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

- **CANBERRA**: 103.9 FM
- **SYDNEY**: 630 AM
- **NEWCASTLE**: 1458 AM
- **GOSFORD**: 98.1 FM
- **BRISBANE**: 936 AM
- **GOLD COAST**: 95.7 FM
- **MELBOURNE**: 1026 AM
- **ADELAIDE**: 972 AM
- **PERTH**: 585 AM
- **HOBART**: 747 AM
- **NORTHERN TASMANIA**: 92.5 FM
- **DARWIN**: 102.5 FM
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 Whips—Senator Julian John James McGauran
Opposition Whips—Senators George Campbell, Linda Jean Kirk and Ruth Stephanie Webber
Australian Democrats Whip—Senator Andrew John Julian Bartlett
Leader of the Family First Party—Senator Steve Fielding

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

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(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

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

(The above ministers constitute the cabinet)
HOWARD MINISTRY—continued

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<td>Senator the Hon. Christopher Martin Ellison</td>
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<td>Minister for Fisheries, Forestry and Conservation</td>
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<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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<td>Minister for Local Government, Territories and Roads</td>
<td>The Hon. James Eric Lloyd MP</td>
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<td>Minister for Veterans’ Affairs and Minister Assisting the Minister for Defence</td>
<td>The Hon. De-Anne Margaret Kelly MP</td>
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<td>Parliamentary Secretary to the Minister for Finance and Administration</td>
<td>The Hon. Dr Sharman Nancy Stone MP</td>
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SHADOW MINISTRY

Leader of the Opposition  The Hon. Kim Christian Beazley MP
Deputy Leader of the Opposition and Shadow Minister for Education, Training, Science and Research  Jennifer Louise Macklin MP

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

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

Shadow Minister for Health and Manager of Opposition Business in the House  Julia Eileen Gillard MP
Shadow Treasurer  Wayne Maxwell Swan MP
Shadow Attorney-General  Nicola Louise Roxon MP
Shadow Minister for Industry, Infrastructure and Industrial Relations  Stephen Francis Smith MP

Shadow Minister for Foreign Affairs and Trade and Shadow Minister for International Security  Kevin Michael Rudd MP
Shadow Minister for Defence  Robert Bruce McClelland MP
Shadow Minister for Regional Development  The Hon. Simon Findlay Crean MP
Shadow Minister for Primary Industries, Resources, Forestry and Tourism  Martin John Ferguson MP

Shadow Minister for Environment and Heritage, Shadow Minister for Water and Deputy Manager of Opposition Business in the House  Anthony Norman Albanese MP
Shadow Minister for Housing, Shadow Minister for Urban Development and Shadow Minister for Local Government and Territories  Senator Kim John Carr

Shadow Minister for Public Accountability and Shadow Minister for Human Services  Kelvin John Thomson MP
Shadow Minister for Finance  Lindsay James Tanner MP
Shadow Minister for Superannuation and Intergenerational Finance and Shadow Minister for Banking and Financial Services  Senator the Hon. Nicholas John Sherry

Shadow Minister for Child Care, Shadow Minister for Youth and Shadow Minister for Women  Tanya Joan Plibersek MP
Shadow Minister for Employment and Workforce Participation and Shadow Minister for Corporate Governance and Responsibility  Senator Penelope Ying Yen Wong

(The above are shadow cabinet ministers)
Shadow Minister for Consumer Affairs and
Shadow Minister for Population Health and
Health Regulation
Laurie Donald Thomas Ferguson MP

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

Shadow Minister for Transport
Senator Kerry Williams Kelso O’Brien
Shadow Minister for Sport and Recreation
Senator Kate Alexandra Lundy
Shadow Minister for Homeland Security and
Shadow Minister for Aviation and Transport
Security
The Hon. Archibald Ronald Bevis MP

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

Shadow Minister for Defence Industry,
Procurement and Personnel
Senator Thomas Mark Bishop
Shadow Minister for Immigration
Anthony Stephen Burke MP
Shadow Minister for Aged Care, Disabilities and
Carers
Senator Jan Elizabeth McLucas

Shadow Minister for Justice and Customs and
Manager of Opposition Business in the Senate
Senator Joseph William Ludwig
Shadow Minister for Overseas Aid and Pacific
Island Affairs
Robert Charles Grant Sercombe MP

Shadow Parliamentary Secretary for
Reconciliation and the Arts
Peter Robert Garrett MP
Shadow Parliamentary Secretary to the Leader of
the Opposition
John Paul Murphy MP
Shadow Parliamentary Secretary for Defence and
Veterans’ Affairs
The Hon. Graham John Edwards MP
Shadow Parliamentary Secretary for Education
Kirsten Fiona Livermore MP
Shadow Parliamentary Secretary for Environment
and Heritage
Jennie George MP
Shadow Parliamentary Secretary for Industry,
Infrastructure and Industrial Relations
Bernard Fernando Ripoll MP
Shadow Parliamentary Secretary for Immigration
Ann Kathleen Corcoran MP
Shadow Parliamentary Secretary for Treasury
Catherine Fiona King MP
Shadow Parliamentary Secretary for Science and
Water
Senator Ursula Mary Stephens

Shadow Parliamentary Secretary for Northern
Australia and Indigenous Affairs
The Hon. Warren Edward Snowdon MP
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Thursday, 13 October 2005

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

PETITIONS

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

Asylum Seekers

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

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

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

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

We, therefore, the individual, undersigned attendees at All Saints’ Anglican Church, Selby Vic 3159 petition the Senate in support of the above mentioned motion.

And we, as in duty bound will ever pray.

by Senator McGauran (from 42 citizens).

Petition received.

NOTICES

Presentation

Senator Stott Despoja to move on the next day of sitting:

That the following bill be introduced: A Bill for an Act to amend the Privacy Act 1988 to provide for the uniform application of the Act and to remove from the Act the exemption for political acts and practices, and for related purposes. Privacy (Equality of Application) Amendment Bill 2005.

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

That the following matter be referred to the Foreign Affairs, Defence and Trade References Committee for inquiry and report by 10 December 2005:

All aspects of Australia’s response to the earthquake catastrophe in Pakistan, Afghanistan and India, in particular, the timing, volume and substance of the Government’s aid.

Senator Milne to move on the next day of sitting:

That the Senate—

(a) recognises:

(i) the impacts of climate change are already destroying fresh water supplies in the Pacific region, and

(ii) that climate change and increased frequency of extreme weather events are likely to lead to displacement of people;

(b) notes that people displaced by climate change are not currently regarded as refugees; and

(c) calls on the Government to incorporate a definition of environmental refugee into the 1951 Convention relating to the Status of Refugees.

BUSINESS

Rearrangement

Senator SANDY MACDONALD (New South Wales—Parliamentary Secretary to the Minister for Trade) (9.32 am)—I move:

That the following government business orders of the day be considered from 12.45 pm till not later than 2 pm today:

No. 5 Migration and Ombudsman Legislation Amendment Bill 2005

Customs Tariff Amendment (Commonwealth Games) Bill 2005

No. 6 Consular Privileges and Immunities Amendment Bill 2005
Rearrangement

Senator SANDY MACDONALD (New South Wales—Parliamentary Secretary to the Minister for Trade) (9.32 am)—by leave—I move:

(1) That the Constitution Alteration (Electors’ Initiative, Fixed Term Parliaments and Qualification of Members) 2000 [2004] and the Electoral Amendment (Political Honesty) Bill 2003 [2004] may be considered together during the second reading debate.

(2) The order of general business for consideration today be as follows:

(a) consideration of the bills listed in paragraph (1); and

(b) consideration of government documents.

Question agreed to.

NOTICES

Postponement

The following item of business was postponed:

General business notice of motion no. 288 standing in the name of Senator Siewert for today, relating to illegal shark fishing in Australian waters, postponed till No- vember 2005.

COMMITTEES

Economics Legislation Committee

Extension of Time

Senator EGGLESTON (Western Australia) (9.33 am)—by leave—At the request of the Chair of the Economics Legislation Committee, Senator Brandis, I move:

That the time for the presentation of the report of the Economics Legislation Committee on annual reports tabled by 30 April 2005 be extended to 9 November 2005.

Question agreed to.

NATIONAL WEEDBUSTER WEEK

Senator MILNE (Tasmania) (9.34 am)—by leave

I move:

That the Senate—

(a) notes that the second week in October is National Weedbuster Week; and

(b) calls on the Government to:

(i) list the infestation of introduced gamba grass (Andropogon gayanus) across the top end of the Northern Territory as a key threatening process under the Environment Protection and Biodiversity Conservation Act 1999,

(ii) list the infestation of introduced buffel grass (Cenchrus ciliaris) in central Australia as a key threatening process under the Act, and

(iii) to include gamba grass and buffel grass on the list of Weeds of National Significance due to their severe adverse impacts on ecosystems.

Question put:

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

The Senate divided. [9.39 am]

(The President—Senator the Hon. Paul Calvert)

Ayes............ 8
Noes............ 54
Majority....... 46

AYES

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

NOES

Abetz, E. Adams, J.
Barnett, G. Bishop, T.M.
Boswell, R.L.D. Brandis, G.H.
Brown, C.L. Calvert, P.H.
Campbell, G. Carr, K.J.
Chapman, H.G.P. Colbeck, R.
Crossin, P.M. Eggleston, A.*
Evans, C.V. Faulkner, J.P.
Thursday, 13 October 2005

Senator BOB BROWN (Tasmania) (9.44 am)—I move:

That the Senate—

(a) notes:

(i) 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, and

(ii) that China is a signatory to the International Covenant on Civil and Political Rights (ICCPR) and that Article 18 of the covenant protects the right to religious freedom and freedom of expression;

(b) calls on the Chinese Government to ratify the ICCPR and to uphold human rights including freedom of speech; and

(c) calls on the Australian Government to make representations to the Chinese Government on behalf of Xue-Jun Wang so that he can visit China in the future.

Senator GEORGE CAMPBELL (New South Wales) (9.44 am)—by leave—Labor does not support the notice of motion. Labor would like to place on record its objection to dealing with complex international relations matters by means of formal notices of motion in the Senate. Such motions are blunt instruments. They force parties into black-and-white choices—support or oppose—and they do not lend themselves to the nuances which are so necessary in this area of policy. Furthermore, they are too easily misinterpreted by some audiences as statements of policy by the national government. Labor will not be pressured into making its foreign policy on the run through the tactic of the minor parties forcing the Senate into a position of supporting or opposing hastily concocted notices of motion.

One concern we have with the present motion is paragraph (d), which calls on the government to ensure that Mr Wang can visit China in the future. While this is a nice sentiment, it is clearly beyond the power of the Australian government to ensure any such thing. Labor will not be pressured into supporting motions such as these, even if Labor supports the sentiments expressed in the motion.

In respect of Mr Wang’s case, Labor is concerned about the human rights situation in China. While there has been some improvement in the human rights situation over the past 20 years, including, in particular, the economic policies of the Chinese government which have lifted two-thirds of the country out of poverty and the recent strengthening of the legal system, there is no doubt that there continue to be significant human rights abuses in China. This is supported by the evidence contained in the US Department of State human rights report as well as in reports and assessments by international organisations such as Amnesty International and Human Rights Watch.
Labor notes that China signed the International Covenant on Civil and Political Rights on 5 October 1998. Article 18 of the ICCPR guarantees freedom of religion. Labor calls on China to ratify the ICCPR and ensure its implementation. Labor strongly believes in the fundamental human right to practice religious freedom and is concerned by reports that such freedoms are not being recognised in China. Mr Wang’s case must be seen in that context. Labor therefore calls upon the government to make representations to the Chinese government concerning Mr Wang’s case.

Senator BOB BROWN (Tasmania) (9.47 am)—by leave—There have been negotiations with the office of the shadow minister for foreign affairs on this matter, and the Senate should be made aware that paragraph (d) is not in the motion. It has been removed. However, paragraph (c) has been amended, and the only difference between the Greens and the opposition in paragraph (b) was that, after the words ‘calls on the Chinese government to ratify the International Covenant on Civil and Political Rights’, we are insisting on the words ‘and to uphold human rights including freedom of speech’. When it comes to paragraph (c), we had agreement on the words:

... calls on the Australian Government to make representations to the Chinese Government on behalf of Xue-Jun Wang ... We insisted on the further words ‘so that he can visit China in the future’. I am hearing again the statement that the Senate ought not be involved in matters of global affairs in an age when both the major parties are hell-bent on globalisation.

Senator Ferguson—Mr President, I rise on a point of order. Senator Brown was given leave to make a statement. He was not given leave to debate the issue, on which, incidentally, Senator George Campbell made the best speech I have heard Senator Campbell make for a long time. However, Senator Brown did not seek leave to debate the issue. He sought leave to make a statement. To debate the issue as to whether the Labor Party supports his motion and whether things have been changed is not the normal process in a motion being declared formal. If Senator Brown wants to make a brief statement he should be allowed to, but he should not be allowed to debate it.

The PRESIDENT—I was listening carefully, and I was about to draw the senator’s attention to the fact that he was given leave to make a statement.

Senator BOB BROWN—On the point of order, Mr President, Senator Campbell gave a quite lengthy statement. I am responding to that. It was about nuances and the need for those to be taken into account. I am replying in exactly the same vein.

The PRESIDENT—I repeat what I said before. Senator Campbell made a statement. You sought leave to make a statement, not to debate the issue. I listened carefully and you did say that it was going to be a brief statement. I hope that you stick to the undertaking that you gave to the Senate.

Senator BOB BROWN—I hope you give me exactly the same licence as you gave Senator Campbell. The fact is that nuances are necessarily set, but the Greens totally disagree with those being outlined by the opposition and, no doubt, by the government. We believe that, where freedom of speech and fundamental human rights are involved, this Senate should be able to speak up about them and not go to ground.

Senator STOTT DESPOJA (South Australia) (9.51 am)—by leave—I indicate that the Democrats will be supporting the motion moved by Senator Brown on behalf of the Greens. Points (i) and (ii) in part (a) of this motion are two very clear statements of fact.
Part (b) of this motion is something that I would assume would be a matter of government policy anyway—calling on other governments not only to respect human rights, including freedom of speech, but to ratify the ICCPR. Finally, I think the motion has been amended so that part (c), which replaces the original (d), is actually a good compromise that calls on our government to make representations to a foreign government—something that is not unusual. It seems in the case of the Labor Party that some foreign affairs motions are more equal than others. I respectfully suggest that this is a very important motion on the issue. I do not know whether or not it was hastily cobbled together, but this is a very clear statement of views in relation to human rights in China, and I hope senators are not afraid of it.

Senator CHRIS EVANS (Western Australia—Leader of the Opposition in the Senate) (9.52 am)—by leave—I want to indicate on behalf of the Labor opposition that we have consistently put this position about foreign affairs motions and the way they come forward, and about trying to reduce debates to simple statements. The alternative position which the Labor Party will consider is voting against all of them if we continue to have to deal every day with complex motions in this way. Whilst I accept that Senator Stott Despoja may be unhappy with us picking and choosing, the alternative that is argued by many in our party is that we do not respond to these motions in this way and we vote against them all. I just want to make it clear that, if people think they can use notices of motion this way, the alternative approach that Labor will consider is voting no to all of them.

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

The Senate divided. [9.57 am]
(i) there are 45 million blind people and a further 135 million people with serious visual impairment in the world today,

(ii) if urgent action is not taken these numbers will double over the next 20 years,

(iii) cost-effective interventions are available for all major blinding conditions,

(iv) the resources available are insufficient to tackle the problem, particularly in developing countries where nine out of 10 of the world’s blind live, and

(v) there is a lack of trained eye personnel, medicines, ophthalmic equipment, eye care facilities and patient referral systems; and

(b) urges the Government to assist the Vision 2020 international partnership of organisations and individuals in its aim to prevent an additional 100 million people from being blind by 2020.

Question negatived.

Senator Bob Brown—I would like it recorded that the Greens supported the motion.

COMMITTEES

Employment, Workplace Relations and Education References Committee

Extension of Time

Senator MARSHALL (Victoria) (10.01 am)—I move:

That the time for the presentation of the report of the Employment, Workplace Relations and Education References Committee on industrial agreements be extended to 30 November 2005.

Question put.

The Senate divided.  [10.06 am]

(The President—Senator the Hon. Paul Calvert)

Ayes………… 31
Noes………… 33
Majority…… 02

AYES

Brown, C.L.  Campbell, G.
Carr, K.J.  Conroy, S.M.
Cussin, P.M.  Faulkner, J.P.
Fielding, S.  Hurley, A.
Hutchins, S.P.  Kirk, L.
Ludwig, J.W.  Lundy, K.A.
Marshall, G.  McEwen, A.
McLucas, J.E.  Milne, C.
Moore, C.  Murray, A.J.M.
Nettle, 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.
Chapman, H.G.P.  Colbeck, R.
Coogan, H.L.  Eggleston, A.
Ferguson, A.B.  Fierravanti-Wells, C.
Fifield, M.P.  Heffernan, W.
Humprhies, G.  Johnston, D.
Joyce, B.  Lightfoot, P.R.
Macdonald, I.  MacDonald, J.A.L.
Mason, B.J.  McGauran, J.J.J.
Minchin, N.H.  Nash, F.
Parry, S.  Patterson, K.C.
Payne, M.A.  Ronaldson, M.
Santoro, S.  Scullion, N.G.
Troeth, J.M.  Trood, R.
Watson, J.O.W.  

PAIRS

Evans, C.V.  Hill, R.M.
Forshaw, M.G.  Vanstone, A.E.
Hogg, J.J.  Kemp, C.R.
O’Brien, K.W.K.  Campbell, I.G.
Ray, R.F.  Ferris, J.M.
Sherry, N.J.  Ellison, C.M.

* denotes teller

Question negatived.

UNITED NATIONS DAY

Senator MILNE (Tasmania) (10.09 am)—by leave—Because there is a late amendment to motion No. 297, I would like to draw attention to the fact that the amendment is the deletion of part (d)(vi) relating to
environmental refugees. I move the motion as amended:

That the Senate—
(a) notes that 24 October is United Nations Day, which marks the 60th birthday of the United Nations (UN);
(b) commends the principles and ideals of the UN, including continued support for the principles of multilateralism;
(c) recognises that the UN is only as good as its member nations’ efforts and commitment; and
(d) calls on the Government to work with other UN members to:
(i) further international cooperation to reduce hunger and poverty as agreed by world leaders in the 2000 UN Millennium Declaration and the 2005 World Summit,
(ii) act on all Millennium Development Goals,
(iii) strengthen efforts to quickly and efficiently define terrorism,
(iv) make renewed efforts towards preventing nuclear proliferation,
(v) secure further agreements on preventing climate change, and
(vi) reform the UN Security Council.

Question put.
The Senate divided. [10.14 am]
(The President—Senator the Hon. Paul Calvert)

Ayes………….. 29
Noes……………. 32
Majority………. 03

AYES
Barrett, A.J.J.  Bishop, T.M.
Brown, B.I.  Brown, C.L.
Campbell, G. *  Conroy, S.M.
Crossin, P.M.  Evans, C.V.
Faulkner, J.P.  Hurley, A.
Hutchins, S.P.  Kirk, L.
Ludwig, J.W.  Lundy, K.A.
Marshall, G.  McEwen, A.
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.
Chapman, H.G.P.  Colbeck, R.
Coonan, H.L.  Eggleston, A. *
Ferguson, A.B.  Fierravanti-Wells, C.
Fifield, M.P.  Heffernan, W.
Humphries, G.  Johnston, D.
Joyce, B.  Lightfoot, P.R.
Macdonald, I.  Macdonald, J.A.L.
Mason, B.J.  McGauran, J.J.J.
Minchin, N.H.  Nash, F.
Parry, S.  Payne, M.A.
Ronaldson, M.  Santoro, S.
Scullion, N.G.  Troeth, J.M.
Trood, R.  Watson, J.O.W.

PAIRS
Carr, K.J.  Hill, R.M.
Forshaw, M.G.  Vanstone, A.E.
Hogg, J.J.  Kemp, C.R.
McLucas, I.  Campbell, I.G.
Ray, R.F.  Ferris, J.M.
Sherry, N.J.  Ellison, C.M.

* denotes teller

Question negatived.

BURMA

Senator STOTT DESPOJA (South Australia) (10.17 am)—by leave—I, and also on behalf of Senator Nettle and Senator Humphries, move the motion as amended:

That the Senate—
(a) notes:
(i) that on 24 October 2005 Daw Aung San Suu Kyi will have spent a total of 10 years in detention,
(ii) the Joint Action Committee for a Democratic Burma will conduct a candlelight vigil to pray for the release of
Daw Aung San Suu Kyi and all remaining political prisoners, and
(iii) the continued suffering of the Burmese people at the hands of the Burmese military regime; and
(d) urges the Government to maintain pressure on the regime.

Question agreed to.

SOUTH ASIA EARTHQUAKE

Senator BOB BROWN (Tasmania) (10.18 am)—by leave—I move the amended motion, which combines No. 295 on Pakistan and No. 296 on India and is extended to Afghanistan:

That the Senate offers its great sympathy and condolences to the people of Pakistan, India and Afghanistan following the catastrophic earthquake.

Question agreed to.

COMMITTEES

Community Affairs Legislation Committee

Meeting

Senator EGGLESTON (Western Australia) (10.19 am)—At the request of the Chair of the Community Affairs Legislation Committee, Senator Humphries, I move:

That the Community Affairs Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 13 October 2005, from 4 pm, to take evidence for the committee’s inquiries into the provisions of the Therapeutic Goods Amendment Bill 2005, the provisions of the Health Legislation Amendment Bill 2005 and the provisions of the National Health Amendment (Budget Measures—Pharmaceutical Benefits Safety Net) Bill 2005.

Question agreed to.

Extension of Time

Senator EGGLESTON (Western Australia) (10.20 am)—At the request of the Chair of the Community Affairs Legislation Committee, Senator Humphries, I move:

That the time for the presentation of the following reports of the Community Affairs Legislation Committee be extended to 7 November 2005:

(a) provisions of the Therapeutic Goods Amendment Bill 2005;
(b) provisions of the Health Legislation Amendment Bill 2005; and
(c) provisions of the National Health Amendment (Budget Measures—Pharmaceutical Benefits Safety Net) Bill 2005.

Question agreed to.

NOTICES

Postponement

Senator MILNE (Tasmania) (10.20 am)—by leave—I move:

That the business of the Senate notice of motion No. 1 standing in my name for today, proposing the reference of a matter to the Rural and Regional Affairs and Transport References Committee, be postponed till 8 November 2005.

Question agreed to.

COMMITTEES

Publications Committee

Report

Senator WATSON (Tasmania) (10.21 am)—I present the 7th report of the Publications Committee.

Ordered that the report be adopted.

Rural and Regional Affairs and Transport References Committee

Report

Senator MURRAY (Western Australia) (10.21 am)—I present the report of the Rural and Regional Affairs and Transport References Committee on the operation of the wine-making industry, together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

Senator MURRAY—I move:

That the Senate take note of the report.
This inquiry was prompted by the current low price of wine grapes caused by an over-supply of grapes. This is causing great distress to many grape growers and to rural communities that rely on grape growing. For many growers, current prices are well below the cost of production. Growers without contracts are being offered very low prices on the spot market. Current low prices have pointed up underlying problems in business relations between grape growers and winemakers, as winemakers take advantage of their stronger bargaining power in the present oversupply.

Why is there an oversupply of grapes? The wine industry has expanded enormously in the last 10 years. Thirty-year growth targets which the industry adopted in 1996 have been achieved in just 10 years. There was a huge boom in vine plantings in the late 1990s, encouraged by the tax incentive that operated from 1993 to 2004. As the new vines have come into production, grape prices have fallen, wine production has increased faster than sales, and wine prices have fallen. Winemakers as well as growers are under pressure.

The wine industry has had booms and busts before. Long-term growth is still expected, and expert projections are that supply and demand will come into balance in the medium term. That is small comfort to grape growers who have gone bankrupt in the meantime. Grape growing suffers a boom-bust cycle more than many agricultural industries because of the long lead time before vines come into production. We need to do as much as possible to make the industry more stable and to smooth out the peaks and troughs of the market cycle.

What can be done to make the industry more stable? Submissions did not suggest that there should be government regulation of price or supply. We have the example of the former reserve price scheme for wool to show the risks of trying to control a market that way. But certainly there needs to be better market information to guide investment decisions. It is clear now that the plantings boom of the late 1990s was excessive. We should do everything possible to prevent a repeat of that occurrence.

There is a lot of good information about already, but it seems that there are still some gaps. For example, we were told that information on how many vines there are in Australia is not as accurate as it could be. That makes it harder to predict future grape production. The committee recommends that consultation be undertaken with the states with a view to establishing a national register of vines. There is potential for improving the productivity of grape growing and there is a need for better business advice to growers so they can structure their businesses to survive the inevitable downturns in the market cycle.

The committee heard much evidence from grape growers claiming unfair or exploitative behaviour by winemakers. Growers stressed that their complaints about the way business is done are an ongoing concern. This is quite distinct from the fact that prices are currently low. I should stress here that the committee was not trying to investigate individual cases and has no grounds to pass judgment on any particular winemaker. The committee was told that some winemakers have good relationships with growers and others do not, and it is not necessarily the case that ‘the bigger is the uglier’. For example, winegrape growers complained about: contracts not being renewed, often after growers have been encouraged by winemakers to invest in improvements; prices notified late in the season, leaving growers little chance of negotiating other buyers; a lack of objective, transparent standards for assessing the quality of grapes; and the fact that contracts are often unclear about how disputes over price or
fruit quality should be resolved. It is hardly satisfactory that grape prices may not be settled until long after delivery, and prices may reflect the winemaker’s quality assessments which the seller has no control over and cannot verify. Continued research is needed in the attempt to make assessment of grape quality more objective. The aim should be to have price settled at delivery as far as possible.

What can be done to improve relations between growers and winemakers? This is surely needed to promote the future prosperity of the industry as a whole. The committee notes the previous work of the Senate Economics References Committee recommending that the Trade Practices Act be amended to add unilateral variation clauses in contracts to the list of matters which a court may have regard to in deciding whether conduct is unconscionable and the government’s acceptance of that proposal. This report recommends that the government give priority to making those amendments to the Trade Practices Act.

The committee also acknowledges the important work of the Wine Industry Relations Committee, which includes growers and winemakers. For example, it has published a guidelines document on assessing grape quality and a recommended list of desirable elements in contracts. But it appears that the uptake of these initiatives has been slow. Winegrape growers argued that there should be a mandatory code of conduct under the Trade Practices Act for the winegrape trade. This could be comparable to the draft horticulture code of conduct which is now under development. There are similarities between the problems of the winegrape growers and the problems in the fruit and vegetable market which have prompted the horticulture code. Winemakers preferred to rely on further development of best practice standards within the industry. The ACCC argued for a voluntary code. On balance, the committee thinks a mandatory code is justified and recommends accordingly. Compliance costs of a winegrape code would probably be less than for the horticulture code, because the winegrape market consists of a smaller number of higher value transactions, many of which are already governed by written contracts.

The committee supports current moves to establish a national winegrape growers body. It is also proposed to establish a peak wine industry body including both growers and winemakers. But the committee is concerned by the apparent assumption that a peak wine industry body would simultaneously be the winemakers’ representative body. This invites the suspicion that winemakers would have favoured status within the peak industry body. It could lead to conflicts of interest. It is the committee’s view and the committee recommends that a national wine industry body should be separate from a winemakers’ representative body.

Debate adjourned.

BUDGET
Consideration by Legislation Committees
Additional Information

Senator McGAURAN (Victoria) (10.29 am)—On behalf of the chair of the Foreign Affairs, Defence and Trade Legislation Committee, I present additional information received by the committee relating to hearings on the 2005-06 budget estimates.

COMMITTEES
Finance and Public Administration References Committee
Report

Senator MARK BISHOP (Western Australia) (10.29 am)—On behalf of the deputy chair of the Finance and Public Administration References Committee, I present the report of the committee entitled Matters relating to the Gallipoli Peninsula, together
The damage done by road construction at Gallipoli is a blot on the page of our proud military history. It is a blot which should not have happened, and it is a blot which can never be erased. It is a result of the sheer negligence of the Howard government—an open and shut case of strict liability. The government knew what was going on and did nothing until it was too late. No reinterpretation of the evidence and no protestations of innocence can alter those facts. The Howard government, through its sheer inattention and failure to act, is culpable for the damage done. That is the central finding of the committee, based upon the evidence. Indeed, the entire behaviour of the government following this calamity is evidence enough of a guilt-ridden conscience. Damage control and denial quickly became the sole modus operandi.

The committee in this report makes a number of recommendations. The first is a most obvious one—and we would have expected that, by now, it would have been carried out. Accepting that the damage was done, regardless of culpability, the key task was to remediate the environment. It is evident to all who saw the site at the time that the cliff face at Ari Burnu had been shaved off. Further, the new road platform has seen many tonnes of spoil pushed onto the beach and into the sea. Despite vain attempts to deny this, the photographs make it plain and clear. Many of us saw it with our own eyes. The damage needed to be urgently fixed by whatever means necessary. Further erosion needed to be prevented before the winter storms, which are now about to hit.

The second recommendation also concerns the obvious. It was clear to the committee that, in undertaking this work, nothing had been done to survey the site beforehand. There was no evidence that any planning, preplanning or research had ever been undertaken to inform development of the risks. Those risks were both environmental—

Senator Watson—Mr Acting Deputy President, I rise on a point of order. Senator Bishop knows that this was a split report. There was a majority report, which Senator Bishop is presenting at the moment, and there was also a minority report that took an entirely different point of view.

The ACTING DEPUTY PRESIDENT (Senator Lightfoot)—Thank you, Senator Watson. I am not quite sure what your point of order is.

Senator Watson—I t i s w i t h r eg a r d t o th e reference that the 'committee agreed'; it was the 'committee observed'.

The ACTING DEPUTY PRESIDENT—That is not a point of order.

Senator MARK BISHOP—As I was saying, the risks were not only environmental but also concerning important archaeological and military heritage. As we know, Gallipoli is in fact one very large cemetery with constant exposure of skeletal remains. Thus, the risk of bones being unearthed was never attended to, except in the most perfunctory way. For all concerned, it was more important that the work be completed by Anzac Day—a ceremony of political relevance to the forthcoming prime ministerial attendance. From the evidence, it is abundantly clear there are no real guidelines and procedures in the event of bones being uncovered. Until there are, the problems will continue. Again, this is a self-evident recommendation.

Consistent with that, recommendation 3 seeks a full military heritage audit of the en-
tire Anzac area. In fact, it should also be done for the entire battlefield. As interest continues to grow in Gallipoli, we can only expect increasing tourist pressure. The recording and logging of that heritage needs to be undertaken as a matter of top priority. Already we know of other planned road works, including those sought by Australia in places where many fell and were never recovered. We are also advised that plans are in place for the construction of new viewing lookouts in the most sensitive places, such as the Nek. So the need should be provided for immediately.

The committee also thought it important that the veteran community be consulted more fully on the management of Australia’s interests at Gallipoli—after all, they are the custodians of our military heritage. Hence, recommendation 4. One of the more unsavoury aspects of this controversy was the somewhat ironic embarrassment caused for the government, given its blatant politicisation of commemorative activity. Flowing from the need to better consult with the veteran community, the committee considered that the apolitical nature of commemorations ought to be restored. To that end, the committee recommends that the parliament convene a commemorative joint standing committee. This would bring bipartisan oversight to all commemorative activity and form an appropriate bridge to the veteran community. I know that many members and senators believe this would be a most appropriate role for the parliament. Certainly it would remove the embarrassment veterans often feel about engaging in partisan politics. The committee also recommended that this new committee develop links with the Turkish government. Finally, the committee recommended that the new committee also receive regular reports on discussions and negotiations on all matters concerning Gallipoli.

These are earnest and serious recommendations. They deserve the most serious consideration. Veterans’ matters are a fundamental and basic item on all governments’ agendas of business. Often they are taken far too lightly. As we have seen on this matter, controversy unnecessarily created causes immediate offence. We believe that in that light the parliament ought to take a greater interest. The recognition of the commitments and deeds of our serving people is above politics. It should not be the stuff of government public relations stunts. We find it offensive and so do veterans. If the bungling at Gallipoli last April demonstrates anything, it is precisely that. It is a venerated site of enormous national significance for Australia. It needs protection at all costs. Further, it should not be trivialised by turning it into a theme park.

In conclusion, I make brief reference to the government’s behaviour on this matter. That Gallipoli should be damaged in this way, given the extensive official familiarity with the site, is unforgivable. There is no denying that officials and the minister knew what was going on in late February and early March this year. The minister was given a detailed written brief but sought nothing more from its writer, the director of the Office of Australian War Graves. The person most familiar with and expert in regard to the paper was sent to Coventry, following a most unseemly public tirade from the minister. As the fall guy, his long and proud career is now over. It is on public record too from the secretary of the minister’s department that ‘we were caught on roads’. Caught indeed! Mr Acting Deputy President, I commend the report to the Senate.

Senator WATSON (Tasmania) (10.37 am)—It is with some regret that I observe that this inquiry was established as a purely cynical, point-scoring exercise against the Australian government without regard to the potential damage to the close relationship
between the people of Turkey and Australia. Attacks on roads of this nature are essentially attacks on roads constructed ahead of advice as to the extent of those changes and notification to Australia. I say it is with some sadness because it has the potential to open up a rift between our two great nations, and I think that is indeed regrettable. It is so regrettable in fact that my colleague Senator Fierravanti-Wells and I felt compelled to write a minority report showing that the Australian government has at all times acted appropriately, correctly and in a timely fashion.

The majority report failed to properly and correctly reflect the overwhelming bulk of the written and oral evidence given to the committee. Instead, what did it do? It relied on the conflicting advice of one Mr Sellars, advice that was beyond his area of expertise. It was often baseless and invariably at odds with the evidence which was given by the more expert persons. Mr Sellars is a self-styled historian, a journalist who conceded that he has no formal qualifications in history or archaeology. He was the source of the media allegations relating to the discovery of the human remains and the bones during roadworks undertaken by the Turkish authorities. This so-called knowledgeable man did not even act appropriately, if he discovered the bones, where he discovered the bones. If he were an expert he would have known how to handle that issue. He did not even follow the protocols and the signs about bathing in the cove on the peninsula, which he said he did and where he made some of his observations. Bathing is banned in that area. What an unreliable witness!

At all times this has been a very sensitive and important area to both Turkey and Australia. The Australian government has always appreciated the role of the Turkish authorities in maintaining the Anzac sites and enabling the organisation of an annual commemoration service on Anzac Day on this Gallipoli Peninsula. That evidence came from the Department of Foreign Affairs and Trade.

I stress that, while it is always open to the Turkish government to seek Australia’s views in relation to the wider Gallipoli Peninsula, at the end of the day it is a matter entirely for the Turkish authorities either to accept our views or to reject them. So far there has been happy support. The fundamental starting point is the recognition that at all times the Gallipoli Peninsula is situated in Turkey. Yes, there are some protocols, the War Graves Commission, the Lucerne convention and all those sorts of things, but at the end of the day Turkey’s sovereignty does prevail and we have to respect that. So far the two governments have acted in unison to recognise and honour the whole site because the whole site has been a battleground.

Construction changes and alterations to the areas essentially come within the responsibility of Turkey, not Australia. But as a result of negotiations between the heads of government of the two countries there is a lot more discussion. Australia is having greater input in terms of the expertise that we are going to offer, and that is good. My colleague Senator Fierravanti-Wells will put a recommendation that is going to be very constructive in overcoming the sorts of difficulties that the likes of Mr Sellars has raised.

Unfortunately, this Mr Sellars makes serial appearances around Anzac Day and, tellingly, he conceded in evidence that he has financially benefited from his sensational media allegations. The majority report regrettably has been deliberately and knowingly written on the misconceived notion that the Australian government is somehow responsible for what happened initially. Yes, we did go into damage control, because that was important—we all recognise that. We brought in experts and the manner in which
the works were completed was pretty signifi-
cant. I say that because there are very few
references in that majority report—not the
committee report—made to Turkish sover-
eignty and those references are really con-
cealed in fleeting passages. Regrettably, my
time has almost expired but I must pay trib-
ute to my colleague Senator Fierravanti-
Wells. She made an extraordinary and pains-
taking effort in her writing of and assistance
with this minority report.

The ACTING DEPUTY PRESIDENT
(Senator Lightfoot)—On the agreed speak-
ers’ list I have Senator Bartlett. I understand
that a limitation of time has been accepted
and I ask the Clerk to set the clock accord-
ingly.

Senator BARTLETT (Queensland)
(10.44 am)—Firstly, I thank the committee
secretariat. I also thank the other senators for
their participation in this inquiry and the
work that they have done, albeit from quite
competing perspectives. As is becoming a bit
more common for me these days, I was not
able to manage all my competing commit-
ments to attend the hearings, but I read many
of the submissions and the transcript of the
evidence and followed it as closely as I could
because I believe that it is an important issue.
It is a bit unfortunate that we have what
might be seen to be a bit of an unseemly,
ferocious squabble over what is, I think we
all acknowledge, such a sacred place to Aus-
tralia and indeed to Turkey. I think we have
to acknowledge that it is because it is such a
sacred and crucial place that people get so
emotional about it and so concerned if they
feel that its heritage values are being put at
risk.

The evidence put to the committee, from
my examination of it, clearly shows that ac-
tions have damaged, and risk further damage
to, the very significant heritage values of this
absolutely vital historical site to Australia
and to Turkey. In their minority report the
government senators have put up what I
think is pretty much a straw man by suggest-
ing that the majority senators—the Democrat
and Labor senators—are somehow dismiss-
ing the notion that Turkey has sovereignty
over this area and therefore we should not be
telling it what to do. I do not believe that that
is what we have done at all. We acknowledge
that Turkey has sovereignty over this area. I
do not think you can dismiss all the findings
by saying that Australia does not have sover-
eignty. Of course it does not, but I believe
that we have been remiss in fulfilling the
obligations that we have from the Australian
side of things to do what we can to ensure
that the heritage values are protected.

There is always real concern amongst the
veterans community that commemorative
sites and functions are being politicised and
dominated by politicians from both sides
who wrap themselves in the flag. Frankly,
I would rather they step to one side and ensure
that the spotlight is on those people who
really deserve it—that is, the veterans. If
anyone has tried to wrap themselves in the
flag on this issue it is the Prime Minister, Mr
Howard, particularly when he announced
back in December 2003 that Anzac Cove
would be the very first site listed on our Na-
tional Heritage List, under the new national
heritage laws that were passed. That was
done in spite of the fact that, as the govern-
ment senators like to point out quite regu-
larly, Turkey has sovereignty over that site
and for us to list under our laws a site that is
under the control of another sovereign nation
would be a problem. That is why the Prime
Minister’s suggestion has not come to frui-
tion and the site has not been listed.

Having said that, I think there was too
much uncertainty in the evidence to make a
definitive finding about bone fragments and
those sorts of things. I am not as convinced
about that. I have wider concerns that I think
should not be swept to one side because of focusing on that issue, important though it is. I also have not agreed with the Labor senators’ recommendation to set up a permanent parliamentary committee. I understand the rationale behind it but I think it is a bit too early to go down that path. It is an idea that is worth exploring with veterans groups in particular, in relation to not just Anzac Cove but also other areas, but I am not convinced, from what was presented to this inquiry, that it is the way to go as yet.

The thing that astonished me most in what came out of this inquiry was not just the argy-bargy over this particular issue. For a site that we all have venerated for many years as such a crucial one in our history—and, I have to keep saying, in Turkey’s history—I was and remain quite astonished that there has been so little historical, archaeological and heritage surveying of that site. It is a large site. I appreciate that. Obviously, Australia cannot go in there and do that work without the approval of the Turkish government. There are some negotiations going on now to try to ensure that that happens. Personally, I am quite astonished at how limited the surveying is that has been done. After 90 years I would have thought we would have had comprehensive surveying of every little scrap of dirt on that site, over the whole area, given how important we have continually been told it is by political leaders of both persuasions going back many years. It is something that I think must be done with absolute urgency, above all else. Obviously you cannot protect the heritage values if you do not know for sure what they are. We should not be doing it piece by piece each time it is possible that a road might go through. We should be doing a comprehensive survey.

During the evidence, a submission from Mr Tim Smith, the director of the Australian-Turkish Project Beneath Gallipoli, highlighted the importance of a maritime archaeological survey of the cove. That is mentioned in paragraph 4.24 of the report. According to him, his team is now undertaking the first such survey to identify ‘the full range of cultural relics in the near-shore and underwater component of the battlefield site’. It is great that that is being done. I still express my amazement that, 90 years later, that still has not been done and was not done many years ago.

The big thing that we should get out of this report, fully acknowledging the sensitivity of needing to work constructively with the Turkish government, the Turkish people and our own veterans community, is that we need a full survey, including of the maritime areas. Of course, many Australian soldiers fell before they even reached the shore. Putting aside as much as we can the partisan nature of some of the commentary that has come out of this inquiry, that, to me, should be done with the utmost urgency. The fact that we have not had a full archaeological survey and heritage assessment done of the entire site is an indictment of both major parties, going back as far as you like. It is unsatisfactory that 90 years down the track that still has not been done.

By total coincidence I am fortunate enough to be part of a parliamentary delegation which just next week will be in Turkey. We will be in Turkey on Sunday, I think. We will be making a visit to Gallipoli, so that might give me some extra enlightenment and I might have some additional comments to make in relation to this issue when I return.

Some genuine criticisms should be made of the government’s approach on this, and particularly of the shifting statements that proved to be less than accurate over time after the allegations were first raised. I for one am very sensitive to the fact that this is not only sovereign Turkish soil but also as
sacred to Turkey in many ways as it is to
Australia. It is a key part of the real founda-
tion of their nationhood. I in no way suggest
that this is something that Australia has some
greater stake in. Clearly we have failed to do
all we can to ensure that the heritage values
of the site are protected. A key part of that is
to properly assess what is there. The next
part is to do better at being honest with the
Australian people, taking a bit of the flag
wrapping out of it and doing what we can in
cooperation with the Turkish government to
avoid any further problems.

Senator FIERRAVANTI-WELLS (New
South Wales) (10.52 am)—This has been a
purely cynical and political point-scoring
exercise against the government. The extent
of that has been seen in the leaking of the
report, not only before its tabling but also
before its signing. Senator Watson and I have
referred the matter to the chair of the Finance
and Public Administration References Com-
mittee and to the secretary. There has been a
clear breach of Senate procedure. So that
shows the sort of political point scoring that
this is all about. I would like to contrast that
with the overwhelming evidence—

Senator Conroy interjecting—

The ACTING DEPUTY PRESIDENT
(Senator Lightfoot)—Order, Senator Con-
roy!

Senator FIERRAVANTI-WELLS—that
was included in the minority report—

Senator Conroy interjecting—

The ACTING DEPUTY PRESIDENT—
Order, Senator Conroy! That is the second
time.

Senator FIERRAVANTI-WELLS—and
the substantial replies that were included in
that. Basically, the majority recommen-
dations failed to understand some basic prem-
ises which make their establishment and im-
plementation unnecessary. Labor know full
well that the Gallipoli Peninsula is within
Turkish sovereignty. It is intellectually dis-
honest of them to grandstand about the Aus-
tralian government allegedly failing to do
things over which they know the Turkish
government has territorial sovereignty. They
know Gallipoli is important to the Australian psyche—

Senator McGauran interjecting—

Senator Conroy—Mr Acting Deputy
President, that is Senator McGauran, in case
you do not know his name.

The ACTING DEPUTY PRESIDENT—
Order! Senator Conroy, you have a habit of
reflecting on the chair. I am well aware of
Senator McGauran’s name. I called you to
order twice and I will call Senator McGauran
to order when I think it is appropriate. I ask
you again not to reflect on the chair.

Senator FIERRAVANTI-WELLS—The
majority report bases its findings on the sen-
sationalised and largely unsubstantiated as-
sertions generated through the media by a
self-styled journalist who profited financially
from the reports and who lacked the neces-
sary expertise and qualifications to make
many of the assertions made. It was over-
whelmingly clear—

Senator Conroy interjecting—

The ACTING DEPUTY PRESIDENT
(Senator Lightfoot)—What is your point of order, Senator Conroy?

Senator Conroy—I was just wondering if
you would take the same point of order, given that you are in the chair, about Senator
Fierravanti-Wells, who appears to be read-
ing.

Senator Minchin—On that point of order,
it is quite obvious to Senator Conroy that
Senator Fierravanti-Wells, in referring to
notes, is perfectly in accord with normal
practice. Senator Bishop, in his contribution to this very debate, employed exactly that same approach. Mr Acting Deputy President, I ask you to dismiss this frivolous point of order from Senator Conroy.

The ACTING DEPUTY PRESIDENT—Senator Conroy, it is a frivolous point. I might add that, when I raised a point of order against a certain member, when I was not in the chair, that certain member had been reading, I think, for about 10 minutes. Senator Fierravanti-Wells has not been reading for even two minutes yet. There is no point of order, Senator Conroy—

Senator Conroy interjecting—

The ACTING DEPUTY PRESIDENT—and you should not try to speak over the chair when the chair is speaking.

Senator McGauran—And what about Senator Conroy reading the paper?

The ACTING DEPUTY PRESIDENT—I do not know about reading the paper.

Senator FIERRAVANTI-WELLS—It was overwhelmingly clear that the Gallipoli Peninsula has changed considerably over the years. Constant erosion has led to previous substantiated unearthing of bones. I would like to repeat the two important factors that came out of this report.

Any action in relation to the Gallipoli Peninsula is ultimately a matter for the Turkish government. Australia cannot simply take unilateral action on the territory of another sovereign country. Just imagine the outcry, and justifiably so, if a foreign country came in and told us what we should do with a historically important site in Australia. And so Minister Vale asked the Turkish government if it could assist by allowing us to make certain changes to the Australian commemorative site. We did not ask for the changes to the roadworks on the coastal road. It is clear that DVA officials, primarily Air Vice Marshall Beck, did have discussions with Turkish officials prior to the roadworks, but they were confined to areas referred to in the minister’s letter. There is overwhelming evidence from all officials that they did not become aware of the extent of the roadworks until February 2005.

The Labor Party has overlooked the comprehensive, detailed and compelling testimony of all the consultations taken by Australia both in Australia and in Turkey. Given the longstanding relationship of cooperation between Australia and Turkey, we rightly accepted assurances given by Turkish officials in relation to the roadworks. On 26 April, the two prime ministers agreed on various bilateral issues, including those pertaining to Gallipoli. They included consultation on symbolic recognition, on environmental and historic values of the area, on a joint historical survey, on a joint engineering review and on creating a safer environment at Gallipoli. The allegations that Senator Bishop has referred to about further work should go into the pile of previous unsubstantiated allegations. They will probably end up having the same level of lack of credibility.

The Labor Party want another committee. An interdepartmental committee has already been established. The government is working to give effect to the agreement that has been reached between the two prime ministers on a broad range of issues. On the heritage issue, let us not forget that Gallipoli is listed under Turkish law as a heritage site. It is understandable that the Turkish government has some concerns about the effect on its sovereignty of listing on a foreign heritage register. Consequently, it is understandable that there has been a shift from heritage listing under Australian legislation to more symbolic means of recognition.
Much was made of the failure to list. However, even if the site had been heritage listed, the evidence was clear that it would have afforded no veto over any roadworks. They would likely still have gone ahead. The Treaty of Lausanne established the regime for the overseeing of war cemeteries. The Commonwealth War Graves Commission is the properly designated international body responsible for the management of the Gallipoli Peninsula on behalf of all participant countries, including Australia. It has an office at Canakkale on the Gallipoli Peninsula. The commission undertook extensive examination of the area and found no evidence that human remains had been disturbed. Therefore it was entirely appropriate and justified for Australia to rely on the advice from the expert body on the site.

Given the expertise and standing of the commission, the better option, in our recommendation, is to base a full-time officer at the office in Canakkale on the peninsula. That is an on-the-ground, practical suggestion that will formally recognise the place that the Gallipoli Peninsula holds in the Australian psyche, and it will assist in the preparation of future commemorative proceedings.

As far as this ongoing standing committee is concerned, it is another political stunt. It puts our relationship with Turkey under even more pressure and possibly on a less harmonious footing. The inquiry shows that, rather than removing the risk of political exploitation, the risk would be heightened. The establishment of such a parliamentary committee would further open up the scope for unnecessary and ongoing political sensationalism. (Time expired)

Senator MILNE (Tasmania) (11.00 am)—I was there on the ground at the Gallipoli Peninsula—I was on the road as it was being bulldozed. I was there in March this year as an Australian citizen visiting Gallipoli. That was something that I had a long-standing interest in doing. I was delighted to have the opportunity to be in Turkey and to be at Gallipoli. My honours degree was in history, and I have CEW Bean’s history of the First World War, including *Photographic Record of the War*. It is something that I am very familiar with and quite passionate about, so visiting Gallipoli was really important to me. But I was horrified—I could not believe my eyes when I saw bulldozers ripping into the cliff face behind Anzac Cove. I could not believe it.

It has given the cove a terraced effect. The whole cultural context of the landing at Gallipoli is now changed because of the construction of that road. What is more, the spoil from the roadworks was just being bulldozed over the side, straight onto the beach, therefore again changing the perspective from Anzac Cove. I was devastated. I thought, ‘I just can’t believe this is happening, because this is so important to Australia.’ The issue of the discovery of human remains, whilst that is highly significant, is not what I want to address, because I do not know about that. But I do know about the road. I saw it with my own eyes, and I could not believe how it had irretrievably changed forever the context of the place as you stand at Anzac Cove and look up at the cliffs.

Then I went up onto the ridge. Again, I could not believe my eyes on seeing the failure of both the Australian and the Turkish governments to give appropriate interpretation to the site. The one thing I will say is that the Turks love the site as much as we do. That is absolutely clear. I could not agree more with senators Watson and Fierravanti-Wells about the need to try to maintain good relations with the Turkish government, but I believe that the restoration of the Gallipoli Peninsula and the proper interpretation of the peninsula would be welcomed by the Turkish government just as much as it would be by
our side. In fact, what I came away with was a real passion to try to do something about that. Up on the ridge, as you leave Lone Pine, you are going along the road that is right beside the Turkish front-line trench. As you would be aware, the front-line trench along that ridge is where up to 3,000 people are now dead and buried. It is a sacred site if ever there was a sacred site in terms of Australia’s service in a war.

I heard from the tour guide—and that is why I was interested in what Senator Fierravanti-Wells had to say—that the intent was to widen the road on the ridge and build it over the top of the Turkish front-line trench. It would be absolute sacrilege if that were to occur. I support the idea of an ongoing committee to start looking at this because interpretation is needed. As you go along the ridge, several of the trenches have now been eroded. That is not something that has happened in the last couple of years—it has obviously been ongoing erosion since the First World War—but the trenches have been silted in and eroded to the point where some of them look just like quite deep ditches. They do not resemble what they would have been like during the First World War.

What is more, the communication tunnels have been boarded up with treated pine and barbed wire, and they are falling to bits as well. They are being trampled by the hundreds of tourists that go there, including thousands of Turkish schoolchildren. I did not fully appreciate, until I went there, the extent to which this is a sacred site for Turkey, because this is where Ataturk emerged as the leader of modern Turkey. So, when the Turks think of Gallipoli, they think of how this was where Ataturk emerged as the leader of modern Turkey. What happened after Lone Pine was that both sides lost interest in killing each other. That was because they were in such close contact that they had gained enormous respect for each other. What came out of Gallipoli is the ongoing respect and affection that the Turkish people have for Australians, and vice versa. I feel very emotional about this issue.

I would like to see the politics left behind. We all recognise that Gallipoli is a site that is important to us. It was Australia’s baptism of fire as a nation, as a result of our involvement in the First World War. To me, it is also a peace site. If ever there was a peace park, it is Gallipoli because of the symbolism of Turkish and Australian soldiers buried together in the trenches. What happened after Lone Pine was that both sides lost interest in killing each other. That was because they were in such close contact that they had gained enormous respect for each other. What came out of Gallipoli is the ongoing respect and affection that the Turkish people have for Australians, and vice versa. I feel very emotional about this issue.

I do not think the sovereignty issue and the question of whether we will end up upsetting the Turkish government are a problem. I think they want our help. Frankly, in Turkey the interpretation of historic sites is
not very good. Ephesus, for example—one of the greatest sites in terms of history and heritage—is poorly interpreted. They do not have the capacity or the money to do the kind of interpretation that we would think appropriate. But that is not to say that, if we offered that level of financial and expert capacity, they would not accept it. We have fantastic capacity through our museums and through our archaeological and history departments in universities right around the country. We have the expertise and we have the capability, and, with the New Zealand government, I am sure we could put a substantial amount of money into a really good interpretation of the peninsula and into restorative work on the trenches and the communication tunnels. We could put in interpretation boards.

We could certainly explain that it is totally inappropriate to widen the road on the ridge and take it over a front-line trench. It is not a matter of criticism; it is a matter of bringing to bear on this site, which is so important to both countries, the level of expertise that I know we have in Australia and New Zealand, and of working with the Turkish government to really make this site what the flood of Australians going to Turkey want to be able to experience.

I found being there a spiritually moving occasion. It made me resolve more than ever to be a pacifist and to oppose war. The lesson I got from Gallipoli was that people came together to fight for our freedoms but that war is not the answer and that we must resolve to strive for peace. We must resolve also to strive for greater cultural connections with the Turkish people. I would like to see coming out of this an ongoing commitment from this parliament to work with Turkey to make Gallipoli a site that will have real historical meaning and interest for future generations.

Question agreed to.

CUSTOMS TARIFF AMENDMENT (COMMONWEALTH GAMES) BILL 2005

First Reading

Bill received from the House of Representatives.

Senator IAN CAMPBELL (Western Australia—Minister for the Environment and Heritage) (11.11 am)—I move:

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

Question agreed to.

Bill read a first time.

Second Reading

Senator IAN CAMPBELL (Western Australia—Minister for the Environment and Heritage) (11.11 am)—I move:

That this bill be now read a second time.

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

Leave granted.

The speech read as follows—

The Customs Tariff Amendment (Commonwealth Games) Bill 2005 contains an amendment to the Customs Tariff Act 1995 to provide duty free entry for goods for use in, or for purposes related to, the Melbourne 2006 Commonwealth Games. Similar concessions were provided for the Sydney 2000 Olympic and Paralympic Games. It is expected that Commonwealth Games participants and officials will bring with them a variety of goods that are to be used in a non-commercial manner. These will include give-aways, hospitality samples and other consumables that will be used for team promotion and for cultural and hospitality activities. It is intended that the concession will not apply to alcohol or tobacco products or extend to importations of a commercial nature. Existing provisions under Customs legislation relating to personal effects and temporary importations will also be available for purposes relating to the Commonwealth Games.
Debate (on motion by Senator Ian Campbell) adjourned.

Ordered that the resumption of the debate be made an order of the day for a later hour.

**TELECOMMUNICATIONS (INTERCEPTION) AMENDMENT (STORED COMMUNICATIONS AND OTHER MEASURES) BILL 2005**

**First Reading**

Bill received from the House of Representatives.

Senator IAN CAMPBELL (Western Australia—Minister for the Environment and Heritage) (11.12 am)—I move:

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

Question agreed to.

Bill read a first time.

**Second Reading**

Senator IAN CAMPBELL (Western Australia—Minister for the Environment and Heritage) (11.12 am)—I move:

That this bill be now read a second time.

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

Leave granted.

*The speech read as follows—*

This bill amends the Telecommunications (Interception) Act 1979 to extend for six months the operation of the provisions that enable access to stored communications without the need for a warrant under the Interception Act.

The bill also makes a number of important improvements to the Interception Act to better equip agencies in the fight against corruption committed by police and other public officials.

The Telecommunications (Interception) Amendment (Stored Communications) Act 2004 introduced into the Interception Act the concept of a ‘stored communication’ and provided that a stored communication could be intercepted without the need for a telecommunications interception warrant.

Access to such communications could therefore be obtained by other lawful means, such as by a normal search warrant.

These amendments were intended as an interim measure pending a thorough independent consideration of how best to regulate access to communications in the ever-changing world of technologies.

As an interim measure, the amendments included a 12-month sunset clause meaning that the provisions will cease to operate on 14 December 2005.

In March this year I appointed Mr A S Blunn AO to conduct a review of the regulation of access to stored communications and I have now received the Report from that review.

I thank Mr Blunn for his work.

I am pleased to present a copy of Mr Blunn’s Report to the House and to advise that it will shortly be available on the Attorney-General’s internet site.

Mr Blunn has made a number of recommendations in relation to stored communications.

This is a complex area of the law, complicated further by the rapid expansion of new and emerging technologies.

The Blunn recommendations need to be fully considered in order to ensure that the Interception Act is able to keep pace with these changes.

I therefore propose that the current provisions dealing with access to stored communications be extend for a further six-months.

This will maintain the status quo to give the Government sufficient time to fully consider the recommendations in relation to stored communications, and other issues, contained in the Blunn Review.

However, the main focus of this bill is on updating the Interception Act so that agencies that have been established to combat corruption are able to access and use lawfully obtained intercepted information where it is appropriate to do so.

These proposals have been developed separately to the issues addressed by Mr Blunn and demonstrate the Australian Government’s commitment to stamping out corruption.
Corruption by public officials, including police, may endanger the stability and security of societies, and undermine the values of democracy. Corruption may also be linked with other forms of crime, in particular organized crime and economic crime, including money-laundering.

Australia has a number of authorities that have been established with the specific aim of investigating and punishing those public officials who abuse the trust that their office brings. Recently the Victorian Government has contributed to this fight against corruption by establishing the Office of Police Integrity.

A key objective of this body is to ensure that police corruption and serious misconduct is detected, investigated and prevented. Intercepted material often provides vital evidence of corruption and therefore this bill will make the Victorian Office of Police Integrity an eligible authority for the purposes of the Interception Act. This means that the Director will be able to receive and use lawfully obtained intercepted material for the purpose of fulfilling its statutory obligation to investigate police misconduct including corruption.

This amendment follows extensive consultation with the Victorian Government about the need to ensure that there are appropriate accountability and oversight arrangements for the Office of Police Integrity.

I welcome the Victorian Government’s decision to enact legislation to address the Australian Government’s concerns. Nevertheless, the amendments proposed by this bill will not commence if those amendments have not been enacted or they fall short of the applicable standards.

The bill will also amend the Interception Act to enable the New South Wales Independent Commission Against Corruption, the Queensland Crime and Misconduct Commission, and the New South Wales Inspector of the Police Integrity Commission to use lawfully obtained intercepted material for the purpose of their statutory function of investigating corrupt conduct. These bodies are already eligible authorities for the purposes of the Interception Act but were restricted in the way in which they could use intercepted material.

The amendments made by this bill correct that anomaly and will assist those agencies in their fight against corruption. Accountability and transparency are key elements of public authorities. To this end, the New South Wales Government has created the Inspector of the Independent Commission Against Corruption to audit the Commission’s operations and to deal with complaints about the Commission (including complaints about abuse of power, impropriety and other forms of misconduct by the Commission or its officers).

As with other bodies that are established to deal with complaints about misconduct by public officials, having access to intercepted material will greatly assist the new Inspector fulfil its statutory role. The bill will therefore make the Inspector an eligible authority so that it may use intercepted material for the purpose of its function of dealing with complaints.

The final anti-corruption measure is to clarify that the expression ‘officer of a State’ includes all members of the police service of that State. While the definition currently includes all people who are employed under a law of the State, such as the civilian component of the police forces, there is some uncertainty about its coverage over police officers.

The amendment will ensure that intercepted material may be used in relation to the investigation of misconduct, including corruption, committed by all persons who are employed under a law of a State.

The anti-corruption measures illustrate the Australian Government’s commitment to the fight against corruption. Finally, the bill will make technical amendment to the Interception Act to remove references to the Acts Interpretation Act 1901 consequential on the enactment of the Legislative Instruments Act 2003.

Debate (on motion by Senator Ian Campbell) adjourned.
That, because of the Government’s failure to provide a short and reasonable extension of time of only 7 sitting days to the Employment, Workplace Relations and Education References Committee to complete its current inquiry on industrial agreements, the following matter be referred to the Employment, Workplace Relations and Education References Committee for further inquiry and report by 1 December 2005:

Whether the objectives of various forms of industrial agreement-making, including Australian Workplace Agreements, are being met and whether the agreement-making system, including proposed Federal Government changes, meet the social and economic needs of all Australians, with particular reference to:

(a) the scope and coverage of agreements, including the extent to which employees are covered by non-comprehensive agreements;
(b) the capacity for employers and employees to choose the form of agreement-making which best suits their needs;
(c) the parties’ ability to genuinely bargain, focussing on groups such as women, youth and casual employees;
(d) the social objectives, including addressing the gender pay gap and enabling employees to better balance their work and family responsibilities;
(e) the capacity of the agreement to contribute to productivity improvements, efficiency, competitiveness, flexibility, fairness and growing living standards; and
(f) Australia’s international obligations.

I wish to make a few remarks on this quite important reference. The reference comes about as a result of the government failing to allow a short extension of time for an existing reference that the Employment, Workplace Relations and Education References Committee is undertaking. Unfortunately, for reasons I do not understand, the government has determined not to allow an extension of time to enable the committee to finish its very important work.

This is in spite of the fact that the committee supported without objection the recommendation for it to seek an extension of time. At no time did any of the government senators indicate to me as chair of that committee that there were reasons why we should not seek an extension of time. Indeed, Senator Barnett, who is a member of that committee, indicated during the process of the hearings that he would have liked to have heard evidence from a wider range of groups than we had heard from at that point in time. He specifically mentioned small business representatives. Certainly, as chair, I was very keen to ensure that the committee heard from all interested parties. If there were areas that any member of the committee thought that we should hear more from, as chair I was very keen to ensure that they were heard on these very important matters. If there were areas that any member of the committee thought that we should hear more from, as chair I was very keen to ensure that they were heard on these very important matters.

There were also some timing issues with the first two hearings. I should note that the committee has so far held only two hearings, those being in Sydney and Melbourne. We were planning to schedule hearings in Brisbane and Perth. In particular, the Perth hearing was rather significant, because the state minister for industrial relations had expressed an interest in appearing before and giving evidence to our committee. I thought it would be very important as chair to give due respect to a state minister of the Western Australian parliament and enable them to be heard on these very important matters. The government’s industrial relations reforms
actually go to the very issue of abolishing the states’ rights in terms of industrial relations, and hearing what a state minister had to say about those issues was very important.

It is important, especially at this time when the government is planning a major overhaul of the industrial relations system, that the issues at the core of those changes be properly investigated and that people have an opportunity to put their position, explain to the committee how they may be affected by the changes and talk about current experiences so that, if the government continue on their program, they at least do so with some knowledge and evidence of the facts before them. This is one of the major roles of the Senate in investigating these issues. The overall reference says we should inquire into:

Whether the objectives of various forms of industrial agreement-making, including Australian Workplace Agreements, are being met and whether the agreement-making system, including proposed federal government changes, meet the social and economic needs of all Australians, with particular reference to...

It then lists a number of points, which I will go to in a minute. The overarching objective is to look at the government’s proposed changes.

When this reference was originally agreed to by the Senate as a reference in Senator Murray’s name, the expectation was that the government’s legislation would already be in the parliament. There has been a lot of frustration, particularly from the business community, that the legislation is still not before the parliament. It has provided significant uncertainty. We did not think it would take this long either, but we had a reporting date of 31 October, thinking that we would have the legislation. Not seeing the detail of the legislation would make it very difficult for the committee to fulfil its obligations under these terms of reference. That is not to say that we as a references committee want to investigate the detail of the legislation under this reference, but the detail of the legislation has a serious impact on what we have been asked to do by the Senate. Again, given that we were asked to report by 31 October, a short extension of time to 31 November does not sound unreasonable to me. It is simply seven sitting days. As I understand it, the legislation is not going to be introduced until the next sitting fortnight, so we are not going to sit on the legislation for very long. But it is an important aspect of our terms of reference.

It is important for us to do this work properly. As I said earlier, we want to be able to do our work properly. We had planned hearings in Brisbane and Perth, and in my view we have not heard from a broad enough field of interests to enable us to do the—

Senator Barnett—Of unions. Not a broad enough field of unions.

Senator MARSHALL—As I said, if you were listening earlier, Senator Barnett—and I thought you were—we have already had a number of submissions from unions, which are clearly very interested in this subject. We have had a number of submissions from employer organisations, we have had a submission from the Office of the Employment Advocate and we have had a number of submissions from academics and other experts in the area. It was actually Senator Barnett who indicated that he wanted to hear from small business. If you think I am not representing your position, you will have an opportunity to say so, Senator Barnett, but I hope you will not say that I, as chair, in any way discouraged you from doing that.

The ACTING DEPUTY PRESIDENT (Senator Lightfoot)—Senator Marshall, you should direct your remarks through the chair.

Senator MARSHALL—That was through the chair, of course. I, as chair, wel-
comed your input and made every effort. I have in fact asked the secretariat to hunt up some of those people you are interested in. They have done so, and those people are scheduled to appear before us. In fact, Senator Johnston, a former member of the committee, has been very helpful in organising people to appear before us in Perth.

Senator Murray interjecting—

Senator MARSHALL—He was too moderate—yes, that is one point of view. Some of these submissions are very important. For instance, we have not heard from Ms Jasmin Smith yet. She has put in a brief submission. She is an eighteen-year-old casual shop assistant who claims to have experienced some of the very worst aspects of the government’s existing workplace legislation. Her submission argues that the committee recommend against the retention of AWAs in any form whatsoever. The submitter explains that she was offered an AWA by her employer, Krispy Kreme, as were all other employees. She felt pressured and was bullied into signing an individual agreement.

Once on an AWA she claims to have lost many standard award benefits including overtime, fixed Saturday loading, 50 per cent penalty rates for Sunday work and uniform allowance. She also claims to have suffered a 9.3 per cent wage cut without receiving any benefits in return and a significant increase in the number of hours she had to work. She criticises the AWA for not providing any satisfactory mechanism for workplace disputes to be referred to a third party such as the Australian Industrial Relations Commission. She also describes how a formal written complaint of sexual harassment made by her against the company manager was ignored with no redress available under her AWA except for a non-binding mediation provision which instilled little confidence that the complaint would be dealt with fairly.

These are the sorts of submissions that the Senate is very interested in. We want to look at the actual practical application of the current industrial relations system and at how the new proposed industrial relations system will impact on people such as Ms Jasmin Smith. We hear a lot of rhetoric from the government about how AWAs will offer flexibility and choice. Clearly, Ms Jasmin Smith, who has been through the AWA process, does not believe that there was much choice, and the only flexibility she gained was losing conditions and wages. It is important for the committee to investigate those issues.

One of the specific things the committee was asked to do was look at the scope and coverage of agreements, including the extent to which employees are covered by non-comprehensive agreements. Again, that is a very important issue for the committee to inquire into and I say at this point in time that we have not had enough evidence to determine that issue, even though the Office of the Employment Advocate was reasonably helpful in this regard. But it is an important issue given that, as we understand it, the government intends to strip awards back significantly, in most cases down to five core conditions. If the awards are stripped down to that extent, AWAs that exist or that will exist in the future will have very few underpinning conditions, if any at all. Certainly, the AWAs are able to negotiate those underpinning conditions away. The scope of the application of those agreements is an important aspect for the committee to inquire into.

One of the other specific issues the committee is looking at is the capacity for employers and employees to choose the form of agreement-making which best suits their needs. Again, that seems to be one of the lines of rhetoric. The government tells us that employers and employees will choose and agree on the best form of agreement that
suits their needs. The evidence that we have seen so far and that has been presented to the committee, particularly by the academics, who have done a lot of work looking at this power relationship between the employee and employer, suggests to the committee that there will be very little capacity for employers and employees to choose the form of agreement making which best suits their needs. It will be one form of agreement making. It will be the employer who has the capacity to choose the form of the agreement that best suits their needs from their point of view.

We know already that, in government departments such as DEWR, new employees do not get to choose the form of the agreement. They are offered an AWA. The head of DEWR or one of the senior departmental officers in estimates tried to present to me that that was choice. When we pointed out that the Prime Minister talks about choice in industrial relations, the senior departmental official said, ‘It’s advertised on our web site that we will only offer an AWA, so the choice is that you either apply for the job or not.’ That is the choice that the government is serving up to Australian workers. I do not see that as choice. It is a choice of having a job or not; it is not a choice about agreement making. That is a choice about whether you want a job or not. It is a very important issue for the committee to inquire into and do a proper and comprehensive job on. I believe the refusal of the extension of time for our committee potentially undermines that.

One of the other specific issues that the committee is looking at is the ability of parties—focusing on groups such as women, youths and casual employees—to genuinely bargain. There is a lot of evidence already before the committee and in the public domain that those particular groups will be the most disadvantaged in terms of having any ability to bargain with their employers.

One of the other things is the social objectives, including addressing the gender pay gap and enabling employees to better balance their work and family responsibilities. Again, there is a lot of talk and rhetoric coming from the government side about how this new form of choice, so-called WorkChoices, will enable people to better balance their work and family responsibilities. I concede that, in some instances—and some examples have been given—there has been the ability for people to negotiate different working hours to suit their family working needs. There are some examples to that effect. There are plenty of examples around of people being unable to do that. But the point has been well made that that flexibility is available now. It has always been available. There have not been restrictions and there are not restrictions on the ability to negotiate those things. We certainly do not need a new so-called WorkChoices program to enable that sort of flexibility.

The committee would be interested to know whether the government’s proposals actually help that or hinder it. There is a strong argument that the government’s program may in fact hinder it. Again, if we change the balance of negotiating and bargaining power further in favour of employers, the chances are that there will not be the ability for employees to bargain around issues that enable them to better balance their work and family responsibilities.

Another area that the committee is specifically inquiring into is ‘the capacity of the agreement to contribute to productivity improvements, efficiency, competitiveness, flexibility, fairness and growing living standards’. The link between agreement making and productivity is something we have taken a lot of academic evidence on. One thing I can say from reading the evidence so far is that the government has not made any economic case for its changes. In fact, the evi-
evidence put to the committee suggests exactly the opposite—that when you shift the balance to employers and introduce disincentives to proper genuine bargaining, you will in fact get reduced productivity. There was lots of evidence put up. In fact, the main employer organisation, the AiG, actually said that their view is that where there is bargaining, there is better productivity. Bargaining does not mean people just being offered a take it or leave it AWA; it is genuine bargaining between employees and employers. In another point well made by the AiG, when genuine bargaining takes place, productivity improves; when there is no bargaining, there are no productivity improvements.

Much of the academic evidence talks about those sorts of issues and, again, the committee seeks time to properly consider all that evidence and present it in a proper, well-researched committee report. The government has determined that we will not have that extension of time. That is unfortunate. I suspect they will not support this new reference which would simply, in effect, give us the extension of time that we sought. At least it enables us to put some of our concerns in that regard on the public record.

The committee, while failing to get the extension of time, will of course proceed and produce a report. It will still be a report based on the evidence and submissions we have. It will still be a comprehensive report and will still address many of the issues but it could have been better if we had had the opportunity to hear evidence from further witnesses from a broader scope of community interest. That would enable the committee and the Senate to continue the excellent work that they do in the committee process.

Senator MURRAY (Western Australia) (11.33 am)—This motion is a result of a majority of the Senate refusing to give the committee an extension of time in which to report. That requested extension of time was not unreasonable—it was for another month. On that basis, for the majority to refuse is poor politics, is poor process and shows a poor attitude to the Senate committee process, senators’ needs and the Senate involvement. It is often not particularly well understood by those who only watch the Senate superficially. As an aside, I must remark that we were reminded how the gallery watch the Senate when we have a sitting without the House of Representatives. I assumed that all those journalists who normally watch the Senate would come trotting into the Senate to watch our question time. In fact, the number of journalists in the gallery only doubled from two to four. It is a reminder that we do not feature large in media perception. But, even if we did, we would not expect them to know the sort of work we do in detail and the sort of pressures that we have.

I make those remarks because one of the reasons the committee report needs to be delayed is to try and coordinate individual committee members’ needs with respect to the witnesses they want to hear from, where they want to hear them and other pressures that they might have. Three of the committee members, for instance, will be away for two weeks in the coming month.

In my own particular circumstances, the reports I have had to deal with in the last four weeks included the Senate Economics References Committee’s inquiry into the capital account deficit, the Senate Finance and Public Administration References Committee’s inquiry into regional partnerships, the Senate Rural and Regional Affairs and Transport References Committee’s inquiry into the wine-making industry, and the Joint Standing Committee of Electoral Matters inquiry into the 2004 election.
You have to read each of those, you have to make your comments and you have to appear at meetings. Sometimes you write a minority report—for the JSCEM inquiry I wrote a 40-page minority report. In between I have written and published a major technical paper on tax-free thresholds and another major paper on the enduring legacy of child abuse. I have made various political speeches and done a great deal of work. Other senators have those loads and do that sort of work and because of that you need to arrange the schedule and the committee functions to ensure that we take into account those sorts of pressures and are respectful of them. So when the committee chair wished to extend the committee reporting date by a month, it was perfectly reasonable. But, as I say, the request was turned down. As a consequence, of course, the chair of that committee has felt obliged to put forward a further reference. I suppose we can anticipate the reaction of the government to that. You will have to wear it; we will have to wear it. We will see the consequences and whether the cumulative effect of these attitudinal issues hurt the government or not come election time.

Turning to the subject matter of the inquiry that is under way—and for which this particular committee has not been allowed to extend its reporting date—one of the great problems with workplace relations is how little understanding there actually is of agreement making and enterprise bargaining. This morning I was interested to read former Prime Minister Paul Keating’s assessment of it as being in two parts. One part he referred to as the enterprise bargaining part, which the coalition then and now strongly support, as do the Democrats, and that enables bargaining to go on at the workplace. The enlargement of that concept was, of course, the introduction of individual statutory agreements, known as Australian workplace agreements, which are also strongly supported by the coalition and the Democrats—but in this case not Labor—because we support the principle of statutory individual agreements. We recognise that there are some major problems with AWAs, so we are not averse to reforming them, but we are strongly supportive of the principle. That is one half of the bargaining picture.

The other half of the bargaining picture is the safety net, which the coalition also supported up until recently. The safety net is provided by the award system. Most people do not understand how agreement making interacts with the award system. There are at least five streams of employees’ wages and conditions that relate back to awards. When you establish an award, which is a collective agreement—that is, industry general, whereas enterprise bargaining is industry specific or business specific—it is established on the basis of 20 allowable matters under the federal system. The state systems have open-ended awards, which I think is unwise. You establish those awards under the 20 allowable matters, and certified agreements—both union certified agreements and non-union certified agreements, which are collective—use the award for the industry as the reference point or the safety net. For instance, if your enterprise agreement does not include some matters that are picked up by the award and is silent on those issues, by default the enterprise agreement refers back to the award. That is what a safety net means. In fact, there was a recent publication about that being the case for nurses. I think their enterprise agreement was silent on leave provisions and, by default, it referred back to the award. So enterprise agreements are very much underpinned by and use the award considerations as their foundation. They very much relate back to the award.

Now we have the award, which is a collective agreement that is industry general, and the enterprise agreement, both union
certified and non-union certified, which is another collective agreement that is business specific. Then there is the statutory individual agreement, known as the AWA. That is specifically underpinned by the award. Specifically, the law at present does not allow, on the global no disadvantage test, for the AWA to be inferior to the award as a whole. In other words, the AWA is underpinned by the safety net of the award. Once again, if that AWA is silent on a particular issue then, by default, you can refer back to the award.

Then there are common law individual agreements. Common law individual agreements do not sit out in some kind of limbo—land—some do, and I will explain that in a minute. They almost always refer back to the award. Let me give you a simple example: a retailer will typically abide by the award for his or her employee, but in one respect may decide to vary that agreement, so they write a letter or make a verbal agreement that they will pay the worker differently or will provide a condition for the worker that is different from or, usually, better than the award. That is a common law agreement. That is a separate agreement between the employer and the worker. That is how a common law agreement relates back to the award. The award might cover all the issues of sick leave, long service leave, working hours, shifts and all that sort of thing, but the employer will provide a description separately, and that is the common law agreement.

The last category is one which people understand least—and it is actually very difficult to put your finger on statistically—and that is common law agreements which are not underpinned by either state or federal awards, known to be those that fall between the cracks. Some years ago a former minister, Peter Reith, produced a paper—I have forgotten the name of the paper—outlining this category. So there are all the sorts of agreements that go on, and all of them, except the last, specifically relate back to the award. The government proposes to de-link—that is the euphemism used by the business organisations; I would use the word ‘uncouple’—agreements from the award. What will happen is that awards will survive, but they will be for people who use the award and nothing else, and awards will be reduced in content by four allowable matters, down to 16.

But all those other categories that formerly used the award as the safety net, the underpinning, the foundation structure will now fall back to those minimum conditions. By the way, I am working on what is before us; I am not working on the legislation. These are just the announcements so this is a description that must have that qualification. Those certified agreements and individual agreements will now relate back to four, perhaps five, minimum conditions—we will wait and see what the government presents to the parliament in legislation.

The consequence of all that is that the breadth of the wages and conditions—those underpinnings and those secure benefits—that working people have struggled, through the union movement and their own endeavours, to establish as the criteria by which employment occurs in a civilised and First World country like ours will be taken away. Some employers may retain them, of course, and some agreements may retain them, but those employers who do not want to retain them will have carte blanche to completely alter the wages and conditions that workers and employees formerly enjoyed.

The question is whether this will produce a more productive and a fair outcome. I use the word ‘fair’ deliberately because, as the church leaders remind us, society, relationships and fairness are not less important than the economy. It is why I keep remarking in this matter that, until such time as the gov-
ernment makes a credible economic case, which it has not made, it cannot even begin to justify to the Australian people that the negative social effects of what it proposes can be justified. During the Hawke-Keating years it was quite apparent that society and households had to take some pain in order for the nature and structure of the economy to be adjusted so that Australia could get back on its feet with lower inflation and a more competitive and stronger economy. And it did so. But the economy is now strong, and the difficulty the government is going to have is persuading people that the loss of their underpinning safety net is justified in any way. It is no good just making the assertion again and again because the Australian people will come to their own conclusion.

I remember that during the debate on the republic 300 journalists of the Australian apparently, according to the editorial at the time, wrote that they supported the minimalist proposition put up for referendum which basically constituted taking the crown off the Queen and putting it on the Prime Minister’s head. I thought it was pretty poor. But the 300 journalists all said that they supported that. If you believe that, you believe anything. The fact is that the Australian people did not just wander along behind them and support that; they made up their own minds. So I think you have to be very careful of making loud assertions and hearing your own voice and thinking that you will get the automatic response.

The other problem is that if all this rests on an economic foundation and if you end up getting it wrong and you drive down consumer confidence and lift up insecurity then you will shake the very foundations of the economic strength and health that we hold now. The committee has asked for an extension for one month to try to put agreement making into the economic and social perspective that was necessary. That is what it was doing.

Of course the parties will take a different view on this. This is a very emotive area. Of course the government will take one view. Of course the Democrat member, which is me, will take a different view, and Labor will take a different view. So what? That is the purpose of a Senate inquiry—that people express a view about these matters and the Senate as a whole, the public and the media can be better informed about these matters. For the sake of a month we are going to get an inadequate report, no doubt—if the chair and committee are able to do it in time. We know this motion is going to go down and we will all be less informed and less enriched in an information sense than we otherwise might be.

The opportunity is lost and that is a loss of the basic process of the Senate. Triumphing over a month’s extension does not enable the coalition to win the argument. You have to win the argument by force of argument; not by force of propaganda, not by force of advertising, not by force of assertion but by force of evidence. You have to show us why a federal system which is so effective deserves to be overturned. I can understand why it needs to be adjusted here and there. I have no problem with continuing reform. I certainly understand the unitary system argument. That seems as clear as the nose on your face because of the Victorian experience. We know how it worked in Victoria. But all this other stuff is untried ground. You are going to disturb the very foundations of your economy and your society when you affect the relations between employers and employees in a fundamental way by attacking the foundations of their agreement making. I am deeply disappointed at the coalition failing to give extra time to the committee.
Senator SIEWERT (Western Australia) (11.52 am)—I also rise in support of this motion. I am deeply disappointed that the government firstly refused the extension and secondly will no doubt object to this motion as well. Don’t they want scrutiny of the impacts of their proposals? As a community, we need to know the full ramifications of the legislation that is going to come before this place. We need to know what has happened in the past with various industrial agreements.

The impact of the legislation will have long-term ramifications for millions of Australians. The new reforms are based on agreements. We need to know what impacts these agreements have had in the past, what their strengths and weaknesses are, and where improvements could be made if the legislation is to go ahead. Surely it is appropriate that members of the Senate hear from members of the community and those who will be impacted upon by these changes. Surely it is appropriate that we give them a voice and that we hear from them. However, the government does not seem to want to hear from the community. It does not seem to want to allow open and honest scrutiny of the full ramifications of this legislation.

I want to dwell on a few of the potential impacts and why an inquiry such as this is so important. Let us look at the capacity for people to genuinely bargain and what impacts such legislation may have. It is particularly going to impact on the most disadvantaged of our community, those who rely on awards to deliver fair and equitable conditions. They are particularly women, young people, those in part-time or casual employment—of which we are getting more and more—and those from non-English-speaking backgrounds.

If we look at young people, they are expected to front up to their bosses and be able to bargain with an equal capacity. What a load of nonsense! These are inexperienced people who in many instances have not worked before or have been in casual and part-time employment. There is no way they have an equal capacity. There is no way they can bargain in a fair and even manner.

If we look at women and the gender pay gap, which is one of the particular reasons I think this is important, while we all think women have gained equity, they clearly have not. Reports on the gender pay gap show that it is about $150 a week. Australian women still earn $150 a week less than men, and about a third of all working mothers are casuals. Again, these sorts of agreements are going to impact particularly hard on those in part-time, casual and temporary employment. There has been no substantial improvement in women’s pay as a percentage of men’s since 1986. Reports have found a gender pay gap of 18.4 per cent for full-time adult workers and 11.2 per cent for full-time non-managerial employees. For part-time workers the gap was only 6.1 per cent—hooray!—but this was attributed to the fact that 72 per cent of part-time workers were women.

Some of the reasons found for this pay gap were: the overrepresentation of women among the growing army of casual workers; the high percentage of women in part-time employment; women’s continuing segregation in feminised occupations such as child care and industries such as retail, where their skills are historically undervalued; the greater dependence of women—nearly one-third in the private sector compared to 17 per cent of men—on award rates for their actual rates of pay; and discrimination, systemic discrimination in particular. In other words, women are particularly vulnerable to lowering pays, to inequality and to not being able to bargain on a fair basis. Women also particularly need strong awards to ensure their
rights, pay and conditions. If we quickly look at WA, my home state, we have the dubious honour of being the worst in this respect. The Western Australian Minister for Consumer and Employment Protection stated:

Western Australia has the largest pay gap between men and women’s wages of any Australian State, with women paid on average 22.6 per cent, or $232 a week, less than Western Australian men, and 6.5 per cent less than women elsewhere in Australia. It is of concern that the differential between male and female earnings in WA is of this magnitude, and that WA is worse than the other States. Furthermore, this situation is continuing despite improvements in the levels of education among women in WA and a substantial increase in the minimum wage.

Then, of course, we are taking away their representation and their abilities to negotiate. Women have struggled for a long time to achieve improvements in their working conditions but, as we have just heard, they still face unequal pay and discrimination in the workplace. What should be basic rights are now threatened by taking away their ability to collectively bargain and to have union advocacy. I do not believe that they are going to be able to effectively bargain, to negotiate fair and equal pay and to address the growing gender pay gap.

Then we look at the impact on families. This is another area it is suggested we inquire into. In relation to the impact of increasing pressure on men’s ability to be with their families, the Human Rights and Equal Opportunity Commission found in their *Striking the balance* report:

Fathers of young children are likely to be working a greater number of hours than other men ...

They also found:

In one survey of 1000 Australian fathers, more than half believed that the major barriers to being involved as fathers were related to their participation in paid work, in particular work load or work commitments, time pressures and the need to earn an income … 68 per cent of respondents felt they did not spend enough time with their children and 53 per cent felt their paid work and family lives interfered with each other.

I put to the Senate that the changes that are coming with the proposed industrial reforms and the increasing shift to AWAs will in fact put more pressure on families, that people will be working even harder, that the men referred to in this study will be working harder and that this will negatively impact on their relationships with their families. But maybe I am wrong. We do not know. And the way to find out is to have an inquiry.

Another element of the inquiry is productivity. I spoke at some length about this last night. When looking through the WorkChoices document, I noticed that it refers very basically to productivity and makes claims that the new industrial reforms and the AWAs increase productivity. But nowhere in that document is there any evidence of this. It merely refers to the fact that AWAs will improve productivity. The government must think that they magically increase productivity, but there is no evidence. I would like to see some firm evidence. I would like to see proper economic justification for these changes and for the use of awards, because at the moment it is not there. This inquiry will help bring it out, and perhaps that is why the government do not want a more broad-ranging inquiry—they think they can avoid having to produce this information and this evidence.

We talk about flexibility. At the moment the main level of flexibility that I can see is the flexibility for workers to have to fit around the boss’s requirements. Flexibility for women is particularly difficult when they have children in child care and when child-care facilities are not adequately provided, so their flexibility is not there. Then we get on to choice—WorkChoices. ‘Choice’ is a very good name for it because it is basically: do you want a job or not? And, as the minister
has so eloquently pointed out, workers can go elsewhere if they do not like it. I do not believe that is an adequate approach to managing employment in this country.

We Greens strongly support this inquiry. We believe it is essential. We believe these changes will have long-term implications for basically everybody in Australia, because everybody in Australia is working or on some support and is a family member. This will have long-term implications for families, for people’s children, for our working mothers, for our young people and, of course, for every member of the community. We strongly support this and really encourage the government, if they consider this proposal to be fair, to open it up to scrutiny.

Senator TROETH (Victoria) (12.02 pm)—Last night in my comments on Senator Wong’s motion, which was to set up a references committee to look at some aspects of the industrial relations legislation, I said that it was very obvious that the opposition want to have their cake and eat it too. What the opposition want to do—and this includes Senator Marshall’s motion to have a references committee to run concurrently with the inquiry that the Howard government has already agreed to, and I will go into that into a moment—is to speculate endlessly about the legislation that the Howard government is going to bring into the parliament but not actually hear about it. It is totally ridiculous to expect the Senate to agree to have a references committee to run concurrently with the inquiry into the forthcoming industrial relations legislation that the Howard government has already agreed to.

In my remarks last night on Senator Wong’s motion, I said that the government is quite comfortable for its workplace relations reform legislation to be referred to the Senate Employment, Workplace Relations and Education Legislation Committee for inquiry. Indeed, the Minister for Employment and Workplace Relations, Kevin Andrews, commented on this in an interview with David Bevan on ABC 891 on Tuesday, 11 October—that is, two days ago. When he was asked by Mr Bevan, ‘Will this legislation be examined by parliament’s committees?’ Mr Andrews responded, ‘Oh, yes, I expect there will be a parliamentary committee process looking at that; that’s the normal course.’ This is indeed what we are going to be doing.

In relation to the opposition asking for an extension to the references inquiry to further consider industrial agreements, I think there is no point in having two inquiries running on the same thing. Surely, from their frequent calls of, ‘Let’s see your legislation,’ I would have thought that the opposition would be much better occupied by looking at the legislation that we are going to bring forward. It is true that, when this extension of time for the committee was raised in the committee meeting itself, I did not mention that we would be objecting to it, but I would have thought that Senator Marshall would know that. What would have been the point of objecting to it in the committee meeting itself when the members of the government, on my side, would have been overruled on that and it would have come to the Senate anyway? We need to debate this on the floor of the Senate so that the opposition’s reasons for the extension can be fully examined.

It is true that we have had several hearings of the committee already. It is my understanding—through you, Mr Acting Deputy President Barnett, to Senator Marshall—that the Perth hearing, which is scheduled for 25 October, would still be going ahead and there would still be time for the report to be written by the time the committee needs to report to the Senate. In those hearings it is perfectly true that not only have we heard some evidence from those who are in favour of indus-
trial agreements but we have also heard a great deal of evidence from those who do not believe in anything else but a union based agreement. I have no argument with that. I do not argue with the fact that we will take different points of view on this. But it is the month in which we are supposed to be running two concurrent inquiries that I do have objections to. If the legislation is what the opposition is interested in then the opposition will participate in an inquiry into the legislation, not a further inquiry into industrial agreements when every union that exists in Australia will be paraded before the committee to express its views on industrial agreements which are totally predictable.

As I have said, the legislation is still not before the parliament and the opposition keep saying, ‘Show us the legislation.’ We will be doing that in due course. Surely, in the advertisements that the government has been running and the very full description which both the Prime Minister and the Minister for Employment and Workplace Relations, Kevin Andrews, have frequently referred to, enough information has been given for the opposition members of the references committee to have a fair idea of what is going on. I might add, of course, that the opposition have strongly objected to those advertisements, saying that we are wrongly using taxpayers’ money to put information before the public. It is that very information that the ALP is calling for. We are providing it in the advertisements and in what the Prime Minister and the minister are saying, and that is what the ALP objects to. I cannot quite see the logic behind that.

If we do not know the content of the legislation—which we will do when it goes into the House of Representatives and when we have, presumably, a legislation committee inquiry—how can we ask the witnesses that come before the references committee what the proposed impacts are? They will not be speaking from a position of knowledge other than the past, and what we are looking forward to in our legislation is the future.

AWAs are a relatively recent entrant to the industrial agreements field. We need to get on and look at the legislation and the way in which AWAs as well as enterprise bargaining agreements and union based agreements will intersect, as Senator Murray quite rightly remarked, with the new legislation. We cannot do that at the moment and we will not be doing it until the legislation comes into the House later this year—and then, indeed, into the Senate. Senator Murray remarked that he is looking at how agreement making—and he gave us an overview of the full range of that—interacts with the award system. Basically, opposition members on this inquiry do not want to know that. They want the totally negative responses that they have had from some members of the union movement on how that works. They do not want to hear about the positives.

Several other speakers in this debate have mentioned choice and the way in which workers will be coerced into taking an AWA whether they want it or not. I think that it has been made perfectly clear in the comments so far by the Prime Minister and the minister, Kevin Andrews, that there will be no coercion whatever as regards the existing arrangements. Indeed, this was reported on page 1 of the Hobart Mercury—which I am sure you would well know, Mr Acting Deputy President Barnett—on Monday of this week, 10 October 2005. It remarked:

It would be illegal for a boss to force an existing worker onto an AWA but not to demand all new workers sign an AWA in return for a job. Bosses or employers must be able to run their workplace in the way they want. If AWAs are the norm or are reasonably widespread in their workplace, they will have the opportunity to do that.
Going back to the references committee inquiry, the subject of this motion, the main point that I want to make is the level of speculation that is running rampant. If we look at the committee’s web site and the way in which information is provided about this inquiry, these are the sorts of comments that are being made:

Amendments likely to be passed to the Workplace relations Act late in 2005 are expected to lead to a gradual decline in the number of industry-based agreements ... Collective enterprise agreements will remain numerically significant, but are likely to change in content ... Forthcoming legislation may mean the role of unions in negotiating agreements is also likely to diminish.

As I have often remarked during the committee hearings, if a union is doing a proper job it will be standing next to the individual worker in those Australian workplace agreements, negotiating what that worker wants to negotiate, and it is still open to question whether that is happening. Further on, the information about the inquiry says that the references committee will examine:

... the changed dynamics of workplace agreement making which is likely to occur with the announced radical overhaul of the Workplace Relations Act. The Committee will examine ... the agreement-making system, including proposed changes ...

How can we evaluate this if we do not have an inquiry into the legislation? Having heard the evidence in this inquiry—which has been running, as I understand it, since 23 June—we need to now get on to the legislation inquiry, and undoubtedly that will happen over the next little while. I want to see this inquiry, which has been given a reasonable time to hold the hearings, ask its questions and hear from its own representatives, report by the original reporting date and not be given an extension of time. For that reason the government will be opposing Senator Marshall’s motion.

Senator GEORGE CAMPBELL (New South Wales) (12.13 pm)—I also want to make a number of comments in relation to this debate and the issue of the government taking the position of refusing the extension of time to the Employment, Workplace Relations and Education References Committee to report on its current inquiry into industrial relations and associated matters. Just checking back on the records, I note that since July-August this year there have been 16 applications by committees seeking extensions of time in order to complete their reports and report to the parliament, and on every one of those occasions those committees were granted those extensions.

What is probably more significant is that there have been only four occasions in the past 20 years on which committees that have sought an extension of time in order to report to this parliament have in fact been denied it. I also have the opportunity of sitting on the Selection of Bills Committee. It has been very notable that since August, since the new parliament with the majority on the other side came into being, we have been consistently confronted with decisions by government to constrain the time within which a committee has to examine bills and to report. They have continually sought to truncate the reporting periods available to the committees.

Senator Abetz—We are looking for efficiencies.

Senator GEORGE CAMPBELL—Senator Abetz interjects and says, ‘We’re looking for efficiencies.’ Let us look at what has been put to us in relation to the bills, in relation to the government’s industrial relations agenda. As I said the other day in respect of this matter, the government’s overall IR plan was launched last Sunday. It was launched in a fanfare of a briefing for the business community. Interestingly enough,
the employers unions got an invite: the AiG, a registered organisation in the commission; ACCI, another well-known employer organisation; and a range of other employers unions from other industry sectors. But did any of the unions representing employees get an invite? Not one. They received no briefing whatsoever. As I understand it, the press got two minutes notice. They got a copy of the document two minutes before the press conference—a real opportunity to examine the detail of the document and to be able to ask questions about its content.

What is worse than that is that this parliament is expected to examine that legislation between now and Christmas. It is expected to examine the detail of the bills that are put before it and to pass that legislation before the Christmas break. I do not think any of us expect to get out of here until it is passed. If there is any delay in trying to examine it, the government will simply do what they have done with Telstra: drop the guillotine, apply the gag and ram it through. We have not received a copy of the IR plan. No copies of the 68-page document were presented to any parliamentarians in this building. I do not know whether government members got copies of it, but certainly those on the opposition side did not.

Let us look at what we are being asked to do here and what is particularly important in terms of its relationship to the other inquiry. We have been told that the legislation is likely to be introduced into the parliament at the end of this month—that is, the end of October, before the parliament will sit again. So by the end of October the bills will be in the parliament. Presumably when the bills get in here they will be referred, as per the decision, to the legislation committee for examination and report by 22 November. In effect, that means that we will have 21 days to examine proposed legislation which everyone is arguing is the most far-reaching proposal for change in our industrial relations system since Stanley Bruce tried to abolish the arbitration commission in 1929.

We are going to be given 21 days to examine the legislation. When you dissect the 21 days you see that we have to allow time and opportunity for interested parties to be notified that the inquiry is on, to give them the opportunity to make submissions. We have to give those individuals the opportunity to be heard. At the same time, we have to allow time within that time frame for the committee to write its report. I would suggest to this chamber and to anyone else who is listening that it is going to be a practical impossibility for us to meet that deadline and to do justice to a proper examination of the consequences of those bills.

There is a range of issues. There are myriad issues involved in the proposed legislation. There are interrelationships between various aspects of the proposed changes which will require examination because they could lead to substantial disadvantages being placed upon the work force. That could even happen by accident, not by design. But there is at least a responsibility on us as members of parliament, as legislators, to examine in detail the proposals in the bills to ensure that people are not inadvertently seriously disadvantaged as a result of the changes that are being put in place.

There have been a number of claims made by the Prime Minister in respect of the proposed IR reforms. One of those claims is that they will enhance productivity—that we will get significant productivity growth. It is said that we need to change because we need to drive productivity and give it a boost. That is one claim. But you cannot just sit down, glance at a document and say, ‘Yes, that will lead to productivity.’ At the moment, it is an assertion and nothing more; it has not been put to the test. I suggest there will be little
opportunity to talk to experts in the field to see whether or not the rhetoric of the government will match the outcome.

The Prime Minister also claims that the reforms will lead to a better balance between work and family responsibilities. Again, that is an assertion without any attempt to examine its veracity and to test it with those people who work in that particular field and are familiar with it. And the Prime Minister claims that the capacity for employers and employees to choose a form of agreement making that best suits their needs will give greater flexibility—employees and employers will be able to make whatever agreements they want, and that is in their best interests. If you take a generous view, maybe that claim is true. But at least there ought to be a proper opportunity for it to be tested and examined against the facts, because that is not what is being said by a range of other people.

Those elements are part of the inquiry being conducted by the references committee. They are part of its terms of reference. We are already substantially down the track in relation to those issues. We have had a considerable number of witnesses before us. You can take out of the equation the witnesses that those on the other side of the chamber would claim are biased, which would be the unions, with the exception of the employers unions. And you can take out of the equation the people that we would suggest were biased witnesses, which would be the employers and employers unions.

We have had submissions to the inquiry from a significant number of highly reputable academics in the field of industrial relations. They are not all raving radicals. There were people from the very right of the spectrum across to the left of the spectrum. Not one of those academics has said that the claims by the government or the Prime Minister are right. In fact, they have all argued the reverse. They have all argued that the proposed changes are going to impose greater stress on workers and are going to create a position where wages will fall, that they will not be family friendly and that the bargaining process will substantially disadvantage workers compared with employers. All of them, without exception, have said that, including people like Professor Wooden, formerly of Flinders University and now at the school of applied economic research at Melbourne university. He is a well-known conservative academic who has been consistently used by the government to advocate their causes over the past 10 years. So it has been people right across the spectrum.

There are figures which give rise to concern about the government’s claims in relation to this proposed legislation. The government are fond of telling us how terrific they have been for workers—that workers’ wages have increased 14 per cent or thereabouts over the period of this government. The reality is that the workers whose wages have increased by 14 per cent—13.8 per cent, to be precise—are in the top percentile of employees in this country; that is, in executive and managerial positions. The wages of workers in the bottom two percentiles have increased by 1.2 per cent over that period. There is a huge gap between those at the top and those at the bottom. That has happened throughout the period that we have had Australian workplace agreements in place.

It is the same in respect of productivity. Labour productivity grew by half a percentage point in 1996-2004. But the most telling figure over the same period is that multifactor productivity has declined by over half a per cent. Anybody doing economics 101 will tell you that that means that resources are shifting from investment in technology, plant and equipment to investment in labour. That
normally signifies that the price of labour is falling, because that is the determinant when you make a judgment about which of the two you invest in. Those figures make the point that wages have been falling over that period. The general view, and the view of a number of the academics that we heard from, is that they will fall even quicker.

The motion moved by Senator Marshall asks for an extra seven days over and above the reporting date that has been suggested in relation to the legislation which is to give effect to the government’s industrial relations agenda. That is not much of a difference. I would have thought that was sensible in the context that this committee is already dealing with a range of the issues that are pertinent to the examination of the legislation. We are yet to talk to a couple of academics who have done a great deal of work on the introduction of individual agreements and their impact on productivity and income.

I would not have thought that that was a very difficult set of circumstances for us to accommodate, given that the government’s own resolution in establishing the reference to the legislation committee has expressly excluded examination of a whole range of issues that have particular pertinence to the overall outcome of the inquiry. So we have asked for an extra seven days. We will have 22 days to try to put together a range of submissions and to organise hearings. I might add, out of those 22 days, the parliament will be sitting for the first two weeks. We have Senate estimates for the first week of the period, so no-one will be available to have any hearings. The second week is a sitting week for the Senate. In fact, we will have less than 14 days to conduct the inquiry and to report. It is not surprising, because I believe it has been a deliberate strategy of this government to ensure that scrutiny and examination of the detail of this proposed legislation be kept to a minimum. The fewer opportunities there are to expose it to rigorous examination and rigorous testing, the more opportunity there is for the government to get away with its introduction.

In many ways, I believe that this legislation will turn out to be the government’s Achilles heel. In the same way it ‘killed’ Stanley Bruce in 1929, I am confident that it will ‘kill’ Peter Costello, in all probability at the next election. But that is a judgment they have to make. That is a political judgment for the government—but accept the fact that I believe it has made the wrong one. In addition, two committee members are going to be away for part of the period in which this examination is going to take place. But I do not think it worries the government greatly whether or not those individuals in this chamber who have considerable knowledge of and expertise in the field are able to participate effectively in the work of the committee, because it is not the government’s intention that the committee work effectively in its examination of the detail of this legislation. If it were, the legislation would have been out much more quickly and there would have been greater consultation than there has been to this point. We will see this legislation dealt with in this chamber and in the other chamber in very much the same way we have seen the legislation to sell Telstra dealt with. It will be done in such a way that we will be limited in our capacity to contribute. (Time expired)

Senator MARSHALL (Victoria) (12.33 pm)—I thought Senator Barnett might speak, but if he is not going to I will close the debate. I just want to make a few comments about what the Deputy Chair of the Employment, Workplace Relations and Education References Committee, Senator Troeth—
Senator Barnett—On a point of order: Senator Marshall indicated that I had the opportunity to speak—

Senator MARSHALL—No, I said I thought you were going to speak.

Senator Barnett—and I wanted to speak very strongly in opposition to the motion, but I understand that that may not be possible.

The ACTING DEPUTY PRESIDENT (Senator Crossin)—There is no point of order.

Senator MARSHALL—I thought I was rising to close the debate, and I have now started to do that. I thought I gave Senator Barnett the indication that he could have sought the call if he wanted to, but he has missed it now.

Senator Barnett—You know my position!

Senator MARSHALL—I do indeed know your position, Senator Barnett. Senator Troeth, the deputy chair of the committee, made a few points, and I want to address them quickly. One of the things she indicated to the Senate was that, at the private meeting of the committee when the committee, without dissent, determined to seek—

Senator Troeth—There was no objection.

Senator MARSHALL—It was without dissent.

Senator Troeth—There was no objection!

Senator MARSHALL—Senator Troeth would prefer I use the words ‘there was no objection’. It is the same thing. The committee resolved to seek an extension of time from the Senate, and that was put to the Senate this morning and voted down. There was no dissent, and the committee resolved to do that. Senator Troeth was at the meeting. She indicated in her contribution that, even though she supported the committee in asking the Senate to agree to an extension of time, I should have known that the government was not going to support it. I do not know how you can come to that conclusion, Senator Troeth. I am not a mind-reader, and so it has come as a surprise to me.

As Senator Campbell pointed out, the Senate has refused a request from a committee for an extension of time on only four occasions. I do not know how you could come to the conclusion that I should have known; I did not know. We had spoken regularly throughout our committee meetings and public hearings about the need for extra hearings. We had set a date in Brisbane. That date was in fact after the original closing date of the inquiry. I would have thought that, if the government was not going to agree to an extension of time, government senators might have indicated that we were wasting our time organising public hearings in Brisbane. I do not know why Senator Troeth raised that or what point she was trying to make, but I think it is appropriate that I set the record straight.

Senator Troeth also said that the Labor Party and I simply wanted to endlessly speculate about the upcoming legislation but not actually look at it. I made the point abundantly clear earlier that that is the problem we have. We in fact want to look at the legislation. We do not want to examine the legislation in enormous detail as part of this reference and as part of this inquiry, but it is important to know what the legislation does and what impact the proposed legislation will have on the terms of reference of our inquiry. The terms of reference are very clear in respect to that. They say that we are to investigate:

Whether the objectives of various forms of industrial agreement-making, including Australian Workplace Agreements, are being met and whether the agreement-making system, including proposed federal government changes, meet the social and economic needs of all Australians, with particular reference to ...
There are then a number of specific terms of reference, which I went through in my earlier contribution. We do not want to endlessly speculate. That is the point: we want to see the legislation.

I made the point earlier—but it would appear that I need to make it again—that, when this inquiry was referred to the Senate, the expectation was that the proposed work changes legislation would be before the parliament, and we were not the only ones who expected that. Business expected it. It was the general expectation that the legislation would be before the parliament. We have heard many business leaders complain about the uncertainty that is being created in workplaces now because the legislation is not before the parliament.

Some of that uncertainty may have now dissipated because the government has come out and launched its WorkChoices booklet, which indicates in some more detail than we had previously what the legislation will do. But until we see the legislation it is hard for us to determine exactly what impact it will have. We know that the booklet that has been produced and authorised by Senator Eric Abetz—

Senator Abetz—Written by—that is what it says, anyway.

Senator MARSHALL—Be assured that we will hold you to that claim into the future, Senator Abetz. We know that it has significant holes in it and that in many respects it raises more questions than it answers—hence the need for proper examination of these issues by the Senate. The WorkChoices legislation goes to the very heart of what we are investigating and inquiring into in this reference. It is about bargaining.

One of the very important submissions which we will now not be able to hear evidence about is that of Professor David Peetz. Professor Peetz has been an active commentator in this debate. He significantly figured on the Four Corners program that was looking at the proposed legislation.

Professor Peetz made a comprehensive and key academic submission covering the anticipated features of the legislation and including data gathered from most research conducted in this field. There is a good introduction describing the transitions since the 1990s from the arbitral model of industrial relations to the bargaining model and the consequent shift in the balance of industrial power. A considerable part of his submission is devoted to the coverage of AWAs and their content, and the no disadvantage test. Evidence is quoted in his submission which aims to counter the assertions that pay increases can be attributed to AWAs. It is argued that the contrary is true and that such claims for AWAs are based on the fact that they lead to no disadvantage to the income of professional employees. It is argued that the experience of low paid employees, especially shift and casual workers, has been different.

He also argues in his submission, on the basis of research, that individual contracting does not lead to a more productive and contented work force but that the highest productivity levels have been achieved in highly unionised enterprises using certified wage agreements. His submission points out, however, that productivity is less important to industries than profitability and that it is for the reason of driving down wages that AWAs are sought by many employers in preference to certified agreements. His submission concludes with the observation that the implementation of the likely provisions of the new bill will see the retention of a highly regulated wages system, with institutionalised
impediments to employees seeking the retention of current benefits.

The paper which Professor Peetz has put before the committee is an academic paper. I would have thought that the government would have wanted to challenge some of the research and assertions made by Professor Peetz. I would have thought that they would have wanted to challenge the research of Professor Peetz and get him to justify it, as some of the government members have done with some of the other academics that have appeared before the committee. The submission is in. It is going to stand. It will of course be part of the overall report. But it will remain unchallenged.

We were also going to hear from the Master Builders Association of Queensland. The Master Builders Association have made a submission and they have made some assertions which I would have liked to have challenged. They should have had the opportunity to justify some of the assertions they have made in their submission. We and they are going to be denied that.

As chair, I would want our report to give a balanced account of views held across the whole of the community. I would be concerned if the evidence received so far was the only basis for writing the report. I cannot see how the interests of the Senate or even the country as a whole are served by curtailing an inquiry of such importance. It is very important; it is important to everyone who has an expectation of being in the workforce.

Senator Troeth attempted to give us some words of comfort based on some statements by the minister that no existing employees would be coerced into AWAs. They are nice words, but they are meaningless in terms of their practical application in the workplace. If an employer wants to move you to an AWA, the reality is that this proposed legislation—or what we know of it so far—will enable them to do so, because the employer alone can determine the type of agreement that they will agree to.

If you are covered under a certified agreement at the moment, it will have a nominal expiry date. When it expires, the terms and conditions will continue to operate. But wage increases will stop, because the wage increases will only be applicable for the active life of the agreement. Generally, they are made for three years and will contain wage increases over that three-year period.

So all the employer has to do, and will do—because employers have told me that this is what they will do, so I know it to be true—is simply not agree to a new certified agreement. The option will then be that, if you want a wage increase into the future, you will agree to an AWA, and the AWA you will agree to will be the one that the employer puts in front of you. It will not be a matter of bargaining or of negotiation; it will be a matter of take it or leave it. That will be the only choice that will be offered to employees.

I also want to talk briefly about the no disadvantage test, which was raised by a number of speakers. What we have at the moment is a situation where AWAs must be no less than the appropriate award. That is there as a safety net mechanism. The awards are the minimum standard that is in place at the moment. They contain 20 provisions that go into some detail about a whole range of issues, and the awards vary from industry to industry. To have an AWA, it must be globally not less than the award. So, if things are to be traded away or if award conditions are explicitly not going to be allowed for by the AWA, there must be a global balancing act where they must be compensated for in the AWA. That is measured against the 20 core conditions of awards. That is going to be
reduced to five—a simple five core conditions.

So the test of the threshold—the floor that we are going to test new AWAs against—is going to be significantly lowered. What does that say? That says that, if the minimum test is going to be lowered, the obvious outcome is that wages will be able to be reduced, dropped down. All these are matters which the committee ought to be able to investigate properly. I am disappointed that the government is not allowing a full and comprehensive inquiry into this matter or enabling the committee to do its job to what the committee considers is a standard necessary to finalise its report.

Of course, the weakest in our community are really going to be the ones who suffer through this process. The Prime Minister claims—and Senator Campbell briefly mentioned this—that during the term of his government workers have received a 14 per cent real wage increase. That is putting everyone in the pot together. It is an average figure. Government senators interjecting—

**The ACTING DEPUTY PRESIDENT (Senator Crossin)**—Senator Marshall, I am sorry to interrupt you. You might have to speak a little louder, because the noise on my right is a bit distracting.

**Senator MARSHALL**—Those employees who receive the bottom 10 per cent of wages have received a 1.2 per cent wage increase over the period of this government. That is nowhere near 14 per cent. The bottom 20 per cent have also received 1.2 per cent. The bottom half of wage earners have received simply 2.6 per cent. Again, that is nowhere near the 14 per cent that the Prime Minister claims.

Who is going to be in the weakest bargaining position? It is most likely—and it is a fairly easy conclusion to make—that those who already have the lowest wages have the lowest bargaining power to begin with. They would be unskilled workers in areas where there is high competition for their jobs. Those people are going to be further disadvantaged by having the minimum floor lowered under AWAs. They are not going to be in a position to negotiate agreements that are better than the conditions that they have now. The whole process seems to be designed to enable employers to, as Professor David Peetz indicates, simply cut costs. It is not about productivity or efficiency; it is about cutting wage costs and increasing profitability. The link between profitability and productivity is not there if the mechanism to increase productivity is simply reducing the wages cost. Again, these are areas that the committee would like to delve further into.

I am disappointed that the government are not going to support this reference. I can understand why they do not want a proper examination of these issues by the Senate. They do not want the weaknesses of their WorkChoices package exposed. They do not really want to submit it to scrutiny. I think they were shocked when every academic paper that was submitted to the inquiry condemned the government’s proposals and there was no evidence presented by any of the submitters which justified the government’s claim that there would be higher productivity resulting from AWAs. There was none of it. In fact, the AiG indicated that where there is real bargaining you get productivity and flexibility. But this system is not about real bargaining. This system simply tips the balance of power, the negotiating power, further to employers at the expense of employees.

I am disappointed but not surprised that the government are not supporting this reference. I am disappointed and surprised that they did not agree to an extension of time for the inquiry into the existing reference that we are conducting. I am disappointed that they have abandoned the battlefield and do not
want to challenge Professor Peetz’s submission. They do not want to test it. They are happy to let it stand. I am happy to have it stand. I am disappointed that the government, in what Senator Troeth indicated are the most radical industrial relations reforms we have seen, are hiding from a proper, full and open debate about these issues and that they do not want their proposed legislation and the effects that the proposed legislation will have on the bargaining between employees and employers submitted to proper scrutiny by the Senate.

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

The Senate divided. [12.57 pm]
(The President—Senator the Hon. Paul Calvert)

Ayes…………… 33
Noes…………… 35
Majority……… 2

AYES

Allison, L.F. 
Bishop, T.M. 
Brown, C.L. 
Carr, K.J. 
Crossin, P.M. 
Faulkner, J.P. 
Hogg, J.J. 
Hutchins, S.P. 
Ludwig, J.W. 
Marshall, G. 
McLucas, J.E. 
Moore, C. 
Nettle, K. 
Polley, H. 
Stephens, U. 
Webber, R. 
Wortley, D.

NOES

Abetz, E. 
Boswell, R.L.D. 
Calvert, P.H. 
Chapman, H.G.P. 

Coonan, H.L. 
Ferguson, A.B. 
Fifield, M.P. 
Hill, R.M. 
Johnston, D. 
Kemp, C.R. 
Macdonald, I. 
Mason, B.J. 
Minchin, N.H. 
Patterson, K.C. 
Ronaldson, M. 
Scullion, N.G. 
Trood, R. 
Watson, J.O.W.

Eggleston, A. 
Fierravanti-Wells, C. 
Heffernan, W. 
Humphries, G. 
Joyce, B. 
Lightfoot, P.R. 
Macdonald, J.A.L. 
McGauran, J.J.J. * 
Parry, S. 
Payne, M.A. 
Santoro, S. 
Troeth, J.M. 
Vانstone, A.E.

PAIRS

Forshaw, M.G. 
Ray, R.F. 
Sherry, N.J. 
Stott Despoja, N.

Nash, F. 
Ellison, C.M. 
Ferris, J.M. 
Barnett, G.

* denotes teller

Question negatived.

STUDENT ASSISTANCE LEGISLATION AMENDMENT BILL 2005
Report of Employment, Workplace Relations and Education Legislation Committee

Senator McGauran (Victoria) (1.00 pm)—On behalf of the Chair of the Employment, Workplace Relations and Education Legislation Committee, Senator Troeth, I present the report of the committee on the provisions of the Student Assistance Legislation Amendment Bill 2005 together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

COMMITTEES

Economics References Committee
Report

Senator Stephens (New South Wales) (1.01 pm)—I present the report of the Economics References Committee entitled Consenting adults deficits and household debt: links between Australia's current account
deficit, the demand for imported goods and household debt, together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

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

Leave granted.

Senator STEPHENS—I move:

That the Senate take note of the report.

I understand that the debate on this matter does not have precedence at this time, so I seek leave to continue my remarks at the commencement of the time for consideration of committee reports and government responses later today.

Leave granted; debate adjourned.

MIGRATION AND OMBUDSMAN LEGISLATION AMENDMENT BILL 2005

Second Reading

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

That this bill be now read a second time.

Senator BARTLETT (Queensland) (1.02 pm)—The Migration and Ombudsman Legislation Amendment Bill 2005 is important legislation in some respects. It flows from the agreement that was reached between the Prime Minister, Petro Georgiou and some other Liberal Party backbenchers and will go some way towards addressing widespread community concern about people in long-term immigration detention. We have already passed some legislation dealing with that, and I made a number of comments at that time. I will not repeat those comments now, but, in short, that legislation was welcome as far as it went but it still did not go to the heart of what I believe is the problem. It did raise some concerns about providing more and more discretion to the minister, but it has already provided opportunities for some people to get out into the community. In regard to at least that issue of enabling people to get out of detention centre conditions and into the community—albeit still, in a technical legal sense, in detention—it was a welcome move.

This legislation makes some further amendments to the Migration Act and the Ombudsman Act. It formalises the requirement that all initial decisions on applications for protection visas be made within three months and also provides that any subsequent review of those decisions by the Refugee Review Tribunal be done within three months or a report on any failings in that regard has to be made and presented to the parliament. It does not guarantee that that will happen. I do not suppose that there can ever be guarantees. There will always be circumstances where decisions cannot be made in the time limit, but it requires reports to be presented automatically with some reasoning for why the time limit was not adhered to and for the reasoning to be provided to the parliament. It is a bit of additional transparency if that time limit is not met.

The other key aspects are to do with the Commonwealth Ombudsman. I take the opportunity, as the Minister for Immigration and Multicultural and Indigenous Affairs is in the chamber, to indicate that I would like to ask a small number of questions in the committee stage to get on the record how things are proceeding in that area. The parts of the bill dealing with the Commonwealth Ombudsman will basically make it easier for the Ombudsman to get information in regard to immigration and detention cases that he and his office have now been tasked with. It will enable him to call himself the Immigration Ombudsman while he is doing that and will also address some potential problems relating to disclosure of information to the Ombudsman for people in immigration detention to ensure that overly restrictive read-
ings of the Privacy Act do not get in the way of commonsense with regard to investigating cases.

The Ombudsman has now been tasked with reviewing all of the people who have been in long-term detention—which is classified as more than two years, which is extremely long term—and then reviewing them every six months while they are still in detention. The Ombudsman’s office is also tasked with assessing about 220 cases that have been referred to the Ombudsman by the minister where there are issues surrounding potential wrongful detention or possible removal. Those cases need to be investigated as well. We heard some very useful evidence last Friday from the Ombudsman at a hearing of the Senate Legal and Constitutional References Committee. For the multitude of people in the press gallery who follow the details of this issue with a fine-tooth comb, I would recommend they read that evidence from last Friday. It does go into quite a lot of detail about the current tasks of the Ombudsman in regard to what is before him and his office—and the enormity of the task in dealing with the extra cases that have been referred to him as well as the extra range of migration cases that he and his staff now have to deal with.

I take the opportunity to reinforce a couple of points that the Democrats have made many times before. Whilst these amendments are welcome as far as they go, we do not believe they go to the heart of the problem. It is becoming clearer and clearer, with the range of problems that have arisen, that it is not just a matter of one or two isolated major stuff-ups. There is a wide range of cases that clearly indicate entrenched problems. The government have tabled responses to the Palmer report indicating what they are doing about that. I think monitoring how that goes will be a work in progress. Certainly, the Democrats will continue to do so. But I firmly believe that you cannot simply fix the whole problem by administrative rearrangements.

There are aspects of the act itself and of government policy that still significantly inform the culture of the department. One of those is mandatory detention. The fact remains that, whilst it is now somewhat easier for the minister to use discretion to release people from detention centres, and we have the extra mechanism of investigation by the Ombudsman, the Ombudsman can only recommend. It cannot require action in relation to anybody’s situation, so the power completely ends up back with the department and the minister, with no other external process able to enforce any rights. So the problem remains that it is still part and parcel of the Migration Act that anybody in Australia who is reasonably suspected of not having a proper visa is automatically required to be locked up without charge or trial, potentially indefinitely.

As I have said many times before, the signal that sends is a key one that I believe inevitably informs the culture of the department and of the law itself. That has wider ramifications, as far as I am concerned, for some of the debates we are having more broadly about security and antiterrorism laws—whether it is okay to lock people up for prolonged periods of time on the basis of suspicion and leave all of the power as to whether or not they get out in the hands of government officials and ministers. That will be a continuing debate, and a debate we will continue to have in the community.

The other issue I want to emphasise is that, whilst there has been the welcome release of a lot of people from detention centres, I remind anybody who is following this issue that there are still people on Nauru—I think the number is now 27—who are completely outside the reach of Australian law
and the Migration Act. They are not covered by any of the changes announced and have now been there for four years. I believe, frankly, that it has moved beyond whether or not they meet the criteria of refugees, and I personally think some of them do. They have been immensely traumatised and there has to be a resolution to their situation in the very near future.

I also point out that, despite the welcome release of many people from detention centres, there are still some who have been there for quite a long period of time. I am aware of people who have been detained for more than six years, in at least one case, following real problems with the decisions that were made early on in his case. Although this is not the time to go through individual cases, beyond using them to demonstrate that there are still significant problems, and whilst this legislation represents an advance, I strongly express the view that there is still more that needs to be done.

There is a Senate committee inquiry at the moment which is looking at the administration of the Migration Act. Many immigration department officials very helpfully came along to a hearing that you chaired, Madam Acting Deputy President Crossin, just a couple of nights ago. It is an area where there will continue to be large amounts of scrutiny. Indeed, as the Ombudsman himself said last week, there is a bit of a conundrum in this area in that the immigration department is perhaps the most scrutinised department of all in lots of ways yet, despite that, with all of the different mechanisms of scrutiny and oversight that we have, we also have that hugely scrutinised department having clearly stuffed up in a very big way. We have to ask ourselves collectively—that is, people who are interested in good public policy and administration—how that happened and why it is so.

I emphasise that last Friday the Ombudsman said that the report into what happened to Vivian Alvarez Solon was perhaps the most damning report into any government department he had ever seen. He has probably seen more than I have but, from what I have seen, it is hard to disagree with him. But more concerning to me, as I stated in a separate debate in the Senate earlier this week, is that he also said, as a general comment:

... 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 previous Ombudsman’s office reports, previous human rights commission reports and annual reports. He said:

... our annual report indicates every year, there are 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.

Compliance, missing notebooks about compliance officers, questions about people who are fully cognisant of the legislation and privacy as an inappropriate obstacle to the circulation of information—all of those things, according to the Ombudsman, have been raised before in their annual reports and elsewhere. I make that point to emphasise that the fact that the Ombudsman is investigating another whole bunch of cases and is going to make more reports does not guarantee that something will be done about it. Following the Rau and Alvarez reports, the government has indicated that it is doing something about these issues. But it has also, from time to time, in response to previous Ombudsman’s reports and Auditor-General’s reports, stated that it accepted the recommendations but, for whatever reason, the problems have continued.
That is why I think there is still a lot of work to do to keep monitoring this. I know a lot of people are, and I am sure the minister is as well. But it is another reason to emphasise that, while this is a step forward, it is only a small step and there are a lot of other things that still need to happen. Certainly, the extra powers that are given to the Ombudsman will be needed because they have a hell of a lot of work to do, and that is discounting any future complaints that are going to come their way. I think the comments I have made have been appropriate. I know this is a non-controversial time and we usually like to be brief but, as senators would acknowledge, this is an important area, one that occupies the minds of a lot of people. It deserves comment and context to be put on the record in the process of the bill’s passage through the Senate.

Senator VANSTONE (South Australia—Minister for Immigration and Multicultural and Indigenous Affairs and Minister Assisting the Prime Minister for Indigenous Affairs) (1.15 pm)—I thank Senator Bartlett for his contribution to the debate on the Migration and Ombudsman Legislation Amendment Bill 2005. I have some fairly minor disagreements with what he said. I do not think this legislation and the government’s response represent a small step; I think it is a very big one. I am not talking particularly about the bill but about the government’s response represent a small step; I think it is a very big one. I am not talking particularly about the bill but about the government’s response to those reports. A $230 million commitment outside of a budget process is very substantial. It does not happen that often. But I also 100 per cent agree with Senator Bartlett about the need to monitor and make sure that your change is happening. You can appoint positions and you can design new processes but that is not enough. As Senator Bartlett knows, one problem in relation to Ms Rau was that the government had given migration series instructions about what was to happen to people if they were in a state prison facility because there was not an immigration detention centre—how long they were to be there and what was to happen—and those instructions were not followed.

So, Senator Bartlett, I completely agree with you: we can change a policy, make new appointments and set up new task forces—all of that needs to be monitored. I think that the Rau and Alvarez cases, and some of the others that have been referred to the Ombudsman, will demonstrate record keeping and IT problems which had been there for a considerable period—decades, I would say. They will also demonstrate that a position, committee or group can be given a task and you can look at the task and say, ‘Someone’s doing that.’ I am thinking particularly of the detention monitoring committee, which was meant to meet regularly and monitor the individual cases in detention. The presence of that committee gave satisfaction to people that this was being done. Clearly, it was not being done well enough, otherwise the fact that the migration series instructions had not been followed in relation to the Rau case would have been picked up. Obviously in relation to Ms Alvarez that would not have been picked up because she was not in detention for very long. I am trying to highlight, Senator Bartlett, that I could not agree with you more. Making announcements, putting out press releases and getting a money commitment is really just the start of the job. I disagree that what we have done so far is a small response.

Question agreed to.
Bill read a second time.

In Committee

Bill—by leave—taken as a whole.

Senator BARTLETT (Queensland) (1.19 pm)—I appreciate that we have opportunities during committee inquiries and estimates to ask a range of questions and I also appreciate
there is a desire to get this bill passed today, but I do think it is appropriate to try and get a couple of things on the record in the context of the passage of this legislation. I take this opportunity to note the helpful departmental staff. Despite my continuing wide-ranging disagreements with government policy, the staff is almost always very helpful. I ask the minister to confirm what her understanding is of the number of cases that have now been referred to or are before the Ombudsman in terms of the ones flowing from the Solon and Rau situations. How many potentially similar cases are there? Also, how many cases are there in terms of the two-year detention case? How many staff does the Ombudsman’s office have to work on this? When are you expecting the first reports of the new cases to arrive? Do you have a rough time line for how long you think the total investigation into those pre-existing cases will take?

Senator VANSTONE (South Australia—Minister for Immigration and Multicultural and Indigenous Affairs and Minister Assisting the Prime Minister for Indigenous Affairs) (1.20 pm)—I thank the senator for his questions. My understanding is that there are about 221 cases. As I have indicated in this place before, I have told the department that, until we are completely happy that we have appropriate systems in place, we should refer every case that comes in to the category of ‘later found lawful’. You describe them as potentially being the same; I simply say, for any case that comes in, the category is ‘later found lawful’. I know you do understand this, Senator Bartlett, but I take the opportunity to repeat that that includes people who have been detained because they say they have a visa and we ascertain within a few hours that they have a visa and they are let go. It might be overnight, it might be a couple of days, because of access issues to documents they might have in their home or wherever. It will include people who later become lawful by operation of some court action. I think it probably includes people to whom we give a visa at a later point, too. But it will also include people about whom, if you stand back objectively, you can say that their case at least required confirmation that Immigration did everything they could and should have done to resolve any doubts.

As you know, there is an obligation on officers to detain people who they have a reasonable suspicion are unlawful noncitizens. I have indicated before that only about 25 per cent of those people are in fact detained. Most people say: ‘Okay, barlies. You’ve got me. I’ve been overstaying or cheating on my visa and I’ll make arrangements to go.’ And a fair proportion do. It is only seven per cent for women and children, and even they now have residence determinations.

As to when the Ombudsman and Mr Comrie will complete that, I cannot say. I have had a discussion with them recently, and I think I referred to that in an answer to Senator Ludwig the other day, indicating that they expect to do them in batches. The batches might be, for example, of all those cases where they think record-keeping or IT issues were the matter; they might be of all those cases where mental health is an issue—and I know there are some other cases that relate to mental health issues.

We are not putting pressure on the Ombudsman to do it in any short period of time; nor does he want to drag it out. He will do it as he does the others—as expeditiously as possible. It may be possible that one of those batches will be reported before Christmas but, having said that, it could be possible that a couple would be. I am just telling you as much as I know about it. We are just waiting to do the jobs as they come.

I do not think I have the information at this point in relation to your second question
but, if you will just give me a second, I will check. Your second question, which relates to the people who have been in detention two years and more, asked, I think, how many had been passed over with a report, to the Ombudsman, or have the report ready to be passed to the Ombudsman. I am advised that 121 have been referred to the Ombudsman. I am further advised that 12 assessments have been received by me, but I can assure you that that is not literally true—on being told that, I said, ‘Who thinks this is correct?’ But that must mean that there are some around the corner—in the process, somewhere, about to come to me, if not having arrived in my office in the last day or so.

I have just been given some further information. I am now informed that they have gone to the department. They have not yet come to me. I do not know whether that is the normal process of a draft—whether there is a commentary stage: ‘Have a look; what do you think?’—but, in any event, it is clearly not that far away before they start coming through.

Senator BARTLETT (Queensland) (1.24 pm)—I am not sure whether Senator Ludwig has some statements that he might like to make, but I have a two-part question. The first part is: can the minister give an indication of how many staff are expected to be working on all these cases? Will there be extra staff to assist with that obvious increase in their workload?

The second part of my question is not a trick question at all but is something that genuinely perplexes me. As the Ombudsman said, we have had many reports before which have raised similar sorts of problems—not as extreme in terms of the individual cases, but similar sorts of general administrative problems. Also we have his statement, that I have now found, from last Friday, that the department of immigration is probably about the most oversighted, reviewed and scrutinised agency in the history of Commonwealth administration—a statement which might have a little bit of hyperbole in it but is probably not too far off the mark. Given those, what is different this time, that we can be somewhat more confident that problems are going to be addressed, given the number of reports in the past and the amount of oversight and scrutiny? I also ask, without in any way suggesting anyone can ever deliver perfection in such a difficult area, why this has not been fixed up before and how we can be more confident that, this time around, there is going to be at least some movement forward?

Senator VANSTONE (South Australia—Minister for Immigration and Multicultural and Indigenous Affairs and Minister Assisting the Prime Minister for Indigenous Affairs) (1.26 pm)—It is difficult for me to answer that completely because, as you know, I have been the minister for around two years, and the Rau case came to light about, I think, 14 months after I had had the job. Fourteen months seems a long time to a child, but, at my age, heading towards 53, I tell you, it is a snip; it just goes in a snip. But, what I mean by saying that is, I do not have a long institutional memory and involvement in the particular sorts of reports to which you refer.

But I can say this. There are a number of factors that I think might have had an impact. If you are suggesting that there were reports in the past that should have given an indication that the sorts of things we are doing now should have been done then, I think there are a couple of things that might have occasioned people not to focus, in a way that we now have focused, to come up with these responses.

The first factor among those would be that, because of the volume of work that goes through—this is not an explanation, it is not an excuse and it is not satisfactory, but the
point is because you have such volume—there is a tendency to say, ‘Well, every now and then you are going to get it wrong.’ And, of the one that goes to the Ombudsman, you say, ‘Fair cop, it was wrong,’ but you never imagine that that is just an indication of a whole lot more. There may have been a number of reports but, compared to the volume that is handled, I do not know that it was a sufficient number to make people twig.

The second factor I think in one respect answers the question: ‘Why not earlier?’ You can see that factor in the Palmer report, and that is a criticism of advocates who overstate the case—people who, for example, say, ‘There is razor wire at Baxter,’ when there never was, or when there certainly was not at the time. Or take the example of media who print pictures of children, and the pictures are clearly taken at a centre that has now closed, or who use film footage of Woomera, for example, which has been closed for a long time and was nowhere near as good as the Baxter centre.

Without wanting to put words in Mr Palmer’s mouth, what he says is, clearly, that advocates who overstate the case do not actually enhance the opportunity for reform—they impede it. I am sure you can understand that, when someone comes to me and says, ‘The conditions are terrible; there is razor wire at Baxter,’ you understandably think straightaway, ‘This person has never been there; they don’t know; they’re just repeating something they’ve heard or they are overstating the case.’ Consequently, you put them in that category. So sometimes people who, I think, have meant well, and who may have known very useful things, have, by their own mouths, discounted the value of what they have had to say. I think that has contributed to it.

The third factor is that this is an occasion where a completely independent person was sought, resourced and not just asked to look at a particular case, which is what the Ombudsman does, but quite specifically asked, ‘What would we need to do to minimise the chance of this ever happening again?’ That report has come back, and that is why we have got—and I stress money is not everything; money is not an indication of quality; it is just an amount of money, but it does indicate a commitment from the government—nearly a quarter of a billion dollars outside a budget period. You have seen the detail, Senator Bartlett: there are lots of things happening in health, lots of things happening about the wellbeing of detainees, lots of things happening in terms of timing, lots of things happening in terms of review, so you can actually see that some of these things are happening, as opposed to others. That leads me to the last point, which is that you are right: we cannot just sit and rest and say, ‘Right, we’ve done that; let’s move on to the next thing.’ We now have to make sure that we implement and do the things we have committed to do.

Question agreed to.
Bill reported; report adopted.

Third Reading

Senator VANSTONE (South Australia—Minister for Immigration and Multicultural and Indigenous Affairs and Minister Assisting the Prime Minister for Indigenous Affairs) (1.31 pm)—I move:

That this bill be now read a third time.

Question agreed to.
Bill read a third time.

CUSTOMS TARIFF AMENDMENT (COMMONWEALTH GAMES) BILL 2005

Second Reading

Debate resumed.
Senator LUDWIG (Queensland) (1.31 pm)—The Customs Tariff Amendment (Commonwealth Games) Bill 2005 seeks to update the Customs Tariff Act 1995 to provide duty-free entry for goods of a non-commercial nature for six months, from 1 January 2006 through to 1 July 2006. The amendment will provide for those goods imported by non-Australian Commonwealth Games family members—that is, people coming in from overseas to see the Commonwealth Games—for use in or for purposes related to the 2006 Melbourne Commonwealth Games. This bill is in effect identical, save for the name, to the previous treatment of this issue for the Sydney 2000 Olympic Games. At its meeting on 27 August 1997 the ministerial committee on the Sydney 2000 Games agreed to introduce certain import concessions for the Olympic and Paralympic Games and associated test events. That resolution was effected by the Customs Tariff Amendment Bill (No. 1) 1998, which Labor supported.

The bill amends the Customs Tariff Act 1995 to repeal the existing section 64 and replace it with a new section 64 as contained in schedule 1. This bill will repeal a number of redundancies and past events, and extend section 64 to allow for non-personal and non-commercial goods to be imported into Australia duty free by non-Australian members of the Melbourne 2006 Commonwealth Games family. The current section 64 contains the following events as eligible for a duty-free tariff concession: the Sydney 2000 Olympics, the Sydney 2000 Paralympics, a number of Olympics-associated cultural events and a number of past sporting events which were given ‘declared sporting test event’ status as prescribed by by-law. Under the bill, the concession does not apply to alcohol or tobacco products or products imported for commercial purposes. The cost of the exercise is in the order of $1 million in lost customs duty and another $1 million in lost GST revenue.

It is expected that foreign participants and officials will bring goods and materials with them to be used in a non-commercial manner—for example, sporting equipment, giveaways, promotional material, hospitality samples, national flags and other items that will be used in promotional, cultural and hospitality activities that are undertaken. The concession will not be able to be utilised on goods imported for commercial purposes to avoid duty payments. Customs by-laws will be created to prescribe the goods that may be imported and to define the term ‘non-Australian Commonwealth Games family members’. Under the new by-laws, the concession will not apply to alcohol or tobacco products, as I have said.

Labor supports the Commonwealth Games and congratulates the excellent work of the Bracks government in securing and preparing for the games, which is promising to be a world-class event. The Commonwealth Games will be the biggest sporting event the country has seen since the 2000 Olympics and it will bring many thousands of visitors into the country. Melbourne was the location for the 1956 Olympic Games, and the Commonwealth Games will be the biggest sporting event to be held in Melbourne since then, I understand. Melbourne, of course, is a city of variety, excitement and vibrancy, and will be a wonderful place to see the spirit of competition and some of the world’s greatest sportspeople returning to the city. It is rare indeed that a country is lucky enough to be able to host an Olympic Games and a Commonwealth Games event within such a short time. It certainly is a once in a lifetime experience and I am sure Australians will come out in force to support the games and see our athletes compete for and win medals in front of an adoring home crowd.
This amendment affects the Customs Tariff Act 1995 and relates to the withdrawal of certain tariffs in exceptional circumstances, as we will see in the cases of overseas visitors during the 2006 Melbourne Commonwealth Games. While we are on the subject of the Customs Tariff Act and talking about the interaction between customs and imports, I would like to touch on a subject that is of great interest to importers at the moment and that is the customs management re-engineering system, commonly referred to as CMR. Let me take you on a little trip down what we now refer to as CMR memory lane.

CMR finally went live this week. This is a project that was first envisaged more than nine long years ago. It has finally been implemented and is more than three years overdue and, although it started life as a $30 million project, it is now up to $250 million—a significant amount over budget.

At the beginning of this year, we were told that the system would be operational by 1 July, but the Minister for Justice and Customs, and Customs, continually used industry as a smokescreen, saying that they had lobbied to increase the transition period by a further three months to ensure all systems had been appropriately tested and were operational.

This illustrates, I think, just how out of touch this government and the minister really are. The government has demonstrably failed in its attempt to modernise and implement new trade facilitation measures and it has left Australian industry and importers unprepared to deal with the reality of the CMR project. It has continually pointed the finger at industry for the delays, when it was in 2001 that legislation first passed through parliament clearing the way for customs reforms to enable the project to go ahead.

It is now nearly the middle of October, and we are right in the middle of the Christmas rush. It is the busiest time of the year for importers, and they are now faced with using a system which has not been adequately tested, a system which has seen a multitude of serious outages right across the country on the exports side and a system that is still draining money out of the Customs coffers. Now the cut-off time has been delayed 12 days to 24 October. This tells me that Customs did not have a finished product ready on time. Is it any wonder the saga of this system has become a significant long-running joke in the IT community? As sure as night follows day, Senator Ellison will blame industry for his cargo woes, but the reality is that the imports side of ICS—that is, the integrated customs system—was not ready with enough time to allow software developers to overcome compatibility issues, which also means not enough time for users to train their staff. The CMR project has stumbled from one disaster to another under the watch of Minister Ellison and has put an enormous financial drain on Customs itself, which taxpayers have borne the brunt of.

The continuous delays and dilemmas associated with this project have illustrated over and over again that the Howard government is not serious about Customs’ duty to facilitate trade. The CMR was supposed to speed up the import and export process, but instead industry has been put through the wringer with extended delays. In addition, new costs were borne by industry as a result of this year’s budget. It has now been left up to industry to make this system work. I am sure that the CMR will work as it is intended to eventually when all the patches and fixes have been applied. This is not the way you would roll out a new system at all. To the users out there now, I say this: it is good to see that CMR has gone live, and I wish you all the best for a smooth and easy transition.

Senator COLBECK (Tasmania—Parliamentary Secretary to the Minister for
Agriculture, Fisheries and Forestry) (1.39 pm)—The Customs Tariff Amendment (Commonwealth Games) Bill 2005 contains an amendment to the Customs Tariff Act 1995 to provide duty-free entry for goods for use in or for purposes related to the Melbourne 2006 Commonwealth Games. These goods will include giveaways in hospitality samples, but the concession will not apply to alcohol or tobacco products or extend to importations of a commercial nature. Existing provisions under customs legislation relating to personal effects and temporary importations will also be available for purposes relating to the Commonwealth Games. I commend the bill to the Senate.

Question agreed to.

Bill read a second time.

Third Reading

Bill passed through its remaining stages without amendment or debate.

CONSULAR PRIVILEGES AND IMMUNITIES AMENDMENT BILL 2005

Second Reading

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

That this bill be now read a second time.

Senator O’BRIEN (Tasmania) (1.41 pm)—Labor supports this bill to amend the Consular Privileges and Immunities Act 1972 to expand the range of consular privileges and immunities that can be afforded to foreign consular officials in Australia above and beyond those provided under the Vienna Convention on Consular Relations. The act gives legislative force to the Vienna convention in Australia. The Vienna Convention on Consular Relations together with the Vienna Convention on Diplomatic Relations are multilateral treaties ratified in the 1960s which codify centuries of international customary law and practice on diplomatic and consular relations between states.

The conventions set out the functions of diplomatic and consular missions and officials and a range of privileges and immunities which diplomatic and consular officials are to be afforded by the receiving state. The preambles of both conventions clearly state that the purpose of such privileges and immunities is not to benefit individual officers but to ensure the efficient performance of the functions of diplomatic and consular missions in the territory of the receiving state. That is firmly Labor’s view. Labor supports the granting of privileges and immunities as a means of facilitating smooth and efficient international relations rather than a means of conferring any form of personal advantage on consular or diplomatic officials working in Australia.

Similarly, Labor is strongly of the view that Australian consular and diplomatic officials must not abuse their position as a representative of the Australian government and misuse the privileges and immunities they enjoy overseas. We note that this bill relates only to consular privileges and immunities and not to diplomatic privileges and immunities. The bill aims to give flexibility to enter into agreements with other states to grant privileges and immunities to consular officers above and beyond those provided for in the consular convention on a reciprocal basis. Article 73(2) of the Vienna Convention on Consular Relations envisions that bilateral agreements may be made between states to supplement, extend or amplify the provisions of the consular convention. Labor acknowledges that it is therefore arguable that the government already has the power to grant such enhanced privileges and immunities. We welcome the move through this bill to clarify and make transparent the use of that power and we welcome the fact that, in the process, the bill also restricts the use of the power to circumstances where Australia
has entered into reciprocal arrangements with the country concerned.

Labor recognises the important role of consular officers in representing Australian interests overseas. The role of consular officers includes: issuing emergency passports or travel documents; providing assistance to Australian travellers in distress, for example, in the case of an accident, serious illness or death; arranging for the next of kin in Australia to be notified when something goes wrong; providing assistance to Australian travellers who are arrested overseas; conducting prison visits for Australians detained overseas; and providing assistance during emergencies, such as natural disasters and civil uprisings.

Labor congratulates Australian consular officials on their outstanding performance, often under intense pressure in recent years—in particular the consular response to the Bali bombings on 12 October 2002, the Indian Ocean tsunami on 26 December 2004 and the most recent Bali bombings only two weeks ago. With the number of Australians travelling overseas increasing each year—in 1996, there were 2.7 million short-term international departures by Australian residents and by 2004 this had increased to 4.4 million—it is not surprising that this has led to an increase in demand for consular services and has increased the pressure on our hard-working consular officers.

What is surprising, however, is that over that period DFAT staffing levels decreased by 29 per cent, and what we saw in the most recent budget papers confirmed that consular staff are likely to continue to remain under pressure. Despite the raft of difficult consular cases that have come to public attention in the past year—including the response to the Indian Ocean tsunami, the Schapelle Corby case, the Bali nine and Michelle Leslie cases in Indonesia and the Dobbins case in Costa Rica—there has been an increase in staffing of just four staff for outcome 2 in the DFAT budget, which includes consular and passports services.

With the introduction of the new ePassport it is likely that what extra staff there will be under outcome 2 will be taken up on the passports side of the equation. Labor welcomes any extra staffing resources for passports operations in the department because Labor has recently raised concerns about the security of the Australian passport system. While Mr Downer told Lateline on 28 April 2005 that 2,000 missing Australian passports was ‘a tiny number’, we do not agree. It appears Mr Downer is spending too much time jockeying for the deputy leadership of the Liberal Party and not enough time focusing on the core responsibilities of his department.

Information obtained by Labor confirms that up to 2,500 Australian passports remain unaccounted for as they have not reached their intended destination by post. Labor has been able to establish through parliamentary questions on notice that over 1,000 Australian passports remain unaccounted for in the past three years alone. On 31 December 1997, Mr Downer dropped the requirement that his department send out Australian passports by registered post. We can confirm that between 31 December 1997 and 22 July 2002—at least 2,042 passports were recorded as missing and, at the time of our receipt of the question on notice, 1,435 remain unaccounted for.

In the 2003-04 financial year, 1,302 Australian passports were recorded as missing and, of those, 1,076 remain unaccounted for as of February this year. This comes on top of the disclosure from DFAT yesterday that one of the Bali nine was employed in the Sydney passports office in 2000 and the
news that Indonesian authorities are now claiming that some of the Bali nine were using multiple passports.

Mr Downer talks about national security all the time, but security first and foremost begins at home. As a matter of urgency, Labor calls on Mr Downer to tell the Australian public what has happened to the 2,500 Australian passports that remain unaccounted for and whether it is possible that any of these passports could have been used for improper purposes in support of transnational crime. We will support this legislation.

Senator BARTLETT (Queensland) (1.48 pm)—I seek leave to incorporate Senator Stott Despoja’s speech.

Leave granted.

Senator STOTT DESPOJA (South Australia) (1.48 pm)—The incorporated speech read as follows—

The bill before us is a brief bill and, on the face of it, a relatively straight-forward bill. However, the Democrats are concerned that this innocuous-looking bill raises more questions than may first seem apparent.

The first of these questions relates to why the bill is needed. On this point, the Government has provided very little information, although I acknowledge they have been more than helpful in offering and providing briefings. In his Second Reading Speech on the bill, the Minister indicated that “the changed overseas operating environment since the Convention was drafted in 1963 calls for reflection on whether the interests of Australia’s consular officers serving overseas are, in all situations, offered the most appropriate protection available.”

However, the Minister did not elaborate on exactly how the overseas operating environment has changed and why this necessitates enhanced privileges and immunities for consular personnel. Following a briefing provided to my office by the Department of Foreign Affairs and Trade, I understand that Australia has received no formal requests for enhanced reciprocal immunity from other countries, nor are we currently negotiating any such arrangements. The Government has indicated that this legislation simply foreshadows such possibilities. However, I understand there have previously been discussions with the Chinese Government regarding the possibility of entering into such an arrangement with China.

Given the serious allegations raised by former Chinese consular officer, Chen Yonglin, and former Chinese security officer, Hao Fengjun, regarding kidnapping and covert surveillance by Chinese nationals within Australia’s borders, the extension of consular immunities could be of considerable concern.

As the bills Digest notes, the privileges granted to diplomats and consular personnel under the respective Vienna Conventions differ substantially, with diplomats being afforded much broader immunities, including immunity from the criminal jurisdiction of the receiving state unless waived by the sending state. It is envisaged that consular personnel could, for example, be given the same privileges and immunities as those currently enjoyed by diplomatic personnel.

The Government indicated to my office that Australia’s policy is not to intervene in the investigation or prosecution of criminal allegations against Australian diplomatic personnel. However, this may not be the policy of other countries with respect to their diplomatic and consular personnel.

Given the proposal contained in this bill involves reciprocal immunity agreements, we must be careful to consider, not only implications of achieving enhanced immunity for Australian personnel, but also of having foreign consular personnel operating with increased immunity in Australia.

There have been numerous cases of diplomats being involved in criminal activities, including one notable case of a Consul-General caught driving with a blood alcohol reading more than three times the legal limit. Obviously, such behaviour puts the safety of Australians reading more than three times the legal limit. Obviously, such behaviour puts the safety of Australians at risk and we need to consider whether granting immunity for such crimes is beneficial to the Australian community.

In discussing the possible application of this bill, the Department provided my office with the hypothetical example of the Australian Consul in
Shanghai wanting to sit on the board of a local school for expatriates. In those circumstances, the additional immunities might serve to prevent the Consul from attracting any liability by reason of his position on the board.

Again, this might be a desirable outcome in relation to Australian consular personnel, but do we want consular officers from other countries being free to engage in negligent conduct, or breach contracts, or trespass on property with no liability while they are working in Australia? These issues need careful consideration.

So the first consideration is—is this legislation needed in a substantive sense? That is, is there merit in the concept of enhanced privileges and immunities for consular staff?

What are the benefits for Australia? And do those benefits outweigh any concerns that we might have?

The second consideration is—is this legislation needed in a legal sense? In other words, even if we do conclude that there is benefit in negotiating enhanced reciprocal immunity for consular personnel, is this bill necessary to achieve that.

The bills Digest notes that the Vienna Convention on Diplomatic Relations and the Vienna Convention on Consular Relations both set out a “range of privileges and immunities applicable to diplomatic and consular officers and their families. Both conventions also envisage that bilateral agreements may be made supplementing, extending or amplifying the provisions of the conventions.” Because the conventions allow “that bilateral agreements may be made extending their provisions” it would appear that this bill is not necessary to achieve such an outcome.

The Democrats believe this legislation requires further and careful consideration. The Democrats would also question the necessity of this bill to achieve the Government’s stated aims.

**Senator COLBECK** (Tasmania—Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry) (1.48 pm)—There is only one minor amendment contained in the Consular Privileges and Immunities Amendment Bill 2005. This amendment will enable the government to respond to the changing overseas operating environment in line with growing international practices in this area. The changes will allow Australia to negotiate on a case by case basis more comprehensive privileges and immunities for Australian consular officers serving overseas where the local operating environment makes this appropriate or necessary. In return, the amendment permits the government to offer specific countries reciprocal immunities for their consular officers serving in Australia where this is in Australia’s interests. I commend the bill to the Senate.

Question agreed to.

Bill read a second time.

**Third Reading**

Bill passed through its remaining stages without amendment or debate.

**COPYRIGHT AMENDMENT (FILM DIRECTORS’ RIGHTS) BILL 2005**

**Second Reading**

Debate resumed from 14 September, on motion by **Senator Ellison**:

That this bill be now read a second time.

**Senator COLBECK** (Tasmania—Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry) (1.50 pm)—This bill amends the Copyright Act 1968 to provide for film directors to be joint copyright owners of their films along with producers for the purposes of Part VC of the Copyright Act. The transmission statutory licence allows free-to-air broadcasts to be retransmitted without permission from copyright owners of their films along with producers for the purposes of Part VC of the Copyright Act. The transmission statutory licence allows free-to-air broadcasts to be retransmitted without permission from copyright owners provided that the transmitter pays fair remuneration for the owner’s copyright and the underlying materials in broadcasts, including films and pre-recorded programs. Under the bill, the directors and producers would share a right to part of this remuneration as joint owners of the copyright in their films for this purpose. The director’s
right will be assignable like other copyrights under the act and the right of an employed director will vest in the employer. I commend the bill to the Senate.

Question agreed to.

Bill read a second time.

Third Reading

Bill passed through its remaining stages without amendment or debate.

Sitting suspended from 1.51 pm to 2 pm

Parliamentary Behaviour

The President (2.00 pm)—Order!

Before I call on question time I want to make the pretty serious observation that the level of noise in this place over the last two weeks has been totally unacceptable. People watching this place may think they have been watching a football grand final given the noise coming out of the place. I have had a number of telephone calls, emails and letters about the behaviour of senators on both sides of the chamber. I think people deserve better from their elected representatives and I ask honourable senators to reflect on their behaviour.

Questions Without Notice

Workplace Relations

Senator O’Brien (2.00 pm)—My question is to Senator Abetz, the Minister representing the Minister for Employment and Workplace Relations. I refer the minister to page 37 of the government’s industrial relations advertising booklet where it says:

Collective agreements and AWAs transmitted to the new employer, as well as award provisions will have a maximum period of application of twelve months. After that period, the employees will be covered by whichever of the employer’s instruments is capable of applying to them ... or, if there is no such instrument, the Fair Pay and Conditions Standard.

Can the minister confirm that this means that 12 months after a business is sold, and the new owner is not bound by any of the agreements or awards, employees may have no choice but to accept the new minimum standards as the totality of their employment conditions? Doesn’t this mean that those employees stand to lose all their existing entitlements over and above the bare minimum, including public holidays, overtime, leave loading and redundancy pay?

Senator Abetz—It would be helpful if the honourable senator were to read on a bit further in the booklet. I also correct him on the fact that this is not an advertising booklet; it is an information booklet designed to outline to the workers of Australia the enhanced entitlements that they will be receiving under WorkChoices. I congratulate Senator O’Brien because for once we have had a question from a Labor senator who has read something out or asserted something which has not been distorted. I think that is a first, so I congratulate Senator O’Brien for that. But what he failed to do was keep reading. What it says is:

Where an employee accepts employment with the new employer, the new employer must provide them with information about their terms and conditions of employment.

In other words, under our fair, balanced regime, the new employer must provide the employee with information about their terms and conditions of employment. The new employer and employees will be able to negotiate agreements, including varying existing agreements to override the transferred agreements and awards. That may well mean, for example, getting rid of penalty rates if that is what they agree to.

Let us have an early ‘who said it’ for Senator O’Brien: ‘I’ve negotiated numerous agreements where we’ve negotiated, say, an all-up payment, an all-up rate in lieu of, you know, penalty rates for working shiftwork or weekends.’ I wonder who said that. Who has
negotiated away penalty rates for Australian workers? An action that Senator Wong condemned so loudly and strongly yesterday. Do you know who said it? None other than Greg Combet of the ACTU—

Senator O'Brien—I raise a point of order. The minister started well in dealing with the question but he has drifted well away from it. I wonder if you would remind him of the question and that he should be relevant to it. The negotiation that he talks about is not relevant to the question. I ask you to return him to the question or ask him to sit down.

The PRESIDENT—The minister has 1½ minutes left to respond. I do not think he needs reminding about the question.

Senator ABETZ—The Labor Party needs reminding of what the ACTU secretary has acknowledged—that he has been engaged in negotiating away penalty rates for the benefit of Australian workers when he thinks it is okay. The trade union movement is saying, through the Australian Labor Party in this place, that if the trade union movement negotiates away the penalty rate, that is okay, but how dare an individual worker take it upon himself to do that which only the union should be allowed to do. We on this side say that if somebody wants to trade away their penalty entitlements—such as Greg Combet now acknowledges he has done on numerous occasions—then, if it is good enough for the ACTU, it is good enough for individual workers because they will work out for themselves what is in their best interests.

We support work choices and in WorkChoices there will be a more flexible regime which will allow Australian workers who are currently employed to earn more and ensure that their working life is more appropriate to their needs. (Time expired)

Senator O'BRIEN—Mr President, I ask a supplementary question. The minister did not deal the question with respect to with the situation where an employee or the employer has chosen not to negotiate, after the transmission of business and 12 months have elapsed, then the employee has no choice but to accept the new minimum standards as the totality of their employment conditions as specified on page 37 of the government’s industrial relations booklet. I ask the minister to address that aspect of the question because it is very important. It is a circumstance in which there is no choice. I ask him to confirm that that is the case. Does he not understand this aspect of the government’s plans that the minister has put forward, or is he deliberately being misleading—as he was yesterday when he said, ‘Under our proposals, what you have got you keep’? Clearly, that is not the case 12 months after the transmission of business.

Senator ABETZ—I can see that question time is going to get quite tedious because, once again, all that Senator O’Brien needed to have done is to have read the next couple of paragraphs on page 37 of the booklet:

Employees reliant on awards and the Fair Pay and Conditions Standard will have their classification wages as set and adjusted by the Fair Pay Commission, transmitted to the new employer. The twelve month limit will not apply to these wages. Conditions contained in the Fair Pay and Conditions Standard will apply universally, and so will not need to be transferred.

I note that present in the chamber is a delegation from a particular country that, in fact, in 1997 established a very similar type of commission to that we are proposing. Of course, that was done under the Tony Blair Labour government.

DISTINGUISHED VISITORS

The PRESIDENT—I would like to draw the attention of honourable senators to the presence in the chamber of a very distinguished parliamentary delegation from the United Kingdom, led by the Rt Hon. John
Speller MP. On behalf of all senators, I trust that you have enjoyed your visit to Australia and to our parliament and I wish you well on your return.

QUESTIONS WITHOUT NOTICE

Iraq

Senator FERGUSON (2.08 pm)—My question is to the Minister for Defence and Leader of the Government in the Senate, Senator Hill. Will the minister outline to the Senate efforts by the Howard government to assist Iraqis to rebuild their country and establish democracy? Further, will the minister also update the Senate on the Al Muthanna Task Group deployment in southern Iraq?

Senator HILL—I thank Senator Ferguson for his question. This weekend the people of Iraq will vote on a new constitution. This is extraordinary and a great illustration of their determination to have a free and democratic Iraq. It is despite all the efforts of insurgents and terrorists to derail the process through the mass killing of innocent Iraqi people. Australia applauds the courage of the Iraqi people and will stand by them as they build their new nation.

Australia continues to assist the Iraqi people in a number of ways. As has been mentioned by Senator Ferguson, one way has been through a task force located in the province of Al Muthanna. There our troops have provided security for the Japanese humanitarian forces whilst they go about the task of reconstruction after so many years of oppression, corruption and war. The task force is also carrying out its own community reconstruction projects to improve the quality of life of Iraqi people in the province. Thirdly, they are currently training the 2nd battalion of Iraqi security forces to take over responsibility for security in the region. In fact, in just two years Iraq has gone from having no security forces to having 197,000 troops and police who are taking responsibility for their own country—a major achievement in itself. This work has not been without danger. Even this morning, our time, there was an attack on an Australian vehicle patrol from the task force. Fortunately, the Australians escaped unscathed. The task group has done an excellent job and we thank them for their service.

Today I am announcing that there will be a rotation of our force. In the next few weeks a further 450 ADF personnel will fly out to continue this very important mission. The Prime Minister will farewell these troops in Darwin over the weekend. They are principally drawn from the 5/7th Battalion Royal Australian Regiment and from the Darwin 1st Brigade. Today I would like to place on record our appreciation for their service and also for the vital support that they receive from their families who will be left behind. I am confident that this next rotation of forces will carry on the fine work of the present contingent and will continue with the finest traditions of the Australian Defence Force. They go with the best wishes of all Australians. I am sure that all Australians and all honourable senators will join with me in wishing them a successful mission and a safe return.

Workplace Relations

Senator WONG (2.12 pm)—My question is to Senator Abetz, the Minister representing the Minister for Employment and Workplace Relations. Does the minister agree that public holidays such as Good Friday and Christmas Day should not be treated like any other ordinary working day? Can the minister explain why the penalty rates for these and other public holidays are not protected in law as minimum standards under the government’s industrial relations changes? Can the minister also explain why award provisions applying to work on public holidays, such as penalty rates, can be removed in an AWA by a simple clause stating that these

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provisions are excluded? Don’t entitlements such as penalty rates for public holidays reflect Australians’ views about the importance of family time and the significance of days such as Good Friday and Christmas Day? Why is the government now allowing these rights to be legally removed?

Senator ABETZ—What we have here is a prepared question time by the Labor Party not being able to adjust after hearing that the secretary of the ACTU, Mr Greg Combet, has acknowledged that he has negotiated numerous agreements ‘where we’ve negotiated, say, an all-up payment or an all-up rate in lieu of, you know, penalty rates for working shiftwork or weekends’. Award conditions for public holidays will be preserved under the new WorkChoices system unless an employer and an employee agree to an alternative arrangement. The default award provision will apply to new agreements and AWAs. Senator Wong, her Labor colleagues and the union movement are being deliberately deceptive in relation to the issue of public holidays.

Earlier this year, Ms Burrow claimed that there would be no mechanism for guaranteeing public holidays under a national IR system. What she failed to point out was that public holidays are in fact gazetted by state governments—this will not change: state governments regulate whether employees can work through restrictions on trading hours on public holidays; and state governments regulate other forms of activity on public holidays, such as no sporting events before 1 pm on Anzac Day in Victoria. Workers already work public holidays under state and federal systems. We as a government have no intention of taking away public holidays, but if individual Australians come to an arrangement with other individual Australians, namely, employees and employers, that they want to work on a particular public holiday then that is their right if that is what they deem to be appropriate.

We believe that flexibility is a good thing. What is more, yesterday on ABC radio we had Greg Combet acknowledging that he has been involved in negotiating these sorts of deals. Of course, it is only okay if the ACTU has given its imprimatur, but how dare individual workers try to negotiate the same thing! That should be outlawed, according to the Australian Labor Party.

The Labor Party and the trade unions have tried to tell the Australian people how to vote for the last four elections, and the Australian people have not listened to them. Just as well they did not, otherwise another 1.6 million Australians would not have a job and would not be enjoying a real increase in wages of over 14 per cent and an environment where we have the lowest industrial disputation in this country since records were kept. And just as much as the Australian people did not listen to the Australian Labor Party and the unions for their benefit, so I trust they will not listen to the Labor Party and the trade union movement in relation to WorkChoices.

Senator WONG—Mr President, I ask a supplementary question. Is the minister aware that the gazetting under state legislation of public holidays does not extend to the issue of penalty rates? Is the minister also aware that under the existing system penalty rates would require an increase in the hourly rate to be traded away? Is the minister aware that under the proposed WorkChoices scheme these rates can be traded away without any requirement for an increase in the hourly rate? Does the minister agree that these penalty rates for public holidays ensure employees get extra compensation for being required to work on days most Australians spend with their families? Why does this government really believe that Australians
want Good Friday and Christmas Day treated like any other ordinary working day?

**Senator ABETZ**—We do not presume to tell the Australian people that which they should or should not do. But can I say it is just so wonderful to hear some people who do not necessarily adhere to the Christian religion—and those opposite I refer to—all of a sudden embrace the importance of Easter and Christmas. To me it is a welcome move and I applaud them for it. Just as much as I believe Easter and Christmas are very important days, I would not seek to say to a fellow Australian, just because I believe a particular day is important, that they should not be allowed to work, for example, in a taxi, a public hospital or a place where all those other people in our community who in fact work on—*(Time expired)*

**Disability**

**Senator BARNETT** *(2.19 pm)*—My question is to the Minister for Family and Community Services and Minister Assisting the Prime Minister for Women’s Issues, Senator the Hon. Kay Patterson. Will the minister inform the Senate of the Howard government’s continued assistance to families of people with disabilities? Is the minister aware of any alternative policies?

**Senator PATTERSON**—I thank Senator Barnett for his question. As Minister for Family and Community Services I am firmly focused on how the government can best respond to the needs of people with disabilities, their carers and their families. I am a passionate advocate for carers, especially this older group of people. They deserve much more recognition and need more support.

During my time as minister in this portfolio I have consulted extensively with parents of adult children with a disability—some of them are in their 60s, some in their 70s, some in their 80s and some in their late 80s looking after a child with a disability and sometimes more than one child. They worry about what will happen to their son or daughter when they are no longer able to care for them. They fear for their future and who will care for them. I am very proud that we have come up with a package of measures which will benefit carers and people with a severe disability across the country.

The package, which is worth over $200 million, will include means test concessions to encourage families to make private financial provisions for a son or daughter with a severe disability; family mediation—families have said to me that when they are thinking about leaving their house there is often conflict with their other children and they would like some mediation if they are going to leave their house disproportionately to their disabled child; and further research on the needs of carers planning for the future. There is $1.2 million for that and $5.5 million for the mediation.

These new measures will assist parents with the capacity to contribute financially to the future care and accommodation needs of a son or daughter with severe disabilities. The major component of the measures will mean that families who have the financial means will be able to establish a trust of up to $500,000 for the care needs of a severely disabled child without the trust affecting their disability support pension. The parents or immediate family members contributing to the trust within five years of age pension age will also benefit from the gifting rule in relation to the age pension and the Department of Veterans’ Affairs service pension. If they gift between them up to $500,000 it will be exempt from the gifting rule and therefore they will be able to maintain their pension yet provide, either together or as individuals, for their relative with a disability. Other assistance provided in the package of measures will see access to mediation and counselling.
services for families, a financial information kit for parents considering private provisions and more research to better inform future policy.

I will be setting up an advisory group that will work with me to refine the details of the policy. I am very pleased to announce that Mr Ian Spicer, the immediate past chairman of the Disability Advisory Council, will chair that. It will include financial experts and parents of children with a severe disability.

The Prime Minister’s announcement today shows we are serious about providing support. It is now time for the states and territories to come to the party. I went to a relevant ministers meeting about 18 months ago and said we all needed to do something, that it was going to be tough for the Australian government—I would have to go and argue—and it would be tough for them to work on providing better accommodation for, in particular, adult sons and daughters with a disability. We had the $72½ million from the budget before last to assist the states to do what they should be doing in providing respite. I was agitated because New South Wales and Queensland were very slow to sign up—they have fallen over the line just recently—to give those people relief and respite. This is another measure and, as the Prime Minister has said, it will not meet the needs of everyone, but for those who either have financial means or when they die could leave a house to a child before it would affect their pension, they would be unable to get the pension. I am determined and I hope that I will see some cooperation with the relevant state ministers. The long-term success in providing security for people with children with disabilities requires all of government—(Time expired)

Workplace Relations

Senator CAROL BROWN (2.23 pm)—My question is to Senator Abetz, the Minister representing the Minister for Employment and Workplace Relations. Can the minister confirm that under the Howard government’s workplace changes an employer who establishes a new business will be able to draw up an agreement without any negotiation with workers? Does this mean that employers can lodge a single-page agreement that simply meets the minimum standard with no public holidays, overtime penalty rates, breaks, bonuses, leave loading or allowances of any kind? Won’t employers be able to do this without any discussion with employees?

Senator ABETZ—Senator Brown should understand that we as a government believe in workplace agreements where employers and employees can sit down and negotiate. I would think it possibly unlikely, but it may be that employers and employees would come to an agreement if there was very fine print on the page that would make it all fit onto the one page. It is not so much whether it fits onto one page or not, although I would assume the Greens would like that, because it would mean less paper being used. It is not the length of the agreement—

Senator O’Brien—Mr President, I raise a point of order on relevance. There was nothing in this question about an agreement. The question was about an employer in a new business setting out conditions in a document and requiring new employees to observe it without negotiation. There is no agreement involved there. Therefore the minister is not being relevant to the question. I ask you to draw him back to the question.

Senator Ian Campbell interjecting—

The PRESIDENT—Senator Campbell, I have not ruled on this point of order. The fact is the minister has only just started his answer. Whilst sometimes ministers might not be as relevant as you would like them to be, the minister has over three minutes left on this question and I am sure he will get to the
answer. I cannot direct him how to answer the question, nor do I intend to.

Senator ABETZ—Mr President, Senator O’Brien seems to have got a dose of ‘Senator Evans-itis’, because Senator O’Brien got up suggesting that there was no reference to a one-page document. I invite Senator Brown in her supplementary to confirm that she in fact referred to a one-page document. If the Labor Party cannot get their question time tactics together and the frontbenchers do not know what the backbenchers are asking, that is not my fault—that is their fault. As I was saying in response to the assertion that there could be a one-page agreement, at the end of the day we as a government are not so much concerned about the quantity of the agreement as about the quality of the agreement. It is what the agreement actually says that is of importance, not the length or indeed shortness of it.

As honourable senators will no doubt recall, I brought into this chamber an award that weighed over one kilogram, and I forget how many hundred pages it was. My view is that the vast majority of workers under that award had never seen the award let alone read the first page of that award. However, under individual Australian workplace agreements it will be important for all employees to read their agreement, to sign up and to be acquainted with the terms and conditions in that agreement.

Senator Brown, the Labor Party and the trade union movement bemoan the fact that we are simplifying the system and making it fairer for workers and employers to negotiate agreements. Well, I am sorry, but that is the big divide between us. We want a simpler, fairer national system, whereas those opposite still want the complicated six or seven jurisdictions within this country. They want the awards foisted from on high and they want to ensure that there is a place preserved for trade union officials so that they can follow the same career path as all those opposite had—that is, use the union movement as a front to launch a parliamentary career, rather than working in the interests of workers. That is why the trade union movement, the movement that those opposite have been championing now for the past nine years, is at one of its lowest levels ever in Australian history with about 17 per cent membership. If this represents the cream of the trade union movement, heaven help the Australian workers with that which is left behind in the trade union movement.

Senator CAROL BROWN—Mr President, I ask a supplementary question. For the benefit of Senator Abetz, part of my question was: ‘Won’t employers be able to do this without any discussion with employees?’

Senator Ian Campbell—Table the question!

Senator CAROL BROWN—Read the Hansard, Senator Campbell!

The PRESIDENT—Order! Senator Campbell, come to order.

Senator CAROL BROWN—Under the Howard government’s changes, won’t a single-page agreement for a new business be acceptable and enforceable? Won’t that single page represent the totality of workers’ entitlements with that employer?

Senator ABETZ—Mr President, after question time I am sure Senator O’Brien will get up and apologise because he has now heard confirmed from his own backbencher’s mouth that in fact reference was made to a single page, which was exactly the point that I was addressing. I would find it extremely unlikely that an employee could sign an agreement without any discussion with an employer. I would have thought that as an absolute minimum the employer would have to say, ‘Here’s an agreement; I would like you to sign it.’ There must be at least some
discussion between them, no matter how minimal it may be. As a government we are talking about active discussions between employer and employee so that both sides can be looked after for the benefit of the individual worker and the employer. *(Time expired)*

**Opposition senators interjecting—**

**The President**—Order! I remind senators on my left of the comments I made earlier today: reflect on your behaviour.

**Workplace Relations**

**Senator Ronaldson** (2.30 pm)—My question is also addressed to the Special Minister of State, Senator Abetz, representing the Minister for Employment and Workplace Relations. Will the minister update the Senate on the latest unemployment figures released today? Will the minister further outline to the Senate why the government's workplace relations changes, WorkChoices, are necessary in the light of these figures? Is the minister aware of any alternative policies?

**Senator Abetz**—I thank Senator Ronaldson for his question and acknowledge his genuine interest in driving down unemployment in this country. The latest labour force figures released today reveal that employment rose in trend terms in September to a record high of 10,050,400. The resulting seasonally adjusted unemployment rate of 5.1 per cent means that for the 25th consecutive month unemployment has been below six per cent. And it is still less than half the peak of 10.9 per cent recorded under Labor in 1992, when their current leader was the minister for employment. In fact, these latest figures mean that, since the Howard government came to office in March 1996, over 1.7 million jobs have been created.

Senators would be aware that the seasonally adjusted 5.1 per cent unemployment rate is a small increase from last month's 5.0 per cent. While this is slightly disappointing, it does serve to reinforce the government's view that we must take further action in order to drive unemployment down below five per cent. And that is why we will introduce WorkChoices, a new, simpler and fairer workplace relations system which will encourage further jobs growth—further jobs growth through removing the Keating government's social experiment and job-destroying unfair dismissal laws and further jobs growth through increasing flexibility and growing the economy—and all the while protecting and, indeed, strengthening the rights of Australian workers. Unfortunately, those on the other side do not share our concern for the unemployed of this country. Indeed, when they were last on the government benches they presided over one million unemployed Australians.

It is the end of a fortnight sitting, so here is another 'who said it?' especially for Senator Hutchins. This is from an interview and it went like this. The interviewer said:

So this group—the unemployed—are being told, in their twenties, by society, effectively: You're the losers; go to the scrap heap.

The answer:

Well, those who haven't made it into work and who are among the long-term unemployed, that's a reasonable statement.

Who could have made that callous statement? All of a sudden the Labor Party have gone quiet, because they know that callous statement was made by the current Leader of the Opposition, the then minister for employment, Mr Beazley, in 1993. That is a version of Labor compassion for the unemployed. We on this side say, 'We don't only have to look after the workers who are currently employed; we also have to look after those who do want to get jobs.' Of course, the Labor answer to the 5.1 per cent of Aus-
ustralians who are unemployed is: ‘You’re the losers; go to the scrap heap. We’ll only look after those who are currently in employment.’ That is not our social agenda.

Fuel Prices

Senator FIELDING (2.35 pm)—My question is to the Minister representing the Prime Minister, Senator Hill. I draw the minister’s attention to the announcement that the auto component maker Ion will sack 200 workers in Albury, partly because increased petrol prices have reduced demand for the family cars they supply parts for. I also draw the minister’s attention to the statement by the Reserve Bank Deputy Governor, Glenn Stevens, who said:

There is ... the likelihood that the big rise in oil prices will push inflation up over the coming year ...

When will the government stop hiding behind the fact that increased fuel prices are due to external factors and acknowledge that it can do something about high fuel prices? When will the government act to help families and protect the economy by cutting petrol excise by 10c per litre?

Senator HILL—The reality is that the price of petrol has gone up because the price of crude has gone up. However you want to express it, you cannot really hide from that fact. In terms of the consequences to employment, the signs are that certainly to date the Australian economy has been able to absorb these extra cost pressures because we have had yet another extraordinarily good employment result. The Australian economy continues to grow strongly. We continue to produce very low unemployment figures, which are still around the 30-year record low, and that bodes well.

In many ways it demonstrates that the economy has become more resilient, and that has been achieved by a government that has been prepared to tackle the fundamentals and to get the costs of business down through reinning in public expenditure, achieving low interest rates and being able to sustain both low and steady inflation. This has given business the confidence to invest and grow and to achieve employment records of which this government is very proud. So, yes, the international price of crude and the price of the product as it comes through refineries is higher than we would like. It is the case for all of our competitors as well; we are not alone in this challenge. But, in terms of its impact upon the Australian economy, it certainly has not been significant to date.

Senator FIELDING—Mr President, I ask a supplementary question. Minister, if a family in Victoria put $60 of petrol in their car during the last month they would have paid $18 tax to the federal government. How can the government justify continuing to slug families, small businesses and consumers with high charges at the bowser when it has a $13.6 billion surplus?

Senator HILL—I hear the political point, but in return I remind the honourable senator that when the GST was introduced by this government the level of excise on petrol and diesel was reduced by around 6.7c a litre. Then in March 2001 the government further reduced excise by 1.5 cents per litre and abolished the half-yearly indexation. Then on 20 September this year the government cancelled a planned increase in fuel excise. So this government is sensitive to the cost to consumers. It is prepared to take decisions that do have a detrimental effect upon revenue, but it also has the broader responsibility to ensure that the economy remains strong and unemployment remains low.

Performing Arts

Senator FIERRAVANTI-WELLS (2.39 pm)—My question is to the Minister for the Arts and Sport, Senator Kemp. Will the minister outline to the Senate how government
policies are helping to strengthen Australia’s performing arts sector? Is the minister aware of any barriers affecting progress in the sector?

Senator KEMP—What a pleasure it is to have in this chamber someone that is actually interested in the arts. One lives in the hope that one day one will get a question on the arts from the Labor Party but, regrettably, the Labor Party forgot to appoint a shadow minister for the arts in the last reshuffle. It shows you their priority. Senator Carr was unfortunately benched as a result of his performance.

The coalition government, as everyone knows, is a very strong supporter of the arts in Australia. While those opposing us hate to admit it, this support translates into artistic and financial benefits for Australia’s major performing arts companies. In general our major performing arts companies continue to prove that interest in the performing arts in Australia is alive and well.

The report, Securing the future: an assessment of the progress 1999-2004, which is to be released today, will show that the financial and artistic health of Australia’s major performing arts companies have generally continued to improve over the last period. The report by the Australia Council provides an update on the artistic and financial position of the 29 major performing arts companies and, as I said, the results are extremely encouraging. Importantly, the number of new works and Australian works presented has continued to grow. I was asked whether there are any barriers affecting the continued growth in the major performing arts companies. Senator, I regret to inform you that there is a barrier, and that barrier, essentially, is the Labor Party. Since the coalition took office in 1996 the Labor Party has had eight or nine shadow ministers for the arts. Today they do not even have a shadow minister for the arts. The ALP’s contempt for the arts was best highlighted by a comment by one of Senator Faulkner’s best friends, Mark Latham. The Sydney Morning Herald reported the approach of the former ALP leader during last year’s election campaign, presumably operating on the advice of Senator Faulkner. The Sydney Morning Herald stated:

Arts leaders couldn’t get anywhere near Mark Latham before the last elections. He was deliberately distancing himself. ... Well, he didn’t want to be seen with arts insiders. That is the attitude of the Labor Party and unfortunately we are continuing to see this with the New South Wales government at present. I may require a supplementary question to finish this, as there is information I would like to share with the chamber on the performance of the New South Wales Labor government.

Senator FIERAVANTI-WELLS—Mr President, I ask a supplementary question. Perhaps the minister could indicate to us what the barriers are particularly in relation to the New South Wales government.

Senator KEMP—Senators will recall that I announced that the government will provide additional funding of over $25 million over four years to Australia’s orchestras. Most state governments, I must say, are willing to cooperate with the federal government, but I regret to inform the Senate that the New South Wales government has indicated that it is not willing to provide the additional necessary funds to the Australian Opera and Ballet Orchestra. It is an appalling shame. The failure of the New South Wales Labor government to provide the additional funds is putting great strain on both Opera Australia and the Australian Ballet. These companies are the innocent victims of a Labor government that, as the Premier has indicated, has no great interest in the Arts. I want
to assure the Senate that Australian government money remains on the table but the New South Wales Labor government should now pay its share so that this money can flow. (Time expired)

Workplace Relations

Senator MOORE (2.44 pm)—I was tempted to say that my question was to ‘guess who’. I do apologise, Mr President; I could not help it. My question is to Senator Abetz, the Minister representing the Minister for Employment and Workplace Relations. Is it the case that under the government’s plans a single parent would have to accept an unfair job offer or risk losing their social security support? If the Prime Minister’s favourite job seeker, whom we have come to know as Billy, were a single dad who was offered an agreement explicitly removing award conditions for public holidays, rest breaks, bonuses, leave loading, allowances, penalty rates and overtime wouldn’t the government require him to take that job? If Billy turned down the job because of his concerns about the conditions, would he not lose his income support payment and therefore not have any means to raise his children? Isn’t Billy’s only real work choice to get exploited or get nothing for his family?

Senator ABETZ—I think I can be very brief on this: no.

Senator MOORE—Mr President, I ask a supplementary question. Following my question—and not the answer, Minister—is it also the case that the government’s changes will mean that if Billy had a disability he would have to accept unfair job offers? If Billy, who was mentioned in my first question, had a disability, would it be the case that Centrelink would no longer be able to protect him from accepting an unreasonable job offer? If Billy had this disability, wouldn’t his choice be to get exploited or get nothing?

Senator ABETZ—There is no such thing as an unfair or unreasonable job offer, because under WorkChoices the Australian fair pay and conditions standard must be met. If that minimum standard is met then there is an obligation on our fellow Australians to take up employment opportunities that exist, because if they do not they will be requiring their fellow Australians to keep them whilst there are jobs out there for them to do—jobs which will provide them with a remuneration whereby fair pay and conditions are legislated for. Minimum standards are required. Those standards are and will be protected by law for job seekers. But if people simply do not want a job because they do not think it is good enough—(Time expired)

Taxation: Energy Industry

Senator ALLISON (2.47 pm)—My question is to the Minister representing the Minister for Industry, Tourism and Resources. Given the need to secure future energy supplies and given the government’s commitment to reduce greenhouse emissions by 60 per cent by 2050, how exactly will the tax breaks suggested by Minister Macfarlane this morning for further fossil fuel exploration achieve both these ends? Can the government explain how providing tax breaks for oil exploration will decrease the price of petrol in either the long or short term?

Senator MINCHIN—I thank Senator Allison for that question and for her interest in this vital Australian industry. The Minister for Industry, Tourism and Resources this morning indicated his continuing enthusiasm for the energy industry in Australia and the government’s support for continuing exploration for additional energy sources for this country. The question of whether or not the government does contemplate any further stimulation for this industry through the tax system would be a matter for the budgetary process, and no such decisions have been
made. But it is of course open to Minister Macfarlane to bring to the government a submission of that sort.

Minister Macfarlane is absolutely right that this country must continue to ensure that, to the maximum degree possible, it does identify and exploit any oil and gas reserves that it has. This country and virtually all the developed and the developing world are and will continue for quite some time to be dependent on oil and gas for their primary transport and base load power station energy needs. It is a fact that many countries in the world are turning increasingly to uranium and nuclear power for their sources of energy. Australia is blessed with some 40 per cent of the world's uranium and will continue to be a very important source of that particular fuel.

There is an enormous amount of work going on, particularly in the United States, with regard to alternative transport fuels to oil, most particularly hydrogen. Enormous sums of money are being invested in research there. But the fact is that the world will be reliant on oil as its primary transport fuel for many years to come. Australia will also be reliant on that source. We are increasingly reliant on overseas sources for that vital transport fuel, so to the extent that Australia can discover and exploit additional oil reserves then it is in our national interest to do so. Whether there is a need for further tax incentives to ensure that we are identifying and exploiting our reserves the government will keep under consideration.

Senator ALLISON—Mr President, I ask a supplementary question. Can the minister indicate whether he will be making a submission to the budgetary process that would provide tax breaks and similar incentives to the renewable energy industry? Again I ask: how do tax breaks for oil exploration compare with the tax incentives and infrastructure grants and policies that are there to encourage investment in the renewable energy sector—for instance, MRET? Will these targets and incentives be extended in line with further tax breaks that might be coming for the fossil fuel industry?

Senator MINCHIN—This government does provide enormous support for the renewable energy industry. There was under the former environment minister, Senator Hill, and is under the current environment minister, Senator Ian Campbell, tremendous support for those particular industries. Indeed the Prime Minister only recently announced further support for the biofuels industry in this country. I think this government has a very proud record of support for those industries, but the plain fact is that this country will continue to rely on fossil fuels for many years to come. It is our responsibility to identify and exploit the resources that we have in this country for the benefit of all Australians.

Defence: Comcare Investigations

Senator MARK BISHOP (2.52 pm)—My question is to Senator Abetz, the Minister representing the Minister for Employment and Workplace Relations. Is the minister aware that Comcare is currently investigating a complaint of bullying at Robertson Barracks in Darwin, as well as the death from heat exhaustion of a young soldier in the Northern Territory, under section 41 of the Occupational Health and Safety Act? Is the minister aware that the hospitalisation of a large number of soldiers, also affected by heat exhaustion, is also being investigated by Comcare? Can the minister indicate what power Comcare has to prosecute and fine the Department of Defence under the Occupational Health and Safety Act? Is the minister aware that the hospitalisation of a large number of soldiers, also affected by heat exhaustion, is also being investigated by Comcare? Can the minister indicate what power Comcare has to prosecute and fine the Department of Defence under the Occupational Health and Safety Act? Is the minister aware that the hospitalisation of a large number of soldiers, also affected by heat exhaustion, is also being investigated by Comcare? Can the minister indicate what power Comcare has to prosecute and fine the Department of Defence under the Occupational Health and Safety Act? Is the minister aware that the hospitalisation of a large number of soldiers, also affected by heat exhaustion, is also being investigated by Comcare? Can the minister indicate what power Comcare has to prosecute and fine the Department of Defence under the Occupational Health and Safety Act? Is the minister aware that the hospitalisation of a large number of soldiers, also affected by heat exhaustion, is also being investigated by Comcare? Can the minister indicate what power Comcare has to prosecute and fine the Department of Defence under the Occupational Health and Safety Act?
Senator ABETZ—I am not necessarily sure that I am the relevant minister in this matter. I have been very kindly provided with a brief from Senator McGauran, and I thank him for that. To assist the honourable senator—and, as I understand the situation, anybody from the executive can get up and answer questions on behalf of the government—I will take it upon myself to provide an answer in relation to those incidents. Comcare has conducted its investigation and indicated that it intends to take action in response to the findings. That action has yet to be determined by Comcare. Until such time as it has initiated action, it would be inappropriate to comment. Army has initiated an action plan in response to the Comcare report. Army is continuing to cooperate closely with Comcare to achieve high standards of occupational health and safety.

Senator MARK BISHOP—Mr President, I ask a supplementary question. Can the minister indicate how many other investigations Comcare has conducted into occupational health and safety breaches by the Department of Defence in the last five years? What consideration has been given to the Comcare investigation of the poisoning of over 800 RAAF personnel who worked over a 30-year period on the fuel tanks of F111 aircraft? Given that the degree of negligence in the F111 case far exceeds that of the heat exhaustion case, and involves many more deaths, will the government now order an investigation? If not, why not?

Senator ABETZ—This is a relatively sensitive matter—

Senator Chris Evans—Did you phone a friend?

Senator ABETZ—Yes—all the staff in my office are my friends, unlike in the Labor Party offices, where the factional brawls know no bounds—

Opposition senators interjecting—
has been severely affected by the drought. I am very proud to further announce the historic flooding of the Barmah-Millewa Forest. The red gums in that forest, as well as other parts of natural heritage, have not been flooded for five years now. Many of the trees are at severe risk and in crisis. We will, in cooperation with the New South Wales and Victorian governments, be flooding it with billions of gallons of water.

Senator Fifield asked about alternative policies. It was interesting to read what the opposition spokesman said the alternative policies are. You will remember that four weeks ago I referred to the alleged discussion that took place between Mr Latham and Mr Garrett on the banks of the Murray River and to their policy. Their policy has not changed. They are very big on short policies in the environment area. They have a prolix leader on every other area but on the environment he is very short. On greenhouse they say two words: Kyoto Protocol. On the Murray it is the ‘mighty Murray’ or ‘1,500 gigs’. They have these very short statements. Senator Fifield will be alarmed to know that Mr Albanese, the spokesman from the other side of this place, says that the government’s policy is ‘not a single drop.’ Four words—so they are getting there.

Mr President, you will remember four weeks ago when I described Labor’s policy on the ‘mighty Murray’, to quote Mr Latham. And remember that Mr Albanese says, ‘Not a single drop.’ Four weeks ago I announced the flooding of a number of forests, and 14 billion litres of water flooded onto the banks of the Murray. That is 8,000 Olympic swimming pools. Two weeks ago it again passed by Beazley’s Labor: 20 billion litres of water went into the Hattah Lakes—an historic repair of the Murray River. Senator Ian Macdonald’s namesake from New South Wales—in fact, Mr Albanese’s colleague—described the historic nature of the Living Murray partnership, but of course Mr Albanese has forgotten this. ‘Not a drop,’ he says. ‘Billions of litres,’ we say—an historic repair of the Murray. And their policy remains stuck in the time warp that is Latham Labor. They still have this 1,500-gig policy. They will not say where the 1,500 gigs is going to come from and they will not say where it is going to go. They are full of hot air. (Time expired)

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

The PRESIDENT—Actually, I have just called Senator Crossin.

Workplace Relations

Senator CROSSIN (3.01 pm)—My question is to Senator Abetz, the Minister representing the Minister for Employment and Workplace Relations. Can the minister confirm that under the government’s work changes the consideration period for an Australian workplace agreement will be halved? Under the current arrangements, is it not the case that employees have 14 days to consider an agreement? Why has the government now halved that period to just seven days? And, given that many employees seek legal or family advice on the impact of their agreements, why is the government now restricting the time they have to consider their agreements?

Senator ABETZ—I would have thought it made good commonsense to ensure that, for both sides, an employment contract can be negotiated as quickly and as expeditiously as possible. What usually happens, as I understand it, is that people go for a job interview and, after a selection is made when the employer determines who is the appropriate person for the job, then discussions might start taking place about the conditions. It would be interesting to see whether Senator Crossin agrees that 14 days is an
appropriate standard, or whether she believes it should be longer—and, if so, why 14 days as opposed to seven days? Should it be 21 days? There is no magic in these figures other than that we want to have these negotiations concluded as quickly as possible for both the employer and the employee so that there can be certainty.

Senator CROSSIN—Mr President, I ask a supplementary question. Is it true that under the government’s changes the consideration period will be waived altogether, and won’t this allow unscrupulous employers to insist that 18- or 19-year-olds applying for their first job agree to waive the consideration if they want the job?

Senator ABETZ—I think that once again the honourable senator is confused, and the Labor Party should have accepted Senator Hill’s offer to cancel question time to save her from embarrassing herself with this question. What the honourable senator is referring to is in relation to lodgment with the Office of Workplace Standards. As soon as it is lodged it will become applicable. We believe that the quicker people can have certainty of employment, the better all round.

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

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

Workplace Relations

Senator O’BRIEN (Tasmania) (3.04 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 by Opposition senators today relating to proposed changes to industrial relations.

The first thing I want to say is that I found it quite obnoxious that Senator Abetz reflected on the faith of members of the opposition in answer to Senator Wong’s question. Let me advise you that Senator Wong is a practising Christian. The reflection in the beginning of his answer was that she and some other people on this side of the house were not practising Christians. The fact is that there are practising Christians on both sides of the house. The fact is that there are people on both sides of the house who do not practise as Christians and who do not believe, and it is not appropriate to reflect on that. I ask him to consider that in the context of the remarks he made in question time today.

Let me go to the issues that the opposition raised today. After being encouraged to look at the government’s book—I call it propaganda—called WorkChoices: A New Workplace Relations System, I decided to ask Senator Abetz some questions about it, because there are some very clear problems arising from it. So I asked a question about the transmission of business, and, using the terms of the document, established that, 12 months after a business is transmitted, the employees’ awards and agreements that applied lapse and the employees ‘fall back upon the minimum award and the bare minimum fair pay conditions’. That is what the document says.

Senator Abetz says: ‘Read on! Read on!’ So I did read on in the document. I invite you all to read on in the document, because, in fact, the remainder of the passage from which I just quoted makes it absolutely clear that, unless there is something else negotiated, 12 months after a business is transmitted to a new owner, the new owner is not obliged to negotiate anything. He can then say to the employee: ‘Well, in 12 months time, your wages and conditions will default to the minimum.’ That will apply, and that will apply to all future employees. That is what this booklet says.

Equally, Senator Wong was talking about the ability to remove holidays such as Good Friday and Christmas Day to reflect a one-
page agreement, as Senator Carol Brown said. It is not an agreement, frankly. Let me withdraw that, because that is not what Senator Brown was saying. It was a document constructed by the owner of a new business and registered as ‘the agreement’ where there was really only one party to it, and that was the owner of the business. That is what this document says the government’s legislation will permit.

Senator Abetz kept trying to say that that is an agreement. It is not an agreement; it is a document that the proprietor of the business registers as applying. It might be called an ‘agreement’, but I defy anyone to categorise as an agreement a document which has been drawn up and agreed to by only one side. It is an imposition. It could be a one-page agreement which basically talks about the minimum award wage and the bare minimum conditions and which applies to new employees—or indeed an hourly rate which is alleged to incorporate an amount of money to cover those agreements.

After being encouraged by Senator Abetz earlier in the week to refer to this booklet, we took him at his word and we asked him questions about it. Today in question time Senator Abetz failed his own test every time. He did not understand what the booklet said. The only alternative to that proposition is that he did understand and he was deliberately trying to convey the wrong impression to this chamber and to the Australian public. This information package will be revealed for what it is, despite the slippery performance from this minister and this government in relation to its industrial relations package.

We are clearly showing the Australian people that they have a lot to lose under the proposals—the so-called WorkChoices. What a misnomer. We have demonstrated time after time that this is not about choice but about allowing the imposition of conditions on young people and job seekers by unscrupulous employers. Unscrupulous employers will also be able to impose conditions on people who have not changed jobs but where the business they work for is transmitted to another employer. The fact that Senator Abetz cannot answer questions with regard to that package shows how slippery the package is. (Time expired)

Senator HUMPHRIES (Australian Capital Territory) (3.09 pm)—I am very happy to rise to speak on this motion to take note of the answers on workplace relations given in question time today by Senator Abetz. Not only today but throughout this week Senator Abetz has been subject to pretty fierce questioning by those opposite about the government’s WorkChoices package. I have to say that Senator Abetz has excelled in his portfolio in demonstrating a capacity to bat back answers to those questions with great aplomb. He deserves to be acknowledged as a minister who is obviously on top of his portfolio and who is prepared to make it very clear to those opposite that they have failed comprehensively to understand the fundamentals of this WorkChoices package.

The fundamental point is that we intend to provide through this package a way for Australians to be able to approach the task of designing their work environment and workplace to suit their needs and the needs of their employers. As I hear the Labor Party day after day assailing this new package—this new reform to Australian industrial relations—I see two characteristics shining out from the mouths of Labor members. First of all, they see it as a great attack on their self-interest. They are a party whose roots are well and truly embedded in the trade union movement. They can see that this will free Australian workers from the necessity to undertake negotiations through trade unions and they have this great sense of a loss of their privileged position in respect of the
needs of those particular Australians in the workplace.

The second thing I see is a party locked into the past. I see a party which sees itself in terms of 1930s industrial negotiations: ‘One in, all in. We’ve all got to be together in this. We have to have common standards. We can’t afford to peel off, otherwise we’ll be picked off by ruthless employers.’ The workplace has changed. The entire Australian environment in which people conduct negotiations about where they work and how they work has changed.

We have an environment today in which people are better educated than they have been at any stage in Australia’s history. People have a better understanding of how society works and how processes like employment work. They have more confidence about being able to approach the legal issues inherent in forming contracts with employers than they have had in the past and they have better access to information—including through the internet—than has ever been the case in the past. To suggest in this environment that Australians are too stupid to be able to conduct negotiations on their own part with their employers and strike a good deal from their point of view is frankly a little bit insulting to those Australians.

Characterising the work environment as being full of ‘unscrupulous employers’—to quote Senator O’Brien from a moment ago—who are out there to attack the conditions of their employees, and suggesting that employees must be in collective agreements of some sort under inflexible awards and conditions as the only way of preventing those unscrupulous employers from getting their way, is a vastly outdated view of Australia’s industrial environment. The world has moved on, Senators. We should allow the industrial system in this country to reflect the new way in which people are doing their business.

These days, people negotiate all sorts of things. The marketplace has changed. There was a time when, if you wanted a telephone service, for example, you had to see Telstra and get your telephone service from them. Today, you can negotiate the kind of service that you want. That choice is replicated throughout our society. It is in the way in which we make decisions about what we purchase, what we do and the way in which we conduct our lives. And that flexibility and choice is no less needed in respect of employment circumstances.

Senator Abetz has done well today. The opposition needs to understand that Australians are prepared and ready to take up the flexibility which WorkChoices offers them. We will see, when these reforms are passed, an enormous flowering of Australian workplace agreements. People will make the decision to form a bargain with their employer, because ultimately those agreements and bargains will be attractive, make sense and work in the interests of employers and employees. They will be embraced by hundreds of thousands of Australian workers. That will be the test of these reforms. (Time expired)

Senator KIRK (South Australia) (3.14 pm)—I rise this afternoon to take note of answers given by Senator Abetz to questions asked of him today in question time. This week we saw the government announce its package known as WorkChoices for Australians. But, essentially, the only choice that is contained within the WorkChoices package is the choice of taking the job or getting the sack. The government’s extreme industrial relations changes that have been announced this week will do nothing except push Australia down the low-wage road, when what we should be doing at this point in our history is taking the high-skills road. This is
what is being promoted by the Australian Labor Party. It appears that the Prime Minister just does not understand that the only way to achieve our national goals is by helping individual Australians to achieve their goals.

Mr Howard wants to sacrifice the wages and conditions of individual Australians in order to try to compete with our large neighbours, China and India. If Australia is going to compete with these two powerful neighbours, we are not going to succeed by slashing the wages of Australian workers. This is not a way to compete. We do not compete with low-wage economies by cutting our Australian wages. We compete with them by outdoing those economies on skills. In order to compete with these large neighbours, China and India, Australian workers must have better skills than their Chinese and Indian counterparts. This is the only way that we are going to be successful—not the Prime Minister’s way; not by simply cutting the wages of Australian workers.

It is the case that the jobs of Australian workers are going to be a great deal less secure under the Howard government. As a consequence, families are going to suffer as people work longer hours for less money and with less job security. In the Prime Minister’s world, workers will be on their own. As I said, they will have the choice of either signing the contract that is put before them by their prospective employer or not getting the job. What have we seen this week? We have seen the government spending millions and millions of taxpayer dollars trying to sell to the Australian people the lie that their extreme workplace changes are in fact about choice when, as I have said, there is not a great deal of choice in this package at all. As we understand it, $100 million will be put into TV and other advertisements in order to try to convince the Australian people of something that they are not going to believe in any event—that is, that they are going to be better off under this package.

As I said, the only choice that there is in this WorkChoices package is between signing the contract and taking a cut in your pay or conditions and simply not getting the job or losing your job. What is more, if you work for a small or medium sized business, like most Australians do, there will be no job security anymore. If a person changes jobs, they will be exempt from protection against unfair dismissal for the first six months. Even in a large company these people will have no protection, and they will have no protection at all in a small or medium sized firm. Job security as we have known it—one of the cherished aspects of our Australian community—will become a distant memory for most Australian workers.

What we have seen from this government is an old and tired dream on industrial relations—something the Prime Minister has sought to achieve for most of his political career. All this government is doing is pursuing old ideas instead of looking forward and looking after Australia’s interests. These changes will not make our economy stronger. You do not increase productivity or pay off our foreign debt simply by slashing the wages of Australian workers.

Senator TROOD (Queensland) (3.19 pm)—I have sat through question time for the last two weeks and listened with great interest to the attacks that the opposition have made on the government’s proposals to reform industrial relations. Most of these attacks have been ill-conceived and seem to be directed at trying to undermine what are essentially very modest and reasonable proposals. As I have sat here listening to these attacks, I have noted that a very sad theme runs through them all. That very sad theme is the failure of the Labor Party to appreciate why these reforms are necessary. What is
particularly sad about it is that the Labor Party used to be a party of reform. They used to understand the importance of reforming the Australian economy.

Perhaps I can remind the Senate of the extent to which that was the case. During the eighties and nineties, when Labor governments were in power, the efforts to reform the economy took on such dimensions as the floating of the dollar, the deregulation of the business and finance industries, the privatisation of Australian businesses—such as Qantas, the Commonwealth Bank and, of course, Telstra—tariff reduction, removing tariff barriers and protection, taxation reforms and even the introduction of quite far-reaching competition policy. I am delighted to say that the coalition for the most part strongly supported these reforms as being necessary and desirable.

What is sad about this is that the Labor Party seem to have forgotten why they did this. They seem to have forgotten why this process of reform was under way. Of course, there is a very simple explanation for why they did this. It is not complicated; it is not a mystery. They undertook this process of reform because they wanted to make the Australian economy more internationally competitive—and that is precisely what the motivation is for these reforms even now. The reality persists that, in a global environment, in the context of globalisation, economies have to be internationally competitive. These industrial relations reforms are part of the effort to make the Australian economy more competitive. Why would you do this? Why would you want to make the Australian economy more competitive? It is not a complicated matter either; nor is it a mystery. You do it because you want to encourage a good, sound investment climate for business.

Australia did that during the 1980s and 1990s. It did it well and we gained advantage from it. I have some examples from the international environment of countries which failed to reform and lost track of the need for undertaking continual economic reform—countries like Japan, which had a lost decade. Japan through most of the 1990s had negative growth or poor growth at best. Only now is it beginning to show some signs of change. There are better examples. Examples in Europe show a very stark contrast within the European Union between those countries which have fundamentally reformed their economies and those that have failed to do so. Countries like Germany and France have for years failed to undertake the necessary reforms of their economies. Those countries and their people are facing the consequences of that failure to reform as we sit here today.

The countries that have done well in Europe, that are succeeding and providing jobs for their people are those which have undertaken fundamental reforms—for example, Ireland and, of course, the United Kingdom. Germany is a very good example of what can happen when countries fail to undertake these kinds of reforms. Just recently the Siemens organisation—a very large employer—announced that it was laying off 2,400 jobs as a consequence of the slow and slumped state of the German economy. The German economy for at least two, three or four years has been in a situation essentially of negative growth. (Time expired)

Senator CAROL BROWN (Tasmania) (3.24 pm)—I rise to take note of answers given in question time today by Senator Abetz. It is interesting to note that Senator Humphries believes that Senator Abetz has done a good job. I suppose that for those on the other side of the chamber he has, because
he has said nothing. This is a senator who takes the art of saying nothing to a whole new level. Labor have been asking serious questions about the industrial relations reforms this government is about to foist upon the Australian public. We have sought answers to legitimate questions on how these new proposals might work and what they might mean for Australian families. And what have we had in return? Nothing, zip and nought—the big doughnut.

Senator Abetz has spent his time quoting from his little orange bible. He has held it in his hands and spouted the word of John Howard. He has been very strong on the word of John Howard. He is a good disciple of his ideologically driven master. We have seen his spleen and bile vented on ordinary Australian workers and the union movement. We have seen him attack other senators over their questions. All through this, we have seen him pirouette, duck, dive and sashay to avoid answering the fundamental questions about the future of working life in Australia and about this multimillion dollar WorkChoices advertising campaign—or, more appropriately, the multimillion dollar taxpayer funded Liberal propaganda campaign.

What has Senator Abetz answered? On the cost of the IR advertising blitz, he said: ... it stands to reason that a substantial sum has been spent...

This is the senator who is the minister in charge of government advertising. He is the chair of the Ministerial Committee on Government Communications and he does not even have a clue what this campaign is costing. Didn’t he even get a quote? Then we had this pithy gem of an explanation—a precis, if you like, of the government’s IR reforms according to the Special Minister of State. He said: Under our proposals, what you have got you keep.

But you do not. Senator Abetz’s explanation is an exercise in complete misinformation. There is little doubt that the changes coming before this chamber will have a dramatic effect on Australian workers and their families and what they currently have. There is also little doubt that the rationale behind these moves is to pay people less—to cut the wages of Australian workers in the future.

Let us in this chamber not forget that when you slash people’s wages, you cripple their ability to pay their mortgages, credit cards and electricity and phone bills. You put them under pressure. You lock them into a grinding, subsistence existence from which there is no escape. This is real, not perceived. This government is talking about slashing wages at the very same time as the cost of living for many families is climbing under record petrol prices. The pressure is already there, and that is why we are seeing declines in consumer confidence. Australians are feeling the pinch.

The government calls these new moves WorkChoices. It is Orwellian doublespeak for ‘no choice’. Under these moves, Australians will only get penalty rates and conditions if their bosses say so. That is not a choice. Much too is made here of the opportunity for the individual to bargain with the employer for his or her conditions. These reforms are painted by Senator Abetz and others as ‘flexible’, but, again, it is double-speak. What Senator Abetz really means by ‘flexibility’ is inflexible arrangements for workers and greater flexibility for employers. Check your own minds—think about it. What flexibility does a 21-year-old university graduate have when they have finished studying and are desperate to land a first job? What flexibility does a 35-year-old man in a one-company town have when his boss wants his weekends bargained away? What flexibility does a 50-year-old have when they have been retrenched and desperately want
to re-enter the work force? This government is so out of touch that it presents this reality as a level playing field. What a joke!

As I said in my first speech in this place, the myth of these reforms is just that—a myth. ‘Reform’ implies positive structural improvement. But what is proposed here is a simple dismantling. Contrary to the rhetoric we hear from Senator Abetz during question time, this is not about more jobs and higher wages. It is about dismantling a system that works. It is about as far away from a fair go as you can get. After 10 long years, this government has run out of ideas. Now slashing wages seems to be this government’s answer to everything. *(Time expired)*

Question agreed to.

**MATTERS OF PUBLIC IMPORTANCE**

**Poverty**

*The DEPUTY PRESIDENT*—The President has received a letter from Senator Siewert proposing that a definite matter of public importance be submitted to the Senate for discussion, namely:

The urgent need for the Government to take action as a matter of priority to address poverty in Australia.

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 SIEWERT* (Western Australia) *(3.30 pm)*—I proposed this motion to the Senate because I believe that the government needs to take urgent action to address poverty in Australia as a matter of priority. This motion arises from the continuingly unacceptable levels of poverty in Australia and concern about the continuing gap between the rich and the poor in this country, and it has as its focus the occurrence of both National Anti-Poverty Week and National Careers Week next week, 16 to 22 October.

I would like to draw the attention of the Senate to some recent figures on poverty and inequality within Australia. A NATSEM—National Centre for Social and Economic Modelling—report estimates in its latest figures from 2001, that 9.3 per cent of Australians are living in poverty. That is 1,665,631 people, of which 504,145 are children; 10.6 per cent of Australian children are said to be growing up in poverty. Poverty rates vary by states and electorates. As my colleague, Senator Milne, told the Senate last night, the highest rates are in Tasmania, where 12.7 per cent of Tasmanian adults and 14.1 per cent of Tasmanian children live in poverty. The electorate of Braddon, which Senator Milne spoke about last night, has 15.1 per cent of its population living in poverty, the highest rate in the country. In all states there are proportionately more children living in poverty than adults. The Brotherhood of St Laurence estimates that on average every night there are 100 homeless Australian families who cannot find places in refuges. Around half a million Australian families have no family members in paid work. A quarter of a million Australian job seekers have not had substantial work for a year or more.

Furthermore, a disproportionate percentage of Indigenous Australians live in poverty. The life expectancy of Indigenous Australians is 20 years less than that of other Australians. It is similar to Bangladesh, despite the fact that we are 10 times richer. A study by the Centre for Aboriginal Economic Policy Research at ANU showed that nearly half of all Indigenous children lived in families where incomes were below the Henderson
poverty line. I believe this is absolutely shocking. Furthermore, poverty rates are still higher amongst those Indigenous families where at least one adult has a job because of lower wage rates, larger families and a lower proportion of families likely to have two breadwinners.

Children living in poverty can suffer poor health as a result of poor nutrition. They find it harder to learn and find it hard to concentrate. They suffer from social exclusion and can miss school excursions and extra-curricular activities. They can miss out on social skills, making it harder to get on in life. Children living in poverty can suffer behavioural problems and poor mental health. Their housing may be insecure, their family life can be disrupted and they are more likely to suffer anxiety or depression. Poverty is a high risk factor in youth suicide. Children living in poverty have a higher rate of abuse and neglect. Children living in poverty are at risk of becoming adults living in poverty and we risk creating a cycle of disadvantage. All of these factors link into the concept of capability deprivation—the reduction in opportunities to develop the knowledge and skills, along with the confidence and know-how, to get ahead and to lift yourself out of poverty and live a meaningful and productive life. By denying children growing up in poverty these opportunities to develop we are both restricting their futures and ultimately reducing the future productivity of our nation.

A study in 2003 by Dowrick and Quiggin found that the real value of wages in low-paid work has not risen since the mid-1980s, despite significant growth in productivity and average wages. Wages have become more unequal over the last decade. Think about what these figures mean for Australia’s future, for the kind of society we are creating, and the impact they will have on our prosperity and wellbeing.

I expect that some in this place may wish to challenge NATSEM’s definitions of poverty to muddy the waters and discount the calls from the Australian community for urgent action on poverty. We can expect to hear a lot more of these calls during National Anti-Poverty Week. There has been some quite ridiculous rhetoric and spurious argument recently challenging the definitions and measurements of poverty and inequality. This has gone to the extreme of claiming that there is no poverty in Australia, that we cannot compare disadvantaged Australians to the kind of ‘real’ poverty we see in Africa—that is, if poor Australians are not actually dying of starvation and malnutrition then it simply is not right to refer to them as ‘in poverty’. NATSEM have adopted a relative definition of poverty in which persons are deemed to be living in poverty if they fall below a basic community standard based on half the average disposable household income of a family with two children, which is then adjusted to take account of differences in the size and composition of households and economies of scale in consumption.

I am not going to waste too much time addressing and debunking the various arguments over different definitions of poverty as there are serious issues relating to the impacts of disadvantage and inequality, social exclusion and capability deprivation that I really want to bring to your attention. Let me say first that I think there are two sorts of arguments about poverty that we need to address. First, there are those that go to basic principles about how we treat the disadvantaged in our society, that go directly to our values and say a lot about the kind of society we wish to live in. These are the kinds of arguments that mean a lot to me personally and I appreciate that arguments based on values mean a lot to many of my colleagues.
on both sides of the chamber. But I am concerned that appealing to concepts of social justice and equality, to giving all Australians a fair go, will be wasted on some, despite their constant rhetoric about family values and their appeals to patriotism.

So I am going to focus instead on the second sort of arguments—harder, drier arguments based on those things that we can determine from economic, scientific and statistical analysis of the impacts of poverty and inequality on the health of our society: on rates of chronic ill health and life expectancy and the ensuing demands placed on the public health system; on crime rates, violent crime and domestic violence, and the ensuing demands placed on the justice system; on measures of trust and social participation; and on the attitudes and beliefs that impact on the kind of society we live in.

It has been widely recognised for years that poverty is bad for people’s health. The correlations between rates of poverty and chronic ill-health and life expectancy have been demonstrated in countless studies around the world. These findings are so well documented, I believe, to be incontrovertible facts.

Professor Richard Wilkinson, an eminent epidemiologist and arguably a world authority on this issue, has written a book about this recently, entitled *The Impact of Inequality: How to Make Sick Societies Healthier*. He puts forward some damning research findings from the United States—which many take as a model for our social and economic policy—and Canada that look at the close relationship between income distribution and health. Professor Wilkinson clearly demonstrates that inequality is strongly related to sickness, that it is the most egalitarian societies and provinces and not the richest who are the healthiest, that those in the provinces and states with the widest gap between the rich and the poor are the sickest and not those in the poorer states, and that the findings also hold true for death rates and life expectancy.

Let us be clear about this: the fact that the average income in some states is twice as high as others has no relationship whatsoever to the death rates; it is the inequality between the rich and the poor that is the determining factor. Professor Wilkinson finds that what is true for health also holds true for homicide rates in the US, Canada, Latin America, sub-Saharan Africa, South and East Asia and the OECD. It also holds true for the rates of violent crime and incarceration. In other words, inequality has a devastating impact on health and our society.

This data tells us that trust is strongly correlated with inequality. Those living in unequal societies are much less trusting of each other and much more hostile towards each other and towards people they do not know. Inequality correlates strongly with rates of participation in society and in the political process and with measures of social connectedness and what some refer to as social capital. This tells us that even if we expect to be better off, are purely self-interested—which some people may be—and are living in a more unequal and divided society, we can still expect our own privileged social experiences to be worse. Professor Wilkinson concludes:

… rather than appearing to pursue greater equity because of some abstract commitment to a principle to be imposed on the population, we must make sure it is widely understood that the evidence shows that this is the road to a healthier, less stressful society, with higher levels of involvement in community life, increased social capital, and lower levels of violence.

Do we want to live in the sorts of cities where we have to watch where we go and whom we look at, where we do not dare look people in the eye on the street and where
there are blocks and streets that we dare not
go, or do we want to live in a safe, healthy,
just and compassionate community? To do
this, we absolutely have to address poverty
and inequality in this country.

Senator MOORE (Queensland) (3.40
pm)—I thank Senator Siewert for giving us
an opportunity in this place to discuss some-
thing which I think should almost be a regu-
lar agenda item: poverty in the community. I
will unashamedly talk about the experience
that many people in this chamber had by be-
ing part of the Community Affairs Refer-
ences Committee that was called together on
the demand of the Senate. In October two
years ago, all sides of the Senate looked at
putting together a Senate committee to con-
sider the issue of poverty in our community
and, as always with Senate committees, there
was an extensive list of what the committee
was going to look at.

As I say very often in this place when I
talk about committees with which I have
been involved, we were privileged to be part
of the Community Affairs References Com-
mittee. As to the response by people across
Australia, we were overwhelmed by the in-
terest in this committee’s terms of reference.
Over 250 submissions were made to our
committee. Those committee submissions
ranged from individual pages from people
who were grateful to the Senate for consider-
ing what they thought was something that
was impacting on their lives, saying how
tough it was just to make ends meet in a so-
ciety where we are constantly reminded that
people who are doing well are doing very
well indeed. That came out consistently
across all parts of the country as we had the
opportunity to travel and to listen to the sto-
ries of people in Australia who were living
with poverty in their lives. Amazing numbers
of people from the northern parts of Australia
through to suburban areas in capital cities
and regional areas across various states work
in a spirit of true community volunteering to
provide support to those who have need. All
of us who had the opportunity to be on the
committee heard the stories of people whose
lives had been affected, not just by their own
experience but also by the work that they
were doing to make our community a better
and stronger place.

In the months that we met, we were able
to see the faces of people who made it im-
possible for us on the committee to ignore
the issue that there is poverty in our commu-
nity. As Senator Siewert mentioned, it may
not be the overwhelming and devastating
poverty which we hear about in Third World
countries, but that does not mean that there
are not people in our community who need
support and cry out to us—who are privi-
leged to be in this place to listen to their con-
cerns and to respond. Once again, the mes-
sages that came out of the Community Af-
fairs References Committee—and 95 rec-
ommendations came out of that committee—
were that this is an issue for Australians and
that they want their government to do some-
thing about it. When I saw Senator Siewert’s
reference, the most pressing thing for me
was her statement that it is important for us
to see the issue of poverty as a priority. In
my short contribution this afternoon I remind
all of us that it must be a priority.

In October 2003, a reference was submit-
ted to the Community Affairs References
Committee. The committee report, which I
think was quite appropriately named A hand
up not a hand out: renewing the fight against
poverty, was brought down in this place in
March 2004, and here we are in 2005 and as
yet there has not been a formal response
from the government.

I know that the government has read the
report. I know that the government members
on the committee were as affected as all of
us by the stories we heard and that they be-
came caught up in the life stories of people who gave their time and effort and in fact gave away their privacy to come and talk with us as members of a Senate committee about why they thought the issues of poverty and disadvantage should be considered a priority in the community. We came to a fairly unified response in this committee. There were areas in which there were different opinions but the key issues were agreed: there needs to be cross-government consideration of the issues of disadvantage and there needs to be a good hard look—and I use that term very clearly—at exactly how the systems are operating.

We found that the people who came to see us felt isolated and marginalised from the wider community and there was a growing divide between those people who were able to access the wonders that we have in our education system and our job market, in many ways, and those who were not. People could have exciting options put before them if they were able to access the system. Consistently the message that came to us was that people did not have that equity of access. Some people were able to benefit from education, job and training opportunities and had access to move around our country, but some in our community did not have that access. That is truly disappointing. We are able to look around our community and see that we do not really have an option: a caring government has a responsibility to look at the people across our community and ensure that there is fair access to services.

I will mention some of the particular issues we came up against. Once again, none of these issues begins and ends. You publish a report and many people read the report, take copies from it and question what was going on. But nothing actually ends. The issues stay vibrant. One of the key recommendations was that there be some form of summit on or cross-government consideration of the many issues that were raised through the committee process. There was a call for people in government across all levels in our country to make a commitment that they would see poverty and disadvantage as a priority for us all.

Through the recommendations in this report you can see that various groups in the community were clearly identified as perhaps having greater disadvantage and slipping further behind. I want to make a point about people who identified with mental health issues. The Senate Community Affairs References Committee looks at the issues of health, but we as a unified chamber identified that there was a need for a special Senate select committee to look at the issues of mental health in our community. And so much of the same evidence is being brought before us in that select committee: that within our community everybody does not have the same fair go and that within our community people are being excluded from having access to what we would expect should be normal opportunities available to all Australian families.

Senator Siewert, you referred to the National Anti-Poverty Week that is coming up soon, and that will give us a chance to further these issues in this place. This week we are in the awareness week—we seem to like weeks here; we like to have this awareness process—for looking at mental health issues. During this week we are looking at the special needs that people in families who identify with mental health issues have and the kinds of things they should be able to expect from us in this place who, as members of the Senate, represent all Australians.

I remember talking with a group of people from the St Vincent de Paul Society. I believe that the wonderful work the St Vincent de Paul Society does across this country needs to be continually acknowledged. They give
us hope in the area of genuine community service. One of the women who had been a long-term volunteer with the St Vincent de Paul Society, after telling us stories about the kinds of people who came to her for immediate financial and accommodation support because they did not have access to other services, said that her volunteers—and she referred to them as ‘her volunteers’—were pretty skilled at being able to give people help in getting food and somewhere to sleep, even though it was getting much more difficult in that part of regional New South Wales. What the volunteers were not prepared for was being able to give the specialised kind of support that is absolutely necessary for people who have mental health issues. These people often appear without any form of support, are lost from the Centrelink system and are lost from their family and friends but are in deep need of support. This lady said that she was just not trained or prepared to meet that need.

Her voice adds to a lot of the other voices that shared with us during the Senate Community Affairs References Committee process telling us that there is poverty in our community, we cannot ignore it and we have no right to ignore it. We have the ability to look again at those 95 recommendations and not pass them off, as the government has done, by saying, ‘It is being looked at now.’

(Time expired)

Senator LIGHTFOOT (Western Australia) (3.50 pm)—I am not one who has experienced the poverty of the last 50 years. I have been juxtaposed to it because I have lived in the bush for most of my life. It is not something that I would define as poverty—I would probably feel more comfortable defining it as ‘hardship’. Hardship itself, like poverty, can have many faces. I do know that what this government has done over the past few years has manifestly demonstrated its concern with poverty and its concern with hardship, as I prefer to call it. That concern has been by way of establishing a minimum wage, which is slightly in excess of $450 per week for a person aged 21 years and over. But it is relative hardship that is very difficult to define. If you see someone earning $450 as a minimum wage you often do not know whether that person has children—one, two, four or more—or keeps an invalid mother or relative in that house on that $450 of gross salary. If that is the case then that person is suffering a considerable hardship.

I commend the Labor Party now on their introduction of the universal health system that we have here in Australia. We have certainly built on it, and it has not been diminished. It is a very difficult portfolio to handle, because no matter what we do there are always going to be accusations that people are living in hardship or in fact living in poverty, but poverty is not something I accept as a term that I am familiar with, except of course in places like Bangladesh, Mongolia, sections of China, India or South America. I have seen the appalling poverty in all of those countries that I have just mentioned. Poverty in those countries is something that we would never experience here in Australia. Perhaps we have experienced it in Australia, but it is not something we experience in Australia today.

I can see Australia going towards the condition where I would perhaps describe hardship as poverty. I believe there would be poverty if we failed to recognise the shortage of water in Australia that can be confined by artificial means. That would be poverty. That would be poverty if we had the means to grow and to expand our agricultural areas as we have recognised in Western Australia with Kununurra-Lake Argyle part 2, where we are going to explore and exploit the water that is artificially retained there—one of the biggest, if not the biggest, artificial lakes in the world.
It would be poverty in my view if we were to pay very expensive prices for electricity in Australia or if we knowingly had electricity that was produced by pollutants that caused children to be ill. It is one thing not to have enough clothes—to be embarrassed about clothes—as a child, and I think I was in that category. It is another thing to be an ill child and to be ill clothed. To me that is approaching poverty as well. If we do not allow the production of electricity—if we allow the Australian Greens, for instance, to frighten us off a nuclear power station—if it was feasible to establish a nuclear power station in terms of kilowatts per hour to the consumer then that would be something about which the promoters of that ban could well be accused of putting people in poverty in Australia.

It would be a kind of poverty if we reduced our farmers again to some kind of penury because groups like PETA, People for the Ethical Treatment of Animals, were allowed to succeed with their appalling demonstrations against farmers who have had a traditional way of life in this country for sometimes five, six or more generations. That would be something that we could not forgive.

But overall this is a country that I think we all know is the best in the world. It may not be classified under Henderson’s system of trying to work out where a child lives in poverty in which country, but we know this is the best country in the world. We know that our wages system here is one of the best in the world. We know that our aggregation of wages, whilst not as high as those in the United States of America and perhaps not even as high as those of Saudi Arabia or some of the Low Countries in Europe, is among the highest in the world.

The OECD recognises that, of the nearly 40 countries in the OECD, Australia is measure for measure one of the best countries in the world. But there are pockets of hardship, and I acknowledge that. The government does its best to try to define these pockets, which seems to be very difficult to do. I am not going to read what I call the Henderson poverty line, because the one I have is somewhat out of date. It says for a working partner with a non-working spouse and two children that $434 in 1995-96 was barely adequate but nonetheless could not be defined as poverty. Today you could add 15 per cent onto that 1995-96 salary and you would probably get something like another $60 or $65 a week, which is getting close to $500 a week. If people with two children and a non-working spouse are bringing home less than $500 a week, Henderson, who is some authority on this, says that that would be barely adequate for those people to live on. But because we have a high and rising living standard in Australia—and it is rising; there is no question about that—we are less likely than other countries to have problems that are endemic.

I am of this view because I have been to the places I have mentioned, particularly Mongolia, which has a very intelligent race of people. It somewhat disconcerts me when I see those people there and look at this wonderful life that we have in Australia that we could say that there are significant numbers of people living in poverty in Australia. I find it a little difficult to accept that there are significant numbers of people living here in poverty—hardship, yes, and that goes on from time to time. That goes on in the wheat belt in my home state of Western Australia, which is often—not always, but more often than not—the biggest producer of wheat in the nation. With 10 per cent of the population, we often produce more than 50 per cent of the wheat. And yet, during times of drought—they come as surely as the rain comes—there are farmers who are rich in
terms of assets but are living in hardship because they do not have enough money to buy sufficient clothing, to educate their children or to seek additional jobs off the farm because they live too far away from areas of work. Tragically, when there is drought in those wheat-belt areas of Western Australia, it affects the smaller towns dramatically as well, so there is often no employment there either. That is a hardship, and it is one of those things that I have not heard talk of here today.

I think there is more than one type of poverty in Australia, and often we should face that. There is a poverty sometimes of innovation. We do not seem to want to invent or perfect things in Australia like we have in years gone by. Necessity is the mother of invention; perhaps the necessity is not there today. There is often a poverty of forgiveness. This house is one example of that—there is a poverty of forgiveness here. There is a poverty of charity sometimes. There is a poverty of change. And there is a poverty of acumen—

Senator Hutchins—I was on the Privileges Committee when you got forgiven.

Senator LIGHTFOOT—I was only forgiven because there was no other course to be found. More infamously, I suppose, there is a poverty of leadership and an intellectual poverty, and this place is not immune from either. Senator Siewert and Senator Moore both mentioned that sickness can and does cause poverty. In my view it causes hardship. That is largely dealt with by the wonderful system, and I acknowledge this, of Medicare that we have today. (Time expired)

Senator FIFIELD (Victoria) (4.00 pm)—I think something which is often missing from discussions about poverty is a recognition that good social policy and good economic policy are not mutually exclusive. That is something that Senator Lightfoot recognises. They are often presented as though they are alternatives—as though you have to choose between a good economic policy and a good social policy. They are not in conflict. The truth is that you cannot have a good social policy, you cannot have a good and compassionate society, unless you have a strong economy. As the Treasurer is very fond of saying, it is a little like breathing in and breathing out: you have to do one before you can do the other.

Senator Hutchins—You talk to him regularly.

Senator FIFIELD—Indeed. A lot of our near neighbours are in situations of what we might describe as poverty. It is not that they want to be in poverty. It is not that they do not want to have a good social policy. It is that they do not have an economy that can afford a good social policy—they do not have an economy that can sustain one. It is all well and good to wish and hope for good social policy, but you need a strong economy to fund it.

It is because of good policy that this government has pursued over 10 years—and also, to give credit to the previous Labor government, some significant economic reforms that they made in their early period in office—that today we enjoy a strong economy, prosperity, and high and rising living standards. These living standards are highlighted in the recent ABS household income data. This reports that the real disposable incomes of low-income households increased by 22 per cent between 1994-95 and 2003-04. This increase is similar to the gains of other population segments. The ABS concluded that there has been no significant change in income inequality from the mid-1990s, which is good news.

Some Australians, however, do continue to face disadvantage. We recognise that there are challenges and we obviously want to do
what we can to assist those who are suffering from hardship. The problems of those affected by hardship are not easily categorised by very broad terms such as ‘poverty’, especially when this is defined by relative income poverty measures and depends on survey data that often does not accurately record incomes. Apparent low income is often a very poor indicator of wellbeing. As Senator Lightfoot mentioned, there are other significant factors that contribute to poor wellbeing—poor education, poor health, physical and mental illness, alcohol, disabilities and gambling.

Simplistic approaches such as large increases in income support do not necessarily address the cause of hardship or the cause of real poverty. The keys are strong support for Australian families and for their children, and economic and social participation for all Australians. I think what we want to see more than anything else is people in a job. The best way to protect families from poverty is to make sure that the parents in those families have a job.

That is why this government has been talking a lot about its Welfare to Work package. We want to take people out of disadvantage and put them into work. It is a good package. It builds on a lot of things that we have done, a lot of good policies that have helped create this low inflation, low interest rate environment. We are also looking to free up the labour market again to try and help employ more Australians. The proof of the success of the sorts of policies that we have been pursuing is seen in NATSEM’s research, which has reported that the real average disposable weekly income of low-income families with children—that is, the poorest 20 per cent of families—increased by 18.5 per cent, which is about $86 a week, between 1997-98 and 2004-05.

But we do recognise that there are Australians who are doing it tough. It is not acceptable that over 600,000 families are jobless in Australia, that sole parents are on income benefits for an average of 12 years, that only 10 per cent of DSP recipients are working and that six out of 10 Indigenous people of working age are on income benefits. They are bad statistics. They represent disadvantage in people’s lives. We are trying through our policies to address those people who are still in that situation. That is where the $3.6 billion Welfare to Work package comes in.

Labor’s idea of addressing this very serious issue at the last election was a poverty summit. In The Latham Diaries, the former Leader of the Opposition described the policy in the entry of Friday, 26 October, on page 170. Who knows whether this entry was entered on that day or post facto—senators opposite would have a better idea than me. But it is instructive nevertheless. It says:

Is this the low point in our five wasted years? A Crean-Swan press release today announcing that our election policy on poverty is to convene a summit. How can a Labor Party not know what to do about poverty? This is the issue that should make us radically different from other parties—an intense and burning passion for the elimination of poverty, defining our sense of purpose in a fast changing world. They announced it at the ACOSS congress, so it’s not hard to guess what sort of summit it will be—Left conservatism, ACOSS whinging about all the things they don’t like in the world. But not offering any answers, other than increased transfer payments. They just don’t get it.

If there is one thing that Labor just does not get in relation to poverty it is the absolute importance of a job, of employment. We had some terrific news today: the labour force figures for September 2005 showed that, in trend terms, employment rose by 7,800 jobs in September to a record high of over 10 million jobs—which obviously reflects the resilience and strength of our economy. I should
mention that the seasonally adjusted unemployment rate rose slightly in September to 5.1 per cent, but the unemployment rate does remain less than half of the peak of 10.9 per cent recorded in December 1992 when Labor was in office.

Under this government, more than 1.7 million new jobs have been created. That is good for individuals, but it is also good for families. Findings of the first wave of the longitudinal survey of Australian children found that over 70 per cent of parents agreed that working made them feel more competent, with 49 per cent specifically indicating that their working had a positive effect on their children. Senator Lightfoot touched on a very important point: poverty is not just an economic measure; it is also to do with the wellbeing of a family and how a family feels about themselves. How the individuals in that family feel about themselves is also important.

Senator HUTCHINS (New South Wales) (4.09 pm)—Before I commence my remarks on this motion, I want to take umbrage with the comments made by Senator Abetz in question time today about people on this side of the chamber and their faith. My faith is very important to me. I found what Senator Abetz said very offensive. Mr Acting Deputy President Chapman, as you would be aware, I have had a series of journeys through cancer and I have spent time in a palliative care ward, and I found what Senator Abetz said today about my faith very offensive. I did not expect that from him, and I hope that at some point over the next few hours he apologises to me and to my colleagues.

In terms of The Latham Diaries, as you would also be aware, Mr Acting Deputy President, I have gone on record as saying what I thought of that grub. Anything that is in that diary should be taken as fiction. It does not represent the views of the vast majority of Labor MPs or the Labor movement. In fact, the party asked us here in the Senate to put before the Senate a reference into poverty and financial hardship. We were successful, when the Senate was controlled by the non-government parties, in referring to the Senate Community Affairs References Committee an inquiry into poverty and financial hardship. The report of that committee goes for 512 pages. It represents to us a culmination of another journey where we went all over the country and talked to many people about how they approached what they saw as the decline in their living standards.

As in all references committees, we had people from the coalition as members. As I recall, Senator Gary Humphries and Senator Sue Knowles were members of it. I am surprised Senator Humphries has not been down here today to speak, because Senator Humphries is one of the few people on that side of the chamber who has an understanding of the areas covered in that community affairs committee, whether reference or legislation. I do not mean any offence to either Senator Lightfoot or Senator Fifield, but, to my knowledge, neither of them has ever expressed any view about this aspect of policy. Understandably, they have other interests, but—and, again, I do not mean it as offensive—the coalition must have had to scrape the barrel this afternoon to get people who have no interest in this issue to speak.

I do commend Senator Fifield, because he did at least keep a straight face as he was talking about this issue—unlike Senator Lightfoot, who, to his credit, had a bit of a giggle. Neither of these gentlemen has ever expressed any interest in this aspect of policy, and I would have expected that the coalition would have sent down the people who do understand a bit about this area rather than having to get second-stringers to talk about it.
Senator Watson—Thanks very much!

Senator Fifield—Senator Watson is here. You are reflecting on Senator Watson.

Senator HUTCHINS—I have not had a chance to reflect on Senator Watson. He is, I understand, the father of the house and he probably has been on almost every committee in this Senate.

Our report highlighted what we saw as growing inequality in this country. There was strong evidence that the economic gains have not been shared. We saw inequality, poverty, homelessness, long-term unemployment, housing stress, suicide and child abuse—all contributed to by people’s lack of opportunities due to them living in poverty or suffering financial hardship. In fact, it is estimated that the number of people in this country who live in poverty is somewhere between two million and 3.5 million. Even the coalition’s lap-dog, the Institute of Public Affairs, admits that there may be around one million people living in poverty. For those lap-dogs to make that sort of admission was something that we welcomed in the inquiry. One of the other disturbing aspects that we found in our inquiry was that there were 700,000 children living in homes where neither of the parents worked.

We saw continuing evidence of the growing inequality in wealth in this country. We saw the disparity between the haves and the have-nots. I think it is amazing that people in either party should consider some sort of tax relief for the people on the higher end of the income scale. We have a situation where 21 per cent of Australian households—or 3.6 million people—live on less than $400 a week. Probably the most disturbing feature of our report is the rise of the working poor.

One of the significant contributors to that was the fact that there has been a significant growth in casualisation in this country. Between 1988 and 2002, the total casual work force in this country grew by 87½ per cent. We are still a society where the majority of men work and women stay at home and look after children, and the growth in the number of men in the casual work force was 141.6 per cent, while for women it was 56.8 per cent. That means that well over a quarter of Australians in the work force are now casual workers. The actual figure is 27.3 per cent. That is the highest percentage of the work force being casual in the OECD countries.

It is a terrible blight on this country that we cannot offer people full-time employment. Mr Acting Deputy President, you know and I know that people who are at work want full-time work. They do not want four hours here, four hours there and another two hours there. They want full-time work. The majority of the men and women who are in this predicament are not highly skilled people. They do not have the qualifications or the certificates to demand employment and conditions; they are men and women who are in low-paid, low-skilled employment. But everywhere we went, from Perth to Hobart, we had many, many people come and say to us that they wanted full-time employment.

The way that the level of unemployment in OECD countries is measured is bodgie. Our government did it when we were in power, and the coalition is doing the same. I think the actual measurement—and I know Senator Watson is probably a bit more versed in this than I am—is of people who sought one hour’s work in the previous month. Maybe Senator Watson will correct me, but I think that is the measurement for the level of employment and unemployment.
My colleagues and I were disturbed—and I know the coalition members were equally disturbed—by the growth of the working poor. In our inquiry, unlike what the former leader of the Labor Party said, we came up with 99 recommendations that we believed would go in some way or another to addressing the level of poverty and financial hardship in this country. In the limited seconds I have left, I want to say that the other very disturbing aspect of what we saw in our inquiry was the level of children living in poverty—children who will not have the life chances that you and I have had, Mr Acting Deputy President, who will not get the opportunity for the social mobility that we have had and who, because they will not have the access to employment that you and I have had, will not have the income dignity that we expect as a right for all Australians. I urge coalition senators to support this fine motion by the Greens and make sure that we take it up to the government because, to date, there is still no response from the government to our March 2004 recommendations. (Time expired)

Senator WATSON (Tasmania) (4.19 pm)—I remind the Senate that Australia has high and rising living standards, and the benefits of this are being shared widely across the community. Data from the Australian Bureau of Statistics has highlighted this and reports that the real disposable incomes of low-income households actually increased by 22 per cent between 1994-95 and 2003-04. That is very significant rise for low-income households. The Australian government certainly recognises that there are challenges to assisting those who are suffering from hardship; however, the problems of those affected by hardship are not easily categorized by broad, encompassing terms such as ‘poverty’.

I remind the Senate that the coalition government has been very innovative in addressing some poverty traps. As a result of last year’s budget, families receiving family tax benefit part A received an additional payment of $600 per child, which was paid in mid-2004. While not many in this Senate realise it, I have a reasonably close working relationship with the non-government charitable agencies, particularly in my own state and also across the Pacific and in Asia. My contacts with those organisations showed that this payment alone actually produced less family stress, reduced the number of family assaults and reduced the crime incidence reported by police. Payouts for cash needs or groceries also dropped. So this innovative measure was very well received. We heard at the time that there were instances where it had been abused, but I am told that the abuse was only a small proportion and that it did not make a very significant impact. So I say that, in terms of this issue, we have to continue to be innovative and not to rely on the old and tried methods of assisting everybody.

The big problem, as some of my colleagues have said, is that low income is not always the best indicator of wellbeing. Today we have a high incidence of family breakdown. Despite our best endeavours in the educational area, we still have too low a level of educational attainment. We have drugs. We are living in a society which a few years ago felt that recreational drugs, as they call them, such as marijuana, were not harmful, but we are now finding that the incidence of scattered brains and problems with disarranged brains is having a large impact on dysfunctional people and dysfunctional families. There is also the question of illiteracy. There are physical and mental health problems. There is alcohol. There are the Indigenous heritage issues. There are disabilities. There is gambling and smoking. All these are just some of the other factors that we have to address.
But, unfortunately, the simplistic approach of just throwing more income support, as we have found in the Aboriginal community, does not necessarily address all the causes of hardship. We believe on this side that the keys to this issue are strong support for families and their children and economic and social participation by all Australians of working age and particularly by those in their retirement. I have certainly been very vocal on that even if I have not worn on my sleeve a Christian commitment or a commitment to the non-government charitable sector, as some would allege.

For those who can work, including parents, we all know that the best way to protect against hardship and well-being is to have a job, preferably one that provides a level of job security. This is what the 2005-06 budget committed to with the $3.6 billion Welfare to Work program. This program is being finetuned and I think it will probably be finetuned a little more. It is an innovative program, it is a bold program and, to some extent, some might say, it is an experimental program. But, to the credit of John Howard and his team, where problems have emerged, it has been finetuned to iron out certain impediments. I am sure the same thing is going to happen with Welfare to Work type programs.

The package builds upon particular aspects of the Howard government’s success of a strong economy—aspects such as low inflation—because this is the best way to reduce poverty. Particularly for the aged, inflation is one of the factors that can bring a family into poverty very quickly. That is why the Reserve Bank pays such particular attention to low inflation. We have low interest rates. We have balanced budgets where, instead of paying out millions of dollars in interest, we are funding areas of social responsibility such as education and hospitals. We believe that if we introduce a little bit more flexibility into the workplace relations system then that will also add to improving the efficiency of our economy. We must have a tax system that rewards effort. Under the Howard government, Australians have enjoyed a strong and growing economy—1.7 million new jobs and strong earnings growth.

(Time expired)

Senator BARTLETT (Queensland) (4.26 pm)—In this debate we are simply trying to make the clear statement that the urgent need for the government to take action, as a matter of priority, to address poverty in Australia is a matter of public importance. It might sound self-evident that it is a matter of priority but unfortunately it is a statement that needs to be made, because action needs to be taken. There is significant poverty in Australia, especially among some Indigenous communities. Arguments about how you define and measure poverty should not be used to pretend that it does not exist. Unless you name it, acknowledge it and define a strategy to address it, you will not be able to properly fix it.

That is not to discount some of what Senator Watson was saying. It is true that a prosperous and well-run economy is a key part of reducing poverty. There is no doubt about that. And it is certainly better to have an economy where all the things Senator Watson mentioned—inflation, interest rates and the like—are not out of control. But that is not enough and continually focusing on just getting better and better economic statistics is not enough. That is why you also have to name poverty and define a strategy to address it. Similarly, it is true that for many people the best way out of poverty—the best so-called welfare measure, if you like—is to get a job. But firstly we have to acknowledge that there are always going to be some in the community for whom that is not feasible. We need to assist people as much as possible,
where the opportunity is there, to ensure that they can attain that.

But the other aspect that has to be acknowledged, as I think Senator Hutchins pointed out, is that sometimes even a job in itself is not sufficient to get people out of poverty. Even if we have lower interest rates, the price of housing in particular is something that is causing enormous income stress for many people. Housing related poverty is a key reason that we have many people who we would label the working poor. The building of a lot of our current prosperity has been on the basis of an extremely inflationary housing market. People can make money out of investing in housing and property, and that is all fine but, if it is at the expense of someone else’s ability to afford a home for themselves to live in—if that is put beyond their reach or if they are put in such a degree of indebtedness with high mortgage rates that they are chewing up huge amounts of their income or are having to become double-income families, with associated other costs for child care—then you are defeating the purpose. So a job is important, but it is not sufficient in some circumstances, particularly if other measures such as housing costs are not dealt with.

I would argue that housing costs in particular would have to be a key part of any strategy to address poverty. I should also emphasise that the other aspect of the government’s Welfare to Work changes is not just about helping people into a job. It is going to directly reduce the amount of income that some sole parents and people with disabilities are going to be able to receive—including those who do get part-time work. That is no way to reduce poverty; that is a way to make it worse. That is the reason why we have great concern about that particular aspect of the government’s policy. Even beyond picking out bits and pieces of policies, I think we need to acknowledge that we need to have a clear overall strategy. Until we actually name that as a goal and acknowledge that poverty is something that exists and has to be addressed, we will never be able to properly address and fix the problem. *(Time expired)*

**COMMITTEES**

**Legal and Constitutional Legislation Committee Reference**

*Senator HILL* (South Australia—Minister for Defence) *(4.30 pm)*—by leave—I move:

That, upon its introduction in the House of Representatives, the provisions of the Anti-Terrorism Bill 2005 be referred to the Legal and Constitutional Legislation Committee for inquiry and report by 8 November 2005.

*Senator CARR* (Victoria) *(4.31 pm)*—The opposition will not be opposing this motion but I would like to draw to the chamber’s attention the extraordinary contrast between the way the government treats a reference to a committee in this matter and the way it has behaved in regard to other matters. I think there ought to be some application on the basis of consistency in these issues.

*Senator BARTLETT* (Queensland) *(4.31 pm)*—I was not aware that this was happening. I do not know if there were consultations with the whip or others in the party whilst I have been in meetings, but I was not aware of this. I should emphasise that what has been moved is for a bill to be referred to a committee for report by 8 November. This bill, I presume, is yet to be introduced into the House of Representatives, and therefore will not be introduced until the House of Representatives resumes on 31 October. That will mean a committee inquiry, from tabling of the legislation to report, of a week during the time when estimates committee hearings are being held.

*Senator George Campbell*—Which is the end of the month. That is seven days.
Senator Bartlett, did you move an amendment to the reporting date or are you foreshadowing that?

Senator BARTLETT—I move:

Omit “8 November 2005”; insert “the first sitting day of 2006”

Senator HILL (South Australia—Minister for Defence) (4.34 pm)—Unless it is agreed, it is not going to go through. We cannot have divisions, and at least we have tried. We believe the Senate will want to look at this bill in its committee process. Time is of the essence in this matter. This is an agreement that has been reached between the Commonwealth and the states. The states are in the process of legislating their part of the agreement and we have certain obligations as well.

Our obligation means that the legislation will be dealt with in the House of Representatives in the week commencing 31 October, and it will need to be dealt with in the Senate in the subsequent week, in the week commencing Monday, 7 November. Because the previous week, the week commencing 31 October, is an estimates committee week, without the passage of this motion, there will not be a way to refer this legislation to the Senate committee for inquiry. I know it will be a brief inquiry—and that is obviously not as good as a long inquiry—but in the circumstances of this anti-terrorism legislation and the agreement that has been reached between the Commonwealth and the states, that is simply where the facts lie.

I regret that this motion has been moved with very little consultation. I acknowledge that. It has been an attempt on our part to facilitate the requirements of the Senate in order that at least the Senate can get the bill into its processes from the beginning of the week that the Senate is engaged in estimates. If the Senate does not want to pass this motion, so be it. That is the Senate’s business; the Senate is its own master. But I have brought this in here at the last minute today in an effort to give the Senate the opportunity to deal with this matter through its committee process.

Senator LUDWIG (Queensland) (4.37 pm)—To clarify what has happened so far, I got a call in my office to indicate that Sena-
Senator Hill wanted to seek leave to refer a package of terrorism bills to the Senate Legal and Constitutional Legislation Committee.

Senator Murray—When did you get the call?

Senator LUDWIG—It was a couple of minutes ago that I got the call. My first question was: is the package of terrorism bills going to be introduced? I got a subsequent call indicating that, as far as the caller was aware, it would be introduced on 31 October, which is out of session, and asking if I would give leave for Senator Hill to make that statement. Of course, we will always give leave to Senator Hill to make statements—there is no argument about that. This place operates quite easily and effectively by the giving of leave.

The next issue is that we have not seen the motion for referral, and there are a number of issues that surround it. One is whether it relates to all of the terrorism bills package—and I still have not seen the text of the motion yet, so perhaps the government could make that available. The next question is whether the minor parties and the Independents have been advised of this proposal. I am still unaware of that as well. It would be helpful if those sorts of courtesies were provided.

The next point is that there was no indication of what the reporting date would be. I have now been told that the reporting date is 8 November, so we have only now seized upon that. The issue that arises from that is that the Labor Party does not want to be in a position to not have Senate scrutiny. We have always asked for and deserved Senate scrutiny in relation to bills—and, for bills as important as these, we do require Senate scrutiny. The questions then are for how long that scrutiny will be and whether the package of bills will be introduced—as the government has indicated it will—by 31 October. If it is not introduced by 31 October, what will happen?

The Senate Legal and Constitutional Legislation Committee will have a reference from today’s date but does not yet have the legislation available to deal with. That is of concern if the introduction on 31 October does not come to pass, because the government will turn the debate around and say that the opposition has had Senate scrutiny since today’s date, when that may not be entirely accurate. We want to make sure that there is a date from when the package of bills will be available for the Senate Legal and Constitutional Legislation Committee.

The other issue is that the introduction date falls smack bang in the middle of the Senate estimates process, so there will not be an opportunity during that week to look at the legislation because senators will be engaged in dealing with the estimates process. It will need reasonable scrutiny. That scrutiny will have to include that the inquiry is advertised, that submissions can be made based on the legislation itself—and that those submissions can deal with issues such as the detail, or the black-letter law, contained within it—and that hearings of the Senate Legal and Constitutional Legislation Committee are scheduled. I am unaware of the committee’s workload at present.

That leads to the question of whether the reporting date being proposed by the government in this motion is sufficient to allow those processes to occur and to ensure that there is proper scrutiny. We do not want to be in a position where there has not been proper scrutiny or the committee has not been able to sufficiently examine the legislation in the time available to be able to report effectively by 8 November. There has to be sufficient time to ensure that there are hearings during that period.
The government has taken this course of action to effectively spring the motion on us at this time—after 4.30 pm on a Thursday, when there can be no quorums or divisions. The opposition is now also faced with an amendment by the Democrats which seeks to insert a different reporting date. The government has the numbers so that if the Democrats move an amendment and say, ‘We don’t want that date,’ it is usually in a position to force its will, so to speak, in respect of a particular date by saying, ‘That is not a date that we agree to.’ Given that it has 39 senators on its side, it could win the debate.

The difficulty we are faced with at this time is that after 4.30 pm there are no divisions, so that a division cannot be called in respect of the amendment. The division would be deferred until the next time we sit, which would be after the likely date on which the legislation will be introduced, and the legislation could not then be referred to the Senate Legal and Constitutional Legislation Committee. We might all, except perhaps for the Democrats, be in agreement that the legislation should be referred to the committee. I am sure the Democrats also agree that it should be referred to the committee, but what they are not in agreement with is the reporting date. But we cannot have that debate and have it resolved after 4.30 pm today.

Whether that is a government tactic or not is another question, but in this instance any delay means that effectively we cannot have the matter determined, move forward and have an argument in part in respect of the substantive issue. If that position is adopted, the package of bills will not be referred to the Senate Legal and Constitutional Committee and it will not be available for that committee to start looking at, should the legislation be introduced out of session by the government. Of course, there are a couple of catches regarding that period which make it very difficult.

So it is quite a complex position that the government, of its own accord, has managed to create because it did not seek to do this at the usual time. The usual time for this has now passed. The usual time for referral of such matters is generally in the morning, or at least before 4.30 pm, which is where we now find ourselves. It certainly could have done it at any time this week and sought to have the debate. Mr Howard, the Prime Minister, has made a number of what can only be described as notable quotes in this regard. He said:

... I want to assure the Australian people that the Government will use its majority in the new Senate very carefully, very wisely and not provocatively.

You would have to say that the stunt of producing this motion after 4.30 pm, with a minute’s notice, makes it very difficult for the opposition to be able to deal with it in a considered and reasonable way. We have to consider how we will proceed—as do, of course, the minor parties, and the government, too. If the Democrats’ amendment is proceeded with, it cannot be resolved today. The government has tied it into two parts, which makes it one of those issues the government has brought upon itself. It is quite unfair to all parties and, really, to the Senate itself.

You could only describe the couple of months that the government has had control of the Senate as a mismanagement. I am sure that far harsher words also come to mind. In essence, the way this is being proceeded with is a complete mismanagement. The issue we now have is how we are going to proceed with this in a logical, considered way, given the position that has now been adopted by the Democrats. We need to ensure that, at the
end of the day, this is resolved in a meaningful way.

This week has really highlighted the government’s position. Not only has the government provided this outcome at this late time of day; it has also perpetrated a number of outrages in respect of Senate procedure this week. I referred to this yesterday as well. The government has also referred a bill to a committee for a one-day hearing. It did that during the Telstra debate. It was totally inadequate. No-one could come to the conclusion that it was anything other than that. It also said, ‘Not only will we refer it off to the committee for a one-day hearing; we’ll also limit the terms you can look at in respect of the bill.’ In other words, it narrowed the issues we could then examine, which was completely against what we have always done in the Senate to ensure a reasonable examination of all the issues available.

Not only did the government limit the time available to the committee, which, in that case, was one day; it also shortened the reporting date. Again, with the referral of the workplace relations legislation to a committee, the same tactic was effectively employed. The government sought to use the same device. It did not have the bills available and sought to refer them to a committee with limited terms of reference. We now have to work through the motion that has been put by this government. I will end my comments at this point because others might also wish to contribute to this debate.

Senator FAULKNER (New South Wales) (4.49 pm)—I would like to make a brief contribution to this debate. I will commence that contribution by saying to the chamber that I believe the way this particular motion has been proposed and moved by the Leader of the Government in the Senate, Senator Hill, and the content of the motion that has been moved, represent unprecedented arrogance and unprecedented discourtesy to the chamber. It is unheard of to have a situation where the government, without any consultation with the opposition, minor parties or Independents in the chamber, proposes a course of action such as this after 4.30 pm on the Thursday of a sitting week—

Senator Murray—With no reasons, no excuses.

Senator FAULKNER—As Senator Murray correctly says, with no reasons and no excuses provided to the chamber. The government knows full well that, in doing so, if an amendment is proposed by any senator from a minor party or the Opposition, or by an Independent, then that question cannot be determined in this sitting week. Given that the Leader of the Government in the Senate proposes that this inquiry report by 8 November 2005, that effectively means the choice that the Senate faces as a result of this unprecedented proposal is Hobson’s choice. The choice is, effectively, a totally inadequate inquiry or no inquiry at all. That is the debate that we are having in this chamber at the moment: an inadequate inquiry or no inquiry at all.

Let me briefly explain why, if this motion is agreed to, it will be an inadequate inquiry. It is because the proposal is that, upon its introduction in the House of Representatives, the antiterrorism bill be referred to the Senate Legal and Constitutional Legislation Committee for inquiry and report by 8 November. Of course, you have to understand the sitting patterns of the Senate. In the next sitting period there are, of course, two weeks. The first commences on 31 October. We assume that, sometime during that week, this particular legislation will be introduced into the House of Representatives. That week, when the House sits, is, of course, a Senate estimates week. The Senate will not sit in that week. Therefore, if there is to be
any committee hearing at all it can only take place on the Friday of that week, or perhaps over the weekend. Realistically, you cannot have a proper inquiry, and the government knows it.

This is so cynical. How cynical is it for members of the government to come into this chamber and make, after 4:30 pm, a proposal like this which stops an amendment—a proper amendment—taking place, unless it is agreed by all parties. Unless the government agrees to an amendment, you cannot have an amendment. So, unless the government agrees, you will not have an effective committee process, because the choice is an inadequate committee process—a hopeless committee process; a farcical process; that is one alternative—or no committee of inquiry into this legislation at all.

That is what the Senate faces this afternoon. And it faces it at a time when senators cannot properly put a different view and have that view voted on and determined by the chamber, because any determination by this chamber—any vote—has to be deferred to the next day of sitting of the Senate, and the next day of sitting of the Senate is 7 November and Senator Hill wants the report done by 8 November.

That is the situation we face in this chamber. That is the sheer bastardry of the government in relation to this particular matter. That is the cynicism of the government in relation to this matter. That is the arrogance of the Howard government in relation to this matter. This just flies in the face of any proper attempt at the real role that this chamber has in the Australian parliament—the role of scrutiny. Scrutiny is out the window. Review of legislation is out the window; they are replaced with this cynical move by the government.

As for the lack of consultation, the discourtesy to all involved—how shameful it was to listen to the explanation that Senator Ludwig made as the Manager of Opposition Business in this chamber, as he explained to the chamber that the opposition was given one minute’s notice of this particular committee reference proposal to come before the chamber. I understand that, in relation to minor party senators and Independent senators, the same amount of notice was given—or no notice was given at all. And I am sure that those senators on the crossbenches would understand that one minute’s notice is very little different from no minutes notice. That is what the government has put forward here, knowing full well what the alternatives are.

No-one need misunderstand the situation that we face in the Senate. This is an unprecedented move from an arrogant government to ensure that we have either a meaningless inquiry by a committee into this important legislation, when Senate estimates committees are meeting and most senators in this chamber will be engaged properly in the business of those Senate estimates committees—that is one alternative: a meaningless piece of humbug as an inquiry—or no inquiry at all.

That is exactly what the government wants. That is why it has delayed this particular motion. That is why Senator Hill sought leave to move this motion at a time which completely restricts proper democratic process, proper procedural process, in this chamber, which means that we cannot have a vote—because a vote means, inevitably, that we will not have any committee inquiry at all. So we are all—the parliament, the Senate and the Australian people—faced with precisely what the government wants: a joke of a committee—

Senator Murray—An ultimatum!

Senator FAULKNER—Of course it is an ultimatum, but you know, Senator Murray, as I do, that it is a joke of a committee process,
or no committee process at all, on very important legislation—as important a piece of legislation as we will have introduced into this parliament in this year. So that is the stark choice—Hobson’s choice—that this chamber faces. This is a disgraceful proposal from the government, moved in a disgraceful way by the Leader of the Government in the Senate. It is one of the most contemptible and despicable things I have ever seen in the time that I have been a senator in this chamber. How low can you go?

Senator BOB BROWN (Tasmania) (4.59 pm)—This is an absolutely black day for the Senate and for democracy in this nation. This is a manipulation of the rules in a snide and underhand way by a gutless minister, who has left the chamber, to totally override the democratic principles of the Senate and its review function by effectively abolishing the committee system on a major issue.

I say at the outset that, if the government thinks that it is in total control of the Senate and that this is going to be a painless dismissal of the right of the Australian people to have a full Senate inquiry into the draconian antiterrorist laws that it will now sledgehammer through both houses of parliament in the coming weeks, then there is a sting in that tail. As of now, the Greens, to the best of our ability, will not be giving the government leave to facilitate the sorts of underhand tactics that we just saw from Senator Hill, unless there is a humanitarian or personal matter at stake for the senator. That is, work to rule will be brought into this place to recover some of the dignity and propriety of the Senate, so that we go back to the basic working rules of the Senate rather than those that have been worked out through a process of goodwill to convenience the workings of the Senate over the years.

If the government wants to take this tack, whereby it effectively abolishes the decency and goodwill which the Senate has built up—which gives the Senate its robustness and which brings together the plurality of views in the Senate to work in cohesion—and effectively abolishes its great committee system that facilitates proper inquiry into laws being brought forward by the executive, then let us go back to the fundamental workings of the Senate which at least provide for greater scrutiny of the process by which the government approaches this Senate. That means: let us go back to the basic working rules.

As far as I am concerned, between now and Christmas, when Senator Hill asks for leave, he will not get it. He will not get it. We will go into the procedural process that requires the minister to give notice or suspend standing orders and go through a debate, so that we can discover what it is that the minister wants to do, rather than him coming in like a thief in the night to drop this motion by leave—through the goodwill of this Senate—on a Thursday afternoon. That is a fix which means there will be no Senate inquiry into these draconian antiterrorist laws. It is a charade. And who loses out here? It is the people who voted in the last election, all of them, including those people who voted for a government majority in the Senate—the Australian people themselves, and government supporters.

What do we do about this? I do not believe in just sitting back and taking it, as the government would want, but in retaliating in defence of democracy, in defence of probity, in defence of proper process in this place. Senator Hill snuck in here and has left now, having dropped this motion after long consideration aforesaid, on the instructions of Prime Minister Howard, who detests the Senate, who hates the process of having a spotlight put on his legislative program and who is thumbing his nose at democracy in this nation.
Well, the old goodwill has gone. This is a notification by the government that goodwill in the Senate has finished. This is the end of it. This is the end of reasonable process. This is the end of an intelligent discourse. This is the end of respecting each other across the chamber. This is the end of respecting the rules by which this Senate works. The very set of standing orders worked out over a century which makes this place work have been ripped up. The whole intent of these rules has been ripped up by the government and trodden into the ground increasingly over the last few weeks, but this is the coup de grace this afternoon.

Well, what do we do? We fight back. And the government will find that it is going to have to stick by the basic rules in here. Sure, we have got the arrangements by which we respect each other, but the government has said that it does not respect this Senate and it does not respect the voters who put all senators in here. It does not respect a century of process that has guided the establishment of the Senate committee system to review government laws. So the government is going to ram through its laws, it is going to cut across a time-honoured democratic process and, in the end, without a proper inquiry or public debate, it is going to erode the democratic rights of the Australian people.

There will be those in the media like the Janet Albrechtsens, as well as the ultra right, the extreme narrow-minded bigots, who will think: ‘Fine. The government’s got a majority; why shouldn’t it do that?’ But I implore those who do not feel like that—the commentators, the opinion makers and the people of Australia who do not believe that a government should run roughshod over the Senate process that we have in Odgers—to defy it, to let the government itself feel the heat, to fight back. As far as I am concerned, that starts here and now. And I say to the opposition, join in this; fight back. We do not have to sit here and have the government, with its devious tactics, come in here and cut away proper Senate process without responding to it.

On Monday or Tuesday of this week, Senator Hill refused to grant me leave to comment on the fact that he was not going to report back here as he had promised to do from the Attorney-General about communications between the White House and the Howard government before the deportation of peace activist Scott Parkin. He refused to grant me leave. They are not going to answer to that. They do not answer to illegal actions by people in the office of the Attorney-General. There is going to be no scrutiny of that. No leave, no answer, nothing, just a disdain for proper process, for integrity, for honesty and for democracy. What do we do? Debate it when we can in here? No. We have to go further than that. In the defence of democracy, we have to say to the government: ‘You are abrogating proper process in here. We are going to debate your process from here on in. It is not going to be as easy as you thought it was.’ Senator Faulkner called this bastardry, and that is what it is.

I repeat that sometime recently, a journalist from Germany asked me about these so-called antiterror laws—that is, the erosion of the political and democratic rights of Australians in these laws and the proper back up of the judicial system to defend those rights. He asked: ‘Why are people not protesting in the streets? If this was Germany, they would be. Is it just the different history we have in our countries?’ The right-wing commentators will say, ‘That is talking over the top.’ No, it is not.

What is happening here is that the Howard government, through the minister, are saying, ‘We do not want and will not allow scrutiny of these laws for having people with anklets tracking where they are going and for having
people under house arrest.’ I notice the opposition even wanted a lock-down of suburbs to try to top it. All of this is in the name of so-called antiterror laws but they come with the massive erosion of rights in this country. The laws that we have at the moment are totally adequate to track down, arrest, interrogate and jail people considering violence in our community. Today the government say they will not allow this to be put under proper scrutiny.

I see the attack on the judiciary that is occurring at the moment. I see the attack on civil libertarians. There is an attack on the churches. There is an attack on all those bulwarks of our society. The defence of democracy, of people’s rights, of decency and of a fair go in this country are all under attack by the Howard government. It is an insidious erosion, and those people who say: ‘This is not too bad. We’ll go another step. This afternoon doesn’t matter. The government got the drop,’ are making a grand error. The government cheated. It abused the rules. It took an avenue that is not decently taken in this Senate. It acted without proper decency at all. It is not only our right but also our responsibility to take the government on over this, and the Greens will take the government on over this. We will not be supporting this motion for a maximum one-day inquiry into this matter. What a charade! What a farce!

What a disgrace this government is to Australia. What a disgrace this government is to this nation. What a disgrace this government is to the very word ‘democracy’, to civil and political rights and decency. The fight is on. The fight is on tactically in this place. Those of us on this side are going to have to get together and work out how those tactics will proceed. I can say that, as of now, the Greens will not be giving leave to the government for future ambushes on the Senate like this. The government will not get leave for its statements. It will not get leave for its changes to the rules. It will not get leave to drop legislation in here. It will not get leave to waive the rules so that legislation is brought on without the cut-off rule. It will not get leave for statements. It will have to go the long way around and the proper way so that it can be adequately scrutinised.

Senator STOTT DESPOJA (South Australia) (5.12 pm)—The Australian Democrats are similarly horrified by this process. Senator John Faulkner and Senator Bob Brown are spot on in their criticism. However, I do not think tactics are going to save the day, because it is clear that, in this place, on most if not all occasions now the crossbenchers or the non-government parties do not have the numbers. There seems to be little dignity left in this place. The Senate is clearly a farce. This must be close to, if not, unprecedented.

The process so far is that the Leader of the Government in the Senate has come in on a Thursday afternoon seeking leave to move a motion that allows for what is not even an inquiry of sorts; it is a joke. Surely it is unprecedented for a minister to slink in and put this motion down on the table without notice. There was not even one minute notice given to the formal opposition. There was no notice given to the Australian Democrats and no notice given to the members of the Senate Legal and Constitutional Committee, of which I am a member, for the purposes of the Attorney-General’s portfolio, including counter-terrorism legislation. With no notice, he slunk in, slapped down the recommended motion and then had the gall to think that we are going to support a motion that allows for an inquiry not of a week or even a day at this stage. We do not even have the bills yet. We anticipate that the bills will come to the House of Representatives on 31 October at the earliest and presumably be available to the Senate—and we do not know this for sure—that same week. It is a week that hap-
pens to be a Senate estimates week, which means the rest of us will be involved in Senate estimates hearings, including those people who have a vested or particular interest in Attorney-General matters or the counter-terrorism bills per se.

Those of us with the Attorney-General portfolio responsibilities will be involved in the legal and constitutional affairs committee estimates process. We are not going to be able to be in in legal and con having an inquiry into the legislation. And, even then, the notion that we should be reporting on 8 November—that is, the following week—is ridiculous. We are not even talking of a public hearing process that takes place when the estimates are not in session. We are not even talking about non-sitting weeks for the purposes of this inquiry.

The process we have seen today is shameful—the Senate treated with little dignity, little respect, no courtesy, no notification, a minister who slinks in and slinks out; and I bet he does. Those small ‘l’ liberal principles—who are they right now? I ask: do the backbenchers know about this? Are there really Liberal Party members in this place who are not concerned about this process, regardless of their views—policy views, partisan views, political views, views on the legislation which none of us have seen? Surely, if you are a committed legislator in this place—

Senator McGauran—You would be against it anyway.

Senator STOTT DESPOJA—Don’t bait me today, Senator McGauran, because I am not in the mood for it. You would think he would have learnt by now. Today is a low day in the history of this parliament, in the history of this Senate, in the history of our democracy. I wonder: do those honourable senators opposite me, those Liberal backbenchers in particular, some of whom I have a great deal of respect for, really accept that this is an appropriate process—the process of coming in here, no notice, Thursday afternoon?

Secondly, there is the idea that we have a committee inquiry into arguably the most important legislation with which we are dealing this year, if not this decade, and that we do it in a one-week time frame or eight days—of course, including the weekend—at the same time that we have Senate estimates processes going on. This means the very committee, the legal and constitutional committee, that is referred to in this motion is actually engaged in other activities—that is, the process of estimates, where some of us will be asking questions about counter-terrorism, trying to ascertain whether or not we need to change our current laws, trying to assess the value and the validity of our current laws before we even contemplate changing our laws, amending our laws or implementing the COAG communique. Both of those process issues are astounding and reflect poorly on this place.

The third issue is the substantive issues, the policy issues, with which we are dealing. I do not know if members of the government are aware of the complexity of not the COAG communique per se but the issues discussed in that meeting—the proposed changes to counter-terrorism laws, again arguably the most important issue for some senators in this place; indeed, the most important issue, if we are to believe the government’s rhetoric. We have a week to digest that information and a couple of weeks in which to ask members of the public, NGOs, representative organisations, lawyers, academics and ordinary Australians to get their submissions in—verbal, written—to appear before, hopefully, an inquiry that would have a public hearing or two. You cannot fit that into the time line that has been put before us. This is a farce, and the government knows it.
That is why Senator Hill came in at that belated hour without leave, sought leave, got it and now has put this motion before us.

Some of us on the back bench and on the cross benches are falling over backwards to work out a compromise—that is how well conditioned we are in the processes of democracy in this place. We are thinking: how can we ensure that the people of Australia have some involvement in this legislation? We know that the process before us is a joke. The committee process before us is a joke, but if we deny this motion there is no inquiry. So it is a Hobson's choice: a joke committee or no committee. That is the choice we have been given as legislators. I hope people in Australia are conscious of this—I do not think the backbench is conscious of it on the side of the government because I do not think they would be standing for it. We wonder why this happened at 4.30 this afternoon.

The people of Australia are certainly going to worry about the condition in which they find their Senate and they, I have no doubt, will have a backlash against it. But that is a few years away, unfortunately, or at least a couple. The Australian people want a check on executive power. They want to know that the democratic processes that exist in this nation are functioning as they are intended—that is, the house of review, the Senate, has time to adequately and appropriately scrutinise the legislation before us. We do not even have these bills. We do not even have a guarantee from the government that these bills, which are purportedly to be introduced into the House of Representatives on 31 October, will be. We do not even know if the Senate will get the bills by 31 October, by which time we will have, again, only a week to analyse them, assess them, invite submissions, have an inquiry and write a report. Let us not forget, I am not just talking about the role of the senators or the role of the public but the role of staff, the role of people engaged in collecting, assessing and sorting through the evidence and writing the reports, the recommendations. I guess that does not matter in coalition country.

So the process is a farce. The matters with which we are dealing are arguably the most important facing our nation and our world right now. You only have to look at the information that came out of COAG to get some understanding of the gravity or the severity of the issues—for example, control orders. According to the Prime Minister, he wants to implement:

A new regime to allow the AFP to seek, from a court, 12-month control orders on people who pose a terrorist risk to the community. These would be similar to apprehended violence orders but would allow stricter conditions to be imposed on a person such as tracking devices, travel and association restrictions. The Government will be conferring with the States and Territories about the details and administration of the orders.

That in itself is not a small issue—it is a big issue that requires discussion and input from relevant organisations who have already had some comment on these issues. Preventative detention: what does the Prime Minister want to do in this area?

A new preventative detention regime that allows detention for up to 48 hours in a terrorism situation. Preventative detention is to be contrasted with ASIO and police detention for the purposes of questioning which is limited by the intelligence available to allow proper questioning. As is the case in the UK, the focus of preventative detention is primarily about stopping further attacks and the destruction of evidence.

At the COAG meeting, the states and territories were asked to provide for longer detention periods—up to 14 days detention.

These are not little issues. These are very serious issues that go to the heart of our functioning society, that go to the heart of the civil liberties and the human rights that Aus-
ustralians and other citizens currently enjoy. We are talking about potential radical changes to the way this place does business. We are talking about changes that impact on democracy as we know it. You would think that the one institution that was supposed to protect the rights of citizens, to overview the legislation that actually makes changes to the lives of citizens—that is, the parliament—would actually be given the right to look at these changes and proposed amendments and that we would actually not have a farce or a joke inquiry. You would think that we would actually be able to give the people of Australia some sense that the legislation that affects them so strongly, that is so important in relation to us countering the threat of terrorism in Australia and the world today, would at least be reviewed in a proper, democratic and comprehensive fashion, but no.

There are no illusions left in this place now, are there, Mr Acting Deputy President Hutchins? We have seen how the government has been prepared to treat the Senate to date. I thought a gag motion on a gag motion was a new low. I think sticking people on the speakers list who were not even listed and then cutting off the speakers list was pretty low. I think rushing through bills with little notice is pretty low. I think what happened yesterday in relation to the IR inquiry was pretty low—without meaning to reflect on a decision of the Senate. But, today, this is a new low. It is the black day. It is absolutely shameful. I would love to hear from members of the backbench, particularly those from the government, to find out exactly when they became aware of this decision, when they became aware of the government’s intention to sneak in here, without notice, and change the way we do business—that is, put down a motion that called for a joke inquiry, a farcical inquiry. Are they prepared to really stand for this? If they are, it is really all over red rover, isn’t it? Why do we bother turning up here?

Senator McGauran—I often ask that. Why do you?

Senator STOTT DESPOJA—Senator McGauran, we often ask why you bother turning up here as well. Why are we here? We are not allowed sufficient time for discussion, assessment of legislation, scrutiny and review. That is our job. That is what we get paid to do. We are being denied the opportunity to do it. The government does not seem the least embarrassed by it—although Senator Hill’s absence from the chamber may suggest otherwise.

As I mentioned, the Australian Democrats and others in this place are keen to offer some alternative to this process because the last thing we want to do is deny Australians the opportunity for a committee inquiry, but we also do not want to fall for the pathetic joke of an inquiry that has been put before us today. My colleague Senator Andrew Bartlett actually moved an amendment this afternoon to extend the reporting date to the first sitting date next year. For those people listening, let us put that in context. We have two more scheduled sitting weeks for the Senate this year: the week beginning 7 November and the week beginning 28 November, plus we have a week of estimates committees. It is entirely reasonable to talk about deferring a committee reporting date to the first sitting date of next year.

To demonstrate beyond any doubt that the Democrats are not simply trying to delay this legislation—on the contrary, we want to have this debate, we want to investigate this bill, we want to give people the right to have their say on legislation that affects the very heart of who we are as Australians: our civic rights and our human rights—I foreshadow that I will move on behalf of the Democrats to have a reporting date of 28 November. We
will not insist on the 2006 reporting date. It is an extra three weeks, but it is still totally inadequate—we recognise that. Three more weeks is not adequate, but it is certainly better than what the government has offered the people of Australia.

The choice that the government is giving us is maybe one week in which to get the bill, report on the bill, table the report—and that is assuming we actually get the legislation on 31 October, when we anticipate it will be in the House of Representatives, though I do not know if there is confirmation of that date. The government is offering us one week. We are suggesting, at least, preferably, an extra three weeks. Ideally, of course, it should be a later reporting date. The choice we have from the government is either one week to report or no inquiry.

This is a test for the government, particularly a test for all members on the coalition side. We will insist on calling a division. We are going to call a division on the matter before us on the amendment, which will extend the reporting date to 28 November. It is still pathetic, it is still not enough time, but it gives an additional three weeks for an inquiry into this bill. If the government believe in any kind of inquiry, they will support this amendment.

Senator PATTERSON (Victoria—Minister for Family and Community Services and Minister Assisting the Prime Minister for Women’s Issues) (5.30 pm)—I want to put this into context. I have been here for a long while. I am doing this from memory, so I want to be corrected—I do not want to mislead the Senate. In 1988 we had a family law bill. The committee stage of that family law bill took three days. There was a lot of agreement between Senator Durack and Senator Tate, if I remember correctly. As a result of that long debate, and it was quite long for those days, the Senate decided that we would send amendments to a committee on a Friday to deal with some of those issues outside the chamber and attempt to negotiate them through the committee process. Often we got bills one week, they were introduced the next week and on the Friday we had a sitting of the committee to debate it. They were called Friday committees. We used to sit on a Friday. We cancelled sittings on Fridays. I want to bring history into this.

Senator Carr—How about you respond to the matter before the chair?

Senator PATTERSON—This is the matter before it. We would sit on Fridays for committees debating quite complex bills, and now we are having people say, ‘No, there’s
not enough time.’ This measure expanded out for political reasons. We rarely had bills that went off for a sort of circus around the country. Sometimes we had bills where we did go out, but often we called people in to make their presentations by telephone on a Friday, and we managed to get through the business. There is quite a bit of, I suppose, feigned anger. We did deal with very complex bills in that way and we did not say, ‘This is ditching democracy.’ A bill would be brought in one week, be debated and go off to the committee stage on the Friday. We did not go around the countryside.

We have developed a habit of going around the countryside on bills and thinking that every single bill has to have a reporting date months ahead. We have a schedule we have to try to keep to until the end of the year. The Leader of the Government in the Senate referred this so that we could deal with it. We cannot come back and debate this on the first day of sitting because there are estimates hearings.

Senator Carr—When are we going to do this inquiry?

Senator Patterson—We have the times that Minister Hill has put forward, plus the Friday, which was not abnormal once upon a time. We debated quite complex bills in one day, and it was sometimes legislation we had never seen. We got it one week, it would be introduced early in the next week—sometimes we got it on the Thursday or Friday—and we would have a committee on the Friday. We were able to do that. This was an attempt by Senator Hill to at least have this go to a committee. Senator Stott Despoja has said that she will call a division. She can call a division, but the division cannot be executed. We could have opposed the bill going to a committee, but we have not. Senator Hill has done this with the complication of estimates and the need to get the bill through by the end of the year.

Senator Wong (South Australia) (5.34 pm)—I think time for debate on this will finish at 6 o’clock, so obviously we would like the matter at least resolved.

The Acting Deputy President (Senator Hutchins)—Senator, the debate can continue. There is no time limit.

Senator Wong—There are a number of issues that I wanted to raise about what has happened here today. The government has walked in at a time when, as it knows, the conventions of the Senate are that there are not divisions and has moved a motion which is extraordinarily controversial without having given the minor parties or the Independents any notice whatsoever and having given the opposition, as I think the Manager of Opposition Business said, a couple of minutes. That is what has happened here today. The government has come in on a Thursday afternoon, when, as it knows, the convention is that there are no divisions, after the House has risen, and sought leave to move a motion for an utterly inadequate inquiry on a piece of legislation which is highly controversial and which will no doubt be highly complicated.

This is just a continuation of this government’s complete abuse of this chamber that has been on display particularly in the last couple of weeks. We saw on the Telstra legislation the extraordinary spectacle of a bill being considered by this parliament, by this chamber’s committee, for a single day. It was rammed through not because it was time sensitive, not because there was any policy reason to get the bill out in time, but for base political purposes, because they were worried about Senator Joyce changing his mind.

And what did we have this week on a motion that the opposition moved to put what is undoubtedly extraordinarily complex legisla-
tion—that is, the so-called WorkChoices legislation—and the policies associated with it to an inquiry? What did we see on that? I walked into the chamber as the mover of the motion and in front of me, having been circulated in the chamber shortly before I was to speak, was an amendment by the government which extraordinarily truncates the inquiry and carves a whole range of matters, including the removal of unfair dismissal, out of the inquiry.

The inadequacy of that inquiry is a debate for another time, but the point I want to make is that this today is just more of the same. In relation to the industrial relations referral, there was not even the courtesy of raising with Senator Murray or me, as joint sponsors of the motion, that the government intended to amend it. There was not even that courtesy. Instead, what we had presented by the minister on the tables in front of us after we walked into the chamber was: ‘Here’s the government’s amendment’. I recall Senator Abetz getting up in that debate and saying, ‘If we didn’t consult, I apologise.’ I do not think it was much of an apology because, generally, if you say sorry you try not to do the same thing again.

In the same week, we have the Leader of the Government in the Senate—obviously setting the standards for the rest of the ministers in this chamber—coming into the chamber, with two minutes notice to the opposition and no notice whatsoever to the cross-benches, with this motion, which is on the Anti-terrorism Bill 2005. There was no explanation as to why this could not have been done earlier in the week and there was no consultation with the senators in the chamber from other parties. He just arrogantly walked in and said, ‘I seek leave to move this motion,’ at a time he knows that this chamber has, traditionally, not called divisions or quorums and when he knows that the capacity of other senators in this place to amend the motion is severely truncated. He has put us in the position of having to deal with this without any consultation and without any notice.

I understand Senator Ludwig will be seeking leave on behalf of the opposition to indicate our position on this motion. I think an amendment has been foreshadowed for 28 November, and I understand Senator Ludwig will be seeking leave to indicate our position on that.

Opposition senators interjecting—

Senator WONG—Sorry; I think he can speak because there has been an amendment moved without leave. The amendment that has been foreshadowed demonstrates that those on this side of the chamber are actually keen to ensure that there is a proper inquiry. We do not want to unduly obstruct the debate of legislation, particularly if it is urgent. We want to have a genuine inquiry. This is serious legislation—and what this government is doing demonstrates that it is not serious about an inquiry on legislation that is serious. This is serious legislation and it deserves serious scrutiny by this chamber. But what does this government do? It comes in on a Thursday afternoon and pulls another stunt—just like it did on industrial relations—and moves a motion for an entirely ridiculous reporting date of 8 November on serious legislation. This is yet another stunt by a government that, frankly, is drunk on power and does not want to have proper scrutiny of its legislation.

I think other senators have discussed briefly what the timetable means. I understand from Senator Hill’s statement that the legislation will be presented in the House on 31 October. What is proposed in this motion before the Senate is inquiry and report by 8 November—when, in the week preceding 8 November, as Senator Hill and government senators well know, senators will be involved in Senate estimates. I understand from things
that Senator Hill has said previously that the government certainly wants to limit estimates. I understand that ministers on the other side may not like the scrutiny that estimates provides, but it is still one of the important and key functions of this chamber. So the government is seriously proposing that legislation of this nature and this magnitude is going to be inquired on in a day—or perhaps two, if you count the Friday if there are no estimates hearings on that Friday.

That is the sort of appalling lack of scrutiny that this government is proposing. It is yet more of the same. We had the Telstra legislation; we had Senator Fielding’s referral on an important issue about the impact on families of the government’s industrial relations changes; and we had the industrial relations reference that Senator Murray and I moved—amended by the government without any consultation or notice. And today, with two minutes notice to the opposition and no notice to the crossbenchers, this motion is moved.

I think it is pretty clear to all and sundry—and certainly to the Australian people—that this is nothing more than an abuse of the government’s numbers in the Senate and an abuse of Senate processes. Nothing that government ministers can say about what has previously occurred obviates the fact that, within a few days, the government has completely undermined a number of the processes this Senate has enjoyed previously. And nothing can obviate the fact that the government has on at least three occasions demonstrated that it is not serious about allowing elected representatives of the Australian people to properly scrutinise legislation that comes before this chamber.

**Senator BARTLETT** (Queensland) (5.43 pm)—I seek leave to withdraw my amendment and move Senator Stott Despoja’s amendment on her behalf.

Leave granted.

**Senator BARTLETT**—At the request of Senator Stott Despoja, I move:

Omit “8 November 2005”, substitute “28 November 2005”.

**Senator RONALDSON** (Victoria) (5.43 pm)—Senator Wong was quite right that this is serious legislation, but she neglected—

*Opposition senators interjecting—*

**Senator RONALDSON**—If you want to interrupt in this debate, that is fine, but I will continue. What Senator Wong failed to tack onto her comment that it is serious legislation was that it is serious legislation addressing a serious issue. This debate has got to be in the context of (a) the serious legislation, which I acknowledge, and (b) the serious situation that we are facing.

**Senator Carr**—Have you got your serious face on? If you make this sort of speech, you have to have your serious face on.

**Senator RONALDSON**—I was not here to interrupt Senator Carr when he was speaking. Perhaps he can do me the favour of not interrupting me when I am discussing a piece of legislation that they are saying is extremely serious. At least indulge me on that.

**Senator Kemp**—Mr Acting Deputy President, I rise on a point of order. I sat here and listened to the wanderings of Senator Wong in this debate. She repeated herself endlessly and took up the time of the Senate, but she was heard in silence. The Senate extended her that courtesy, and I think it would be appropriate—if I may advise you, Mr Acting Deputy President—that you bring some order to the other side of the chamber so that my colleague can be heard.

**The ACTING DEPUTY PRESIDENT** (Senator Hutchins)—Yes. I ask Senator Carr in particular to allow Senator Ronaldson to speak uninterrupted.
Senator RONALDSON—Senator Wong interjected that there is not legislation. She is quite right, and I apologise for that. We are talking about the situation further down the track. But I repeat that this is serious legislation addressing a very, very serious issue facing this country. I think something has been lost in this debate today. With the greatest respect for some—not all—of those opposite, there was a level of self-indulgence that did not give this debate the gravity that it deserves. Really, what we are talking about today is a balance between the obligations we have as senators as to how we operate internally and the obligations we have to protect the public interest.

Senator Carr—Ahem.

Senator RONALDSON—I presume that cough was not in relation to my comments about protecting the public interest. We have the opportunity here for the week running from the end of October to 8 November, potentially, to discuss this legislation. The simple fact is that, right around this country, there are a number of jurisdictions who are looking at exactly the same things that the other place and the Senate are looking at in relation to the need to address an extraordinary threat to this country. The debate today is about an appropriate balance. It is a balance between the obligations of this place and our obligations to the public to protect the public interest. I think most people listening to this would agree that there is an obligation on the Senate, as Senator Hill has countenanced, to make sure there is the opportunity for a Senate committee to look at this.

But there is also the obligation on us to make sure that this legislation passes through not only this place but every other jurisdiction in this country to afford the Australian people a level of protection that they quite rightly demand. If we go to the Australian people and say, ‘Here is a choice between Senate process or the passage of this extremely important bit of legislation,’ I hazard a guess that the Australian people will opt for the passage of this piece of legislation as opposed to an extended Senate process.

What the government has done is to provide the opposition and the minor parties with the opportunity to take this to a committee to discuss what I acknowledge is a serious piece of legislation. That opportunity has been provided. But under no circumstance should any senator in this place put at risk the passage of this legislation.

Senator Bartlett—How do you know?

Senator RONALDSON—I will take the interjection from Senator Bartlett. I do not for one minute assume that he does not see the necessity for this legislation. If he does not believe this legislation is required then he stands condemned. What we are debating today is the balance between the public interest and the rights of the Senate. The decision that has been made by the government accords an opportunity for the Senate to abide by its processes but also provides the Australian people with the certainty that they require by the passage of this legislation.

This is a situation where the government has not just plucked out of the air some piece of legislation. This has been as a result of the most serious discussions at the highest level of the federal and the state governments. This is not a process that was driven by a government that had some philosophical desire to ram some bit of legislation through. This comes from discussions at the highest level between the Prime Minister and the premiers, with a general acknowledgment that this country is obligated to protect its citizens and will do so by way of passage of legislation not only federally but via the states. I ask those opposite to take a step back and consider: are you prepared to put
the public interest at risk for the sake of an extension of the Senate going through its committee procedure? I think that, if you are honest with yourselves, you will protect the public interest, because your foremost responsibility in this place is not the protection of Senate procedures but the protection of the public interest. That is an obligation for every single one of us.

*Senator Bob Brown interjecting—*

**Senator RONALDSON**—Senator Brown, if you do not agree with that then I will remind a lot of people a lot of times over the coming months, and I am happy to do so. I do not believe that the number of people I know opposite are prepared to put the public interest ahead of the processes of this chamber. This chamber has the opportunity to have this matter considered by a Senate committee. There is up to a week for this to be discussed by a Senate committee. Our obligation is to balance both of those two imperatives. We are here as senators to protect the processes of government and the running of the country, yes, but we also have an obligation to protect those people who put us here.

**Senator LUDWIG** (Queensland) (5.51 pm)—I speak on the amendment moved by Senator Bartlett regarding a reporting date of 28 November. As Senator Ronaldson has said, it is a serious debate. What he failed to say was that the legislation he was talking about is not in the chamber. It is not here. The government, presumably, have not drafted it or have not finalised it. They certainly have not presented it to this chamber. If they have it, then the onus is on them to produce it, and we will give it serious consideration.

Today we are being asked for a reference of the unseen legislation, not knowing whether or not it will be produced. The government has said that it will produce the legislation on 31 October but there is no guarantee that that legislation will be produced on the 31st. If you take it at face value, it will be available from that date. The government has not indicated in any of the speeches given today the reason for the urgency for a particular date. The Labor Party are serious about national security. We have said that we have to ensure there is proper scrutiny of the process but also, more importantly, that serious legislation must be put in place to fight terrorism. This government also has to ensure that there are practical measures in place to fight terrorism, because this government has not done so.

If the government is minded to move forward, we can move forward. We can move forward quite easily. If the government is minded today to agree to Senator Bartlett’s motion for a reporting date of 28 November, we can move forward. That will mean that, from 31 October, the legislation, should the government be able to produce it by that date, will be referred to the committee. The committee will then be able to scrutinise the legislation to protect the public’s interests. The legislation will then be available to be debated and finalised in this chamber from the 28th onwards.

The Labor Party will ensure that there is sufficient time for the legislation to be finalised and dealt with after the committee has deliberated on it and produced a report. The Labor Party have in other debates ensured that there is sufficient time. If the government comes with a reasonable request after the 28th to facilitate passage, we will oblige to ensure that there are sufficient hours to deal with the legislation. That is what we have always done, because, like the government, we take national security very seriously indeed.

One of the failings of Senator Ronaldson was that he does not take national security
seriously enough, because he has not pro-
vided a cogent argument as to why he wants
to distort the Senate processes and distort
the debate. The debate is not about legisla-
tion that is in this chamber. There is no legis-
lation in this chamber, so let us not have that spuri-
ous debate. What we are debating, of course,
is what we have in front of us. It is a sensible
approach. It ensures that, if the government
is in a position to agree, we can then move
forward. There is no argument about that.

The government have made their own bed
in respect of this. They have moved the mo-
tion after 4.30, which has ensured that there
cannot be divisions. That means that if the
government cannot agree to a sensible pro-
posal then the matter cannot be proceeded
with today. It is certainly within the govern-
ment’s power now to stand up and say: ‘We
agree. It is a sensible proposal. It is a sensi-
ble way forward. It is sensible to ensure that
national security is preserved.’ If the gov-
ernment reject that, it is the government who
have turned their back on national security—
not the Labor Party, not the minor parties,
not anyone else.

Senator Kemp—The public may have a
different view.

Senator Ludwig—We have also, unlike the government, which has not con-
sulted with anybody in relation to this, taken
the opportunity to consult with Senator
Fielding. He agreed to accept the 28th as a
reasonable date. That is what we have en-
sured.

Senator Chris Evans interjecting—

The Acting Deputy President
(Senator Brandis)—Order! Senator Evans
and Senator Kemp, Senator Ludwig is enti-
tled to be heard in silence, particularly from
his own leader.

Senator Ludwig—We have ensured
that there is a proper discussion so that we
can present a position that is both sensible
and practical to ensure that this matter is
dealt with seriously, properly and appropri-
ately. Senator Ronaldson would skew the
debate towards Senate processes. The gov-
ernment is now in a position where it can
agree to the proposal and move forward. We
can then, as always in this place, use leave to
move forward, because that is what Senate
process allows. It allows leave for the parties
to come to an agreement and move forward
so that the debate can be dealt with.

If the government were serious about na-
tional security then they would also deal with
other areas, such as money laundering and
practical measures, to ensure that our ports
and airports are secure. But they have not.
They do not take the practical steps. They
seek to simply use these types of devices and
come in after 4.30. They try to run a very
poor program. It is not only a poor program;
you have to ask whether it is a program put
forward by the government to ensure that we
have this debate. Perhaps the government do
not want the legislation scrutinised. Perhaps
the government do not want to ensure that
there is reasonable time for the legislation to
be examined, for the Senate committee to
report and for the legislation to be dealt with
in a serious and measured way. Perhaps the
government do not want that to happen. But
the government can make that happen. The
government can, today, stand up and say,
‘We agree,’ and move forward.

Senator Chris Evans (Western Aus-
tralia—Leader of the Opposition in the Sen-
ate) (5.59 pm)—I want to make a short con-
tribution to the debate. I was out of the build-
ing when this started, and that is because it
was after 4.30 pm and I knew it was a period
when there could be no divisions. I was
paired, I might add. As Leader of the Oppo-
sition in the Senate, I had no idea that this
motion was to come before the parliament.
As I understand it, Senator Hill walked in
without informing anyone and sought to move it.

The point I want to make most clearly is that the motion before the Senate—putting aside all the process arguments that Senator Ludwig and others have put to the chamber—has nothing to do with the legislation. Nothing that is decided today will impact on the legislation. The legislation will come into the parliament, will be debated in the parliament and will be dealt with in the parliament on a timetable determined by the government. We know that from Telstra. The government will determine when the legislation comes in, how long we are allowed to debate it and when—presuming they can herd all their senators in at the same time—it will be passed. That is not being debated today. We have no control, as the opposition or minor parties, over any of that. The legislation will come into the parliament at a time determined by the government, and it will be passed by the government at a time determined by them, by use of the gag, the guillotine and whatever they need to do to get it passed. So, quite frankly, what the minor parties and the Labor Party say about that is largely irrelevant.

We have had an argument today about the process, but I want to make it clear that this is not about the legislation. This is about the government coming in, contrary to all process, and seeking to put in place a mechanism to give them some cover of some sort of superficial inquiry into the legislation. This is not about the legislation. The legislation will come in, be debated and passed. The government are nervous about the critique being run in the Australian community about the government’s abuse of Senate process, so they sought to have a fig leaf of cover. Just like yesterday, when the government had a fig leaf of cover on the industrial relations bills, today they have proposed a fig leaf of cover to hide behind—and that is that there is some sort of scrutiny of the terrorism legislation.

I do not know what is in the terrorism legislation. I have not seen it; I do not think anyone has. It is not before us. The Labor Party will determine its position on that legislation after examining it—whether or not we have an inquiry. Whether or not we have an inquiry, the Labor Party will come into the Senate, argue its position and adopt a position on the legislation. None of that is being debated here today. The sort of hysterical contribution by people like Senator Ronaldson adds nothing to the debate, and Senator Kemp’s interjections to me to say, ‘You will have to wear it with the Australian public,’ convince me that this is more about wedge politics than it is about the debate.

This has got nothing to do with the legislation. It will come in, it will be debated and it will be carried, provided the government can carry all its senators. That is an issue for it, and it will use the gag and the guillotine, as it did with the telecommunications bills, to ensure that occurs. What we are having today is a rather esoteric debate in the Senate about when a Senate committee will or will not meet to consider the legislation. Quite frankly, as we showed with the telecommunications bills, if you have a facade of a committee process, not much turns on that.

The other key point I want to make, apart from the fact that this has got nothing to do with the legislation, is that if the government does not want to accept the amendment being proposed, the government simply withdraws its motion and there is no inquiry. That is a decision for the government. The government came in here, without speaking to anyone, without any consultation or forewarning, and suggested we have a mickey mouse inquiry with a timetable that would not allow proper process or proper examination. That is its decision. If there is an
amendment before the Senate that the government does not want to agree to, it does not proceed with the motion. We cannot actually have a vote, because the government has abused Senate process so badly. The government is in a position that it wants to use its numbers to pass something, but it actually got caught on the standing orders. That is how badly organised and ill thought out this is.

I sat opposite Senator Hill all through question time. We actually had an interesting chat—probably contrary to standing orders—about the security situation in Iraq. Never once did Senator Hill raise with me the possibility of this motion coming forward. He did not raise with me at all the question of the terrorism legislation and how we would like to see it handled. This was a matter of only a couple of hours before he came in. There are no bona fides for the government on this. There is no authority for them on this matter. They have just treated everyone with contempt.

The bottom line is: if you do not like the view of the other senators about the inquiry that you propose—and I point out that this is an inquiry that the government proposes in order to give itself a fig leaf to hide behind—withdraw the motion, which is their right. But they know that under the rules in this place if this matter moves to a vote, it will be deferred. As I understand it, if it is deferred, we have a fortnight’s break from parliamentary sittings. We then have a week of Senate estimates. We then come back on, I think, 8 November, which is the date by which we as a government would want the committee to have considered this matter by. So what the opposition parties are deliberately doing in moving this amendment is ensuring that there will not be an inquiry.

The inquiry in these cases is usually for the benefit of opposition and minor party senators. Those opposite have a choice to make, and the choice is very clear: you can
follow Senator Stott Despoja’s amendment and put the matter to a vote, knowing that the matter will then be deferred until we resume again on Monday, 8 November. I have just been corrected; we resume on Monday, 7 November, which means that on 7 November the Senate would be voting on whether or not an inquiry would be held to report the very next day. Of course, that would make a mockery of the system.

**Senator Bob Brown**—You do!

**Senator ABETZ**—We can do without the nonsensical interjections of Senator Brown. Now that the broadcast lights are on, he has come back into the chamber to try to make a contribution and be noticed. I indicate to the Senate that we as a government are serious about getting the legislation through—

**Senator Bob Brown**—Mr Acting Deputy President, on a point of order. I have been here for the last couple of hours while Senator Abetz was out of the Senate. I do not want him to mislead the listening audience as he is trying to do.

**The ACTING DEPUTY PRESIDENT (Senator Brandis)**—That is not a point of order, as you well know, Senator Brown.

**Senator ABETZ**—As we know, Senator Brown has a very poor attendance record when it comes to Senate estimates, so during that week of Senate estimates I am sure Senator Brown will be able to devote himself to inquiring into this bill if he is genuinely interested, because he will not be turning up at the environment committee—unless he is going to make an exception on this occasion.

When I was a lawyer, we used to say to each other, ‘If you’ve got a strong case, you argue the facts; if you’re getting weak, you start arguing the law and the technicalities.’ Those opposite are now raising all the technicalities and amendments, knowing that by raising an amendment this afternoon we will not be able to vote on it and, as a result, the whole thing will be deferred until Monday, 7 November when we as a government have requested that the report be in by 8 November.

The Leader of the Opposition in the Senate has suggested that this inquiry would be like the Telstra inquiry. It would not be inasmuch as there have been numerous previous inquiries in relation to Telstra and, therefore, there was not much that was new to be gained from the Telstra inquiry. In relation to this matter we have an appropriate suggestion that there be an inquiry, but we as a government do want to get our legislation through. As a result, we have given the date of 8 November. If we add all the days up I think that gives us three weeks or so to be able to deal with the issue, which ought to be sufficient.

If the honourable senators opposite pursue their amendment then they know we will be voting against it. They will know that the matter will need to go to a vote on Monday, 7 November and they will thereby have the matter deferred in a way which will ensure that there is no inquiry. It is for the opposition to determine what they tell the Australian people. If they are so desperate to have an inquiry, they know they need to drop the amendment, deal with the government’s motion and allow for this inquiry to take place as has been suggested by the Leader of the Government in the Senate. To do otherwise clearly indicates that the Labor Party, not knowing where they want to go on some of these issues, are going to try to play the technical game and say, ‘The government will only give us one day to deal with the issue.’

**Senator Chris Evans**—It’s your inquiry. You moved the inquiry, not us.

**Senator ABETZ**—If Senator Evans is interjecting and saying that we want the inquiry—
Senator Chris Evans—It’s your motion.

Senator ABETZ—If Senator Evans is by implication saying that he does not want the inquiry, that is very interesting. That would be a very interesting assertion to put on the public record. I do not think he is saying that. He knows that—

Senator Chris Evans—You heard what I said. I’m happy to have an inquiry. I’m happy to have no inquiry if it is going to be a mickey mouse one.

The ACTING DEPUTY PRESIDENT—Senator Evans, I have given you a lot of latitude but you are out of order. Please let the minister be heard in silence.

Senator ABETZ—What will make it a mickey mouse inquiry will be the conduct of the opposition senators during the inquiry. It will have nothing to do with whether or not it has to report by 8 November.

I suggest to those opposite that they give serious thought to whether or not they want this inquiry. If this is such an important issue for them, if this is a matter that they believe should have the degree of inquiry that they are asserting, then they should take that which we are providing to them rather than trying to play a technical game by moving amendments late today when they know that the amendments will mean that the matter will be deferred until 7 November. I suggest to those opposite that they genuinely reconsider their position in relation to this. I dare say that we on this side, from the government, can get all the briefings that we would want from the relevant officials.

This offer of an inquiry is in fact to benefit opposition and minor party senators. If those opposite do not want an inquiry, which is what we could read between the lines from Senator Evans’s interjection, then so be it. But let them be honest about it and tell the Australian people that they actually do not want such an inquiry, and not play the technical games that they are playing in a desperate attempt to obfuscate because, undoubtedly, they have no idea where they stand on some of these issues. I commend the Leader of the Government in the Senate’s motion to the Senate.

The ACTING DEPUTY PRESIDENT (Senator Brandis)—The question is that Senator Stott Despoja’s amendment be agreed to.

Division required.

The ACTING DEPUTY PRESIDENT—Order! Pursuant to the order of the Senate of 9 February 2005 in respect of divisions after 4.30 pm on Thursdays, further consideration of this matter is adjourned to the next sitting day.

Senator SANDY MACDONALD (New South Wales—Parliamentary Secretary to the Minister for Trade) (6.16 pm)—I move:

That the votes be taken immediately after prayers on the next day of sitting.

The ACTING DEPUTY PRESIDENT—The question is that that motion be agreed to.

Senator BOB BROWN (Tasmania) (6.22 pm)—I move an amendment to that motion by suggesting that we consider it right away.

The ACTING DEPUTY PRESIDENT—Are you seeking to amend Senator Sandy Macdonald’s motion?

Senator BOB BROWN—Yes.

The ACTING DEPUTY PRESIDENT—What is your amendment?

Senator BOB BROWN—That we consider it forthwith. I move:

Omit all words after “immediately”.

The ACTING DEPUTY PRESIDENT—I am afraid that cannot be done, Senator Brown, because of the order of the Senate of 9 February 2005, which prevents that. A division has been called for by senators, including, you, Senator Brown. Because of the
order of the Senate under which we are operating, which means that a division cannot take place until the next sitting day of the Senate, it is not possible to proceed any further on either Senator Stott Despoja’s amendment or any further business in relation to the motion consequential upon it.

Senator Bob Brown—Could you give us a further peroration?

The ACTING DEPUTY PRESIDENT—No. I have explained why your amendment is out of order. Under the order of 9 February 2005, the matter before the Senate shall be adjourned until the next day of sitting at a time fixed by the Senate. While that procedural order is in operation, there is no discretion. There cannot be a division, nor can there be any business consequential upon or which awaits upon the vote on Senator Stott Despoja’s amendment for which you and others have called for a division.

Senator Bob Brown—Is that so?

The ACTING DEPUTY PRESIDENT—Your amendment to Senator Sandy Macdonald’s motion is out of order. The question is that Senator Sandy Macdonald’s motion be agreed to.

Question agreed to.

BUSINESS

Rearrangement

The ACTING DEPUTY PRESIDENT (Senator Brandis)—I remind the Senate that the standing orders provide for the consideration of government documents to be called on at this time. Before I call on that business, is leave granted for documents to be tabled in accordance with items 13 and 14 on today’s Order of Business, and for a motion to be moved with respect to committee membership?

Senator Bob Brown—No.

The ACTING DEPUTY PRESIDENT—I remind the Senate that the chair is seeking leave for this course of action, not the government. Is leave granted?

Senator Bob Brown—No.

Leave not granted.

Senator Bob Brown—The opposition has called on me to reverse that refusal of leave as they want to have representation at estimates; therefore, I will withdraw the refusal of leave.

The ACTING DEPUTY PRESIDENT—I will put the question again. Is leave granted?

Leave granted.

AUDITOR-GENERAL’S REPORTS

Report No. 12 of 2005-06

The ACTING DEPUTY PRESIDENT (Senator Brandis) (6.20 pm)—In accordance with the provisions of the Auditor-General Act 1997, I present Audit report No. 12 of 2005-06 of the Auditor-General.

Senator HOGG (Queensland) (6.20 pm)—Mr Acting Deputy President, I rise on a point of order. I thought leave had been granted to move a motion in relation to committee membership.

The ACTING DEPUTY PRESIDENT—Leave has been granted. I am advised by the Deputy Clerk that, before we proceed to that item of business, I should quickly deal with the item of business that stands before it on the Notice Paper. I am also reminded by the Deputy Clerk that what leave was sought for was to dispose of this block of business, not merely the committee memberships.

In accordance with the provisions of the Auditor-General Act 1997, I present the following report of the Auditor-General: Audit report No. 12 of 2005-06: Performance Audit: Review of the evaluation methods and continuous improvement processes for Australia’s national counter-terrorism coordination arrangements.
I present the government’s response to the report of the Parliamentary Joint Committee on Corporations and Financial Services on its inquiry into corporate insolvency laws, and I seek leave to incorporate the document in Hansard.

Leave granted.

The document read as follows—

Recommendation 1
The Committee recommends that the law should require administrators to make available a statement of independence before the first meeting of creditors disclosing any professional, personal or business relationship between the administrator or his/her firm and the company or its officers, members or creditors. There should be provision for appropriate sanctions for false or misleading statements. Further, the Committee recommends that the administrator be under an obligation to disclose conflicts of interest if and when they arise.

The Australian Government (‘the Government’) supports this recommendation. The impartiality and independence of administrators are cornerstones of the voluntary administration procedure. Details about the timing and content of the statement of independence will be developed in consultation with stakeholders.

Recommendation 2
The Committee recommends that creditors should be able to appoint a different person as liquidator when the administration ends and the company proceeds into liquidation, and when a deed of company arrangement ends and the company proceeds into liquidation.

The Government supports this recommendation. Adoption of this recommendation will enhance the rights of creditors under the voluntary administration procedure.

Recommendation 3
The Committee recommends that an administrator should be prohibited from using a casting vote in a resolution concerning his or her replacement.

The Government rejects this recommendation. The exercise of the casting vote is sufficiently regulated by the requirement that it must be exercised in what the administrator perceives to be the overall best interests of the company, and the right of creditors to challenge the exercise of the vote in court. The Government will require administrators to publish reasons for the way they exercise a casting vote. This will inform creditors (and the courts) considering a challenge to a casting vote.
<table>
<thead>
<tr>
<th>Recommendation 4</th>
<th>The Government supports this recommendation.</th>
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<tr>
<td>The Committee recommends that the prohibition in s 595—inducements to be appointed liquidator etc. of a company—be extended to include not only members and creditors, but also directors and any other person or entity.</td>
<td>Addressing this loophole in the prohibition on inducements will assist in promoting administrator independence and competition in the industry.</td>
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<tr>
<th>Recommendation 5</th>
<th>The Government supports this recommendation in principle.</th>
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<tr>
<td>The Committee strongly endorses the heavy emphasis that the Australian Securities and Investments Commission (ASIC) places on practical experience in external administration, especially managerial skills, as a prerequisite for registration as a liquidator and recommends that it should not be weakened. It does, however, recommend that the criteria for registration as an insolvency practitioner be broadened to recognise qualifications in other relevant disciplines including legal practice.</td>
<td>Current requirements for registration provide sufficient flexibility for practical experience and a range of academic qualifications to be taken into account.</td>
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<th>Recommendation 6</th>
<th>The Government supports this recommendation in principle.</th>
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<td>The Committee recommends that the law should provide for procedures to be in place to monitor insolvency practitioners to ensure that they continue to meet on-going registration criteria in regard to education including continuous education requirements, skills, resources, membership of an appropriate professional body, experience and fitness for registration.</td>
<td>The Companies Auditors and Liquidators Disciplinary Board may cancel a registered liquidator’s registration if the registered liquidator fails to perform their duties or functions adequately or properly, or if they are not a fit and proper person to remain registered. To facilitate monitoring of these requirements by ASIC, the Government will replace the existing triennial reporting requirement with a more detailed annual reporting requirement. The Government will also give ASIC the power to cancel registration where a practitioner dies, becomes disqualified by reason of bankruptcy or becoming a person disqualified from managing corporations, or is convicted of a criminal offence.</td>
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<th>Recommendation 7</th>
<th>The Government rejects this recommendation.</th>
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<td>The Committee recommends that the Government consider establishing an advisory council comprising representatives of professional organisations including the Insolvency Practitioners Association of Australia, CPA Australia, the Institute of Chartered Accountants in Australia, and the Law Council to assist ASIC in relation to the regulation, appointment, registration and removal of registered and official liquidators as well as on issues relating to the maintenance of professional standards of insolvency practitioners.</td>
<td>The proposed advisory council would largely duplicate existing mechanisms to allow for consultation with relevant professional organisations.</td>
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<td>Recommendation 8</td>
<td>This recommendation is a matter for ASIC.</td>
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<td>The Committee recommends that, in its enforcement programs for the lodgement of reports as to the affairs of a company (RATAs), ASIC take greater account of the quality of reports provided.</td>
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<th>Recommendation 9</th>
<th>The Government supports this recommendation in principle.</th>
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<td>The Committee is concerned about the allegations of poor record keeping and believes that the current penalty regime for breaches of section 286 may not be adequate. The Committee recommends that the Government review the penalties attached to breaches of section 286 with a view to making them more effective as a deterrent.</td>
<td>The requirement to keep written financial records that correctly record and explain a company’s transactions and financial position and performance, and enable true and fair financial statements to be prepared and audited is a fundamental obligation of every company. The appropriateness of the penalties for breach of section 286 will be considered in the context of a broader review of penalties and offences under the Australian Securities and Investments Commission Act 2001 and the Corporations Act 2001 (‘the Corporations Act’).</td>
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<th>Recommendation 10</th>
<th>The Government rejects this recommendation.</th>
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<td>The Committee recommends that the Government consider amending the law to permit an administrator or a liquidator to recover from directors who have failed to ensure that company records are complete and up-to-date, the costs and expense of reconstructing the company’s financial records in order to prepare a full and complete report on the affairs of the company. Directors would be held jointly and severally liable.</td>
<td>A provision along the lines proposed would be subject to uncertainty both as to the liability of individual, non-culpable directors and the quantum of any potential liability.</td>
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<th>Recommendation 11</th>
<th>This recommendation is a matter for ASIC.</th>
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<td>The Committee recommends that ASIC issue a practice note as to what constitutes insolvency for the guidance of company directors passing solvency resolutions and making director’s declarations.</td>
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<th>Recommendation 12</th>
<th>The Government supports this recommendation in principle.</th>
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<td>The Committee recommends that reg. 5.3A.02—administrator to specify voidable transactions in statement—be amended to include rights of recovery against the company’s directors for insolvent trading.</td>
<td>A principles-based approach is preferred to the prescription of a detailed checklist of matters to be included in the report. Accordingly, the Government will introduce a requirement that the administrator’s statement to creditors include ‘any other matter material to the creditors’ decision’ (see response to recommendation 17 below). Adoption of this recommendation will permit an administrator to address the question of insolvent trading in their statement to creditors.</td>
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<td>Recommendation 13</td>
<td>The Government rejects this recommendation.</td>
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<td>&quot;The Committee recommends that insolvency be removed as a prerequisite for the avoidance of uncommercial transactions which may be challenged by a liquidator. Such transactions are to have taken place during the two year period preceding formal insolvency.&quot;</td>
<td>The current provision strikes a balance between promoting certainty for business and preventing the dissipation of company assets in the lead-up to insolvency. Removing the insolvency requirement for uncommercial transactions has the potential to cast doubt on many company transactions and disrupt business. The requirement of insolvency provides an important link with company transactions that are most likely to disadvantage creditors as a whole.</td>
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<th>Recommendation 14</th>
<th>The Government rejects this recommendation.</th>
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<td>&quot;The Committee recommends that the threshold test permitting directors to make the initial appointment of an administrator under the voluntary administration procedure be revised in order to alleviate perceptions that the VA procedure is only available to insolvent companies. The Committee notes the suggestion that the test be reworded to read ‘the company is insolvent or may become insolvent’.&quot;</td>
<td>The current test allowing directors to make the initial appointment of an administrator is not restrictive and strikes an appropriate balance between facilitating corporate rescue and protecting the rights of creditors. The current test does not limit use of the procedure to circumstances of actual or present insolvency. Any misconception about the current test would be best handled through education and compliance programmes. ASIC is preparing a comprehensive suite of information sheets in this area, and also operates an insolvent trading programme that adopts a proactive strategy whereby companies at risk of insolvency are visited by ASIC and directors encouraged to seek professional advice on turnaround strategies.</td>
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<th>Recommendation 15</th>
<th>The Government supports this recommendation.</th>
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<td>&quot;The Committee believes that the first meeting of creditors should be retained but the timeframe for the meeting be extended. It does not favour a lengthy extended period. The Committee recommends that the first meeting be held within eight business days after the beginning of the administration with a requirement for five business days’ notice of the meeting to creditors.&quot;</td>
<td>It will enhance the opportunities for creditors to participate in the first meeting of creditors.</td>
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<th>Recommendation 16</th>
<th>The Government supports this recommendation.</th>
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<td>&quot;The Committee recommends that the period for holding the second meeting of creditors be extended to 25 business days with a new convening period of 20 business days. The adjournment period is to remain at 60 days.&quot;</td>
<td>It will enhance the opportunities for creditors to participate in the meeting, and give administrators more time to conduct an examination of the company’s circumstances and options for its future.</td>
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<th>Recommendation 17</th>
<th>The Government supports this recommendation.</th>
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<td>&quot;The Committee recommends that the administrator’s report to creditors at the second meeting of creditors be required to include ‘any other matter material to the creditors’ decision’.&quot;</td>
<td>The requirement will enhance the quality and quantity of relevant information being made available to creditors for the meeting which will determine the company’s future.</td>
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Recommendation 18  
The Committee further recommends that ASIC publish a guidance note to assist administrators in ensuring that administrators include all matters material to the creditors’ decision in their administrator’s report.

This recommendation is a matter for ASIC.

Recommendation 19  
The Committee recommends that the Government consider alternatives to the current advertising and gazettal requirements for external administrations.

The Government supports this recommendation. An examination of the current advertising and Gazettal requirements will assist in identifying unnecessary requirements so as to permit their removal or alternative means to be adopted in their place.

Recommendation 20  
The Committee recommends that the Government consider making technology and e-commerce options more widely available to enhance communication with stakeholders in external administrations and reduce the costs of external administrations.

The Government supports this recommendation. The use of alternative technology and e-commerce options where possible to enhance communication with stakeholders in external administrations may assist in reducing the costs of external administrations.

Recommendation 21  
The Committee recommends that the provisions of Chapter 5 be amended with a view to permitting alternative methods of conducting minor procedural meetings.

The Government supports this recommendation. Allowing for alternative methods of conducting minor procedural meetings may assist in reducing the costs of external administrations.

Recommendation 22  
The Committee recommends that ASIC provide, from the perspective of an unsophisticated, unsecured creditor who may be affected once only by an insolvency proceeding, a series of Frequently Asked Questions or other suitable materials that address the issues they may need to consider as creditors of a failed company, and which explains the law and outlines options and issues that they may need to address.

This recommendation is a matter for ASIC.

Recommendation 23  
The Committee recommends that a court should have the power to review the remuneration of administrators and deed administrators on the application of ASIC.

The Government supports this recommendation. Adoption of this recommendation will bring the procedures for review of the remuneration of administrators into line with those applying to liquidators.

Recommendation 24  
The Committee recommends that ASIC work with the professional bodies to encourage the promotion of best practice standards in remuneration charging and in particular the provision of adequate disclosure of the basis of fees charged by insolvency practitioners and on a more timely basis.

This recommendation is a matter for ASIC.
<table>
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<tr>
<th>Recommendation 25</th>
<th>The Committee recommends that an administrator should be prohibited from using a casting vote in a resolution concerning his or her remuneration (see also recommendation 3).</th>
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<td></td>
<td>The Government rejects this recommendation. The exercise of the casting vote is sufficiently regulated by the requirement that it must be exercised in what the administrator perceives to be the overall best interests of the company, and the right of creditors to challenge the exercise of the vote in court. The Government will require administrators to publish reasons for the way they exercise a casting vote. This will inform creditors (and the courts) considering a challenge to a casting vote.</td>
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<tr>
<td>Recommendation 26</td>
<td>The Committee recommends that ASIC, in consultation with the relevant professional bodies, implement appropriate means to educate unsecured creditors about the different methods of fee setting available and the rights which creditors have with regard to the setting of fees (see also recommendations 22 and 50).</td>
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<td>This recommendation is a matter for ASIC.</td>
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<td>Recommendation 27</td>
<td>The Committee recommends that ASIC periodically sample the fees charged by insolvency practitioners and make public a comparative report.</td>
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<td>This recommendation is a matter for ASIC.</td>
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<td>Recommendation 28</td>
<td>The Committee is of the firm belief that the problem of assetless companies must be addressed. It recommends that the Government establish an assetless company administration fund to finance preliminary investigations of breaches of directors’ duties and fraudulent conduct using the skills of registered insolvency practitioners.</td>
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<td>The Government supports this recommendation. The Government will also provide additional funding to ASIC to enhance its enforcement activity in this area.</td>
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<td>Recommendation 29</td>
<td>The Committee recommends that, as a step towards a better understanding of the nature, effects and extent of insolvent assetless companies, the Government should commission an empirical study of assetless companies.</td>
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<td>The Government rejects this recommendation. The establishment of an assetless administration fund and enhanced enforcement activity in this area will provide the opportunity to obtain improved information about assetless companies.</td>
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<tr>
<td>Recommendation 30</td>
<td>The Committee further recommends that as a first and immediate step, ASIC begin to collate statistics on insolvent assetless companies and publish such figures on a triennial basis together with an analysis.</td>
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<td>This recommendation is a matter for ASIC.</td>
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Recommendation 31
The Committee recommends that ss 206D and 206F should not be subject to a requirement to have managed two or more failed corporations. They should permit a court, or ASIC in its discretion, to disqualify a person from being a director where essentially two conditions are met: the person is or has been a director of a company which has failed (as defined in s 206D(2)) and the person, as a director of the company (either taken alone or taken together with his/her conduct as a director of any other company) makes him or her unfit to be concerned in the management of a company.

The Government rejects this recommendation. Unlawful phoenix activity typically involves two or more corporate failures. The Government recently amended the Corporations Act to extend the maximum disqualification periods from managing corporations, for insolvency and non-payment of debts, from 10 to 20 years. In addition, ASIC may now apply to a court to have an automatic five-year disqualification order extended by up to a further 15 years. The Government will amend the ASIC Act to restore the longstanding interpretation of disqualification and banning orders as being ‘protective’ rather than ‘penal’ in nature.

Recommendation 32
The Committee recommends that the Government in association with the Council of Australian Governments review the adequacy of the arrangements for the checking of the business names of companies on State Business Names Registries against the ASCOT database of company names and ACNs.

The Government supports this recommendation in principle. The Government will raise the question of the adequacy of arrangements for the checking of the business names of companies on State Business Names Registries against the ASCOT database with an appropriate ministerial forum.

Recommendation 33
The Committee recommends that the Government consider the proposal to create a statutory process analogous to a Mareva injunction to enable the courts to freeze assets of a director or manager which are prima facie assets on which the corporation has a just claim.

The Government rejects this recommendation. The Corporations Act already empowers the court to freeze assets of a director or manager where ASIC is investigating an act or omission by a person which may constitute a breach of the Act. ‘Proceeds of crime’ legislation contains similar powers.

Recommendation 34
The Committee recommends that the Government review the processes in place for registering a company with a view to improving the measures for determining the bona fides of those applying to register a company.

The Government supports this recommendation in principle. Company registration requirements should balance the need to promote integrity in business dealings and avoidance of the imposition of unnecessary compliance costs or risks on business.

Recommendation 35
The Committee recommends that ASIC consider establishing a hot-line and guidelines for its operation in conjunction with strategically located employees for the purpose of facilitating possible early detection of, and intervention to prevent the implementation of, illicit phoenix activities.

This recommendation is a matter for ASIC.
Recommendation 36
The Committee recommends that the insolvency related implications and recommendations of the Companies and Securities Advisory Committee’s Report on Corporate Groups should be examined by the Government and its response made available to the Committee as soon as possible.

The Government supports this recommendation in principle. The Government has announced an integrated set of proposals to improve the operation of Australia’s insolvency laws. The recommendations made in the Report on Corporate Groups were considered in the context of developing those proposals.

Recommendation 37
The Committee recommends that in its enforcement programs for the lodgement of external administrators’ statutory reports, ASIC also take greater account of the quality of reports provided.

This recommendation is a matter for ASIC.

Recommendation 38
The Committee recommends that the level of funding for ASIC take account of the demands and complexities of corporate insolvency laws and the need to investigate properly and enforce contraventions of the law exposed by corporate collapses.

The Government supports this recommendation. The Government will continue to ensure that ASIC is appropriately funded.

Recommendation 39
The Committee requests that ANAO conduct a performance audit of ASIC’s processes in receiving and investigating statutory reports.

The Government will refer this recommendation to ANAO.

Recommendation 40
The Committee recommends that ASIC consider enhancing its capacity to provide more comprehensive, comparable analyses of statutory reports of liquidators for the assistance of journalists, academic researchers, the public and the Government and its own management requirements. Such information should be assessed in terms of maintaining public confidence in the administration and enforcement of corporate laws.

This recommendation is a matter for ASIC.

Recommendation 41
The Committee recommends that ASIC continuously evaluate the incidence of possible failures to keep books and records adequately as disclosed in external administrators’ reports on an annual comparative basis. This measure would allow ASIC to assess the effectiveness of its annual programs for the enforcement of financial reporting requirements.

This recommendation is a matter for ASIC.
Recommendation 42
The Committee recommends that the maximum priority proposal not be adopted. The emphasis in any reform proposals in relation to employee entitlements should be on preventative measures to minimise the risk of loss of employee entitlements and modifying current behaviour to ensure directors and managers of companies take greater responsibility in meeting the cost of employee entitlements in the event of business failure.

The Government supports this recommendation. Protection of employee entitlements should not be considered in isolation from the rest of the insolvency regime. The Government has announced an integrated set of proposals to improve the operation of Australia’s insolvency laws, including a range of initiatives intended to complement the general body of rules concerning the duties of company officers and to strengthen creditor protections.

ASIC operates an insolvent trading programme that adopts a proactive strategy whereby companies at risk of insolvency are visited by ASIC and directors encouraged to seek professional advice on turnaround strategies.

In addition, the Government remains strongly committed to the protection of employee entitlements in the event of employer insolvency. Since the introduction of the first federal employee entitlements scheme in January 2000, over 52,000 Australian workers have received in excess of $645 million in assistance for their entitlements lost due to the insolvency of their employer. The Government will further enhance GEERS, improving access to the scheme in relation to underpaid wages, payment in lieu of notice and employees who resigned or were terminated in the lead-up to insolvency.

Additional funding

Recommendation 43
The Committee recommends that the Minister for Finance request the Corporations and Markets Advisory Committee to review the operation of the Corporations Law Amendment (Employee Entitlements) Act 2000 to determine its effectiveness in deterring companies from avoiding their obligations to employees. Furthermore, in light of the evidence suggesting that some corporations deliberately structure their business to avoid paying their full entitlements to employees and more generally unsecured creditors, the Committee recommends that the review look beyond the effectiveness of the Act and consider, and offer advice on, possible reforms that would deter this type of behaviour.

The Government rejects this recommendation. The measures introduced through the Corporations Law Amendment (Employee Entitlements) Act 2000 are one part of a suite of measures intended to protect creditors.

The Government has announced an integrated set of proposals to improve the operation of Australia’s insolvency laws, including a range of initiatives intended to complement the general body of rules concerning the duties of company officers and to strengthen creditor protections.

The proposed assetless administration fund, and additional funding for ASIC to investigate and prosecute misconduct in the area of corporate insolvency, should allow for more rigorous testing of this area of law.
Recommendation 44
The Committee recommends that the Government explore the various measures proposed for safeguarding employee entitlements such as insurance schemes or trust funds giving particular attention to the costs and benefits involved in the schemes.

The Government supports this recommendation in principle.
The Government is committed to the protection of employee entitlements through the GEERS scheme, but remains willing to examine and explore other measures which might enhance the operation of the scheme or provide employees with similar levels of protection. Further investigation would need to have regard to previous findings of consultations conducted by the Government (in August 1999 and January 2001), the need to maintain an environment in which Australian enterprises remain competitive and the experience of comparable international systems.

Recommendation 45
The Committee recommends that the Government monitor the impact of the quarterly arrangements for the collection of the superannuation guarantee charge to determine whether there is a need for strengthened enforcement measures.

The Government supports this recommendation.
The Australian Taxation Office (ATO) will review the impact of the amendments to the SG legislation on levels of compliance. The review, to be conducted three years after the introduction of the quarterly SG regime, will evaluate the effect on compliance levels in general. This timeframe was outlined in the Regulation Impact Statement covering the introduction of the quarterly SG regime. In the 2004-05 Budget the Government allocated additional funding to the ATO to undertake increased compliance activity. One of the identified areas for increased compliance activity was the quarterly superannuation guarantee arrangements.

Recommendation 46
The Committee recommends that the Government clarify inconsistencies between the Superannuation Guarantee (Administration) Act 1992 and the Corporations Act and clarify how the Superannuation Guarantee Scheme is intended to operate in relation to employers that are under one or other form of external administration.

The Government supports this recommendation.
Appropriate clarification of the treatment of the SG Charge under the Superannuation Guarantee (Administration) Act 1992 and the Corporations Act will improve the prospect of employees recovering outstanding superannuation obligations in the event of employer insolvency.

Recommendation 47
The Committee recommends that the Government clarify the priority afforded superannuation contributions required to be made after the ‘relevant date’ of an external administration.

The Government rejects this recommendation.
The law currently affords priority treatment to standard superannuation contributions payable after the ‘relevant date’ (the commencement of an external administration). The decision cited by the Parliamentary Joint Committee was subsequently the subject of a successful appeal. The Government will continue to examine and monitor court decisions that consider the operation of the relevant law in non-standard cases, with a view to clarifying the law where appropriate.
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<th>Recommendation 48</th>
<th>The Committee recommends that the Government consider the inclusion of superannuation contributions in GEERS.</th>
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<td></td>
<td>The Government rejects this recommendation. Arrangements are already in place for securing the superannuation entitlements of employees. Where an employer does not make required superannuation contributions to a complying superannuation fund or retirement savings account on behalf of its eligible employees, the Commissioner of Taxation will raise a Superannuation Guarantee (SG) charge. Consistent with the Government’s 2001 election commitment, employers have been required to make at least quarterly SG contributions on behalf of their employees since 1 July 2003. These arrangements encourage employers to make regular superannuation contributions, which benefit employees in a number of ways. They lower employee exposure to the loss of superannuation benefits in the event of employer bankruptcy or insolvency. More frequent superannuation contributions provide more timely evidence of non-compliance, which in turn facilitates earlier intervention by the ATO. The quarterly SG arrangements have only been operating since 1 July 2003 and it is too early in the implementation process to judge the effectiveness of the arrangements.</td>
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<th>Recommendation 49</th>
<th>The Committee recommends that the law be amended to make it mandatory for a deed of company arrangement to preserve the priority available to creditors in a winding up under s 556(1), unless affected creditors agree to waive their priority. The amendment should, however, allow creditors or the administrator the right to initiate court proceedings to have the deed upheld if in the Court’s view the deed offered the dissenting creditors a better return than they would obtain in a liquidation.</th>
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<td></td>
<td>The Government supports this recommendation. Mandating the priority of employee entitlements in a deed of company arrangement will improve the operation and fairness of insolvency laws, enhance the prospect of payment of employee entitlements in the event of employer insolvency and improve the standing of ordinary employees in voluntary administrations.</td>
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<th>Recommendation 50</th>
<th>The Committee recommends that ASIC work with the IPAA to educate unsophisticated creditors about their rights in the process of formulating a deed of company arrangement and during the period in which the company is subject to a DCA.</th>
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<td></td>
<td>This recommendation is a matter for ASIC.</td>
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<td>Recommendation 51</td>
<td>This recommendation is a matter for the IPAA.</td>
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<td>The Committee recommends that the IPAA take note of the criticism raised about insolvency practitioners and the information they make available to creditors about DCAs. It would like to see the IPAA adopt a strong and active position to ensure that its members take seriously their responsibilities and obligations to inform creditors about all aspects of the DCA.</td>
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<th>Recommendation 52</th>
<th>The Government rejects this recommendation.</th>
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<td>The Committee recommends that the law be amended to clarify that a DCA which incorporates any form of promise of future performance should not be regarded as finalised until all such promises have been fulfilled.</td>
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<th>Recommendation 53</th>
<th>This recommendation is a matter for ASIC and the IPAA.</th>
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<tr>
<td>The Committee recommends that ASIC work with the IPAA to inform unsophisticated creditors about the options open to them for the purpose of monitoring the fulfilment of terms of DCAs and reporting on compliance.</td>
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<tr>
<th>Recommendation 54</th>
<th>The Government rejects this recommendation.</th>
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<td>The Committee recommends that the creditors’ voluntary liquidation procedure should be retained and entry to the procedure simplified to enable directors to place a company immediately into liquidation. Where an enterprise is not viable, the law should allow for its swift and efficient liquidation to maximise recoveries for the benefit of creditors.</td>
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Adoption of this recommendation would confer an inappropriate power on the directors of companies. Creditors, not directors, should have the right to place a company in liquidation, or to apply to a court to have a company placed in liquidation. A power in directors to place a company directly into voluntary liquidation is not comparable to the power of directors to place a company into voluntary administration. The voluntary administration procedure ensures that creditors ultimately determine the future of the company, including possible liquidation.
Recommendation 55
The Committee recommends that the law be amended so as to permit administrators to apply to a court for an order that a party to a contract may not terminate the contract by virtue of entry by a company into voluntary administration. The court should be satisfied that the contracting party’s interests will be adequately protected.

The Government rejects this recommendation. A prohibition on the enforceability of ‘ipso facto’ clauses would erode the freedom of contract, restricting the capacity of creditors to manage risk. The proposed amendment may introduce a high level of complexity to the law and increase the costs of voluntary administrations where an application is made to a court.

Recommendation 56
The Committee recommends that the Government review the appropriateness of the restriction on a liquidator’s powers to compromise debts due to the company where the debt exceeds $20,000.

The Government supports this recommendation. It will consult ASIC and the IPAA as to the basis for determination and prescription of a more appropriate amount.

Recommendation 57
The Committee recommends that consideration be given to repealing s 506(4) and replacing it with a provision in similar terms to ss 451A and 451B (concerning the appointment of two or more administrators) i.e. where more than one liquidator is appointed, their functions or powers should be able to be exercised by any one of them, subject to the resolution or instrument appointing them providing otherwise. Consideration should also be given to similar provisions being included in Parts 5.2 and 5.6 of the Corporations Act dealing with receiverships and windings-up generally.

The Government supports this recommendation in principle. In most circumstances it is more convenient for two or more external administrators to be able to act jointly and severally. The Government will consider amendments to the provisions of the Act dealing with multiple appointments to ensure they are consistent and contribute to the efficiency of insolvency proceedings.

Recommendation 58
The Committee recommends that the Government support a program of research into the impact of insolvency procedures, if necessary, by providing a specific allocation for the conduct of such research by ASIC, the professional associations and/or commissioned researchers.

The Government supports this recommendation in principle. The collection of statistical data by ASIC through forms approved by it pursuant to s 350 or prescribed forms is currently permitted by the law.

Recommendation 59
The Committee recommends that the Government ensure, particularly when contemplating changes to the law, that the two streams of Australia’s insolvency laws, personal bankruptcy and corporate insolvency, harmonise where possible.

The Government supports this recommendation in principle. There are different policy considerations in corporate insolvency and personal bankruptcy, which may give rise to necessary variations in the legal frameworks. There are arrangements in place for securing cost savings and streamlining the administration of corporate and personal insolvency law. The Insolvency and Trustee Service Australia (ITSA) and ASIC have entered into a Memorandum of Understanding. ITSA and Treasury will continue to consult in the development of insolvency/bankruptcy policy.
<table>
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<tr>
<th>Recommendation 60</th>
<th>The Committee recommends that Australia adopt the UNCITRAL Model Law on Cross Border Insolvency as proposed in CLERP Paper No 8: Proposals for Reform—Cross-Border Insolvency. The Government supports this recommendation.</th>
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<td>Recommendation 61</td>
<td>The Committee recommends that the Government play an active role in multilateral forums and international initiatives to strengthen countries’ insolvency systems and develop sound practices and principles for insolvency systems taking into consideration differing national legal systems and economic circumstances. The Government supports this recommendation. Australia is a participant in, or has participated in, a number of international fora relating to corporate law. The Government is exploring methods for the promotion and adoption of good insolvency practices and laws in appropriate international fora.</td>
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<td>Recommendation 62</td>
<td>The Committee recommends that the Government examine the problem of cross border insolvency involving the misappropriation of company funds with a view firstly to preventing such activities (improved reporting on the financial affairs of a company, more effective monitoring and enforcement of requirements to keep records and the more effective use of restraining orders in respect of company assets) and secondly to holding those responsible for missing funds or assets accountable for the losses. The Government supports this recommendation in principle. There are many aspects to the question of cross-border insolvency and the Government has examined, and continues to examine, initiatives that seek to address the problem.</td>
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<td>Recommendation 63</td>
<td>The Committee recognises that cross-border insolvency and the bankruptcy of those associated with the financial transactions of a failed company are often interlinked. The Committee recommends that any measures taken in either the Corporations Act or the Bankruptcy Act to effect the recovery of debts or to punish the perpetrators of fraud involved in cross-border insolvency take account of how the laws may interact. The Government supports this recommendation in principle. It is important that the Corporations Act insolvency provisions and the Bankruptcy Act contain effective measures to address cross-border insolvency issues.</td>
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<td>Minority Report Recommendations</td>
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| Minority Recommendation 1       | The first part of this recommenda-
| Labor members recommend that ASIC,
consultation with the Insolvency
Practitioners Association of
Australia, develop a code of con-
duct to ensure that administrators
and liquidators, are independent,
and are seen to be independent of
the company, its members, officers
and creditors when they consent to
act and act in that capacity.
Labor members further recommend
that the provisions of the code be
given statutory force by incorpo-
rating into the Corporations Regu-
lations or other appropriate means. |
| This part of this recommendation
is a matter for ASIC and the IPAA.
The Government rejects the recom-
dendation to legislate the proposed
code. Targeted reforms to the cur-
rent principles-based framework
are preferable to a prescriptive
code. Mandating a detailed code
has considerable disadvantages:
it would add to the complexity of
the law mechanisms to ensure
compliance with this area of
the law would need to be developed.
This would add further cost and
complexity to the admin-
istration of insolvency
placing a code in legislation means it
is difficult to alter if circumstances
change. |
| Minority Recommendation 2       | |
| Labor members recommend that ASIC,
consultation with relevant industry
bodies, develop a guide to fees and
charges for insolvency prac-
titioners. Practitioners should not
be prevented from charging
above these fees, or from calcu-
lating their fees on a different
basis, provided creditors
approving the remuneration are
advised by the practitioner of the
reasons for departure from the
guide. |
| This recommendation is a matter for
ASIC. |
| Minority Recommendation 3       | |
| Labor members recommend that the
Government implement the Cole
Royal Commission recommendation
that section 206F be amended
to allow ASIC to disqualify a
person who on one occasion was
an officer of a corporation
which has been wound up and been
the subject of a liquidator’s report. |
| The Government rejects this
recommendation. Unlawful
phoenix activity typically
involves two or more
Corporate failures. |
| Minority Recommendation 4       | |
| Labor members recommend that the
Committee and the government
monitor ASIC’s activities
under the director disqualification
provisions of the Act. If it continues
to be apparent that insufficient
activity is being undertaken
under these provisions we recommend
that the Government
amend the automatic disqualifica-
tion provisions of the Act to
more effectively discouraging
phoenix company activity and
repeated deliberate corporate
insolvencies. |
| The Government supports this
recommendation in principle.
The proposed assetless administra-
tion fund, and additional funding
for ASIC to investigate and
prosecute misconduct in the area
of corporate insolvency, should
allow for more rigorous testing
of this area of law. |
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<tr>
<th>Minority Recommendation 5</th>
<th>The Government rejects this recommendation. The law already imposes a clear obligation on directors of a company (and a holding company) to take action if a company is or is likely to become insolvent.</th>
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<tr>
<td>Labor members recommend that the Act be amended to impose an obligation on directors of a company to take appropriate action, particularly the appointment of an administrator, if the company is or is likely to become insolvent.</td>
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<tr>
<th>Minority Recommendation 6</th>
<th>The Government supports this recommendation in principle. The Government has announced measures to enhance the rights of creditors in relation to directors who have failed to take account of their interests.</th>
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<td>Labor members further recommend that the Government consider further, and consult on, appropriate remedies arising from a failure to discharge this obligation, including whether adversely affected creditors ought to have a right of action in such circumstances in addition to the company itself.</td>
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<th>Minority Recommendation 7</th>
<th>The Government rejects this recommendation. The extension of the voidable transaction (claw-back) provisions to persons who may have no knowledge of or control over a company’s financial records may be unjust in some circumstances.</th>
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<tr>
<td>The Labor members recommend that the Act be amended to provide a statutory presumption of insolvency for the purposes of the application of the voidable transaction provisions. A possible formulation of this presumption is the definition proposed in the Harmer report that a company being wound up is presumed to be insolvent 90 days prior to the commencement of winding up.</td>
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<th>Minority Recommendation 8</th>
<th>The Government rejects this recommendation. Since the introduction of the first federal employee entitlements scheme in January 2000, over 52,000 Australian workers have received in excess of $645 million in assistance for their entitlements lost due to the insolvency of their employer. The Government will further enhance GEERS, improving access to the scheme in relation to underpaid wages, payment in lieu of notice and employees who resigned or were terminated in the lead-up to insolvency.</th>
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<td>Labor members recommend an alternative model for the protection of employee entitlements in circumstances of corporate insolvencies, with the objective of replacing GEERS with a scheme that: Protects 100% of the employee’s legal entitlements Protects applicable superannuation contributions Ensures timely access to payments Ensures that payments are not obstructed by the terms of any Deed of Arrangement and Does not impose additional costs on small business</td>
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Minority Recommendation 9
The Labor members recommend that the Corporations Act be amended to require companies to include a statement in the annual report that sufficient provision has been made for accrued entitlements and that appropriate measures are in place to cover contingent liabilities. The Labor members recommend that appropriate remedies are considered in order to provide an adequate deterrent in the law against misleading statements.

The Government rejects this recommendation. Australian Accounting Standards Board AASB 119 'Employee Benefits' makes provision for the reporting of employee benefits. It requires employee entitlements including contingent entitlements such as termination or redundancy entitlements to be included in companies’ financial reports. Entitlements that are expected to be paid within 12 months of the reporting date are reported at their nominal amounts. Entitlements that are expected to be paid beyond 12 months of the reporting date are reported at present value. The appropriateness of AASB 119 is a matter for the Australian Accounting Standards Board. The Government will draw the attention of the AASB to the Minority Report’s recommendation.

Minority Recommendation 10
Labor members recommend that the Corporations Act be amended to enable a liquidator, creditor or ASIC to apply to the Court for an order that a related body corporate in appropriate circumstances pay the whole or part of the amount of a debt of an insolvent company. We recommend that the grounds on which a Court can make such an order be the subject of further consultation. We further recommend that intention to avoid liability ought not to be a prerequisite to the making of such an order.

The Government rejects this recommendation. The ‘separate legal entity’ principle allows for business risk to be transferred via contract to those creditors who are best able to bear that risk. This is fundamental to promoting enterprise and capital-raising. Additional creditor protections should be targeted to situations where creditors are unable to manage risk via contract. A general winding-back of the separate legal entity principle goes further than is required to protect vulnerable creditors, and gives rise to a number of broader policy concerns. It would reduce companies’ capacity to manage risk generally, increasing the returns required for investment and putting Australian companies at a competitive disadvantage. Prospective creditors would need to assess the creditworthiness of the entire group, and the likelihood of a contribution order, introducing new risks and assessment costs.

Senator WONG (South Australia) (6.22 pm)—by leave—I move:
That the Senate take note of the report.
I seek leave to continue my remarks later.
Leave granted; debate adjourned.

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

Senator GEORGE CAMPBELL (New South Wales) (6.22 pm)—by leave—I move:
That senators be discharged from and appointed to committees as follows:

Community Affairs References Committee—
Appointed—Substitute member: Senator Bartlett to replace Senator Allison for the committee’s inquiry into petrol
sniffing in remote Aboriginal communities

**Employment, Workplace Relations and**
**Education Legislation and References Committees**—
Appointed—Participating member:
Senator Polley

**Foreign Affairs, Defence and Trade Legislation Committee**—
Appointed—
Participating member: Senator Polley
Substitute member: Senator Chapman to replace Senator Ferguson for the consideration of the 2005-06 supplementary Budget estimates on 2 November and 3 November 2005

**Foreign Affairs, Defence and Trade References Committee**—
Appointed—Participating member:
Senator Polley

**Legal and Constitutional Legislation and References Committees**—
Appointed—Participating member:
Senator Heffernan

**Rural and Regional Affairs and Transport Legislation Committee**—
Appointed—
Participating member: Senator Polley
Substitute member: Senator Troeth to replace Senator Ferris for the consideration of the 2005-06 supplementary Budget estimates on 30 October and 1 November 2005

**Rural and Regional Affairs and Transport References Committee**—
Appointed—Participating member:
Senator Polley.

**DOCUMENTS**

**The ACTING DEPUTY PRESIDENT (Senator Brandis)**—Order! It being after 6 pm, the Senate will proceed to the consideration of government documents.

**Ms Vivian Alvarez**
Debate resumed from 6 October, on motion by Senator Bartlett:

That the Senate take note of the document.

**Senator KIRK** (South Australia) (6.23 pm)—I rise to speak on the Ombudsman’s report of the inquiry into the circumstances of the Vivian Alvarez matter, commonly referred to of late as the Comrie report. I would like to refer to the report of the Ombudsman in order to highlight what can only be described as the appalling treatment of Australian citizen Ms Vivian Alvarez Solon, who was unlawfully removed to the Philippines in July 2001 and who remains there, to this day, more than four years later. This government’s shocking treatment of Ms Solon has been laid bare in a report—the one that we have before us tonight—that was tabled in this place last Thursday by the Minister for Immigration and Multicultural and Indigenous Affairs, Senator Vanstone, who, true to form, refuses to accept any responsibility for DIMIA’s flawed culture and the systemic failures that led to the removal of Ms Solon.

Former Victorian Police Commissioner Mr Neil Comrie led the Commonwealth Ombudsman’s inquiry into this matter. You would think that his findings would be a source of deep embarrassment and, indeed, personal distress to the minister, Senator Vanstone, to the former minister, Minister Ruddock, to the Prime Minister and, indeed, to all government senators and members who, for nine long years, have allowed Australia’s system of immigration detention to disintegrate into the running shambles that we see today.

The Comrie report comes just months after the Palmer report. It comes in the middle of a major inquiry into the Migration Act being conducted by the Senate Legal and Constitutional Committee, of which I am a
member. What these two major reports and the evidence presented to the inquiry so far show is that DIMIA, the Department of Immigration and Multicultural and Indigenous Affairs, is rotten—rotten to the core—with staff and management who are incompetent and uncaring, and who are more concerned with covering up their mistakes than with rectifying them.

We see horrific examples of mistreatment of people who were not receiving proper medical advice and care, of people who were not being informed of their legal rights or even being allowed to see lawyers, of fathers being separated from their children and their wives, of children snatched out of school without warning, of the mother watching her three-year-old daughter refusing to speak and banging her head against the walls of the Villawood detention centre, and of a pregnant woman induced and forced to undergo a caesarean while under guard. And these are just a few of the examples.

It is appropriate that I am speaking today, during National Mental Health Week, about Ms Solon and the brutal way that she was treated by the department of immigration. The theme for this year is, ‘Family, friends and intimate relationships’. How sad it is to reflect on Ms Solon’s situation from this perspective. We need to understand, and we now appreciate, that Ms Solon is a very frail woman. She has been treated for mental health issues. She was found bleeding in a park in Lismore in March 2001, requiring hospitalisation and psychiatric treatment. But, just a few months later, DIMIA saw fit to fly her out of the country and dump her in the Philippines. Today, Ms Solon needs constant care and attention. She is in a wheelchair and can walk just a few metres. She has been separated from her two young sons now for over four years, and her only contact with her children is by phone. I understand that every Monday afternoon she calls her younger son and on Saturdays she rings her older child.

Unfortunately, in the time that I have available to me tonight, I am unable to go through the details that have been uncovered in the Comrie report. I do wish to be able to do so and I think it would be best at this point if I seek leave to continue my remarks later.

Leave granted.

Senator HOGG (Queensland) (6.28 pm)—Before I speak on the same matter, I would just like to point out, Mr Acting Deputy President, that there is no need to seek leave under those circumstances.

The ACTING DEPUTY PRESIDENT (Senator Brandis)—Well, Senator Kirk did seek leave, and leave was granted, and now I have called you, Senator Hogg.

Senator HOGG—Thank you very much. On the same matter, I am greatly concerned about this. I heard other senators in this place speak about the report when it was put down the other day—and rightfully so. Senators participating in the debate, such as you, Mr Acting Deputy President Brandis, did point out that there were some officers in the department who acted very well indeed but then there were others, according to the report, who showed complete irresponsibility, as far as I am concerned, in the way in which they acted.

My concern with this whole incident is that, when one looked for someone to put their hand up and take responsibility for the complete mess that came before the Senate Foreign Affairs, Defence and Trade References Committee and before Mr Comrie, no one did. As a matter of fact, when the committee report came down on this matter, there was an attempt by government senators to distance the Minister for Immigration and Multicultural and Indigenous Affairs from anything whatsoever that had happened in
the department. It was as if the person who was operating the front desk was responsible for everything that took place within the department. Now, I know that is not the case. The case is that the minister must bear some responsibility—and not only Minister Vanstone; the former minister for the portfolio, Minister Ruddock, must cop a fair amount of blame for what happened in the culture of this department over a long period of time.

I recommend that those who have an interest in the processes of the Department of Immigration and Multicultural and Indigenous Affairs read this report to find out just how scathing it is. Whilst one might claim that I am going to read selectively from the report, I think that if one takes the time one will find that the pieces that I quote from really sum up the demise of this particular department, under Minister Vanstone at this stage. Minister Vanstone has said that she is taking action to repair the problems within the department. That is all well and good, but the fact is that the minister was at the helm whilst these problems were there. And, as I said, they were also there under Minister Ruddock when he was the immigration minister.

In the main findings of the Comrie report, as I will call it, at page x, Mr Comrie states:

The management of Vivian’s case was very poor, lacking rigour and accountability.

It goes on:

Migration Series Instruction 267 requires that a compulsory checklist be completed in removal cases. It was not complied with. This meant that another requirement under the instruction—that the checklist be approved by the Officer in Charge of Compliance—was also not complied with.

It is frightening that this happened in our country. At paragraph 10 on the same page, it says:

The DIMIA officers involved in Vivian’s case had a flawed understanding of the application and implications of s. 189 of the Migration Act 1958.

It goes on:

Nevertheless, it is the Inquiry’s view—that is, the Comrie inquiry’s view—that the decision to detain her under s. 189 of the Migration Act was not based on a reasonable suspicion …

So these people were just acting like a mob of mavericks. One wonders what would have happened if this had not been exposed. The report goes on:

Accordingly, this action was unreasonable and therefore, by implication, unlawful.

Mr Comrie did not mince his words when looking at what took place in the department at that time, and the report is littered with criticism of the department. Whilst there were some people who acted responsibly in reporting the matter to their superiors, their superiors failed miserably—because of the culture that existed within the department—to reverse the absolute travesty of justice that had been perpetrated on Vivian Solon, who had been deported although she was an Australian citizen. While time to comment on this report is limited, I commend it to those who have an interest in the issue, and it should be basic reading for anyone in Immigration in this country.

Senator LUDWIG (Queensland) (6.34 pm)—What we have in the Department of Immigration and Multicultural and Indigenous Affairs is a bad culture, and the Comrie report highlights how bad it has become. But you have to look at where it came from and trace it back. Paraphrasing what Mr Comrie said in the report produced by the Ombudsman, you could infer that that culture started circa 2001. I probably disagree in part with that; I think that culture started circa 1996. That is when the Howard government came to power and effected changes to DIMIA’s
internal funding arrangements so that departmental units got bonus funding on a per detention, per location, per removal basis. I guess this is the modern-day equivalent of a bounty being paid to a department for its work, because what they were going to do was get a floor of funding and then this bonus for the department. It did not go to officers; it went to the department. That is where this culture started. It could have finished at that point, but it did not. The system could have been re-looked at by the government and found to be a flawed model. It subsequently was assessed as a flawed model and was removed in 2001.

But look at what happened next: in April 2001 there was the unlawful detention and removal of Vivian Solon. So there was a purchaser-provider model underpinning these types of arrangements. That model was obviously flawed and was removed and killed off by the government. But in 2001 the department removed Vivian Solon from Australia. There was no final check before she was removed. There was a checklist, but there was no senior officer saying, ‘This is the appropriate thing to do in these circumstances, having examined the file.’ There was a tick sheet, as we understand it, but of course we have never seen the tick sheet; the department has not been able to find it.

Then in September 2001 the Howard government whipped up fear and hysteria in the community on the back of the MV *Tampa*—the vessel that carried asylum seekers into Australian territory. This was despite the Howard government’s rhetoric and ridiculous strategies, including the so-called the Pacific solution. Let us not forget all of these things that the government were doing during this period. You then had their solution of how to detain unlawful non-citizens. Most of the asylum seekers are now subsequently found to be genuine refugees, and many of them are now living in our communities. At the time, the government minister peddled incorrect stories about asylum seekers throwing their children overboard in an attempt to draw public outrage.

That period that we confronted then is the time that Mr Comrie tracks back to when this culture perhaps started. We then had SIEV-X, the Indonesian fishing vessel that had 400 people aboard and which tragically capsized off the coast of Indonesia, killing more than 350 people. Many of the asylum seekers were from countries such as Iraq and claim to have been forced aboard. That story in itself was the centre of a committee report, but I did not want to go to the detail of that; I wanted to set the scene of that period. Just days before the 2001 federal election, Mr Philip Ruddock gave an assurance to residents of south-east Queensland that he would not force a detention centre on an unwilling community. In 2002, Mr Philip Ruddock breached his promise and broke faith with Queenslanders by announcing the location of an immigration detention centre in the Brisbane suburb of Pinkenba, which has now been followed by Senator Vanstone’s announcement of a facility at Burpengary.

In 2004, we had the HREOC report entitled *A last resort? The report of the national inquiry into children in immigration detention*. That was where the government’s own extremist ideology was at its best. The government rejected freeing women and children from detention as per the recommendations of HREOC. That is what the government did then. In 2005 we had the case of the unlawful detention of Cornelia Rau for up to 10 months, and her subsequent identification and release, which sparked public outcry. We then had what can only be described as some very troubling circumstances relating to the deportation of Vivien Alvarez. *Time expired*
Senator HUTCHINS (New South Wales) (6.39 pm)—I also rise to make comments on the Comrie inquiry. Mr Acting Deputy President, as you may be aware, I was the chair of the Senate references committee inquiry into the Solon matter. As you may also be aware, the conclusions reached by the committee in relation to what we saw occur to Ms Solon were unanimous.

In the brief time that I have available this evening, I want to comment on the inquiry and also on Mr Comrie’s report. With regard to our own Senate inquiry, we have only issued an interim report at this stage, and we will be meeting again before or during the next sittings of parliament in order to determine certain information from Mr Comrie and to also finalise our report on Ms Solon. I want to highlight a few of the things that Mr Comrie noted in his report which were also noted in ours. The Comrie report noted that DIMIA failed to act diligently to establish Ms Solon’s identity; that the process to establish or verify her identity lacked rigour; that statements made by Ms Solon that she was an Australian citizen were disregarded; and that false assumptions were made about her character—namely, that she was some sort of abandoned sex slave. My own view, as I expressed when we gave the Solon report to the Senate, is that it was that overriding prejudice which led to the decision that was made in relation to Ms Solon.

Mr Comrie also reported that there was a lack of rigour. The fact is that DIMIA staff did not actively pursue Ms Solon’s case for a month after she was reported to them. There was no case continuity. The DIMIA officers just assumed she was an unlawful non-citizen despite the fact that she told them she was an Australian, as I recall. They did not seek access to hospital records and they did not actively pursue her male friend in Lismore, who had information that may have assisted them. They made an erroneous decision that she was a sex slave, which, as I said, also seems to have influenced the way they handled the case. When she said she was an Australian citizen, they took inadequate action to check whether that was correct. The officers should have pursued the question of her name more diligently given the fact that she had just been a patient in a psychiatric facility. There were inadequate inquiries which were conducted in an ad hoc manner in relation to the lack of training, particularly on the interrogation of databases.

Mr Comrie’s report also noted the fact that the Queensland department of family services did not actually report Ms Solon as a missing person until five months after she did not collect her son. That delayed the likelihood of locating her before she was removed. That is of grave concern. All the way through the process, it was assumed that this poor woman was a sex slave. It seems to me that that influenced the way that DIMIA and other officers of the Commonwealth and maybe states acted. This woman was put through the wringers, as we know, and ended up abandoned at the airport in Manila. Had it not been for the good Samaritan actions of a Qantas employee, it would have been far worse. It is a terrible indictment on these men and women in DIMIA, but I still think, and I said at the time, that this did not happen on this minister’s watch. Mr Acting Deputy President Brandis, you pointed that out the other night. This happened on Mr Ruddock’s watch. So far, Mr Ruddock has not sought to apologise or make any statements in relation to the way this was handled whilst he was the minister. This culture occurred while Mr Ruddock was the minister. He is the one I believe should be brought to book. I seek leave to continue my remarks later.

Leave granted; debate adjourned.
NetAlert Ltd

Debate resumed from 12 October, on motion by Senator Kirk:

That the Senate take note of the document.

Senator LUNDY (Australian Capital Territory) (6.45 pm)—I want to offer a few remarks in relation to the annual report of NetAlert Ltd, not least because it was the subject of policies which substantially increased its funds at the last election. Labor had put forward a safety online policy which sought to increase the funding to this particular organisation and the government, having won the election, put forward an additional $2 million for a two-year NetAlert Expo to try and boost education, empowerment and supervision relating to children’s use of the internet. The annual report is comprehensive and outlines the aims and objectives of that additional funding which formed part of the Howard government’s national cyberspace program; however, I am disturbed to see that the allocation for that funding for the financial year 2004-05 was only allocated in July 2005, which I suspect—and I will perhaps get more detail at Senate estimates—inhibited NetAlert’s capacity to get going with that program, which in our view was much needed.

I think it is worth while taking this opportunity to outline the strategic goals and objectives of NetAlert, which are to educate the community about current and emerging internet safety issues, including content matters and matters relating to content in cyberspace—particularly contact which may result in harmful or exploitative contact in the real world; to provide advice, particularly via the web site or help line, to those who contact NetAlert or, where the matter is outside the core business of NetAlert, refer them in a professional and helpful manner to an appropriate agency; to consult with educational bodies, law enforcement and child protection agencies to assist with internet safety, with a particular focus on prevention, of course; and to consult with industry bodies, establish a range of partnerships, commission relevant research and so on.

I raise this because I noted recently there was an article, I think in the Australian, that seemed to purport that nothing was happening with regard to internet safety. In fact, Labor has had a long history of putting pressure on the Howard government to spend more money on educating end users. It is still a fallacy to think that there can be some head-end filtering concept of the internet to prevent some of the nasties that occur on line, and the real investment needs to be made at the client end or the user end. I am pleased to say that my reading of this particular annual report shows that that is what their program is trying to do. I think there is now acceptance across the board that the best way to help people protect themselves from unwanted content on the internet is to get the information out there, get the filter products out there and help people take control of the issue themselves.

This goes beyond the residential users of the internet, although parents have a very important role to play; it extends to libraries, schools, public internet access points and anywhere where kids can get online. It is also worth while noting that with the expo a range of initiatives are planned—and I hope we will see them soon—for 2005-06. These include the development and implementation of the concept of the NetAlert Expo, which is like a roadshow event taking this education program around the country; development and implementation of a NetAlert youth project, obviously playing specific attention to those pre-teens and teenagers who, I am sure as everyone else with a teenager would know, spend more and more of their time on the internet; the development and distribution of phase 3 of the Cybersafe Schools pro-
ject—this is incredibly important as schools have internet in their classrooms as a matter of course, so teachers must be fully apprised of the issues relating to internet safety; ongoing promotional advertising—they particularly mention a corporate partnership with ninemsn; production and distribution of TV and radio community service announcements; the implementation of the third phase of the National Library’s project—I mentioned the importance of libraries; and the roll-out of the NetAlert adult education program nationwide. As I said before, for many parents their experience is that their kids know more about the internet than they do. That can be pretty intimidating for many parents, and it was recognised many years ago that the best way to arm parents with knowledge and understanding of the internet is to give them access to quality material so they can educate themselves, talk to their children and work together with them to make sure that the internet is a safe and pleasant experience, not an awful one that will cause regret.

NetAlert are also focused on developing a stronger presence at community events, shows and conferences and, finally, there is the implementation of a retail distribution campaign. I commend this report to the Senate and I seek leave to continue my remarks. (Time expired)

Leave granted; debate adjourned.

Employment Advocate

Debate resumed from 12 October, on motion by Senator Siewert:

That the Senate take note of the document.

Senator MARSHALL (Victoria) (6.51 pm)—The Office of the Employment Advocate is the body that currently under the present industrial relations regime authorises and approves AWAs—Australian workplace agreements. One of the weaknesses in the report is that they have not adequately covered the amount of agreements that they approve which have not met the no disadvantage test, which of course is the necessary global test to ensure that the award that would apply to the employee is not undermined. There would be a minimum standard even though some of the provisions may be changed, but as a global test an AWA must not undermine the award standard. That is going to change under the government’s new industrial regime, and when we see the legislation I will speak more of that.

It is an important issue, and, on Monday, Senator Wortley asked Senator Abetz about it in 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?

She then asked further:

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 did not come close to answering that question, but that is something we are very used to from Senator Abetz. But the next day he responded and, instead of answering the question he had been asked by another senator that day, he made comments about Senator Wortley’s question from the day before. He said:

In question time yesterday Senator Wortley asserted that the Office of the Employment Advocate had endorsed an agreement for a Baker’s Delight employee which allegedly underpaid the employee. Senator Wortley’s claim was false. The Office of the Employment Advocate did not endorse the agreement. It never applied.

In taking note of answers to questions that same day, I explained to the Senate that that
particular company we were talking about had already employed over 50 people on the very same AWAs—those same AWAs, 49 of them in fact, had been approved by the Office of the Employment Advocate. The AWA that was put in front of this particular employee was challenged and it resulted in a court case. Senator Abetz took exception to my explanation about that. I was certainly arguing that we were talking about the same AWAs. They were identical in terms. It was the AWA that had already been approved 49 times. In fact, in the court case the employer actually relied on the fact and ran the argument that this particular AWA had been approved 49 times before, in exactly the same terms, before by the Office of the Employment Advocate; that they were in fact one and the same—they were the same agreement. That was the argument that the employer ran in court.

The next day Senator Abetz took exception to my taking note and said:

I was also asked about misleading statements to the Senate. Indeed, Senator Hurley—he actually meant Senator Wortley—asserted in one of her questions that there was a specific employee under an AWA at Banjo’s bakery.

I suspect he actually meant Baker’s Delight. He went on:

When confronted with the fact that this was not the case, Senator Marshall got up during the take note of questions debate yesterday to try to fudge and say that Senator Hurley …

Again, he meant Senator Wortley. He went on:

They cannot have it both ways. Just imagine if Senator Marshall went to Aussies and asked for a cup of coffee then, when confronted with one cup of coffee, said, ‘Where are the other 49?’ Come on—you know that you were dissembling yesterday, Senator Marshall.

He went on and apologised for talking across the chamber. I was not dissembling at all. I was simply making the point that it was the same AWA. It was instructive to hear from Senator Abetz only about an hour ago. He actually gave us an insight into the thinking of lawyers. He said that when you do not have a case to argue, what you actually do is argue the technicalities. That is what we saw in an appalling demonstration from Senator Abetz yesterday. I seek leave to continue my remarks later. (Time expired)

Leave granted; debate adjourned.

Australian Broadcasting Authority

Debate resumed from 12 October, on motion by Senator Bartlett:

That the Senate take note of that report.

Senator LUNDY (Australian Capital Territory) (6.56 pm)—I draw attention to the fact that we do have an online content co-regulatory scheme in place which over the years has proven to be reasonably effective, at least in providing a path of action for people who discover unwanted content or, indeed, illegal content on the internet and assisting them to ensure the appropriate referrals take place, including direct referral to both state and Federal Police, if any unlawful content or suspected unlawful content is located on the internet. This report shows that the ABA, now the ACMA, the Australian Communications and Media Authority, have an ongoing program for reporting. Not only do they take these complaints but they report on the complaints listed and the referrals and, ultimately, they report on how many get referred to the police and what follow-up action they took as an authority.

This particular report also refers to NetAlert’s role—and I commented earlier on its annual report—in educating the community. I am pleased to say, again in reference to an article that was published earlier this week in the Australian about the veracity or
otherwise of the internet content regime in Australia, that both reports indicate that there is a program in place that is sensible and practical and is getting results in digging out and helping people rid the internet of unwanted content.

The major issue in this report I want to point to is that by far the majority of illegal content located on the internet by Australian users is in fact located overseas. There is nothing that the Australian authorities can do about that other than through Australian Federal Police cooperation with international jurisdictions. That is why it is so important to empower the end user of the internet to protect themselves. There is only a certain amount the law can do. We can put all the laws in place that we like to protect people, but when the content is hosted overseas there is very little we can do.

As mentioned before, a vast array of filter products are available online and indeed ISPs are required to provide those filter products. The government needs to ensure that parents and internet users have the capability, awareness and understanding of how to install those filter products. It is not good enough to flippantly say, ‘We’ll get the ISPs to filter.’ The internet does not work like that and consumers need to be able to make a choice over the type of filter products they choose to put onto their computers. I seek leave to continue my remarks.

Leave granted; debate adjourned.

Consideration

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


Northern Territory Fisheries Joint Authority—Report for 2002-03. Motion of Senator Siewert to take note of document called on. Debate adjourned till Thursday at general business, Senator Siewert in continuation.


BUDGET

Consideration by Legislation Committees

Additional Information

Senator McGAURAN (Victoria) (6.59 pm)—On behalf of the respective chairs, I present additional information received by the Employment, Workplace Relations and Education Legislation Committee, the Legal and Constitutional Legislation Committee and the Rural and Regional Affairs and Transport Legislation Committee relating to hearings on the 2005-06 budget estimates.
Debate resumed.

Senator STEPHENS (New South Wales) (7.00 pm)—This report, Links Between Australia’s current account deficit, the demand for imported goods and household debt, is very important, and I am pleased that we are still able to have an opportunity to speak briefly to it. It is a significant report and one that must be heeded by members of this chamber and all those who are concerned about Australia’s future economic prosperity. ‘It is just a number’ is how many economists describe the current account deficit these days, the implication being that the current account deficit has little economic significance. Having undertaken this inquiry and listened to the views of a number of prominent economists, the committee’s conclusion is that, while the current account deficit may just be a number, it would be preferable if that number were smaller rather than large.

For the 21 years from 1960 to 1980, the current account deficit averaged 2.4 per cent of GDP, but it then jumped to an average of 4.4 per cent for the next 21 years. The average deficit since the December 2002 quarter has been six per cent. This apparent trend to higher average deficits is worrisome and, I believe, leaves the Australian economy exposed to changes in the world economy. In the last three years the terms of trade have been favourable for Australia and international interest rates have been low. Expectations were that such favourable conditions should reduce the deficit, but instead it has remained well above five per cent of GDP for 11 continuous quarters and has even set a new quarterly record.

Apart from their size, there are two features of recent current account deficits that are unusual: first, they are now virtually all private sector debt; and, second, the household sector has been the primary driver of the deficit. Over the last few years the household sector has moved from being a net saver to a net borrower and the change in the household sector’s saving patterns has been quite dramatic and coincides of course with a large rise in household debt. Twenty years ago Australians averaged about $50 in debt for every $100 in income. Now they owe about $150 for every $100 of income. Most of this debt relates to housing finance, as Australia experienced a major housing boom which saw house values rise throughout the country and, in order to fund this expenditure, the household sector borrowed from overseas via the banking system. Currently the banks obtain about a quarter of their capital requirements from offshore. It appears that this massive inflow of funding, which is mostly for household mortgages, is driving the current account deficit.

There is no doubt that countries such as Australia which cannot generate sufficient funds from domestic savings can derive positive benefits from borrowing from abroad and hence running current account deficits. In theory, that provides the means for the efficient movement of capital to where it is most productive. This argument sounds good when applied to productive investment, but does it stand up when foreign borrowings are used to fund households into higher mortgages for their own housing and investment properties and to buy consumer durables? The committee received a range of opinions about the risk posed by a persistently high deficit. Treasury said that it was part of the normal fluctuations and that, as long as we can readily borrow the required funds, it does not represent a major problem. On the other hand, a number of prominent economists have sounded notes of caution and concern.
In conducting this inquiry the committee did not try to offer solutions to what are admittedly difficult problems. Rather, it sought to highlight that, while things appear to be going reasonably well in the economy at the moment, there are a number of significant voices in the economic community who are concerned that Australia’s large and apparently intractable current account deficit betrays some significant underlying imbalances in the economy that need to be watched closely. When all has been going reasonably well, it is tempting to think that you have all the answers. However, I think that the precautionary principle demands that those economists who are sounding a note of caution should be listened to. A little careful action now might well save a much harder landing later.

I will speak briefly about the inquiry and its importance. The inquiry was referred to the committee in December 2004 and, as is always the procedure, was advertised nationally. What was different about this inquiry was that, though we thought it was a very important subject, only 18 submissions were received over an extended period. The committee was puzzled at the relatively low number of submissions which were received, and a possible reason presented itself as the inquiry progressed. It became evident that three principal parts of the topic could each justify inquiries in their own right—firstly, the high levels of household debt; secondly, imports of consumption goods in the overall context of Australia’s balance of trade; and, thirdly, the current account. The committee recognises that it may have been a bit ambitious in trying to combine these three major subject areas into a single inquiry.

The committee conducted two public hearings: one in Sydney, which focused on the issues of household debt, and the second in Canberra, which focused on the current account deficit. The second hearing was conducted in a roundtable format and involved a small number of prominent economists, several of whom had not made formal submissions to the inquiry. Perhaps because of the wide-ranging nature of the topic, only a small minority of the submissions comprehensively addressed the terms of reference. Several groups interpreted the terms of reference for their own purposes and put forward evidence on the household debt issue from a different perspective to what was originally envisaged by the committee. The issues raised in several of these submissions focused on problem household debt—that is, those households that were unable to manage their debt levels and were experiencing hardship as a result. It should be noted that, at present, this group represents only a very small subgroup of the population.

Some submissions—most notably the submissions from Dun and Bradstreet and MasterCard—also used the inquiry to advance arguments for the introduction of positive credit reporting, which would represent a significant change to Australia’s credit assessment procedures. Proponents argued that Australia is one of the few countries that still uses a negative credit reporting system and contended that significant economic benefits could result from a change to a positive credit reporting regime. While this issue and the issue of problem household debt generally were not the intended focus of the inquiry, in fairness to those who took the trouble to make submissions, the committee elected to address them in the report.

The committee thanks all those who contributed to the inquiry and particularly notes the support, assistance and advice provided by Mr John Hawkins, Manager of the Domestic Economy Division of the Department of the Treasury; Mr Tony Kryger of the Statistics Group of the Department of Parliamentary Services; Mr Anthony Pearson, the Head of Australian Economics in the ANZ

CHAMBER
Banking Group; and Mr David Richardson of the Economics Group of the Department of Parliamentary Services. I thank, too, the Senate Economics References Committee secretariat staff, Peter Hallahan, Alex Olah and Stephanie Holden, and the organisations and individuals who made submissions to the committee. It is a complex subject and one the committee very much appreciates that people needed time and assistance to understand.

I will turn briefly to the dissenting comments of government senators. I know we will hear about those comments this evening from Senator Brandis, so I will not dwell on them. The criticisms that are in the dissenting comments from government senators reflect the fact that the government is averse to any criticism on any issue of substance. The arguments that are reflected in the government senators’ comments go no way to explaining why ETMs are declining—although they would like to think that that is the answer to everything. I commend the committee’s report to everyone here. It is an important report and one that people should not ignore.

Senator BRANDIS (Queensland) (7.10 pm)—As deputy chairman of the Senate Economics References Committee, allow me to begin by complimenting Senator Stephens for chairing this important inquiry with grace and aplomb. I say that, notwithstanding the disobliging remarks of the last few seconds. I also join with her in commending the secretary of the economics committee, Peter Hallahan, and his staff and thanking the several witnesses who took great trouble to prepare detailed submissions and appear before the committee. The committee addressed two issues and sought to explore the relationship, if any, between them—that is, the level of household debt and the level of the current account deficit. Let me say something about each of those and then let me turn to one specific issue in which government senators strongly support the recommendations of the majority, and that is in relation to the provision of consumer credit.

As government senators say in our additional comments to the report, in the last 10 years Australia has been enjoying golden economic times. One of the consequences of those golden economic times is that households and consumers have felt emboldened to increase their level of debt. They have done that for several reasons. The most obvious is that interest rates are so low. The low level of interest rates in Australia for a sustained, continued period of time has given households and consumers the capacity to increase their level of debt without increasing the cost to households of that debt because—and this is, disappointingly, an issue that is not addressed or is glided over quickly in the majority report—although the level of debt has undoubtedly increased, the cost of debt service has not increased.

The last decade—the decade characterised by the economic management of Peter Costello as Treasurer—has been a period in which we have seen low interest rates, low levels of unemployment, continued growth in real levels of wages and salaries and a sharp increase in the net wealth of households. According to the Australian Bureau of Statistics financial accounts, household net nominal wealth is now $4.387 billion. When the government took office 9½ years ago, the equivalent measure was $1.734 billion. The net asset values of Australian households have, in the decade of this government, more than doubled. I doubt that there has ever been a time when it could be said that the net worth of Australian households has more than doubled—and that is in real terms. That has resulted not because of inflation but because the economic fundamentals of the economy are sound. Because the fundamentals are sound, because interest rates are low, because more people are in jobs—and those
jobs are more secure—and because people are earning more and generating more disposable income, they are prepared to borrow more. That is true, but it is not costing them more to borrow because interest rates under this government have fallen. As the Reserve Bank of Australia said in its August Statement on Monetary Policy:

... indicators of financial stress—such as loan arrears—... remain low relative to historical experience.

And that is not merely in relation to consumables but also in relation to capital assets, particularly homes. Let us never forget that the standard variable mortgage rate, the home loan rate, today averages 7.3 per cent. When the government came into office, it was 10.5 per cent. A few years before that, under our predecessors, it was 17 per cent. That is the main reason why debt levels are high—because interest rates are low, people have the money to spend and they are choosing to spend it without getting themselves into financial distress. That is a great story to tell, and the government will never cease to remind our opponents that we have managed debt much more effectively than they did.

Let me pause to say something about the current account deficit. It was touched on in Senator Stephens’s speech. The current account deficit is six per cent of GDP, and 5.3 per cent of that six per cent is private sector debt. Only 0.7 per cent is sovereign debt, and most of that is debts of the state and municipal governments. Why? Because the Commonwealth government, in the decade of the Howard government, has repaid $96 billion in Commonwealth debt. There is virtually no sovereign Commonwealth debt left in this country. If you went all the way back to Federation, I doubt you would find a time when it could be said that the sovereign debt position of the Commonwealth of Australia was nil.

Notwithstanding the fact that most Australian households are not distressed, because although there are relatively high debt levels there are also very low interest rates levels and therefore the debt servicing cost is relatively low, nevertheless, as Senator Stephens rightly pointed out, there are some households which are distressed. There always are. And the committee did hear evidence in relation to lending practices of certain credit providers—not, I hasten to add, the mainstream credit providers but some marginal operators. The committee expressed its concern in chapter 5—and this is a concern in which government senators join—about two practices in particular. The first of them is the practice of some credit providers of unilateral credit increases rather than credit increases responsive to requests by the credit consumer. That is a dangerous practice, particularly in relation to borrowers of limited means and limited sophistication in managing their financial obligations. It is a practice that the report criticises and, as I say, government senators share that criticism.

The second practice on which government senators share the views of the majority is in relation to the insufficient degree of transparency as to the cost of credit. Again, I do not want to criticise the entire industry. This is a phenomenon most commonly seen in relation to certain marginal operators. But there was plenty of evidence before the committee—and I think we all know this from common experience—that there is not the level of transparency in relation to all credit card providers that there should be.

One of the companies that appeared as a witness to the inquiry, Virgin Money—which, if I may say so, struck me as a very responsible company—recommended to the committee a practice which it, of its own initiative, has adopted, following what is mandated in the United States of America, of there appearing on every credit card monthly
statement a box in which appears, in clear and sufficiently large typeface to be noticeable, a statement as to the cost of credit—of the interest rate that is being charged on the debit balances—rather than that information being obscured in all of the other data that appears on the statement. That practice—which, as I say, is mandated in America as a result of legislation introduced into the congress by Senator Schumer from New York—is known as a Schumer box. In recommendation 8 of the report, government senators share the view of the majority that that practice, or similar practices to advertise more clearly and transparently the cost of credit to consumers, is something which ought to be a feature of the law regulating the provision of credit. This is state and territory law; it is not Commonwealth law. We call on the state and territory Labor governments to act in that regard.

Finally, let me finish on this. We also share the view, which is a view which is shared in turn with the Senate Legal and Constitutional References Committee in its report on privacy, that there ought not to be a movement in this country towards the practice of positive credit reportings, which was a course urged on us by some of the credit providers.

Senator WEBBER (Western Australia) (7.20 pm)—Perhaps before I commence my remarks I should pick up on a comment that Senator Marshall made, which was that perhaps we could have a ‘Brandis box’ in Australia, in keeping with the US legislation.

The ACTING DEPUTY PRESIDENT (Senator Hutchins)—I don’t know if that’s unparliamentary!

Senator WEBBER—Like Senators Brandis and Stephens, I would like to commence the serious parts of my remarks by thanking the committee secretariat, ably led by Mr Hallahan and the rest of his team, the staff of the Parliamentary Library, of course the parliamentary reporting staff who assisted us in this inquiry and the people who gave evidence to the committee. I would also like to thank the other members of the committee who took part in the hearings for the constructive contributions that they made towards addressing this complex issue and for the open minds that we all brought to the table in dealing with this issue.

As has been mentioned numerous times, Australia has recently recorded a current account deficit of a record level of 7.2 per cent. Some may see that as a natural part of the wide fluctuations which have characterised our current account deficit over the last 20 years. Our current account deficit has cycled between about two per cent and that record level for some 20 years now and, as Senator Stephens has said, has averaged just under five per cent of GDP for that 20 years, although in the last several years we have seen perhaps both the highest ratio of GDP and indeed the lowest as well, presenting us with some challenges.

To my mind, probably the most constructive evidence the committee heard in considering this issue was at the roundtable of various high economic minds that Australia brings to bear on these issues. A number of them agreed that having a current account deficit of seven per cent of GDP does not in itself prove that you have a big problem or crisis coming your way but it should sound a very clear warning bell to those considering the management of the Australian economy that they should look very carefully at what is generating our current account deficit and at whether or not the things that are generating the current figures are sustainable. The figures that Australia is currently experiencing are fairly unusual. Indeed, they are unusual for the world. The only reasonable comparisons I can think of from recent times are perhaps with Indonesia and Thailand,
which are not always countries that Australia chooses to compare itself with when considering its economic growth and prosperity.

The levels that we are currently experiencing are particularly unusual among developed economies. In earlier periods, our current account deficit went up to the level that we are currently experiencing but it was followed by quite severe adjustment problems. That is why this report and the recommendations in this report are so timely. We need to have an informed and intelligent debate about how we are going to manage our current account deficit—not, as Senator Stephens says, regard it, as we seem to be doing at the moment, as just a figure and say that everything is okay. We have to ask: are the current settings sustainable?

Our current levels may not indicate a severe problem at the moment, but they should get us all thinking. A consistently high current account deficit should signal that something is not quite right. The situation we have is not quite right at the moment, particularly if our large current account deficit is not lifting levels of production in our economy. If the large current account deficit is attracting investment and increasing that investment base in our economy then that is an issue in itself for our longer term economic welfare. If we do not address this problem now, we are failing to address a significant problem for perhaps the next generation of Australians, rather than the current generation.

The committee heard extensively from Professor Ross Garnaut, who told the committee that he felt that this current set of circumstances tells us that we are living beyond our sustainable means with our current approach. He said:

But, one way or another, we have to reduce the rate of growth of expenditure relative to growth in the productive capacity of the economy.

This is an issue that we have so far failed to tackle in our discussions of economic management in Australia. He went on to say that the more we can raise average productivity through productivity-raising reform—an area, in my view, that has been neglected by this government—and the issues that have been raised about better utilising underutilised labour in our economy—and, in Professor Garnaut’s view, there is a lot of that—and the more we can do about increasing skills training and skilled labour in our economy, the less we will have to reduce our overall standards of living to make the adjustment which our current account deficit as it currently stands would force us to make.

Senator Stephens said earlier that one of the potential solutions to this problem is for the government to tackle our need to export more ETMs. The committee heard some extensive evidence about some of the levers that government can use. One of the vehicles is Austrade. Austrade has a significant role in encouraging access to new export markets. We heard evidence that Austrade’s priority for the last five years has been to double the overall number of Australian exporters without actually looking at the role of ETMs or the size of those exporters. To achieve that goal, Austrade has concentrated its efforts on the small to medium sized companies because that is a quicker way of achieving that overall goal of doubling the number of exporters.

But, realistically, if you are going to achieve the amount of growth that we need to in the area of ETMs and other goods—rather than relying solely on the important resources sector of my home state—by focusing solely on small to medium sized companies, you are going to make very little difference to Australia’s overall exports for many years to come. It is really large companies with the necessary financial and management resources which can make a signifi-
significant impact. Australia really does need to nurture manufacturers and service companies which export $10 million per annum, not $10,000 per annum as may currently be the case. That, I think, will be a challenge for the government.

The government has failed to address a number of other economic challenges in dismissing the current account deficit as merely a figure. Whilst that is all well and good with the Australian currency sitting at the rate that it is, I do not know that we have determined the realistic rate—the true value—of the Australian currency. Whilst we can say that most financing is hedged against the Australian currency, it is the view of some economists that the true value of the Australian currency is perhaps some 2c lower than it currently stands. Where does that leave us in terms of tackling our current account deficit?

The other challenge we have is that, at the moment, we are dealing with our balance of trade challenges by relying on an enormous amount of economic growth in China and the ability of the resources sector of this country to help meet and sustain that economic growth. Whether that economic growth is sustainable in the long term and therefore whether our entire economic future for generations to come should be pinned to that is a challenge indeed.

Finally, as I am running out of time, I would like to tackle one of the points that Senator Brandis made. Whilst he can lay claim to great growth figures and low unemployment at the moment, I would remind him that a lot of Australia’s post-war economic performance was beset by booms and recessions—ups and downs, as they have become known. In my view, it was the reforms in the 1980s and the early 1990s under Labor governments that actually set us on the path of increased productivity. We are now at the point where Australia can grow at three to four per cent a year without the 10 per cent inflation that Malcolm Fraser and John Howard brought us. (Time expired)

Senator CHAPMAN (South Australia) (7.30 pm)—As my colleagues who are members of the Senate Economics Committee have done, I would also like to commend the secretary of the committee, Peter Hallahan, and the staff of the secretariat on the work that they have undertaken in relation to the report arising from this inquiry into Australia’s current account deficit. As my colleague Senator Brandis has said, although we believe this inquiry has been worthwhile and we welcome the report, we certainly do not concur with or accept all of the findings, reasoning and recommendations that have been made in the report.

The point was made by Senator Brandis a few moments ago, but I also believe that the report does engender an excessive amount of concern with regard to Australia’s current account deficit. The fact is that the extent to which consumers and businesses have been willing to go into debt in recent years very much reflects their confidence in the future of Australia. That is a result of the strong economic conditions that Australia has enjoyed due to the policy initiatives of the Howard government over the last nine years, which have led to low unemployment, higher real wages and higher levels of productivity, particularly as a result of the reforms that we made to workplace relations regulations shortly after coming to office and, of course—and this is very topical at the moment—the reforms that we intend to make in the weeks ahead which will further enhance that productivity. The high level of productivity that this economy has engendered as a result of the reforms of this government over the last nine years has led to substantial increases in net household wealth. So I think we do not need to be as concerned as this
report would have us be about the level of the current account deficit. Indeed, it is very much a function of the stage of our economic cycle.

It is worth looking at what some of the international experts have said about Australia’s current account deficit recently. The International Monetary Fund said earlier this year that the external current account deficit has widened, mainly reflecting the sharp appreciation of the Australian dollar and the relatively strong cyclical position of the economy. The OECD stated:

The desynchronisation of the Australian and global economic cycles, effective exchange rate appreciation and the drought-effect on rural exports led to a substantial widening of the current external deficit during the past three years.

The OECD also said earlier this year:

When taking on-balance sheet and off-balance sheet exposures together, Australian banks’ foreign currency exposure remains at low levels. Accordingly, the Australian economy as a whole, as well as individual sectors, do not seem to have important foreign exchange exposure.

In terms of the capacity of Australia to handle our current account position, the OECD said:

... the banking system, which accounts for about 80 per cent of Australia’s net foreign debt, is in good shape.

It went on to say:

The financial positions of firms and households are also sound. The general government’s share in net external debt is only about 5 per cent. Australian Government total net debt is very low, around 3 per cent of GDP in 2003-04 which is one of the lowest levels—

and of course it is even lower now—

of general government net debt in the OECD.

This places Australia in a comparatively better position than most other countries to respond to future economic shocks.

We are in a very healthy position as far as the economy is concerned and as far as our current account deficit is concerned. It is also worth looking at what one of our own domestic experts, Professor Tony Makin, Professor of Economics at Griffith University, has said. Earlier this year he said:

… given the sizeable fiscal surplus at present, Australia’s current account deficit is easily sustainable …

He also said:

… the high current account deficit remains the best measure of the extent to which foreigners are expressing confidence in the Australian economy. So the extent of our current account deficit is really a product of the healthy state of the Australian economy. The fact is that we have had high levels of productivity growth, higher real wages, low unemployment for an extended period of time under this government and, importantly, low interest rates—

which means that people can borrow with confidence, given their high real wages, and know that that level of debt is sustainable both in terms of domestic households and in terms of business borrowings. It means, of course, that Australian households have a greater capacity to spend more and increase their standard of living and their wealth.

Importantly, the real wealth of Australians has grown enormously. It has doubled in recent years. In fact, for every dollar of debt in Australian households, they hold $2 of financial assets and more than $6 in total assets. The level of debt is covered some six times by the level of assets in Australian households, and the nominal wealth of households has increased by about 11 per cent each and every year that the present government has been in office. So, as I said, I do not think we need to overstate the problem of our current account deficit. That is not to say that it should be completely ignored, and this report certainly makes some good points in relation to ways in which the cur-
rent account deficit could be dealt with in a positive way.

However, the government members of this committee believe some of the recommendations do not really take account of the initiatives that the present government has taken, not only in relation to the overall economic position that I have just addressed but also more specifically in relation to industry policy, because several of the recommendations that are made relate to providing more encouragement, for example, for elaborately transformed manufactures developed within the Australian economy. I do not think that that recognises the extent of the government programs already in existence to support exports generally, particularly in the development of our manufacturing industry and elaborately transformed manufactures, and the encouragement of their export growth.

There are a wide range of both general programs and industry specific programs designed to support the development of the elaborately transformed manufactures industry sector. They have been very successful in stimulating the development of those manufactures over the last few years. Particularly with regard to recommendations 2 and 3, I believe this report ignores all of those programs. Those programs are spelt out in some detail in our minority report. I draw the attention of senators to that aspect of our minority report, because it explains in sufficient detail but without being excessive a number of those programs that are of benefit to our manufacturing industry sector.

I do not want to prolong the Senate with regard to comments on this report but I again say that the issues examined have been worth while. I reinforce what my colleague Senator Brandis said with regard to the issue of credit and real estate investment. The findings in this report and some of its recommendations reinforce the recommendations made in the recently tabled report of the Joint Standing Committee on Corporations and Financial Services with regard to the role of real estate spruikers in investment in real estate. I reinforce the point of that report—that it is important that those people who are advising or encouraging people to buy real estate as an investment should come under the aegis of the financial services regulations and legislation to ensure that consumers are properly protected when they are buying real estate as an investment.

The issue of whether or not there is over-investment in real estate as investment that has been raised in the report may also be open to question. I note that in the last day or so there have been reports that there is a shortage of rental accommodation in Australia, as a result of which rents are rising. That would seem to indicate that there is a need for further investment in property to provide rental accommodation at rental rates that do not rise because of an apparent shortage. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Foreign Affairs, Defence and Trade Committee: Joint Report

Debate resumed from 11 October, on motion by Senator Mark Bishop:

That the Senate take note of the report.

Senator HUTCHINS (New South Wales) (7.41 pm)—I rise this evening to speak on the Defence annual report. The Defence annual report deals with a number of naval matters and, as you would be aware, Mr Acting Deputy President, Australia has had its own Navy since 1907. Prior to that, from 1788 until the sinking of the British aircraft carriers off Singapore in 1942, Britain maintained supreme defence superiority in this part of the world, and that is the umbrella under which we operated and were made secure. I make reference to that because next
Friday, 21 October 2005, marks the 200th anniversary of the Battle of Trafalgar, one of the great battles in British history.

It was a turning point in a decade of war with the French, and it represented the end of French freedom of movement on the high seas. Nelson’s victory at Trafalgar cemented British domination of the high seas until the Great War. It represented the beginning of the end for Napoleon, as France was condemned to the blockade of her ports and forever after denied the initiative in Europe. At Trafalgar, Nelson provided both the victory and the legend England needed at the time. It is no accident that French history books teach children that Trafalgar was an inconclusive engagement in which the English lost their admiral. This spite represents the deep wounds Trafalgar inflicted on French pride. Indeed, French naval officers are no longer called sir, as they were not considered the equal of their British counterparts.

The legend of Nelson checked Bonaparte’s invincibility and sowed the ultimate seeds of his defeat. Denying the French use of the high seas removed the threat of French invasion of England from across the Channel, hence allowing British military might to be deployed on the Continent. Nelson enlisted in the Royal Navy when he was 12 and was appointed a midshipman shortly after. By the time he was 20 he was given his first command of a 28-gun frigate called the Hinchinbrook. He served through the American war of independence and, following that, he was charged with the enforcement of the Navigation Act in the West Indies. The purpose of that act was to bar American vessels from trading in British ports. This was an unpopular move, both with the colonial merchants and the Americans, and Nelson was forcibly sequestered in the port of Nevis for a period of eight months.

Nelson took command of the 64-gun HMS Agamemnon in 1793 as the first of the Napoleonic Wars exploded across Europe. In 1794 he was shot in the face during a battle near Corsica, which resulted in the loss of his right eyebrow and his sight in his right eye. Legend has it that some of the artillery opposing Nelson was commanded by a young Corsican military officer called Napoleon Bonaparte. In 1796 Nelson was tapped on the shoulder to command the flagship of the Mediterranean fleet by Admiral Sir John Jervis. Nelson had mixed feelings taking command of HMS Captain. In declining an earlier opportunity to move from the Agamemnon, Nelson wrote to wife:

I cannot give up my officers ... Lord Hood approved of my reasons: so far well.

It appears Nelson’s loyalty to his subordinates was matched by his desire to lead from the front. Nelson conducted an amphibious operation to capture Santa Cruz de Tenerife, using a combined force of marines and naval gunfire support from his ships. Commanding the operation from the landings, Nelson was shot in the right arm with musket fire—a shot that shattered his humerus in multiple places—which was subsequently amputated.

I doubt few generals of the day would have taken command from the front let alone put themselves in those conditions. However, Nelson did and his role in this operation shows the intensity and the responsibility with which he viewed combat leadership. However important his role in these battles, they are often viewed as a footnote to his historic victory in the Battle of the Nile on 1 August 1798. As a result, Napoleon’s dream of becoming the new Alexander was brought to an abrupt halt, as was his slightly more realistic goal of bringing the war to British India.

Not only were French forces stranded in Egypt, but Napoleon had the indignity of
having to return to France via a covert and ignominious infiltration of English naval lines. After the victory in Egypt, Nelson returned to Naples ostensibly to organise an invasion of Toulouse but more to protect the kingdom from a French invasion. That is where he met Sir William and Lady Hamilton. Sir William was an elderly British ambassador and his young and vibrant wife immediately took to the hero. She became his mistress, and the pair returned to England where she lived openly with Nelson. Public knowledge and, to a lesser extent, disquiet concerning the relationship prompted Nelson’s promotion to vice-admiral so that he could be sent back to sea.

In April 1801, he played a major part in the Battle of Copenhagen, which was aimed at destroying the Danish fleet. Nelson was always very ruthless in pursuing any initiative. In the Danish conflict he was told to retreat, or words to that effect. He put his telescope up to his blind eye so that he could not see the instructions from the admiral of the fleet. The hasty peace cobbled together at Amiens did not last, and Nelson was back at the helm of HMS Victory in May 1803. The French fleet slipped out of Nelson’s blockade in early 1805 and headed for diversionary operations in the West Indies. Nelson’s intention in setting his blockade slightly apart from the port was to induce the French to give battle, but they would not. In a fruitless pursuit of the French, Nelson was forced to return to England in ill health, but was subsequently recalled. The combined fleet slipped out of Cadiz with haste under the command of the French admiral Villeneuve on 19 October 1805 because Villeneuve thought he was going to be replaced. Nelson had his own problems, although his handling displayed a bit more moral courage than Villeneuve’s did.

The battle itself was fought on 21 October, with 27 Royal Navy ships of the line pitted against a combined French and Spanish force of 33 ships. Nelson’s battle plan was to break the French line and turn the battle into a series of smaller engagements in which the English superiority of speed and firepower would overwhelm the French. By approaching the French force at right angles, Nelson aimed to employ his cannons by allowing them to fire down the length of French ships rather than at their sides. By having the fall of shot run from the bow to the stern, the effects of cannonade were multiplied. Nevertheless, Nelson was outnumbered on the day. He had 30,000 men and 2,568 guns against him from the French and the Spanish. He had only 17,000 men and 2,148 guns. At 11.35 am Nelson ran his famous flag signal: England expects every man to do his duty. His gamble paid off. The English were able to penetrate the coalition line in several places, despite having taken ineffective fire for 40 minutes on the approach to the French line. At 12.45 pm Nelson’s ship, HMS Victory, cut the French line and locked masts with the French Redoutable. As the French prepared for boarding, the English ship approached the Redoutable and fired on its exposed crew, severely disabling her. Nelson was advised not to wear his Knight Commander of the Bath insignia on deck but he disregarded that. He was shot several times by snipers. One bullet hit him in his shoulder, passing through his lung and lodging in his spine. He remained conscious for four hours and died shortly after the British claimed victory.

The legacy of Trafalgar is this: the British Navy was not seriously challenged on the high seas for over a century. Her dominance ended only with the end of sail at the beginning of World War I. The fleets of both her competitors were at the bottom of the Mediterranean. This denied France the ability to threaten the English mainland via a channel invasion. Nelson’s victory was the beginning of the end for Napoleon. Trafalgar also freed
up British troops for expeditionary warfare on the Continent and allowed the Royal Navy to have an unfettered blockade of France. Nelson is most famous for his ability to inspire his subordinates. No doubt the benefits of this inspiration in terms of morale and initiative contributed to his great victory. Two hundred years on, HMS Victory is still on active commission with the Royal Navy. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

The ACTING DEPUTY PRESIDENT (Senator Marshall)—Thank you, Senator Hutchins. I will ensure that I read the Defence annual report of 2003-04 for more information about the 18th century.

Community Affairs References Committee Report

Debate resumed from 6 October, on motion by Senator Marshall:

That the Senate take note of the report.

Senator McEwen (South Australia) (7.52 pm)—I would like to address a few comments to the motion to take note of the report of the Senate Community Affairs References Committee entitled Quality and equity in aged care, a report that was first presented in the Senate on 23 June 2005 by the chair of the committee, Senator Marshall. I would like to start by commending the work of all the members of the committee in addressing this very important issue of the provision of aged care in Australia. I note that there has been no formal response from the government to the report as yet, three months or more after it was tabled, and I am sure all senators are looking forward to the government’s response to this report.

Before I go to the detail of the report, I would like to say that this report, like so many other reports that I have read since coming into this place, is evidence of why the parliament and the people we serve should retain a system of references to committees, which enables individuals, groups and organisations in our community to bring to our attention issues of importance that we should take into account in our deliberations as law-makers. And it is indeed a shame that, during this week of sitting, we have seen numerous occasions when the government has denied senators’ motions to refer matters of importance for investigation to committees or has cut short the time for committees to investigate important matters—or, indeed, as we saw earlier this evening, has put up its own sham inquiries in relation to truly significant matters of importance to the nation.

However, this report shows what can come of a good inquiry. It addresses matters of particular importance to Australians of my vintage who, at our age, often have some responsibility for the care of aged parents, and I know that there are other senators in this place who are in that position as well.

As has been pointed out by other senators, the report addresses some matters of import. Senator Marshall has spoken about the issue of the work force in the area of aged care and, in particular, the shortages in skilled nursing and ancillary staff and the very real problems the nation faces in the future if we are unable to continue to provide staff to work in our aged care facilities and the aged care sector in general. Senator McLucas has also spoken about the potential crisis that Australia is facing in that regard.

Other recommendations in the report address the issue of the training of quality assessors to ensure that assessment of aged care facilities is consistent across the nation. Recommendation 16 suggests that the Commonwealth review the operation of the Aged Care Complaints Resolution Scheme, to ensure that the scheme is accessible and responsive to complainants. Recommendation 17 addresses the feasibility of introducing.
whistleblower legislation which would give some protection to staff who raise issues about delivery of care in the facilities that they work in. I trust that the government will soon address those very important recommendations.

A large section of the report deals with the issue of young people in aged care facilities, and there are many sad stories of neglect of young people in care in this report. When I say ‘young people in care’ I refer to young people with mental and physical disabilities, and, like other senators, I would like to acknowledge that this is Mental Health Week and it is appropriate to talk about the issue of young people with mental disabilities in care.

The report found that the number of young people living in aged care facilities has increased in the last 10 years and that there are now 6,000 people under the age of 65 living in aged care. That number is increasing and, at the same time, the number of aged people in care is also increasing, but the number of places and programs available to support both young people with disabilities and aged persons is inadequate.

In my own state of South Australia there were, in 2003, nearly 400 people under the age of 65 living in aged care facilities; 62 of them were under the age of 40. I would like to note a couple of submissions from fine South Australian organisations: one from Disability Action, which advocates in particular on behalf of people with mental and physical disabilities, and another from the Aged and Community Services organisation of South Australia and the Northern Territory, another fine organisation which has done a lot of work in this area.

Disability Action makes mention in its submission of the problems that young people face in aged care, and I quote from its submission:

An ever growing number of these young people end up in nursing homes intended for older people ...

The intended residents of these nursing homes cannot get in. They may remain living in their homes, coping as best they can but often at risk and often making demands on aged care services. They may also be found in hospitals or other acute care settings which cannot discharge them because there are neither the community support services nor the nursing home facilities.

In its submission, the Aged and Community Services organisation of South Australia and the Northern Territory notes that:

- Younger people are often isolated socially and emotionally by being separate from age peers and valued social contacts;
- The care regime around younger people with complex health care and disability support needs is often much more demanding in time and intensity for aged care staff.

I have to say that most of the submissions pointed out similar problems with the issue of young people in aged-care facilities which are not designed for them.

The report considers how those problems could be addressed, and there are a number of recommendations that deal directly with that. Most of those recommendations are along the lines that the federal government and the state and territory governments need to work cooperatively to ensure that barriers to providing proper facilities for young people with disabilities and proper and adequate facilities for aged Australians are removed.

The recommendations also specifically mention the paucity of statistics to enable the sector to plan adequately both for aged care and for the care of people who should rightly not be in aged care but in facilities for young people with disabilities, and I think that would be a fairly simple recommendation for the federal government in particular to take up.
I do not resile from the fact that the various submissions are critical of the role of state governments in the provision of care for young people with disabilities, but I think a more sophisticated response from the minister is required in that regard. So far, all we seem to have heard are public commentaries made on radio which attempt to deflect the blame for this sad situation onto the state governments.

Debate interrupted.

Consideration

The following orders of the day relating to committee reports and government responses were considered:

- Electoral Matters—Joint Standing Committee—Report—The 2004 federal election—Report of the inquiry into the conduct of the 2004 federal election and matters related thereto. Motion of Senator Mason to take note of report called on. On the motion of Senator Webber debate was adjourned till the next day of sitting.

- Finance and Public Administration References Committee—Report—Regional Partnership and Sustainable Regions programs. Motion of the chair of the committee (Senator Forshaw) to take note of report called on. On the motion of Senator Webber debate was adjourned till the next day of sitting.

- Foreign Affairs, Defence and Trade References Committee—Interim report—The removal, search for and discovery of Ms Vivian Solon. Motion of the chair of the committee (Senator Hutchins) to take note of report agreed to.

- Foreign Affairs, Defence and Trade References Committee—Report—Mr Chen Yonglin’s request for political asylum. Motion of the chair of the committee (Senator Hutchins) to take note of report called on. On the motion of Senator Webber debate was adjourned till the next day of sitting.

ADJOURNMENT

The ACTING DEPUTY PRESIDENT (Senator Hutchins)—Order! It being 8 pm, I propose the question:

That the Senate do now adjourn.

Epilepsy

Senator PARRY (Tasmania) (8.00 pm)—I wish to speak about the impact that Tasmania is having on the world stage in relation to epilepsy. The 26th International Epilepsy Congress was held in Paris, France, from 28 August to 1 September this year and was attended by representatives from the Epilepsy Association of Tasmania. The congress highlighted the fact that Australia is a leading force in epilepsy research and that client resources that have been developed by Epilepsy Australia and the Epilepsy Association of Tasmania are at the cutting edge of world initiatives.

Epilepsy is the most common serious brain disorder in every country and is probably the most universal of all medical disorders. Epilepsy occurs at all stages and all ages, especially in childhood and old age, and in all races and all social classes—it is non-discriminatory. A staggering 12 per cent of the population experience a seizure at some time in their lives; yet, for comparatively small sums of money, 70 per cent of people with epilepsy could be seizure free. However, throughout the world, funding for epilepsy is still significantly lower than funding for other disorders of equivalent prevalence and impact.

Epilepsy is still widely misunderstood, leading to fear, secrecy, stigmatisation and the risk of social and legal penalties. The fact is that the life span of people with epilepsy is reduced. Indeed, in specific risk groups the mortality rate for people with epilepsy may be twice that of the general population, or more. It is therefore vitally important that the
causes of epilepsy and consequences of having epilepsy are researched.

Established statistics and facts show that at any time there are at least 40 million people in the world with epilepsy. The terrible reality is that 32 million of these people are untreated. Sadly, most of these people are in underdeveloped and developing nations where they do not have access to the medications that we in developed nations do. In many countries, anti-epileptic drugs are not available or not affordable. Diagnostic facilities are lacking or inadequate in some countries. Often, health care professionals treating people with epilepsy do not have sufficient specialised knowledge about the condition.

Epilepsy has profound physical, psychological and social consequences. World Health Organisation and World Bank studies have shown that epilepsy is a considerable economic burden. However, very few countries, even in the Western world, have national plans for epilepsy. Numerous children with epilepsy receive inadequate schooling. The rate of unemployment is disproportionately high for people with epilepsy, mainly due to the ignorance of employers. Unemployment is two to three times greater than the general rate and higher than for people with other disabilities. Many people with epilepsy have a severe problem with independent mobility. For various reasons, people with epilepsy often hide their condition. This in turn contributes to social isolation and low self-esteem. Many people with epilepsy lack up-to-date information about their condition. For example, women with epilepsy often have inadequate information about pregnancy and child-bearing.

Clearly, there is still much progress to be made with regard to diagnosing, treating and helping people with epilepsy in our communities. It is therefore significant that in November 2002 an internationally unique project was established in Tasmania to study epilepsy and to discover factors that may explain the causes and consequences of having this condition. The study is a collaborative project involving the Menzies Research Institute, the Department of Neurology at the Royal Hobart Hospital, the University of Melbourne, the Centre for Public Health Research in New Zealand and St Vincent’s Hospital in Melbourne. The Tasmanian epilepsy study is supervised by eminent Doctors Wendyl D’Souza, Terence O’Brien and Associate Professor Mark Cook, in collaboration with Professor Terry Dwyer, Dr Bruce Taylor and Dr Michael Salzburg. It has also been generously supported by grants from the Royal Hobart Hospital Research Foundation, the Royal Australasian College of Physicians, GlaxoSmithKline neurology, the Booth Estate, the Ian Potter Foundation and the North West Medical Research fund, a division of the Clifford Craig Medical Research Trust.

I have recently retired as Chairman of the North West Medical Research fund. The last project undertaken by our fund was the contribution to Dr Wendyl D’Souza for ongoing epilepsy research in north-west Tasmania. I must add that members of the North West Medical Research fund have worked tirelessly to contribute towards medical research, and generous financial donations to the fund have enabled such projects to be undertaken.

In investigating the health of Tasmanians with epilepsy, the Tasmanian Epilepsy Register Health Study will ascertain important information on health service utilisation, epilepsy severity, psychiatric comorbidity and injuries in relation to this condition. Over time, epidemiological studies have contributed to a better understanding of the frequency and causes of epilepsy and seizures. With this knowledge has come improved diagnosis and management of individuals
with seizures. However, there have been few
studies on the natural history and impact of a
diagnosis of epilepsy on the lives of individ-
ual patients.

The early work on epilepsy was primarily
based on the unmanageable cases seen in
tertiary hospital population settings. This has
led to a rather skewed view of the morbidity
of and prognosis for individuals with epi-
lepsy. Hence, while tertiary referral centres
depict epilepsy as a chronic, non-remitting
disease, the majority of individuals do well
and are usually not seen in tertiary practices.
Therefore, it is important to better define the
impact of epilepsy on the lives of patients in
a representative community setting and to
explore some of the factors that may explain
these reduced health outcomes. This Tasman-
ian community based approach may poten-
tially improve the prognosis for the majority
of people with epilepsy in this country as
well as worldwide.

As part of this study, a Tasmanian epilepsy
register has been established. All Tasmanians
being prescribed anticonvulsant medications
in the preceding 12 months were invited to
participate anonymously by the Health In-
surance Commission. Whilst one can expect
about a 10 per cent response rate in most
surveys, 60 per cent of those surveyed in this
instance did respond and, of that 60 per cent,
80 per cent agreed to participate, which is a
fantastic result. With 1,213 persons with epi-
lepsy now enrolled, the Tasmanian epilepsy
register represents the largest community
based register in the world. Approximately
1,000 registered participants have undergone
detailed diagnostic interviewing since Au-
gust 2003, with the remaining interviews to
be completed by November of this year. The
completion of this stage of the project will
enable the first national estimate of both the
prevalence and type of treated epilepsy in the
community.

I wish to make particular mention of the
eminent epileptologist Dr Wendyl D’Souza,
who is leading this research. He has given of
his time and expertise far beyond what
would be reasonably expected and has been
not only influential but also inspirational in
building the profile of the Epilepsy Associa-
tion of Tasmania. Epilepsy Australia has a
goal that at least one person in every house-
hold will understand what to do when some-
one has a seizure. It is a commendable goal.
As members of parliament, we can play our
part in bringing epilepsy out of the shadows
by contacting Epilepsy Australia and obtain-
ing an epilepsy first-aid kit. I encourage all
senators and members of parliament to assist
Epilepsy Australia in promoting this goal.
The goal of having one person knowledge-
able in every household is achievable and
will bring great relief to those who have a
seizure. As a Tasmanian, I take great pride in
the knowledge that, in the area of epilepsy,
we are contributing on the world stage with
an aim to alleviating future suffering for mil-
lions of people.

**Breast Cancer**

**Senator LUNDY** (Australian Capital Ter-
ritory) (8.09 pm)—On Saturday, 24 October,
we will be observing Pink Ribbon Day as
part of the annual October breast cancer
awareness month. Awareness of breast can-
cer as a major health problem for women
and support for the research, treatment and
screening organisations has grown enor-
mously over recent years. When Kylie Mi-
nogue was diagnosed with breast cancer ear-
lier this year, the publicity gave rise to an
outpouring of support not only from her fans
but also from the general public, especially
in the form of donations to the Cancer Coun-
cil and other cancer organisations. Private
donations, together with government fund-
ing, are vital to the research programs which
will lead to improved knowledge of early
detection, treatment and prevention methods.
The National Breast Cancer Foundation supports investigator-initiated research and, since first offering funds to support breast cancer research in 1995, the foundation has awarded $12.4 million to 77 research teams in every state and territory. Research projects are chosen for funding through a rigorous peer review system. One of its current projects, a 2005 project, which really interests me as the shadow minister for sport and recreation is the postdoctoral fellowship awarded to Dr Sandra Hayes of the Queensland University of Technology for her work entitled Physical activity and breast cancer recovery—research to reality. As well as new research, advances in breast cancer treatment have been reported this year. Trials in the United States have developed new digital technology that is more effective in detecting cancers in women younger than 50 years old. To date, normal breast screening procedures have been less effective for younger women because of the extra breast density. This could be a major breakthrough as younger women may be more likely to have fast-growing aggressive tumours for which early detection and treatment are crucial.

Some successful trials with new drug treatments have been reported. Arimidex, or anastrozole, was approved last year in the schedule for pharmaceutical benefits for the treatment of hormone-dependent early breast cancer in postmenopausal women unable to take tamoxifen as well as for the treatment of hormone-dependent advanced breast cancer in postmenopausal women. The meeting of the Pharmaceutical Benefits Advisory Committee in July 2005 recommended that the listing for anastrozole be extended to include all postmenopausal women with hormone-dependent early breast cancer on the basis of acceptable cost effectiveness compared with tamoxifen. The PBAC accepted that, in the long term, sufficiently large incremental survival benefits could be expected to justify the incremental costs. Because these costs are estimated to be greater than $10 million a year, cabinet will have to approve this change.

Another drug development which has received publicity is Herceptin, or trastuzumab, a drug which is used to treat HER2-positive metastatic or invasive breast cancer. It has been used mostly to treat later stage metastatic breast cancer and is used to prolong life for up to six to nine months, but it does not provide a cure. Trials have been conducted using Herceptin for HER2-positive early stage breast cancer and these appear promising, possibly reducing the rate of recurrence. Herceptin is not available through the Pharmaceutical Benefits Scheme, although since December 2001 there has been an Australian government subsidised program providing Herceptin to people in the later stages of metastatic breast cancer. Under this program, Herceptin is provided to approximately 350 new patients each year at a cost of $66,000 per person. In the 2005-06 budget, the program was extended to 2006-07 at a cost of $80 million.

However, although we can celebrate more than 10 years of progress in fighting this disease, its incidence is increasing and one in 11 women will develop breast cancer before the age of 75. Breast cancer is the second most common cancer among Australian women after non-melanoma skin cancer. Breast cancer is the most common cause of cancer related death in women in Australia. In Australia in 2000, a total of 11,314 women and 86 men were diagnosed with breast cancer. The risk of breast cancer increases with age. Of the new breast cancer cases diagnosed in 2000, 25 per cent were in women aged 20 to 49; 48 per cent were in women aged 50 to 69; and 27 per cent were in women aged 70 and over. The incidence of breast cancer in Australian women is still rising but, from 1990 to 2000, the breast cancer death rate
declined by an average of two per cent per annum. Women whose cancer is diagnosed before it has spread outside of the breast have a 90 per cent chance of surviving five years, compared with a 20 per cent five-year survival rate when the cancer has spread at diagnosis.

In 2002-03 around 7,500 mastectomies were performed in Australian hospitals, about half of these on women who were public hospital patients. Many women who have a mastectomy opt for an external prosthesis rather than for breast reconstruction. For many women breast prostheses are an integral part of the recovery process. A breast prosthesis helps to restore body image and is also an aid in reducing physical problems relating to balance. Labor’s health policy in 2004 included a pledge to provide breast prostheses free of charge to all women in public hospitals who have lost one or both breasts to cancer. We will continue to campaign for this.

As there is still no means of preventing breast cancer, the focus in reducing deaths from the disease has been on finding breast cancer as early as possible. Surprisingly, a survey of 3,000 women undertaken by the National Breast Cancer Centre showed that many Australian women still lack knowledge about early detection. Cancer screening and women’s health are two of the focus areas of the current Public Health Outcome Funding Agreement 2004-05, which extends to 2008-09. The National Breast Cancer Centre recommends that all women from the age of 50 should have regular mammograms and it encourages those who are younger to have them as well. They should report any unusual signs or symptoms to their doctors.

I also note that on 4 October the National Breast Cancer Centre launched a campaign to cut through common misconceptions and provide women of culturally and linguistically diverse backgrounds with culturally appropriate and potentially lifesaving breast cancer information in their own language. It has developed a range of resources to inform women from diverse backgrounds about breast cancer symptoms and the importance of early detection, and to assist women diagnosed with breast cancer in making decisions about their treatment and support. The resources have been developed in Chinese, Vietnamese, Greek, Italian and Arabic. A series of dedicated phone numbers has also been established through the multicultural information service of the Cancer Council New South Wales to allow women to order one of the new resources or speak with a bilingual health worker.

I would like to congratulate Dr Helen Zorbas of the National Breast Cancer Centre on this initiative as I think it forms an important part of the ongoing fight against breast cancer. I urge support by all my colleagues—I know they will—of upcoming breast cancer awareness activities and the fundraising effort.

Trade Practices Legislation Amendment Bill (No. 1) 2005

Senator SIEWERT (Western Australia) (8.17 pm)—I would like to address the house on the Trade Practices Legislation Amendment Bill (No. 1) 2005 that we considered last Tuesday. I am sorry if I appear upset; a friend of mine died of breast cancer less than 12 months ago. My colleague Senator Milne of the Australian Greens outlined our concerns about the anticompetitive nature of some of the provisions of this bill and the merger provisions but left the collective bargaining elements to me. As I did not get an opportunity to outline the Greens concerns, I would like to take the opportunity to discuss our philosophical approach to that legislation.
I believe this is yet another attack on the union movement and workers by this government—the next in a long line of bills coming before this place. Clause 93AB(9) limits who can and cannot be involved in collective bargaining, and limits the ability of small business to choose their own bargaining agents when negotiating with larger businesses or associations. We keep hearing rhetoric about the importance of choice in the workplace and the marketplace from this government, but here is a provision that seeks to limit the choices of small businesses.

Clause 93AB(9) excludes trade unions or anyone acting at their direction from lodging a collective bargaining notice on behalf of a small business. This seems to be in contradiction with claims made by the government that they would not be seeking to exclude unions or take away the right to choose representation. This will have a significant impact on small businesses—on family businesses growing fruit and vegetables for large supermarket chains, chicken farmers selling their birds to takeaway restaurants, on independent truckies driving across the Nullarbor or lifeguards keeping an eye on your kids at the beach or the pool.

Small businesses have sought provisions within the Trade Practices Act to help make collective bargaining easier. The act improves the ability of some small businesses to collectively bargain, which is a good thing. It is supported by small businesses and is in the public interest. There were no calls by small businesses to exclude trade unions as a form of representation; however, clause 93AB(9) excludes trade unions from collective bargaining. This is not something that was sought by small businesses and is neither in their interest nor in the interest of our nation.

The intent of this subclause is supposedly to protect independent contractors from unions. I am not personally convinced that independent contractors need to be protected from unions in this way but I am certain that some independent contractors need protection from the anticompetitive behaviour of large corporations who can use market share as a tool to drive down the value of their work. That is what this legislation is in effect doing.

The problem with this legislation is that it sets one rule for some types of small businesses and a different rule for other small businesses. One sort of collective bargaining—that undertaken by business associations—is seen to be a good thing. If used car dealers want to be represented by the MTAA or pub owners by the AHA then that is said to be okay. But when owner-drivers or construction contractors—who are small businesses, not employees—have chosen to be represented by a trade union this is seen to be a bad thing and disallowed. When chicken growers, dairy farmers or cane growers want to bargain collectively then they should be able to choose how they are represented. I believe that clause 93AB(9) goes against the principles of freedom of association. It denies some businesses the choice of their own representative. It is inconsistent to allow some types of associations and not others.

This is not about anyone being forced to become a member of a union, an association or an industry body—it is about choice. The problem is that some small businesses are being excluded from having representation and from being part of collective bargaining and face unfair and unjust situations in the marketplace, where large corporations or associations have unfair power to set the prices of goods and services. Not only do the small businesses lose out in these situations but consumers are also being ripped off and denied choice by the big players.
Listen to what the ACCC had to say about this matter in its 2004 discussion paper on collective bargaining:

When negotiating with big business, small businesses often feel that they have little or no bargaining power and that they are sometimes forced to accept unfavourable terms and conditions, including unfavourable prices. In some industries, small businesses see collective bargaining as an effective strategy to redress this imbalance in bargaining power and achieve more appropriate commercial outcomes in their dealings with big businesses.

A classic example is the road transport industry, where owner-drivers have typically been represented by unions while the large trucking firms have been represented by an industry association. Clearly in this situation, we could not expect the industry association to be able to properly represent the positions of both parties at the bargaining table.

...and clearly, should it try to do so, the larger players with well-established representation on the association would have a much stronger voice.

Independent owner-operators in the transport industry are particularly vulnerable to the activities of large transport operators attempting to improve their bottom line by paying truckies less and pushing them to meet ever tighter deadlines. This is a recipe for disaster, as owner-drivers will be forced to cut corners on safety, reducing their maintenance costs and spending longer hours on the road. This will have a direct impact on the safety of our roads and the additional costs borne by the community.

Owner-drivers account for 60 per cent of the road freight sector. These estimated 29,700 drivers differ from other independent contractors in that they provide their own vehicles as well as their labour. This entails serious overhead costs. The majority of owner-drivers perform the majority of their work for a single transport operator or principal contractor. These large operations are already putting the squeeze on independent truckies, and without the protection of collective bargaining things can only get worse. Owner-drivers face significant disadvantage by comparison to the large transport companies when it comes to negotiation. Can they truly expect the industry association that already represents the large trucking companies to represent their interests? No, they cannot. Large transport and freight operators will use their significant bargaining advantage to push down transport costs.

Owner-drivers will end up pushing safety in order to be able to put food on the family table. Less money for maintenance and longer hours on the road are a recipe for disaster and, ultimately, the community will bear the cost. I deplore these radical, ideologically-driven provisions whose only aim is to hurt the trade unions, irrespective of the fact that they are serving the interests of promoting open and equitable trade practices in these industries.

Gallipoli Peninsula

Senator FIERRAVANTI-WELLS (New South Wales) (8.25 pm)—Earlier today, the majority and minority reports of the Finance and Public Administration References Committee inquiry, Matters relating to the Gallipoli Peninsula, were tabled in the Senate. As Senator Watson told the Senate, we felt compelled to table a minority report, showing that the Australian government has at all times acted appropriately and correctly. Today, I spoke of the inquiry as a cynical and point-scoring exercise against the government without regard to the potential damage that this could have on the longstanding and close relationship between the people of Turkey and Australia. We must not forget that in any dealings with Turkey in relation to Gallipoli, Australia must rely on the goodwill of the Turkish government. To date, the relationship has been cordial and based
on mutual respect, and this should not be put at risk. Today, I focused on the minority report’s rejection of the majority’s recommendations. It was dishonest of the ALP to grandstand about the Australian government allegedly failing to do things for which they know the Turkish government has responsibility. In attacking the government’s alleged failures, they are implicitly criticising the Turkish government.

Tonight, I would like to focus on the strong findings in the minority report, which are based on overwhelming evidence. The fundamental starting point of the inquiry should have been that the Gallipoli Peninsula is situated in Turkey and, therefore, Turkish laws and Turkish sovereignty prevail. It is up to the Turkish government to make whatever decisions it deems appropriate on Gallipoli. Therefore, any construction, changes and/or alterations to the area are matters wholly within the responsibility of Turkey, not Australia. Whilst it is open to the Turkish government to seek Australia’s views, it can either accept or reject those views.

The majority report bases its findings primarily on the sensational and unsubstantiated evidence of Mr Sellars, a resident of Gallipoli—and Senator Watson spoke at length about this. The majority report has been deliberately and knowingly written on the misconceived notion that the Australian government is somehow responsible for what happens on the Gallipoli Peninsula. The few references to Turkish sovereignty in the report are conveniently and obscurely concealed as merely passing references. Rather than respecting and preserving a significant and historically important military site, the inquiry has been used as a grubby political point-scoring exercise aimed at taking cheap political shots at the government.

Tonight, I want to focus on some of the key features of the minority report. Chapter 1 examines the significance of the peninsula to both Australia and Turkey. Gallipoli has been of significance to Australia since the landing of troops on the beaches in 1915. Since then, commemorations have paid tribute to the achievements of the Anzacs and to mourn those who sacrificed their lives. There has been an increased resurgence of interest in recent years in Gallipoli and this is reflected by the strong and growing attendances at Anzac Day commemorations.

Gallipoli is also important to the Turkish people. Kemal, their first president, was commander of a division at Gallipoli. He was feted for his military strategy. The official toll of the Turkish dead was 87,000. Because of its importance, Turkey has seen fit to protect Gallipoli as a national park. Other nations also suffered losses: 22,000 British soldiers and 10,000 French.

The entire Gallipoli Peninsula is experiencing significantly increased levels of tourism from Australians, New Zealanders and other citizens but, most overwhelmingly, an estimated two million Turks visit Gallipoli every year. Arising from high usage, the roads on the Anzac site are in need of repair so as to ensure minimum risk to public safety.

In the lead-up to the centenary of the 1915 landing, public interest in Gallipoli is likely to rise. The Turkish government, in recognition of its responsibilities and the need to provide better access on the peninsula for visitors of all nationalities, embarked on a program of roadworks. As we indicated today, the Australian government sought improvements to facilities at the Australian commemorative site, and this was set out in correspondence from Minister Dana Vale to Minister Pepe dated 2 August 2004. At no time did the Australian government request that the Anzac Cove road be widened or changed.
In chapter 3 we undertook a very detailed analysis of the response that the Australian government had made to the roadworks. We rejected the findings that significant sites had been lost forever. In fact, the evidence before the inquiry showed that there have been considerable changes to the landscape of Gallipoli due to natural erosion which has resulted in past unearthing of bones.

The minority report rejects outright the finding that Australian officials had first-hand knowledge while construction was underway that the roadworks were causing damage. There was overwhelming evidence by all officials that they did not become aware of the extent of the roadworks until February 2005. The report rejects the view that there was no effort made to investigate allegations that bone fragments had been uncovered or to negotiate with Turkish authorities on the extent of the roadworks. The majority report overlooks the detailed and compelling testimony on the actions taken by Australian officials in Australia and Turkey and the extent of those consultations. Given the longstanding friendship, it is only natural that Australia and the Australian government accepted the assurances given by Turkish officials on the roadworks.

The evidence of the inquiry also demonstrated the procedures for treating human bones that were discovered at Gallipoli. The Commonwealth War Graves Commission has a physical presence in Gallipoli, and it is clear that any person who has an interest in the area ought to have properly availed themselves of information in relation to bone discovery. We believe that at all relevant times Australian officials acted properly and within the framework of actions being undertaken by a foreign government on its own sovereign territory. Any suggestion or inference that Australian officials ought to have taken direct and interventionary action in these circumstances is unjustified and unwarranted.

The inquiry is little more than a blatant and unmitigated political exercise undertaken in the full knowledge of Australia’s inability to intervene in the Turkish management of its own Gallipoli peninsula. Gallipoli is a recognised international cemetery. The treaty of Lausanne sets out the responsibilities for maintenance of the area. The Commonwealth War Graves Commission is the properly designated international body responsible for the management of the peninsula on behalf of participating countries. There is an office at Canakkale on the peninsula, and hence the reliance by Australian authorities on advice from the CWGC—this being the body with maximum authority—that following an extensive examination of the area no evidence was found that human remains had been disturbed, was entirely appropriate and fully justified under the circumstances.

I repeat our recommendation that Australia base a full-time representative at Canakkale. This appointment will be a formal recognition of the place that Gallipoli peninsula holds in the Australian national psyche. It will assist in the planning of upcoming Anzac Day ceremonies ahead of the centenary commemorations in 2015 and, most importantly, provide a resource to assist the Turkish government with any application for World Heritage listing.

The government of Turkey should be credited with the declaration of the Gallipoli peninsula as an international park and its heritage listing under Turkish law. Discussions with Turkey regarding heritage listing on the Australian Register of the National Estate commenced in 2002. Progress on the listing is at a sensitive stage. An important concern for the Turkish government is, naturally, the impact on its sovereignty, and since
then there has been a shift from heritage listing to a more symbolic means of recognition.

The discussions and agreement between Prime Minister Howard and Prime Minister Erdogan and the press release issued by the Prime Minister on 26 April now form the backdrop to ongoing cooperation and progress on bilateral issues between Turkey and Australia, including the Gallipoli Peninsula. It is important to highlight the extent of this agreement. The Prime Ministers agreed to:

- continued close consultation over symbolic recognition of the historical importance of the Anzac area; further enhanced cooperation on Anzac issues, including the preservation of sites and the environmental and historical values of the area; a joint historical survey of the Anzac area, including archaeological aspects, negotiations for which are already on foot; a joint engineering review to ensure that the roadworks, including measures to control erosion in the Anzac area, are completed in a way as sympathetic as possible to the landscape; and cooperation and assistance to provide a safe environment for the growing number of visitors to the area whilst protecting important historical sites.

The government has set up an interdepartmental committee. The work of the IDC is to give effect to the agreement of the two prime ministers. As repeatedly indicated, matters relating to Gallipoli are ultimately a matter for the Turkish government. It is clear that Australia will offer advice and assistance as requested to give full effect to the agreement. (*Time expired*)

The Hon. Bruce Chamberlain AM

The PRESIDENT (8.35 pm)—It is with regret that I draw the Senate’s notice to the sudden death on 1 October 2005 of the Hon. Bruce Chamberlain, AM, who was President of the Legislative Council of Victoria from 1992 to 2003. Bruce Chamberlain was President of the Victorian Upper House in 2001, the year of the Centenary of Federation. In that role he was closely involved in the planning of the special centenary sittings of the federal parliament at Parliament House in Melbourne on 10 May 2001. Mr President Chamberlain was unfailingly cooperative and courteous during this period, and freely gave control of his chamber to the Senate for our special sitting.

He was very highly regarded amongst presiding officers past and present and a very close friend of my predecessor, President Reid, and of the current Speaker, the Hon. David Hawker, MP. Bruce’s state seat was contained within the federal division of Wannon. He was also highly regarded in Commonwealth parliamentary circles, both as a parliamentarian and as an adviser on constitutional development. A state memorial service for the Hon. Bruce Chamberlain will be held next week. Tributes have been paid to his contribution by both the Premier of Victoria and the leader of the state opposition. I extend my and the Senate’s deepest sympathies to Bruce’s widow, Paula, and to the family.

Senate adjourned at 8.38 pm

DOCUMENTS

Tabling

The following documents were tabled by the Clerk:

*Acts Interpretation Act—Statement pursuant to subsection 34C(7) relating to the delay in presentation of a report—Authorisations for the acquisition and use of assumed identities for 2003-04—Australian Crime Commission.*

*Civil Aviation Act—

  Civil Aviation Regulations—Instrument No. CASA EX44/05—Exemption*
from having training and checking organisation [F2005L03078]*.

Civil Aviation Safety Regulations—Airworthiness Directives—Part—

105—AD/LA-4/25 Amdt 2—Horizontal and Vertical Stabiliser Attachment Fitting [F2005L03076]*.

107—AD/PARA/15—VEGA 120 Type Reserve Canopy [F2005L03077]*.

Defence Act—Determinations under section 58B—Defence Determinations—
2005/39—Air traffic controllers and Defence travel card.
2005/40—Overseas Conditions of Service—ancillary services.
2005/41—Settling in and settling our—meal costs.

Maritime Transport and Offshore Facilities Security Act—Maritime Transport and Offshore Facilities Security Act Notice about How Incident Reports Are To Be Made (No. 2) [F2005L03075]*.


Sydney Airport Curfew Act—Dispensation Report 8/05 [2 dispensations].

* Explanatory statement tabled with legislative instrument.
QUESTIONs ON NOTICE

The following answers to questions were circulated:

Prime Minister: Official Engagements

(Question No. 166)

Senator Mark Bishop asked the Minister representing the Prime Minister, upon notice, on 9 December 2004:

With reference to the Minister’s official engagements on 15 November 2004:

(1) Where did each engagement occur.
(2) What was the nature of each engagement.
(3) What was the start and finish time of each engagement.
(4) (a) When was the Minister invited to, or when did the Minister first become aware of, each engagement; and (b) on what date did the Minister commit to attending each engagement.
(5) (a) Who attended each engagement; and (b) in what capacity did they attend. (No. 10—9 December 2004 75)
(6) What was the cost incurred by the Commonwealth in arranging or ensuring the Minister’s attendance at each engagement.
(7) Will the Minister provide details of invitations or approaches to attend other official engagements on 15 November 2004 which the Minister either declined or delegated.

Senator Hill—The Prime Minister has provided the following answer to the honourable senator’s question:

I was in Canberra undertaking a number of official duties including chairing a Cabinet meeting.

Minister for Transport and Regional Services: Overseas Travel

(Question No. 679)

Senator Chris Evans asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 4 May 2005:

(1) In relation to all overseas travel where expenses were met by the Minister’s portfolios, for each of the financial years 2000-01 to 2004-05 to date what was the total cost of travel and related expenses in relation to: (a) the Minister; (b) the Minister’s family; and (c) the Minister’s staff.

(2) In relation to all air charters engaged and paid for by the Minister and/or the Minister’s office and/or the department and its agencies, for each of the financial years 2000-01 to 2004-05 to date: (a) on how many occasions did the Minister or his/her office or department and/or agency charter aircraft, and in each case, what was the name of the charter company that provided the service and the related respective costs; and (b) what was the total cost.

Senator Ian Campbell—The Minister for Transport and Regional Services has provided the following answer to the honourable senator’s question:

(1) The Department of Transport and Regional Services does not arrange or process travel for Ministers, their families or their staff. However, the department has, in the past, paid for small ancillary costs such as use of hotel fax machines, international calls and room hire costs at airports.

(2) In regards to Ministers and Minister’s offices, the records for overseas air charters that may have been engaged by former Ministers are not readily available. To compile a detailed response to this
part of the question would require a significant diversion of resources which I am not prepared to authorise.

In regards to the Department of Transport and Regional Services, no overseas air charters were engaged between 2000-01 and 2004-05.

In regards to agencies within my portfolio, one overseas air charter was engaged by Airservices Australia during 2004-2005:

(a) MARJET.
(b) $4,451.45.

Minister for Local Government, Territories and Roads: Overseas Travel
(Question No. 705)

Senator Chris Evans asked the Minister representing the Minister for Local Government, Territories and Roads, upon notice, on 4 May 2005:

(1) In relation to all overseas travel where expenses were met by the Minister’s portfolios, for each of the financial years 2000-01 to 2004-05 to date what was the total cost of travel and related expenses in relation to: (a) the Minister; (b) the Minister’s family; and (c) the Minister’s staff.

(2) In relation to all air charters engaged and paid for by the Minister and/or the Minister’s office and/or the department and its agencies, for each of the financial years 2000-01 to 2004-05 to date: (a) on how many occasions did the Minister or his/her office or department and/or agency charter aircraft, and in each case, what was the name of the charter company that provided the service and the related respective costs; and (b) what was the total cost.

Senator Ian Campbell—The Minister for Local Government, Territories and Roads has provided the following answer to the honourable senator’s question:

(1) No overseas travel related expenses for myself, my family or my staff were met by the Department of Transport and Regional Services.

(2) No overseas air charters where engaged and paid for by myself or my office. The records for overseas air charters that may have been engaged by former Ministers are not readily available. To compile a detailed response to this part of the question would require a significant diversion of resources which I am not prepared to authorise.

In regards to the Department of Transport and Regional Services, no overseas air charters were engaged between 2000-01 and 2004-05.

Minister for Transport and Regional Services: Overseas Travel
(Question No. 711)

Senator Chris Evans asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 4 May 2005:

For each financial year since 2000-01 to 2004-05 to date:

(1) (a) What overseas travel was undertaken by the Minister; (b) what was the purpose of the Minister’s visit; (c) when did the Minister depart Australia; (d) who travelled with the Minister; and (e) when did the Minister return to Australia.

(2) (a) Who did the Minister meet during the visit; and (b) what were the times and dates of each meeting.

(3) (a) On how many of these trips was the Minister accompanied by a business delegation; and (b) can details be provided of any delegation accompanying the Minister.

(4) Who met the cost of travel and other expenses associated with the trip.
(5) What total travel and associated expenses, if any, were met by the department in relation to: (a) the Minister; (b) the Minister’s family; (c) the Minister’s staff; and (d) departmental and/or agency staff.

(6) What were the costs per expenditure item for: (a) the Minister; (b) the Minister’s family; and (c) the Minister’s staff, including but not necessarily limited to: (i) fares, (ii) allowances, (iii) accommodation, (iv) hospitality, (v) insurance, and (vi) other costs.

(7) What were the costs per expenditure item for each departmental and/or agency officer, including but not necessarily limited to: (a) fares; (b) allowances; (c) accommodation; (d) hospitality; (e) insurance; and (f) other costs.

(8) (a) What was the total cost of air charters used by the Minister or his/her office or department; and (b) on how many occasions did the Minister or his/her office or department and/or agency charter aircraft, and in each case, what was the name of the charter company that provided the service and the respective costs.

Senator Ian Campbell—The Minister for Transport and Regional Services has provided the following answer to the honourable senator’s question:

(1) The Special Minister of State will be providing an answer to this part of the honourable Senator’s question on behalf of all Ministers.

(2) The records for travel undertaken before 2004-05 are not readily available. To compile a detailed response to this part of the question would require a significant diversion of resources which I am not prepared to authorise. However, I can provide the requested information in relation to the former Minister’s travel to Europe in February 2005:

(a) and (b)

United Kingdom
Monday 21 February 2005
Meetings with Sir Richard Branson, Chairman Virgin Group; Officials from the Transport Security Directorate, Department for Transport; and Australian trade and business representatives.
Tuesday 22 February 2005
Meetings with Philip Aiken, Group President Energy, BHP Billiton Petroleum; Rt Hon Michael Ancram QC DL MP, Shadow Secretary of State for Foreign and Commonwealth Affairs; Rt Hon John Prescott MP, Deputy Prime Minister and First Secretary of State; and Rt Hon Alastair Darling MP, Secretary of State for Transport.
The Minister also attended a Wreath Laying ceremony and inspection of the Australian War Memorial and visited the Cabinet and War Rooms and the Churchill Museum.
Wednesday 23 February 2005
Meetings with Mr Efthimios Mitropoulos, Secretary – General, International Maritime Organisation and Mr Rod Eddington, Chief Executive, British Airways.
The Minister also attended a reception hosted by HRH The Prince of Wales ahead of his visit to Australia.

Brussels
Thursday 24 February
Meetings with Mr Jacques Barrot, Commissioner for Transport; Mrs Mariann Fischer Boel, Commissioner for Agriculture and Rural Development; Mr Andris Piebalgs, Commissioner for Energy; and Ms Danuta Hubner, Commissioner for Regional Policy.
The Minister also received briefings from Mission policy officers.
Copenhagen
Friday 25 February
Meetings with Mr Flemming Hojbo, Editor-in-Chief, Berlingske Nyhessmagasin (weekly business magazine); Danish Minister for Transport and Energy, Mr Flemming Hansen, First Secretary, and Senior Ministry officials; Danish Deputy Prime Minister and Minister for Economic and Business Affairs, Mr Bendt Bendtsen, First Secretary, Senior Ministry officials and Director Danish Maritime Authority; Mr Thomas Henrikse, Senior Economic Correspondence, Borsen (Denmark’s pre-eminent business daily); and Mr Knud Stubkjaer (partner and CEO), Mr Knud Pontoppidan (Executive Vice president), Mr Vagan Lehd Moller (Executive Vice President) and Mr Soren Houman (Area Manager Oceania).

The Minister also received briefing from senior Australian Embassy staff.

(3) In relation to the trip stated above: (a) None; (b) Not applicable.

(4) The Special Minister of State will be providing an answer to this part of the honourable Senator’s question on behalf of all Ministers.

(5) The Department of Transport and Regional Services does not arrange or process travel for Ministers, their families or their staff. However, the department has, in the past, paid for small ancillary costs such as use of hotel fax machines, international calls and room hire costs at airports.

(6) The Special Minister of State will be providing an answer to this part of the honourable Senator’s question on behalf of all Ministers.

(7) In relation to the Europe trip stated above, the former Minister was accompanied by two Departmental officers. The related costs are: (a) $34,511.68; (b) and (c) $6695.28; (d) $478.21; (e) $310.75; and (f) $1,231.10.

(8) The Special Minister of State will be providing an answer to this part of the honourable Senator’s question on behalf of all Ministers.

Minister for Small Business and Tourism: Overseas Travel
(Question No. 736 supplementary)

Senator Chris Evans asked the Minister representing the Minister for Small Business and Tourism, upon notice, on 4 May 2005:

For each financial year since 2000-01 to 2004-05 to date:

(1) (a) What overseas travel was undertaken by the Minister; (b) what was the purpose of the Minister’s visit; (c) when did the Minister depart Australia; (d) who travelled with the Minister; and (e) when did the Minister return to Australia.

(2) (a) Who did the Minister meet during the visit; and (b) what were the times and dates of each meeting.

(3) (a) On how many of these trips was the Minister accompanied by a business delegation; and (b) can details be provided of any delegation accompanying the Minister.

(4) Who met the cost of travel and other expenses associated with the trip.

(5) What total travel and associated expenses, if any, were met by the department in relation to: (a) the Minister; (b) the Minister’s family; (c) the Minister’s staff; and (d) departmental and/or agency staff.

(6) What were the costs per expenditure item for: (a) the Minister; (b) the Minister’s family; and (c) the Minister’s staff, including but not necessarily limited to: (i) fares, (ii) allowances, (iii) accommodation, (iv) hospitality, (v) insurance, and (vi) other costs.
(7) What were the costs per expenditure item for each departmental and/or agency officer, including but not necessarily limited to: (a) fares; (b) allowances; (c) accommodation; (d) hospitality; (e) insurance; and (f) other costs.

(8) (a) What was the total cost of air charters used by the Minister or his/her office or department; and (b) on how many occasions did the Minister or his/her office or department and/or agency charter aircraft, and in each case, what was the name of the charter company that provided the service and the respective costs.

Senator Abetz—The Minister for Small Business and Tourism has provided the following answer to the honourable senator’s question:

Supplementary Response

Further to the answer to Question No. 736 provided on 6 September 2005, the answer to part (7) of that question erroneously stated that the Special Minister of State would be responding on my behalf. The answer to part (7) of the question is provided below.

(7) (a) to (f) A breakdown of costs in respect of the departmental/agency officers who accompanied me on my overseas trip to Hong Kong, London and Singapore in January 2005 is provided below.

Mr Peter Morris (General Manager, Market Access Group, Department of Industry, Tourism and Resources)

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Mr Rodney Harrex (General Manager, International Operations, Tourism Australia)

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Immigration and Multicultural and Indigenous Affairs: Customer Service

(Question Nos 843 and 854 amended)

Senator Chris Evans asked the Minister for Immigration and Multicultural and Indigenous Affairs and the Minister representing the Minister for Citizenship and Multicultural, 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 Vanstone—The answer to the honourable senator’s question is as follows:

(1) to (4) Currently, within my portfolio the main customer service telephone lines within Australia include:

- 11 toll free or free call lines operated by the department focusing on migration, citizenship and translation issues;
- 9 toll free or free call lines operated by the Office of Indigenous Policy Coordination;
- 4 lines operated by the Migration Agents Registration Authority; and
- 6 lines operated by the Migration Review Tribunal and the Refugee Review Tribunal (including a toll free line for each organisation).

Clients using these lines can generally speak directly to an operator during business hours with some lines offering a recorded message service 24 hours a day, seven days per week.

The detailed information regarding each phone line has been collated in tabular form. However, by way of example, if a client calls the Department’s toll free 131 881 general inquiry line, their call will be directed to either the Sydney or Melbourne call centre. They will be able to speak directly to a staff member between 9am-4pm, Monday to Friday and outside these hours they will hear a recorded message.

In the 2003-04 financial year the Department took 1,362,223 client calls on this general inquiry number at a total cost of $5,165,055 ( ie $3,877,821 in staffing costs, $498,207 in infrastructure costs, $666,551 in telephone costs with the remainder in departmental and other costs).

(1) (a) to (d) For the financial years 2000-01 to 2004-05, the department operated the following customer service telephone lines.

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<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Translating and Interpreter Service</td>
<td>131 450</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Adelaide Skilled Processing Centre</td>
<td>03 9657 4115 &amp;1300 364 613</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
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<td>Adelaide Offshore Students Processing Centre</td>
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<td>✓</td>
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<td>Employer Work Rights Checking Line</td>
<td>1800 040 070</td>
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<td>✓</td>
<td>✓</td>
<td>✓</td>
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<td>Perth Offshore Parent Centre</td>
<td>1800 180 303 &amp;1300 652 421</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
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<tr>
<td>Immigration Dob-in Line</td>
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<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
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QUESTIONS ON NOTICE
Details of whether the number is toll free, hours of operation, the responsible output area and the location of where calls are answered is included in the tables below.

**FY 2000-01**

<table>
<thead>
<tr>
<th>Service</th>
<th>Toll Free</th>
<th>Hours of operation</th>
<th>Responsible output area</th>
<th>Location</th>
</tr>
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<tbody>
<tr>
<td>131 881 – General Enquiry Line</td>
<td>Yes</td>
<td>Operator access: 0900-1600 Mon-Fri (0900-1500 Wed)</td>
<td>1.1 Non-humanitarian entry and stay</td>
<td>Answered in each State / Territory Office</td>
</tr>
<tr>
<td></td>
<td></td>
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<td>1.2 Refugee and humanitarian entry and stay</td>
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<td>1.3 Enforcement of immigration law</td>
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<tr>
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<td>2.3 Australian Citizenship</td>
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</tr>
<tr>
<td>131 880 – Citizenship Inquiry Line</td>
<td>Yes</td>
<td>Operator access: 0830-1630 Mon-Fri (0900-1300 Wed)</td>
<td>Answered in each State / Territory Office</td>
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<td>Recorded information: 24 hours / 7 days</td>
<td>2.3 Australian Citizenship</td>
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<td>133 177 – Client Service Feedback Line</td>
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<td>0900-1600 Mon-Fri (0900-1300 Wed)</td>
<td>Across all output areas</td>
<td>Answered in each State / Territory Office</td>
</tr>
<tr>
<td>131 450 – Translating and Interpreter Service</td>
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<td>Eastern and Western: normal business hours</td>
<td>2.2 Translating and interpreting services</td>
<td>Eastern – Sydney</td>
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<tr>
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<td>Southern: 24hours / 7days</td>
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<td>Southern – Melbourne</td>
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**FY 2001-02**

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<td>Answered in each State / Territory Office</td>
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<td>1.2 Refugee and humanitarian entry and stay</td>
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<td>2.3 Australian Citizenship</td>
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<tr>
<td>131 880 – Citizenship Inquiry Line</td>
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<td>2.3 Australian Citizenship</td>
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<td>Across all output areas</td>
<td>Answered in each State / Territory Office</td>
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<td>Southern: 24hours / 7days</td>
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<td>Southern – Melbourne</td>
</tr>
<tr>
<td>03 9657 4115 – Adelaide Skilled Processing Centre</td>
<td>No</td>
<td>0900-1600 Mon-Fri (0900-1500 Wed)</td>
<td>1.1 Non-humanitarian entry and stay</td>
<td>Adelaide</td>
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**QUESTIONS ON NOTICE**
### FY 2002-03

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<td>1.1 Non-humanitarian entry and stay 1.2 Refugee and humanitarian entry and stay 1.3 Enforcement of immigration law</td>
<td>Sydney and Melbourne</td>
</tr>
<tr>
<td>131 880 – Citizenship Inquiry Line</td>
<td>Yes</td>
<td>Operator access: 0830-1630 Mon-Fri Recorded information: 24 hours / 7 days</td>
<td>2.3 Australian Citizenship</td>
<td>Sydney</td>
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<tr>
<td>133 177 – Client Service Feedback Line</td>
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<td>0900-1600 Mon-Fri (0900-1300 Wed) Recorded information: 24 hours / 7 days</td>
<td>Across all output areas</td>
<td>Answered in each State / Territory Office</td>
</tr>
<tr>
<td>131 450 – Translating and Interpreter Service</td>
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<td>2.2 Translating and interpreting services</td>
<td>Melbourne</td>
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<tr>
<td>03 9657 4115 – Adelaide Skilled Processing Centre</td>
<td>No</td>
<td>0900-1600 Mon-Fri (0900-1500 Wed)</td>
<td>1.1 Non-humanitarian entry and stay</td>
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<td>1.1 Non-humanitarian entry and stay</td>
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</tr>
<tr>
<td>1800 040 070 – Employer Work Rights Checking Line</td>
<td>Freecall</td>
<td>Operator access: 0830-1630 Mon-Fri</td>
<td>1.3 Enforcement of immigration law</td>
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### FY 2003-04

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<td>Sydney and Melbourne</td>
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<tr>
<td>131 880 – Citizenship Inquiry Line</td>
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<td>133 177 – Client Service Feedback Line</td>
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<td>Across all output areas</td>
<td>Sydney and Melbourne</td>
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<tr>
<td>131 450 – Translating and Interpreter Service</td>
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### FY 2004-05

<table>
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<td>Sydney and Melbourne</td>
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<td>Recorded information: 24 hours / 7 days</td>
<td>1.2 Refugee and humanitarian entry and stay</td>
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<td></td>
<td></td>
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<td>1.3 Enforcement of immigration law</td>
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<td>2.3 Australian Citizenship</td>
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</tr>
<tr>
<td>131 880 – Citizenship Inquiry Line</td>
<td>Yes</td>
<td>Operator access 0830-1630 Mon-Fri</td>
<td>1.1 Non-humanitarian entry and stay</td>
<td>Sydney and Melbourne</td>
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<tr>
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<td>Mon-Fri</td>
<td>1.2 Refugee and humanitarian entry and stay</td>
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<td>Recorded information: 24 hours / 7 days</td>
<td>1.3 Enforcement of immigration law</td>
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<td>2.3 Australian Citizenship</td>
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</tr>
<tr>
<td>133 177 – Client Service Feedback Line</td>
<td>Yes</td>
<td>0900-1600 Mon-Fri</td>
<td>Across all output areas</td>
<td>Sydney and Melbourne</td>
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<tr>
<td>131 450 – Translating and Interpreter Service</td>
<td>Yes</td>
<td>24 hours / 7 days</td>
<td>2.2 Translating and interpreting services</td>
<td>Melbourne</td>
</tr>
<tr>
<td>1300 364 613 – Adelaide Skilled Processing Centre</td>
<td>Yes</td>
<td>0900-1600 Mon-Fri (0900-1300 Wed)</td>
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<tr>
<td>1300 652 486 – Adelaide Offshore Students Processing Centre</td>
<td>Yes</td>
<td>0900-1600 Mon-Fri (0900-1300 Wed)</td>
<td>1.1 Non-humanitarian entry and stay</td>
<td>Adelaide</td>
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</table>
QUESTIONS ON NOTICE

<table>
<thead>
<tr>
<th>Service</th>
<th>Toll Free</th>
<th>Hours of operation</th>
<th>Responsible output area</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>1800 040 070 – Employer Work Rights Checking Line</td>
<td>Freecall</td>
<td>Operator access: 0830-1630 Mon-Fri</td>
<td>1.3 Enforcement of immigration law</td>
<td>Sydney and Melbourne</td>
</tr>
<tr>
<td>1800 180 303 &amp; 1300 652 421 – Perth Offshore Parent Centre</td>
<td>Freecall &amp; Yes</td>
<td>0900-1600 Mon-Fri (0900-1300 Wed)</td>
<td>1.1 Non-humanitarian entry and stay</td>
<td>Perth</td>
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<tr>
<td>1800 009 623 – Immigration Dob-in Line</td>
<td>Freecall</td>
<td>0830-1630 Mon-Fri</td>
<td>1.3 Enforcement of immigration law</td>
<td>Sydney and Melbourne</td>
</tr>
<tr>
<td>1-888-990-8888 – North America Australian Visa Information Service</td>
<td>Toll free</td>
<td>Operator access: 1000-1700 Mon-Fri Recorded information: 24 hours / 7 days</td>
<td>1.1 Non-humanitarian entry and stay</td>
<td>Ottawa, Canada</td>
</tr>
<tr>
<td>1-888-990-8888</td>
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<td></td>
<td>1.3 Enforcement of immigration law</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
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<td>2.3 Australian Citizenship</td>
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</table>

(2) Total cost per year ($)

<table>
<thead>
<tr>
<th>Service</th>
<th>2000-01</th>
<th>2001-02</th>
<th>2002-03</th>
<th>2003-04</th>
<th>Jul04 – May05</th>
</tr>
</thead>
<tbody>
<tr>
<td>131 881</td>
<td>not available</td>
<td>not available</td>
<td>5,429,739 a</td>
<td>5,165,055 a</td>
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<tr>
<td>131 880</td>
<td>not available</td>
<td>not available</td>
<td>722,674 b</td>
<td>1,948,668 b</td>
<td>2,342,171 b</td>
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<tr>
<td>133 177</td>
<td>not available</td>
<td>not available</td>
<td>49,403 b</td>
<td>39,082 b</td>
<td>53,167 b</td>
</tr>
<tr>
<td>131 450</td>
<td>20,237,633 c</td>
<td>21,465,837 c</td>
<td>16,526,015 c</td>
<td>17,453,322 c</td>
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<tr>
<td>03 9657 4115 &amp; 03 9657 4116</td>
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<td>142,609 d</td>
<td>159,913 d</td>
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<tr>
<td>1300 652 486 &amp; 1800 040 070</td>
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<td>1800 180 303 &amp; 1300 652 421</td>
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<td>1800 009 623 &amp; 1-888-990-8888</td>
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a Includes infrastructure, telephone and departmental costs for all ‘13’, 1300 and 1800 services.
b Infrastructure, telephone and departmental costs incorporated in 131 881 figures.
c Figure represents the total expenditure for TIS including translations up to time of outsourcing this function in Aug 2002.
d Staff and infrastructure costs only.
### QUESTIONS ON NOTICE

#### (3) Cost breakdown by service ($)

<table>
<thead>
<tr>
<th>Service</th>
<th>Cost breakdown</th>
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<th>2001-02</th>
<th>2002-03</th>
<th>2003-04</th>
<th>Jul04 – May05</th>
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<tbody>
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<td>131 881 (a) staffing</td>
<td>not available</td>
<td>not available</td>
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<tr>
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<td>506,370</td>
<td>666,551</td>
<td>513,965</td>
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<tr>
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<td>781,741</td>
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<td>(b) infrastructure</td>
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<td>(c) telephone</td>
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<tr>
<td>(e) other</td>
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<tr>
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<td>49,403</td>
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<tr>
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<tr>
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<td>1,665,730</td>
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<td>2002-03</td>
<td>2003-04</td>
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1 Infrastructure and telephone costs for all departmental ‘13’, 1300 and 1800 services are unable to be separated.

2 Departmental costs include support costs for staff managing these services centrally.

(4) Number of calls

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<tr>
<th>Service</th>
<th>2000-01</th>
<th>2001-02</th>
<th>2002-03</th>
<th>2003-04</th>
<th>Jul04 – May05</th>
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QUESTIONS ON NOTICE
(1) (a) to (d) For the financial years 2000-01 to 2004-05, the OIPC operated the following customer service lines.

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<td>OIPC Nhulunbuy Local</td>
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<td>data not available</td>
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<tr>
<td>OIPC Kalgoorlie ICC</td>
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<td>data not available</td>
<td>data not available</td>
<td>✔</td>
</tr>
<tr>
<td>OIPC Leadership Group</td>
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<td>data not available</td>
<td>data not available</td>
<td>data not available</td>
<td>✔</td>
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<tr>
<td>OIPC ORAC</td>
<td>1800 622 431</td>
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<td>data not available</td>
<td>data not available</td>
<td>data not available</td>
<td>✔</td>
</tr>
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<td>✔</td>
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<td>Indigenous Land Corporation</td>
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<td>✔</td>
<td>✔</td>
<td>✔</td>
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Details of whether the number is toll free, hours of operation, the responsible output area and the location of where calls are answered is included in the tables below.

**FY 2000-01**

<table>
<thead>
<tr>
<th>Service</th>
<th>Toll Free</th>
<th>Hours of operation</th>
<th>Responsible output area</th>
<th>Location</th>
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<tbody>
<tr>
<td>1800 818 490 – Indigenous Land Corporation</td>
<td>Freecall</td>
<td>0830-1700 Mon-Fri</td>
<td>3.1 Indigenous policy</td>
<td>Answered in each Divisional Office (Brisbane / Adelaide / Perth)</td>
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**FY 2001-02**

<table>
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<th>Hours of operation</th>
<th>Responsible output area</th>
<th>Location</th>
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<tr>
<td>1800 818 490 – Indigenous Land Corporation</td>
<td>Freecall</td>
<td>0830-1700 Mon-Fri</td>
<td>3.1 Indigenous policy</td>
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**FY 2002-03**

<table>
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<tr>
<td>1800 818 490 – Indigenous Land Corporation</td>
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QUESTIONS ON NOTICE
## FY 2003-04

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<tbody>
<tr>
<td>1800 818 490 – Indigenous Land Corporation</td>
<td>Freecall</td>
<td>0830-1700 Mon-Fri</td>
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## FY 2004-05

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<tr>
<td>1800 079 098 – OIPC National Enquiries Number</td>
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<td>Canberra</td>
</tr>
<tr>
<td>1800 622 431 – OIPC ORAC</td>
<td>Freecall</td>
<td>24 hours / 7 days</td>
<td>3.1 Indigenous policy</td>
<td>Canberra</td>
</tr>
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<td>1800 107 107 – ATSIS Housing Loans</td>
<td>Freecall</td>
<td>24 hours / 7 days</td>
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<tr>
<td>1800 064 800 – ATSIS Customer Lending</td>
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<tr>
<td>1800 818 490 – Indigenous Land Corporation</td>
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(2) Total cost per year ($)

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e Telephone costs only.
### QUESTIONS ON NOTICE

#### (3) Cost breakdown by service ($)

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</tr>
<tr>
<td>1800 818 490</td>
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<td>11,952</td>
<td>8,223</td>
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<tr>
<td>1800 079 093</td>
<td>(a) staffing (b) infrastructure (c) telephone (d) departmental (e) other</td>
<td>data not available</td>
<td>data not available</td>
<td>data not available</td>
<td>data not available</td>
<td>not available</td>
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<tr>
<td>1800 079 093</td>
<td></td>
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</table>
(4) Number of calls

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<td>1800 193 357</td>
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<td>data not available</td>
<td>data not available</td>
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<td>1800 202 366</td>
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<tr>
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<td>1800 064 800</td>
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<td>455</td>
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<td>1800 818 490</td>
<td>11,390</td>
<td>12,233</td>
<td>10,875</td>
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<td>10,517</td>
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</table>

(1) (a) to (d) For the financial years 2000-01 to 2004-05, the MARA operated the following customer service telephone lines.

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<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>Migration Agents Registration Authority</td>
<td>02 9299 5446</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Migration Agents Registration Authority (initial registration information service)</td>
<td>1902 222 099 &amp; 02 9478 7945</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Migration Agents Registration Authority (complaint information line)</td>
<td>02 4942 4065</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Migration Agents Registration Authority (agent information line)</td>
<td>02 9299 5341</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td></td>
</tr>
</tbody>
</table>

Details of whether the number is toll free, hours of operation, the responsible output area and the location of where calls are answered is included in the tables below.

**FY 2000-01**

<table>
<thead>
<tr>
<th>Service</th>
<th>Toll Free</th>
<th>Hours of operation</th>
<th>Responsible output area</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>02 9299 5446 – Migration Agents Registration Authority</td>
<td>No</td>
<td>Operator access: 0900-1700 Mon-Fri Recorded information: 24 hours / 7 days</td>
<td>Migration Agents Registration Authority</td>
<td>Sydney</td>
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**FY 2001-02**

<table>
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<th>Hours of operation</th>
<th>Responsible output area</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>02 9299 5446 – Migration Agents Registration Authority</td>
<td>No</td>
<td>Operator access: 0900-1700 Mon-Fri Recorded information: 24 hours / 7 days</td>
<td>Migration Agents Registration Authority</td>
<td>Sydney</td>
</tr>
<tr>
<td>1902 222 099 &amp; 02 9478 7945 – Migration Agents Registration Authority (initial registration information service)</td>
<td>No</td>
<td>1300-1500 Mon-Fri</td>
<td>Migration Agents Registration Authority</td>
<td>Sydney</td>
</tr>
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</table>

QUESTIONS ON NOTICE
<table>
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<th>Hours of operation</th>
<th>Responsible output area</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>02 4942 4065 – Migration Agents Registration Authority (complaint</td>
<td>No</td>
<td>1100-1300 Mon-Fri</td>
<td>Migration Agents Registration Authority</td>
<td>Sydney</td>
</tr>
<tr>
<td>information line)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>02 9299 5341 – Migration Agents Registration Authority (agent</td>
<td>No</td>
<td>0900-1600 Mon-Fri</td>
<td>Migration Agents Registration Authority</td>
<td>Sydney</td>
</tr>
<tr>
<td>information line)</td>
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**FY 2002-03**

<table>
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<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>02 9299 5446 – Migration Agents Registration Authority</td>
<td>No</td>
<td>Operator access: 0900-1700</td>
<td>Migration Agents Registration Authority</td>
<td>Sydney</td>
</tr>
<tr>
<td>Mon-Fri  Recorded information: 24 hours / 7 days</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1902 222 099 &amp; 02 9478 7945 – Migration Agents Registration</td>
<td>No</td>
<td>1230-1500 Mon-Fri</td>
<td>Migration Agents Registration Authority</td>
<td>Sydney</td>
</tr>
<tr>
<td>Authority (initial registration information service)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>02 4942 4065 – Migration Agents Registration Authority (complaint</td>
<td>No</td>
<td>1100-1300 Mon-Fri</td>
<td>Migration Agents Registration Authority</td>
<td>Sydney</td>
</tr>
<tr>
<td>information line)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>02 9299 5341 – Migration Agents Registration Authority (agent</td>
<td>No</td>
<td>0900-1600 Mon-Fri</td>
<td>Migration Agents Registration Authority</td>
<td>Sydney</td>
</tr>
<tr>
<td>information line)</td>
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**FY 2003-04**

<table>
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<th>Responsible output area</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>02 9299 5446 – Migration Agents Registration Authority</td>
<td>No</td>
<td>Operator access: 0900-1700</td>
<td>Migration Agents Registration Authority</td>
<td>Sydney</td>
</tr>
<tr>
<td>Mon-Fri  Recorded information: 24 hours / 7 days</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1902 222 099 &amp; 02 9478 7945 – Migration Agents Registration</td>
<td>No</td>
<td>1230-1500 Mon-Fri</td>
<td>Migration Agents Registration Authority</td>
<td>Sydney</td>
</tr>
<tr>
<td>Authority (initial registration information service)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>02 4942 4065 – Migration Agents Registration Authority (complaint</td>
<td>No</td>
<td>1100-1300 Mon-Fri</td>
<td>Migration Agents Registration Authority</td>
<td>Sydney</td>
</tr>
<tr>
<td>information line)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>02 9299 5341 – Migration Agents Registration Authority (agent</td>
<td>No</td>
<td>0900-1600 Mon-Fri</td>
<td>Migration Agents Registration Authority</td>
<td>Sydney</td>
</tr>
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FY 2004-05

<table>
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<th>Hours of operation</th>
<th>Responsible output area</th>
<th>Location</th>
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<tbody>
<tr>
<td>02 9299 5446 – Migration Agents Registration Authority</td>
<td>No</td>
<td>Operator access: 0900-1700 Mon-Fri Recorded information: 24 hours / 7 days</td>
<td>Migration Agents Registration Authority</td>
<td>Sydney</td>
</tr>
<tr>
<td>1902 222 099 &amp; 02 9478 7945 – Migration Agents Registration Authority (initial registration information service)</td>
<td>No</td>
<td>1230-1500 Mon-Fri</td>
<td>Migration Agents Registration Authority</td>
<td>Sydney</td>
</tr>
<tr>
<td>02 4942 4065 – Migration Agents Registration Authority (complaint information line)</td>
<td>No</td>
<td>1100-1300 Mon-Fri</td>
<td>Migration Agents Registration Authority</td>
<td>Sydney</td>
</tr>
<tr>
<td>02 9299 5341 – Migration Agents Registration Authority (agent information line)</td>
<td>No</td>
<td>0900-1600 Mon-Fri</td>
<td>Migration Agents Registration Authority</td>
<td>Sydney</td>
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</table>

(2) Total cost per year ($)  

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</tr>
</thead>
<tbody>
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<td>02 9299 5446</td>
<td>(a) staffing</td>
<td>60,000</td>
<td>5,200</td>
<td>5,200</td>
<td>5,200</td>
<td>5,200</td>
</tr>
<tr>
<td></td>
<td>(b) infrastructure</td>
<td>3,250</td>
<td>3,250</td>
<td>3,250</td>
<td>3,250</td>
<td>2,740</td>
</tr>
<tr>
<td></td>
<td>(c) telephone</td>
<td>3,500</td>
<td>2,600</td>
<td>5,760</td>
<td>5,440</td>
<td>5,330</td>
</tr>
<tr>
<td></td>
<td>(d) departmental</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td></td>
<td>(e) other</td>
<td>120</td>
<td>refer footnote 3</td>
<td>refer footnote 4</td>
<td>refer footnote 4</td>
<td>refer footnote 4</td>
</tr>
<tr>
<td>1902 222 099 &amp; 02 9478 7945</td>
<td>(a) staffing</td>
<td>not yet established</td>
<td>18,640 k</td>
<td>30,370 k</td>
<td>27,400 k</td>
<td>28,700 k</td>
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<tr>
<td></td>
<td>(b) infrastructure</td>
<td>not yet established</td>
<td>15,200</td>
<td>540</td>
<td>2,670</td>
<td>240</td>
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<tr>
<td></td>
<td>(c) telephone</td>
<td>not yet established</td>
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<td>2,900</td>
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<td>2,900</td>
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<tr>
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<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td></td>
<td>(e) other</td>
<td>not yet established</td>
<td>Nil</td>
<td>refer footnote 3</td>
<td>refer footnote 3</td>
<td>refer footnote 3</td>
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</table>

k Due to the complexity and inseparability of some elements of the MARA data only approximate amounts are available.

(3) Cost breakdown by service ($)  

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<tbody>
<tr>
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<td>(a) staffing</td>
<td>60,000</td>
<td>5,200</td>
<td>5,200</td>
<td>5,200</td>
<td>5,200</td>
</tr>
<tr>
<td></td>
<td>(b) infrastructure</td>
<td>3,250</td>
<td>3,250</td>
<td>3,250</td>
<td>3,250</td>
<td>2,740</td>
</tr>
<tr>
<td></td>
<td>(c) telephone</td>
<td>3,500</td>
<td>2,600</td>
<td>5,760</td>
<td>5,440</td>
<td>5,330</td>
</tr>
<tr>
<td></td>
<td>(d) departmental</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td></td>
<td>(e) other</td>
<td>120</td>
<td>refer footnote 3</td>
<td>refer footnote 4</td>
<td>refer footnote 4</td>
<td>refer footnote 4</td>
</tr>
<tr>
<td>1902 222 099 &amp; 02 9478 7945</td>
<td>(a) staffing</td>
<td>not yet established</td>
<td>15,200</td>
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<td>25,560</td>
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<tr>
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<td>(b) infrastructure</td>
<td>not yet established</td>
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<td>2,670</td>
<td>240</td>
<td>240</td>
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<tr>
<td></td>
<td>(c) telephone</td>
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<td>2,900</td>
<td>2,900</td>
<td>2,900</td>
<td>2,900</td>
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<tr>
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<td>(d) departmental</td>
<td>not yet established</td>
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<td>NA</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td></td>
<td>(e) other</td>
<td>not yet established</td>
<td>Nil</td>
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<td>refer footnote 3</td>
<td>refer footnote 3</td>
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<td>(e) other</td>
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<td>Nil</td>
<td>Nil</td>
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<td>40,000</td>
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<td>(b) infrastructure</td>
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<td>13,000</td>
<td>13,000</td>
<td>13,000</td>
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<td></td>
<td>(c) telephone</td>
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<td>refer foot-note 3</td>
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<td></td>
<td>(d) departmental</td>
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<td>NA</td>
<td>NA</td>
<td>NA</td>
<td></td>
</tr>
<tr>
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<td>(e) other</td>
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<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
<td></td>
</tr>
</tbody>
</table>

3 Due to the complexity and inseparability of some elements of the data only approximate amounts are available

4 Telephone costs for the 02 9299 5341 and are unable to be separated

(4) Number of calls

<table>
<thead>
<tr>
<th></th>
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</thead>
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<td>15,950</td>
<td>19,040</td>
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<td>1902 222 099 &amp; 02 9478 7945</td>
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<td>1,789</td>
<td>1,226</td>
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<td>1,379</td>
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<td>not yet established</td>
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<td>473</td>
<td>409</td>
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<td>8,249</td>
<td>6,859</td>
<td>5,059</td>
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</tr>
</tbody>
</table>

(1) (a) to (d) For the financial years 2000-01 to 2004-05, the MRT and RRT operated the following customer service telephone lines.

<table>
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<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>Migration Review Tribunal</td>
<td>1300 361 696</td>
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<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
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<tr>
<td>Main switch, Sydney Registry &amp; Principal Registry, Migration Review Tribunal &amp; Refugee Review Tribunal3</td>
<td>02 9276 5000</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
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<tr>
<td>Main switch, Melbourne Registry, Migration Review Tribunal &amp; Refugee Review Tribunal3</td>
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<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Refugee Review Tribunal</td>
<td>1800 814 593</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Main switch, Sydney Registry, Migration Review Tribunal</td>
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<td>✓</td>
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<td>✓</td>
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<tr>
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QUESTIONS ON NOTICE
Details of whether the number is toll free, hours of operation, the responsible output area and the location of where calls are answered is included in the tables below.

### FY 2000-01

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2 To September 2003.
3 From October 2003.
FY 2004-05

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2 To April 2005.
3 From May 2005.

(2) Total cost per year ($)

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g Records prior to December 2003 have been archived.
h Telephone costs only.
i Part-year. Data is from December 2002-June 2003.
The MRT/RRT main switch numbers provide general telephone service – it is not possible to disaggregate the costs of providing telephone customer service.

(3) Cost breakdown by service ($)

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5 From December 2002

QUESTIONS ON NOTICE
(4) Number of calls

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</tr>
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<td>data not available b</td>
<td>69 c</td>
<td>1,470 c</td>
<td>749 c</td>
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<tr>
<td>03 9672 1800</td>
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<td>no longer in service</td>
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<tr>
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<td></td>
</tr>
<tr>
<td>02 9951 5800</td>
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<tr>
<td>02 6245 9999</td>
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<td>data not available</td>
<td>no longer in service</td>
<td>no longer in service</td>
</tr>
</tbody>
</table>

a MRT have occasionally used additional 1300 number services for special purposes or fixed term programs – these services terminated at the main 1300 service, and telephone costs are aggregated.
b Records prior to December 2003 have been archived.
c Part-year. Data is from December 2002-June 2003.
d The MRT/RRT main switch numbers provide general telephone service – it is not possible to disaggregate the costs of providing telephone customer service.

Industry, Tourism and Resources: Grants
(Question No. 995)

Senator O’Brien asked the Minister representing the Minister for Industry, Tourism and Resources, upon notice, on 24 June 2005:

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 Minchin—The Minister for Industry, Tourism and Resources has provided the following answer to the honourable senator’s question:

The information requested is not readily available and would require an unreasonable diversion of resources to compile, particularly as no clear definition list of business organisations and associations has been provided as part of the question.
Information on payments made by my Department to employer groups and peak bodies over the calendar years from 2000 to 2003 was provided as part of my response to Parliamentary Question No. 3152, which was tabled in the House of Representatives on 13 May 2004. This response identified payments to these groups of around $5.38m over this period. These payments were for a variety of purposes, including the delivery of industry development and assistance programs and projects, the development of action agendas, sponsorships of conferences, surveys and reports, attendance at conferences and seminars, and the purchase of publications. A breakdown of these payments is provided in the table below.

<table>
<thead>
<tr>
<th>Employer Group / Peak Body</th>
<th>2000</th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
</tr>
</thead>
<tbody>
<tr>
<td>Printing Industry Association of Australia</td>
<td>$594,571.50</td>
<td>$1,159,529.80</td>
<td>$1,289,636.70</td>
<td>$1,159,463.56</td>
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<tr>
<td>Australian Industry Group</td>
<td>$6,353.59</td>
<td>$47,091.64</td>
<td>$275,911.50</td>
<td>$360,044.36</td>
</tr>
<tr>
<td>Australian Retailers Association</td>
<td>-</td>
<td>-</td>
<td>$77,000.00</td>
<td>$140,085.00</td>
</tr>
<tr>
<td>Australian Hotels Association</td>
<td>-</td>
<td>$87,550.00</td>
<td>$85,272.00</td>
<td>-</td>
</tr>
<tr>
<td>Master Builders Association</td>
<td>$2,013.60</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Restaurant and Catering Industry - Australia</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>$57,617.00</td>
</tr>
<tr>
<td>Association</td>
<td>-</td>
<td>$28,391.53</td>
<td>$730.00</td>
<td>$5,335.85</td>
</tr>
<tr>
<td>Australian Chamber of Commerce and Industry</td>
<td>-</td>
<td>-</td>
<td>$45,000.00</td>
<td>-</td>
</tr>
<tr>
<td>Business Council of Australia</td>
<td>$1,986.00</td>
<td>$275.00</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>National Farmers Federation</td>
<td>$300.00</td>
<td>$1,815.00</td>
<td>$1,415.00</td>
<td>-</td>
</tr>
<tr>
<td>Total</td>
<td>$605,224.69</td>
<td>$1,324,652.97</td>
<td>$1,730,010.20</td>
<td>$1,722,545.77</td>
</tr>
</tbody>
</table>

Information on grants (and similar payments) made to a range of industry bodies during 2003-04 and 2004-05 was also provided in my response to Parliamentary Question No. 1481, which was tabled in the House of Representatives on 17 August 2005.

**Human Services: Grants**

*(Question No. 1002)*

**Senator O’Brien** asked the Minister representing the Minister for Human Services, upon notice, on 24 June 2005:

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 Patterson**—The Minister for Human Services has provided the following answer to the honourable senator’s question:

The Department of Human Services was established on 26 October 2004.

**Core Department**

No grants or other payments have been made.

**Australian Hearing**

No grants or other payments have been made.

**Centrelink**

No grants or other payments have been made.
Child Support Agency
No grants or other payments have been made.

CRS Australia
No grants or other payments have been made.

Health Services Australia
No grants or other payments have been made.

Medicare Australia
Many of the payments made by the Medicare Australia under the classification of grants are made to individuals and have accordingly been excluded.

The payments shown in the table are for the period between 26 October 2004 and 30 June 2005.

(a)

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australasian Medical Insurance Ltd</td>
<td>HSBC Centre, Level 25, 580 George Street, Sydney NSW 1230</td>
<td>$1,603,529.20</td>
</tr>
<tr>
<td>MDO United Medical Protection Ltd</td>
<td>HSBC Centre, Level 25, 580 George Street, Sydney NSW 1230</td>
<td>$3,595,740.78</td>
</tr>
<tr>
<td>Prof Indemnity Insur Comp of Aust</td>
<td>Pelham House, 165 Bouverie Street, Carlton VIC 3053</td>
<td>$590,631.00</td>
</tr>
<tr>
<td>Medical Insurance Australia Pty Ltd</td>
<td>L9, 431-435 King William Street, Adelaide SA 5300</td>
<td>$269,640.75</td>
</tr>
<tr>
<td>Australasian Medical Insurance Ltd</td>
<td>HSBC Centre, Level 25, 580 George Street, Sydney NSW 1230</td>
<td>$3,094,675.57</td>
</tr>
<tr>
<td>MDO United Medical Protection Ltd</td>
<td>HSBC Centre, Level 25, 580 George Street, Sydney NSW 1230</td>
<td>$5,621,373.50</td>
</tr>
<tr>
<td>MDA National Insurance Pty Ltd</td>
<td>PO Box 263, West Perth WA 6872</td>
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<tr>
<td>Prof Indemnity Insur Comp of Aust</td>
<td>Pelham House, 165 Bouverie St, Carlton VIC 3053</td>
<td>$1,907,680.87</td>
</tr>
<tr>
<td>Medical Indemnity Protection Society</td>
<td>Level 3, 33 Lincoln Square South, Carlton VIC 3053</td>
<td>$3,249,378.53</td>
</tr>
<tr>
<td>Medical Insurance Australia Pty Ltd</td>
<td>L9, 431-451 King William Street, Adelaide SA 5000</td>
<td>$2,800,839.81</td>
</tr>
</tbody>
</table>

(b) Medical Indemnity
(c) Medical Indemnity
(d) Branch Head, Associate Government Programs
(e) No acquittals were required as payments are made under legislation.

QUESTIONS ON NOTICE
Industry, Tourism and Resources
(Question No. 1008)

Senator O’Brien asked the Minister representing the Minister for Small Business and Tourism, upon notice, on 24 June 2005:
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 Abetz—The Minister for Small Business and Tourism has provided the following answer to the honourable senator’s question:
This question was also asked of the Minister for Industry, Tourism and Resources (Question No. 995). The Minister for Industry, Tourism and Resources will provide a portfolio response to this question.

Drug Advertising
(Question No. 1040)

Senator Allison asked the Minister representing the Minister for Health and Ageing, upon notice, on 28 July 2005:
(1) Is the Minister aware of the article in the 18 July 2005 issue of the Medical Journal of Australia by Dr Ken Harvey calling for drug advertising to be banned on prescribing software.
(2) Will the Government consider this and/or other recommendations made in the article that: (a) spending caps be introduced on prescription pharmaceutical advertising; and (b) fines be imposed for individual marketing and sales staff involved in campaigns found to have breached the Medicines Australia code of conduct.
(3) Does the Government accept the results of the survey conducted by the University of South Australia which assessed 60 advertisements that made a promotional claim and found that 57 appeared not to comply with one or more requirements of the Medicines Australia code of conduct.
(4) Does the Government accept Dr Harvey’s conclusion that in terms of pharmaceutical promotion, industry self-regulation has failed; if not, why not.

Senator Patterson—The Minister for Health and Ageing has provided the following answer to the honourable senator’s question:
(1) Yes.
(2) (a) and (b) No. The concerns mentioned are matters for Medicines Australia to consider in their review described in (4).
(3) Appearing not to comply with the code of conduct is different to non-compliance. The Medicines Australia Code of Conduct Committee examines all complaints of alleged breaches and decides whether an advertisement is non-compliant.
(4) No. The Australian Government remains committed to the current self-regulation of prescription medicine marketing. Medicines Australia is reviewing the current edition of the code of conduct.
and is taking steps to strengthen the requirements concerning advertising in electronic prescribing software packages. The Government is satisfied that the Code of Conduct Committee is investigating alleged breaches of the code of conduct with integrity and is endeavouring to keep abreast of technological advancements in promotion.

Environment: Greenhouse Gas Emissions
(Question No. 1120)

Senator Allison asked the Minister for the Environment and Heritage, upon notice, on 30 August 2005:

With reference to a letter from WMC Resources Ltd to South Australian Member of Parliament, Mr Kris Hanna, dated 6 July 2005 and located at http://www.anawa.org.au/greenhouse/Roxby.pdf, in which WMC identify CO₂e emissions of 1 018 128 tonnes from its Roxby operations for the 2004 calendar year: Can the Minister provide a breakdown of those CO₂e emissions from those operations by the commodities of copper and uranium for the 2004 calendar year; if not, why not; if so, how do the CO₂e emissions of the uranium production component of the Roxby mine compare with the CO₂e emissions of the Ranger and Beverley uranium mines.

Senator Ian Campbell—The answer to the honourable senator’s question is as follows:

My Department does not hold information on greenhouse emissions related to the production of individual commodities by individual companies at their production sites.

Live Import List
(Question No. 1131)

Senator Webber asked the Minister for the Environment and Heritage, upon notice, on 5 September 2005:

(1) What is the process for the assessment of species proposed for inclusion on the live import list.

(2) In relation to (1) above, does a proponent who wishes to amend the list of species approved for live import prepare: (a) terms of reference; (b) an environmental impact assessment; (c) a draft report; or (d) any other research which is used in the department’s examination of the proposal.

(3) Does an agent of the proponent who wishes to amend the list of species approved for live import prepare: (a) terms of reference; (b) an environmental impact assessment; (c) a draft report; or (d) any other research that is used in the department’s examination of the proposal.

(4) What independent assessment does the department conduct of any such proposal and the information provided by the proponent.

(5) What facility exists for the review of any decision to amend the live import list.

(6) What is the cost for the proponent seeking to amend the list of species approved for live import.

Senator Ian Campbell—The answer to the honourable senator’s question is as follows:

(1) To include a species on the list of specimens considered suitable for live import (live import list) established under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) the following process must be followed:

(a) the preparation of draft terms of reference for a report on the relevant impacts;

(b) the publication of the draft terms of reference for public comment for at least 10 business days;

(c) the finalisation of the terms of reference to my satisfaction, taking into account comments received;

(d) the preparation of a draft report on the relevant impacts;
The decision to amend the list resides with me, as Minister for the Environment and Heritage.

(2) In relation to (1) above:
(a) Yes – the proponent prepares draft terms of reference with assistance from my Department.
(b) No.
(c) Yes – the proponent prepares a draft report assessing the potential environmental risks against the agreed terms of reference.
(d) As required – further information may be provided on request.

(3) The proponent can commission an agent to prepare the terms of reference, the draft report and to provide further information on request.

(4) My Department undertakes its own rigorous research and analysis on any proposal to amend the live import list. As part of its analysis the Department incorporates the use of risk assessment tools for assessing the potential impact on the Australian environment of terrestrial mammals and birds, freshwater fish and reptiles and amphibians. These tools have been developed by the Australian Government Bureau of Rural Sciences, some with funding from my Department.

There are two periods of public comment in the process and stakeholders, including experts and relevant State and Territory Ministers, are invited to comment.

(5) I, as Minister, can review a decision to include, or refuse to include, an item in the list at any time during the period of five years after the decision was made. Should new information become available, or if for some other reason a proponent wished to have the decision reviewed, application can be made to my Department.

(6) There is no cost incurred by the proponent in applying to amend the live import list however the cost for preparing the terms of reference and the report rests with the proponent.

**Prime Minister: Visit to Launceston**

(7) **Senator O’Brien** asked the Minister representing the Prime Minister, upon notice, on 5 September 2005:

With reference to the Prime Minister’s visit to Launceston on 1 September 2005:

(1) When did planning for the visit commence and when was it finalised.

(2) Was the visit initiated by the department or the Prime Minister’s office.

(3) (a) Which federal members of Parliament were advised that the visit was to occur; and (b) on what date and in what manner were they made aware.

(4) (a) Which federal members of Parliament were invited to attend the function at the Door of Hope Centre with the Prime Minister; and (b) on what date and in what manner were they invited.

(5) Who accompanied the Prime Minister and in what capacity.

(6) What was the total cost to the Commonwealth of the Prime Minister’s visit to Tasmania.

(7) How much Commonwealth funding was spent on:
(a) alcohol for the Prime Minister’s travelling party;
(b) food and catering for the Prime Minister’s travelling party;
(c) accommodation for the Prime Minister; and
(d) accommodation for the Prime Minister’s travelling party.

Senator Hill—The Prime Minister has provided the following answer to the honourable senator’s question:

(1) to (7) The Prime Minister regularly visits different cities, towns and regions throughout Australia. Arrangements are made in accordance with longstanding practice. Staff accompany the Prime Minister to assist him as they did under the previous government. Staff claim travel allowance in the usual manner. The Prime Minister travels by RAAF plane as did his predecessor.

Biofuel Production

(Question No. 1142)

Senator Allison asked the Minister representing the Minister for Industry, Tourism and Resources, upon notice, on 8 September 2005:

With reference to the Prime Minister’s voluntary target of biofuel production by 2010:

(1) How does the projected consumption of transport fuel in 2010, on which the 2 per cent biofuel target was based to arrive at a total of 350 million litres (ML), compare with the latest projections.
(2) What would be the 2 per cent biofuel target if calculated on those latest projections.
(3) Will the Government consider raising the target to that figure; if not, why not.
(4) Does the Government agree with AgForce Grains Ltd’s opinion that the 350ML target is inadequate to establish E10 petrol/ethanol blended petrol as a mainstream product.
(5) Does the Government agree that: (a) the 350ML target will be met before 2010; and (b) there will be no new developments of ethanol production to come on stream without an increase in the overall target and/or an obligation imposed on petrol companies to sell ethanol-blended petrol.
(6) Will the Government consider a mandatory renewable energy target-style system for ethanol; if not, why not.
(7) Is the Government aware that the state of Minnesota in the United States of America has met its 10 per cent ethanol mandate and will mandate 20 per cent by 2012 if that target is not met by voluntary measures.

Senator Minchin—The Minister for Industry, Tourism and Resources has provided the following answer to the honourable senator’s question:

(1) The figure of 350 ML was based on projected production of gasoline in 2010 of 18.6 giga litres (GL). Projected road energy consumption of gasoline in Australia in 2010 is now estimated at 23.2 GL (Australian Transport Facts 2003, Apelbaum Consulting Group).
(2) Two percent of 23.2 GL is 464 ML.
(3) On 22 September, the Prime Minister reaffirmed the Government’s commitment to the 350 ML biofuels target. The Prime Minister also announced a new package of measures to help address market barriers and restore consumer confidence in the biofuels industry. On 28 September the Prime Minister and the Deputy Prime Minister held a meeting with the senior representatives of the major oil companies to discuss achieving the Government’s 350 ML biofuels target. The Government will be working with the major oil companies to develop an Industry Action Plan to underpin the achievement of the 350 ML target.
(4) No.
(5) (a) On 22 September, the Prime Minister reaffirmed the Government’s commitment to achieving a target of at least 350ML biofuels production by 2010. The Biofuels Taskforce noted in its report that a key impediment to achieving the 350 ML biofuels target is a low level of consumer confidence, particularly in ethanol blended fuels.
(b) The Government has funded two expansions and one greenfield ethanol project under the Biofuels Capital Grants Program. The Biofuels Taskforce noted in its report that a key impediment to achieving the 350 ML biofuels target is a low level of consumer confidence, particularly in ethanol blended fuels.

(6) The Government announced an additional package of measures on 22 September to address the impediments to the biofuels industry that were identified by the Biofuels Taskforce.

(7) Yes.

**Fisheries: Bottom Trawling**  
(Question No. 1183)

*Senator Siewert* asked the Minister for Fisheries, Forestry and Conservation, upon notice, on 13 September 2005:

With reference to the practice of bottom trawling undertaken by Australian-flagged vessels on the high seas:

(1) For the financial year 2004-05 to date, or the most recent year in which statistics are available, can the Minister outline the number of Australian-flagged vessels undertaking the practice of bottom trawling on the high seas.

(2) How, if at all, does the Government regulate these vessels.

(3) For the financial year 2004-5 to date, or the most recent year in which statistics are available, what is the reported annual catch of such vessels, specifically: (a) for targeted species; and (b) bycatch.

*Senator Ian Macdonald*—The answer to the honourable senator’s question is as follows:

(1) Five Australian flagged vessels undertook the practice of bottom trawling on the high seas in 2004 and 2005.

(2) As I stated in response to Question on Notice 1119, in addition to meeting 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).

(3) Catch from high seas trawling is recorded by calendar year, therefore in:

2004

(a) target catch was 1,872 tonnes

(b) bycatch was 4 tonnes

**Indigenous Programs**  
(Question No. 1223)

*Senator Crossin* asked the Minister for Immigration and Multicultural and Indigenous Affairs, upon notice, on 14 September 2005:

(1) How much funding was allocated in the Northern Territory for the last year (2004-05) of the Aboriginal and Torres Strait Islander Services (ATSIS) for all of the individual ATSIS programs (e.g. Community Development Employment projects, Community Housing Infrastructure Program, Municipal Funding, Arts Industry Support, Broadcasting in Remote Aboriginal Communities Scheme, and Women’s Issues).
(2) Can information be provided on: (a) which department each of these programs has been placed under mainstreaming; and (b) how much funding is now allocated to each program in the Northern Territory for the 2005-06 financial year.

(3) (a) Given the abolition of ATSIS, how many staff were employed in ATSIS in the Northern Territory for the 2004-05 financial year; and (b) how many of these staff members were Indigenous.

(4) What is the total number of staff members who were ‘mapped across’ to other departments and can a breakdown be given by department, including those remaining with the Office of Indigenous Policy Coordination.

(5) (a) How many staff members chose to resign and leave at the time referred to in (3) above; and (b) how many staff members have left since.

(6) How many Indigenous staff members are left working on Indigenous programs.

(7) (a) How many vacancies are there in the Northern Territory for positions formerly with ATSIS and mapped across to mainstream departments as being associated with Indigenous programs; and (b) why are positions vacant.

Senator Vanstone—The answer to the honourable senator’s question is as follows:

(1) Strictly speaking there were no ATSIS programs in 2004-05 as administration of the former ATSIS/ATSIC programs moved to mainstream Agencies for 2004-05. However, much of the initial allocation and decision making processes took place within ATSIS before the transfers took place. In keeping with the intent of the question, Attachment A sets out the program allocations for 2004-05 for the former ATSIS programs.

(2) Attachment A also sets outs the commencing allocations for 2005-06 and the name of the Agency now administering each program. As noted on the spreadsheet these are current allocations only and the amounts will increase for some programs as other projects and priorities are identified.

(3) (a) I believe the Honourable Senator may be referring to the 2003-04 financial year, prior to the machinery of government changes in Indigenous Affairs which saw the transfer of staff from ATSIS to other agencies. This being the case, I can inform the Senator that as at 30 June 2004, ATSIS employed 139 staff in the Northern Territory. In response to the machinery of government changes relating to Indigenous affairs, the large majority of ATSIS staff in the Northern Territory were transferred to other Commonwealth agencies on 1 July 2004.

As the passage of Aboriginal and Torres Strait Islander Commission Amendment Bill had not been completed, ATSIS continued into 2004-05, in a considerably reduced form, to provide administrative support to ATSIC and carry out certain residual ATSIS functions. A total of 80 staff were retained nationally, 4 being retained in the Northern Territory to administer the ATSIC Housing Loans Program for the period 1 July 2004 to 23 March 2005.

(b) Of the 139 staff employed by ATSIS in the Northern Territory in June 2004, 79 identified as Indigenous.

Of the 4 staff employed in the Northern Territory by ATSIS in 2004-05, one identified as Indigenous.

(4) The following table shows the transfer of ATSIS staff to other departments as a result of the Machinery of Government change.
(5) (a) The number of ongoing staff who chose to resign in the year leading up to and the year following the changed arrangements were:

<table>
<thead>
<tr>
<th>Section</th>
<th>National</th>
<th>NT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attorney General</td>
<td>54</td>
<td>6</td>
</tr>
<tr>
<td>Employment &amp; Workplace Relations</td>
<td>258</td>
<td>28</td>
</tr>
<tr>
<td>Environment &amp; Heritage</td>
<td>10</td>
<td>1</td>
</tr>
<tr>
<td>Family &amp; Community Services</td>
<td>212</td>
<td>32</td>
</tr>
<tr>
<td>Finance &amp; Administration</td>
<td>15</td>
<td>0</td>
</tr>
<tr>
<td>Health &amp; Ageing</td>
<td>19</td>
<td>0</td>
</tr>
<tr>
<td>Immigration &amp; Multicultural &amp; Indigenous Affairs (OIPC)</td>
<td>473</td>
<td>46</td>
</tr>
<tr>
<td>Indigenous Business Australia</td>
<td>53</td>
<td>4</td>
</tr>
<tr>
<td>Information, Communication Technology &amp; the Arts</td>
<td>90</td>
<td>16</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>1184</strong></td>
<td><strong>133</strong></td>
</tr>
</tbody>
</table>

(b) For the 2005-06 period to date, 8 staff (1 in the NT) have chosen to resign from OIPC.

As can be seen by the above figures, there has been a decline in the recorded resignation rate for ongoing employees.

(6) In relation to the number of Indigenous staff working on Indigenous programs, I can inform the Honourable Senator that individual agency staffing figures are not regularly collected at any one central point other than by way of the annual State of the Service Report produced by the Australian Public Service Commission. I am advised that the report for 2004-05 is scheduled for tabling in Parliament in November.

(7) (a) It has not been the practice to track each of the 1,184 positions (133 in the NT) that were transferred from ATSIS to other departments on 1 July 2004. This would be a resource intensive activity with doubtful benefit.

(b) Vacant positions or shifts in the resources applied to particular functions is not an occurrence restricted to the transfer of staff from ATSIS to mainstream agencies. Numbers fluctuate and positions become vacant across the public service and indeed outside the public service for a wide range of reasons. Maintaining a particular human resource mass does not necessarily equate to improving outcomes.

Each of the departments receiving resources have been given the responsibility of applying those resources in a manner which they believe to be the most effective in fulfilling their commitment to the delivery of Government services to Indigenous people. It is not unreasonable to expect that part of this process would include a review of the staffing resources applied.
### ATTACHMENT A

**Summary of Program Allocations for the Northern Territory (ex-ATSIS programs)**

<table>
<thead>
<tr>
<th>Agency</th>
<th>Program Name</th>
<th>Allocation for 2005 - 2006</th>
<th>Allocation for 2004 - 2005</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attorneys Generals</td>
<td>FAMILY VIOLENCE LEGAL SERVICES</td>
<td>$1,992,210</td>
<td>$1,662,399</td>
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<td>Attorneys Generals</td>
<td>LAW &amp; JUSTICE ADVOCACY</td>
<td>$58,000</td>
<td>$252,198</td>
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<tr>
<td>Attorneys Generals</td>
<td>LEGAL &amp; PREVENTATIVE</td>
<td>$3,661,953</td>
<td>$5,832,514</td>
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<tr>
<td>Attorneys Generals</td>
<td>PREVENTION, DIVERSION, REHABILITATION &amp; RESTORATIVE JUSTICE INITIATIVE</td>
<td>$1,117,039</td>
<td>$1,422,440</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td><strong>$6,829,202</strong></td>
<td><strong>$9,169,551</strong></td>
</tr>
<tr>
<td>DCITA</td>
<td>BROADCASTING SERVICES</td>
<td>$4,769,266</td>
<td>$4,895,598</td>
</tr>
<tr>
<td>DCITA</td>
<td>CULTURAL DEVELOPMENT PROGRAM</td>
<td>$0</td>
<td>$75,700</td>
</tr>
<tr>
<td>DCITA</td>
<td>INDIGENOUS SPORT &amp; RECREATION PROGRAM</td>
<td>$1,624,927</td>
<td>$1,698,991</td>
</tr>
<tr>
<td>DCITA</td>
<td>MAINTENANCE &amp; PROTECTION OF INDIGENOUS CULTURE</td>
<td>$0</td>
<td>$2,141,133</td>
</tr>
<tr>
<td>DCITA</td>
<td>MAINTENANCE OF INDIGENOUS LANGUAGE &amp; RECORDING</td>
<td>$2,232,975</td>
<td>$2,080,743</td>
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<tr>
<td>DCITA</td>
<td>NATIONAL ARTS &amp; CRAFT INDUSTRY</td>
<td>$2,135,338</td>
<td>$0</td>
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<tr>
<td>DCITA</td>
<td>REGIONAL ARTS &amp; CULTURE SUPPORT</td>
<td>$386,128</td>
<td>$0</td>
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<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td><strong>$11,148,634</strong></td>
<td><strong>$10,892,165</strong></td>
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<tr>
<td>DIMIA</td>
<td>INDIGENOUS WOMEN</td>
<td>$895,000</td>
<td>$675,550</td>
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<tr>
<td>DIMIA</td>
<td>PUBLIC INFORMATION</td>
<td>$40,000</td>
<td>$303,107</td>
</tr>
<tr>
<td>DIMIA</td>
<td>Flexible Funding Pool *</td>
<td>$2,648,420</td>
<td>$2,215,975</td>
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<tr>
<td>DIMIA</td>
<td>Rights to Land and Sea</td>
<td>$0</td>
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<td>DIMIA</td>
<td>Professional Services to Native Title Claimants</td>
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<td>$5,247,140</td>
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<tr>
<td><strong>TOTAL</strong></td>
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<td><strong>$8,859,813</strong></td>
<td><strong>$8,865,685</strong></td>
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<td>DEWR</td>
<td>Community Development Employment Program</td>
<td>$138,720,152</td>
<td>$122,120,629</td>
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<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td><strong>$138,720,152</strong></td>
<td><strong>$122,120,629</strong></td>
</tr>
<tr>
<td>Indigenous Business</td>
<td>BUSINESS DEVELOPMENT</td>
<td>$520,627</td>
<td>$1,125,082</td>
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<tr>
<td>Australia</td>
<td><strong>TOTAL</strong></td>
<td><strong>$520,627</strong></td>
<td><strong>$1,125,082</strong></td>
</tr>
<tr>
<td>Environment and Heritage</td>
<td>NATURAL INDIGENOUS HERITAGE</td>
<td>$486,469</td>
<td>$216,721</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td><strong>$486,469</strong></td>
<td><strong>$216,721</strong></td>
</tr>
<tr>
<td>FACS</td>
<td>COMMUNITY HOUSING &amp; INFRASTRUCTURE</td>
<td>$22,866,373</td>
<td>$25,006,911</td>
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<tr>
<td>FACS</td>
<td>FAMILY VIOLENCE PREVENTION</td>
<td>$1,234,749</td>
<td>$1,067,593</td>
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<tr>
<td>FACS</td>
<td>FAMILY VIOLENCE PARTNERSHIP</td>
<td>$0</td>
<td>$502,960</td>
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<tr>
<td>FACS</td>
<td>MUNICIPAL SERVICES</td>
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<td>$12,426,441</td>
</tr>
<tr>
<td>FACS</td>
<td>NATIONAL ABORIGINAL HEALTH</td>
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<td><strong>TOTAL</strong></td>
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<td>Health and Ageing</td>
<td>Effective Family and Reunion (Link Up)</td>
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<td>$700,000</td>
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<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td><strong>$715,400</strong></td>
<td><strong>$700,000</strong></td>
</tr>
</tbody>
</table>

**Notes:**

* The Flexible Funding Pool includes minor other past programs.

** Allocations for 2005-06 are current as at 20 September 2005 and generally equate to contractual arrangements to date. Final allocations cannot be confirmed until June 2006 as new activities in the NT may be approved for funding up to that time.
The Department of Family and Community Services (FaCS) allocates additional funds through the Community Housing and Infrastructure Program, to specific programs, over the course of the year. These funds have not yet been allocated for 2005-06 so consequently a final allocation to the Northern Territory has yet to be made.

The Australian Government, through FaCS, is negotiating an Indigenous Housing and Infrastructure Agreement 2005-08 (IHIA), through which it is expected that the NT Government will be the single delivery point for all Australian Government and NT Government housing funds, by 1 July 2006. Through IHIA the NT Government will be responsible for the delivery of housing and housing related infrastructure to all Indigenous people in the NT. It is expected that the IHIA will be signed by 1 December 2005.

The IHIA is a schedule of the Overarching Agreement on Indigenous Affairs, signed by the Prime Minister and NT Chief Minister in April 2005.