been demonstrated to cause genuine (“material”) injury to a domestic industry.

Safeguard action is emergency action which may be taken in situations where increased imports are unexpected and unforeseen. It is not designed to prevent competition from imports nor as a response to unfair trade practices of other countries (which may be addressed through anti-dumping action).

Where dumped or subsidised imports cause (or threaten) material injury to an Australian industry producing like goods, the industry can make an application to the Australian Customs Service to have anti-dumping or countervailing measures imposed.

The current United States measures against Brazilian citrus imports have been made against a preliminary determination in an anti-dumping duty investigation against specific Brazilian exports of frozen orange juice concentrate (FOJC) and pasteurised single strength orange juice.

INTELLIGENCE SERVICES

LEGISLATION AMENDMENT BILL 2005

Senator HILL (South Australia—Leader of the Government in the Senate) (3.09 pm)—During the debate last week on the intelligence bills, Senator Brown asked certain questions, which I said I would refer to the Attorney-General, relating to the cancellation of the visa of Scott Parkin. I understand from the Attorney-General that he has corresponded with Senator Brown on this particular matter and there is nothing further that he is prepared to put on the public record other than that which he has already provided to Senator Brown.

Senator BOB BROWN (Tasmania) (3.10 pm)—I seek leave to respond to that answer.

The PRESIDENT—Senator Brown, are you seeking leave to respond to that answer?

Senator BOB BROWN—Very briefly, yes.

The PRESIDENT—Is leave granted?

Senator HILL (South Australia—Leader of the Government in the Senate) (3.10 pm)—No, I do not think it is the right time to get into a debate on that. There are appropriate times but now is the time to take note of matters arising in question time. The answer is no.

Leave not granted.

QUESTIONS WITHOUT NOTICE: ADDITIONAL ANSWERS

Illegal Fishing

Senator ELLISON (Western Australia—Minister for Justice and Customs) (3.11 pm)—In response to a question last Thursday from Senator Sterle, I mentioned that a photo in the Northern Territory News had been released by Customs in May this year. That was on advice from Customs. It was in fact
in July, but nonetheless the photograph was publicly released. I undertook to obtain further information, and I will have that shortly.

**AUSTRALIAN LABOR PARTY**

**Leadership and Office Holders**

**Senator CHRIS EVANS** (Western Australia—Leader of the Opposition in the Senate) (3.11 pm)—I seek leave to incorporate in *Hansard* a list of the revised shadow ministerial representation and parliamentary secretaries for the opposition in both chambers.

**Senator BOB BROWN** (Tasmania) (3.11 pm)—I indicate that the Greens will be giving leave to Senator Evans on that matter.

Leave granted.

*The document read as follows—*

**SHADOW MINISTRY**

7 October 2005

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RULES OF DEBATE: VOTES OF THE SENATE

The President (3.11 pm)—During debate in the Senate on 6 October 2005, Senator Ian Campbell asked the Acting Deputy President, Senator Watson, to refer to me certain remarks by Senator Bob Brown, to determine whether they contravened the prohibition in standing order 193(1) on reflections on votes of the Senate.

It is clear in the Hansard transcript that Senator Bob Brown’s remarks were to the effect that he did not understand why Senator Fielding had voted as he did on certain matters. The remarks were implicitly critical of Senator Fielding, but did not reflect on votes of the Senate.

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

Workplace Relations

Senator WONG (South Australia) (3.12 pm)—I move:

That the Senate take note of the answers given by the Special Minister of State (Senator Abetz) to questions without notice asked today relating to industrial relations reform.

On Sunday—yesterday—we had the Prime Minister launching something which they call WorkChoices. Today we had Senator Abetz demonstrating yet again the truth behind the government’s package. This document should not be called WorkChoices; it should be called ‘Work: No Choice’ or ‘Work Harder’ because that is what it will be. Really, if the Australian people want to know what is in these extreme industrial relations changes the government is putting forward, there are only two things they need to focus on. The first is that the Prime Minister refused—and Senator Abetz today in question time again refused, despite being asked on a number of occasions by the opposition—to guarantee that no worker in this country will be worse off under their system.

They have had many opportunities. The Prime Minister has had many opportunities, including in his press conference yesterday. On at least three occasions today, Senator Abetz refused to give any guarantee that no Australian worker will be worse off. Why is it that they consistently refuse to give this guarantee either in public or in question time? They refuse because they know it is not true. They refuse because they know they cannot guarantee that no Australian worker will be worse off under their system.

The Prime Minister says, and Senator Abetz also said in question time today, that the wages enjoyed by Australian workers indicated what the government’s position was. The Prime Minister says that his record is his guarantee. Let us remind ourselves of what the position of people in this country on
the minimum wage would have been if the Howard government’s position on the minimum wage cases over the last nine long years had been adopted by the independent umpire—the independent umpire they now want to take out of the system.

If the government’s submissions on the minimum wage had been accepted over the last nine years that they have been in office, nearly two million employees on the minimum wage would be $50 a week, or $2,600 a year, worse off. That is the Prime Minister’s record: $2,600 a year worse off. That is the record that he asked the Australian people to trust him on, and that is the record that Senator Abetz today again confirmed is their answer to the clear demand that they guarantee that no worker will be worse off. The fact is that they cannot guarantee that. All that occurred on Sunday, and all that was demonstrated again in the chamber today by Senator Abetz, is that they have sugar-coated the poison pill that is their extreme, ideologically driven industrial relations agenda. That is all they have done. The fact is that there is very little choice for many employees. Very many employees in the real-life situation in the workplace know that they are likely to be given a take it or leave it contract, a take it or leave it AWA: ‘If you want this job, this is what you get.’

What is the Prime Minister protecting and what is Senator Abetz going on about? They are protecting four conditions: annual leave, personal leave, parental leave and maximum hours of work. They are not protecting penalty rates, they are not protecting shift allowances, they are not protecting overtime rates, they are not protecting redundancy pay and they are not protecting public holidays or annual leave loadings. That is the fact. That is why in question time today we saw Senator Abetz ducking and weaving, trying to go off on tangents, refusing to give the guarantee, but specifically refusing to indicate any protection for those particular conditions—hard-won conditions that many Australian workers rely on in order to meet their families’ expenses, including things like mortgages.

What the Prime Minister’s announcement and Senator Abetz today refused to answer was: what about those AWAs which say, ‘You’re being paid an all-up hourly rate and that hourly rate takes into account shift allowances, penalty rates, overtime rates, leave loading and public holidays?’ Senator Abetz refused to indicate that that sort of clause, which is reasonably commonplace in AWAs, will actually ensure that the so-called protections indicated by the Prime Minister yesterday are no protection at all. All you need is a clause that says, ‘The all-up hourly rate takes into account all these things,’ and the so-called protections that the Prime Minister indicated yesterday disappear like mist in the morning. That is the fact, and that is why Senator Abetz today refused to answer the specific question about what such a clause would do. (Time expired)

Senator CHAPMAN (South Australia) (3.17 pm)—What we have seen today in question time and in this debate is yet another example of the Luddite mentality of the Labor Party—the Labor Party reinforcing its role in parliament as the mouthpiece not of the broad Australian community but of the trade union movement. As we all know, membership of the trade union movement in the private sector work force of Australia today is less than 17 per cent. So that is what the Labor Party choose to do: they choose to represent less than 17 per cent of the Australian community, compared with the Howard government, which seeks to govern for the whole of the Australian community, including all employers and all employees. We know the reason for that: the bulk of Labor senators opposite, and indeed Labor members in the other place, come from the trade
union movement. Their background is in the trade union movement. That is why that is the group that they seek to represent and for whom they seek to be the mouthpiece.

As I said, Labor does not seek to govern for even 50 per cent of the Australian community, let alone the whole Australian community, but indeed for a mere 17 per cent of the Australian community. So it is no wonder that Labor jumps to the demands of the union movement with its advocacy of a 19th century workplace relations system, which is what it is doing in raising its opposition to the proposed reforms of the Howard government with regard to workplace relations.

We have heard all this before. We heard it back in 1996, when the Labor Party and the trade union movement, again in concert, opposed the initial workplace relations reforms introduced by the Howard government with attempts to misinform people and massive scare campaigns. We have seen it all before. The results and the effects of those reforms over the last nine years give the lie to those scare campaigns and the misinformation that was distributed at that time. We have seen real wages increase by more than 14 per cent as a consequence of the Howard government reforms of the last nine years. We have seen unemployment at its lowest level in more than 30 years. We need to remember that that 14 per cent increase in real wages contrasts with an increase of about two per cent or three per cent for the whole 13 years that Labor was in government.

As I said, we have had the lowest unemployment in 30 years, we have had 1.6 million jobs created and we have had continuing economic growth and a very strong economy. They are very largely a direct result of the overall reforms that the Howard government has introduced over the last nine years, but in particular they are a direct result of its reforms to workplace relations. In contrast to that, all we see from the Labor Party is a massive scare campaign of misinformation.

The proposed reforms that will be introduced in legislation in the next few weeks will not cut minimum and award classification wages; they will not remove protection against unlawful termination; they will not abolish awards; they will not remove the right to join a union, so your mates will still be protected; they will not take away the right to lawful industrial action in negotiating an agreement; they will not outlaw union agreements; and they will not abolish the Industrial Relations Commission. What they will do is move us towards what is desperately needed: one simpler national system.

They will also simplify workplace agreement making. They will establish the Australian Fair Pay Commission to protect minimum and award classification wages. Within that, there will be introduced the Australian Fair Pay Commission standard to protect workers’ wages and conditions in the agreement-making process. The reforms will also enshrine a set of minimum conditions in federal legislation for the first time—minimum conditions guaranteed by legislation. They will provide modern award protection for those who are not covered by agreements and who continue under the award system. They will ensure an ongoing role for the Industrial Relations Commission, protection against unlawful termination, and a better balance in the unfair dismissal laws.

More particularly, with regard to minimum and award classification wages, there will be a single minimum wage. There will be minimum wages for award classification levels; minimum wages for juniors, trainees, apprentices and employees with disabilities; minimum wages for pieceworkers; and casual loading. After increases to the minimum and classification wages and awards as a result of the 2005 safety net review, they will
be locked in and not allowed to fall below that level. Increases will be decided in future by the Fair Pay Commission. So a fair system is proposed—a system that will enhance Australia’s productivity and our jobs growth.

(Time expired)

Senator HUTCHINS (New South Wales) (3.22 pm)—I rise to take note of Senator Abetz’s answers to questions today. I hope that the tactics committee on our side of parliament continues to ask Senator Abetz questions on IR, because the more opportunity we get to see Senator Abetz in action, the more he does not answer questions and the more he denigrates people who work for their living in this country, the better it will be for us at the next election. There would be only one other person over that side whom I would rather see answering questions in industrial relations, and that is Senator Santoro. He had the opportunity to deal with industrial relations when he was the Queensland industrial relations minister, and he had the dubious honour of not only losing government but losing his seat.

Mr Deputy President, if you had an opportunity to listen to AM this morning, you would have heard Catherine McGrath ask the Prime Minister—the one person who has pushed this from the day he entered public life—‘Have you ever done an individual agreement yourself?’ The Prime Minister did not answer, because in his whole flaming life—other than, I am sure, the period when he was practising as a solicitor in a partnership—he has never been under anything but some sort of system where the wages and conditions under which he worked have been governed by someone else or negotiated by someone else. On every path—from being a young man working in Nock and Kirby, to working in solicitors firms, to being a member of parliament, to being a minister, to being the Leader of the Opposition, to being the Prime Minister—this man has had his wages and conditions or salary set by somebody else. He has never negotiated them himself. What sort of a hypocrite is he to try to push this down the throat of Australian workers?

The DEPUTY PRESIDENT—Senator Hutchins, you should withdraw that comment.

Senator HUTCHINS—I withdraw it, Mr Deputy President. As you can see, I am understandably angry about this. I saw the leaks to some of the tame cat journalists over the weekend. They said that meal breaks and overtime would not be affected by the proposed legislation. Let me just make two points about that in the short time I have left. The first is on meal breaks. Let us say that you are a truck driver or a train driver or that you work at a checkout or you work and operate equipment. Most of those occupations provide for statutory health and safety aspects. There is no largesse from the government in anything that they have offered in relation to this. Road laws, rail laws and all sorts of other laws provide for those people to have breaks because, in the interests of safety, they need to have breaks. It has nothing to do with whether they need to have a cup of tea and talk about what they did at the weekend; it is the fact that they need to have breaks because they are doing occupations that require them to rest.

The second thing I want to talk about is unpaid overtime. The Prime Minister apparently is going to guarantee that for existing employees overtime will not be affected. As Senator Claire Moore and I know from our inquiry into poverty and financial hardship, in November 2000 27 per cent of overtime that was worked in this country was not paid for. People actually worked that overtime and were not paid for it. That had increased to 33 per cent three years later. So one-third of overtime worked in this country is not
being paid; yet it is being worked. What sort of a guarantee is that from the Prime Minister and the coalition? This figure will go up the next time that measure is taken by the Australian Bureau of Statistics.

There is no undertaking from this government at all on overtime. It will be affected. People will be working longer hours for fewer conditions and less wages. The government cannot guarantee that that will not happen. As Senator Wong has said, the Prime Minister and all the ministers have been asked to guarantee unequivocally that people will not be worse off under these proposed industrial relations changes and, on each and every occasion, everyone of them has slipped and slid all over the place to make sure that they will not give the undertaking because, Mr Deputy President, as you know and I know, they cannot; they will not.

The intention of this is to drive our wages down, and every Australian worker knows that. The last time you people over there tried this in the 1920s, you lost power. I bet you will lose it again if you continue down this path.

*Senator McGauran interjecting—*

**Senator HUTCHINS**—Senator McGauran, I will have an argument with you about the history of this, but your government proposed these situations back in the 1920s, and they lost. You might try it again but, if this goes forward, you will lose again.

**Senator SANTORO** (Queensland) (3.28 pm)—From the start, I simply remind honourable senators opposite and anybody else listening that, since the Howard-Costello government came to power in 1996, real wages for workers in Australia have increased by 13 per cent right across all the occupational ranges. That compares with a 1.3 per cent increase during the whole time that the Hawke-Keating government was in place.

The Howard government is a government with a very proud record in terms of standing up for workers and for their rights. This legislation again continues to reflect that commitment to workers and to their rights. These reforms do not entrench within legislation what is valuable to honourable senators opposite—that is, compulsory unionism, union preference clauses and the compulsory role of unions. As the title of the far-reaching and visionary package that was unveiled yesterday by the Prime Minister and by the Minister for Employment and Workplace Relations shows and tells us, it is all about choice. This is what people opposite object to most: the choice that is contained within the visionary workplace relations reforms. It is also about protecting the rights of Australian workers.

We make no apologies for introducing these reforms, which, as the Prime Minister said yesterday, are major reforms. They are big reforms, they are big-ticket items, but they are also fair. Look at the protections that are contained within the package, such as freedom of association. Under WorkChoices a person cannot be discriminated against for any number of reasons, including being an officer, delegate or member of an industrial association; not being and not proposing to become a member of an industrial association; employing someone who is not and does not propose to become a member of an industrial association or has not paid or refuses to pay a fee for membership of an industrial association; refusing or failing to join in an industrial action; and refusing to agree with or to vote for a certified agreement. I could go through a list of 25 specific instances of where protections under freedom of association provisions are contained. I would suggest to honourable senators opposite that that reflects the fairness of the legislation that is being proposed.

Look at the right of entry. Does this legislation, for example, seek to bar unions and
proper and fit persons from entering workplaces? Under WorkChoices unions will continue to be able to enter a workplace for the purpose of investigating a suspected breach of the Workplace Relations Act or to hold discussions with employees. Importantly for businesses covered by WorkChoices, there will now be a single national system of right of entry law. Just as it is fair to the unions, it is fair to employers. No longer will businesses be forced to comply with confusing and conflicting state and federal right of entry laws.

I ask honourable senators opposite: what is wrong with that? I would suggest with respect that we are entrenching the right of unions to enter workplaces, particularly for health and safety purposes. If the government had decided to go overboard, if the government had decided to prevent unions from exercising rights which they have been exercising for a long time in the workplace relations systems, we would have acted against them by making provisions against them. Look at our concern for unions. We are actually protecting the legitimate role of unions and employer associations.

Under WorkChoices, unions and employer organisations will continue to be able to represent their members. The essential features of the current system will be maintained, those being that unions and employer organisations can still be registered under the Workplace Relations Act so that they can represent their members in matters before the Australian Industrial Relations Commission. Unions will still be able to enter workplaces to investigate suspected breaches of the Workplace Relations Act or to hold discussions with employees in accordance with the law. Unions will still be able to act on behalf of employees in negotiating collective agreements and will be able to be appointed as a bargaining agent for an individual or member negotiating an AWA when asked to do so. Where is the discrimination against unions? We are entrenching within legislation the reasonable and legitimate role of unions.

I could go on and talk about the protections for vulnerable workers that have been announced by the Prime Minister and derided by senators opposite and other members of their political colour in the lower house. As the Prime Minister said, the proposed legislation, which is outlined in the documents that were released yesterday, is evolutionary but it is also very fair. *(Time expired)*

**Senator WORTLEY** (South Australia) *(3.33 pm)*—I rise to take note of answers provided by Senator Abetz today. The reality of the government’s WorkChoices is that it will provide no choice for ordinary workers. When a worker applies for a new job, in many cases they will be required to sign an AWA or they will not get the job. It is as simple as that. They will have to sign for less than the award or agreement and sign away conditions like overtime, penalty rates, redundancy pay, shift allowances, rostering protections and public holidays. They will have to sign away the take-home pay that they would be entitled to under the award or enterprise agreement and sign away the conditions that generations of Australians have fought for.

The Howard government has begun its spending of $100 million of taxpayers’ money in an attempt to convince workers that they are being given choice in their conditions of employment. We know that is not true. The government knows it is not true. Australian workers know it is not true. That is why the government is spending taxpayers’ money. It is spending the money on a propaganda campaign. It is money that could be better spent on skilling our young people, on education or health or on providing more
places in child care. It is money that would be better spent in ensuring that our hospitals are equipped to deal with an outbreak of avian flu in Australia and adding to the nation’s antiviral stockpile to limit the number of Australian deaths in case of a pandemic.

If the government’s no choice industrial relations reforms were fair, the government would not be spending $100 million of taxpayers’ money to convince the workers that they were. The Prime Minister would guarantee that no worker will be worse off, but he continues to refuse to give this guarantee. Why does the Prime Minister not guarantee that no worker will be worse off? Because he cannot. We know that thousands of Australian workers will be worse off as a direct result of the Howard government’s extreme no choice workplace legislation. Wages will be forced down, conditions cut and workers sacked. There will be less job security. An employer will be able to sack a worker without providing a reason. In reality, it may be because they refuse to move down from the award onto an AWA which reduces their entitlements, or it may just be because the employer has someone to do the job at a lower rate of pay. Under the government’s no choice changes, employers not need a reason to sack you; they just can and they will.

This government is out of touch with working Australians and their families. The Prime Minister is out of touch. He is not used to mixing with ordinary Australians—families that have to pay for petrol, pay their mortgage, pay their energy bills, pay for groceries, pay for medical bills and medication. They are families that already do not have the money to go on holiday or to go out to a restaurant or even to the movies—families on under $50,000 per year through to those on as low as the minimum weekly wage. These are the people who will feel the brunt of the government’s no choice rules. These are the families who will suffer the most—and this from a Prime Minister who says he is a friend of the workers.

The reality is that even today, under the current Workplace Relations Act, the bargaining power of the employer is greatly superior to that of the employee. There will be no equality of bargaining power between an employer and an individual employee when it comes to workplace agreements, particularly for those in non-managerial roles. Empirical data shows that, among non-managerial staff, employees on AWAs work six per cent more hours and earn two per cent less than those on registered collective agreements, with women on AWAs earning 11 per cent less than women on registered collective agreements and 20 per cent less than men on AWAs. Casual employees on AWAs are paid an average of 15 per cent less than casual employees on registered collective agreements, while part-time employees on AWAs are paid 25 per cent less than their equivalents on registered collective agreements.

In South Australia, a 15-year-old was employed by Bakers Delight on an AWA, undercutting her award minimum by 25 per cent. In addition to paying 25 per cent below the minimum award entitlement, the AWA further stripped conditions by cashing out annual leave, annual leave loading and sick leave. Under the current system, the South Australian Industrial Relations Court judge upheld a decision by an industrial magistrate to award the employee compensation for underpayment of wages. If employers are attempting such severe undermining of award conditions and wages now, workers are in for a rocky ride with the proposed Howard government no choice changes. The extreme changes expected to be pushed through by this government mean that for Australian workers and their families the future is uncertain. *(Time expired)*
Question agreed to.

**Family Day Care**

Senator SIEWERT (Western Australia) (3.38 pm)—I move:

That the Senate take note of the answer given by the Minister for Family and Community Services (Senator Patterson) to a question without notice asked by Senator Siewert today relating to child care.

I am extremely concerned about the way in which these wide-ranging changes to both our welfare system and our industrial relations system combine to impact on working families and upon the most marginalised in this country. I am concerned that the changes being addressed by Senator Patterson may in fact bring into our country a two-tiered system of child care, with budget child care, in which people may be able to look after other people’s children in other people’s homes or in the workplace. These changes may result in a two-tiered system, whereby poor working families will be forced to compromise their children’s care in their most formative years as they suffer the combined assault of the Welfare to Work and IR changes.

As a working mother, I am very sensitive to and know of the important issue of day care. We need to bear in mind that it is hard to work productively if you are worrying about the care your children are getting. Your peace of mind and your concentration just are not there if you are worrying about your children. It is no coincidence that countries that are at the leading edge of innovation in high technology are also investing very highly in child care and lifelong education.

I do acknowledge that standards in family day care have increased substantially. What I am concerned about is their going backwards with the changes being mooted. Cutting corners in day care will mean putting our children at risk. There have already been cases in the family day care system where it has fallen down in the past. As I said, while standards have increased, they are in danger of going backwards again.

Inappropriate people have been allowed to supervise our children, and kids have been exposed to dangerous and unhealthy situations. How will loosening the conditions around family day care to allow it to occur in other people’s places improve on this? It disconnects the people responsible for the child’s safety and wellbeing from the responsibility of providing the conditions under which care takes place. I am also concerned that the same applies when we are expanding the family day care model into the workplace, which will allow medium sized businesses that cannot afford formal child-care centres to offer day care. Again, I believe this is budget day care that will lower the standards of our children’s care.

What is it supposed to mean? Surely, if a workplace cannot afford to provide appropriate facilities, it should not be offering child care. At least with family day care we can assume that there is already a toddler friendly environment in which our children are being looked after. But this cannot be said for the workplace. We heard today that it might be a disused house. Is it a corner of a warehouse or a disused factory floor?

Then we need to bear in mind that we are talking about a ‘not top cost provision of services’. This means budget services. How does this reconcile with the comments made in the same article about bringing in expensive, high-tech day care security systems that will use smartcards? So we will have day care centres with smartcards, where you have to swipe to get in to see your kids, but then we will have family day care centres, where we can just use other people’s homes—clearly a two-tiered system of family day care.
Then, of course, we did not get an adequate explanation of why there is a chronic shortage of child-care places in Victoria, whereas Queensland seems adequately supplied with child-care places. The difference was put down to the difference between long day care centres, non long day care centres and family care centres—merely a splitting of hairs, when the parents of Victoria urgently need access to good quality child care.

Surely we in this country should be looking at good quality child-care systems, not offering a two-tiered system that will impact on the most disadvantaged in our society. Those who are already suffering will suffer more when they are forced into work through Welfare to Work and then when they are forced to dump their children into second-rate family day care centres because they do not have a choice. They will have been forced into work and will not have a choice about where to leave their children. How will this increase productivity in this country if it means parents are worrying about where their children are and whether their children are being looked after adequately?

Question agreed to.

PETITIONS

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

Asylum Seekers

Petition to the Honourable the President and Members of the Federal Senate in Canberra. The Petition of the Citizens of Australia states that:

1) The rich Christian heritage of political freedom that we enjoy in Australia has benefited all Australians; and was confirmed when we became a Federated Commonwealth in 1901 with the adoption of the Australian Constitution, the Preamble of which states, ‘Humbly relying on the blessing of Almighty God’.

2) Many Christians around the world suffer persecution for their faith in countries where Christian principles are not enjoyed and seek refuge in our nation of Australia.

3) The need of these Christians is an urgent need and their Christian beliefs and practices are compatible with the principles on which our Nation was established.

Your petitioners therefore humbly pray that immigration policies be framed to expedite the entry of Christian refugees into Australia.

And your petitioners, as in duty bound, will ever pray.

by Senator Heffernan (from 13 citizens).

Information Technology: Internet Content

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

We, the undersigned citizens of Australia draw to the attention of the Senate the common incidence of children being exposed to Internet websites portraying explicit sexual images. These images may involve children/teens, sexual violence, bestiality, and other disturbing material. Many such websites use aggressive, deceptive or intrusive techniques to induce viewing. We submit to the Senate that:

• Exposure to pornography is a form of sexual assault against children and should be considered, like all sexual abuse of children, as a serious matter causing lasting harm.

• It is not adequate to charge individual parents with the chief responsibility for protecting their children from Internet pornographers determined to promote their product, OR to expect parents to teach children to cope with the damaging effects of pornographic images AFTER exposure.

• It is the primary duty of community and Government to prevent children being exposed to pornography in the first place by placing restrictions on pornographers and those businesses distributing such material.

• Internet Service Providers (ISPs), should accept responsibility for protecting children from Internet pornography, including liability for harm caused to children by inadequate efforts to protect minors from exposure.

Your petitioners therefore, pray that the Senate take legislative action to restrict children’s exposure to Internet pornography. We support the introduction of mandatory filtering of pornographic
content by ISPs and age verification technology to restrict minor’s access.

by Senator Heffernan (from 43 citizens).

Petitions received.

NOTICES

Presentation

Senator Santoro to move on the next day of sitting:

That the Parliamentary Joint Committee on the Australian Crime Commission be authorised to hold public meetings during the sittings of the Senate, to take evidence for the committee’s review of the Australian Crime Commission Act 2002, on the following days:

- Tuesday, 11 October 2005, from 4 pm to 7 pm
- Thursday, 13 October 2005, from 9.30 am to 11.30 am.

Senator Watson to move on the next day of sitting:

That the time for the presentation of the report of the Finance and Public Administration References Committee on government advertising be extended to 1 December 2005.

Senator Crossin to move on the next day of sitting:

That the time for the presentation of the report of the Legal and Constitutional Legislation Committee on the provisions of the Corporations (Aboriginal and Torres Strait Islander) Bill 2005 be extended to the first sitting day in 2006.

Senator Siewert to move on 12 October 2005:

That the Senate—

(a) notes that:

(i) the Luxembourg Income Study database claims that Australia has the fourth worst level of poverty of 24 major developed economies,

(ii) in the Organisation for Economic Co-operation and Development (OECD) report, Income distribution and poverty in OECD countries in the second half of the 1990s, released in 2005, Australia had the 11th highest level of poverty of 27 major developed economies,

(iii) Professor Peter Saunders, of the Social Policy Research Centre at the University of New South Wales, estimates that federal government spending equal to 2.4 per cent of Australia’s gross domestic product would eliminate poverty in Australia,

(iv) there has been no official government inquiry into national poverty since the inquiry conducted by Professor Henderson in the 1970s,

(v) the governments of France, New Zealand, Ireland and Britain currently have official government poverty reduction strategies but Australia has none,

(vi) the Community Affairs References Committee report, A hand up not a hand out: Renewing the fight against poverty—Report on poverty and financial hardship, tabled on 11 March 2004, recommended ‘that a comprehensive anti-poverty strategy be developed at the national level’, and

(vii) Anti-Poverty Week will be held from 16 October to 22 October 2005; and

(b) calls on the Government to:

(i) increase the current payment level of Newstart and Austudy allowances to the level of aged pensions (which is just above the half-median income poverty line), and

(ii) develop a national poverty strategy that includes better job opportunities for poor people and better government research into national poverty.

Senator Ellison to move on the next day of sitting:

That, on Wednesday, 12 October 2005, the Senate meet at 10 am, enabling senators to attend a commemorative service honouring the victims of the October 2002 terrorists attacks in Bali.

Senator Stephens to move on the next day of sitting:
That the Senate—

(a) notes that:

(i) Sunday, 9 October 2005 marked the beginning of National Mental Health Week, the theme for 2005 being ‘Family, Friends and Intimate Relationships’,

(ii) Monday, 10 October 2005 is World Mental Health Day, the theme for 2005 being ‘Mental and Physical Health Across the Life Span’,

(iii) one in five Australians will, at some time in their lives, experience some form of mental illness,

(iv) mental illness manifests itself in many forms including depression, anxiety, schizophrenia, bipolar disorder and eating disorders,

(v) up to 12 per cent of those seriously affected by mental illness will eventually end their lives, compared with about one per cent for the whole population,

(vi) most people with mental illness recover well and are able to lead fulfilling lives in the community when they receive appropriate ongoing treatment and support,

(vii) only about half of those affected by mental illness actually receive treatment, and

(viii) in Australia there are hundreds of mental health organisations, health professionals and carers providing assistance and treatment to sufferers; and

(b) urges the Federal Government to:

(i) recognise that mental health is not something separate from the health care agenda, but an integral part of it,

(ii) show national leadership and drive a real national mental health strategy, and

(iii) improve those mental health services for which it has direct responsibility.

Senator Bob Brown to move on 12 October 2005:

That the Senate—

(a) notes the recent deportation of long-standing performer with the Sydney Dance Company and Australian citizen Xue-Jun Wang from China where he was due to perform in the week beginning 16 October 2005;

(b) condemns the actions of the Chinese Government and calls on it to uphold human rights including freedom of speech;

(c) notes the failure of the Australian Government to take action on behalf of Xue-Jun Wang; and

(d) calls on the Australian Government to ensure Xue-Jun Wang can visit China in the future.

Senator Nettle to move on the next day of sitting:

That there be laid on the table by the Minister representing the Minister for Education, Science and Training, no later than Thursday, 13 October 2005, copies of the departmental documents on the three options for voluntary student unionism.

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

That the following matters be referred to the Rural and Regional Affairs and Transport References Committee for inquiry and report by 1 December 2005:

(a) the public and private commitments of the Prime Minister (Mr Howard) in his 2004 pre-election announcement on logging of old-growth forests in Tasmania, with particular reference to his commitments to the forestry division of the Construction, Forestry, Mining and Energy Union, its officers and related organisations; and

(b) any relevant matters.

Senator Nettle to move on the next day of sitting:

That the Senate—

(a) congratulates the Federal Government for extending the time for submissions on whether the proposed New South Wales desalination plant on the Kurnell Peninsula requires full assessment under the
Environment Protection and Biodiversity Conservation Act 1999; and
(b) calls on the New South Wales Government to cease any further planning for the project while a proper, rigorous environmental assessment of the proposal takes place.

LEAVE OF ABSENCE

Senator GEORGE CAMPBELL (New South Wales) (3.47 pm)—by leave—I move:
That leave of absence be granted to Senators Forshaw and Sherry for the period 10 October to 13 October 2005 on account of parliamentary business overseas.

Question agreed to.

Senator McGAURAN (Victoria) (3.48 pm)—by leave—I move:
That leave of absence be granted to Senator Ferris for the period 10 October 2005 to the end of the 2005 parliamentary sittings on account of ill health, and to Senator Payne for the period 10 and 11 October 2005, on account of family matters.

Question agreed to.

NOTICES

Postponement

The following items of business were postponed:
General business notice of motion no. 259 standing in the name of Senator Siewert for today, relating to deep sea bottom trawling, postponed till 11 October 2005.
General business notice of motion no. 276 standing in the name of Senator Stott Despoja for today, relating to Mr David Hicks, postponed till 11 October 2005.

MATTERS OF PUBLIC IMPORTANCE

Ms Vivian Alvarez

The DEPUTY PRESIDENT—I inform the Senate that, at 8.30 am today, two senators each submitted letters in accordance with standing order 75, the Leader of the Australian Democrats, Senator Allison, proposing a matter of urgency, and Senator Ludwig proposing a matter of public importance for discussion. 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 has been received from Senator Ludwig:

Dear Mr President
I wish to propose the following matter of public importance for debate today:

The failure of the Howard Government to take responsibility for the damming report by Mr Neil Comrie into the circumstances of the Vivian Alvarez matter.

Yours sincerely
Senator Joe Ludwig

I call upon those senators who approve of the proposed discussion to rise in their places.

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

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 CHRIS EVANS (Western Australia—Leader of the Opposition in the Senate) (3.50 pm)—Today we wish to debate the failure of the Howard government to take responsibility in light of the damning report by the Ombudsman on the inquiry by Mr Neil Comrie into the circumstances of the Vivian Alvarez matter. As most Australians would be aware, it is the tragic case of the mistreatment of an Australian citizen who was deported to the Philippines.

Mr Comrie has done an excellent job in providing his report. It is the latest revelation of incompetence and mismanagement in Senator Vanstone’s department. It reinforces, unfortunately, many of the damming findings
of the Palmer report into the case of Ms Rau. Mr Palmer commented that it was difficult to see how the people responsible for such failed practices, poor decisions and regrettable outcomes could have the credibility and objectivity to bring about the fundamental change of mindset that is necessary. But Senator Vanstone ignored that finding and recommendation by Mr Palmer. Mr Howard, the Prime Minister, also ignored that recommendation. Senator Vanstone remains responsible for the department, although she accepts no responsibility for what it does.

The Comrie report details the tragic case of a vulnerable Australian mum suffering mental and physical injuries who was found in a drain in Lismore and admitted to Lismore Base Hospital. She was later interviewed by DIMIA and eventually they made a decision that she was a non-citizen, despite the fact that she was an Australian citizen. The Comrie report says in its introduction:

It is almost unthinkable that in contemporary Australian society one of our citizens could be unlawfully removed from the country by a government department.

... ... ...

It is the opinion of the Inquiry that the unlawful removal of Vivian Alvarez in 2001 was primarily a consequence of the convergence of a number of organisational failures.

... ... ...

The fact that in 2003 and 2004 senior officers of DIMIA knew that an Australian citizen had been unlawfully removed in 2001 but failed to take any action is inexcusable.

One of the most chilling moments I have experienced in my parliamentary career was when the department told the estimates committee that they knew and had known for years that they had deported an Australian citizen and done nothing about it. There cannot be a greater failure in the public administration of this country than that demonstrated by this case.

Mr Comrie went on to conclude that the:

... removal of Vivian was a consequence of systemic failures in DIMIA— it was not just a single accident— among them inadequate training programs, database and operating system failures, poor case management, and a flawed organisational culture.

We get back again to the culture exposed by the Palmer report, which found that the department had lost its objectivity even when dealing with Australian citizens. The report found that on at least four occasions when Senator Vanstone was minister officers of the department covered up Ms Alvarez’s removal. Mr Comrie, in a description which for a public servant is unusual in its strength, described DIMIA’s overall management of Vivian’s case as ‘catastrophic’.

All Australians are concerned by the ongoing revelations of the failures of DIMIA and of the mistreatment of people under its care, be they illegal immigrants, persons who have just fallen into its custody through bad luck or, now, Australian citizens. This catalogue of abuse is now lengthy. We had the incidence of the Hwang children, who were snatched from their school room. The minister defended that on the basis that they were not technically in detention. But the other children saw them grabbed by officers and dragged out of the classroom. We had the Palmer report, with its scathing assessment of the department’s operations. We had the Hamburger report, which found that detainees were trucked across the country like animals, sitting in their own urine.

We have case after case and report after report that say there are systemic problems inside the department. There are examples of abuse, mistreatment and denial of basic human rights that go on and on. Yet the government say they take no responsibility. Mr Ruddock, when asked the other day about this—because he was minister when a lot of
this occurred—said he took no responsibility. Senator Vanstone has been at great pains to say that she should not be held accountable for this as how is she to know what goes in her department? How could she possibly know? That works on one occasion, when there is an isolated incident, but it does not work when you have systemic failures and the sort of abuse we have seen raised in these last three or four reports.

We have systemic abuse and systemic failure of the department to carry out its duties, and we have a minister who has defended the department for the last 18 months and who only now, when faced with these most damning reports, seeks to take any action. Her arrogance and her brazen disdain for the issues at stake reflect very badly on this government. She is determined to tough it out. When asked the other day about this most appalling report, she said, ‘I’ll just go off and listen to one of my favourite songs, which is called I’m Still Standing.’ She is so dismissive of the rights of Vivian Solon that she refers to a pop song she listens to! I looked up the pop song. I remember the song, but I am not really good on lyrics.

Senator Johnston—Or much else.

Senator CHRIS EVANS—You may think so, Senator. The second verse goes like this:

And did you think this fool could never win
Well look at me, I’m coming back again
I got a taste of love in a simple way
And if you need to know while I’m still standing
you just fade away.

This is Senator Vanstone to Vivian Solon: ‘You just fade away. This fool can win.’ Under John Howard’s government, this fool can win. She can stay in her post because he has decided to keep her. He will not hold her accountable; he will not have his government held accountable. So Senator Vanstone is still standing. She should have fallen long ago, but she is still standing.

She takes no responsibility for the failures of the department. She dismisses the human rights abuses that have occurred as not her fault. She is the Sergeant Schultz of the federal government: ‘I know nothing.’ It is all someone else’s fault. She has got rid of the secretary, she has got rid of the deputy secretaries and now she is to get rid of three other public servants, or they will be allowed to resign. Everybody but the responsible minister is responsible. Everybody else is responsible for the actions of the government department but not the Howard government.

The failings as identified by Palmer and Comrie are systemic. These are not one-off incidents. This is a department that reflected the culture of the government. These problems in DIMIA were identified before the minister became minister. This culture around immigration in this country has been set from the top down by a government that went to an election saying asylum seekers had thrown their kids into the water when they knew that was not true. It was set by the Prime Minister, who said he did not want these sorts of people in our country.

Senator Vanstone replaced Minister Ruddock, whose tenure at Immigration was marked by a ferocious demonisation of asylum seekers and the tarnish of the cash for visas scandal. But we know that the concerns about the operations of the department were widespread at the time. A report in the Australian on 1 October 2003, just before Senator Vanstone took over, revealed some of the problems that existed in the department under Philip Ruddock. The Australian said:

The forthright Vanstone is inheriting a department mired in a culture of cover up and denial.

That was before she took up the job. That was what one of Australia’s leading newspapers was saying of the department. But the
minister pretends she knew nothing until she heard of the Rau and Solon cases.

She took no action to change the culture that had been publicly identified. She did not move. In fact, she defended the culture. She said, on coming to the job, that there would be no change in the government’s immigration policy. She said:

We’re sure we’re on the right track in that context. That doesn’t mean there aren’t fine-tuning opportunities that can be taken ... (although) I haven’t indicated that I can spot any.

Senator Vanstone defended the department, the government’s approach and the culture that permeated the immigration department for a long time as minister—and the culture has not changed during her tenure.

In December 2003, she denied responsibility for the fate of asylum seekers imprisoned on Nauru as part of the Pacific solution and said:

It’s not in Australian territory, it’s on Nauru, and being run by other people. If someone doesn’t want to be there, they can go home.

She was dismissive of critics, she was dismissive of complaints and she failed to deal with the culture. All of the Palmer report and now the Comrie report point to the culture being systemic. They point to the problems being systemic and to abuse after abuse inside the department. For the minister to pretend she is Sergeant Schultz and she knows nothing is not a defence.

I know that ministerial responsibility means nothing under the Howard government, that after quite quickly losing a number of ministers John Howard drew a line in the sand and said: ‘No more. It doesn’t matter what they do. It doesn’t matter how incompetent they are or how badly they fail the Australian public. They will not be replaced.’ Even Senator Vanstone enjoys the confidence of Mr Howard, because he knows that to sack her is to admit that the culture driven by his government has been so lacking in respect for the human rights of people who come into contact with it and so lacking in respect for Australian citizens like Vivian Solon—who was deported and forgotten. Despite knowing that she had been deported, no action was taken.

There can be no more horrific case than that which we have seen. There can be no greater criticism of the administration of public service in this country than that which we have seen. But the Howard government imagines that we are so immune to the personal suffering of Vivian Solon that we will all move on, that it does not matter and that we will forget in time. That would be a terrible indictment of the Australian people, if it were true. The political system in this country is so corrupted that a minister can survive the Palmer and Comrie reports. That is what Prime Minister Howard is saying to us.

It would be an indictment of all of us, an indictment of Australia, if this minister could survive the damning indictment of these reports. If she does, it will be a terrible statement about Australia, about political responsibility and about our system of government. I urge Senator Vanstone to consider her position, to resign and to take some responsibility for the terrible treatment of Ms Solon, Ms Rau and, it appears, many more whom we will hear of in the coming reports.

Senator JOHNSTON (Western Australia) (4.03 pm)—Sadly, I am forced to talk about a culture. I want to talk about the culture of opportunism that emanates from across this chamber. There is a report, a unanimous report, with regard to which the government takes full responsibility. The government members unanimously agreed with the recommendations and findings of that report. There has been no prevarication; there has been no shirking. The government is upset, is
responsible and acknowledges the problems with the Vivian Solon case.

I will deal shortly with what the government has done in response to those findings and the government’s disquiet over what happened inside the Department of Immigration and Multicultural and Indigenous Affairs. But the point I want to make is that the opposition in this place purport to lecture the government about culture inside a department. The Labor Party wanting to lecture the government on culture is a bit like Saddam Hussein wanting to give a lecture on democratic principles. The culture inside the Labor Party is a very shocking, terrible, horrible, black-hearted piece of public administration, for a political party—and they come in here and want to lecture the government about culture. It is hollow and it smacks of political point scoring, when the government has acknowledged the problems regarding Vivian Solon.

What have we done about Vivian Solon? What have we sought to do? Firstly, government members participated in the inquiry and brought down a unanimous report. There has been no shirking; there has been no denial. Secondly, as soon as this lady’s position was known, we sought to provide her with a compensation package. We have responded on a whole-of-government basis. We have provided her with a support package which commences following the Comrie report. She has been assisted with a Centrelink officer whilst in the Philippines. She has free medical and health care, including private services, if required, for as long as required. She has carer support up to 24 hours a day for as long as required. She has health related aid and transport to health services for as long as required. Here is a compassionate, responsive government doing the right thing in these circumstances.

Other assistance includes a $25,000 lump sum resettlement package, free accommodation and transport to necessary non health related appointments for six months from the date of the delivery of the Comrie report, which means it has just started. I inform the chamber that the six months has just begun to run. This can be extended, if necessary, through mediation as her circumstances require in the ongoing administration of her case. She has a mobile phone with a prepaid credit of $500. She is entitled to three return trips between Sydney and Brisbane in the first six months for family reunion visits. That six-month period, as I said, has just begun.

The government has advised Ms Solon that it is willing to consider any claim for compensation, and this would be treated quite separately from the assistance that I have outlined which is being offered to her on a day-to-day basis. All of the matters that are in place to assist this lady as a result of her predicament and as a result of the actions of the Department of Immigration and Multicultural and Indigenous Affairs are separate to the overall compensation payment and resolution. Discussions are continuing between the Australian Government Solicitor and Ms Solon’s solicitors regarding that compensation payment. Those negotiations are ongoing.

Ms Solon’s brother, who is a Philippines national, has been granted a short-stay visa for three months to come to Australia to assist Ms Solon whilst she is being repatriated. Pursuant to the terms of that visa, he is entitled to extend it for a further period should it be required. So Ms Solon will come back here, she will have all of the day-to-day care that I have outlined, and her brother will have a short-stay visa which can be extended if required. While she is in Manila, she is being provided with the level of care and assistance that I have set out. Further to that,
there has been ex gratia assistance which includes a daily allowance of $75 per day initially and then $100 per day. It has been a substantial line of assistance to Ms Solon.

The Australian government say that this lady should not have been deported. This was an exercise in public maladministration for which the government are responsible. The buck stops with the Minister for Immigration and Multicultural and Indigenous Affairs. The minister’s response has been to initiate a huge overhaul of DIMIA. As Senator Evans indicated, substantial changes have taken place at the senior executive service level in the department. The government announced late last week a $230 million five-year package for a range of initiatives to improve training, to provide better health and wellbeing to immigration detainees, to maintain better records management, and to attain a higher level of quality assurance. This is together with a much stronger focus on clients. This is called the Palmer implementation plan. The secretary of the department is to review and implement that plan, together with Mr Mick Roche, the former head of the Defence Materiel Organisation, so that the government have resources and a plan to repair the perceived deficiencies contained within the department.

In talking about the politics of opportunism, I mention that a question was asked of Minister Vanstone by a senator—I think it was last week—which dealt with finding 34 of the Comrie report. That finding relates to Mr Comrie’s assessment of the management of Vivian Solon’s case as ‘catastrophic’. The rest of the paragraph, sadly, was not mentioned in the senator’s question. Let me read the rest of the paragraph, because it is important to this debate. It says:

Nevertheless, it is important to record that some DIMIA officers performed their duties diligently and professionally. Having discovered that Vivian had been unlawfully removed, they took the evidence that established this fact to their supervisors and advised them of a grave problem. That these supervisors failed to take action should not obscure the diligence and professionalism of their subordinates.

Colleagues across the chamber want to talk about the culture of DIMIA. The Comrie report indicates that there are many officers in the department who performed diligently and professionally. But the opposition wants to tar and feather the whole lot of the department by talking about culture. These people—the opposition in this place—have a culture that is the political laughing stock of Australia, and that is a culture of opportunism: attack the issue of the moment, build it up to score a cheap, grubby political point and then rack off without one single policy initiative.

What have we heard from the opposition about policy changes in the department? It is a round number before ‘one’—a big fat zero. Their style of opposition is to hope that the front page of the newspaper yields something that they can put between their teeth and run with for a day or two, and when they are tired of it they can just drop it and run off to the next issue. They have no policies. For Senator Ludwig, a lawyer—a man of legal training—to ask a question in this place that leaves out a significant proportion of the report’s finding sets out the type and style of integrity within this opposition: take advantage of a situation—the politics of opportunism. Do not disclose the full question and leave out the vital, important parts that say that many DIMIA officers performed their duties diligently and professionally. It is a sorry, sad reflection on an opposition that have to resort to tarring and feathering the whole department in the face of an independent report like this because of some desire to sustain a cheap and grubby political perspective. The Australian government have done more than ever before to maintain a
strong culture inside the department. *(Time expired)*

**Senator BARTLETT** (Queensland) (4.13 pm)—This matter of public importance addresses the failure of the Howard government to take responsibility for the damning report by Mr Neil Comrie into the circumstances of the Vivian Alvarez matter. It is not only opposition parties calling it ‘damning’. I draw the Senate’s attention to comments made last Friday by the Commonwealth Ombudsman, Professor John McMillan, to the Senate Legal and Constitutional References Committee inquiry into the administration and operation of the Migration Act 1958. He said, ‘I think you’d have to say it’s probably about the most damning report that’s been prepared.’

I make the point again that, in tabling the report into the Vivian Alvarez matter, the Minister for Immigration and Multicultural and Indigenous Affairs took this issue so lightly that she could not even be bothered to come into the chamber herself to table the report or to table the government’s responses to this and the Palmer report. Senator Minchin just came in and dropped it onto the table. I do not know whether Senator Vanstone was out doing press conferences or something, but even though her ministerial press release, on the Department of Immigration and Multicultural and Indigenous Affairs web site, said that the minister tabled the report, she did not table it. She could not be bothered doing that much. When she was making comments to the media—not to the parliament—she said that the Prime Minister ‘doesn’t believe ministers should be held responsible for things that they clearly had no knowledge of’. She also said, ‘What I think a minister is responsible for doing is fixing up problems as soon as they arise, as soon as it is clear that something needs to be done.’ Those are Senator Vanstone’s words going to the issue of responsibility, what a minister responsible is responsible for doing—fixing up problems as soon as they arise, as soon as it is clear that something needs to be done.

In that context, I also draw the Senate’s attention to other comments made by the Commonwealth Ombudsman last Friday to the Senate committee inquiry. He said, ‘Nearly all of the problems of administration that are highlighted in the Alvarez and the Rau reports have been raised in the past.’ He mentioned problem areas such as: record keeping; lack of clarity in memoranda of understanding between Commonwealth and state authorities; issues about the adequacy of medical and health diagnoses in detention centres, particularly the regularity of visits by mental health professionals; problems in compliance; missing notebooks; people not being fully cognisant with the legislation; and privacy being used as an inappropriate obstacle to circulation of information. All of those matters have been raised at one time or another in reports in the past.

Senator Johnston mentioned the unanimous Senate committee report that has been brought down. I was part of that committee as well. He is right; I note his comment and applaud him for his constructive approach in that inquiry. But the problem is that we have had many reports, including unanimous Senate committee reports. I recall one that I was involved in back in August 2000. I think Senator Ludwig was involved, as well as Liberal Party members Senator Payne and Senator Coonan. It was a near unanimous report detailing a lot of significant problems. We worked hard trying to get a common view, to try and be constructive and to say: ‘Even leaving aside arguments about policy, the administration arrangements are a problem. Unless we fix this up, they’ll become bigger problems.’ That was five years ago, before Senator Vanstone was the minister responsible for this area. This matter today
talks about the government not taking responsibility—and there have been plenty more instances since then. There have been the human rights commission report and other reports from the Ombudsman, as the Ombudsman himself made clear. There have been joint parliamentary committee reports—again, unanimous ones. How many more times?

Basically, the government clearly have said, time after time, that they were willing to ignore all of those injustices and massive administrative deficiencies—which have been identified time and time again in report after report—and that it was just unfortunate collateral damage in the interests of having a strong stance on border protection. I think it should serve as a big warning to those of us from all sides who are concerned about what may happen if we give expanded, extreme, enormous powers to Commonwealth officials and Commonwealth ministers without proper checks and balances and accountability in the area of anti-terrorism and security laws. We do not need to speculate on what happens when you give those sorts of powers to Commonwealth officers, politicians and ministers because we have seen it. We have seen it here in the DIMIA area. When you give extreme powers to Commonwealth officers and Commonwealth ministers without proper checks and balances, you get grotesque injustices and you get a government that is willing to ignore clear reports of problems and just treat it as collateral damage. (Time expired)

Senator LUDWIG (Queensland) (4.18 pm)—I rise to speak in the debate on today’s matter of public importance. It is about, of course, the failure of the Howard government to take responsibility for the damning report by Mr Neil Comrie into the circumstances of the Vivian Alvarez Solon matter. The Comrie report is but one report. It is the first chapter of many in Minister Vanstone’s little shop of horrors. We now know from the Ombudsman that there are more to come. There are another 221 cases, as far as we are aware, which also provide an outline of what possibly could be more damning reports about the department, particularly about the minister’s oversight of that department.

It is also instructive to know that, in relation to the last two reports—both the Palmer report and this report by Mr Comrie—the minister did not come into the chamber to table them but left it to the government’s duty minister. Last week Minister Macdonald took the initiative to defend himself in respect of a matter of public importance raised in this chamber. At least Senator Macdonald came into the chamber to defend himself. Even if Senator Vanstone is busy with other matters, the second issue is that there has been no ministerial statement in relation to either the Rau or Alvarez reports. If it were going to be seriously addressed by this government, you would expect the government to provide a ministerial statement in relation to these matters. But, no, they have not. Instead, Minister Vanstone says that she should not have to resign because she was not in charge of the immigration department when it happened.

The Ombudsman’s report states that DIMIA’s management of Ms Alvarez’s case can only be described as ‘catastrophic’. It goes on. There are more words to describe how it happened, but I think that summarises how that case should be looked at. As yet, the minister, as I said, has not taken responsibility. She escapes responsibility again. Leaving aside the obvious implication that Mr Philip Ruddock was in charge at the time and that he should also take responsibility, let me also outline why Senator Vanstone should go as well, why she should in fact take responsibility for this. Some time ago, and several times since then, I asked Senator Vanstone how the detention of Ms Cornelia
Rau could not be considered unlawful or illegal, given the Federal Court had determined three times previously that the detention was not to be used for the purposes of curial review. There are two sections in the Migration Act that authorise detention. I have asked, both at estimates and in this chamber during question time, for the minister to at least attempt an explanation. The first is section 189, which authorises the initial detention. The second is section 196, which provides the limits on duration of detention. DIMIA has been using the initial detention power under section 189 and effectively ignoring its limits under section 196, as though either that part of the act did not exist or it did not care to use it. It then ignored the Federal Court rulings which pointed out how those two sections operate in unison.

But, as bad as that is, I do not hold the department solely to blame. That would be wrong, because it is the minister’s job to run the department. It is the minister’s job to take responsibility for the department. It is the minister’s job to provide the overall policy framework and setting under which the department operates.

The Prime Minister says Minister Vanstone cannot have been expected to know what every one of her departmental employees was doing, and I guess that is fair enough—she should not be expected to know everything. But surely it is the minister’s job to write the rules—the handbook—and keep it up to date and ensure that those things are done. Yet, that never happened after these Federal Court rulings. The migration series instruction was not updated. It was DIMIA officials, continuing to use this out-of-date and wrong manual as their yardstick, who tragically detained Cornelia Rau. The instructions were wrong, the detention was unlawful, and the minister knows it.

There has been a subtle shift in the minister’s use of language of late over whether these continuing outrages are unlawful, and that can be detected from as early as 25 May, during estimates, to now. The minister, showing full well the culture of blame-shifting and untruthfulness that characterises this government, stood up and denied that in question time and argued with me during the last budget estimates; yet now we find that that ‘unlawful’ is the very word put forward by Mr Comrie himself in finding 11 of his report. Indeed, Mr Comrie classifies at least another 20 cases in that same category. He says that 20 other cases where citizens have been detained and appear to involve unlawful detention have now been referred to the Ombudsman.

How many more cases will we have to see before they admit responsibility? Is this the way Australians want to see their immigration detention run? I think not. Every day Australians are fearful of being accidentally removed and left to rot overseas for years, or locked up indefinitely without reason, without a continuous check—because that is how section 189 works. You may have a reasonable suspicion at the beginning, but it requires diligence—which this minister lacks. It requires the necessary test to be reapplied. It does not mean you apply it once and ignore it from then on. It seems unthinkable that it could happen, that you could form a reasonable suspicion at the start and then throw away the keys, but that is exactly what the department, under the minister, has done.

Senator Vanstone, of course, laughs all this off, and says she should buy the copyright on the Elton John song *I’m Still Standing*. Well, I can see why it is appropriate for her. I am from the generation that may have listened to that song back then, but I could not remember all the words, so I looked it up, and the song opens with these lyrics:
You could never know what it’s like
Your blood like winter freezes just like ice
And there’s a cold lonely light that shines from you
You’ll wind up like the wreck you hide behind that mask you use.

Those are the words. Senator Vanstone, be very careful about citing songs without a recollection of the full import of the words. I can tell you, the sheer incompetence of this minister chills my blood all right. In his report, Mr Comrie said that the case of Ms Alvarez represents a shameful episode in the history of the administration of immigration and that the false assumption that Ms Alvarez was a sex slave seemed to have affected the way her case was handled.

On Radio National last Friday morning, Minister Vanstone blamed a lack of technology for the failure of her department. She is wont to blame everyone else but herself, it seems. Well, where were you, Minister? Whose job is it to drive the department? Where is the initiative? Why was DIMIA left unequipped and unprepared to deal with immigration? And why on earth is the minister still in the job?

A media report provides another reason or perhaps an explanation of why the department has the view that it has. Effectively the report says that it comes from this idea, which was stated back in 2001, of Mr Howard deciding on who comes to Australia and the entire department taking that view to heart, perhaps. Although it was a political statement then and still remains a wrong political statement, the department, under the minister, has been doing exactly that: deciding—perhaps badly—who should or should not come to Australia. Certainly, we see that type of culture being generated under Senator Vanstone. But if she says it is not under her then it can only have been under Mr Ruddock, because it would be a culture that has its roots in the statements by Mr Howard back in 2001, as some cynics have pointed out. That may very well be where it came from.

But certainly a technological failure, such as the lack of a national missing persons database, is another reason why the department failed under the minister. Mr Palmer slammed the government, in his report on the cases of Ms Rau and Ms Alvarez, for its failure to progress such a database which was first envisaged by the Labor government in 1995. But guess which minister buried that? Senator Vanstone herself, as the then Minister for Justice and Customs in 1999, buried it. Our list of reasons to sack this minister goes on; it just keeps growing.

Minister Vanstone seeks to turn the suffering of others into a joke. It is clear just where the cultural problem comes from: it comes from the two ministers, Mr Ruddock and Senator Vanstone. It is not good enough to simply laugh off the responsibility for this continuing crisis. There is, as I have said, more to come from the Ombudsman about how this department has administered this departmental detention system. Minister Vanstone is laughing at the misery of Cornelia Rau—someone who deserves our protection, not jail for 10 months. She is laughing at Vivian Alvarez, who deserved medical assistance, not removal. She is laughing at the Australian public because, with Mr John Howard’s backing, she is playing us all for fools.

Well, it is not good enough and Labor will not stand for it. To Senator Vanstone I say this: go now and go quickly, before the next instalment in your serial of human misery is played out. The current immigration minister, and the former immigration minister Mr Ruddock, have let the blame sit firmly on the shoulders of their officers, unfairly, because they will not take responsibility themselves.
But why should they take the fall for the culture that exists within the department, a culture that will continue to exist for as long as this minister is in charge? This culture goes right to the very top and it will not change simply because Mr Andrew Metcalfe says it will change. It cannot be reasonable to say that you will be able to change the culture without looking at removing the head. (Time expired)

Senator RONALDSON (Victoria) (4.30 pm)—I will do what the subject of this matter of public importance discussion does not do and express my personal sadness about the treatment of Vivian Alvarez. The terms of this matter of public importance make no reference to Senator Ludwig’s sadness or the ALP’s sadness and that is an indication that this is no more and no less than a political point-scoring exercise and grubby politics. The fact that the Leader of the Opposition in the Senate, Senator Evans, came into this place and trivialised something as serious as this by referring to a TV show and Sergeant Schultz is I think, quite frankly, a very sad reflection on him, because it is very clear that the government and the Minister for Immigration and Multicultural and Indigenous Affairs have taken responsibility for the treatment of Cornelia Rau and indeed Vivian Alvarez. That is why the government has directly apologised to these two women, that is why the Palmer and the Comrie inquiries were established immediately and that is why the recommendations were adopted straightaway. I personally find it objectionable that a compassionate minister has been attacked, as I said before, by grubby politics and political point scoring, but no amount of that can strip away from her the fact that she is a compassionate person. I find it quite objectionable that it has been alleged otherwise today.

This report by Mr Comrie clearly articulates extraordinary issues within the Department of Immigration and Multicultural and Indigenous Affairs, and it articulates recommendations about how these are to be addressed. Not only have the government apologised to these particular women, not only have they set up these inquiries and not only have they accepted the recommendations but also they have done something about them. Indeed, what has happened is that the government have put in place an action plan. We did not hear today from the two opposition members who spoke, nor indeed from Senator Bartlett, any alternative plan—not a word; not a word today about an alternative plan. And in question time today did we hear the minister return fire in political point scoring? No, she did not, and she had a perfect opportunity when she was talking about this disgraceful behaviour towards an Australian citizen in the Philippines who could not get back into this country. Did she attack the Labor Party for that? No, she did not. She addressed the issue. She was not prepared to play the game that you have so disgracefully played in this chamber today.

I will go through what this government has done in relation to this report. It has spent a huge amount of money—$230 million—which, as I said before, has come on top of the personal apologies to these two women which they so thoroughly deserved. There is the College of Immigration, Border Security and Compliance; other training and immigration systems activities; improved immigration detention health services; improved immigration detention facilities, including in Queensland; immigration compliance and detention case management and coordination, including a pilot for community care; improved client services and feedback response management; improved quality assurance and decision-making reviews; improved records management; and other changes and reform measures totalling some $231 million.
Madam Acting Deputy President Troeth, when you look through this report you can see where the problems lie: case management and record keeping, and IT. I will just read from page 32 of the report, in relation to case management:

The Inquiry’s investigation brought to light major flaws in DIMIA’s case management. The flaws extend from poor record keeping to completely inadequate accountability processes.

The biggest deficiency associated with the Alvarrez files is the lack of adequate records. Vital information and crucial decisions were not recorded. There is evidence of irregularities in dates.

There is no record of an actual decision to remove Vivian—if one was made. The compliance manager accepts responsibility for authorising Vivian’s initial detention, but there is no documentation to support the decision to remove her.

I will go on to the IT systems:

The range of compliance-related data held by DIMIA is extensive but the ability to search the data is limited. Before 2001 attempts were made to consolidate the data, but compliance officers still had to search several systems, each having a different search capability, when trying to find information vital to their work.

The report goes on:

A huge variety of DIMIA functions are dependent on data management, and these functions were previously supported by numerous disconnected databases, each with their own specific data structure. ICSE was introduced in 1998 to provide a single interface and replaced a number of databases. The Department has operated a program to increase the functionality of ICSE, but it appears that, in its efforts to provide a service to a wide range of users, the requirements of the compliance function were not adequately taken into account.

When I talk about this issue and quote from that report, I do not in any way seek to excuse the disgraceful treatment of these two women. This government have personally apologised. We have taken clear responsibility for their treatment and, unlike those on the other side, we are prepared to do whatever we can to ensure that it does not occur again. Matters that were clearly identified in that report have now been acted upon by this government. We acted quickly. We have allocated appropriate resources, and it is my fervent hope and that of the government that we will not see a repeat of the treatment accorded to these two women. We have done something about it and the Labor Party have only used this as a disgraceful attempt to score some points against a government minister by accusing her of a lack of compassion, which is quite disgraceful. (Time expired)

Senator NETTLE (New South Wales) (4.38 pm)—On Friday, the Ombudsman revealed that, among the 221 cases of wrongful detention that he is investigating, there is a case of somebody who has been detained for 1,272 days—that is, 3½ years. He also said that 11 people with a mental illness had been wrongfully detained in our immigration detention system and that 50 others had been detained because of ‘data errors’. Cornelia Rau and Vivian Solon are the tip of the iceberg of scandal and abuse at the hands of the Department of Immigration and Multicultural and Indigenous Affairs. However, not only are there seemingly 221 cases of wrongful detention, but there are also thousands of cases of refugees who have been punished for seeking refuge in Australia, sometimes for years, before finally being recognised as genuine refugees. Mandatory detention is not just an administrative failure; it is a deeply flawed policy, and those that instituted it and those that have maintained it bear ultimate responsibility not only for its mistakes but for its intrinsic inhumanity and injustice.

Last Friday, the Prime Minister enabled his minister for immigration to avoid taking
responsibility for the Vivian Alvarez matter by whittling down the definition of ministerial responsibility to be almost meaningless. On radio he said, ‘She was not personally aware of any of these circumstances, and in those circumstances to say, “Well she’s got to go anyway,” has never been the doctrine of ministerial responsibility, ever.’ The *Macquarie Dictionary of Australian Politics* disagrees. It defines ministerial responsibility as: ‘The responsibility to parliament and to the electorate of government ministers collectively for government decisions taken in the name of the Crown and individually for actions of their departments.’ A minister should ensure that their department is operating correctly, efficiently and, at the very least, legally. Minister Vanstone and Minister Ruddock before her have not only failed in overseeing the department but also bear the prime responsibility for creating a system and a culture that have seen so many people suffer.

On Friday, the Ombudsman told the Senate inquiry that the report was, ‘Probably about the most damning report that has been prepared.’ Yet Minister Vanstone had to gall to joke to the media about her own failing to take responsibility and resign and the Prime Minister’s continuing failure to sack her. Michelle Gratton put it succinctly in the *Age* last week when she wrote:

Just when you think Amanda Vanstone can’t get more outrageous, she does.

Mr Comrie wrote that the unlawful removal of Vivian was a consequence of systemic failures in DIMIA. It is not good enough for the government to deflect the blame onto three public servants. If the minister had any sense of honour or responsibility, she would resign and let somebody more competent fix a department that is clearly rotten.

Mr Comrie wrote:

... removing suspected unlawful non-citizens had become a dehumanised, mechanical process ... some DIMIA officers ... thought they would be criticised for pursuing welfare-related matters instead of focusing on the key performance indicators for removal.

The Ombudsman on Friday said that DIMIA staff involved in the removal of Vivian Solon when interviewed by the Ombudsman thought that they should have been congratulated on removing Vivian Solon from this country so quickly. According to Mr Comrie:

... some compliance officers do not understand the principles of openness and accountability that are required, and generally upheld, in the Australian Public Service.

It is no surprise that these officers do not understand openness and accountability, given the examples set by this government and its ministers. After all, Mr Howard, Mr Ruddock and Mr Reith were all caught red-handed telling untruths about the children overboard affair. The fact that the former secretary of the department Bill Farmer is preparing to take up his post as Ambassador to Indonesia and that Minister Vanstone fails to take any responsibility show that this government does not punish failure; it rewards loyalty—not loyalty to the parliament or to the Australian people but political loyalty to the Liberal Party and to the corrupt policy of mandatory detention.

**Senator BRANDIS** (Queensland) (4.43 pm)—In winding up this debate for the government, let me deal first with the observation Senator Nettle just made. I must say that I am pleased that Senator Nettle did at least make an attempt to mount her critique of the minister on the basis of what ministerial responsibility actually means. She quoted a definition from the *Macquarie Dictionary of Australian Politics*. I remind the Senate that there is a much better received definition of ministerial responsibility in this country, which I referred the Senate to on 18 August.
when I spoke in the debate about the Palmer report. The leading scholarly work on the principles and what they mean in Australia is a work written by Professor Patrick Weller and Michelle Gratton. The book was published in 1980. Those authors say:

Acknowledging that the minister can no longer know everything that his officials are doing, it is now asserted that ministerial responsibility means simply that a minister must explain how mistakes were made by his officials and undertake to correct them.

Let me stress those last words: undertake to correct them. Because what Senator Vanstone has done in this case has been in a transparent way to get to the bottom of what happened in the department and to undertake to correct it. Critics of Senator Vanstone cannot have it both ways. They cannot say, 'We want transparent, open government in the light of public scrutiny,' and in the next breath say, 'But if we have transparent, open government in the light of public scrutiny, the minister must be condemned for every failing within the department that that open public scrutiny reveals.'

The easiest thing in the world would have been for Senator Vanstone to sweep this under the carpet, because neither of the reports which bear upon this matter—either the Palmer report or now the Comrie report—are reports of parliamentary committees. They are not reports of Senate inquiries set up before 1 July when the government was in a minority in this chamber; they are reports of inquiries set up by the government itself at the instance of Senator Vanstone herself—the Palmer inquiry, which we have already debated, which Senator Vanstone set up on 8 February, and the Comrie inquiry, which took over in the particular case of Ms Alvarez the work of the Palmer inquiry in July of this year. These are both inquiries established by the government—that is the first point.

The second point: as you know, Madam Acting Deputy President—as all honourable senators know—there are many reports to the government that are not made public. If one were to take a cynical view of things, one would say, 'The more embarrassing for government that these reports may be, the greater the political temptation to conceal them, not to make them public.' There is certainly no law or practice that government reports by investigative agencies or officers to government must be made public documents. But what did Senator Vanstone do? Not only did she of her own volition set up both inquiries but of her own volition, and well knowing that the reports made searching criticisms of the department, of its processes and of what happened in the particular case of Ms Alvarez, put them on the public record, thereby making political bullets, making political ammunition, for her opponents to fire at her—hardly the conduct of a minister who was trying to sweep things under the carpet; hardly the conduct of a minister who was not prepared to deal with these matters in an honest, transparent, candid fashion.

As I have said in this chamber before, anyone who knows Senator Vanstone would give her full marks for brutal candour. That is what has happened on this occasion. Going back to what Professor Weller and Michelle Gratton, writing in her scholarly capacity, in 1980 said that the ultimate test of ministerial responsibility is that the minister undertakes to fix the problem.

You might have missed the point, Madam Acting Deputy President, unless you were listening closely, because it was barely touched upon by opposition and crossbench speakers that Senator Vanstone was not the minister at the time these events took place, so it cannot possibly be said that there was any personal responsibility, any personal delinquency, on the part of Senator Vanstone.
She was not even the minister. But she was the minister by the time the problem had emerged, so what did she do? She set up inquiries that she was under no political or legal compulsion to set up. She made the findings of those inquiries public documents so that we can debate them here in the chamber today though she was under no legal or political compulsion to do so and, in the process of doing so, exposed herself to the kind of cheap criticism we have heard by those who affect compassion for Ms Alverez but, as we know, are merely eager to score a political point. And then to make matters even worse they misrepresent what Mr Comrie found. Other government senators have quoted it but it bears repeating: after the flamboyant sentence in which he says that DIMIA’s management of the Alvarez case was catastrophic, he says:

Nevertheless, it is important to record that some DIMIA officers performed their duties diligently and professionally. Having discovered that Vivian had been unlawfully removed, they took the evidence that established this fact to their supervisors and advised them of a grave problem. That these supervisors failed to take action should not obscure the diligence and professionalism of their subordinates.

So there were mistakes made. So much is common ground. Were they mistakes made by Senator Vanstone? They were not. Were they mistakes made by the case officers? No, they were not—Comrie says that—but there were mistakes made by intermediate officers. What does Senator Vanstone, accepting responsibility as the current minister, as she should, do? She exposes those mistakes to the cold light of day and undertakes to fix them.

The ACTING DEPUTY PRESIDENT (Senator Troeth)—Order! The discussion on the matter of public importance is concluded.

DOCUMENTS
Tabling

The ACTING DEPUTY PRESIDENT (Senator Troeth)—Pursuant to standing order 166, I present a government document entitled Weapons of mass destruction: Australia’s role in fighting proliferation, which was presented to the President today. In accordance with the terms of the standing order, the publication of the document was authorised.

COMMITTEES
Electoral Matters Committee
Report

Senator MASON (Queensland) (4.51 pm)—On behalf of the Joint Standing Committee on Electoral Matters, I present the report of the committee on the 2004 federal election. I seek leave to move a motion in relation to the report.

Leave granted.

Senator MASON—I move:

That the Senate take note of the report.

On behalf of the Joint Standing Committee on Electoral Matters, I have great pleasure in presenting the committee’s Report of the inquiry into the conduct of the 2004 federal election and matters related thereto. The publication of this report comes one year and one day after the election. I have been very fortunate to have been a member of the Joint Standing Committee on Electoral Matters since I came to this place in 1999, and I have enjoyed contributing to two excellent committee reports covering the 1998 and 2001 federal elections. The report covering the 2004 election is, however, the largest, the most substantial and the most broad ranging of all those inquiries in which I participated.

The report is a testament to the work of a dedicated committee, in particular its tireless chair, Mr Tony Smith MP, and deputy chair, Mr Michael Danby MP, and the secretariat
staff—Dr Stephen Dyer, Mr Andrew McGowan and Mr Terry Rushton, who travelled to all the public hearings—and all the other staff who worked on the report over the course of the last 12 months. They have done a terrific job.

This is not the report of an inquiry that simply went through the motions; rather it sought to address some really difficult policy issues: the postal voting fiasco in south-western Queensland, voter identification at the time of enrolment, the closing of the electoral rolls on the day of the issue of writs for a federal election, identification requirements to cast a valid provisional vote, the process of party registration, public funding and disclosure laws, four-year terms for the House of Representatives, voluntary voting and the use of technology to assist persons with a disability to vote. It is quite a list and it was quite a challenge—hence the doorstopper of a report. This report confirms that Australia has a very good electoral system, but it is one which can be and should be further improved. The 56 recommendations in this report outline issues that the committee believes should be dealt with immediately, as well as some issues for longer term reform. There are a number of issues that require immediate attention.

The committee examined the problems with postal voting at the election. These problems should not have occurred. All stakeholders in the electoral process have the right to expect better service than was provided in respect of postal voting at the 2004 election. Evidence taken by the committee in Queensland at Dalby, Longreach and Ingham illustrated the depth of voter frustration at not being able to cast their votes or the great difficulties that they faced in having to pursue their right to vote. The committee makes a series of recommendations designed to ensure those problems are not repeated.

The committee found that the present requirements for electoral enrolment result in an unacceptable level of inaccuracy in the electoral roll. The committee recommends the adoption of two significant enrolment reforms designed to improve integrity and to prevent electoral fraud occurring: the first is the requirement for proof of identification and address to be provided at the time of enrolment and the second is closing the electoral roll at 8.00 pm on the day that the writs are issued for an election. On the one hand, we have laws which compel electors to enrol at the time that they gain or change their enrolment entitlement. On the other hand, the law allows for a seven-day period that provides an escape for those who do not do so. This is clearly contradictory and it is unsatisfactory.

The committee also expressed concern about the current process concerning provisional voting. Under existing arrangements, electors may apply for and cast provisional votes on election day without any identification or proof of address. Therefore, the committee recommends that all electors who cast provisional votes must within a defined period provide proof of identification and address before those votes are accepted for counting.

The committee also received convincing evidence that necessitated recommendations to overhaul party registration. These are aimed at preventing political parties from deliberately and deceptively misleading voters into unintentionally voting for them on the basis of a similar or like name to an existing party. In this regard, the actions of the Liberals for Forests during the election campaign, in particular their actions on election day, galvanised the committee to urge parliament to act decisively. The committee is most concerned that voters are not misled in the same way in the future.
The community has a right to expect a reasonable degree of transparency and accountability in the way that political parties are structured and managed, both administratively and financially. The committee has made a number of recommendations aimed at ensuring this transparency. Generally, Australia’s public funding and disclosure laws are found to work well. However, the thresholds over which donations must be disclosed and tax deductibility ceases are considered far too low. Both have not altered in more than a decade. Both require an overhaul to reflect contemporary standards and community expectations. Increases would see the donation threshold move in line with that existing in New Zealand and the United Kingdom. Accordingly, the committee recommends lifting the amount over which donations must be disclosed to $10,000 and the amount at which tax deductibility ceases to $2,000.

The committee also canvasses a number of longer term reform issues which have been the subject of longstanding public debate. The issue of four-year terms for the House of Representatives has received a great deal of attention. The committee recommends that a referendum be held at the next election to alter the Constitution to extend the parliamentary term for the House of Representatives to four years. Having said that, I know just how challenging it will be to pass a referendum suggesting that. I think it is fair to say—and this is not meant in any partisan way—that both the Prime Minister and the Leader of the Opposition have been somewhat lacking in enthusiasm for a referendum proposing that. Judging from the press conference called by Mr Smith following the tabling of the report in the other place, one of the primary issues that concern people about four-year terms for the House of Representatives is eight-year terms for members of this august chamber. There are two ideas: either eight-year terms or a Senate term the length of two House of Representatives terms. In any case, it will mean that senators have terms of up to eight years, and that could cause all sorts of concern within the community. It is also fair to say that with the best will in the world, even with bipartisan support and everyone singing from the same hymn sheet, it will be a difficult and challenging referendum to pass. I look forward to it.

The committee also revisited the longstanding debate about voluntary and compulsory voting. We made no finding on that, although I know it has received some press coverage. The committee also examined voting systems, particularly for the Senate, and I know my friend and colleague Senator Brandis takes a particular interest in this. On this issue, I am at one with Senator Brown and the Greens, the Festival of Light—

Senator Brandis—And Senator Murray

Senator MASON—and Senator Murray, who all argue there should be compulsory above the line voting. We made no finding on that, although I know it has received some press coverage. The committee also examined voting systems, particularly for the Senate, and I know my friend and colleague Senator Brandis takes a particular interest in this. On this issue, I am at one with Senator Brown and the Greens, the Festival of Light—

Senator Brandis—We are supporting Senator Brown against the Liberal Party on this one.

Senator MASON—It is you, me, Senator Brown and the Festival of Light, so something must be right—that is all I can say. Senator Brown said, and I think it is true, that it will increase the transparency of the process. It will also align the voting processes in the House of Representatives with those in the Senate, so we will have compulsory preferential voting. More importantly, with the group voting tickets that parties register, let us be honest, most people do not
know where their preferences go. If there is compulsory above the line preference voting in the Senate, people will be able to choose and they will know how their vote is allocated. I conclude by again congratulating the committee members on a wonderful report. It traverses an enormous area and, I think, one of the great reform documents that committee has ever produced.

Senator CARR (Victoria) (5.01 pm)—I would like to speak to this report of the Joint Standing Committee on Electoral Matters. I indicate at the commencement that there are aspects of this report on which the opposition does not express disagreement; however, there are some other matters that are of deep concern to us. Given the level of pre-release backgrounding of the media that took place on this report, it is clear in my mind that there is a determined campaign under way within sections of the Liberal Party and this government to fundamentally transform our electoral system. I am very concerned about this, given that this government now enjoys a majority in the Senate and is quite willing and able to, and in fact trumpets the fact that it is prepared to, trample upon the rights of ordinary Australians, especially our most vulnerable and disadvantaged citizens.

I am very concerned that this report may be the harbinger of things to come. We see with the industrial relations legislation that this government has contempt for human rights. We are now facing a double-barrelled assault upon the labour movement in this country. We see it within the attack upon the trade union movement day in and day out. That has a political dimension. It is a determination by sections of this government to undermine the basis of the Labor Party in this country. The foundation stone of the labour movement is the trade union movement, but of course it works closely with the Labor Party—the other wing of the labour movement.

The other barrel of the assault is the assault on the electoral system that is being proposed through this report. The majority report has the opening shots in what is going to be a war to the death on these questions. This war goes to the very heart of our democratic system. It goes to the heart of whom governments serve and whom governments respond to. This report effectively seeks to exclude up to a million Australians from the electoral system. It does that in a range of ways. It seeks to change the basis on which people get to enrol and, therefore, the basis on which people’s votes count. It seeks to undermine the participation of citizens in the electoral system in this country, because it leaves the door open to voluntary voting as well. As I said the other day, we can see in the case of New Orleans what happens when an electoral system leaves behind millions of its citizens. The proposals in this report would leave behind our citizens, as people have been left behind in the United States. What is being proposed here is the Americanisation of the Australian ballot—a fundamental assault on the Australian ballot.

With that in mind, I think it is important to understand exactly what the government is proposing. It seeks to establish a series of bureaucratic hoops by which people have to formally seek to enrol to vote; it seeks to make it more difficult for people to register to vote; it seeks to find mechanisms by which, through the Senate, it can make it more difficult for people to have a vote validly cast; it seeks photographic identification for people who are trying to cast a provisional vote; it seeks to prevent prisoners from voting; and it seeks to raise the threshold for the public declaration of political donations from $2,000 to $10,000—to open the door to big money politics, as in the United States. This is a model for the fundamental shifting of the political system and the en-
trenchment of conservative forces in this country.

The big losers in this arrangement are the young, the powerless and the poor—the people who need governments the most. They are the people who will be disenfranchised by these changes. Within this government cynicism knows no bounds. No doubt we will be told that this is for the benefit of the young, the homeless and Aboriginal people. We will be told that it is to their benefit that they will not get to vote—the government will save them the trouble. The government is providing new opportunities for them not to have a say in the formation of government. That is the sort of cynicism that we would expect from a government that is fundamentally undemocratic in its approach. The attempts to close the electoral rolls early are a further example of the way in which it is seeking to disenfranchise people and prevent them from casting their vote.

We saw back in 1983 a double dissolution where the rolls were closed early and 90,000 people did not get to vote. In the 2004 federal election 284,000 voters registered to vote or updated their registration in the five working days between the time the election was called and the time the writs were issued. Under this proposal, they would lose their vote. The persons directly affected under these circumstances will be the young, particularly those who have turned 18 since the last election, who did not have the wit and wisdom, according to the government, to get on the electoral roll. Migrants, refugees, Indigenous people, people who have been dislocated as a result of family breakdown, the homeless and the long-term unemployed—whole groups of people would be excluded from the electoral system through these changes. We know that 50 per cent of Indigenous people move house in any particular period during the electoral cycle. We also know that a number of people, particularly Indigenous people, who own their own home or are in the rental market are forced to move house.

They are the circumstances in which the electoral system should be encouraging people to vote, not discouraging them as these proposals would have us do. We are concerned that these proposals are antidemocratic. They are about reducing participation. They are about providing opportunities in which people are in fact discouraged from having their say in the formation of government in this country—hence the push for voluntary voting. We see the Costello faction of the Liberal Party on the other side hoping desperately to pump this out and to seek some sort of political campaign to distinguish themselves from the Howard faction of the Liberal Party. I trust the National Party understands this game, because I am looking forward to the National Party actually holding up their end of the bargain and fulfilling their commitments in terms of what they have said over time about the importance of the electoral system.

What is this predicated on? There is a presumption being made by this government that there is somehow or other some inherent fraud involved in our electoral system. What is the evidence? There is of course no evidence. The Australian Electoral Commission identified that, in the 11 years between 1990 and 2001, there were 71 cases of persons who had sought to cast a vote who should not have. So there were 71 cases in an electoral system where there were in fact 71 million votes cast. That is what the pattern is. One in one million people sought to cast a vote when they should not have. So there is no basis for the claim that the electoral system is fraudulent or that there is widespread fraud within our electoral system—and that is what the Electoral Commission itself says. But what does this government do? Under the guise of trying once again to criminalise
its opponents, this government seeks to change the electoral system and change the rolls in such a way as to make it more difficult for people to vote.

But, of course, they do not leave it there. They then go on to say that charities ought not be able to make any political comments. As this report highlights, the government conclude that persons who make donations to organisations that make public comment on the electoral system should lose their tax-free status. So, once again, we get an undemocratic proposal being advanced under the guise of trying to clean up the electoral system. Of course, the ultimate insult is to suggest that we should change the level of declaration for donations to the political system. Of course, the ultimate insult is to suggest that we should change the level of declaration for donations to the political system. Again, who is it that benefits? Big money politics. We have a situation here where the government are proposing that, one, there should be changes to the tax deductibility of donations and, two, that the level at which donations can be kept secret should be raised. Again the government seek to pander to the vested interests in their campaign to undermine the system. (Time expired)

**Senator MURRAY** (Western Australia) (5.11 pm)—I stand here as a long-term member of the Joint Standing Committee on Electoral Matters but I also stand here with the responsibility to reflect, as far as I am able, a minor party view in what is, quite rightly, a major party dominated committee. As always, the report is an important one and the chair, the deputy chair and their committee have done well in reviewing the conduct of the 2004 federal election so thoroughly.

It is often easy for spectators and partisan commentators to point a finger at parties on this committee as operating entirely from self-interest. They do not, and that should be refuted straightaway. Every person on that committee has enough experience in the political process to realise that, even where you make recommendations which you might think benefit you, history has shown that sometimes they do not. In many respects the recommendations—even where I disagree with them—are not necessarily founded on the floor of self-interest but are founded on the floor of belief as to what people should do in this respect. I share in this Senate chamber representation on this committee with experienced, intelligent and insightful senators—

**Senator Bartlett**—I thought Brandis was on the committee!

**Senator MURRAY**—Senator Brandis is certainly an intelligent and incisive man, Senator Bartlett, as you know. The effect of this representation is to make the committee process highly energised and stimulating. In saying those nice things, I want to particularly compliment the chair and the deputy chair on the inclusive and reasonable way in which they have approached this matter. However, having said those nice things, I must also point to the deficiencies in the report—and that does not necessarily mean just the things that I disagree with. A deficiency of the report is that it fails to attend to fundamental political governance, political donations and disclosure issues. That is a problem for Australia. Despite successive references by the Senate to the committee over several years for inquiries into political funding and disclosure, the committee has failed to pursue these matters to their conclusion.

This, in my view, reflects a political cultural problem as much as anything, where inertia in this respect is encouraged by a fear that reform will hurt self-interest. The institutional self-interest of political parties and their party organisations often acts against reforms to political governance and funding disclosure being adopted or advocated. So,
whilst individual senators and members of all parties may hold to the view that there is a need for change, their party organisations are quite difficult to get around in that regard. I stand to be corrected, but I cannot recall one single instance of improved accountability or transparency in political funding and disclosure initiated by the federal coalition government in its nearly 10 years in office, despite a number of members and senators from the coalition supporting improved political funding and disclosure. The relatively minor changes that have occurred have been a result of Senate amendments.

Although there is self-evidently insufficient political support for major improvements the Democrats and others want in matters such as funding and disclosure or political governance, there does seem to be wide media and public support for significant improvements. Coalition government inertia in these matters is in complete contrast to major changes in this field in fellow democracies like Canada, the United Kingdom and the United States, to take a few examples. The JSCEM report does tackle some significant reform topics, and the chair and the JSCEM itself are to be congratulated on initiating real debate on fundamental issues. For instance, the detailed discussion in the report on parliamentary terms, voluntary and compulsory voting, voting systems, modern campaigning and public funding and funding disclosure is very welcome. I am particularly pleased to see a longstanding policy of the Democrats advocated in the report, which is that there should be four-year terms for the House of Representatives. Of course, I should remind the chamber that the Democrats have always supported four-year fixed terms for the House of Representatives, and that is not something which the Liberal Party welcomes.

The committee’s reports into elections have tended to focus on statistical, technical, administrative and functional matters; nevertheless, valuable insights and recommendations have been outlined. The Democrats have a longstanding commitment to seeking to improve electoral process to ensure that the democratic rights of all Australians are protected and enhanced. In our view, there is no more appropriate place to address the spectrum of relevant electoral and political issues than in the JSCEM’s triennial election review. To this end, we have consistently sought to address several key issues in our supplementary remarks. These topics are generally more controversial for political parties. I refer the chamber to the broad areas we have covered—the areas of political governance, constitutional reform, government and political advertising, funding and disclosure and other matters.

I need of course to indicate the areas of the report we have some concerns with. Recommendation 3 in chapter 2 has a tightening of enrolment details and the verification of identities and addresses. Of course, as a principle we should all support such integrity efforts. However, my opinion is that this recommendation needs to be agreed with the states and territories to ensure that the joint roll arrangements remain operative and integrated. We Democrats are strong supporters of joint roll arrangements. If the states and territories oppose this recommendation, further consultation should occur before implementation.

In the same chapter, recommendation 4 has recommended an earlier closure of the roll. I should say to the chamber that the Democrats could support that if federal elections were based on fixed terms, since voters would know the election date in advance. In the absence of fixed terms, we do continue to maintain that the rolls should remain open, as at present, for seven days after the issue of the writs. Voters do not attach great importance to keeping their details up to date on
the electoral roll outside an election. It does defy reality and human nature since hundreds of thousands of voters update their details only when an election looms.

We fear that, if implemented, the recommendation by the JSCEM for earlier closure of the rolls in the present system will result in voters—Liberal and Labor voters as well as Democrats and Greens voters; in fact, any voters—being removed from the roll before they are able to amend their details. If this early closure arises from a concern that the AEC cannot check applications properly—and that is a concern the AEC has never really enunciated—that is only a danger for new enrolments. Persons already on the roll are validly on the roll, although their address details may need updating.

Chapter 4 has recommendation 18, concerning the registration of political parties. This recommendation will almost certainly result in some presently registered political parties losing party status. In some cases, a name change may be forced on them if they wish to retain registration. The recommendation arises from behaviour that is known in commercial law as passing off. Passing off has long been an issue in Australian political life, where one political party attempts to deceive voters that it is another party for which they might have voted. A number of political parties, including the Democrats, have been victims of such behaviour. The Democrats would have preferred the behaviour, rather than the name of an existing political party, to be the focus of law change but we certainly understand why somebody would want to close down on this issue.

Recommendation 49 in chapter 13 refers to less disclosure. The Democrats oppose the recommendation. We see no case for less disclosure. Recommendation 50 is also a difficulty for us unless tax deductibility for donations to political parties and Independents mirror those available to community organisations as a whole. I notice that Senator Bob Brown has in fact picked up that issue in a notice of motion which he has put to the Senate, which really says that tax concessions should apply on a common basis to community organisations as a whole, amongst which political parties might be seen to number. (Time expired)

Senator BRANDIS (Queensland) (5.21 pm)—In the brief time available to me, I want to commend to the Senate one of the important transparency measures that this report recommends, and that is recommendation 37, which is that the current law whereby an elector may choose to vote in just one box above the line should be replaced by a system of compulsory preferential voting above the line, while always maintaining the option of expressing a full set of preferences below the line. One abuse of the system that the committee heard much evidence of was the practice of preference harvesting—of minor parties and microparties gaming the system by stitching up deals with other parties so that the most byzantine preference flows can occur, which bear no relationship to those microparties' declared values. That form of strategic behaviour is plainly a manipulation of the system. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

DEFENCE LEGISLATION AMENDMENT BILL (No. 1) 2005
Assent

Message from His Excellency the Governor-General was reported informing the Senate that he had assented to the bill.
That the following matter be referred to the Employment, Workplace Relations and Education References Committee for inquiry and report by 28 November 2005:

The Government’s proposed changes to welfare, as detailed in Budget paper no. 2—Budget measures 2005-06, with particular reference to:

(a) the financial impact on people with a disability, parents and their children;
(b) any implications for the capacity of parents to manage their family and work responsibilities, and the consequences for family life;
(c) the effectiveness of the proposed changes in improving the employment prospects of people with disabilities and parents, including through:
   (i) the provision of employment services assistance and training,
   (ii) the implementation of employer demand strategies, and
   (iii) the impact of changing the structure of income support payments on work incentives and effective marginal tax rates;
(d) the impact of the new compliance arrangements on welfare recipients; and
(e) the adequacy of child care assistance for parents affected by the changes, including the adequacy and accessibility of the existing Jobs, Education and Training child care assistance program.

Rising to speak to the motion, I just want to go through a little bit of the history associated with the attempts by the opposition to ensure that the welfare changes announced in the May budget receive full and proper attention. This matter came before the Senate in the last session and, when it was brought on for debate in this chamber, there was an indication from the government that they were not prepared to support the motion because in part they had not had sufficient notice of it. In deference to that, we did postpone this motion to refer the matter. In fact, last week I wrote to Minister Andrews in relation to this motion.

I make it clear at the outset that the reason the opposition want a reference on the welfare changes is that these changes which have been put forward by the government, the so-called Welfare to Work changes—although we do not believe they are about welfare to work; they are about welfare to welfare, but I will deal with that more later—have the potential to affect hundreds of thousands of Australians and their children. These are figures from the government’s own evidence. There will be hundreds of thousands of Australians affected by this. For this reason, we say it is only right and proper that this chamber properly scrutinise and consider the government’s changes as announced in the May budget. To this end, we moved a motion some time ago. It has been on the Notice Paper for a period of time.

I wrote to Minister Andrews on Tuesday, 4 October. In that letter I outlined to the minister that the changes to social security which are being proposed by the government represent a massive shift in social security policy in this country and have the potential to affect hundreds of thousands of Australians. I said that, given that, in our view it is imperative that the parliament engage in genuine scrutiny and due consideration of the proposals. Accordingly, I attached the terms of reference and I reminded him of the fact that this motion had been deferred pending further discussions with his office.

I also indicated that I had understood, from the advice given to me in the chamber
by government senators, that the government intended to secure passage of this legislation prior to the end of the year and the government was open to an inquiry when the legislation was tabled. However, this is yet another example of the government saying, ‘We might have an inquiry,’ but not actually coming up with the goods. We all know what happens in this chamber. Since this government has had the numbers in this chamber, since this government has had control of the Senate, it has ridden roughshod over those systems of scrutiny and accountability that the Australian community and this parliament should expect.

We saw, for example, the Telstra legislation—who can forget that?—which was not urgent in terms of its legislative agenda because the government has not proceeded to sell Telstra. The only reason it was urgent was political. The only reason it was urgent was the imperative of ensuring that the vote occurred before Senator Joyce had the opportunity to change his mind again. So we saw the bizarre situation of a bill being discussed in this chamber before it was in fact tabled and legislation dealing with the sale of Telstra being dealt with in a committee inquiry in one day. That is what the opposition wants to avoid when it comes to the welfare changes, because these are changes which affect hundreds of thousands of Australians and their children.

This is the offer that, as opposition spokesperson on these matters, I made to the minister. I said, ‘If you’re serious about a legislation committee inquiry, can you provide us with the terms of reference and an indication as to the time line?’ It was a fairly reasonable proposition. The government wants this legislation through by the end of the year. We have, I think, four weeks of the Senate sitting between now and the end of the year. There is the industrial relations legislation to come; we do not know what is happening at this stage with that legislation. The government also has voluntary student unionism legislation. It has flagged, I think, media ownership legislation. I do not know what is happening with that. But there is certainly going to be some very substantially controversial legislation in this chamber. So when in the four weeks of sitting are we going to actually vote on an inquiry that enables the senators in this chamber to properly scrutinise extremely wide-ranging changes to our social security system in this country?

I put to Minister Andrews: you tell me what your time line is, you tell me what the terms of reference are and we will have a look at it. I regret to say that, despite having faxed the letter to him and making telephone contact with his office, we have had no reply from the minister. Perhaps that is an indication of what this government thinks of the community’s right to proper scrutiny of legislation which is going to affect the rights and the incomes of so many Australians.

The government is not under any time pressure when it comes to this legislation. It is not under any time pressure whatsoever, other than time pressure of its own making for its own political opportunism. The changes announced in the May budget do not come into place until July next year. The changes to the disability support pension, which will make it far harder for people with a disability to access the disability support pension, and the changes to the parenting payment, which will reduce the incomes of vulnerable families in this country, do not come into place until after 1 July next year.

So what is the time pressure and what is the concern about having a proper inquiry? So far what we have had from the government is silence, but what we do have is an indication of their form. Their form has been shown by two things. The first was the Telstra inquiry, which I suggest was a complete
sham. To have legislation which was that controversial and which was not time limited in terms of any urgency to get the legislation through—other than the political imperative—discussed in a single day before this Senate voted on it was an indication of the contempt with which the government treat this chamber and Senate processes now that they have the numbers.

The second example of the form the government has when it comes to not allowing proper scrutiny, debate or discussion with the community affected by legislation or its policy agenda was the reference moved by Senator Fielding last week, which had the support of the crossbenchers and the opposition. It was for a very reasonable inquiry into the impact of the removal of overtime penalty rates on family incomes, something many Australians would be very concerned about. As many of us know, there are a great many Australian families who depend on penalty rate shift allowances and overtime to boost their take home pay. For many Australians, that is how they ensure that their family expenses can be met. These penalty rates, allowances and overtime are one of the ways they can ensure that they can do things such as pay their mortgage or their rising fuel costs.

One of the things the motion that was voted on last week referred to was the impact on Australian families. Similarly, today we also talk about the implications for parents and for their children. What do we have from the government who say, ‘We are a great friend of families,’ and what did we have last week when it came to allowing proper scrutiny of the way in which their agenda would impact on Australian families? We had the government vote against the inquiry. We had the rather bizarre situation in which I think Senators Minchin and Scullion did not turn up for the vote—I do not know what that says about a cabinet minister’s support for the government’s extreme industrial relations agenda—so we had a tied vote, which was the closest we have come in this place for some time when the government oppose things, but unfortunately that meant the motion was still unsuccessful.

What do we have today? We have a very reasonable proposition before the chamber. It is a proposition—and I refer honourable senators to the Notice Paper—that the proposed changes to welfare which were announced in the budget paper be the subject of an inquiry by the Senate Employment, Workplace Relations and Education References Committee. These are some of the things we on this side of the chamber believe that the community have a right to know about and a right to have some input into, and these are some of the things that we say need to be explored before these extreme and radical changes are voted on by this chamber. We want to look at the financial impact on people with a disability, on parents and on their children. We also want to look at the implications for the capacity of parents to manage their family and work responsibilities and the consequences for family life.

So if the government are not going to support this motion, they are voting against having a look at what the effect their changes will have on family life. That is what you will be opposing, Senator McGauran. You are frowning at me across the chamber, but if you read the Notice Paper you will see what I am talking about. We want to know what effect your welfare changes will have on Australian families. That is what we want to know, and that is what the government will be voting against. We also want to talk about how effective these changes will be in improving the employment prospects of people with a disability and of parents. One would have thought that was a pretty reasonable proposition: let us have a look at how changes, which have a number of months
before they come into place, will work. Will they be effective in getting people into work? I think that is something that all of us in this place want to see—we want to see those people who are able to work get the support they need to get into work.

We also particularly want to look at the adequacy of child-care assistance for parents affected by the changes. Again, this is an issue the community is concerned about. We all know that many constituents—of all of us, I am sure—have expressed concerns about the adequacy of existing child-care arrangements and about how difficult it is for them to access child care. That is a highly relevant issue when you are looking at putting mutual obligation requirements on parents requiring them to look for work. If you are going to require them to look for and take work, you have to ensure that they have access to affordable child care. It is a very simple proposition. I do not know about you, Madam Acting Deputy President Crossin, but I certainly have not seen a great plethora of jobs which only require a worker to be there between 9 am and 3 pm and coincide perfectly with school hours. Child care is clearly an important issue.

If the government say, ‘Wait for the legislation to come in and then you can have a look at it,’ then I say that if that is the case why do they not come to us and say, ‘These are the terms of reference we propose,’ or ‘These are the issues we want to get up in terms of an inquiry,’ but more importantly: ‘This is the time line,’ because we will know from that whether the government are serious about properly inquiring into this legislation which will affect hundreds of thousands of people with a disability and parents in this country. That is what it will do. But we have not heard anything from the government on this issue, despite a number of requests to the minister’s office about what the time line for this legislation will be. What does that leave not just this place but the community with, in terms of the idea about what the government will be doing? It leaves us with the very clear impression that we are going to see another Telstra on this.

The worry is that we will again see the government misusing Senate processes and avoiding accountability and scrutiny by not conducting a proper inquiry into the full range of impacts of this legislation. The concern is that the government will ram this legislation through some political process where debate is guillotined and will ensure that the inquiry cannot take evidence from people around the country who will be affected. The government want to ram it through quickly so they can get the legislation voted on, along with their ideologically driven and extreme industrial relations agenda. That is the concern and nothing that the government have done to date allays that concern. Everything the government have done to date fuels that concern. Since July, this government have demonstrated their willingness to use their Senate numbers to ride roughshod over the proper processes of scrutiny, accountability and inquiry that have traditionally been the purview of this chamber.

I want to say something briefly about the sorts of extreme changes we are talking about that were announced in the May budget. The government call this the Welfare to Work package. Anyone who has had a look at it knows that it is not about moving people from welfare into work. If only it were. What it is about is moving people from one welfare payment to a lower welfare payment. It is about putting people who are on the parenting payment onto the dole when their child turns six, and it is about putting people with a disability onto the dole if they are assessed theoretically as being able to work 15 hours a week. That is what this package is about: moving people onto a
lower welfare payment—with very substantial financial penalties.

Not once has someone in the government got up in this place and actually explained why making life harder for vulnerable Australians helps them to get work. Not once has one senator or one minister talked about how putting people onto the dole helps them get a job. What they do is to come into this place and spout a whole lot of rhetoric about ‘We want people to work’. That is like saying, ‘We believe in motherhood,’ or ‘We believe in parenthood.’ Of course, people who are able to work should be encouraged to work. They should be given support. Yes, we want them to have a job. But not once has anyone in this government explained how putting people onto the dole, reducing their payments, and reducing the finances available to them and their families helps them get work.

The second thing we have seen since the May budget which has blown all of this package’s credibility out of the water is the reports from the National Centre for Social and Economic Modelling, NATSEM. We have seen two reports by a body that the Prime Minister has described as independent, respected and objective. What the reports of that independent body show about the government that say that they want to move people into work is that they have massively increased the financial disincentive to work. They have massively reduced the financial reward of working. They have come up with a package and a set of changes which are so incompetent that they reduce to such an extent the financial reward of working? This government are putting people onto a payment structure where there is far less financial reward for working—and they have the gall to call this the Welfare to Work package.

The Treasurer was boasting in the budget lock-up on budget night that this set of changes would put 190,000 Australians into work. Isn’t that wonderful? Subsequently in Senate estimates the truth came out and the Department of Employment and Workplace Relations said, ‘Actually it is 109,000.’ How many people are they going to punish to get the supposed 109,000 people into work? The answer is around 300,000 people, including about 75,000 disability support pensioners and at least 85,000 or more parents—I think it was closer to 90,000—plus their children. We are looking at a set of extreme changes which punish around 300,000 Australians in order to get 109,000 Australians into work. It is punishing three times more Australians than it is assisting. These are not opposition figures; this is not some spin from the Labor Party. These are the government’s own figures and the government’s own changes. That is the tenor of the changes that the government are proposing in their welfare package.

Finally, one of the key issues that the opposition are concerned about is this: a great number of the changes which were announced in the budget can take place by ministerial fiat. A number of them have to come through in terms of legislation, but a great many of them can be implemented adminis-
tratively by ministerial direction or by a change in policy or approach.

If this legislation is referred to a legislation committee—the government may be saying that they will do that, but they have not told anyone about the time line or guaranteed that there will be a chance for proper scrutiny—what will happen to the great range of changes which will not be included in the legislation? Are the government simply saying that they are not worthy of consideration? Are they saying, ‘This might affect hundreds of thousands of Australians, but we do not think it is worthy of scrutiny’?

We on this side of the chamber believe it is.

(Time expired)

Senator SIEWERT (Western Australia) (5.43 pm)—I rise in support of Senator Wong’s motion. The Australian Greens believe that the government’s proposed changes to welfare represent a major policy change that will impact on hundreds of thousands of Australians. We need to look at the intended and unintended consequences of these proposals. Such significant policy changes will have major ramifications for the wellbeing of so many Australians, and they must be put before the Senate in a manner that allows us to robustly debate the ramifications and implications directly with the people whom they will affect: Centrelink staff, welfare advocates, those on the front line of crisis support, and, of course, the people who will be most directly affected—single mothers, young people and people with disabilities.

I challenge the government to stand by its commitment not to abuse its Senate majority and to allow this matter to go to committee so that all Australians can feel confident that any resulting policy and any changes to our welfare system have not been made without the opportunity for proper public consultation and scrutiny, of which there has been none. I am particularly concerned by the fashion in which the radical changes foreshadowed in this legislation will impact upon the most disadvantaged in our community: young people, single mothers, Indigenous Australians and people with disabilities.

Women with Disabilities Australia referred to the Welfare to Work provisions as ‘riddled with disincentives which make trying to join the work force a stressful and punishing experience.’ Instead of providing incentives for those wanting and needing work, these provisions offer ‘lower income supports, untimely withdrawal of disability supports, substantially lower disposable income and potentially onerous obligations to find non-existent jobs’. Let us look at the list from the National Welfare Rights Network of the intended or unintended changes of this legislation. Firstly, there will be less money per week in the basic pension payment. From 1 July, parents whose youngest child is six and people with disabilities who can work between 15 and 29 hours will be shifted to the Newstart allowance and will receive $29 less than the base rate for the parenting payment and will receive $46 a week less than the base rate for the disability support pension.

I wonder if any member of the government has ever met or been to the house of a single mother trying to support three or four children. They struggle to exist on their current payments—without them being reduced. Every dollar reduced means food not in the mouths of children or single mothers. Carers literally go without food so they can provide better things for their kids with disabilities. Yet the government is trying to punish these people. The National Welfare Rights Network has listed as financial disincentives to work the harsher income test and steeper withdrawal rates for earnings. I will not go into the details of all these because I do not have enough time, but other listed disincentives to work include the loss of the free area
in the income test for additional children, no indexation of the amount a person can earn before payment is reduced, less favourable indexation rates and the denial of pension for parents who cannot work because of disabilities of their children. Foster parents are ignored and placed on the parent dole. There will be tough new suspension regimes, flawed savings provisions and exemptions from activity tests. The list of problems and flaws with these legislative proposals that we have heard so far goes on and on.

The approach taken by this government to the provision of social services is to force everyone to fit the Newstart model with no provisions for the differing needs of a widow with young children, someone suffering from intermittent bouts of mental illness or a person with a disability who is willing and able to return to work but incurs substantial costs for equipment, transport and health needs. All of these are considered equal to the needs of an 18-year-old job seeker still living at home. We recognise and fully acknowledge that, for most people in receipt of welfare payments, the best outcome for them and their families is to find gainful paid employment that takes into account their differing abilities and needs. What the government seems to refuse to acknowledge in the changes that are proposed so far is that this is entirely in line with the hopes and aspirations of most welfare recipients. They want to find gainful employment to improve their standard of living and to enable them to make a valuable contribution to society. They need incentives, not punishment and denigration.

What they need is support that helps them remove the barriers that are holding them back and enables them to find work. For instance, moving someone from a disability pension onto Newstart allowance is not an incentive. What is proposed means that they will be worse off to the tune of up to $100 a week if they take on 15 hours of work a week. Newstart, with its lower pay rates and tougher means tests, makes it harder for people currently receiving pensions to look for work and creates severe disincentives for part-time work. It also means that net returns for earnings are shockingly low. We have recently heard that some changes are being floated. This was announced two weeks ago to soften the impact of the Welfare to Work provisions on single mothers, some foster parents and some people on disabilities. While we welcome the late recognition by the government that these provisions are too harsh, the Australian Greens are concerned that the ultimate outcome of these measures is a series of perverse incentives that might, for example, encourage single mothers to move away from support services to regional areas. The fact that the government has recently recognised these gaps in the proposed legislation strongly suggests that there may well be other gaps that have not been identified and have unintended consequences, and therefore other changes may be needed.

This highlights the importance of the issue at hand—the need to refer this matter to a committee to allow proper examination of its intended and unintended consequences before it is pushed through the Senate. At the same time there is a series of changes, as we know, to industrial relations, designed to strip away awards and conditions. They will result in lower wages and the removal of conditions. To date, the successes we have had in finding employment for people with disabilities or people from marginalised groups—for example, Indigenous Australians—have come through collective agreements in workplaces which have developed employment strategies for the disadvantaged. On the one hand, this government is claiming that it is in the best interests of Australians on welfare to find jobs and is punishing those who do not through Welfare to Work. On the other hand, it is doing away with the
mechanisms that have, in the past, helped to provide places for disadvantaged Australians, meet the needs of working mothers—like parental leave—provide and advocate for child-care places and support workplaces that are prepared to negotiate to create positions for Indigenous Australians or people with disabilities.

This is also why it is important that these changes are referred to a committee. I put it to the government that if they are serious about reducing unemployment by helping disadvantaged Australians to find a job then they need to take the time and effort to make sure that they have got it right. This is not something on which they should be doing a quick and dirty job, not something that they should be trying to force through the Senate with undue haste to meet meaningless deadlines. This is an extremely complex area. There is a lot of money and, more importantly, a lot of lives at stake. Give these people the support they need to find a job. Make sure that jobs are there for the disadvantaged by protecting the conditions and awards they need. Help them to find those jobs and to stay in these jobs. Give them incentives and support to find meaningful and gainful employment and their lives will blossom and we will be richer for it. We need to be looking at how we are providing care for the children of the people who are finding work. Today in this place I raised concerns we have for the development of a two-tiered child-care system and that cut-price child care may be offered and forced on people in the Welfare to Work process.

The interaction of this legislation and the industrial relations reforms will have an unprecedented impact on Australians. I do not believe that referring this purely as a piece of legislation to a legislative committee is the appropriate way to handle this form of legislation. It is absolutely vital that the unintended and intended consequences of this legislation are looked at in their fullness and complexity. It is also vital that we look at the way this legislation interacts with the industrial relations reform legislation. I believe, therefore, that it is essential that it is referred to committee, and we commend Senator Wong on putting up this motion and we wholeheartedly support it.

Senator TROETH (Victoria) (5.53 pm)—Senator Wong is attempting a reference committee referral for issues that are the substantive scope of a package of bills. So let us not make any mistake about this: she knows very well that these bills are soon to be introduced by the government and, as she knows equally well, this is normally the scope of a legislative committee, and the government has clearly stated our intention to refer the Welfare to Work legislation to the appropriate Senate legislative committee for full and proper review. That may be to the Committee on Employment, Workplace Relations and Education, but it may be to another committee; that committee is yet to be decided.

Let us consider for one moment the unlikely event of this motion passing—and it will not pass, because the government will be voting against it. But if a references committee did look at this package of bills, would the opposition be giving the government their terms of reference two or three weeks ahead? I suspect not. Senator Wong knows very well that, when a bill is brought into parliament and it may be referred to a legislative committee, the terms of reference are provided much closer to the time. So Senator Wong’s attempt today is totally out of order and it subverts the normal process for the proper and comprehensive review of the legislation when, and only when, it is introduced.

She also knows very well that the Welfare to Work package is about encouraging more
people to participate in the work force in accordance with their capacity to do so. The Howard government’s $3.6 billion welfare to work reform package is an investment in moving people from welfare to work. It recognises that every Australian of working age has the right, and deserves the opportunity, to participate in Australia’s prosperity. The new measures will benefit single and partnered parents and their children, by reducing welfare dependency and increasing employment.

I have been a strong advocate in the past—and I will continue to be so—for parents and people with disabilities in rural and remote areas of Australia. Many single parents in Victoria, for example, tend to move to reasonably small rural townships because housing there makes it much more affordable for them to raise their families. I do understand the difficulties they may come across in accessing suitable places for employment, child-care facilities, community services and public transport.

I last spoke on the Welfare to Work package in this chamber on 13 September. Since then, two major announcements in this area have been made by the Minister for Employment and Workplace Relations in the other place, Mr Kevin Andrews, and I welcome these initiatives. One of these announcements was of the exemptions for parents with special family circumstances, such as caring for disabled children or being a foster care parent, a registered homeschooler or a distance educator. The other announcement was of the range of supplementary benefits for people with a disability.

Let us take parent exemptions first. Parents with special family exemptions can seek temporary exemptions from the need to look for a job or mutual obligation activities when the Welfare to Work changes come into effect from 1 July 2006. The Howard government recognises that primary care parents who, for example, are foster carers, distance educators or home schoolers, or who have large families or a disabled child, may at times need to focus fully on their caring responsibilities.

Under the reforms announced in the budget, primary carer parents on benefits will be required to seek part-time work of at least 15 hours per week once their youngest child is at school. If the youngest child is under six years of age, the primary carer does not have to seek any paid work. However, there may be situations where a parent is temporarily unable to seek or to participate in any paid work. And, if a parent has special family circumstances, these will be taken into account when determining their participation requirements under the Welfare to Work changes.

The current policy for Newstart and Youth Allowance recipients is that a job seeker must look for and accept work that is within 90 minutes travel time of the job seeker’s home by the mode of transport normally available to the job seeker, and that a job seeker is not required to accept employment if the cost of commuting will be more than 10 per cent of the gross wage offered.

Under the new reforms, when setting a person’s activity test requirements Centrelink and employment service providers must also take into account a job seeker’s personal circumstances. Both the legislation and the policy guidelines in relation to this issue have been reviewed to take account of the Welfare to Work changes and, in particular, to ensure that the treatment of new groups of job seekers coming onto Newstart is flexible, fair and reasonable.

Under the new arrangements, the 90-minute rule applying to travel time will be reviewed to make way for more flexible guidelines that can apply to individual circumstances, including those with reduced
capacity. For example, when negotiating an activity agreement, consideration will be given to matters such as family and caring responsibilities, the length of travel time required to get to a job or activity, and the financial cost to the job seeker of participation and their capacity to pay, including travel costs.

Now let us look at child care. As Senator Patterson pointed out in question time today, because a primary care person does not have to seek work until their youngest child has reached the age of six, most of the child care that will be necessary under this package will be outside school hours care. But there will also be more practical support given to parents to help them prepare for employment and to assist with child care, including 85,000 new child-care places. Parents will not be required to accept a job offer if they have a good reason for declining, such as suitable child care not being available or if the cost of care would result in a very low or negative financial gain from working. It is important to stipulate that the Australian government is not placing obligations on people to work unless they are assessed as having a capacity and an availability to undertake work.

In addition, a number of extra benefits for job seekers with disabilities were announced by our government. These ancillary benefits include greater accessibility to the mobility allowance, the employment entry payment and the Work for the Dole supplement. We certainly recognise that many people with disabilities will face additional costs, and from 1 July 2006 a higher level of mobility allowance—$100 a fortnight—will recognise that people unable to use public transport because of their disabilities may have higher costs associated with their part-time work requirements.

Again, people with a disability who are receiving Newstart or Youth Allowance or another allowance who can work less than 30 hours per week will also have access to the pensioner concession card, the pharmaceutical allowance and the telephone allowance. Currently, people on the disability support pension who leave the payment to take up employment retain their pensioner concession card for 12 months. This is now being extended to people who can work part time due to their disability and who leave Newstart or Youth Allowance because of employment.

To provide even more financial reward for people with disabilities, the Australian government is extending the employment entry payment. This will now be available to people working part-time and remaining on income support. People with disabilities on Newstart Allowance who have been receiving income support for at least 12 months and take up at least four weeks of paid work of at least 15 hours each week will be rewarded with an employment entry payment of $312.

In addition, from 1 July 2006 people receiving the disability support pension who want to improve their experience in and connections to the work force by volunteering for Work for the Dole will now be eligible to receive the Work for the Dole supplement, which is currently $20.80 per fortnight. We also recognise that participation in Work for the Dole by people with disabilities increases employers’ and co-workers’ awareness of disability issues. Extending the Work for the Dole supplement to disability support pension volunteers will make it much easier for them to participate.

These amendments build on and are in addition to the $554.6 million already announced as part of Welfare to Work to help people with disabilities into employment.
After consultation with the welfare and disability sectors, the government is announcing amendments that will improve the benefits for people with disabilities under Welfare to Work.

Until now, the prevailing view of welfare has been through the eyes of incapacity and disability—that is, what is it that people cannot do? That view is no doubt motivated by compassion, but it reinforces a notion of helplessness in the eyes of both recipients and society: that once a person is disabled or incapacitated, or indeed has a child, their contribution to society can be ignored. We believe that it is infinitely preferable to treat people on the basis of their capacity to work and their ability to work. The government will assist those who can work and the government will assist those who cannot work.

There are obviously some particular groups in the population that we wish to assist by these measures. We want to increase participation among parents, people with a disability, mature age people and the long-term unemployed. I spoke earlier about my particular interest in those groups of people living in rural and remote Australia and I want to elaborate on that, because I think it is very important that this be understood. New employment services which will commence in July 2006 to undertake the Welfare to Work package will be located in the best possible area for geographical coverage so that the country is covered in terms of new employment services. Each employment service that will provide assistance to the Welfare to Work target groups has special provisions to ensure it can be appropriately tailored and delivered to rural and remote Australia.

For instance, to assist job seekers living beyond reasonable travel from their service providers, Job Network members are able to access additional funds to cover the costs of outreach or extra transport for job seekers. For job seekers living in remote locations, including Indigenous communities, the government may also purchase employment services which are tailored to the needs of specific locations. The government is also considering how to make services more flexible to deal with distance, seasonal factors and logistics in more remote areas.

As I said, I am concerned about issues like this, and I wanted to seek answers from the minister’s office, particularly as I have spoken about it publicly. I did ask those questions, I did get some answers and I am happy with the answers that I have received.

We are talking here about people who are seeking jobs. What about getting a job? As I said, the participation requirements for parents, people with a disability and mature-age workers will be modified to take into account such factors as the impact of any illness or mental or physical condition of the person on the person’s capacity to work, look for work or participate in training activities. The requirements will look not only at that but also at the state of the local labour market; the transport options available to the person in accessing that labour market; the participation opportunities available to that person; the position of the family and the caring responsibilities of that person; the length of travel time required for compliance with the agreement; the financial costs, such as travel costs, of compliance with the agreement and the capacity to pay for such compliance; and any other matters that the secretary of the department or the person considers relevant in the circumstances.

Parents with special family circumstances will be entitled to apply for an exemption from participation requirements if they are recognised homeschoolers or registered distance educators, as I said earlier. A parent will not be required to accept a job if there is
no suitable outside-school-hours child care available. That includes vacation care. That suitable care test very much demonstrates this government’s commitment to helping parents balance their participation requirements with their caring responsibilities. I am very proud to be a member of the Howard government that continues to recognise that the Welfare to Work package must be fair—and I am satisfied that it is fair—and also encourages jobseekers to actively look for work where they are able to work. Not one member of the opposition ever adds that qualifier, which will undoubtedly be in the legislation when we see it. These reforms recognise that every Australian of working age has the right and deserves the opportunity to participate in Australia’s prosperity, which will benefit them and their families.

Senator BARTLETT (Queensland) (6.09 pm)—The Democrats support the motion currently before the chamber. I think there are a few key things that need to be emphasised. Firstly, Senator Troeth said in her comments that the legislation regarding the Welfare to Work package would get a full and proper review. I am pleased to hear that, but I guess we will have to wait and see what the government’s definition of ‘full and proper’ is. As her speech and previous speeches outlined, there is a lot of quite complex detail in the range of different measures that are proposed in the Welfare to Work package, and it is necessary to go over the proposed package with a fine-tooth comb in order to look at how the different measures will interconnect with each other. On top of that, I think that some of the other measures, proposals and funding packages for different levels of service assistance will go wider than what is in the legislation. One of the key areas that does need to be examined is how the provision of those services and the decision-making powers of the various people at various stages down the line are going to apply. Again, some of those will be broader than what is in the legislation.

Personally—and my view might not be shared with too many others—I do not mind greatly whether something goes to a references committee or to a legislation committee as long as there is an opportunity for the proper examination of the evidence and enough time for the public and those people with the expertise to examine the detail of the legislation. We have to acknowledge that there certainly are people in the community who have more expertise than most of us senators here in this place. As senators in this chamber, we would all know—at least I hope we would—that it does not matter how much pre-publicity there is or what details have been put in budget papers or other ministerial statements; you have to look at the legislation itself for both unintended consequences and errors as well as for intended consequences that people have just not got around to mentioning. Sometimes it is a bit hard to tell which is which and, to some extent, it does not matter.

People can ponder the rationale behind something ending up in legislation, but the big issue is what is there and what impact it will have on people. We have regularly seen different announcements by people such as the Welfare Rights Network, for example—people who live and breathe this stuff every day of the week, in particular the individuals who get caught up in unintended consequences in falling through the cracks in all the various legislation and protection measures that are there. They know all the things that can go wrong. They know the complexity. They know how doing one thing over on one side can cascade all the way down to affect somebody in a way that is not immediately apparent. You have to look at the detail of legislation to see whether or not something like that is going to happen in certain circumstances. It is not good enough to say.
‘Overall, this is going to be good for the majority of people.’ That statement in itself is something that can be contested but, even if that were the case, you have to look at what it is going to mean even for a small minority who might inadvertently or unfairly end up being significantly further disadvantaged by the changes that are made. If you can identify that group, there are often ways to address their disadvantage without causing a problem for the people for whom the package is positive.

With regard to the motion before the chamber now, it is probably not necessary or even appropriate to go through the pros and cons of all the government’s proposed changes to welfare. I simply emphasise that it needs a comprehensive inquiry—one that has enough time not only for senators to wrap their heads around the changes but also for people in the community to examine it in the detail that it deserves.

I constantly despair—it is probably the right word—of the lack of recognition of one of the core tasks of this chamber, which is not to win the debate, which is not to get the headlines; it is to determine whether or not we are making the best law possible for the people of Australia. This chamber—much more so than the other house of parliament—makes laws, and the laws that we pass through here affect millions of Australians in all sorts of ways. There is nowhere near enough time, focus and priority given to the core business of making legislation. It might not be as exciting as all the backroom intrigue that some people seem to enjoy. It might not be as exciting as all the different soap opera scenarios that people can manufacture for newspaper fodder or to keep people interested, but it is fundamental to our job here.

We all know of examples where the job has not been done properly and innocent people have been harmed as a consequence. Indeed, I would argue that the long-running debacle with the family payments and the overpayments and debts of a whole range of Australians is in part due to the ridiculous haste and the enormous amount of legislation that was put through all at once when some of those changes were initially made, with a huge amount of focus on other areas and some nice sounding rhetoric about the family payments. It was not until it was in place and people started looking at the consequences that concerns were raised. Some of those concerns, frankly, still have not been addressed many years later. It is in all of our interests to get it right the first time around even if we are not 100 per cent comfortable with the policy direction of the legislation. I am sure we should all know and recognise that many times we have not done the basic job of scrutinising legislation properly.

The very real danger and the very real fear I have in this area is that the same will happen again. We will get legislation introduced perhaps before the end of this week—I do not know. If that happens, we have got just three sitting weeks to debate it. We have got perhaps four non-sitting weeks to have any sort of public hearings—a very short space of time for people of expertise to scrutinise it. We have to make sure that that job is done properly and, if necessary, that its consideration goes through into next year. It is far better that it be done properly.

I have a couple of concerns I would like to flag while I am on my feet. Firstly, you can have all the fabulous programs you like assisting people into jobs and encouraging people to do this, but the bottom line is: why on earth do you need to cut people’s income whilst you are doing it? A core part of this package is to reduce the income of a whole lot of sole parents and people with disabilities to a much lower level than it otherwise would be. How that helps anybody, I do not
know. Sure, for those that end up getting into work that is good, except that they will have a higher taper rate and lose more of their earnings more quickly. But, putting that to one side, there will definitely be some who do not manage to make the transition to the work force. Why should they have a lower income than they otherwise would, particularly considering that it is already much lower than I am sure most of us here would know how to cope with—in fact, I imagine all of us here would have extreme difficulty suddenly coping with such an extraordinarily low income. That core aspect of this package causes me great concern.

The other aspect that I think has to have greater examination is the whole issue of who determines whether or not someone meets the various obligations. We have seen in a lot of detail—and there is a lot more detail that has not hit the public arena—the enormous suffering and massive injustices that can occur and have occurred in the immigration area when you have people who are able to make decisions that affect other people’s lives in significant ways as administrative decisions without appropriate transparency, appropriate consistency and adequate checks and balances. I am very concerned that a situation will develop in this area, flowing on from the Welfare to Work package, where people will be making decisions about whether or not someone has met their obligations, whether or not they have breached and whether or not their income will be dramatically cut without adequate checks and balances, transparency and consistency.

In particular, if we look at the issue of the political climate and the culture within the department of the people making these decisions, I think one can draw some parallels—not perfect parallels but some adequate parallels, nonetheless—with the culture within Immigration over recent years, where there is very much a suspicion, an assumption, that people are up to something, that they are up to no good and that we need to approach them with almost a reversal of the onus of proof. It is very much a context that is quite easy to infiltrate into decision making in this area where the decision makers have a culture and a political environment surrounding them of suspicion that a lot of people are shirkers and bludgers and are trying to avoid doing work. In that sort of situation, it is very easy to get people, in those lineball calls that you will always get, to go on the side of the punitive approach.

I have seen from my own time working in the then Department of Social Security—a fair while back now—how easy it is for some ministerial statements about bludgers, crackdowns or whatever to affect the decisions that are made from one day to the next. It is human nature. It is inevitable in any sort of environment, but the problem is that the consequences for the people who are the victims of it can be quite severe. When you are living on a low income, hand to mouth, and you are already vulnerable, a thing like having your income cut, having that payment not there when you expected it to be, can mean the difference between being able to keep your home or not. Once something like eviction happens, it can be that drop through the crack that starts to cascade down a very long, dark and slippery slope.

These are not minor matters. They are not just cuddly things that are encouraging and helping people across into job opportunities. There is a very big and nasty sting in their tail, and they need to be properly examined. If the government had come forward and negotiated on this proposal, if they had indicated their intent with a timetable, then I would be quite comfortable with that. Senator Wong put this motion up over three weeks ago, I think, in the previous sitting fortnight. So this proposal has been on the
Notice Paper for over three weeks, and at no stage have the government said, ‘Legislation will be in on this date and we are looking for a Senate committee inquiry of X number of weeks.’

We have the precedent of the Telstra legislation and the absolutely disgraceful and unprecedented way it was railroaded through this chamber—and not a single member of the government parties stood up for due process in that case. We have the very clear statements and implications from the government that an extraordinarily complex, historic overhaul of the workplace relations laws may not appear in this parliament until the first week of November. Yet it is proposed that that legislation may be put through before the end of the year. The same sort of suggestion has been floated about what have been called the draconian laws regarding security and antiterrorism—called draconian by the Premier of Queensland, who agrees with them. Goodness knows what those laws will be called by those of us who do not agree with them. We have that clear prospect as well: that there may be an attempt to railroad those laws through this place in an extremely short space of time.

In that sort of environment, with the sort of history already shown by this government since it took control of the Senate, I think we all have a right to be very worried about whether we will get the full and proper review of this legislation. The bottom line is that none of us, frankly, are sufficiently skilled to do all those sorts of things ourselves. I think we are all immensely assisted by the public process of a Senate committee inquiry, by the opportunity for people with expertise to present their evidence in a public forum and to have that evidence tested via questioning from people from all sides of the political spectrum, and for the public to be more fully aware of what will be inflicted on them by virtue of the change in legislation. Otherwise, all they will get is the government once again dipping its hand into the taxpayers’ pocket and spending another few lazy million or so dollars on TV ads that tell people how much better their life will be because of these changes and hoping that people will accept that as honest information about the changes. We need to do better than that and a Senate committee inquiry is one part of doing better than that.

The Democrats support this motion. We think it is an important part of the Senate just doing its job and assisting the Australian people, particularly those who are likely to be directly affected by these changes—that number will be in the millions—to have an opportunity to have the facts on the table so that the government cannot just get away with spin, weasel words, slippery-sounding phrases and a few nice advertising campaigns. They have to actually confront the evidence in a systemic and comprehensive way. The only way to do that is through a Senate committee inquiry. In the absence of any other proposals from the government, the Democrats believe that this is certainly the way to go.

Senator MARSHALL (Victoria) (6.26 pm)—I welcome your comments, Madam Acting Deputy President Troeth, earlier today acknowledging that the government will hold a legislation committee inquiry into these changes. At least that gives us some confidence that there will be some scrutiny of the bills. Labor continues to support the proposition to have these welfare changes referred to a references committee for the very important reason that all of the changes are not going to be included in the legislation. Much of the change will simply be administrative change, and that will be significant and as a result of ministerial direction. It
is clearly our view that the Senate will not be able to adequately scrutinise the full extent of the changes and the effect that these changes will have on many in our community without going through a references committee inquiry.

As other speakers have said, the Senate plays a fundamental and important role in this process. The Senate does give people who are affected by legislation and government decision an opportunity to comment on what those effects may be. It gives organisations the ability to make representation before the Senate about the impact of changes and government policy—in this case, the impact of the legislation on the most vulnerable in the community.

It is an important process for the Senate to be able to scrutinise and test the legislation. Much has been said by this government that it is a policy initiative that emphasises people’s abilities and does not concentrate on people’s disabilities. If that is indeed the case, we absolutely support that. But we also know that there is going to be cost cutting throughout these proposals. We want to test and ensure that this is not simply a cost-cutting exercise. If, as the government says, this is about helping and assisting people on welfare to work, they will have our full support. In order to get that, we have to be assured and certain that that is what it is about.

I find it quite strange that the government is not prepared to put up their Welfare to Work package to the full, open, public, honest scrutiny of a Senate references committee that can look at the legislation and the policy position that the government has put up in respect of all these matters.

We do know that these changes are far reaching. Many have said that hundreds of thousands of Australians will be worse off under these welfare changes by being moved onto the dole: affected will be over 75,000 people with a disability, 85,000 parents and at least 85,000 children of these parents. That means that by 2008-09 over 250,000 people face a cut to their household budget as a result of these welfare to work changes. That is significant in any terms. It is so significant that it deserves proper scrutiny by the Senate and the Senate ought to refer these matters, these changes, these policy positions to a references committee for that proper examination. Those numbers do not take into account how many people lose out by not being able to regain their payment if they go off it temporarily. Although exemptions have been recently announced—and Senator Troeth talked about these—they will barely make a dent in these numbers and most of those exempted from work obligations will still face a cut to their payments.

Sitting suspended from 6.30 pm to 7.30 pm

Senator MARSHALL—The government has estimated that 109,000 people will gain work out of these changes—its original claim was for 190,000—but, because the government will claw back more of every dollar they earn, they may not be better off by working once they have paid for things like child care and transport to work. I note that in Senator Troeth’s contribution to this debate she indicated that due consideration was being given by the government to some of these issues. She indicated that she had asked a lot of questions of the relevant minister in this regard, that she had received answers and that she was happy with the answers received.

It is fine for Senator Troeth, a government member, to ask questions of the relevant government ministers and get the assurances that she requires. But it is the Senate that needs to pass the legislation, and it is appropriate that senators from all parties, from all sides of the chamber, have an opportunity...
through the committee process to ask the same questions and to also, if possible, be satisfied with the answers from the minister, the department or others to those questions. It is unclear—and Senator Troeth was unable to give us any specific details apart from some generalisations—in which circumstances people would not be forced into working when the financial benefits might not be advantageous. We know there is some confusion from within the government in this regard as well. Minister Andrews, when he was introducing the welfare changes, said:

... people who can work should work. That is, if people are capable of working part time, who are capable of working 15 hours or more a week, there is an expectation that they should work.

Are there any exceptions to this proposition? In particular, does the government believe that all sole parents who can work should work even though, as NATSEM researchers have found, they are only taking home 35c in every dollar that they earn and are having to pay for child-care services and transport on top of that? It would appear that the Prime Minister takes a slightly different view. In his media statement of 2 June 2005, the Prime Minister said:

If ... the cost of care would result in a very low or negative financial gain from working, the parent will not be required to accept the job.

I am wondering when we are going to hear and how we are going to test what amount in dollars per week this government regards as so low as to exempt someone on the sole parent pension from the work test. Senator Troeth gave us one example: if the cost of commuting was more than 10 per cent of the wage offered then they would not be required to move into that work situation. The cost of transport alone being 10 per cent of the wage of these people being moved off welfare into work seems an excessive amount in the first place. But, again, the question is: is this the effective rate—is this 10 per cent of the rate after what the government has clawed back? Is it going to be the effective rate or will it be the total of the wage prior to the government clawing back its share of the welfare payment?

All these questions need to be tested in the appropriate forum. We need to hear from the people affected and we need to be able to scrutinise the effect of this legislation and the policy outcomes. Again, that is why it is important that this package that the government proposes is examined by a references committee and not simply by a legislation committee, which by its very nature is limited to the outcomes or the effects of the legislation. This Welfare to Work package has much broader consequences and a much broader application than simply the legislation.

Parents with a child or children with a disability are also significantly affected by this package. It is very difficult for a parent who has a child with a disability to be eligible for the carer payment, which means that many parents who have children with a severe or significant disability receive the parenting payment. The government’s announcement that some of the parents of children with a disability may move onto the carers payment and so not face a payment cut or work obligations is still unclear. Again, that aspect of the policy position and legislation clearly needs to be tested.

A study of the National Welfare Rights Network showed that up to 50,000 sole parents who care for children with severe disabilities will have to look for work regardless of the needs of their children and that in future parents will be pushed onto the dole, leaving them thousands of dollars poorer. It has been put to this place that this policy is about concentrating on people’s abilities, not their disabilities, and about encouraging people to enter the work force and that it is not simply a cost-cutting measure. So why
will thousands of people be thousands of dollars poorer? If this is just a way for the government to save money, this has to be one of the most cruel and extreme ways. These families already have enough on their plates and do not need these sorts of obligations placed upon them.

I think the government have fallen into the trap of repeating rhetoric so often that they have actually started to believe it. They tell us about the overall picture of the employment situation. We are talking about pushing people from welfare to work and into part-time work of 15 hours a week. Putting to one side for a minute the difficulties of parents in getting suitable working hours, within school hours, or in making alternative care arrangements for their children, the reality is that the part-time work force at the moment is 28.62 per cent of the total work force. That is 2,881,000 people in the country who already work part time. The recent ABS statistics indicate that, out of those 2,881,000 part-time workers, nearly 613,000 want more work.

So the view that everyone has a job which is tailored to their needs and that they have the amount of hours that they want is simply untrue. To suggest that people with disabilities and people on welfare should be forced into the part-time work force and that all those jobs are simply there waiting for them is clearly not true. That is the fantasy land that this government lives in with respect to its whole workplace relations agenda. It is simply not realistic to think that people will simply walk into these jobs.

We also have a casual work force that is enormously significant at the moment. Let us look at the percentage of casuals compared to full-time workers and the sorts of jobs for people in the welfare to work categories that the government will be looking at. If we look at labourers and related workers, we see that 47.3 per cent are already casual workers. If we look at elementary clerical, sales and service workers, we see that 55.9 per cent are casual and, if we look at intermediate production and transport workers, we see that 26.5 per cent are casual. The constant rhetoric that there are all these jobs waiting for these people and all they have to do is pick up the phone and they will walk into one is simply not true.

Many people with a disability want to work, and we know that, when they are given the right help, they are often successful—and we support that totally. The government should lead by example in employing people with disabilities—but the proportion of Australian government employees with a disability has actually dropped from 5.6 per cent to just 3.5 per cent since 1996. Again, the expectation is that people with disabilities will be able to move into part-time work but, when we look at the real experience of government employment, we see an absolute decline in the employment of people with disabilities. The government has completely failed in any leadership role in respect of welfare to work proposals.

From July 2006 all people who apply for the disability support pension will be assessed under the new capacity test. In addition, everyone who applies for the DSP between 10 May 2005 and 1 July 2006 will soon be reassessed under this new test. If they are judged as being able to work a minimum of 15 hours a week, they will be put on what this government calls Newstart—and what most of us call the dole. The National Centre for Social and Economic Modelling, NATSEM—an organisation which the Prime Minister has described as respected, objective and independent—has shown just how much people with a disability will lose under these changes. The
NATSEM research shows that a person with a disability will work for as little as $2.27 an hour when working 15 hours a week at the minimum wage. This would leave people with a disability up to $122 a week worse off than they are now.

The government, in answering some questions asked in this place around these areas, has said that NATSEM has got it wrong; that they have used some wrong assumptions. Let us test that. If the government can stand by that claim, let us test that through the committee process. Let us have a references committee and let us put those claims to the test. If the government can convince us and NATSEM that they are wrong, well and good. That is an important role for the Senate. We want to work on evidence that has been tested and has been subject to some scrutiny. That is a fundamental and important role of the Senate.

Of course, we cannot look at these Welfare to Work policy changes without looking at the entire picture in terms of the proposed industrial relations changes that are soon to be before us. People with a disability and sole parents, who already have very little bargaining power in the workplace, will have even less protection from exploitation at work. The proposed industrial relations changes will abolish protection from unfair dismissal for approximately 3.7 million Australian workers employed in companies with fewer than 100 staff; allow employers to put workers onto Australian workplace agreements—individual contracts—that cut take-home pay and reduce employment conditions, putting conditions like weekend and shift rates, overtime, redundancy pay, allowances and loadings at risk; change the way minimum wages are set, so that their real value will be reduced over time; leave Australian workers with no legally enforceable right to bargain collectively with their employer if that is what they choose to do; make it harder for workers to access the support and assistance of a union; and reduce the role of the independent Industrial Relations Commission.

The proposed changes will mean that many sole parents will have less time to spend with their families and children and their children will grow up having less time with their parents. Also, people with a disability and sole parents may lose their social security payments all together if they do not accept a job with poor pay or bad conditions. In effect, that is what these changes will mean. People with some disabilities trying to negotiate with employers on an individual basis a job that they need to do in order to fulfil the Welfare to Work requirement of at least 15 hours part-time work a week will inevitably be put in a position where their terms and conditions are cut and they will have to accept that proposition in order to meet the Welfare to Work obligations. Of course, they could take the advice of the Prime Minister. I quote from the *Australian* today, which said:

Mr Howard advised workers who were unhappy with their bosses to seek alternative employment, declaring Australia a "workers’ market":

“There are a lot of recourses,” he said. “I mean, one of them in today’s conditions, labour market conditions, of course is to go to another employer who will pay them better.”

For people with a disability who are forced from welfare into work, working 15 hours part time, competing with 600,000-odd other part-time workers who want more work, if they are lucky enough to get a job, if they do not like the conditions that their employer has forced them to undertake—because, as we know, new employees get faced with the proposition of a ‘take it or leave it’ approach when offered an AWA—one of the recourses, says the Prime Minister, is to simply go to another employer who will pay them more
money. Good luck if they can. But what if they are unhappy with the employer and they are unhappy with the amount of money? If they then resign from that employer with the intention of looking for a better-paid job, a job with better conditions, as the Prime Minister suggests, will they be able to return to their pre-job welfare conditions? That is clearly a situation that needs to be investigated by the references committee. If people simply take the Prime Minister’s advice, will they be penalised into the future? (Time expired)

Senator GEORGE CAMPBELL (New South Wales) (7.46 pm)—I also want to speak in support of the motion moved by Senator Wong in respect of the reference of this issue to the Employment, Workplace Relations and Education References Committee. However, I must say I listened to the Prime Minister being interviewed on the 7.30 Report and to his response when asked a question about why there was an exclusive briefing for the business community yesterday while a substantial proportion of the IR constituency were excluded from that briefing and about the fact that the media, who were to report on the document released by the Prime Minister, yesterday were given literally two to three minutes to absorb a document of some 68 pages. When you take that into consideration, it is not surprising that the response by those on the other side to this motion is to reject it.

I want to ask a question immediately: what have you got to hide? Why are you concerned about having a genuine inquiry into the implications of changes in the Welfare to Work proposals of this government? I think it is just a flow-on from the standard approach that has been adopted by this government of refusing, shutting up and closing down any opportunity for any of its policy positions to be genuinely examined and looked at in terms of how they will impact upon the Australian community.

It is true, Mr Acting Deputy President Ferguson, as you well know, as a member of the Liberal Party, that the Prime Minister after the last election was at great pains to assure the Australian community that the government would not abuse the majority that it won in both houses as a result of the last election, that there would be constraint exercised in the way in which that majority was used and that essentially the role played by the Senate would be allowed to continue. Those comments at that time were echoed by the Leader of the Government in the Senate, Senator Hill, who again went to great pains to assure people that the role of the Senate as a house of review, examining legislation and being able to conduct inquiries, would not be essentially changed by the fact that the government in fact had a majority in both houses.

But what is the truth of the matter? The truth of the matter is that the majority has been exercised capriciously by the government in this chamber. It was used in that way in the Telstra debate to guillotine the debate, to prevent people from genuinely raising issues of concern about the Telstra sale, and it was in fact used to filibuster the debate—even the truncated debate—over Telstra to prevent the opposition from asking genuine questions of the minister and trying to seek some answers about the way in which the sale of Telstra would be handled. It was demonstrated by the way in which the government dealt with the proposed reference from Senator Fielding last week to look at the issue of penalty rates and other issues arising out of the government’s proposed industrial relations reforms.

Again we have the classic situation of this government saying one thing and doing the opposite. They have practised the art of Or-
wellian doublespeak and they have refined it into a fine art form which embraces and accommodates all the policy positions and political positions which they take. These are cloaked in Orwellian doublespeak. It is a bit like watching The Poseidon Adventure last night. You have to look at the ship upside down in order to see what the real agenda is in terms of the government’s position. Do not look at what you see on the surface; look at what is underneath.

The reality is that the terms of reference which have been proposed by Senator Wong are a fairly sensible proposal. They will help the Senate to assess the financial and social impact of what are extremely far-reaching changes. The proposed reforms have the potential to radically alter the lives of some of our most vulnerable citizens. And the government will not even take the time to think the changes through or to open them up to legitimate scrutiny.

I noted particularly Senator Troeth’s contribution. She said that there would be scrutiny. She did not tell us how the scrutiny was going to take place. She hinted that the bills might be referred to the legislation committee when they are eventually tabled in the parliament, but this is a report that has been out there for debate in the community for some considerable time without any opportunity for people to examine, to hear expert witnesses, to listen to the constituency that are involved in that area in particular and to be able to take into account their views in finally adopting a policy position in relation to it. We all know that at the end of the day when bills are referred to legislation committees the examinations are truncated. There is very little opportunity to examine the essential details of the bills, and the committee usually sits for half a day, one day or a day and a half—radically different from the capacity of a references committee to examine the contents of proposed policy directions in considerable detail.

Ordinarily, these changes by themselves would have demanded a rigorous and far-reaching inquiry. But when you consider these in the context of the workplace relations reforms which have just been announced then the need to examine what is being proposed here becomes doubly urgent. I am concerned that these changes are going to have a catastrophic effect on the wages of Australian workers. Obviously if that is the case arising from the industrial relations reform then they will have severe ramifications on our welfare system.

Since the government does not feel the need for us to look at what I think is compelling evidence for this, I want to discuss some of the aspects of it now in this debate. I want to take you back to the New Zealand experience. The New Zealand experience has quite often been held up as the model for what is currently occurring in our country in respect of industrial relations reform. Certainly I recall Peter Reith telling me in the early nineties, when we were discussing some of these issues on Australian radio, that he had been to New Zealand, that he had door-knocked people, that the changes were being embraced with great wonder by the New Zealand community and that it was radical reform of the best kind. I can understand why, when he subsequently became the minister for industrial relations in this parliament, he embraced this approach with such great enthusiasm in what he tried to do on the waterfront—which was the forerunner to what is now proposed to be introduced as IR reform by this government.

We know that in the early 1990s New Zealand embarked on a course of radical labour market deregulation with their Employment Contracts Act. As I said, it was probably the forerunner of or the model used
for WorkChoices. The results of that experiment in New Zealand were disastrous and had very significant effects on the New Zealand welfare system. The male full-time participation rate in employment fell by 11 per cent after the reforms were introduced, inflation rose dramatically and productivity actually flat-lined. We are being told that the embracing of individual contracts will in fact contribute to productivity. The reality is that it will have the reverse effect. The New Zealand model clearly demonstrates that. If you look at it over time that is the clear message.

But look at our own circumstances. Since the individual contracts or AWAs were introduced in 1996 and since this government has been in control of the industrial relations agenda, what has happened with productivity? Over that period, labour productivity has risen slightly—half a per cent—from 1.4 to 1.9. But what is more significant about productivity over that period is that multifactor productivity has declined substantially from 2.9 to 2.1. Those are the figures. That clearly demonstrates that within our business community there is a shift away from investment in new technology, new forms of work organisation and new methods of production, which all go to substantially lifting our productive capacity and sustaining it in the longer term, to an investment in labour, which is being done through lower wages, which is increasing profitability and which will obviously lift the figures in terms of labour productivity. Short-term increases and short-term results; long-term disaster for any economy. If you look at any developed economy around the world where those figures have existed, it has meant that they have retarded their economic performance and their economic development. That is one aspect of it.

Wages in New Zealand significantly decreased in the period when the employment contracts were introduced. That caused a deepening of income inequality in the nineteen-nineties and the emergence of a large number of families with no adults in employment. That is a very significant outcome of the individual employment contracts in New Zealand and something that we are likely to see repeated here. Despite the fact that the Clark Labour government has dramatically increased minimum wages since coming to power, there still exists a 20 per cent wages gap between Australia and New Zealand. One significant development as a result of the introduction of employment contracts—and it goes to the heart of why Senator Wong has moved this reference on behalf of Labor—was that there was a dramatic increase in the number of New Zealand families who were forced to rely on welfare for the basics of life. When I was there in the early nineteen-nineties, a Salvation Army chaplain told me that New Zealand was in the process of organising a national conference of food banks. It was the first country in the developed world to have a national conference of people providing food banks to the unemployed and to workers living below the poverty line.

That was a consequence of the introduction of employment contracts in New Zealand—a very significant impact upon their welfare system and a very significant impact on the capacity of ordinary workers to keep themselves above the poverty line. Many of them fell into a situation where they had to rely upon the welfare community to provide them with the wherewithal to look after their families. I suggest that the last thing we want, that any sensible Australian would want, in this country is to see the development of national conferences of food banks. It is bad enough when we have national conferences of political parties. The last thing we want to see is that sort of development here.

Sometimes, however, you have to take the government at face value. The Prime Minis-
ter is saying tonight, ‘Workers will be no worse off under the new system that is being proposed.’ He will not give a guarantee that any individual worker will not be worse off, but he is saying that workers will not be worse off, that wages will improve, that things will be better et cetera. But, when you listen to what some of the government ministers are saying, the real agenda is again exposed. Senator Brandis exposed the agenda of how they wanted to shut down any genuine inquiries in the Senate and Minister Macfarlane disclosed what the real agenda was in terms of the IR reform. He said on the Alan Jones program:

We’ve got to ensure that industrial relations reform continues so we have the labour prices of New Zealand.

What does that mean? He is saying that the industrial relations reforms of this government will cut wages by at least 20 per cent to bring them down to the level of those that apply in New Zealand. It was an honest comment by a minister trying to deal with different issues.

Senator Abetz—You don’t even believe that.

Senator GEORGE CAMPBELL—I do believe it, Senator Abetz, because that has been your agenda since 1996. It has never changed. It has been the Prime Minister’s agenda since 1987. You are trying very hard to do it, and when you have a senior cabinet minister like Minister Macfarlane saying on the Alan Jones program, quite publicly, ‘We have to have the wage levels of New Zealand to compete,’ he is saying that Australian workers should take a wage cut of at least 20 per cent. That is the hidden agenda in this. If that occurs, we know that there will be an inevitable flow on from that which will impact on the welfare community.

Let us look at the issue of welfare to work. I want to look at the question of disability support. I am referring to a chart I have with me and, if you look at what is occurring in that area, you see that there are some interesting figures. When this government came to power in 1996, there were 499,235 disability support persons, or 41.5 per cent. In 1996 there were 202,000 long-term unemployed persons, a rate of around 27½ per cent. What has happened in those two groups over the period from 1996 to 2004? The long-term unemployment rate has dropped from 27 per cent to 21 per cent, or from 202,000 to 123,000. One would suggest that was a terrific outcome. But when you look at the figures for disability support persons, they have increased from just fewer than 499,235 in 1996 to 696,742, or 52.1 per cent, over the corresponding period. I have no analysis which shows that the jump in one figure is a corresponding result of the decline in the other, but you would have to assume that there has to be some linkage.

That is the sort of issue that the inquiry being proposed by Senator Wong would allow the Senate to get to, to examine and to get expert witnesses to provide testimony on. It is not an unimportant issue when you are looking at the question of welfare to work and at cutting payments for people on welfare in order to encourage them to move into the work force. But we will not get that opportunity, will we, because you have no intention of subjecting your welfare to work legislation to genuine scrutiny? I will finish with another quote from the Prime Minister, as reported in the Hobart Mercury this morning:

Workers who felt pressured to accept unsavoury conditions under new industrial laws could quit and get other jobs, Prime Minister John Howard said yesterday.

He said the current and likely future demand for workers meant they would have the upper hand in a new era of bargaining for conditions with their bosses.
“We live in a workers’ market”.

If anyone thinks that the 500,000 able-bodied workers who are currently in the labour market looking for jobs are going to move across and allow those disability support persons to move into employment then they have rocks in their heads. (Time expired)

Senator McEWEN (South Australia) (8.06 pm)—I would also like to speak on the motion moved by Senator Wong to refer matters to the Senate Employment, Workplace Relations and Education References Committee, of which I am pleased to say that I am a member. From my limited experience on that committee, I have noted that the committee members deal with the matters referred to them in a very responsible and serious manner. I am sure that the Labor members of that committee would look forward to receiving this reference, and we would look forward to hearing from the parties interested in the impact of the government’s proposed welfare changes on those people whom we senators in this place are here to represent.

The people of Australia would no doubt like the committee to receive this reference. They would like to have their say about the things that Senator Wong has included in her motion. They would like to hear about the financial impact of the proposed changes on people with a disability and on their parents and children. They would like to hear about the implications for parents: how it would affect their capacity to manage family and work responsibilities and the consequences for family life. They would like to hear about the effectiveness of the government’s proposed changes to improve the employment prospects of people with disabilities, and of parents. But it seems that the people of Australia are going to be denied the opportunity to hear in detail about the likely impact of the government’s welfare legislation before that legislation is introduced in this parliament and, no doubt, rammed through this chamber just like every other extreme ideological agenda that this government has.

Hundreds of thousands of Australians are going to be worse off if the government’s welfare changes are passed by the Senate. The people of Australia would probably like to know fundamentally why the government believes that in order to get people with disabilities and single parents into work you have to cut their income. I do not understand it. I do not understand the carrot-and-stick approach to people with disabilities and to single supporting parents—and I do not think that most people understand it either. Most people want to work, and most people will work if they are given the opportunity, the wherewithal and the support to get there. They do not need to be forced onto the dole, which is what this government wants to do to them.

There are already measures in place to get people who are belligerent about not working into work. There have been such measures for years. But it is not those few whom the government is targeting, is it? No, it is a whole lot of other people the government wants to punish. People are going to be punished for being disabled. People are going to be punished for having children and for being sole parents. It is not like people have made a lifestyle choice to be disabled. It is not like they have made a lifestyle choice to be sole supporting parents.

Seventy-five thousand Australians with a disability will face a cut to their household budget if they are forced onto the dole—and they would probably like to have a say about that through a Senate inquiry. They would probably like to hear some answers from the government departments that are going to have to implement the government’s radical legislative agenda in the area of welfare. The
50,000 sole parents of children with severe disabilities, who are going to have to look for work regardless of the needs of their children, would probably like some answers too. That statistic is from the findings of the National Welfare Rights Network, which has spent a lot of time advocating on behalf of sole parents and people who have children with disabilities. It was on behalf of those people that Senator Wong moved this motion to refer this matter to the relevant committee. But Senator Troeth has already told us today that the government will, of course, be voting against it.

In Senator Troeth’s contribution to this debate I think I heard her say that this matter may be referred to a legislative committee. If I have got that wrong I apologise to Senator Troeth, but I certainly did not hear her guarantee that it would be referred to a legislative committee. Senator Troeth went to some lengths to explain some parts of the proposed legislative or administrative changes that she says the government will put in place so that the implementation of these changes to the welfare regime in Australia are not so draconian. Obviously she has had a bit of success in getting some concessions out of the government; good on her. I do not think she is the only government senator who is a bit anxious about the real impact of this proposed legislation on the most disadvantaged people in our society.

I would like to hear more from Senator Troeth—who is actually on the relevant references committee—about how she thinks the proposed changes are going to work. I would like the changes to be put out for public scrutiny, and I know that the people of Australia and other senators in this place would like to hear more about the proposed changes before we have to vote on the legislation that is going to affect hundreds of thousands of Australians. But we should not expect that the government would allow any serious investigation into what is proposed.

Other senators before me have referred to the appalling behaviour of the government in the matter of Telstra, which was one of the most significant pieces of legislation to pass through the Senate and was reduced to a one-day inquiry—about something that affects all of Australia—after the legislation was introduced. Seventy per cent of Australians oppose the sale of Telstra, but we had to push that one through, didn’t we, because the government has the Senate under control and it is going to use that majority. Despite what the Prime Minister said about using the majority responsibly, the government has grabbed the opportunity to push through a few examples of its extreme ideological agenda. No doubt we will see, in the next couple of weeks, a few more bits rammed through, including the industrial relations legislation, which I might get to in a minute. I might actually get to it now—

Senator Abetz—You’re running out of puff.

Senator McEWEN—I haven’t run out of puff on the welfare reforms, but other people have made the link between the changes to the welfare system being proposed by the government and the industrial relations changes that were revealed in the WorkChoices document which was released by the Prime Minister yesterday. It was released with $100 million of taxpayers’ money spent on advertising and glossy publications—which I think Minister Abetz might actually be reading over there at the moment.

Wasn’t it entertaining last night watching those adverts on the television that cost the Australian taxpayer $100 million—all those smiley happy people in those adverts? You have to ask: will they still be smiley happy people when they are told, ‘Sign this AWA, forego your award conditions or there’s no
job for you here’? Will they still be smiley happy people when they are sacked for no reason other than that their employer can sack them with impunity? I do not think they will be laughing too much when they find out the truth of the government’s industrial relations agenda.

Senator Fielding was not laughing last week, either, when he tried to make a reference to a committee about the issue of overtime and penalty rates and how that impacts on the ability to balance work and family responsibilities. His matter was also to be referred to the Senate Employment, Workplace Relations and Education References Committee. That was another perfectly reasonable motion, like Senator Wong’s motion. Of course, it was voted down though. Two members of the government could not be bothered to turn up for that vote. That is how much disregard they show for families, because Senator Fielding’s motion was, by and large, about families and the impact of industrial relations changes on families. In days gone by, I am told, that motion would probably have got up, but not now. So much for families! That is what this government thinks about families: it just ignores them. And, when the reality of this government’s industrial relations changes take effect, we will see more evidence of what this government thinks about families too.

When there is no leave loading any more to pay for the kids’ Christmas presents because your employer has said: ‘We don’t pay leave loading here any more. You’ve got an AWA where your leave loading is rolled into your all-up rate. We don’t pay that here,’ we will have even more proof that this government does not care about families. The reality of this government’s changes will hit home when some poor single mother with a couple of kids who is working as a receptionist in a small business is given the sack because the proprietor decides he wants to give her job to, say, his wife or his daughter or someone else—and he can. He will be able to just sack her; he will not have to give a reason, if she is working in a place with less than 100 employees—and more than three million Australians do. The government’s legislation will enable that woman to be sacked with no recourse at all and no redundancy pay—nothing. She will be left on her own with a couple of kids.

When our young people are presented with an AWA on their first day at work and told by their employer to sign it, when they are told, ‘If you don’t sign this agreement and cop this all-up salary that I say includes your penalty rates, your leave loading, your shift allowance and your public holiday pay, you don’t get the job,’ that is the day we will see the truth about what this government thinks about families, our young people and our children trying to make their way in the world.

Getting back to Senator Wong’s motion, I understand that she agreed to defer pursuing a motion that she gave notice of on 14 September 2005 because she had advice that the government was considering an inquiry. She wrote to the minister on 4 October asking what was happening. I do not think he ever responded. I am sure I heard Senator Wong say that he has not responded. I think he was probably too busy showing his glossy $100 million taxpayer funded advertising package to his mates yesterday at a function, which was pretty exclusive. It was the launch of WorkChoices—more like: work harder, work longer, work cheaper, no choice. There will not be any choice. Senator Wong did not get a response from the minister or the department, and I have not seen any alternative reference on the Notice Paper from the government. Senator Troeth has given some half-baked answer that there may be a reference to a legislation committee that will enable the people of Australia to look in more
depth at what this government is proposing in the way of welfare reform. We are not surprised, though, that the government will not allow that inquiry to happen.

There are a lot of good things we could find out from the inquiry, and I refer to what Senator Troeth said tonight about what she seems to think are concessions that she has extracted from the government. She talked about how, if people were unable to fulfil the requirements to work 15 hours a week because of special circumstances, they could apply for exemptions, dispensations or that decisions could be subject to review. I would like to inquire at a committee as to how that is going to work. How is that going to work, for example, in a rural or regional area of Australia where there is no Centrelink office and probably no internet connection because Telstra has not provided it there? What, for example, is a single mother of a disabled child going to do if the lady next door who looks after the child, in family day care arrangements, suddenly gets sick or has to go to hospital and there is no-one else to provide that care? Is the woman with the disabled child going to have to find her way to a Centrelink office? You can bet your bottom dollar that she will not be able to make those arrangements over the telephone. No doubt, as with all of this government’s legislation, there will be a plethora of paperwork that has to be completed, a quagmire of paperwork so that the woman can be exempted from the requirement to work 15 hours for that week or a couple of weeks. As if they have time to worry about that sort of stuff when they are trying to look after a disabled child, their child-care arrangements have fallen through and they know that their employer can sack them for no reason. As if you want to be worried about that.

That is the nature of this government. They introduce this extreme legislation and they note that the community is upset and anxious about it, so then they start cobbling together some ways that people with needs can be exempted from parts of the legislation. It is back to front, isn’t it? It is using a sledgehammer to crack a walnut. But that is typical—this government likes sledgehammers; we have seen it in the industrial relations legislation.

Another good reason to refer this matter to a references committee is to find out, as proposed in Senator Wong’s motion, about the jobs that are actually available for all these people who the government wants to turf off disability support payments and single supporting parents’ payments onto the dole. We have heard from Senator Marshall about the lack of availability of those kinds of jobs. It is all very well to say that people will be able to find part-time work, but I have worked a lot with employees trying to find part-time work that accommodates their child-care needs, or the needs of their children who are in school, and those are the hardest jobs to find. You try to find a lot of jobs available for people between 9 am and 3 pm during the day. They are very hard to come by. But that will not stop the government saying to people, ‘You will have to go and find one of those jobs,’ even if they are not really available.

What else would we find out in a references committee inquiry? What else has the government got to hide? Well, plenty, but it is good at hiding things. It does not mind spending $100 million of taxpayers’ money hiding the truth about its draconian, extreme industrial relations agenda—hiding the fact that it cannot give the people of Australia a guarantee that they will not be worse off under its proposed industrial relations changes. It cannot give a guarantee, and the minister was asked numerous times today during question time, to give that guarantee to the people of Australia, because there is no guarantee.
We should not be surprised that there is no guarantee, because this government just does not care. It just wants to drive down wages, put people into precarious employment and make their lives untenable and unstable, because it has no real regard for families at all. More importantly, it has no regard for accountability as to the processes that it should be observing. It has no regard for the fact that the people of Australia want to find out more about the legislation that it is going to ram through the Senate, and it has no regard for the fact that the people of Australia are entitled to find out the truth about its extreme agenda.

So I suppose it will not be too long before I am sitting here, in another division, watching the government vote down an attempt to refer a matter to a references committee—an attempt being made so that the people of Australia can have a say and can find out exactly what it is that the government is proposing, so that they can find out how it is going to be implemented and what it means for them, and so that the senators in this place, who have to make a decision, can have an opportunity to get a decent, comprehensive report about what is intended. I suppose I will just see that one go down like the Telstra legislation and like Senator Fielding’s reference to a committee. And how many more will we have to see? I guess time will tell but, with three weeks left to go of this parliament, I guess that gives the government three weeks to push through its extreme agenda—

Senator Abetz—Three weeks? It must be more. That is wishful thinking.

Senator McEWEN—Four weeks? Perhaps it is four weeks of Senate sitting. Well, that gives you more time—(Time expired)

Senator WONG (South Australia) (8.26 pm)—I rise to reply to speeches on the motion that I moved to refer the Welfare to Work changes to the Employment, Workplace Relations and Education References Committee. I would like to recap a number of the issues which have been raised in this debate.

We are debating a motion to refer to a committee for inquiry some of the most substantial and wide-ranging changes to social security in this country for many, many years. We are debating whether or not welfare changes which will affect the lives of hundreds of thousands of Australians are deserving of scrutiny by this parliament prior to the legislation being passed. We are debating whether or not the government’s extreme welfare changes, which will affect so many families and so many people with a disability in this country, are actually deserving of scrutiny.

I, for one—and, I know, others on this side of the chamber—believe that people with a disability and families in this country actually deserve to have this chamber properly scrutinise changes such as those which this government is proposing. I, for one, believe that, when you are proposing changes which will have the effect of putting 300,000 people into a worse financial position, that is probably something the Australian community expects its elected representatives to consider carefully and to work through before considering the legislation.

But what have we had from this government? Today in the Adelaide Advertiser, a paper from my home town, there was a very good picture—computer-generated, of course—of this chamber with the Prime Minister coming through in a bulldozer with ‘Telstra’ and ‘IR’ in signage on it. A picture is worth a thousand words, and certainly I think that picture really demonstrates exactly the approach that this government has to the Senate chamber now that it has a Senate majority. The Prime Minister’s words: ‘We will
use our mandate responsibly and wisely’ really ring very hollow in our ears now as we watch this government front up, again and again, to deny the Australian people the opportunity to have their representatives properly scrutinise legislation before they vote on it, and to deny the representatives of the Australian community the opportunity to properly consider in detail very wide-ranging changes before we vote on them.

We have already had— and there has been discussion of this issue in this debate—a Telstra inquiry which was a joke. It is a complete joke to have an inquiry for a single day on an issue as controversial and as disputed in the community as the sale of Telstra. There was a single day for the parliament to scrutinise it and very little opportunity, if any, for any member of the community to actually put their point of view. The only reason that the government rammed that through, as we know, was the political imperative of ensuring that Senator Joyce voted before he changed his mind yet again.

But the question that really needs to be asked is: why is it that the government is so wary of and opposed to allowing the Senate to consider the impact of the government’s extreme agenda on Australian families? That is what we are talking about. We had Senator Fielding’s motion last week and we have this motion today, which, on the contribution by Senator Troeth, will also be opposed by the government. We have this government opposing consideration of the impact of its extreme agenda on Australian families. So you have a government that says, ‘We are pro family; we want to do the right thing by families,’ and then says, ‘No, actually we don’t want to talk about—we don’t want to consider—what the impact of our extreme agenda will be on Australian families,’ whether it be in the context of industrial relations or in the context of welfare changes.

These welfare reforms are wide-ranging changes. They will substantially affect the incomes of at least 300,000 Australians and many more into the future. This is one of the largest shake-ups of social security this country has seen in many years, yet we have a government that are refusing to allow this reference to a committee in order for those changes to be properly scrutinised. And what is their response? Their response was given by Senator Troeth. I note that Minister Abetz, who is responsible in the chamber for this area, has not spoken in this debate, but Senator Troeth was asked to come out and defend the government on this. She indicated that there may be a Senate legislation committee inquiry. Can I just reiterate for the benefit of the chamber that this matter has been on the Notice Paper since 14 September. We wrote last week to Minister Andrews asking that, if the government is proposing to go down the path of a legislation committee inquiry, can he at least provide us with a time line for that so we can make a judgment about whether that time line indicates that the government is serious about proper scrutiny of these changes. There has been no answer from the minister despite the letter and a phone call.

If the government were serious about ensuring that these changes are properly considered and that the community have the opportunity to put their views, that people with a disability in this country have the opportunity to put their views and that families in this country have an opportunity to put their views, they would not have any worry about coming into this chamber and saying: ‘Look, we’re going to have a legislation committee inquiry. We’ll ensure that it goes for X number of weeks and that that inquiry can be concluded before the legislation is passed.’ But they chose not to do that. They chose not to do that yet again. They are simply going to vote down this motion on the basis that they might have a legislation committee inquiry,
but they are not prepared to give any indica-
tion or any commitment that that will be a
full and proper inquiry and, more impor-
tantly, that the time line associated with that
inquiry will allow proper scrutiny before this
matter is voted on by this chamber. So if the
government vote this down, as it appears
they will, Australian families may well ask:
why is it that the government do not want
our elected representatives to consider the
impact of their extreme agenda on our fami-
lies? That is what Australian families will
think.

I turn finally to a couple of the comments
made by Senator Troeth. And again I note
that, despite our request, there is no indica-
tion of a time line on this. The government
seems, on the basis of its public statements,
to be determined to pass both this legislation
and the industrial relations legislation prior
to Christmas. We have four weeks of Senate
sittings left. I for one find it hard to under-
stand how it would be possible for this
chamber, given that there are no inquiries
afoot, to properly scrutinise the effect of
those changes before the legislation is de-
bated.

Senator Troeth did mention some of her
concerns regarding the impact of these re-
forms on rural and remote Australians, and
can I congratulate her on that and acknowl-
dge her for that, because we also have those
concerns. How are these changes going to
affect sole parents or people with a disability
who live in regions where the reality is that
there are no jobs? Either there are no jobs
that the person with a disability could rea-
sonably do because of transport or other bar-
rriers or there are no jobs that a sole parent
could realistically do because they live in an
area where there is no child care available
such that they could adequately manage their
work and family commitments.

I note that Senator Troeth indicated her
concerns. However, despite public indica-
tions from the government backbench that
this was an issue of concern, it does not ap-
pear that the National Party or indeed any
Liberal senators with an interest in this issue
have actually managed to get any of those
ameliorations through Minister Andrews’s
office. Senators will recall there were an-
nouncements about a week and a half ago
that there was a supposed softening of the
package. Rural and regional Australia was
not part of that. Is this yet another example
of National Party senators talking tough but
being unable to deliver when it comes to the
 crunch? We will wait and see what the legis-
lation is. It is all very well to talk about con-
cerns for rural and remote communities, for
regional communities in this country, but if
the legislation and the policies associated
with it do not take into account the impact on
people in those communities then really that
talk is very cheap, and people in those com-
munities will be aware of that.

This is a set of welfare changes which is
supposed to be about the transition from wel-
fare to work. I challenge the government at
the outset—the same challenge we have been
issuing for some time—to explain why it is
that cutting the budgets of vulnerable Austra-
lians, reducing the payments to people with a
disability and sole parents in this country, is
going to help them get a job. It is a very sim-
ple proposition. That is at the core of the
government’s package. That is what lies at
the cold heart of these extreme changes: a
reduction in the payments to vulnerable Aus-
tralians. Not once, not ever, has any member
of this government, backbencher or front-
bencher, indicated why it is that you need to
cut people’s payments in order to get them
into work. The only rhetorical argument they
have is that somehow they are pro work be-
cause they cut income and we are not be-
cause we actually say cutting income and
cutting payments, putting people onto a lower welfare payment, is not going to get them into work.

I say very clearly that Labor support welfare reform. Labor understand the importance of work, and we support moves to get people into work. We say that your package does not do that. The cold heart of your package is a move from one welfare payment to a lower welfare payment. These extreme changes are so incompetent that they massively reduce the financial reward for working. Despite all its rhetoric and all its avowed support of Welfare to Work, what the government has done is put people onto payments whereby they will retain less of every dollar earned than the payments they are already on. That is a very bizarre and wrong-headed approach to crafting a Welfare to Work package. We think that families in this country deserve their representatives scrutinising this legislation closely for the reasons I outlined earlier—that is, quite a substantial number of the policy changes do not require legislation but can be simply implemented administratively. It is appropriate that this go to a references committee. If the government votes this down, people with a disability and families in this country will ask the very reasonable question why it is that the government will not expose its changes to the scrutiny of the parliament through a committee process.

Question put:
That the motion (Senator Wong's) be agreed to.

The Senate divided. [8.42 pm]
(The Acting Deputy President—Senator AJM Murray)

Ayes............ 32
Noes............ 34
Majority........ 2
Senator CHAMBER of Higher Education Legislation Amendment (Workplace Relations Requirements) Bill 2005

Report of Employment, Workplace Relations and Education Legislation Committee

Senator EGGLESTON (Western Australia) (8.47 pm)—On behalf of the Chair of the Employment, Workplace Relations and Education Legislation Committee, Senator Troy, I present the report of the committee on the provisions of the Higher Education Legislation Amendment (Workplace Relations Requirements) Bill 2005 together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

Senator CROSSIN (Northern Territory) (8.48 pm)—by leave—I move:

That the Senate take note of the report.

I am glad, Senator Abetz, that you agreed to give me leave. As a member of this committee I think it is most proper and fitting that at least somebody provides some comments to this report and to the tabling of this report. This was an inquiry conducted by the Employment, Workplace Relations and Education Legislation Committee into the bill in relation to the higher education reforms agenda that the government are seeking to impose on universities. It is important to put down in Hansard some words in relation to this report because I think senators in this place need to have their attention drawn to the fact that the actions of the government in relation to what they are expecting universities to do are unprecedented in this country. It is important to also make some comments about this because on the day after the government launched what they would refer to as their industrial relations reforms on this country under a guise of choice and flexibility they seem to want to meddle in the affairs of universities at a micromanagement level.

The ACTING DEPUTY PRESIDENT (Senator Ferguson)—Order! There is far too much audible conversation in the chamber.

Senator CROSSIN—What we have in the legislation and the reason this legislation was sent to this committee for inquiry is that under this government there is an attempt to, as I said, micromanage universities, to interfere in the day-to-day running and the regulation of universities, particularly in their industrial relations regime. This is where this government will impose on universities a direct link between becoming eligible for increases in assistance under the Commonwealth Grants Scheme and a requirement that they must offer all employees AWAs. This is, as I said, a level of involvement in the universities’ management unprecedented in this country—a level we have never witnessed before. On the one hand, we have a government who want to put through this parliament the workplace relations better bargaining bill to rule out pattern bargaining but, on the other hand, they insist that they want to involve themselves and meddle with the day-to-day affairs of the industrial relations of each and every university.

What is so unusual about this legislation is that never in my seven years here and as a member of this committee have I witnessed such strong objection to legislation by the Australian Vice-Chancellors Committee. We have had many inquiries into higher education in my time in the Senate and we have had vice-chancellors come before us and voice their objection to some aspects of legislation but probably agree with some other aspects of it. In fact, I think it was Professor Ian Chubb who said to us a number of years ago that the higher education sector in this country was in chaos.
In Melbourne, last Friday week, the Australian Vice-Chancellors Committee was absolutely 100 per cent against the passage of this legislation. Never have I seen the vice-chancellors so angry and so upset with this government. At the end of 2003 when the higher education reform legislation was going through the parliament, part of the workplace relations package was abandoned by this government. It had no agreement with the Australian vice-chancellors on that aspect of the package and it gave a guarantee that that would not be implemented. And now, after nine long years, this arrogant government—this government that is so hypocritical when it comes to industrial relations reform—has gone back on its word to all people in this country but in particular the vice-chancellors. It is just unbelievable. It is unprecedented.

The vice-chancellors want this bill rejected for seven reasons. They say it is unnecessary, it is unprincipled, it is discriminatory, it is impractical, it has unfairness associated with it, it is counterproductive and it is rigid and microregulatory. I have not heard such words and criticism of this government by vice-chancellors in the nearly 15 years I have been associated with higher education. The vice-chancellors manage universities. They have enterprise agreements. Some universities offer AWAs to their staff, most prefer not to. Why is that? Because it is time consuming and it is costly. I know that at the Charles Darwin University in the Northern Territory lecturers working on a casual basis—three or four hours a week—are now being offered AWAs. There is only one reason for that: this government is backing universities into a corner. It is forcing universities to take a draconian industry relations route in order to be eligible for money under the Commonwealth Grants Scheme.

In regard to this report on the provisions of the higher education legislation, there is one other thing I want to say: those people who have an interest in this bill and those people who are involved in human resource management in universities in this country should look at the transcript from that Friday hearing in Melbourne. Have a look at the answers that were given to this committee by officers from the Department of Education, Science and Training. Those officers were ill-briefed and uninformed and relied solely on information they had been given by the Department of Employment and Workplace Relations. When asked why it was that they believed university staff should be offered AWAs, they said they believed it was for their better protection. ‘They would be better protected under AWAs.’ But they could not substantiate it. Their only substantiation was, ‘That’s what DEWR told us.’ Then they had the audacity to tell us that people under AWAs were 100 per cent better off, but could not tell us what they based their figures on, only that that was what they had been told by the Department of Employment and Workplace Relations.

DEST will have to manage this program. DEST will have to ensure compliance with the enterprise agreements, the certified agreements, the regulations and the rigmrole that universities will now have to jump through in order to get this money. It would be a damn fine thing if the officers from that department actually understood what they were talking about, what exactly this legislation is on about and what exactly this legislation means for the day-to-day operation of human resource managers, staff and vice-chancellors.

I come from the higher education sector and there is no doubt there have been some problems with staff who do not perform, but that does not make the higher education sector a unique workplace in this country. Yet we do not see this government seeking to interfere in the affairs of the retail industry,
the tourism industry or the hospitality industry. Why should they seek to interfere in the affairs of higher education and the industrial relations regime in universities? There is only one answer: because of the effectiveness of the National Tertiary Education Union—the next union that this government wants to target. This is a union that has strong support from its union members in the academic and general staff around this country. This is a union that has worked hard on building relationships with vice-chancellors in this country. This is not a union that brings the higher education sector to its knees through industrial bargaining or through strike action. This is a union that has gone down the path of working cooperatively with vice-chancellors and moving with the times. This is not a union that needs to come under attack from this government. But this is the next union that this government has decided it will try to chop up with an axe. The union movement is much stronger and much more resilient than that.

In concluding my comments on the report on this legislation, I urge those people who have an interest, as I said, in the affairs of higher education to look at this report and the powers that this government is trying to impose on universities. I urge them to actually look at the transcript and the words of the Australian Vice-Chancellors Committee and how adamantly they are that they are the ones best able to manage the day-to-day affairs of the universities. They are the ones who ought to choose whether they offer staff AWAs. They are very angry and very upset that this government has lied to them, that this government has turned its back on the December 2003 agreement. The minute this government arrogantly gets control of this parliament, it seeks to implement its agenda by tying industrial relations conditions and AWAs to funding. The universities will have no choice but to pick up what is in this legislation, although they certainly do not want to and have expressed that view through the Australian Vice-Chancellors Committee.

Question agreed to.

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

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

In Committee

Consideration resumed.

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

The TEMPORARY CHAIRMAN (Senator Ferguson)—When the committee was considering this legislation before question time today it divided on amendments (1) and (2) on sheet 4606 moved by Senator Wong.

Senator WONG (South Australia) (8.59 pm)—The opposition opposes the bill in the following terms:

(3) Schedule 2, page 6 (lines 2 to 9), TO BE OPPOSED.

The TEMPORARY CHAIRMAN—the question is that schedule 2 stand as printed.

Question agreed to.

Senator ABETZ (Tasmania—Special Minister of State) (9.00 pm)—It has been pointed out to me that, in trying to truncate my second reading speech in response, I missed out two paragraphs, which I seek to put on the record on behalf of the minister, who, I understand, gave an undertaking that during the consideration of this legislation in

CHAMBER
the Senate this would be put on the record. The two paragraphs are as follows. The government is continuing an examination of government business enterprises and other Commonwealth commercial bodies to determine whether, like Telstra and Australia Post, they have legal responsibility for their own liabilities. Once it is clear that the Commonwealth does not have responsibility for the liabilities of the business enterprise, consideration will be given to formally excluding such enterprises from the application of the legislation by ministerial declaration.

Bill agreed to.

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

Senator MURRAY (Western Australia) (9.02 pm)—Minister, you will be pleased to know I am not going to give you the full blurb on this. I am sure you will respond equivalently. The minister and the Senate and Senator Wong are fully cognisant of the arguments which relate to item (1) on sheet 4639 revised, which is an amendment for accountability for advertising expenditure and requires certain matters to be conformed to by the government. I, and also on behalf of Senator Evans, move:

(1) Page 11, after line 11, after clause 8, insert:

8A Accountability for advertising expenditure

(1) Money appropriated by subsection 8(2) must not be expended for any public education or advertising project in relation to asbestos-related claims or any like-program established under this Act, where the cost of the project is estimated or contracted to be $100,000 or more, unless a statement has been presented to the Senate in accordance with this section.

(2) The statement must be presented by the minister to the Senate or, if the Senate is not sitting when the statement is ready for presentation, to the President of the Senate in accordance with the procedures of the Senate.

(3) The statement must indicate in relation to the proposed project:

(a) the purpose and nature of the project; and
(b) the intended recipients of the information to be communicated by the project; and
(c) who authorised the project; and
(d) the manner in which the project is to be carried out; and
(e) who is to carry out the project; and
(f) whether the project is to be carried out under a contract; and
(g) whether such contract was let by tender; and
(h) the estimated or contracted cost of the project; and
(i) whether every part of the project conforms with the Audit and JCPAA guidelines; and
(j) if the project in any part does not conform with those guidelines, the extent of, and reasons for, the non-conformity.


Senator WONG (South Australia) (9.02 pm)—This motion is moved on behalf of Senator Evans jointly with Senator Murray, and obviously the opposition will be supporting it. I will not traverse in detail the contributions we have made in relation to identical amendments made to a number of bills prior to this one, which the government opposed, but I will say that the importance of the sort
of accountability and transparency in advertising expenditure that this amendment contemplates is placed in stark relief by the government’s approach to their advertising campaign on their extreme industrial relations agenda. We have had a refusal by the government not only to allow the public to have some accountability for that expenditure of public funds on government advertising, but, even worse, to indicate to the public exactly how much they are spending on their advertising campaign. When the government oppose this amendment, it is in the context of their arrogant refusal to even disclose to the Australian public how much of the public’s money they will be spending on their industrial relations campaign, which has already commenced.

The amendment moved by Senator Murray and by the opposition does not prevent a government from advertising; it simply states there has to be some accountability and that, if a project is estimated or contracted to be in excess of $100,000, a statement has to be presented to the Senate in accordance with the section which outlines details of that project. It is a measure of accountability. It does not unduly trammel the ability of a government to engage in proper advertising, information campaigns and the like. It does introduce into the system some accountability for advertising expenditure. We have seen from the government, and we saw from the minister today in question time, a refusal to meet even the simplest of accountability issues—that is, how much the government’s industrial relations advertising will cost.

Senator ABETZ (Tasmania—Special Minister of State) (9.05 pm)—I will still be brief, despite this outrageous provocation by Senator Wong. I indicate, with respect, that the amendment being proposed is—especially to this bill—unnecessary. In relation to the workplace relations communications campaign: all communications campaigns are able to be examined in considerable detail through the Senate estimates process and they are usually set out in annual reports of the relevant departments. To try to put a figure on how much we will spend on a particular communication campaign 48 hours into it would suggest that we knew how quickly these issues were going to cut through and how quickly workers were going to become acquainted with their rights and entitlements, which we are legislating to protect. No government is in a position to know that in advance, just as Labor did not know that with their Working Nation advertisements.

Senator Wong interjecting—

Senator ABETZ—Senator Wong can keep interjecting, but I think the day has been long enough for her. She will only become even more untidy as the evening progresses, so I will leave the debate at this stage, suggesting that the Senate oppose the amendment.

Question negatived.

Bill agreed to.

Bills reported without amendment; report adopted.

Third Reading

Senator ABETZ (Tasmania—Special Minister of State) (9.08 pm)—I move:

That these bills be now read a third time.

Question agreed to.

Bills read a third time.
MEDICAL INDEMNITY LEGISLATION AMENDMENT (COMPETITIVE NEUTRALITY) BILL 2005

MEDICAL INDEMNITY (COMPETITIVE ADVANTAGE PAYMENT) BILL 2005

Second Reading

Debate resumed from 10 August, on motion by Senator Coonan:

That these bills be now read a second time.

Senator McLUCAS (Queensland) (9.08 pm)—In speaking to the Medical Indemnity Legislation Amendment (Competitive Neutrality) Bill 2005 and the Medical Indemnity (Competitive Advantage Payment) Bill 2005, I have to say that I am struck with an extraordinary sense of deja vu. The fact that we are here yet again debating in this chamber issues surrounding the question of medical indemnity underscores the absolute incompetence of this government in dealing with the question of medical indemnity. It underscores the mismanagement of the medical indemnity issue right from the beginning.

Senators will recall that the crisis arose in November 2001, when Australia’s main medical defence organisation, UMP/AMIL failed to fund $460 million worth of incurred but not reported IBNR claims. In the following month, UMP increased its premiums on average by 52 per cent. However, for obstetricians and neurosurgeons, this increase was as high as 123 per cent. In February 2002 UMP also faced pressure from APRA to raise additional capital to meet minimum capital requirements. APRA gave AMIL until 30 June 2002 to raise over $30 million to meet these requirements.

The government, as we would recall, intervened on 28 March 2002 and provided a short-term guarantee of up to $35 million to enable UMP to meet its minimum capital requirements. In April 2002 UMP unsuccessfully sought further assistance from the government to enable its directors to get personal liability insurance. On 29 April 2002 UMP filed for a provisional liquidator, who was appointed on 3 May that year and whose main objectives were to determine the company’s solvency and ability to continue trading. During this time, the Prime Minister made a commitment to ensure that, in the event of provisional liquidation, members were covered while a short-term solution was developed.

On 29 April 2002 the Minister for Revenue and Assistant Treasurer announced that the government would guarantee claims arising from any procedures from 29 April to 30 June by doctors covered by UMP, legislate this guarantee and assist in determining the long-term viability of UMP. The AMA was unsatisfied by the government’s guarantee and, as a result, the government faced the closure of wards and postponement of surgery as specialists sought greater certainty. Letters from both the Assistant Treasurer and the then Minister for Health and Ageing and action by the Royal College of GPs and the AMA then led to acceptance of this guarantee. The guarantee was finally approved by the courts in June 2002. This included approval of the extension of the guarantee from 30 June of that year to 31 December 2002.

In addition, the government also agreed to assume responsibility for the IBNR claims where the incident giving rise to the claim occurred before 30 June 2003. To recoup these funds, the government imposed a levy on members of all MDOs. The mechanics of the levy received strong criticism from doctors. In response, the government announced a number of changes to the scheme which exempted doctors employed by public hospitals, all doctors who are aged over 65 and doctors who retire early due to disability or permanent injury.
In November 2004 the saga continued. UMP announced that it would be reducing its premiums for 2005 by up to 30 per cent—surprise, surprise! This prompted other insurers to write to the government expressing their concern that the government’s package had delivered a substantial financial advantage to the insurer. At the time, these competitors stated that, if the fund had a surplus, it would have been more appropriate for it to offset its debt rather than to use this advantage to engage in predatory pricing.

On 12 January 2005, the Minister for Health and Ageing and the Assistant Treasurer announced an independent review of competitive neutrality in the medical indemnity market headed by Graham Rogers, the former head of the Institute of Actuaries. He reported, as was requested, in March 2005. This report confirmed that the specific assistance to UMP had resulted in a competitive advantage to the insurer, as this assistance allowed the insurer to focus on future liabilities only, as the government assumed its legacy commitments. It also confirmed that state tort law reform had led to a more bullish outlook with regard to future liabilities but that, without the government’s assistance, this would not have been the case.

The bills before us today seek to correct the competitive advantage that UMP gained from the government’s—foolish, in some respects—intervention. It is a very sad and sorry story. It started with a lack of oversight, a lack of monitoring, of the largest medical indemnity insurer in the country. Following the ideology of letting the market decide resulted in the almost demise of the largest medical indemnity insurer and the flow-on effects to other medical indemnity insurers in the nation. It resulted in the potential for surgical delays and early retirement of GPs who did not want to contemplate having liabilities that stretched past their employment life. It also led to specialists—obstetricians and gynaecologists, in particular—indicating that they would change their practice to stop the care of pregnancy and the delivery of babies. It has been, as I said, a long and sorry saga and an unmitigated mess.

But here we are again to clean up another bit of mess that I believe should have been predicted. The Medical Indemnity Legislation Amendment (Competitive Neutrality) Bill 2005, the bill that we are dealing with today, seeks to implement recommendations from the Treasury’s review of competitive neutrality in the medical indemnity market. The report was commissioned, as I said, following the announcement by UMP that they would be substantially reducing their premiums for 2005. This announcement confirmed that the Howard government’s package of assistance had helped UMP restore its financial position much sooner than expected and that this assistance had delivered a competitive advantage to the insurer. The bill contains machinery provisions relating to the assessment and administration of the competitive advantage payment imposed under the Medical Indemnity (Competitive Advantage Payment) Bill 2005. It also reduces payments required by doctors under the UMP support scheme.

But I have to say it was not without some warning that there were issues of concern that needed some attention. The former Labor government commissioned a report into medical indemnity issues. That was back in the mid-1990s. This inquiry was conducted by Ms Fiona Tito and has come to be referred to as the Tito report. When the Howard government came to office in 1996, the Tito report would have been sitting on the desk of the incoming Minister for Health and Family Services, Dr Michael Wooldridge.

The Tito report explicitly warned of a potential crisis in medical indemnity unless the
government acted and changed policy settings. It was advice that was clearly not taken by this government. The former minister for health, Dr Michael Wooldridge, is proud of but now infamous for his inaction after he received that report. I am advised that, at a conference at the University of Melbourne in 2003, Dr Wooldridge, who was minister for health for nearly six years after receiving this report, said:

... I was accused of doing far too little on medical indemnity. That’s completely unfair. I did absolutely nothing whatsoever.

That is an extraordinary admission of failure from a minister on behalf of a government who was given good and clear warning that something was going to happen in the medical indemnity sector if something was not done.

Labor will not be opposing these bills, but we really wish we were not continually coming back into this chamber having to tidy up this ongoing mess. However, these amendments highlight again the ad hoc nature of the way in which the medical indemnity reforms have been conducted, with little concern for long-term sustainability of medical indemnity or the long-term impacts of the financial support the Commonwealth is continuing to provide.

Senator NETTLE (New South Wales) (9.18 pm)—The Medical Indemnity Legislation Amendment (Competitive Neutrality) Bill 2005 and the Medical Indemnity (Competitive Advantage Payment) Bill 2005 are part of a patchwork of legislative fixes that this government has introduced to address the ongoing problems with medical indemnity insurance. These problems first came to light back in 2002, when Australia’s largest medical indemnity insurance provider went into provisional liquidation. The provider, UMP/AMIL, known as the United Group, covered nearly 60 per cent of the nation’s medical practitioners. At the same time, these practitioners were faced with large increases in the cost of their medical indemnity insurance. Instead of considering long-term systemic solutions to this problem, the government continues to focus on resolving the various short-term symptoms as they have arisen. It is clear that these bills also follow this short-sighted approach.

These bills are a response to the recommendations of the recent government-instigated review on competitive neutrality in the medical indemnity insurance industry. This review is a response to complaints from some of the medical indemnity providers who felt financially disadvantaged by the government’s support for the United Group. The 2005 review found that the government assistance provided under the 2004 legislation significantly financially bolstered the United Group over and above the rest of the insurance providers in this field. The government accepted the findings of the review, and these bills are the result. The Medical Indemnity Legislation Amendment (Competitive Neutrality) Bill 2005 creates a system through which the United Group is now required to make a series of payments back to the government for the next 10 years. The Medical Indemnity (Competitive Advantage Payment) Bill 2005 reduces the amount doctors need to pay under the previously instigated UMP support payment scheme.

I said last year, while speaking on the 2004 legislation, that the government needed to commit to addressing the root causes of the problem so that we are not here again next year with another piece of legislation that everyone feels they need to support but without any commitment to looking at the long-term issue of improving quality patient care and reducing the incidence of medical negligence. Well, here we are again one year later discussing another piece of legislation that once again fails to address the root
causes of the problem, and everyone feels that they need to support it but it does not look at the long-term issues, which are, I repeat, improving quality patient care and reducing the incidence of medical negligence.

The 2005 review makes clear what the government’s primary aim for this forever-growing list of medical indemnity insurance legislation is. It is not to improve the quality of patient care or even to improve the efficiency of the delivery of safe medical services. The review tells us that the primary aim is:

... to stabilise the industry and create an environment in which the industry could operate successfully.

The Greens have said before that this lineage of legislation continues to focus on bailing out the insurance companies and doctors while the government ignores the real issues of improving quality patient care and reducing the incidence of medical negligence.

Senator Ian Campbell described the 2004 legislation as an attempt to create a sound legislative model where the government was to provide a fair underwriting of the insurance industry’s IBNR liabilities. If this process proved successful, Senator Campbell argued that was fine because:

If they are making super profits or profits that are not acceptable to the market, they will be subject to the pressures of that marketplace.

Now we see that this is not the case. The United Group simply lowered its premiums in an attempt to increase market share. As a result, there was another taxpayer funded review followed by more legislation to further address the failings of the newly adjusted market. This is a good example of where this government pushes its free market ideology, but when the market fails, as it frequently does, this government moves into the hazy ideological in-between zone—in comes government market interference and out comes the chequebook for the subsidisation programs that bolster the influential players like the United Group.

But this time it went too far and, in conflict with the free market ideology, the government realised it had been picking winners. It had created a competitive advantage for the United Group relative to other insurance providers. In fact, there was such severe systemic favouritism in the second reading speech for these bills that Mr Abbott informed us that last year’s unexpected United Group announcement ‘sent a shock wave’ through the industry. Within a mere eight months of passing the 2004 legislation, the insurer was delighted to announce that it would reduce many of its premiums by between 10 and 30 per cent and that it had unexpectedly achieved its prudential regulatory requirements some years before the Australian Prudential Regulation Authority deadline.

The terms of reference of the 2005 review list the insurance crisis stakeholders as insurers and doctors as well as patients and taxpayers, yet the consequence of this government’s industry focus means that little thought is given to the needs of the patients or the wider public. With the growing number of expensive and convoluted schemes and reviews, taxpayers appear to be of little consequence at all. Yet, where did this medical indemnity insurance so-called crisis come from? It is still worth recalling that the original problems for the industry were largely created by the insurers themselves. In 2002, the United Group’s provisional liquidator said that the most influential factors were the lack of management experience within the organisation as well as the inadequate provision reserving for long-term liabilities. Other commentators, such as the Law Council of Australia, claimed that it was poor premium pricing in periods prior to 2002 as well as the
The government has also been swayed by the premise that patients are becoming increasingly litigious and that payouts are on the rise. In 2004, Mr Abbott described the situation as an explosion of tort law litigation. Yet, as I stated when speaking to last year’s legislation, there is little evidence to support this view. In fact, experts have shown that the rise in litigation is consistent with the relative rise in medical services provided. The latest public sector figures from the Australian Institute of Health and Welfare from the report entitled Medical Indemnity National Data Collection: Public Sector 2003 to 2004 show that over half the claims, or 52 per cent, had an estimated claim size of less than $30,000 and that a mere five per cent of claims were greater than $500,000. This does not suggest any kind of explosive growth in payments.

The Greens also believe that this raft of legislation props up an inadequate adversarial legal system that unfairly benefits those who can most afford to bring an action while discouraging the transparency and disclosure that are so necessary to improve on mistakes and misfortune with patient care. This goes against the urgent need to create a positive work environment for our health workers with their invaluable experience at the coalface that places them in the very best position to openly and honestly contribute to finding solutions. The adversarial approach also creates farcical scenarios, such as when two people who suffer from identical adverse events may obtain completely different legal outcomes on the basis of whether they can prove negligence or not. While both may continue to require identical services, one may not obtain compensation to help pay for the cost of additional care and treatment. Such patients are left to fall between the cracks.

As these bills are effectively an admission of the failure of past legislation, the Greens continue to urge for a genuine long-term approach to the issues of improving quality patient care and reducing the incidence of medical negligence. The Greens believe the option most worthy of serious consideration would be based on a no-fault scheme similar to that in New Zealand, Finland, Norway, Sweden and Denmark. We recognise there have been some problems with aspects of the New Zealand model; however, we argue that the broad concept of a no-fault approach deserves a full assessment as to its feasibility in implementing it in Australia in the manner of a comprehensive inquiry with genuine community consultation. This is quite unlike the Medical Indemnity Policy Review Panel, which has, as I said previously in this chamber, no consumer representation and no community consultation, or the more recent review of competitive neutrality in the medical indemnity insurance industry, which similarly cut out consumers and community voices.

How much longer must we wait for this government to take serious long-term action to resolve this problem once and for all? How much longer will the government continue to patch up a system that is fundamentally flawed? It is clear that we need to swing the focus back to where it matters—that is, to the long-term improvement of patient care. It is also clear that we need limits on public bailouts for private profits. The Greens maintain that this legislation represents yet another move in the wrong direction. Instead, what is needed is a genuine attempt to evaluate options that will address the systemic causes of problems in medical treatment and lead to the long-term improvement of patient care and the reduction in the incidence of adverse events.
As I have said in this chamber on many occasions, the standout option for the government to investigate is a no-fault medical indemnity and compensation scheme. The Greens call for the government to establish an independent inquiry to look into the viability of such a scheme and look forward to the support of the Senate in supporting the Greens’ call to prioritise public health over the needs of the medical indemnity insurance industry. I move:

At the end of the motion, add:

“but the Senate calls on the Government to:

(a) address the underlying causes of the current medical indemnity insurance problems by committing to dealing with the long-term issues of improving quality patient care and reducing the incidence of medical negligence; and

(b) establish an independent inquiry into the viability of a no-fault medical indemnity and compensation scheme, with full consumer and community consultation”. 

Question negatived.

Original question agreed to.

Bills read a second time.

Third Reading

Bills passed through their remaining stages without amendment or debate.

TRADE PRACTICES LEGISLATION AMENDMENT BILL (NO. 1) 2005

Second Reading

Debate resumed from 10 March, on motion by Senator Coonan:

That this bill be now read a second time.

Senator CONROY (Victoria) (9.31 pm)—Finally, I present the opposition’s response to this significant piece of legislation. The Trade Practices Legislation Amendment Bill (No. 1) 2005 was introduced in the house on 17 February, so it has taken almost eight months to reach this stage of the Senate. I trust you are not personally responsible for this, Minister Abetz?

Senator Abetz—A lot of consultation.

Senator CONROY—A lot of consultation. Small business has had to wait all this time for the important collective bargaining changes in this bill to be considered. Major changes to merger laws have also hung in abeyance, leading to increased uncertainty for corporate Australia. The government appears to have chosen to delay the passage of the bill, to push through its own preferred changes and to mute opposition in this chamber. It is the sort of arrogance we have come to expect from the government. But the opposition will not be mute on this bill, as we have significant concerns with aspects of the legislation.

The bill represents the government’s belated response to the Dawson committee of review into the competition provisions of the Trade Practices Act. The report of the committee proposed major changes to trade practices law, especially in the processes of approvals for mergers. This bill has had a rather long and torturous journey up to this point of the legislative process. In the 2001 election campaign, the government announced an inquiry into the TPA. Justice Dawson gave his report to the Treasurer in January 2003. Labor was disappointed with the report, which failed to adequately address the concerns of small business.

With the support of the minor parties, Labor established the Senate Economics References Committee inquiry into the effectiveness of the Trade Practices Act 1974 in protecting small business. That committee reported in March 2004. The government did not respond to the Dawson report until June 2004 and failed to bring forward a bill last year in sufficient time to be considered prior to the election. While it accepted some rec-
ommendations of the Senate committee, it failed to include them in its trade practices reform legislation, either before or after the election. So the whole process has taken four years up to this point. It has to be said that this bill is a very poor outcome after all of those years. Indeed, in some aspects it is a step backwards.

After the election, the government moved from dithering and delaying on the Dawson report to outright obstructionism and legislative irresponsibility. It inserted into the bill a new clause that had one, and only one, purpose—to politicise the issue of Trade Practices Act reform through the insertion of an ideologically driven restriction on the ability of small businesses to have a union act for them in matters of collective bargaining. This union exclusion clause is a bizarre and pointless act of a government legislating its own prejudices. I will return to consideration of this union exclusion clause later in my remarks.

I will now turn to schedule 1 of the bill, the provisions that deal with mergers. The bill will establish a voluntary formal merger clearance system to operate in parallel with the existing informal merger clearance system. It will also provide for a merger authorisation process which will allow applicants to go straight to the Australian Competition Tribunal, bypassing the ACCC. Under current law, the parties can seek to secure an informal clearance from the ACCC that a proposed merger does not substantially lessen competition. Clearance provides parties with immunity from ACCC action but not from action by third parties. This process has been criticised as creating uncertainty in business because of the threat of third party appeal. It has also failed to produce a body of precedent on the ACCC’s interpretation of the act.

Where a merger would substantially lessen competition, the parties can currently seek authorisation from the ACCC based on the merger being of public benefit. If the parties are denied, they can proceed to the Australian Competition Tribunal. Importantly, if authorisation is granted, third parties can appeal the authorisation decision. The arrangements proposed in this bill now include a voluntary formal clearance process that will operate in parallel with the informal clearance system. The test for considering mergers will remain unchanged. Under the new formal clearance procedure, the commission will have 40 days to make a decision on the proposed merger.

Parties will be presented with reasons for the commission’s decision and will be given an opportunity to have the Australian Competition Tribunal review an unfavourable decision. However, the review proceeds on the basis of a competition test. That is, the ACT examines whether the proposed merger substantially lessens competition in the relevant market. Labor’s concerns in relation to this bill relate more to the process for merger authorisation. Under the arrangements in this bill, parties to a proposed merger can proceed straight to the ACT, bypassing the ACCC. The threshold for approval is not the competition test but whether the merger result would lead to a public benefit. In other words, where parties are certain to breach the competition test, they will appeal direct to the ACT.

Labor has an alternative merger model, which maintains the role of the ACCC as the prime regulator. In Labor’s view, the ACT should be simply a review body, not the primary decision maker. The government’s model does not create sufficient checks and balances on mergers. The ACCC is the body best placed to assess the competitive impact of mergers. Its assessment is crucial and should be on the public record. This im-
proves transparency and ensures that the process is fair and equitable. In contrast, a direct appeal to the ACT will mean that the expertise of the ACCC might not be brought into consideration. Moreover, the ACCC’s analysis may not be on the public record. There is also a question as to whether a quasi-judicial body like the ACT is best equipped to analyse a complex question of market competitiveness. Labor will seek to amend the bill to provide that authorisations must proceed to the ACCC in the first instance but limit the time the ACCC can take to consider the application.

I will have more to say on the question of the government’s proposed amendments to schedule 1 in the committee stage. Suffice to say at this point that Labor welcomes the fact that the government has now come around towards the ALP viewpoint. It is an encouraging sign—but not encouraging enough. Labor will seek to amend the bill to safeguard the role of the ACCC as the primary decision maker in the issue of merger approval.

Of the many errors and mistakes a government can make, arguably one of the most serious is to seek to put into law its own biases, prejudices and ideological obsessions. Sadly, there is an example of this in proposed section 93AB(9) in this bill. Collective bargaining is generally prohibited under the Trade Practices Act, but the bill creates a notification regime so that a small business can notify the commission of collective bargaining action. If the commission does not object within 28 days, the applicant is immune from action under the Trade Practices Act. This is a sensible amendment which Labor has always supported and supports here today. However, proposed section 93AB(9) denies small business this immunity if the collective bargaining is undertaken by a union as defined under the Workplace Relations Act. While I reiterate Labor’s support for the introduction of a notification procedure as a whole, we will not vote for this bill so long as it effectively prevents unions from using the notification procedure on behalf of their small business members. There is no sustainable policy justification for this blatantly discriminatory provision.

The Dawson review made no mention of any need to prevent the notification procedure being used by trade unions acting on behalf of small business. The explanatory memorandum is also silent on the policy rationale behind this change. Once again the government has demonstrated that its rhetoric about freedom of association is just hollow. If a group of small businesses want the assistance of a union to avail themselves of the new notification procedure in the bill, why should the government thwart their choice?

*Senator McGauran interjecting—*

*Senator CONROY—*Clearly you do not have a clue, Senator McGauran, about the impact of this bill. You really do not, if you can sit there mumbling those things over there. On the day you were advertising, $20 million—

*The ACTING DEPUTY PRESIDENT (Senator Ferguson)—*Senator Conroy, address your remarks through the chair, please.

*Senator CONROY—*I accept your admonishment, Mr Acting Deputy President. On the day the government begin spending $20 million of taxpayers’ money advertising choice, they are in this chamber restricting choice. I say ‘hypocrite’. If the arrangement does not provide offsetting public benefits, the ACCC can object to the notice or have it withdrawn. The fact that unions have a proven track record of being effective bargaining agents is no basis to deny a small business the right to access their services. Unions clearly have the ability to make these provisions effective in negotiations with
some of the powerful big business interests that typically support the Howard government. There still has not been any other policy rationale put forward. Senator Brandis, you are an acknowledged expert in this area. I invite you to address this particular clause, and I invite you to try to justify it. I listen to some of your speeches sometimes and you give a very liberal—

The ACTING DEPUTY PRESIDENT—Senator Conroy, you are not addressing the chair.

Senator CONROY—Sorry. Again I accept your admonishment. Senator Brandis—through you, Mr Acting Deputy President—is an acknowledged expert, and he has very liberal views in these areas and some very sensible and moderate views. And he supports—as I am sure you do, Mr Acting Deputy President, and many others, especially Senator Abetz—freedom of association. If people want to engage in association to collectively bargain on behalf of small business, why shouldn’t they be able to? I invite any speaker but particularly—through you, Mr Acting Deputy President—Senator Brandis to give us a philosophical basis for this particular clause.

The proposed section 93AB(9) will have a particularly adverse impact on small businesses in the transport industry. Let us be clear. For those of you who have known me for some time, and that is most senators in the chamber, I make no apology whatsoever: as a former official of the Transport Workers Union, I am proud to stand here today and participate in this debate on behalf of small businesses. On average, one-third of the members of my union are small businesses—indeed, independent contractors. It is perfectly legitimate for them to want to associate, to want to engage the union to negotiate on their behalf. But no, it has to be some spiv lawyer. It cannot be a union with history and experience in representing them. It is an ideological obsession.

Thousands of owner-drivers operating as incorporated entities choose to be represented by the Transport Workers Union. Owner-drivers are at a significant disadvantage when it comes to dealing with the market power possessed by the large transport companies. There is a clear public benefit in allowing collective bargaining. Collective bargaining protects drivers from the imposition of contractual terms that would pressure drivers into unsafe practices. I have personal experience of dealing in these situations where companies pressure small businesses to drive in unsafe manners. They try to negotiate contracts which have speeds that actually are faster than the legal speed limits. One famous example was, I think, Australia Post letting a contract where the average driving speed from Sydney to Perth was 106 kilometres an hour. That is faster than the legal limit in most states—and that is just the average, forgetting automatically slowing down for going through any city. Imagine the sorts of speeds! This was successfully challenged and that was pointed out. But that is what happened.

Let us be clear: these large transport companies are prepared to put lives at risk. If independent contractors want to negotiate through a union, why shouldn’t they be allowed to? Contracts which require drivers to speed or drive for too long pose a threat not only to owner-drivers but also to the public travelling on our roads. The Transport Workers Union has previously obtained authorisation under the act to negotiate on behalf of owner-drivers with the Australian Road Transport Federation on long-distance freight rates. Was there a problem? Did anybody object? No. This bill will ensure that cannot happen anymore. Twenty million dollars is spent arguing about choice, yet in this chamber today choice is being taken away. It had
satisfied the ACCC before that these arrangements can yield a public benefit. This bill makes no change to the ability of unions to seek authorisation. If this bill is passed in its current form, it will create a stark anomaly. The cheaper, quicker and simpler notification procedure will be available to industry bodies. Industry bodies, like the Motor Traders Association, the Australian Hotels Association and the Farmers Federation, will still be able to do it, but not unions acting on behalf of their members.

The prohibition on unions using the notification procedure for collective bargaining has nothing to do with competition policy. The ACCC can already stop a union from acting anti-competitively where there is no offsetting public benefit. The prohibition and involvement of unions in notifications is just another example of the government’s obsession with union bashing. The collective-bargaining changes in this bill have the potential to benefit small businesses. I will discuss this further in the committee stage debate on this bill, when Labor will move to omit the proposed new section 93AB(9). Labor will also be proposing an amendment to the transactions threshold at which collective-bargaining notifications can be made. The current bill proposes that the threshold is set by regulation, and Labor seeks an increase in the threshold.

Small business has been vocal in seeking to maintain the current prohibition on third line forcing. Third line forcing occurs when a corporation sells goods or services or gives a discount but only on the condition that the purchaser requires other goods from a third person. Companies can obtain immunity from third line forcing if they notify the ACCC and the ACCC does not object. The ACCC will not object if the arrangement does not substantially lessen competition or if there is an offsetting public benefit. Labor’s position is that the current per se prohibition should be retained. Labor welcomes the government’s Ian Thorpe-like tumble turn on this issue. Talk about a 180-degree turn at high speed. The government is about to delete the provisions from the bill that would remove the per se prohibition. But let us be clear: this position has occurred only as a result of sustained pressure from the ALP, which has pushed for a pro-competitive position of third line forcing. In my remaining time, to be fair, I should acknowledge the work of the National Party. For once they have gone into bat for people they claim to represent.

Debate interrupted.

ADJOURNMENT

The ACTING DEPUTY PRESIDENT (Senator Murray)—Order! It being 9.50 pm, I propose the question:

That the Senate do now adjourn.

Electoral Matters

Senator NASH (New South Wales) (9.50 pm)—We live in a democracy where all people of voting age who are eligible to vote have a right to vote. They have a right to vote free from deception. They have a right to vote in an electoral system which delivers the highest levels of confidence in the integrity of that electoral system to deliver the highest levels of accuracy. Australians live in a democracy where people expect the system of elections to be free from influence by those of unscrupulous intent. There have been musings in the past on the need to tighten up and change aspects of the management of our electoral process, and the government has attempted to do this but it has been forced to alter and water down such proposals, mainly as a result of the opposition and minor parties in this place.

Some might suggest that the Australian Labor Party is a definite benefactor of a less strengthened electoral system. Indeed, ac-
tions that occurred in the federal electorate of Richmond during the 2004 election spring to mind. The level of electoral deception exercised by people attempting to remove the then sitting Nationals member, Larry Anthony, was an absolute disgrace. The release today of the report by the Joint Standing Committee on Electoral Matters into the 2004 federal election has been proof positive that deceptive and misleading conduct caused the electoral loss of sitting member, Larry Anthony. The report states at paragraph 5.60:

... had the Liberals for Forests not engaged in misleading and deceptive conduct to present themselves as the Liberal Party of Australia and direct more than enough of those votes via preferences to the Australian Labor Party, the Nation’s Mr Anthony would have retained the seat.

In the next paragraph, 5.6.1, it continues:

As a consequence, the Committee holds that Ms Elliot was elected as a result of preferences on the basis of deceptions by Liberals for Forests.

The voters of Richmond deserved better. The presence of Liberals for Forests was designed purely to deceive voters.

The Greens candidate for Richmond—and I emphasise that it was the Greens candidate for Richmond—Susanna Flower did not mince words in her description of the Liberals for Forests’ presence in Richmond. She told the committee’s public hearing in Tweed Heads that Liberals for Forests:

... was a bogus party, set up to steer votes away from the National Party... to deceive them.

Liberals for Forests’ how-to-vote cards were designed to deceive unsuspecting voters and to look identical to Liberal how-to-vote cards, with ‘Liberals’ emblazoned in large letters and ‘for Forests’ in very small type. A member of the public with no party affiliation whatsoever, a Mrs B Smith, told the inquiry in Tweed Heads:

There were thousands of local people deliberately and fraudulently misled by this party and voted for them understanding they were casting a Liberal vote.

Liberals for Forests booth workers wore blue T-shirts with ‘Liberals’ again written in very large letters. The tactics employed by Liberals for Forests were clearly designed to deceive people by making it unclear whether voters were voting for the Liberal Party of Australia or the ill-intentioned Liberals for Forests.

During its public hearings at Tweed Heads, the inquiry of the Joint Standing Committee on Electoral Matters heard that, throughout election day, Liberals for Forests booth workers were saying to voters, ‘Vote Liberal.’ The words ‘for Forests’ were never heard—it was simply ‘Vote Liberal.’ In a marginal seat such as Richmond, where the coalition candidate was from The Nationals, such claims were very deceptive for a coalition voter. Immediately following the election, and prior to the declaration of the poll, it was estimated that more than 100 voters from Richmond contacted the then sitting member’s office to complain that they had been misled by the Liberals for Forests. And I would like to point out here that only 151 votes would have changed the outcome of the result in Richmond.

These misled voters believed the how-to-vote card was telling them how to vote for the coalition, but in fact they were deceived into voting for Labor. It is no surprise that the committee inquiry report found that the Liberals for Forests how-to-vote card was a direct cause of the defeat of Larry Anthony in the seat of Richmond. The committee’s findings of deceptive and misleading conduct in Richmond expose serious breaches of the most fundamental democratic rights we have. The conduct of Liberals for Forests has undermined people’s right to a fair vote. Such blatant deception has denied the voters
in Richmond the opportunity to exercise their democratic right to vote and get the intended result of that vote.

This misleading and deceptive conduct by the Liberals for Forests should be condemned by all Australians, no matter what their political allegiance—and yet not a word has been heard from the Australian Labor Party. When the electoral matters committee travelled to Tweed Heads for public hearings, the Greens candidate for Richmond who I mentioned earlier, Susanna Flower, and her campaign manager both fronted the inquiry to give evidence. The Nationals' Richmond Electorate Council Chair gave evidence, and the public gave evidence. Even Liberals for Forests made submissions to the inquiry. But the apparent major benefactor of the deception, the Australian Labor Party, refused to appear. Not surprisingly, the committee asked the ALP member for Richmond, Justine Elliot, to appear before the hearing in Tweed Heads, because she was a candidate and benefited from Liberals for Forests preferences. The member for Richmond declined to appear. She was also invited to send a representative in her absence, but also declined this offer.

Following the hearing, the chair wrote to the member for Richmond and asked her to appear at a hearing of the committee in Canberra during parliamentary sitting at a time of her convenience. The member for Richmond did not even have the decency to reply to the chair’s correspondence. The member for Richmond made absolutely no effort to address the committee’s concerns in relation to the Liberals for Forests deception allegations. Such inaction begs the most obvious of questions: what are the Labor member for Richmond and the Australian Labor Party scared of? What are they trying to hide? Serious questions remain unanswered over the ALP’s involvement in the Liberals for Forests’ deceptive and misleading conduct. I am sure the committee would have liked to have been given an opportunity to reach a definitive conclusion as to whether the member for Richmond and local ALP officials were aware of, or involved in any way with, the planned deception by Liberals for Forests.

The member for Richmond’s refusal to appear before the Joint Standing Committee on Electoral Matters, or to answer correspondence requesting her to appear, has meant that her involvement cannot be proved or disproved. A dark shadow of doubt has been cast over the Labor member for Richmond’s credibility and integrity as a member of the Australian parliament. The voters of the far North Coast have been denied democracy in a most disgraceful act of electoral deception—one of the most disgraceful I have ever seen—and, by her very inaction, the involvement of the member for Richmond cannot be ruled out.

I call on the member for Richmond, Justine Elliot, to reveal to the voters of Richmond her knowledge of the deceptive and misleading actions that assisted her election to the other place. The member for Richmond has in no way been cleared of involvement in the Liberals for Forests’ deception of the voters of Richmond. The voters of Richmond deserve an explanation. The member for Richmond must place on record, once and for all, her involvement in this conduct. The Labor member for Richmond’s silence on the deceptive and misleading conduct of Liberals for Forests shows her contempt for the people of her electorate, and those constituents in the federal electorate of Richmond deserve better.

**Australian Defence Force: Occupational Health and Safety**

Senator MARK BISHOP (Western Australia) (9.58 pm)—Before commencing my contribution to this evening’s adjournment debate, I should point out to Senator Nash,
the previous speaker, that when the National Party or the government is willing and able to deliver the former Deputy Prime Minister, Mr Anderson, or the current parliamentary secretary Senator Sandy Macdonald, to a public inquiry, we will move heaven and earth to have the member for Richmond appear similarly in the appropriate forum. But we ask for the test to be equal on both sides.

Having made those comments, I turn to the issue I wish to discuss tonight, which is about two separate aspects of occupational health and safety within the Australian Defence Force. The first concerns the obligations of the Department of Defence under the Commonwealth Occupational Health and Safety (Commonwealth Employment) Act, and the second concerns liability for and management of the costs of occupational health and safety within the military. Both these matters have implications more broadly, including implications for the government’s response to the report on military justice recently handed down by the Senate Foreign Affairs, Defence and Trade References Committee. That leakage on military justice I will address another time.

Comcare is currently investigating two quite different incidents in the ADF. The first concerns an incident of reported bullying which caused a young soldier from Robertson Barracks in Darwin to go AWOL. The second, far more serious, concerns the death of a soldier from heatstroke, also in the Northern Territory. The latter also entailed the hospitalisation of a number of other soldiers also suffering from heat exhaustion arising from the same incident. I am advised. Both these are serious cases worthy of investigation, but it is the method of investigation which is of greater consequence. Under the Commonwealth act, Defence has long been accountable to Comcare for its occupational health and safety responsibilities. This act of course applies to all Commonwealth agencies. It instils in each agency a formal duty of care, and breaches of its provisions are subject to investigation by Comcare by virtue of section 41 of the act. Comcare also has the power to enforce the rectification of mistakes.

The first of the incidents under investigation by Comcare is one of the more common complaints—bullying within the ADF. This forms the basis of many grievances. Such complaints, more often than not, are overlooked as part of general behaviour in a command environment. They may be investigated by the commanding officer and a number of other processes, all quite unsatisfactory. This is the ramshackle, compromised system of military justice currently in place and now subject to debate following the Senate committee report and the government’s response last week. In this instance, it was a complaint of repeated harassment involving physical and verbal abuse in a kitchen at Robertson Barracks.

The important point here is that such a breach was considered sufficiently important to warrant an independent investigation. This is a very interesting use of a civil power over the military by an outside body, hence there are a few key questions. Was it the result of growing concern about the ADF record on OH&S? Or was it a reaction to dissatisfaction with the ADF’s own investigations of this and other similar complaints? More to the point, is this a formal expression of concern about the effectiveness of military justice within the ADF? Further, if Comcare can legitimately investigate breaches of the OH&S act of this nature, should it not investigate all such breaches? For example, what could be a worse example of industrial negligence than that of the RAAF workers poisoned while working on the fuel tanks of the F111s at Amberley air base? Just as importantly, if breaches of the act are found, what are the remedies?
In fact, can Comcare oblige Defence to introduce reforms about which it seems to be so reluctant—that is, insist on proper standards of behaviour by employers towards employees? In theory, the answer is yes; after all, that is the law. The ADF is clearly subject, without exception, to the Commonwealth occupational health and safety act. That is why Comcare is investigating the two incidents at present. So the next question is: is that appropriate? In this context, it must be said that defence service is not an ordinary workplace. The duty of care may have limits though they are not defined. While real battle exposure is a natural limitation, it could also be said that training for battle is as well. We all know that the principal concern for any commander has to be and ought to be the welfare of his men. The test, of course, must be one of what is reasonable in the circumstances.

The second case I referred to, concerning the death from heatstroke, is a case in point. As we understand it, this was not a training exercise simulating battle conditions. It was an exercise necessary for certification and promotional assessment purposes. It was difficult to see any exemption from a duty of care there. Hence, if there was a breach of duty of care, it should be investigated, but by whom? Defence in fact does investigate such circumstances, but the law also says that Comcare can investigate. That is, there is a public interest beyond the responsibility of the employer to discipline the employee.

For those interested, this debate was had within the consideration of the review of military compensation by Mr Noel Tanzer AC in 1999. The option canvassed then was to allow Defence a self-regulatory role, but wisely it was not accepted by government. Oversight and accountability for occupational health and safety for the military remains subject to external scrutiny.

This brings me to the second point of my consideration, and that is accountability. As I have mentioned before in this place, Defence does not operate as a normal employer. It does not fund its own liability for occupational health and safety as reflected in compensation premiums and hence compensation costs. As I understand it, Defence monitors its future liability, but it is funded separately. And that liability is not attributed throughout the Australian defence forces. There is no responsibility for managers to monitor and manage their own contribution to that cost.

The traditional excuse is that defence business precludes that standard type of industrial management because of the nature of defence work. That logic, however, when one thinks about it, is flawed—and frankly, until responsibility is distributed, there can be no accountability. Peacetime service may be different to normal employment in some aspects, but very rarely should it allow occupational health and safety standards to be avoided. Accepting that, compliance should be complete in every respect. The only exception should be circumstances of simulated battle, where people are knowingly, deliberately and necessarily, one should say, put in harm’s way.

The involvement of Comcare in the investigation of breaches of duty of care in the ADF has a number of implications. As it presently stands, Comcare could become a de facto grievance body of the ADF, provided for already in legislation. Equally, the ADF could, in effect, soon see itself more fully accountable to Comcare under the same act. What then are the unique circumstances of the military sufficient for exceptions to be made? In what circumstances should the military be allowed to manage its own affairs? I suggest the answer is whenever it demonstrates a capacity to do so properly, thoughtfully, accountably and transparently.
At present, in this area of debate, it clearly fails that test.

**Climate Change**

Senator ALLISON (Victoria—Leader of the Australian Democrats) (10.08 pm)—I rise tonight to draw attention to the launch a week ago of *Citizens guide to climate refugees* by Friends of the Earth in Melbourne. I congratulate them for the initiative. This excellent guide has a series of fact sheets on climate change and historical emissions, what causes people to become climate refugees, a case study of Tuvalu and New Zealand, predictions of climate refugees to 2050, policy decisions that need to be made and advice on what individuals can do about climate change.

I want to focus on the effect of climate change on the people in our own Pacific region. Its 22 island states with a population of around seven million people comprise one of the regions identified by the Intergovernmental Panel on Climate Change as being extremely vulnerable to climate change. Pacific Islanders have been living in the region for over 10,000 years. They contribute a tiny 0.06 per cent of the world’s emissions but the IPCC says they are three times more at risk to climate change than countries in the global north. Why? Rising sea levels, king tides, spring tides and sometimes high tides are increasingly washing through the crop gardens on which they depend on several of the smaller atolls in both Melanesia and Polynesia. Salt water intrusion reduces the land’s productive capabilities and has already affected communal crop gardens on six of Tuvalu’s eight islands.

To add to their woes, coral bleaching due to rising ocean temperatures is depleting the fish that are critical to the survival of these small island states. Coastal erosion previously attributed to unsustainable coastal development is being exacerbated by storm and wave action. Tuvalu has lost sand banks and shorelines, as have the Carteret Islands. Some islands of Fiji have retreated 30 metres in the past 70 years. Coast roads, bridges and plantations are affected by erosion with the more intense storms and floods. At Majuro, the capital of the Marshall Islands, sea walls have been constructed to try to protect the infrastructure.

These islands rely on rainwater, and rainfall patterns are becoming more variable, resulting in water shortages. Drought in PNG, Micronesia, the Marshall Islands and Fiji is a direct consequence of variations in climatic and oceanic conditions. The highlands of PNG and the Solomon Islands that were previously too cold for mosquitoes are not now and malaria has been reported there. El Nino cycles have been linked to cholera, and cholera outbreaks have occurred in Micronesia and the Marshall Islands. The IPCC tell us to expect sea level rises worldwide of 0.09 to 0.88 meters between 1990 and 2100. That means Tuvalu will be totally submerged within 50 years.

Pacific islands have a high population density and they are low lying—a recipe for disaster with climate change. Around half the population of Bangladesh lives in areas less than five metres above sea level. More than half the population of Holland would be affected by a one metre sea level rise. Add to that London, Shanghai, Hamburg, Bangkok, Jakarta, Bombay, Manila and Buenos Aires and of course Venice and, more recently, New Orleans. The beach in Port Melbourne would come a lot closer to where I currently live, which is a block and a half away, and I wonder what will happen to the high-rise apartments right along the shore. The answer will no doubt be sea walls and levee banks, and we will lose those precious beaches for all time.
But at least the residents of Port Melbourne will be able to retreat to higher ground without having to leave the country. Not so the people of Tuvalu. Tuvalu is 3,400 kilometres north-east of Australia. As I said, it is a nation of eight tiny coral atolls that combine to make up only 26 square kilometres. It has a population of 11,636, half of whom live just three metres above sea level.

In 1997, the former Prime Minister of Tuvalu told the United Nations Framework Convention on Climate Change in Kyoto that Tuvalu was already experiencing sea level rise, strong winds, increased frequency of cyclones, flooding and tide surges. He described the effects as almost unbearable as vegetation, food crops and whole villages have been destroyed. Almost 3,000 Tuvaluans have already left their homelands for less vulnerable environments. Thanks to the efforts of New Zealand, there is now a Pacific access category of environmental immigrants. Seventy-five residents from each of Tuvalu and Kiribati and 250 each from Tonga and Fiji resettle in New Zealand each year.

To its shame, the Australian government refused to consider our Pacific neighbours as environmental refugees and rejected the Prime Minister of Tuvalu’s request for settlement here. Mr Ruddock, the then immigration minister of such compassion—and I am being facetious—claimed that accepting environmental refugees from Tuvalu would be discriminatory. Generous though NZ has been in taking these people, it accepts only those aged 18 to 45 who have an acceptable offer of employment, reasonable English, good health and character and the like. The poor, the aged and the sick are presumably left behind. In any case it seems unlikely, given the distance away, that many Tuvaluans would be able to tee up a job before they even arrive in New Zealand. But Tuvaluans do not want to go to New Zealand or Australia for that matter. They would prefer to stay on their islands.

But while they go about their lives, consuming and polluting a fraction of what we do, next to nothing changes here in Australia. We are still the highest per capita greenhouse emitters on the globe, and this government just does not seem to care. We are not going to sign up to Kyoto because it would damage our economy. This nonsensical claim has been debunked over and over again. What will damage our economy is the spread of drought that is already affecting every state. What damages our economy is the sheer stupidity of setting up renewable energy programs to fail. The much lauded MRET scheme has seen renewable energy as a source of the total energy used drop since its inception and the promised two per cent extra whittled down to less than one per cent thanks to the fact that it is not indexed to actual growth in energy use but to a fixed figure that was always known to be an underevaluation of energy use by 2010. And the bulk of MRET has gone to old hydro schemes thanks to the dodgy baseline arrangements that were set up at the time.

Biofuels have not fared much better. It looks unlikely that the 350 megalitres of biofuel production will be achieved by 2010 as the Prime Minister promised and, again, 350 megalitres would not have been anything like the promised two per cent of all fuels used or anything as ambitious as targets that are already set and being implemented in the United States and elsewhere.

According to the Red Cross, more people are now forced to leave their homes because of environmental disasters than because of war. Twenty-five million people could currently be classified as being environmental refugees. The Chinese government estimates
that 30 million of its people are already being displaced by the impacts of climate change; some say it is more like 72 million.

Norman Myers of Oxford University says climate change will increase the number of environmental refugees sixfold over the next 50 years and reach 200 million if nothing is done to slow global warming. Our own climate scientist Dr Graeme Pearman says a two-degree rise in temperature would place 100 million people directly at risk from coastal flooding.

So what should Australia do? Recognise the problem; assess the causes and determine Australia’s direct responsibility for creating them with our production of 1.4 per cent of the world’s greenhouse production; increase room for environmental refugees; increase funding for communities affected by climate and weather pattern change and meet our obligations under the overseas development assistance program of 0.7 per cent of gross national income instead of the current 0.28 per cent; review how Australia’s aid program can assist recipient communities in adapting to climate change; and, of course, take action that will see deep cuts in Australia’s greenhouse gas emissions. My thanks go to the Friends of the Earth and others for the effort that was put into preparing this Citizens guide to climate refugees. I seek leave to table the document.

Leave granted.

Nobel Prize Winners: Professor Barry Marshall and Dr Robin Warren

Senator EGGLESTON (Western Australia) (10.17 pm)—Tonight I would like to pay tribute to the two Perth scientists, Professor Barry Marshall and Dr Robin Warren, who were recently announced as the joint recipients of the 2005 Nobel prize for medicine. As it happens, I knew Professor Marshall when he was a mere medical registrar at the Port Hedland Regional Hospital back in the early eighties. The pioneering research efforts of these two men led to the 1982 discovery that Helicobacter pylori is the primary cause of gastric inflammation and gastric and duodenal ulcers. In awarding the prize, the Nobel Assembly noted:

It is now firmly established that Helicobacter pylori causes more than 90% of duodenal ulcers and up to 80% of gastric ulcers.

The finding of Marshall and Warren was initially the subject of intense scepticism and indifference from the medical fraternity because it challenged the prevailing orthodoxy that stress and lifestyle factors were the main cause of gastritis and ulcers. Up until the discovery of Helicobacter pylori the conventional wisdom was that it was impossible for bacteria to live in the extremely acidic environment of the stomach. As Professor Marshall said, ‘The idea of stress and things such as spicy foods causing ulcers was just so entrenched nobody could really believe that it was bacteria.’ He has referred to the intense difficulty that the two faced in having their discovery recognised and said:

It was a frustrating time—for about 10 years, nobody believed us. People believed we were somewhat eccentric.

We did not see the discovery implemented properly until about 1996. These days, GPs routinely treat ulcers with antibiotics and don’t really think anything about it.

To start at the beginning, it was in 1979 that Dr Warren, then a pathologist at the Royal Perth Hospital, observed the presence of a bacterium in biopsies from the stomachs of patients experiencing gastritis. In the face of scepticism from colleagues, he continued his research over the next two years. In 1981, he and Dr Marshall, then a gastroenterology registrar at the hospital, began collaborating. Together they conducted a study of patients with gastritis, noting the presence of the unusual bacterium. They established a link be-
tween the bacterium and ulcers, noting that it was present in all of the patients with a duodenal ulcer and most of those with a gastric ulcer.

In 1982 they succeeded in culturing the bacterium, which was discovered to be a new genus and given the name Helicobacter pylori. Warren and Marshall hypothesised that infection with this bacterium caused gastritis, which could then lead to ulceration. Most of the medical profession discounted this theory, and the pair had trouble getting their findings published in Australia. However, in 1983 the renowned British medical journal, the *Lancet*, published letters from the two doctors about their work, leading to other medical researchers around the world seeking to replicate their findings.

In 1984, out of frustration, in accordance with what are known as Kocks postulates to prove the cause of an infection, Dr Marshall ingested a culture of the bacterium and developed a textbook case of severe acute gastritis. From 1985 to 1987, Warren and Marshall studied the use of antibiotics in the treatment of ulcers and discovered that 80 per cent of patients were permanently cured of their ulcer if the Helicobacter pylori was destroyed. Further research by the pair uncovered how the bacteria was able to survive the acidity of the stomach, and from this a test was developed to determine the presence of the bacterium by testing the patient’s breath.

For most of this period, the research continued to be ridiculed by many in the medical fraternity. As Associate Professor Stuart Hazell said, ‘The vast majority of the medical profession, not only in Australia but worldwide, considered Barry to be a quack and really were extremely dismissive of their work for a number of years.’ In his book, *Helicobacter Pioneers*, Dr Marshall refers to the entrenched conventional views about the causes of gastritis and duodenal ulcers. He wondered whether gastroenterology was a science or a religion and he decided it was the latter—a religion. No doubt the scepticism was encouraged to some degree by the vast, entrenched commercial interests of the pharmaceutical industry, which manufactured antacid medications to treat gastritis and ulcers.

As acknowledged by the Nobel Assembly, it is thanks to the work of Marshall and Warren that:

Peptic ulcer disease is no longer a chronic, frequently disabling condition, but a disease that can be cured by a short regimen of antibiotics and acid secretion inhibitors.

Prior to Marshall and Warren’s discovery, peptic ulcers were treated with drugs that reduced stomach acidity. While the drugs generally healed the ulcers, these ulcers recurred in 80 per cent of cases once treatment ceased. Today, ulcers can be cured at low cost by a simple course of antibiotics and other drugs.

The award of the Nobel Prize is a fitting vindication of the tenacity of Marshall and Warren. Their self-belief enabled them to continue their research in spite of the intense scepticism and even hostility of the medical community. These two scientists stand as an inspiration and an example to all Australians of people who had courage in their convictions and, to scientists all over the world, they are proof of the classic scientific method of never dismissing any observation as an aberration but instead of testing the observation and drawing conclusions from it.

*Senate adjourned at 10.25 pm*

**DOCUMENTS Tabling**

The following documents were tabled by the Clerk:
Legislative instruments are identified by a Federal Register of Legislative Instruments (FRLI) number.

Christmas Island Act—Utilities and Services Ordinance—Christmas Island Water and Sewer Services Fees and Charges Determination No. 3 of 2005 [F2005L02916]*.

Civil Aviation Act—
Civil Aviation Regulations—Instrument No. CASA EX46/05—Exemption—from take-off minima outside Australian territory [F2005L03021]*.

Civil Aviation Safety Regulations—Airworthiness Directives—Part 106—AD/LYC/112—Lycoming Crankshaft Replacement [F2005L03019]*.

Class Rulings—

Cocos (Keeling) Islands Act—Utilities and Services Ordinance—Cocos (Keeling) Islands Water and Sewer Services Fees and Charges Determination No. 2 of 2005 [F2005L02915]*.


Customs Act—
CEO Instrument of Approval No. 98 of 2005 [F2005L02981]*.

Tariff Concession Orders—
0506112 [F2005L03016]*.
0508787 [F2005L03017]*.
0509604 [F2005L03018]*.
0509605 [F2005L03020]*.
0509608 [F2005L03022]*.
0509821 [F2005L03023]*.

Tariff Concession Revocation Instruments—
18/2005 [F2005L03013]*.
19/2005 [F2005L03014]*.
20/2005 [F2005L03015]*.


Hearing Services Administration Act—Hearing Services (Participants in the Voucher System) Amendment Determination 2005 (No. 1) [F2005L02975]*.


Lands Acquisition Act—Statements describing property acquired by agreement for specified public purposes under sections—
40.
125.

Migration Act—

National Health Act—Determinations Nos—
PSO 8/2005 [F2005L02973]*.
PSO 10/2005 [F2005L02974]*.

Product Rulings—Addenda—
PR 2003/30.
Taxation Determination TD 2005/36.
* Explanatory statement tabled with legislative instrument.

**Departmental and Agency Contracts**
The following document was tabled pursuant to the order of the Senate of 20 June 2001, as amended:

Departmental and agency contracts for 2004-05—Letter of advice—Human Services portfolio agencies.
QUESTIONS ON NOTICE

The following answers to questions were circulated:

**Family and Community Affairs: Overseas Travel**

*(Question Nos 722 and 740)*

**Senator Chris Evans** asked the Minister for Family and Community Services, upon notice, on 11 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 Patterson**—The answer to the honourable senator’s question is as follows:

Refer to following tables.

**Question on Notice 722**

**Ministerial Travel**

<table>
<thead>
<tr>
<th>1 (a) Travel</th>
<th>1 (b) Purpose</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vietnam, China,</td>
<td>Meetings with counterparts</td>
</tr>
<tr>
<td>Thailand,</td>
<td></td>
</tr>
<tr>
<td>Indonesia</td>
<td></td>
</tr>
<tr>
<td>1 (c) Departed</td>
<td>1 (e) Returned</td>
</tr>
</tbody>
</table>

2 (a) Meetings Attended

<table>
<thead>
<tr>
<th>2 (b) Vietnam 22 April am</th>
<th>1. Met Mr Nguyen Huy Ban, Director General, Vietnam Social Security.</th>
</tr>
</thead>
<tbody>
<tr>
<td>am</td>
<td>2. Visit KOTO vocational Centre for Disadvantaged Youth</td>
</tr>
<tr>
<td>pm</td>
<td>3. Met with Minister for Labour, War Invalids and Social Affairs, H.E., Madame Nguyen Thi Hang</td>
</tr>
</tbody>
</table>

QUESTIONS ON NOTICE
1 (a) Travel 1 (b) Purpose

23 April am 4. Met H.E. Mr Pham Gia Khiem, Deputy Prime Minister.
              5. Met H.E. Madame Tran Thi Thanh, Chairwoman – Min-
                 ister National Committee for the Care and Protection of
                 Children
              pm 6. Met Madame Ha Thi Khiet, Chairwoman, Vietnam
                 Women’s Union.

Beijing 25 April am 7. Met with HE Mr Zhang Zuoji, Minister for Labour and
              Social Security.
              am 8. Met with Mr Li Qiyan, Executive Vice Minister for La-
                  bour and Social Security.
              pm 9. Met with Li Baoku Vice Minister for Civil Affairs
              pm 10 Met with Vice Premier HE Wu Bangguo.

26 April am 11. Meeting with Officials of the Ministry of Finance.
              pm 12. Met with Zhang Xinqing, Director general, Beijing
                  Municipal Labour and Social Security Bureau.

Bangkok 29 April am 13. Met HE Mr Pongpol Adireksan Deputy Prime Minister,
              responsible for the Thai National Commission on Women’s
              Affairs.
              am 14. Met HE Prof dej Boonlong, Deputy Prime Minister
                  and Minister for Labour and Social Welfare.
              pm 15. Met HE Mrs Ladawan Wongsriwong, Deputy Minister
                  for Labour and Social Welfare, and Mr Somchai Wattana,
                  Secretary General of the Social Security Office.

Jakarta 2 May am 16. Meeting with National Commission on Women.
              pm 17. Met HE Mr Hamzah Haz, Vice President, Republic of
                  Indonesia.
              pm 18. Met Jusuf Kalla, Co-ordinating Minister of Social Wel-
                  fare.
              pm 19. Met HE Mr Bambang Kesowo, Secretarty of State and
                  Secretary to the Cabinet.

3 May am 3 (a) Met HE Mr Bachtiar Chamsyah, Minister for Social Af-
              fairs.
              am Met Mr Jacob Nuwawea, Minister for Manpower and
                  Transmigration.

3 (b) Accompanied by Business
Delegation? Y/N No

3 (b) If Yes
provide Delegation details

5 Travel Costs

5 (a) Minister $58,804.79
5 (b) Minister’s family
5 (c) Ministerial Staff
5 (d) Dep’t/Agency staff

This amount includes additional travel By Mr M Sullivan
to travel to New York which could not be separated from
the total amount.

QUESTIONS ON NOTICE
7 20/4 - 2/5/02 Thailand, Vietnam and China - Meetings with counterparts Mark Sullivan, Roger Barson and Leon Trainor = $58,804.79.

WHO | FARES  | ALLOW  | ACCOM  | OTHER  | TOTAL   
--- | --- | --- | --- | --- | --- 
Sullivan | 6954.41 | 3442.50 | 7042.07 | 96.86 | 17535.84 
Barson | 8690.01 | 1287.89 | 3879.47 | 102.43 | 13959.80 
Trainor | 9563.44 | 1049.45 | 3555.56 | 130.18 | 14298.63 

Question on Notice 722
Ministerial Travel

<table>
<thead>
<tr>
<th>1 (a) Travel</th>
<th>1 (b) Purpose</th>
</tr>
</thead>
<tbody>
<tr>
<td>China, Vietnam</td>
<td>Attend sectoral conference on Social Insurance</td>
</tr>
<tr>
<td>1 (c) Departed</td>
<td>1 (e) Returned</td>
</tr>
<tr>
<td>18/1/2003</td>
<td>30/1/2003</td>
</tr>
<tr>
<td>2 (a) Meetings Attended</td>
<td></td>
</tr>
<tr>
<td>2 (b)</td>
<td></td>
</tr>
<tr>
<td>Shanghai 20 January am</td>
<td>1. Attend Sectoral Conference.</td>
</tr>
<tr>
<td>21 January</td>
<td></td>
</tr>
<tr>
<td>Beijing 23 January am pm</td>
<td>2. Full day visit to Suzhou</td>
</tr>
<tr>
<td>24 January pm</td>
<td>3. Met with Zhang Xiaqiang, Secretary General State Development Planning Commission</td>
</tr>
<tr>
<td>Hanoi 26 January am</td>
<td>4. Met Madame Yang Yan Yin, Vice Minister, Ministry of Civil Affairs</td>
</tr>
<tr>
<td>27 January am</td>
<td>5. Met Madame Ha Thi Khiet, Minister-Chairwoman, Vietnam Women’s Union.</td>
</tr>
<tr>
<td>am</td>
<td>6. Met Dr Nguyen Huy Ban, Director General, Vietnam Social Security.</td>
</tr>
<tr>
<td>pm</td>
<td>7. Met Madame Le Thi Thu, Minister-Chairwoman, Vietnam Committee for Population, Family and Children’s Affairs.</td>
</tr>
</tbody>
</table>

3 (a) Accompanied by Business Delegation? Y/N
3 (b) If Yes provide Delegation details

Travel Costs
5 Total costs
5 (a) Minister $6069.31
5 (b) Minister’s family $3475.27
5 (c) Ministerial Staff $1790.81
5 (d) Dep’t/Agency staff $204.46

7 18/1 - 30/1/03 China, Vietnam - Attend Sectoral Conference on Social Insurance jointly organised by FaCS and the Chinese Ministry of Labour in China, visit counterparts in Vietnam- Mark Sullivan, Leon Trainor, Annabelle Cassells.
China only by: Tim Murton, Roger Barson, Wayne Jackson, Kim Loveday and Prof David Knox (consultant) = $75,379.06.

WHO | FARES  | ALLOW  | ACCOM  | OTHER  | TOTAL   
--- | --- | --- | --- | --- | --- 
Trainor | 6069.31 | 3475.27 | 1790.81 | 204.46 | 11539.85 
Cassells | 6069.31 | 3475.27 | 1632.01 | | 11176.59 

QUESTIONS ON NOTICE
Ministerial Travel

<table>
<thead>
<tr>
<th>WHO</th>
<th>FARES</th>
<th>ALLOW</th>
<th>ACCOM</th>
<th>OTHER</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Murton</td>
<td>5754.71</td>
<td>1046.36</td>
<td>2004.43</td>
<td>98.45</td>
<td>8903.95</td>
</tr>
<tr>
<td>Barson</td>
<td>5813.43</td>
<td>1063.09</td>
<td>2696.29</td>
<td>51.75</td>
<td>9624.56</td>
</tr>
<tr>
<td>Jackson</td>
<td>6265.43</td>
<td>324.32</td>
<td>2166.98</td>
<td>47.29</td>
<td>8804.02</td>
</tr>
<tr>
<td>Loveday</td>
<td>5706.43</td>
<td>489.63</td>
<td>1462.97</td>
<td>139.15</td>
<td>7798.18</td>
</tr>
<tr>
<td>Knox*</td>
<td>5339.05</td>
<td>540.50</td>
<td>971.72</td>
<td>204.62</td>
<td>7055.89</td>
</tr>
</tbody>
</table>

*Knox is a Consultant and not a Departmental and or Agency Officer Question on Notice 722

1 (a) Travel 1 (b) Purpose

<table>
<thead>
<tr>
<th>1 (c) Departed</th>
<th>1 (e) Returned</th>
</tr>
</thead>
<tbody>
<tr>
<td>30/3/2005</td>
<td>7/4/2005</td>
</tr>
</tbody>
</table>

2 (a) Meetings Attended
2 (b) 31 March 1 April

1. Attended Conference
2. Other bi-lateral meetings with Irish Minister for Social Affairs, Greek Minister for Employment and Social Welfare, Canadian Minister for Social Development, and the Netherlands Minister for Social Affairs and Employment.
5. Met Neil O’Connor, Assistant Director Homelessness and Housing Support, Office of the Deputy Prime Minister.

pm

6. Met Naomi Eisenstadt, Director SureStart Unit.
7. Met with Greg Clark, Adviser on City and Regional Development ODPM.
8. Met Claire Tyler, Director Social Exclusion Unit (ODPM).

5 April am

9. Met the Rt Hon Malcolm Wicks, Minister of State for Pensions
10. Met Bruce Caldwell and Jacinta Humphrey, Disability Unit, Dept of Work and Pensions.

pm

11. Met with representatives of the Camden Regeneration Project

3 (a) Accompanied by Business Delegation? Y/N
3 (b) If Yes provide Delegation details

Travel Costs
5
5 (a) Minister
5 (b) Minister’s family
5 (c) Ministerial Staff
5 (d) Dep’t/Agency staff $16,514.49

QUESTIONS ON NOTICE
7 30/3 - 7/4/05 France - Attend Social Policy Ministers Meeting, Jeff Harmer = $16,514.49.

<table>
<thead>
<tr>
<th>WHO</th>
<th>FARES</th>
<th>ALLOW</th>
<th>ACCOM</th>
<th>OTHER</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Harmer</td>
<td>11344.58</td>
<td>1147.50</td>
<td>3222.41</td>
<td>400.00</td>
<td>16114.49</td>
</tr>
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</table>

Total = $83801.13

Question on Notice 722

Ministerial Travel

<table>
<thead>
<tr>
<th>1 (a) Travel</th>
<th>1 (b) Purpose</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indonesia, Bali</td>
<td>Attend 6th East Asia &amp; Pacific Ministerial Consultation on Children</td>
</tr>
<tr>
<td>1 (c) Departed</td>
<td>1 (e) Returned</td>
</tr>
<tr>
<td>2/5/2003</td>
<td>8/5/2003</td>
</tr>
</tbody>
</table>

2 (a) Meetings Attended

2 (b) 5 May 2003

2.20pm Meeting with Carol Bellamy, Executive Director, UNICEF
Delivery of Australia’s country statement.

3 (a) Accompanied by Business Delegation? Y/N

3 (b) If Yes provide Delegation details

Travel Costs

<table>
<thead>
<tr>
<th>5 (a) Minister</th>
<th>5 (b) Minister’s family</th>
<th>5 (c) Ministerial Staff</th>
<th>5 (d) Dep’t/Agency staff</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>$5,577.34</td>
</tr>
</tbody>
</table>

7 2/5 - 8/5/03 Indonesia (Bali) - Attend 6th East Asia and Pacific Ministerial Consultation in Children - David Kalisch = $5577.34.

<table>
<thead>
<tr>
<th>WHO</th>
<th>FARES</th>
<th>ALLOW</th>
<th>ACCOM</th>
<th>OTHER</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kalisch</td>
<td>7227.23</td>
<td>316.00</td>
<td>735.66</td>
<td>125.33</td>
<td>9477.40</td>
</tr>
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</table>

Question on Notice 722

Ministerial Travel

<table>
<thead>
<tr>
<th>1 (a) Travel</th>
<th>1 (b) Purpose</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mexico, USA, Ireland, UK</td>
<td>Attend APEC Women’s Conference in Mexico Additional meetings in USA, Ireland and UK</td>
</tr>
<tr>
<td>1 (c) Departed</td>
<td>1 (e) Returned</td>
</tr>
<tr>
<td>26/9/2002</td>
<td>13/10/2002</td>
</tr>
</tbody>
</table>

2 (a) Meetings Attended

2 (b) Mexico 27 Sept

USA 1 Oct am

2. Met with Dr McLean Unysis Intelligent office
3. Met Dr R Barnes, Army Research Laboratory, Maryland
4. Met Tommy G Thompson, Secretary of Health and Human Services
5. Meeting at Canine Training Facility
6. Met Stuart Patterson, CEO, Speechworks.
7. Met Ralph Dickerson, President, United Way
Monday, 10 October 2005

QUESTIONS ON NOTICE

1 (a) Travel
1 (b) Purpose

am
8. Met Frank Fitzsimmons, Chief Operating Officer, Irish Technology.

pm
9. Met NY Municipal Government – NGO funding
10. Met Ms Mary Coughlin, Minister for Social Affairs
11. Met Joe Meade, Data Protection Commissioner
12. Discussions on Biometrics and Client Identity

Dublin 4 Oct am
14. Met representatives of Disability Living Allowance Advisory Board.

7 Oct am
15. Met with representatives of House of Commons Select Committee on Work and Pensions.

pm
9 Oct am

Paris 10 Oct am
17. Met with Senior officers of OECD.

pm
18. Met with representatives of ACCOR services.

11 Oct am

3 (a) Accompanied by Business Delegation? Y/N
3 (b) If Yes provide Delegation details

Travel Costs

5 (a) Minister
5 (b) Minister’s family
5 (c) Ministerial Staff
5 (d) Dep’t/Agency staff $23,916.95

7 26/9 - 13/10/02 Mexico, USA, Ireland, UK - Attend APEC Women’s Conference in Mexico, meetings in USA, Ireland and UK - Lisa Paul = $23,916.95

<table>
<thead>
<tr>
<th>WHO</th>
<th>FARES</th>
<th>ALLOW</th>
<th>ACCOM</th>
<th>OTHER</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Paul</td>
<td>13029.13</td>
<td>2770.01</td>
<td>7617.81</td>
<td>500.00</td>
<td>23916.95</td>
</tr>
</tbody>
</table>

Question on Notice 722

Ministerial Travel

1 (a) Travel
1 (b) Purpose

USA (New York)

Attend Beijing +10 Conference - Commission on the Status of Women

1 (c) Departed
26/2/2005

1 (e) Returned
6/3/2005

2 (a) Meetings Attended
2 (b) 27 Feb am

1. Met the Hon Asenaca Caucau, Minister for Women, Social Welfare and Poverty Alleviation (Fiji).
2. Met the Hon Ruth Dyson, Minister of Women’s Affairs (NZ).
QUESTIONS ON NOTICE

1 (a) Travel 1 (b) Purpose
1 March am 3. Trilateral Meeting with Canada.
am 4. Met Ellen Sauerbrey, US representative to Commission
pm 5. Met the Hon Liza Frulla, Minister of Canadian Heritage,
pm 6. Met Abdul Jalil, Minister of Women, Family and Com-
2 March am 7. Met Mr Nishime Junshiro, Parliamentary Secretary for
am 8. Met HE Dang Huynh Mai, Vice Chairperson of the Na-
pm 9. Met HE Mrs I Kantha Phavi, Minister for Women and
3 March am 10. Met Ms Zhao Shaohua, Vice Chairperson of the Na-

3 (a) Accompanied by Business
Delegation? Y/N
3 (b) If Yes
provide Delegation details

Travel Costs
5
5 (a) Minister
5 (b) Minister’s family
5 (c) Ministerial Staff
5 (d) Dept/Agency staff $47,141.30

WHO FARES ALLOW ACCOM OTHER TOTAL
Flanagan 8442.36 2804.18 3978.07 500.00 15724.61
Burrell 8442.36 2497.44 3878.54 146.78 14965.12
Williams 9344.31 2549.44 3978.07 150.00 16021.82

Question on Notice 722
Ministerial Travel – Financial Year 2000 - 2001

1 (a) Travel 1 (b) Purpose
New Zealand Ministerial Council Meetings
1 (c) Departed 1 (e) Returned
24/7/2000 26/7/2000
2 (a) Meetings Attended 1. Attend Ministerial Council Meeting
2 (b) 24 July 2. Attend Ministerial Council Meeting
25 July 3. No details of any additional meetings are available.
1 (a) Travel

3 (a) Accompanied by Business
Delegation? Y/N
3 (b) If Yes
provide Delegation details
5
5 (a) Minister
5 (b) Minister’s family
5 (c) Ministerial Staff
5 (d) Dep’t/Agency staff

Travel Costs
5
5 (a) Minister
5 (b) Minister’s family
5 (c) Ministerial Staff
5 (d) Dep’t/Agency staff

$6,929.42

7 24/7 - 26/7/00 New Zealand - Attend Ministerial Council meetings in Wellington - Jeff Whalan, Roger
Barson = $6929.42

WHO FARES ALLOW ACCOM OTHER TOTAL
Whalen 2221.40 422.90 774.96 327.70 3746.96
Barson 1654.40 297.74 603.96 291.17 2847.27
Total = $6929.42

Question on Notice 722
Ministerial Travel

1 (a) Travel

Singapore, Malaysia,
Indonesia

1 (b) Purpose

Attend Australia-Indonesia Ministerial Forum

1 (c) Departed
6/3/2003

1 (e) Returned
12/3/2003

2 (a) Meetings Attended

2 (b) Singapore 7 March am

am

1. Met Peggy Chua, Housing and Development Board.

2. Met Mr Heng Chee How, Mayor, Central Singapore District.

pm

3. Met Dr Yaacob Ibrahim Minister for Community De-
velopment and Sports.

pm

4. Discussion with Ministry of Community Development
and Sports.

Malaysia 9 March am

5. Met Dato Shahrizat binti Abdul Jalil, Minister for
Women and Family Development.

Jakarta 10 March am

6. Met Prof. Dr Prijono Tjiptohjeranto, Secretary to Vice
President.

am

7. Met HE Mr Bachtiar Chamsyah, Minister for Social
Affairs.

pm

8. Met Mr Jacob Nuwa Wea, Minister for Manpower and
Transmigration.

pm

9. Met HE Bambang Kesowo, State Secretary

pm

10. Courtesy call on President HE Mrs Megawati Soekar-
noputri.

11 March

11. Attend Ministerial Forum

3 (a) Accompanied by Business
Delegation? Y/N
136

<table>
<thead>
<tr>
<th>1 (a) Travel</th>
<th>1 (b) Purpose</th>
</tr>
</thead>
<tbody>
<tr>
<td>3 (b) If Yes</td>
<td>Provide Delegation details</td>
</tr>
<tr>
<td>Travel Costs</td>
<td></td>
</tr>
<tr>
<td>5 (a) Minister</td>
<td></td>
</tr>
<tr>
<td>5 (b) Minister’s family</td>
<td></td>
</tr>
<tr>
<td>5 (c) Ministerial Staff</td>
<td></td>
</tr>
<tr>
<td>5 (d) Dept/Agency staff</td>
<td>$22,715.23</td>
</tr>
</tbody>
</table>

7 6/3 - 12/3/03 Singapore, Malaysia, Indonesia - Attend Australia-Indonesia Ministerial Forum in Indonesia and discussions in Malaysia and Singapore, Mark Sullivan, Leon Trainor, Kerry Flanagan = $22,715.23

<table>
<thead>
<tr>
<th>WHO</th>
<th>FARES</th>
<th>ALLOW</th>
<th>ACCOM</th>
<th>OTHER</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sullivan</td>
<td>4548.65</td>
<td>580.00</td>
<td>822.47</td>
<td>141.06</td>
<td>6092.18</td>
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<tr>
<td>Trainor</td>
<td>6444.93</td>
<td>673.36</td>
<td>1481.43</td>
<td>69.89</td>
<td>8669.61</td>
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<tr>
<td>Flanagan</td>
<td>6150.51</td>
<td>647.70</td>
<td>1019.08</td>
<td>300.00</td>
<td>8117.29</td>
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Question on Notice 722
Ministerial Travel 2000 - 2005
Summary

<table>
<thead>
<tr>
<th>Year</th>
<th>Dates</th>
<th>Destination</th>
<th>Purpose</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000/01</td>
<td>24 July to 26 July 2000</td>
<td>New Zealand</td>
<td>Ministerial Council meetings</td>
</tr>
<tr>
<td></td>
<td>Total Costs</td>
<td>– $6,929.42</td>
<td></td>
</tr>
<tr>
<td>2001/02</td>
<td>20 April to 2 May 2002</td>
<td>Thailand, Vietnam and China USA, Canada</td>
<td>Meetings with counterparts UN Special Session on Children and meetings in Canada</td>
</tr>
<tr>
<td></td>
<td>Total Costs</td>
<td>– $80,433.38</td>
<td></td>
</tr>
<tr>
<td>2002/03</td>
<td>26 Sept to 13 Oct 2002</td>
<td>Mexico USA, Ireland, UK</td>
<td>APEC Women’s Conference and meetings in USA, Ireland and UK. Sectoral Conference on Social Insurance.</td>
</tr>
<tr>
<td></td>
<td>18 Jan to 30 Jan 2003</td>
<td>China Vietnam</td>
<td>Australia-Indonesia ministerial Forum</td>
</tr>
<tr>
<td></td>
<td>6 March to 12 March 2003</td>
<td>Singapore, Malaysia, Indonesia</td>
<td>6th East Asia &amp; Pacific Ministerial Consultation on Children.</td>
</tr>
<tr>
<td></td>
<td>2 May to 8 May 2003</td>
<td>Indonesia</td>
<td>Commonwealth Youth Ministers Conference.</td>
</tr>
<tr>
<td></td>
<td>24 May to 1 June 2003</td>
<td>South Africa (Botswana)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Total Costs</td>
<td>– $152,926.34</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Total Costs</td>
<td>– $74,394.62</td>
<td></td>
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</tbody>
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QUESTIONS ON NOTICE
**2004/2005**

<table>
<thead>
<tr>
<th>Date Range</th>
<th>Country</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>25 February to 6 March 2005</td>
<td>USA</td>
<td>Beijing +10 Conference</td>
</tr>
<tr>
<td>30 March to 7 April 2005</td>
<td>France, UK</td>
<td>Social Policy Ministers meeting and meetings in UK</td>
</tr>
</tbody>
</table>

Total Costs – $63,655.79

Total Cost 2000 – 2005 = $378,339.55

**Question on Notice 722**

**Ministerial Travel**

<table>
<thead>
<tr>
<th>1 (a) Travel</th>
<th>1 (b) Purpose</th>
</tr>
</thead>
<tbody>
<tr>
<td>USA, Canada</td>
<td>Attend UN special session on Children</td>
</tr>
<tr>
<td>29/4/2002</td>
<td>1 (c) Departed</td>
</tr>
<tr>
<td>12/5/2002</td>
<td>1 (e) Returned</td>
</tr>
<tr>
<td>Meetings Attended</td>
<td>1 May 2002</td>
</tr>
<tr>
<td></td>
<td>2. Met Brenda Elliot, Ontario Minister Community and Family Services and John Fleming, Deputy Minister.</td>
</tr>
<tr>
<td></td>
<td>3. Meeting with Professor F Mustard, Founders Network.</td>
</tr>
<tr>
<td></td>
<td>4. Met Jane Stewart, Minister for Human Resources Development.</td>
</tr>
<tr>
<td></td>
<td>5. Met Ethel Blondin-Andrew, Secretary of State, Children and Youth.</td>
</tr>
<tr>
<td></td>
<td>6. Met Mary Quinn and Kathryn McDade, Human Resources Department.</td>
</tr>
<tr>
<td></td>
<td>10. Met with Kristina Schake, Interim Director, I Am Your Child Foundation.</td>
</tr>
<tr>
<td></td>
<td>11. Met with Noeleen Heyzer, Executive Director, United Nations Development Fund for Women (UNIFEM).</td>
</tr>
<tr>
<td>2 May 2002</td>
<td>12. Meeting with John Baird, Minister for Community and Social Services and Minister responsible for Children, Ontario.</td>
</tr>
<tr>
<td></td>
<td>13. Met John Fleming, Deputy Minister for Community and Social Services, Ontario.</td>
</tr>
<tr>
<td></td>
<td>14. Met Dr Richard Tremblay, University of Montreal.</td>
</tr>
</tbody>
</table>
16. Met Dr L Aber, Director and Dr K McLearn, Associate Research Scientist, National Centre for Children in Poverty, Mailman School of Public Health.
17. Meeting with Ms Kristina Schake, Interim Executive Director, I Am Your Child Foundation.
18. Briefing with Australian NGO’s chaired by Australian Ambassador to the United Nations, Mr J Dauth.

7 May 2002
19. Bilateral meeting with Ms Carol Bellamy, Executive Director, UNICEF.

8 May 2002 pm
21. Lunch hosted by Dr C Bergmann, Federal Minister for Family Affairs, Senior Citizens, Women and Youth, Germany.
22. Meeting with Ms Louise Frechette, Deputy Secretary General, UN.
23. Meeting Noeleen Heyzer, Executive Director, United Nations Development Fund for Women (UNIFEM).
24. Delivery of the Australian Statement to the Plenary debate of the UN General Assembly Special Session on Children.

3 (a) Accompanied by Business Delegation? Y/N No
3 (b) If Yes provide Delegation details

5 (a) Minister
5 (b) Minister’s family
5 (c) Ministerial Staff
5 (d) Dept/Agency staff $21,638.59

WHO FARES ALLOW ACCOM OTHER TOTAL
McKay 14285.00 2142.17 5840.81 46.95 22314.93

Total = $80,443.38

7 29/4 - 12/5/02 USA (New York) and Canada - Attend UN Special Session on Children in NY and meetings - Robyn McKay = $21,638.59

Ministerial Travel
1 (a) Travel Vietnam
1 (b) Purpose Attend Australia-Vietnam Sectoral Conference on Retirement Incomes
1 (c) Departed 25/4/2004
1 (e) Returned 3/5/2004

2 (a) Meetings Attended
2 (b) 25 April pm 1. Briefing by Embassy staff.
26 April am 2. Attend conference
1 (a) Travel
27 April am
28 April am
29 April am
7. East Asia Ministerial Forum continued.
30 April am
8. Visit Ha Long Bay.

3 (a) Accompanied by Business Delegation? Y/N
3 (b) If Yes provide Delegation details

5 (a) Minister
5 (b) Minister’s family
5 (c) Ministerial Staff
5 (d) Dep’t/Agency staff $74,394.62

<table>
<thead>
<tr>
<th>WHO</th>
<th>FARES</th>
<th>ALLOW</th>
<th>ACCOM</th>
<th>OTHER</th>
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<tr>
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<td>875.48</td>
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<td>Dolan</td>
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<td>574.14</td>
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<td>Hunter</td>
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<td>381.76</td>
<td>1564.27</td>
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<td>Cassells</td>
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<td>Bail</td>
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<td>Kalisch</td>
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<td>372.88</td>
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<tr>
<td>Asher*</td>
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<td>0</td>
<td>3834.26</td>
</tr>
</tbody>
</table>

*Asher and Casey are Consultants and not Departmental/ and or Agency Officers

Total = $74,394.62

Question on Notice 722

Ministerial Travel

<table>
<thead>
<tr>
<th>1 (a) Travel</th>
<th>1 (b) Purpose</th>
</tr>
</thead>
<tbody>
<tr>
<td>South Africa (Botswana)</td>
<td>Attend Commonwealth Youth Minister’s Conference</td>
</tr>
<tr>
<td>1 (c) Departed</td>
<td>1 (e) Returned</td>
</tr>
<tr>
<td>24/5/2003</td>
<td>1/6/2003</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>2 (a) Meetings Attended</th>
</tr>
</thead>
</table>

QUESTIONS ON NOTICE
QUESTIONS ON NOTICE

1. Met Minister Dr. Essop Pahad, Minister in Presidency, including National Youth Commission of South Africa.
2. Visit AusAID Youth Project in Pretoria.
3. Met Mr. Jabu Mbalula, Chairman of the South African Youth Commission.
4. Attend Youth Conference.
5. Visit Soweto township.

3 (a) Accompanied by Business Delegation? Y/N
3 (b) If Yes provide Delegation details

Travel Costs
5 (a) Minister
5 (b) Minister’s family
5 (c) Ministerial Staff
5 (d) Dep’t/Agency staff $25,337.76

7/24/5 - 1/6/03 South Africa (Botswana) – Attend Commonwealth Youth Ministers Conference - Glenys Beauchamp and Matt Davies = $25,337.76

<table>
<thead>
<tr>
<th>WHO</th>
<th>FARES</th>
<th>ALLOW</th>
<th>ACCOM</th>
<th>OTHER</th>
<th>TOTAL</th>
</tr>
</thead>
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<td>Beauchamp</td>
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<td>1354.45</td>
<td>141.10</td>
<td>10925.19</td>
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<tr>
<td>Davies</td>
<td>9073.91</td>
<td>577.66</td>
<td>1414.38</td>
<td>1830.24</td>
<td>12896.19</td>
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</tbody>
</table>

Total = $152,926.34

Advertising Campaigns

(Question No. 769)

Senator Chris Evans asked the Minister for Veterans’ Affairs, upon notice, on 4 May 2005:
For each financial year from 2000-01 to 2002-03 can the following information with regards to advertising be provided:

(1) (a) What advertising campaigns were commenced; and (b) for what programs.

(2) In relation to each campaign: (a) what was its total cost, including a breakdown of advertising costs for: (i) television placements, (ii) radio placements, (iii) newspaper placements, (iv) mail outs with brochures, and (v) research on advertising; and (b) what was the commencement and cessation date for each aspect of the campaign placement.

(3) For each campaign: (a) on which television stations did the advertising campaign screen; (b) on which radio stations did the advertising campaign feature; and (c) in which newspapers did the advertising campaign feature.

(4) Which: (a) creative agency or agencies; and (b) research agency or agencies, were engaged for the campaign.

(5) (a) In the event of a mail out, what database was used to select addresses – the Australian Taxation Office database, the electoral database or other.

(6) (a) What appropriations did the department use to authorise any of the payments either committed to be made or proposed to be made as part of this advertising campaign; (b) which financial year will these appropriations be made; (c) will the appropriations relate to a departmental or administered item or the Advance to the Minister for Finance and Administration; and (d) if an appropria-
tion relates to a departmental or administered item, what is the relevant line item in the relevant Portfolio Budget Statement for that item.

(7) Was a request made of the Minister for Finance and Administration to issue a drawing right to pay out moneys for any part of the advertising campaign; if so: (a) what are the details of that request; and (b) against which particular appropriation is it requested that the money be paid.

(8) Did the Minister for Finance and Administration issue a drawing right as referred to in paragraph (7); if so, what are the details of that drawing right.

(9) Has an official or minister made a payment of public money or debited an amount against an appropriation in accordance with a drawing right issued by the Minister for Finance and Administration for any part of the advertising campaign.

Senator Hill—The Minister for Veterans’ Affairs has provided the following answer to the honourable senator’s question:

(1) Nil.
(2) to (9) Not applicable.

Foreign Affairs and Trade: Customer Service
(Question Nos 836 and 838)

Senator Chris Evans asked the Minister representing the Minister for Foreign Affairs and the Minister for Trade, upon notice, on 4 May 2005:

With reference to the department and/or its agencies:

(1) For each of the financial years 2000-01 to 2004-05 to date, can a list be provided of customer service telephone lines, including: (a) the telephone number of each customer service line; (b) whether the number is toll free and open 24 hours; (c) which output area is responsible for the customer service line; and (d) where this call centre is located.

(2) For each of the financial years 2000-01 to 2004-05 to date, what was the cost of maintaining the customer service lines.

(3) For each of the financial years 2000-01 to 2004-05 to date, can a breakdown be provided of all direct and indirect costs, including: (a) staff costs; (b) infrastructure costs (including maintenance); (c) telephone costs; (d) departmental costs; and (e) any other costs.

(4) How many calls have been received, by year, in each year of the customer service line’s operation.

Senator Hill—The Minister for Foreign Affairs, on behalf of himself and the Minister for Trade, has provided the following answer to the honourable senator’s question:

DFAT

The department provides a large number of customer service lines which offer a variety of services on a pay or toll-free basis. These lines are managed by individual areas of the department.

Consular services (output 2.1)

Australians within Australia have free call access to consular assistance 24 hours a day for seven days a week. Statistics for calls to the 1300 555 135 (24 hour Consular Emergency Centre) and 1800 002 214 (Emergency Hotline) telephone numbers are included in the figure for public enquiries in the annual report. In addition the Smartraveller phone service, 1300 139 281, provides access to travel advice 24 hours a day, seven days a week, via an interactive voice recognition system. Australians overseas have free-call or reverse-charge access to out-of-hours assistance from our 24 hour Consular Emergency Centre in Canberra or from local consular duty officers.
Passport services (output 2.1)
The Australian Passport Information Service (APIS), 131232, can be accessed 24 hours a day, seven
days a week. Access to a customer service officer is available Monday to Friday from 8:00am to 8:00
pm and weekends from 8:30 am to 5:00 pm. Interactive voice recognition service is operational outside
these hours. The number of calls are detailed in the annual report.

FTA information (output 1.1)
The Office of Trade Negotiations managed the AUSFTA telephone enquiry service (1300 558 413) from
February 2004 to January 2005. The number was toll free and was open 9am to 5pm Monday to Friday.
This service took approximately 5000 calls.

EFIC
In addition, the Export Finance and Insurance Corporation managed a number of toll free customer ser-
vice telephone lines (1800 685 109, 1800 887 588 and 1800 033 420). The numbers were open from
8.30am to 5pm Monday to Friday, with a recorded message facility provided outside these hours. The
volume of calls is low, 664 in 2004/05, 289 in 2003/04, 427 in 2002/03 and 651 in 2001/02.

To obtain the additional information requested would involve considerable diversion of resources as it is
not held centrally. In the circumstances, I do not consider the additional work can be justified.

AUSAID
(1) Nil response
(2) Not applicable
(3) Not applicable
(4) Not applicable

AUSTRADE
(1) (a) Austrade has one Customer service number, 132878.
   (b) (i) Yes, (ii) No. The line is open from 0830 to 1800 Monday to Friday. At all other times an
   answering machine is connected.
   (c) Exporter Development.
   (d) This call centre has been located in Sydney since 2003/04. Prior to this it was located in Mel-
   bourne.
(2) 2000/01, 868,160
    2001/02, 935,824
    2002/03, 955,126
    2003/04, 841,637
    2004/05, 594,170

(3) | 2000-01 | 2001-02 | 2002-03 | 2003-04 | 2004-05 |
   |-------|-------|-------|-------|-------|
   (a)  483,529 | 263,518 | 307,397 | 379,466 | 349,929 |
   (b)  160,534 | 407,443 | 398,046 | 296,412 |  9,791 |
   (c)  149,089 | 141,078 | 160,754 | 151,021 | 176,839 |
   (d)   74,448 | 66,827  | 27,061  |   6,792 |  23,132 |
   (e)    560  | 56,958  | 61,868  |   7,946 |  34,479 |

(4) 2000/01, 51,822
    2001/02, 41,146
perth airport: brickworks
(questions no. 904)

Senator Bob Brown asked the Minister for Transport and Regional Services, upon notice, on 10 May 2005:

Before approving the proposal to develop a brickworks on land at Perth Airport, Western Australia, will the Government ensure that an environmental impact study has demonstrated that there will be no adverse impact upon: (a) native bushland on the site; (b) the air quality in nearby urban areas; and (c) traffic congestion in roads leading to the site.

Senator Ian Campbell—The Minister for Transport and Regional Services has provided the following answer to the honourable senator’s question:

The proposal to build a brickworks on the Perth Airport site will be subject to an assessment of its environmental impacts. This will be undertaken through the preparation of a draft major development plan by Westralia Airports Corporation (WAC), the airport-lessee company of Perth Airport, pursuant to Part 5, Division 4 of the Airports Act 1996 (the Act). The proposal to build a brickworks is also considered a ‘proposed action’ under section 160 of the Environment Protection and Biodiversity and Conservation Act 1989 (the EPBC Act) and subject to the processes under that Act.

The Act requires that draft major development plans contain the airport-lessee company’s assessment of the environmental impacts that might reasonably be expected to be associated with the development, together with the company’s plans for dealing with the environmental impacts (including plans for ameliorating or preventing them). Draft major development plans are also referred to the Minister for the Environment and Heritage, pursuant to the EPBC Act, for assessment and advice on the environmental impacts of the proposal.

The major development plan process also includes a 90-day public consultation period and must be submitted for approval to the Minister for Transport and Regional Services. A parallel consultation process under the EPBC Act will take place and will also run for 90-days. These public consultation periods commenced on 29 August 2005 when WAC placed an advertisement in the ‘West Australian’ newspaper. WAC is expected to submit a copy of every submission received and a summary of each to the Department of the Environment and Heritage. The Minister for the Environment and Heritage will take these submissions into account when he provides his advice to the Minister for Transport and Regional Services.
In deciding whether to approve a draft major development plan, the Minister for Transport and Regional Services is required by the Act, among other things, to have regard to the impact that carrying out the plan would be likely to have on the environment. Conditions can be applied to the approval, including conditions designed to reduce such impacts.

**Veterans’ Affairs: Grants**

*(Question No. 1010)*

**Senator O’Brien** asked the Ministers for Veterans’ Affairs, upon notice, on 24 June 2005:

1. For each of the financial years 2001-02, 2002-03, 2003-04 and 2004-05, has the Minister, the department or any agency or statutory authority for which the Minister is responsible, made grants or other payments to business organisations and/or associations, including but not necessarily limited to peak employer groups; if so, can information be provided for each grant or other payment including: (a) the name and address of the recipient organisation; (b) the quantum and purpose of the payment; (c) the name of the program under which the grant or other payment was funded; (d) who approved the grant or other payment; and (e) whether the grant or payment was successfully acquitted; if so, when; if not, can details be provided, including action taken to recover the grant or other payment.

**Senator Hill**—The Minister for Veterans’ Affairs has provided the following answer to the honourable senator’s question:

1. No.

**Aerial Spraying**

*(Question No. 1046)*

**Senator Bob Brown** asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 3 August 2005:

With reference to aerial spraying of chemicals on Australian crop lands:

1. what information does the Government have and what is its understanding of the ability for spray to drift beyond target land; and

2. has the possibility of drift over distances of kilometres beyond target land been dismissed; if so, how and by whom; if not; what safety standards have been instigated or put in place by relevant Government departments and agencies.

**Senator Ian Macdonald**—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:

1. The Primary Industries Standing Committee (PISC) Report No. 82, “Spray Drift Management – Principles, Strategies and Supporting Information”, published in 2002, is a comprehensive document which draws together current scientific and technical information on the causes of chemical spray drift and ways to reduce it for both ground and aerial spraying. A copy of the PISC Report is available from the Senate Table Office.

The Australian Pesticides and Veterinary Medicines Authority (APVMA) has recently published a discussion paper entitled “Operating Principles and proposed Registration Requirements in Relation to Spray Drift Risk” which references the PISC Report. The discussion paper outlines the APVMA’s proposed approach to improving spray drift assessment and risk management and is available on the APVMA website for public consultation until 21 October 2005. The APVMA is also developing additional information on risk factors which will be included on its website under “Spray Drift Considerations”.

QUESTIONS ON NOTICE
There is always a possibility of chemical spray drift occurring whenever pesticides are sprayed, even when applied with care.

(b) No. The Australian Government acknowledges this risk, hence the PISC Report and the APVMA’s spray drift management initiative. State/Territory governments acknowledge and manage the risk through legislation governing the control of use of agricultural and veterinary chemicals. These regulations require aerial agricultural spraying businesses and pilots spraying chemicals on a commercial basis to be licensed.

In general, aerial spraying businesses are required to be accredited to either the industry-based Aerial Agricultural Association of Australia (AAAA) Operation Spray Safe Standard or an equivalent standard. Meeting this standard ensures that their operational facilities and systems provide the necessary equipment, ground support and safety checks to assist pilots to spray chemicals safely on target and manage the risk of spray drift. Participation in Operation Spray Safe also involves educating clients, including farmers, farm advisers and consultants, so that businesses and pilots are not pressured into applying chemicals under conditions which could result in spray drift.

Pilots are required to have a pilot (chemical rating) license for chemical spraying, based on attaining an AAAA Operation Spray Safe Certificate, or equivalent State/Territory aerial pesticide spraying certification. To be certified, they must have the necessary skills and knowledge to avoid spray drift and minimise the effect of chemical spraying on the environment.

More generic regulations for managing the food safety/human health, occupational health and safety and environmental risks associated with on-farm chemical use apply to farmers undertaking non-commercial crop spraying on their own land. In addition, most, if not all, primary industry sector quality assurance programs include a chemical element which addresses the importance of managing spray drift. Chemical user training and accreditation underpins these arrangements.

Import Permits

(Question No. 1084)

Senator Bob Brown asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 16 August 2005:

Can the Minister provide copies of all permits issued by the Australian Quarantine and Inspection Service for the importation of corn, canola, soy and mustard seeds to be used for breeding programs in Australia from 1998 to date.

Senator Ian Macdonald—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:

No. Import permits do not carry information that would allow determination of those imports that may be for ‘breeding programs’ in Australia. Since 1 January 1998, approximately 500 permits have been issued for corn, canola and soy seed. There are no permits for mustard seed imports. Import permits are only required for mustard seed species if the seed has been genetically modified, or if the species has been assessed as a weed and is prohibited.

Applicants for import permits must declare the proposed end use of the commodity but the descriptors used (such as ‘seed for sowing’ or ‘seed for research’) do not necessarily indicate ‘for breeding programs’.

Fisheries: Bottom Trawling

(Question No. 1119)

Senator Siewert asked the Minister for Fisheries, Forestry and Conservation, upon notice, on 30 August 2005:

With reference to high seas trawling:
(1) What regulations exist and what permit requirements are in place to ensure that Australian vessels undertaking the practice of bottom trawling on the high seas are not damaging the environment whilst ensuring the sustainability of the stock.

(2) Given that Articles 5 and 6 of the 1995 United Nations Fish Stocks Agreement require States to apply the precautionary approach to deep-sea bottom trawling and ecosystem-based fish stock assessment to vessels undertaking bottom trawling on the high seas, what measures are being taken by the Government to meet this requirement with regard to Australian vessels permitted to carry out bottom trawling on the high seas.

Senator Ian Macdonald—The answer to the honourable senator’s question is as follows:

(1) In addition to meeting all domestic fisheries legislation, all Australian fishing vessels fishing on the high seas are required to meet a range of regulations, in line with the United Nations Fish Stocks Agreement. These include: mandated use of an integrated computer vessel monitoring system (ICVMS); nil take of a range of fish species such as black marlin; a ban on the use of driftnets; implementation of a range of bycatch measures and completion of logbooks for lodgement with the Australian Fisheries Management Authority (AFMA).

(2) In addition to the permit requirements for Australian high seas vessels outlined above, Australia is committed to establishing effective high seas governance frameworks and regional fisheries management organisations (RFMO’s) in line with the 2004 United Nations General Assembly resolution on sustainable fisheries. The Australian Government recognises that without effective international governance frameworks, any attempts to regulate fishing vessels on the high seas will disadvantage responsible fishing nations, such as Australia, to the advantage of illegal, unreported and regulated (IUU) fishers. For that reason Australia is an active participant in a number of RFMO’s, to implement measures in line with the UNGA resolution on sustainable fisheries.