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SITTING DAYS—2005

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RADIO BROADCASTS

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- SYDNEY 630 AM
- NEWCASTLE 1458 AM
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- MELBOURNE 1026 AM
- ADELAIDE 972 AM
- PERTH 585 AM
- HOBART 747 AM
- NORTHERN TASMANIA 92.5 FM
- DARWIN 102.5 FM
FORTY-FIRST PARLIAMENT
FIRST SESSION—FOURTH PERIOD

Governor-General

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

Senate Officeholders

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

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

Senate Party Leaders and Whips

Leader of the Liberal Party of Australia—Senator the Hon. Robert Murray Hill
Deputy Leader of the Liberal Party of Australia—Senator the Hon. Nicholas Hugh Minchin
Leader of The Nationals—Senator the Hon. Ronald Leslie Doyle Boswell
Deputy Leader of The Nationals—Senator John Alexander Lindsay (Sandy) Macdonald
Leader of the Australian Labor Party—Senator Christopher Vaughan Evans
Deputy Leader of the Australian Labor Party—Senator Stephen Michael Conroy
Leader of the Australian Democrats—Senator Lynette Fay Allison
Leader of the Family First Party—Senator Steve Fielding
Liberal Party of Australia Whips—Senators Jeannie Margaret Ferris and Alan Eggleston
Nationals Whip—Senator Julian John James McGauran
Opposition Whips—Senators George Campbell, Linda Jean Kirk and Ruth Stephanie Webber
Australian Democrats Whip—Senator Andrew John Julian Bartlett

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
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)
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<td>The Hon. Joseph Benedict Hockey MP</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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<td>Minister for Revenue and Assistant Treasurer</td>
<td>The Hon. Malcolm Thomas Brough MP</td>
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<td>Special Minister of State</td>
<td>Senator the Hon. Eric Abetz</td>
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<td>Minister for Vocational and Technical Education and Minister</td>
<td>The Hon. Gary Douglas Hardgrave MP</td>
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<td>Minister for Ageing</td>
<td>The Hon. Julie Isabel Bishop MP</td>
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<td>Minister for Small Business and Tourism</td>
<td>The Hon. Frances Esther Bailey MP</td>
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<tr>
<td>Minister for Local Government, Territories and Roads</td>
<td>The Hon. James Eric Lloyd MP</td>
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<tr>
<td>Minister for Veterans’ Affairs and Minister</td>
<td>The Hon. De-Anne Margaret Kelly MP</td>
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<tr>
<td>Parliamentary Secretary to the Minister for Finance and</td>
<td>The Hon. Peter Craig Dutton MP</td>
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<td>Administration</td>
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<td>The Hon. Warren George Entsch MP</td>
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<td>Parliamentary Secretary (Foreign Affairs) and Parliament</td>
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<td>Parliamentary Secretary (Children and Youth Affairs)</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)
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<td>Shadow Minister for Population Health and Health Regulation</td>
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<tr>
<td>Shadow Minister for Agriculture and Fisheries</td>
<td>Gavan Michael O’Connor MP</td>
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<tr>
<td>Shadow Assistant Treasurer, Shadow Minister for Revenue and Shadow</td>
<td>Joel Andrew Fitzgibbon MP</td>
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Tuesday, 8 November 2005

The PRESIDENT (Senator the Hon. Paul Calvert) took the chair at 12.30 pm and read prayers.

BUSINESS

Rearrangement

Senator ELLISON (Western Australia—Manager of Government Business in the Senate) (12.31 pm)—I move:

That—

(a) the Senate meet from Monday, 5 December 2005 to Thursday, 8 December 2005;

and

(b) on each sitting Tuesday until the end of the 2005 sittings:

(i) the hours of meeting shall be 12.30 pm to 6.30 pm and 7.30 pm to 11.40 pm,

(ii) the routine of business from 7.30 pm shall be government business only, and

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

Notice was given of this motion on 7 November. The issue of the extra sitting week is something that has been on the table now for some time. This motion has, in two parts, the addition of the week from 5 December to 8 December, and it also allows for extra sitting time on Tuesday nights for the remainder of the three sitting weeks. It is no secret that the Senate has, counting this week, three sitting weeks remaining for this year. The government put out a list of some 25 bills for debate this week, and two have been completed thus far. As well as that, the government has put out a list of bills which were marked for proposed introduction and passage in these spring sittings, and that outlined a broad range of legislation that the government needed to have passed in the spring sittings. Added to that are issues which, from time to time, need to be dealt with by way of legislative response. We have seen that with the counter-terrorism legislation—last week being a case in point—but, in the broader context, with the antiterrorism package which is being dealt with in the other place as we speak.

When one looks at the government’s agenda, one sees it is a broad agenda. It has been on notice now for some time. It deals with issues which are of great importance to this nation. Industrial relations is a key policy of this government and one on which it has now stood at every election. The government is intent on dealing with that during these sittings. In relation to the antiterrorism package that I mentioned, the war on terror is a work in progress, as I have always said. Security is something which is never quite finished and continually needs assessment and, in some cases, a legislative response, as we have just seen. As well, there other important bills need to be passed and that is why the Senate needs extra time to accommodate that.

The timetable is that we rise on 8 December but, unless there is an improvement in relation to the time that is devoted to government business, it will be necessary to look at the Fridays of 2 and 9 December and also the evenings of the two Thursdays which precede those two Fridays. I say that on the basis that, during the last four or five months, we have had a weekly average of about 8½ hours of government business, and that is a much lower average than in the past. The reason for that is that other matters such as references to committees and disallowance motions have taken up time, and that time has been at the expense of government business. Just to look at some of the referrals to committees, for instance, we certainly see somewhere in the region of in excess of 10 hours—closer to 12 hours, at a quick glance—which is almost a week’s sitting on average terms, being that you calculate a week’s sitting as 14 to 16 hours. When you
look at nearly a week’s sitting being taken up just with debate on references to committees and disallowance motions—and, in fact, if you add in the disallowances it does equate to one week’s sitting—you can see that the time for government business has been reduced.

With the program that the government has—a program for reform and for achieving what we said to the Australian people we would do—we have no choice but for the Senate to sit extra hours. After all, the hours that we used to sit in days gone by were longer. We have reduced those hours over a period of time, but it has now become apparent that, when other matters are going to take up the Senate’s time, we will have to simply prolong the sitting so that we can have the time that we need for government business. The way it is structured, basically everything gets dealt with first, with government business being the remaining item, and that is a fact of life.

To anyone who says, ‘This is of the government’s making,’ I say that if we do not plan the next three weeks we will be sorely criticised for not looking ahead, and this motion is doing just that—it is looking ahead at the time we need for our legislation. What is more, there could well be some extra time required if the Senate takes up time on other matters. That is a fact of life. It is something which we as senators have to all take responsibility for. The opposition and the minor parties might say that these other items are very important. The fact is, government legislation is also extremely important. If we need extra time for government legislation to be accommodated, and the cost of that is extra sitting time for the Senate, so be it. It is after all one of the core duties of this chamber to look at legislation; to assess it, debate it and deal with it. Any shirking of that responsibility goes to the core duty of the Senate and of all senators. I commend the motion to the Senate and foreshadow that, if it is needed, we may well have to come back with another motion for extended hours in relation to the times I have alluded to in my address on this motion.

Senator LUDWIG (Queensland—Manager of Opposition Business in the Senate) (12.38 pm)—It is disappointing that the government has now adopted such an arrogant disregard for the Senate. It seems to me that what the minister has just outlined is a complaint about the government’s own mismanagement. It says more about the government’s inability to manage its agenda that it would come in here and complain about its inability to get sufficient hours for government business in the last short while. From 1 July, we have heard complaint after complaint from this government. These complaints seem to relate to the government’s mismanagement of debates and its inability to ensure that debates are completed. Its only recourse has been to adopt tactics which this Senate has not seen before. It seems that this government is struggling to manage its own legislative agenda.

If we hark back to prior to July 1 this year we see that the way this government conducted its affairs was in stark contrast to the way it conducts them now. For the benefit of some of the new senators—both those on the other side and those on this side—what we would have done in coming up to the end of a sitting period, as we do coming up to the end of the sitting period in July, is look at what the legislative program is, how much time we have available and what bills the government requires to be passed. The government would normally—although this may not be the normal circumstance any longer—provide a list of bills indicative of those it said needed to be passed before the end of the year. The government would also have ordered them in terms of priority, not only so that we could see that it was not a wish list
but also to provide an overview of those bills to give us some certainty as to the government’s priorities. They also would advise us of an indicative time of how long they expected each bill to take to pass through the second reading debate and the committee stage and then be finalised.

The government then would have said to the opposition and the minor parties, ‘Can you have a look at that list and see whether or not there are any problems that you foresee?’ We would then have had a meeting of the leaders and the whips. That provided an opportunity for the parties to consult about how to ensure that we best used the time available and whether we needed additional time to deal with those bills that were considered urgent. In fact, we would even argue about whether the government had added to that list and put on it a few extra bills that were perhaps not as urgent as they seemed. That gave the opposition and the minor parties an ability to ask the government to demonstrate that bills were urgent bills and that they were required.

This government last week released a sitting schedule for next year on which spill-over days were absent. Spillover days allow estimates committees some extra time. This schedule was missing those days. We still do not know why—the government still has not been able to explain why those days are missing. Since the government gained control of the Senate from 1 July, it has not wanted to consult. We hear only arrogance from this government—arrogance about how the program will go, about when they will introduce legislation and even about us being consulted about legislation.

During the last sitting period, we saw the government try to force through a committee referral after 4.30 pm. I find it surprising that the minister complains about the time allotted to government business when much of the problem is of the government’s own making. If you look at the referrals to the committees, they took up time because the government would not accept referrals or in some instances would not accept a short extension to a committee’s reporting date. They wanted to argue about a committee reporting four or five days after the due date.

The government could have avoided much of the waste of time by simply saying, ‘We accept the debate. We accept that a deferral for four or five days is not going to matter in the scheme of things. Let’s move on and not use up Senate time on this debate.’ Instead they said, ‘Let’s have a debate and chew up our time on these issues rather than deal with legislation.’ The opposition have always stood ready to deal with legislation as it has been presented to the chamber for debate. We have dealt with it through speeches in the second reading debate. We have argued our position both in that debate and at the committee stage. The government seem to want to ram things through at the last minute with little scrutiny and little time.

Since 1 July the government have sustained an attack on the procedures and processes in the Senate. The government’s attitude to question time was the first time that we saw that arrogance arise. They shamelessly cut the number of questions that the opposition could ask and reduced scrutiny of their frontbench. They ensured that there would be additional pointless Dorothy Dixers from the government to their own frontbench rather than a continuation of question time as it was prior to 1 July, when the opposition could ask questions of the government on matters of importance.

In the Telstra debate we saw the government take one shameless position of abuse after another. They had a one-day inquiry with no real opportunity for public input or detailed scrutiny. They presented a package
of five major bills to the Senate and asked the Senate to debate them unseen. They ruthlessly used technical matters—that is, exemption from the cut-off, the guillotine and the gag motion—in the debate. The cut-off is one of those matters that assists the government, the opposition and the minor parties to manage the way in which debate in the Senate goes on. It ensures that bills introduced in this period will not be debated once two-thirds of the sitting period have elapsed. The cut-off ensures that bills do not jam up at the end when the government become tardy in introducing legislation and dump it at the last minute.

The opposition do agree with the government on occasion—in fact many times. The government say, ‘This is a clearly an urgent bill. We have only now come to need it, and we require exemption from the cut-off. We will seek your support for that.’ We give that support when asked, because this place works on cooperation, not on abusing the Senate process. When you do not ask, when you do not consult and you then roll up with a bill and ask for an exemption with very few reasons, it is no wonder that the opposition complain, because all you have done is to demonstrate your arrogance again.

The guillotine and the gag are two other technical terms for devices which stifle debate in this house. They are designed to stop further deliberation on a bill and to move it along so that it does not receive proper scrutiny. The government have used that since 1 July. It is not unusual for the opposition to agree to a properly structured guillotine. We have in the past. But in this instance the government have used it in a way that has not been seen for a very long time, because they have been unable to manage their program. They have used it and abused it.

Not only have the government used the guillotine, the gag and the exemption from the cut-off; they have ensured that there will not be scrutiny in some areas by reducing the time committees might have or by ensuring that there will be no referral. We have now heard the government foreshadow moving a motion for us to potentially sit on the next two Fridays before the end of the year, plus Thursday nights. Today the government have moved a motion relating to Tuesday sittings. This is all without a priority list from the government, without an indication of what bills they require, how many bills they require and how long they expect each bill to take. This is without any consultation on those bills, which would normally ensure that the opposition and minor parties could at least scrutinise the government’s view about the bills.

There has been no indication whatsoever from the government whether they want all of the bills on the bills list to go through—and any others that they might think up between now and the end of the year. The Senate expects from the government reasonable management, a reasonable amount of time to debate bills and a reasonable understanding that the bills that they want to debate are in fact required at the end of the sitting period and need to be dealt with before the end of the year.

The opposition and, I suspect, the minor parties, do want reasonable time to put their positions and have bills debated. This government seems to be about stifling that debate and ensuring that it rams through as many bills as it can in the shortest time available with the least scrutiny. That seems to be what the government wants. The opposition wants the ability to deal with those bills, to allow reasoned debate and to have a reasonable committee stage to highlight the government’s inadequacies, slackness and inability in some measures to get it right. The opposition, surprisingly, also wants the op-
portunity to, in some instances, agree that a bill might in fact be necessary.

We only see this government’s inability to manage their own program—this is where I started in this debate. In years gone by we would not have had the Manager of Government Business come into the Senate and move for an extension of hours for three Tuesdays without consulting the opposition and minor parties in a broader way than simply giving them the notice of motion and without a leaders’ and whips’ meeting to say, ‘How are going to get X number of bills through before we rise?’ We also would not have heard a foreshadowed motion of, ‘We don’t know what we don’t know.’ They want the two Fridays and perhaps the two Thursdays to deal with the legislative program because, as I understand the statement by the Manager of Government Business, they have not been able to get enough government time. Enough government time to deal with what? It does beg the question. Half the government time that they have given away is, I suspect, of their own doing. It is not a case of saying, ‘We’ve been working hard on legislation. We’ve been working hard to get it through and we’ve been reasonable in dealing with a lot of these matters.’ We have not heard that from the government. It has not been reasonable.

The issue of the short inquiry I mentioned. The issue about taking questions away from the opposition in question time and the matter of refusing extensions and references for committees do take up time in the debate. Prior to 1 July, before they had control of the Senate and before arrogance started to descend on them, we would consult and come to an agreement as to whether it was a worthwhile reference, to avoid the debate and to avoid what the manager now complains about—having a debate here in the Senate and taking up time that would otherwise be devoted to legislation. The opposition would prefer to be having the debate on legislation than having the debate on a reference. That is the position that this opposition—and, I suspect, the minor parties—have always taken. We would prefer not only to deal with the legislation as it arises but also to be able to hold the government to account for it rather than to be taking up time. This Manager of Government Business seems to miss this point; that the government’s arrogance is, in fact, holding them back from being able to ensure that they manage their program effectively. I will use all of my time in this debate because I do not want to be accused of taking up more time. I have made the points that I wanted to make; it is a pity that this government is too arrogant to listen.

Senator BARTLETT (Queensland) (12.56 pm)—The government minister put forward this latest demand from the government to rearrange Senate sitting hours in a very polite and well-mannered way. I guess we should be thankful for that. But the fact that the justification was put forward in a mild mannered way should not cloud the fact that it is basically a load of rubbish. It reinforces, once again, the complete dishonesty of the Prime Minister when he assured the Australian people that he would not abuse the extra power that he was given in gaining control of the Senate. We have seen now a very long litany of examples of grotesque abuse of Senate process and misuse of the power that the government now has—it is in control of the Senate—to subvert things for its own political interests and for its own ends. Senator Ludwig has gone through some of those and I will not go through them all again.

Let us look at what this motion does. Firstly, it asks for the Senate to sit in the second week of December. I do not think anybody opposes that—the Democrats certainly do not. That week has been flagged for a long period of time as a potential sitting
Indeed, I have been in this chamber for some years now complaining about the fact that the Senate should sit more often than it does. We should have more sitting days to properly consider the full range of business before us; not just government business, which is important, but other business of the Senate such as committee inquiries and committee reports, the wide range of reports from a whole range of agencies that get tabled in this place, the disallowance motions that are the only way we have to deal with the literally thousands of pieces of delegated legislation that are tabled in this place each year—any time we have a problem with any of those the only way of being able to deal with them is through a disallowance motion. Not to mention, after all of that, there is the occasional desire on the part of non-government senators to be able to debate legislation and business of our own.

This is not a house of government; this chamber, the Senate, is a house of parliament and there should be scope for considering legislative proposals from all members of the Senate, not just become a sausage machine for the government. We heard the minister’s statement, ‘We listed 25 bills that we wanted to debate this week and we are not going to get through them so that is bad, that is not fair and we need to have more time.’ The very fact that any government could seriously suggest that it is an appropriate process to try to railroad 25 different pieces of potential law through this chamber in the space of a week shows how far standards have fallen. They have not fallen all the way from utopia and nirvana down to the depths that they are at now just in the space of the last few months. I acknowledge that. They have been declining for some period of time. The government has been seeking ways of dealing with and showing contempt for the Senate for quite a long period of time and, now that they have the opportunity to treat it with complete contempt, they are wasting no time in doing so. The notion that pushing 25 bills through the Senate chamber, or any house of parliament, in the space of a week is an appropriate goal is simply a disgrace. It betrays the mentality on the part of the government that this chamber should just be part of that one big sausage machine. Frankly, you do not need to be a vegetarian to be offended by the suggestion that you have to be part of a sausage-machine process. It is a grotesque dereliction of the duty of all of us, as senators and as legislators, to suggest that we should be churning through such a large number of pieces of proposed laws in such a short space of time. Laws and legislation are not just political playthings and opportunities for scoring points or winning public support; they are pieces of law that will directly affect the lives of Australians and many other people as well.

The second part of the motion contains the key problem as well as the process that surrounds it. It seeks to automatically and unilaterally extend sitting hours on Tuesday nights for tonight and the remaining two sitting weeks, without there having been any meaningful attempt at consultation or to outline the whole package of business that the government wants to deal with before the end of the year. Once again, we will have late night sittings—trying to grind down the Senate, trying to have debate held in the late hours of the night when public and media attention are not there, in order to more easily enable legislation to be pushed through. It will be in these periods, in the late hours of the night when public and media attention are not there, in order to more easily enable legislation to be pushed through. It will be in these periods, in the late hours of the night when the guillotine motions will be moved and when the final votes will be required to be held. The government will undoubtedly insist on moving guillotine motions on more than one occasion before the end of the year.

What else is being lost? There is not just the fact that we will be forced to debate these
matters in the late hours of the night. Tuesday nights, as all senators know, provide the only opportunity for all senators, including government senators, to have an open-ended adjournment debate in order to put on the record in parliament a range of issues that are of concern to them and their constituents. I know it does not concern government ministers if government backbenchers or non-government senators are not able to have their say and put on the record the full range of issues that are of concern to them and their constituents, but it does concern me, and it certainly should concern others who recognise the importance of the parliament as a forum for views to be put on the record. That clear opportunity, the main opportunity each week, for senators to be able to raise issues of their choosing in an open-ended way on Tuesday nights will now be lost for the rest of the year.

The other thing that will be lost—and it might not seem significant as it involves only a half-hour on each occasion—is the half-hour period for consideration of government documents. Again, I know that many senators, including many government ministers, do not recognise the significance of this period. They might think: ‘What is the point? They are all just a bunch of reports; they all get tabled. Why should anybody waste their time talking to them?’ But the fact is that it is not just about the tabling of the reports; it is about acknowledging the content of the reports and the issues surrounding them. This is another key part of the scrutiny mechanism and the accountability and transparency mechanism that the Senate at least has tried to maintain in the parliamentary process for a long period of time.

Particularly at this time of the year, there are a huge number of reports to be tabled. I do not know the precise number but well over 50 reports were tabled in the chamber yesterday that had been tabled out of session in the preceding couple of weeks. There is a list of 39 reports to be tabled today. Were it not for this motion, at least some of those reports would have been able to be spoken to this evening. Most of them are the annual reports of various departments, statutory corporations and councils. That might not be the most crucial aspect of what the Senate does, but it is an important aspect. That mechanism will be lost today, and on Tuesdays in the remaining two sitting weeks.

On top of that, the minister foreshadowed—and it was quite right that he should foreshadow it, as I can almost guarantee that it will happen—that the other key opportunity for consideration of those documents, Thursday evenings during the time for consideration of general business, will also be lost as it will be used for the consideration of government business. So virtually every opportunity for examining at any length, speaking in any way at all on, or noting in any way at all the content, details and issues surrounding probably over 100 different annual reports will be lost.

I believe that is a significant issue. Government ministers might not think it matters whether or not senators have an opportunity to speak to those reports, but I believe it is important. It is not just important because of the specific things that senators like me might want to say; it is because the very act of taking note of and drawing attention to reports provides an important transparency mechanism. The opportunity to do that on Tuesday afternoons for today and the following two Tuesdays will be lost, as well as, most probably, on the two remaining Thursdays after this week. Those significant—not earth shattering, not life changing but nonetheless significant—transparency and accountability mechanisms will be automatically lost as a result of this motion.
I refer to the minister’s rationale that more time is needed to debate government business. If the government is so concerned about having adequate time to debate government business, to debate important legislation, there are two simple ways in which it can demonstrate that it is genuine in that regard. Firstly, it can allow decent lengths of time for Senate committee inquiries, instead of the farcical, truncated inquiries we have been having of late into major pieces of legislation. We are expected to deal with legislation that is of more significance in its field than has been the case for decades, in a committee inquiry that allows only a few days for hearings to be held and submissions to be received. Secondly, it could have the Senate sit more frequently to consider legislation. The government is so concerned about this issue that it has to push stacks and stacks of legislation through, it has to sit late into the night and it has to take away the normal periods when the Senate can debate other business, including general business. It is also talking about having the Senate sit on Fridays until the end of the next two sitting weeks. But when we look at the sittings for next year, what do we see? How many sitting days will the Senate have during January, February, March and April, right up to when the budget is brought down in May? Eleven—11 sitting days over more than four months to consider the legislation that the government believes it does not get enough time to debate. What a joke!

This year the number of sitting days for the entire year is in the low 50s—about 54. Next year it will be about the same. This year and next year, with the program that has just been provided, we have the lowest number of sitting days that the Senate has had for decades, yet the government have the gall to come in here and say, ‘We’ve got to sit late into the night because we don’t have enough time to consider government legislation,’ and somehow or other it is the Senate’s fault that we are daring to debate matters other than government legislation. It just shows the duplicity of the government’s argument. They are interested in sitting late, debating government legislation and getting it dealt with now. They want to railroad through, jam through, as many pieces as possible and as quickly as possible before the end of this year and then they can all just sit back, relax and just hope that people forget about all of the negative consequences of the wide range of laws that have been pushed through. The simple fact is that, even if you support the policy thrust of some of what the government are doing in some of these pieces of legislation, it is guaranteed that it will not be done effectively or as clearly and properly as it would otherwise be done if enough time for scrutiny were allowed in the committee process and in the debate.

The other point that has to be made—and Senator Ludwig alluded to this to some extent—is: why is it that we are spending more time on matters that are not government legislation than we otherwise might be? The key reason is that the government is preventing the Senate from being able to inquire into matters that it would normally be able to do, so we have had to have debates and votes about references of matters to inquiries that we did not have to have in the past because they were widely accepted without the need for debate. They would simply go through, straight up and down, in an on-the-voices vote: these matters should go to a committee for inquiry. It would take 10 seconds. But now, with the government continually preventing inquiries into key matters of public importance, not surprisingly the Senate seeks to debate those matters, put forward the arguments and highlight what the government is doing in preventing those matters from going to inquiries.
We will have that again this afternoon as we have a notice of motion from Senator George Campbell on the Notice Paper to simply allow an extra six days for the workplace relations changes to be examined by the Senate committee inquiry. And that is because the government forced through a motion that required that committee to report back by 22 November, even though that date was outside a sitting week and there would be an extra six days before the Senate would resume on 28 November. There was no reason for that other than to try and truncate the amount of time that the committee could hold hearings, look at those matters, have public debate and draw public attention to the details and facts of what is in the legislation, as opposed to the propaganda that the government is stealing the public’s money to promote through the mass media.

That simple proposal by Senator George Campbell to extend the inquiry period by six days, through to the day when the Senate first resumes after a break, is being opposed by the government. It will not take up a single extra moment of the Senate’s debating time to provide those extra six days; it will not delay the debate on the legislation by a single second, because the committee would still be required to report on the first day that the Senate returns. But that is still too much scrutiny for the government, so they will oppose that very minor and very basic attempt to enable a small degree of improved scrutiny of what we recognise, on all sides of this place, is enormous legislation with widespread revolutionary consequences. Then the government will complain when we want to try and debate that motion and we actually outline how outrageous the government’s attitude is. They will say, ‘This is time that could otherwise have been used to debate legislation.’ If the government were not so bloody-minded, so grotesquely arrogant and so appallingly dishonest about their absolute obsession with railroading through these extremist measures, without even a modicum of proper scrutiny, then we would have more time available for government debate. It is their own actions that are making that happen and it is ridiculous in the extreme for them to then complain about time being taken up in pointing out what the government are doing.

The simple fact is that while the first part of this motion that allows an extra sitting week is fine—indeed, it is one that the Democrats have argued as a matter of principle ourselves—the second aspect betrays the government’s real intention: to have debates late at night when there is less focus, to prevent basic mechanisms of accountability and transparency from operating on a wide range of the everyday business of government, to restrict the opportunity for matters other than what the government want raised to be brought forward in this chamber, and to do it all under a ridiculous misrepresentation of what the government are doing. The simple fact is that it is the government’s own doing, through their lack of sitting days, through their contempt for even basic opportunities for scrutiny and through their complete insistence on stifling any proper operation of Senate mechanisms that is leading to less time being made available than would otherwise be the case. If there were a genuine desire to have more scrutiny of government legislation, we would actually sit more days. The government are not interested in that, because they do not want orderly scrutiny over a proper period of time, with opportunity for the facts to come out and be considered in a rational way.

What it wants is a lot of controversy, a lot of argument, a whole lot of pieces of legislation all rammed through late at night in a mad rush at the end of the year. Then it will twiddle its thumbs for the first six months or so of next year and if there is anything sig-
significant and controversial then it will do the same process again. It will prevent proper Senate inquiries, push everyone’s face up against the glass, smash everything through under short notice in a hail of outrage and then sit back and try to find other things to distract the public and the media. It is a contempt of democracy; it is a contempt of the Senate; and it is a contempt of due process. It is a clear indication that the Prime Minister was grossly dishonest in saying that he would not allow his majority in the Senate to be misused. He has not wasted one second since he got control of the Senate in misusing that Senate majority in a whole range of appalling ways and this is just another indication of it.

Question agreed to.

**HIGHER EDUCATION LEGISLATION AMENDMENT (2005 BUDGET MEASURES) BILL 2005**

Second Reading

Debate resumed from 18 August, on motion by Senator Minchin:

That this bill be now read a second time.

**Senator STEPHENS** (New South Wales) (1.16 pm)—The Higher Education Legislation Amendment (2005 Budget Measures) Bill 2005 has three primary elements. The first is $14 million for the provision of 100 extra undergraduate places for James Cook University over four years. These places are to be allocated evenly for veterinary science and tropical science. This is a measure which Labor strongly supports in view of the particular importance of these fields for Far North Queensland.

A new undergraduate program is to be supported with the allocation of extra places for veterinary science. This program will be located at the Townsville campus of the university, with linkages to its campus in Cairns. A key focus of the program will be tropical animal husbandry and diseases and the development of measures for detection and prevention of various diseases in livestock. North Queensland certainly needs the expansion of opportunities for veterinary science and it is critical that there are sufficient numbers of trained professionals specialising in detection and prevention of tropical animal diseases. This nation has invested considerable resources over many decades to minimise the incidence of damaging and expensive outbreaks of such diseases and it is essential that this effort is rigorously maintained into the future.

Tropical agriculture will benefit through the establishment of a new undergraduate-level program with a focus on the provision of expertise in tropical plants along with an enhanced capacity for research into sugar cane production. This may go some small way to making up for the inability of the Howard government to secure badly needed access for sugar producers to the United States market under the recent free trade agreement between our two countries. The preservation of a viable agricultural sector is essential if we are to continue to support the livelihoods of many thousands of our countrymen and women who live and work in the regions. The additional capacity for targeted or applied research into the development of drought-resistant and climate-hardened crops and plants generated through these new places is a welcome stepping stone towards this goal. These additional places will contribute to the growth and development of James Cook University in ways which will enhance its reputation and pre-eminence as Australia’s leading higher education institution in all fields related to tropical climates, so the opposition warmly welcomes such a prospect.

The second element of this bill is the allocation of $25 million for infrastructure development over the next four years at the
University of Western Sydney. This will support the construction of a new library at the Penrith campus, as well as a medical training facility at the Campbelltown campus and teaching facilities at the Hawkesbury and Parramatta campuses. The government has released an amendment to this bill which would bring forward this funding from its original timetable. We are advised that this amendment is at the request of the University of Western Sydney, and Labor will support the amendment.

It is hard to overstate the importance of the Western Sydney region to New South Wales and to Australia generally. It is home to a rapidly growing population who aspire to increase their participation in higher education. The development of a new medical school at Campbelltown is a significant milestone in the consolidation of support services in Western Sydney. The allocation of $7 million for this purpose will enable the university to offer 80 places for medical training commencing in 2007. An innovative approach to curriculum development involving a partnership with the long-established and highly experienced University of Melbourne will assure added prestige and credibility for this exciting new project. Until recently, medical schools were the prized possessions of the so-called ‘sandstone’ universities in Australia. A medical school was a hallmark of the top tier of the higher education sector and beyond the reach of all but the most exclusive providers. For one of our young universities to break this tradition augurs well for the future of the University of Western Sydney and the communities it supports.

A further $9 million is earmarked for the establishment of a new teaching facility at the Parramatta campus which is to be used for courses for health and human service professionals. The university already enjoys a well-deserved reputation in these fields and this project will assist it to extend its record of service in these sectors. A grant of $2 million for the Hawkesbury campus will enable the university to upgrade research and teaching facilities at the site. These resources will also contribute towards the cost of an environmental electron microscope necessary for higher-order biological analysis and for the provision of upgraded teaching facilities for horticulture, food science and agricultural sciences. The Penrith campus is set to benefit from the development of a much needed new library valued at $7 million. This project contains an important outreach component. It is intended that it be accessible to the local population centres adjacent to the campus and, as such, is a fine example of a living relationship between an institution and the communities it was established to serve.

The Labor Party enthusiastically supports each and every one of these projects, but questions why the Howard government has not put them forward as part of a well-devised, orderly capital development program. The failure to publish such a capital program as part of the triennial funding report is just one more indication of the absence of a coherent development plan for higher education in Australia under this government.

The third major element of this bill is the provision it makes for paltry and wholly inadequate indexation of university grants. The indexation based adjustment to grants is derisory. Not a single serious commentator or political policy analyst in this country supports the miserly higher education indexation regime of the Howard government. As a result of a commitment given prior to the last election, the Minister for Education, Science and Training, Minister Nelson, commissioned a review of indexation arrangements for universities. The government chose to hoodwink the higher education sector into believing that the review of indexa-
tion would be thorough, considered and evidence based. This was the impression conveyed by the minister when he needed the support of the sector to arm-twist senators and get support for his 25 per cent hike in HECS fees and the other changes through the Senate late in 2003. Their support was repaid with betrayal. Instead of an arms-length review, the education minister has delivered a whitewash.

In considering the basis on which the future indexation of grants should occur, the Department of Finance and Administration has recommended against a more realistic formula and claimed this was justified because of ‘the strong financial health of the sector’. A more incredible and fictional statement would be hard to imagine, even coming from Minister Nelson. There are no independent observers or disinterested organisations that would come close to agreeing with this statement. It reflects the ongoing state of unreality that seizes this government.

There is much evidence for this proposition. One authoritative source among many is the May 2005 report from the New South Wales Auditor-General which disclosed that the Howard government has driven half of the universities in that state into deficit—that is, five out of the 10 universities in New South Wales are officially in the red. The roll-call of inadequate financial support has resulted in the University of Western Sydney recording a deficit of $26.9 million, the University of Technology, Sydney, recording a deficit of $12.2 million, the University of New South Wales recording a deficit of $9.9 million, the Southern Cross University also recording a deficit of $9.9 million and the University of Newcastle recording a deficit of $26.9 million followed by more recent announcements of job cuts numbered in the hundreds.

This minister and the Howard government generally should hang their heads in shame. In 2003, three universities ran relatively small deficits totalling $6.2 million. By 2004, the combined deficits of New South Wales universities amounted to a scarcely believable $81.8 million. No-one can ever trust the word of this minister again, especially senators. Empty promises, empty gestures and bottom lines dripping in red ink are the only things that can be guaranteed from the Howard government’s education promises and policies. It is now indisputable that nine long years of an unfair and unreasonable indexation system under the Howard government has put universities in a position where they have little option other than increasingly to rely on fee-paying Australian and overseas students to plug an ever-widening gap in revenues.

It is an unsustainable policy and yet the Howard government remains strangely indifferent to the magnitude of the crisis its indexation policies are creating. Could it be that the minister’s steadfast refusal to fix this mess is his way of compelling universities to request a further lifting of the already high cap on HECS charges? The opposition will hold this government to account for its manifest failures in relation to indexation and other higher education policies.

The absence of a reasonable system of grant indexation is bad enough, but this government has taken a wrecking ball to the higher education sector. It has opted to slug students and their families for the resources that it should be allocating to universities. The Good Universities Guide 2006 reports that there are now more than 60 degrees offered through Australian universities that cost in excess of $100,000 each. In fact, a combined medical-law degree at Monash University costs a staggering $256,000, dental science at the University of Melbourne costs $150,000, veterinary science at the
University of Sydney costs $147,600—and the list goes on. This is from a government whose Prime Minister pledged that there would never ever be any $100,000 degrees while he was in office—another broken promise from an arrogant and extreme government fresh out of ideas and vision.

The Howard government has sold out Australian families and is in the process of fashioning a university sector much like that of the United States of America, where money opens doors and talks louder than academic merit. Under the Howard government, Australia has recorded for only the second time in 50 years a drop in the number of students attending university. A record number of higher education places created at record rates of growth were bequeathed by the Hawke and Keating Labor governments to the incoming Howard government—and, in short order, this precious legacy has been squandered. Only a truly incompetent government could have turned all this around and put us into reverse.

Furthermore, the previous Labor government worked hard to lift Australia to near the top of the OECD countries in our performance in educational participation and attainment of educational qualifications. But the latest OECD report on education released last month found that Australia was the only OECD country to have reduced its investment in tertiary education as a proportion of GDP. This is in stark contrast to an average increase of 38 per cent across the rest of the OECD. So, whilst all of our competitors are moving forward, Australia is going backwards. In fact, the next worst performing country actually increased its investment in tertiary education by six per cent. These comparisons are against countries with whom we compete internationally—and sadly, under the Howard government, Australia is falling behind.

We have had further evidence to confirm this unmistakable trend. Data released by the Department of Education, Science and Training showed that just 27.5 per cent of year 12 students went on from school to university in 2004—down from 34.4 per cent in 1996; a fall of 20 per cent. Between 2003 and 2004 the number of students going to university from school fell by eight per cent. This government is also content to fiddle in the face of a continuing and inexorable deterioration in student-to-staff ratios: a drop of 33 per cent between 1996 and 2004. The inevitable result of the continued irresponsible underresourcing is a threat to the quality and standard of educational provision at Australia’s universities. The Howard government is surely the worst custodian of Australia’s educational aspirations that this nation has been forced to endure. It is, unfortunately, a policy-free zone.

The opposition has determined that it will support this bill as it does not wish to jeopardise the provision of additional much-needed support for James Cook University or the University of Western Sydney. Labor will closely monitor and expose the consequences of the Howard government’s failure to properly index university grants and will take every opportunity to demonstrate the folly of its higher education policies.

Senator STOTT DESPOJA (South Australia) (1.30 pm)—I also rise to speak to the Higher Education Legislation Amendment (2005 Budget Measures) Bill 2005. This is one of a number of pieces of higher education legislation with which the Senate will be dealing over the next couple of days, or potentially weeks. In many respects it is a fix-up bill. I find it quite interesting that we are dealing with this legislation this week—this quite historic week, I suppose, in which we commemorate the 30th anniversary of the dismissal of the Whitlam government. I think this week is quite a good opportunity to re-
flect not only on that crisis of 1975 but also on some of the policy legacies of that government. There is one key legacy, one key policy decision, that to this day is not only worth remembering—

Senator Boswell—Don’t keep looking over your shoulder. We don’t want a lesson in history—it was 30 years ago—we want to know what is going to happen today.

The ACTING DEPUTY PRESIDENT (Senator Chapman)—Order! Senator Boswell, you know that interjections are disorderly.

Senator STOTT DESPOJA—Senator Boswell has already made it very clear that he wants me to speak for 20 minutes. He should be very careful, because I will.

There is one standout policy issue of the Whitlam government, and that was the decision to abolish tertiary fees. It abolished tertiary fees so that we opened up tertiary education in this country as never before, unlocking that unspoken, unchallenged privilege of tertiary education until the 1970s. It is the one feature of that government that, to this day, certainly propels me on as I fight for and champion publicly funded and accessible education. It is interesting that this week, when Gough Whitlam was asked about the dismissal and it was suggested—and the notion often flies around—that Whitlam is best known for the dismissal, that it was actually the dismissal that made him famous and that it was his defining moment, his response to that was:

Well, I get a very large correspondence. Never a week goes by that I don’t get a letter from a woman thanking me for her education.

That is his greatest legacy. It is a legacy that has been completely eroded. That is why, when I approach this budget measures bill today, I do so with a heavy heart. People in this place know my views on publicly funded and accessible education. The bill before us, as the previous speaker, Senator Stephens, pointed out, is miserly in relation to the issues of indexation and appropriate funds for operating grants in universities, and it is miserly in relation to the couple of changes it implements, but it is primarily an administrative bill that, I think, is the sixth bill we have dealt with since those radical changes to our higher education system a few years ago. This bill does nothing, really, to address the underlying problems that exist in our higher education system.

So, this week, I feel particularly disappointed and upset that we are not actually investing in the future of this nation, investing in human capital and unlocking those institutions or making sure that people who have been traditionally disadvantaged in our education system can access higher education once and for all. I am talking about a high-quality, elite system—in the sense that it is elitism based on merit but not elitism based on wealth. We have record HECS hikes, we have up-front full-cost fee places for postgraduate and undergraduate degrees, we have deregulation of the postgraduate sector, we have minimal amounts of money going in, we have the highest level of intrusion into academic and other autonomy in the history of this nation and we have the highest fees and charges in the industrialised world for public university education. There is not a lot to celebrate.

What does this bill do? As I say, it is the sixth fix-it-up bill that we have dealt with since the implementation of the Higher Education Support Act in 2003, as honourable senators would recall in that last-minute deal stitched up with the four Independents—I bet they are feeling proud now about their stamp on higher education in Australia today. This is the sixth bill we have had to fix up those changes. I wonder if we will get a seventh and an eighth to fix up the mistakes that were made back in 2003. It is a relatively minor
bill, and it implements two particular measures, some of which Senator Stephens has remarked on, certainly in a little more detail than I was seeking to do, so I thank her for that. There are two measures contained in the 2005-06 budget, announced in September last year, originally—let us not forget that—during the election campaign.

The first of these two measures allocates an additional $14 million over four years to provide an extra 100 undergraduate places at James Cook University. That is 50 places for veterinary science, as you have heard, and another 50 places for tropical agriculture. The second measure allows an additional $25 million over three years for infrastructure projects at the University of Western Sydney. The University of Western Sydney, I might add, is hosting a lot of the commemorative events this week for the 30th anniversary of the Whitlam government dismissal, including the hypothetical organised by Bob Carr on Friday afternoon. The facilities that will be provided include teaching facilities at the Hawkesbury and Parramatta campuses, a new library at the Penrith campus and a medical training facility at Campbelltown campus.

However, whilst the two measures outlined above are welcome, they will not go far towards addressing the health issues, if you like, of our university systems generally, nor will the other measures contained in this bill, which are just university grants to reflect—completely inadequately, I might add—indexation increases. Sadly, I cannot say that I was surprised about the ministerial review of indexation arrangements. Let us just get this into perspective: remember that that was the condition of the deal struck by four Independents, former senators Lees, Harradine, Murphy and Harris. It was a deal signed off by the Australian Vice-Chancellors Committee as well. The deal was struck that they would have a review of indexation by the minister. It was not enshrined in law, so there was no guarantee that there was going to be a review with an outcome. There was no timetable that would ensure that indexation provisions were put in place. No—it was just a nice little deal that, of course, was always going to be broken. The vice-chancellors recognise that now. I hope I am not misrepresenting them in saying that. Certainly in my dealings with the AVCC they have been astounded by the government’s response, or lack of it, to that particular undertaking. The ministerial review was pretty pathetic, but I suppose some of us did not expect otherwise.

It was decided in April not to change indexation arrangements. The government had a review and decided not to change them. That was no surprise. This is particularly disturbing, given that it is estimated that universities have lost more than $500 million due to inadequate indexation since 1996. Since this government came to power, almost a decade ago, universities have lost more than $500 million. That is nothing to sneeze at. Next time the minister talks about the ranking of Australian universities and where they are vis-a-vis the rest of the world—when he talks about rankings, tables and all of the rest—wonder why our universities may not be perceived or seen to be competing on a world-class level. They have been deprived of approximately $500 million over the last decade. Of course, it is incredibly difficult to compete when you are lacking that much money. The review concluded that alternative indexation arrangements could cost an additional $911 million to $988 million over four years. Why is that, Minister? It is because our universities have been starved of funds.

It has not been just under this government. Let me make it very clear that the indexation issue has not been addressed by successive governments. Higher education sector groups such as the National Tertiary Education In-
dustry Union and the Australian Vice-Chancellors Committee—again, despite the AVCC’s approval of the 2003 deal between the government and the Independents—all believe that the current indexation requirements or arrangements are inadequate. They also believe they should be amended, they say:

... to index all university grants and maximum student contribution rates ...

and to:

... use the Wage Cost Index (Education) as the basis for measuring changes in the cost of salaries and retain the Consumer Price Index as the basis for measuring changes in non-salary costs.

I have a second reading amendment in my name to move on behalf of the Australian Democrats which will do just that. I have heard the comments from Senator Stephens on behalf of the opposition. I have heard that the Labor Party are going to hold the government to account on the issue of indexation and that the appropriation in this case is inadequate or miserly—that is the terminology that has been used. We now have an amendment that embodies the views of the sector. We are talking about a broad range of groups that agree that this amendment is the way to go. If they were to support this second reading amendment, it would be the single biggest symbol from the Australian Labor Party that they do support realistic and appropriate indexation. If they want to talk about support for indexation, here is the test.

The government’s continued inadequate indexation of university grants is no accident. It is the way, the government has learned, to keep the tightest reins on our institutions. It has found that, if universities are starved of funds, they will be forced, albeit grudgingly in most cases, to accept tied funding. They will be forced to accept an increase in student fees and charges. As we know, the pay-off in the debate in 2003 was the fact that universities were given more freedom to make changes to their charges. They were allowed to increase HECS—as we saw, up to 25 per cent in a majority of universities—in order to increase their revenue. They desperately needed it. It was the most obvious and logical form of blackmail. The universities fell for it and the government got exactly what it wanted.

The vice-chancellors and universities are fully aware of the equity implications of this. I know that, as I have discussed it with them directly and they have discussed it publicity. That is why in most cases a lot of those institutions have increased fees and charges not as a first resort but as a last resort and also in order to get adequate funding as a consequence of some of the changes. We know the implications of the Commonwealth Grants Scheme, for example. We know that we are going to be debating the higher education workplace relations requirements soon. There is an element of blackmail in all of this. Universities are forced to accept conditions that hitherto they have not had to deal with. Those conditions include intrusion into university autonomy when it comes to the provision of certain classes and courses as well as intrusion into the debates and negotiations on workplace matters involving academics and general staff. We are now looking at a different university system in this country when it comes to what I would consider the role of a university to be.

Madam Acting Deputy President Kirk, in our home state of South Australia recently I was honoured to give the annual Kathleen Lumley College dinner speech. On reflection, as we talked about the collegiate atmosphere of universities, some of us were forced to ponder the role of a university, the holistic notion of university life and the idea that people go to universities not only to get an academic qualification, sometimes for employment purposes and professional rea-
sons, but also to broaden their intellectual, social, political and other horizons. It seems to me that we have lost this concept of a university. In fact, we are talking about degree factories. Even then, they are degree factories provided that the courses they provide are acceptable to the minister and the government. Let us not underestimate the level of ministerial discretion and intrusion that universities currently have.

As I pondered the issue of that collegiate environment—in particular, this college was the only postgraduate college at Adelaide University but it also catered to the other two institutions, the University of South Australia and Flinders University—I thought about voluntary student unionism and this brave new world into which we are entering. We are talking about a radical new system unlike nearly any other—certainly any that I have found in the world—where students are in many cases deprived of vital services and facilities that are part of their educational wellbeing and experience.

I know that Senator Boswell, who will follow me, and the National Party have expressed their concerns about voluntary student unionism because they know, as I am sure we all do in this place, that one of the target equity groups whose participation has suffered under this government are students from regional, rural and remote backgrounds. What is another target equity group that has not really improved in terms of the figures? Indigenous students. What about other areas? Poorer students. Again, this gets me back to the issue of the lack of arrangements in this legislation and broader education legislation with which we will be dealing to assist those students who are traditionally disadvantaged.

Have we even had a debate about student income support, apart from the Democrat initiated Senate inquiry into the issue last year? Have we seen the recommendations implemented? Do we care? Does the government even look at these issues? Do we really care that poor kids are now locked out of educational institutions, in particular tertiary education? Do we even care? I have yet to see a measure come forward in this place in recent years that seeks to address access and equity issues in higher education. Before anyone suggests scholarships—shmolarships! We know that scholarships help but not when there is a token amount, not when there are so few that students from most of those equity groups will not be advantaged by them over the next few years and certainly in the lifetime of this parliament. There is not enough assistance for those students from those traditionally disadvantaged backgrounds.

When we think about the Whitlam legacy this week, as many of us are doing regardless of our political perspectives or even the fact we might have been six at the time, can we at least—

Senator Ferguson—Some of us want to forget the legacies, not remember them.

Senator STOTT DESPOJA—I remember sitting in the living room in Queanbeyan with my parents as they watched the television news. I did not understand why they were so horrified by what was going on. It did not take me long, years later, to work out how horrific and how appalling it was. It was not merely a cute constitutional crisis, as some would describe it. It could have broken democracy and it did break hearts.

As we look at the legacy of that period I get back to a very serious point, and that is that in the last 30 years there is one single policy area that has been unravelled, and unravelled in a way that is not for the betterment of this community and our future. The impact of the reforms from 2003, right through to this little fix-up bill of the Higher Education Support Act 2003, will have gen-
erational consequences. It may not bother some of us in the chamber who have been through, some of us with HECS debts and some of us without HECS debts. I am one with a HECS debt—at least one that is paid off.

Senator Ferguson—Who brought in HECS?

Senator STOTT DESPOJA—That is a very good point. Senator Ferguson, I never ever forget who introduced HECS.

Senator Ferguson—Who was it?

Senator STOTT DESPOJA—The Australian Labor Party—Susan Ryan, with the higher education administration charge legislation in 1986, and in 1988 the Higher Education Contribution Scheme legislation. I will never forget it. I will never forget John Dawkins and the creation of the unified national system. The Labor Party knows that I will never forget it. But even the Labor Party in its wisdom in recent years has recognised that this government has gone too far. The Higher Education Contribution Scheme is income contingent, has delayed repayment and is theoretically based on the distorted principle of how much a course costs and how much your projected earnings are. The government has distorted that Chapman inspired scheme beyond belief, further lowering thresholds at which graduates begin to repay their debts, further hiking up the amount students have to pay—so much so that billions of dollars are now outstanding in HECS debts.

For a government that is concerned not so much about intergenerational equity but about public sector debt I have yet to see them utter a concern about individual debt in relation to graduates and aspiring students—students who have debts higher than their parents’ mortgages, students who are disadvantaged unless they come from wealthy backgrounds or indeed have parents who are prepared to pay their fees for them, which is not always the case.

I want to hear from a government that is concerned about the impact on those poorer kids, people whose parents thought in the 1970s that those bad old days of an elite education system for the rich were over. Let us hear about those kids for a change. I move:

At the end of the motion, add:

“but the Senate urges the Government to increase university base grants by a minimum of 20 per cent over 2 years to take account of unfunded changes in cost structures since 1996, complemented by future indexation (75 per cent of which would be equal to the Wage Cost Index (Education) and 25 per cent of which would be equal to the Consumer Price Index).”

(Time expired)

Senator BOSWELL (Queensland—Leader of The Nationals in the Senate) (1.51 pm)—We have just listened to Senator Stott Despoja, who has the ability to sit on the cross bench and criticise both sides. It is a very nice position to be in—all care and no responsibility. Senator Stott Despoja, I thought you were a little ungenerous in your speech today, because this bill assists people, particularly those doing veterinary science at the James Cook University of Townsville and those on the Atherton Tableland. It is an important bill for the communities of Far North Queensland. It represents a significant investment in developing greater education and research opportunities in the region as well as in boosting local development. This bill paves the way for new undergraduate programs to be established in veterinary science and tropical agriculture at James Cook University. It provides $26 million to James Cook University for veterinary science and tropical agriculture, recognising the importance of tropical science and the ideal location of James Cook University. I thought you
should have been able to say something positive about that, Senator Stott Despoja.

Senator Stott Despoja—I am happy to acknowledge that.

Senator BOSWELL—You did not do so in your speech. Earlier this year, the government allocated infrastructure funding of $12 million over two years towards a new veterinary science school at James Cook University, with a link to the Cairns campus. The bill provides for a total of 100 new places for veterinary science and tropical agriculture at JCU. These places will commence in 2006, rising to 274 places by 2009 at an additional cost of $13.9 million. The university will receive 50 new veterinary science places to establish a new undergraduate degree in veterinary science at the school from 2006. The school will produce veterinary specialists in tropical animal diseases with skills in the prevention and early detection of disease in livestock. Funding for 50 new undergraduate places will also be allocated from 2006 to create a new undergraduate degree in tropical agriculture, giving graduates expertise in tropical plants and exposure to vital research in areas such as sugar cane production.

There are a number of new buildings as part of the new programs. The largest is at the Douglas campus in Townsville, which is the vet teaching hospital that caters to cats, dogs, smaller animals and horses. The vet anatomy and pathology teaching lab and museum is also constructed in Townsville at the Douglas campus, along with additional offices. A plant growth teaching and research facility with a focus on horticulture, agriculture and forestry will feature on the Cairns campus too. A small but equally important component of the JCU is earmarked for Malanda. Approximately $500,000 will be spent to establish the JCU veterinary resource centre in Malanda, adjacent to the vet clinic, to facilitate dairy cattle, some beef cattle and equine teaching. It is expected that a couple of new vet jobs will be created in Malanda, along with a further administrative position. This is tremendous news for the tableland region, which has suffered a downturn in tobacco and forestry in the recent past.

Students in their final year of study at JCU will come to Malanda to gain exposure to dairy cattle, intensive beef feedlots and equine studies. The veterinary resource centre has two elements. The building will have offices, tutorial rooms, computer resource rooms and so forth; the course will provide practical application and hands-on experience for students. The development of the JCU veterinary resource centre is a coup for the Atherton Tableland region and it showcases the importance of the local dairy cattle and beef cattle industries. As a result of the JCU vet science course, Malanda will have continuous groups of students coming through for their final year of study.

The passage of this bill gives the green light to plans for the veterinary resource centre on the tableland. The university has purchased the land adjacent to the vet clinic, and architects are now going ahead. We all await eagerly the opening of the building at some stage next year. Many of us have been supporters of establishing these projects and initiatives in North Queensland, so it is great to see the bill coming through today. I would also like to acknowledge the widespread community support behind the push for these programs, particularly in the communities of the Atherton Tableland. The benefits are going to be enormous for those communities. I understand that of the four veterinary schools operating at the moment none are situated in Northern Australia.

There is enormous recognition in rural Australia of the shortage of vets, particularly of large-animal vets in North Queensland, to serve the beef and dairy industries. Cur-
rently, many young people have to leave North Queensland to pursue careers in agriculture and vet science. Establishing a veterinary school at James Cook University ensures that young people can train locally and stay on in their regions after finishing their training. Veterinarians that have trained in the tropics will also play a major role in the defence of our country against exotic diseases, such as foot-and-mouth disease in the beef industry. Beef production is the backbone of Queensland rural and regional communities. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

PREGNANCY COUNSELLING SERVICES

The PRESIDENT (2.00 pm)—At question time yesterday I indicated that I would consider a question by Senator Nettle to determine whether there was a reflection on a member of the House of Representatives in the question.

Senator Nettle’s question included a suggestion that the decisions of the Minister for Health and Ageing were influenced by his religious views. This was undoubtedly an imputation of improper motives against a member of the House of Representatives, contrary to standing order 193(3), and should not have been made. Senators should refrain from any such imputations in the future.

In 1969 President McMullin ruled that it is out of order to refer to a senator’s religion. I think that is a very sound rule which should be adhered to by all senators.

Senator CHRIS EVANS (Western Australia—Leader of the Opposition in the Senate) (2.00 pm)—I wish to make a short statement on your ruling. I will be 30 seconds.

The PRESIDENT—Is leave granted?

Senator CHRIS EVANS—I do not think I need leave, do I?

Senator Hill—I think he should make it at the end of question time.

The PRESIDENT—Please make it at the end of question time.

Senator CHRIS EVANS—I will just indicate that I am not disagreeing with your ruling, but I think a phrase in it is a bit out of order. I will raise it with you at the end of question time.

QUESTIONS WITHOUT NOTICE

Australian Customs Service

Senator LUDWIG (2.01 pm)—My question is to Senator Ellison, the Minister for Justice and Customs. Why did the minister roll out the new Customs cargo computer system before he satisfied himself that it was ready to go? Does the minister recall telling estimates in May that October-November was in the middle of the peak pre-Christmas season for importers? Why did the minister choose a turn on time in the middle of the rush? Can the minister explain how it is that his staff were warned of problems prior to turn on, yet the minister ignored these warnings? How is it that Customs officials could foresee the dramas that an inflexible system could cause but the minister could not? Isn’t the minister single-handedly responsible for going live with the new system on 12 October before it was fully ready? How is it that under the Howard government one minister’s folly could almost bring trade at our nations two biggest ports to a grinding halt?

Senator ELLISON—On the last point, over 92 per cent of those dealing with imports and exports, as I understand it, are dealing with the new system. We have had a dramatic increase in the number of people who are using the new system as opposed to the COMPILE contingency arrangements that we put in place. In relation to the issue
of a 12 October cut-over, we have been having a number of roundtables with industry, and Customs has been present, as has Quarantine. At a meeting in May this year, there was a clear impression from industry that they wanted to extend the cut-over date and not to bring it on earlier as had been planned. As a result of that, we deferred that decision until the roundtable meeting on 5 July. At that meeting on 5 July, it was agreed that 12 October was the most appropriate date for the cut-over. This was having regard to the fact that the Christmas period was experienced mainly in the months of November and December and that to deliver any later would have been unworkable.

As a result of that roundtable meeting with industry, we worked towards a 12 October cut-over. Postponing the cut-over to next year, to a date of either February or March, would have been problematic, to say the least, because Customs had made it very clear that they had the old Unisys system in place, which had been operating in support of the COMPILE arrangements. Their estimation was that in February or March next year they would have been unable to proceed with that system. That is the very clear evidence of Mr Lionel Woodward, the CEO of Customs, at the estimates, and Senator Ludwig knows that.

Whilst industry supported the 12 October cut-over at the meeting that I mentioned, it must be stressed that Customs was mindful of the concerns of those brokers and forwarders who had expressed a concern as to the cut-over date and their preparedness for that. We consulted with the software developers. They had a meeting I think around 23 September. They assessed the situation and were of the view that the 12 October date could proceed and that the contingency arrangements which were discussed could adequately deal with any of those people who had expressed a concern. The contingency arrangements were put in place prior to the cut-over date to accommodate those who had expressed a concern. But the vast majority of industry expressed a desire for the cut-over to proceed on 12 October and, if we had not done that, we would have been roundly criticised.

The integrated cargo system is a complex system which is being embarked upon. There is a similar system in the United States, where it is costing some $3.2 billion and taking some 10 years to put in place. We never underestimated the task at hand in relation to this cut-over. When we put exports in place in about October last year, it went without a hitch, but we always knew imports would be more problematic. If you go back to when Labor was in power and look at when Unisys was put in place, you will see that the same sorts of issues were raised at that time because of the complexity of the nature of importing arrangements for cargo across all sectors. In this example, our experience has been primarily directed at the seaports of Brisbane, Melbourne and Sydney. Other ports have not experienced those difficulties, nor has air cargo. This is progressing. We are determined to see the ICS in place, and we will continue to work with industry to have it put in place to improve our export/import system. (Time expired)

Senator LUDWIG—Mr President, I ask a supplementary question. If the system is working so well, how does the minister explain a record 13,000 calls to the new system hotline in just 19 days? Can the minister now confirm reports that shortages of Sony Playstations, Microsoft Xboxes and Apple iPod nanos—like these I have here—may have hit retailers as a result of this debacle? Why is it that brokers, importers and retailers are getting scrooged by the Howard government right before Christmas?
Senator ELLISON—We have dealt with each and every concern as it has been put to us. Customs has been working overtime to address those issues. Forgive me for some scepticism in relation to the way the opposition has been beating this up. There was one toy importer who said he was having trouble bringing in toys, and those toys had not even arrived in Australia—such is the beat-up that is occurring. We are interested in dealing with those real issues of concern.

Senator Sherry—Why are you beating up business?

Senator ELLISON—I have some scepticism in relation to the point that Senator Ludwig has raised—

Senator Sherry—Why are you beating up business?

The PRESIDENT—Order! Senator Sherry, I will not have a repeat in this place of what has been happening in the other place. Come to order!

Senator ELLISON—We put in a communique which was issued after a roundtable with industry that misinformation and rumours were not helping in sorting out the legitimate concerns. We will have a look at the issues that Senator Ludwig has raised, but it is important that the Senate remember that there have been issues raised which have been entirely misinformed, and I mention that one of the toy importer who had to apologise on Melbourne radio.

National Security

Senator FERGUSON (2.08 pm)—My question is also to the Minister for Justice and Customs, Senator Ellison. Will the minister update the Senate on the role of Commonwealth law enforcement agencies in ongoing national security operations?

Senator ELLISON—As we know, law enforcement has been involved in an operation overnight. There have been a number of arrests. The operation has involved both federal and state law enforcement agencies, as well as intelligence agencies. The operation has been ongoing for the last 16 months and has involved the Australian Federal Police, ASIO, the Victorian police, the New South Wales Police and the New South Wales Crime Commission. They have been working extremely well together. At the outset, we should recognise the great work that has been done.

It will be alleged that plans to carry out a terrorist attack were becoming advanced in nature. As a result of that, law enforcement agencies acted in a preventative manner. Fifteen people have now been arrested—nine in Melbourne and six in Sydney. Overnight, police simultaneously executed 26 warrants on properties in Victoria and New South Wales. Police executed those warrants at homes in Lakemba, Belmore, Wiley Park, Greenacre, Illawong, Punchbowl, Hoxton Park, Condell Park, Ingleburn, Belfield, Bankstown and Kemps Creek. Warrants were also executed in Victoria at residences in Dallas, Hoppers Crossing, Fawkner, Haberfield, Coburg, Yarraville, Meadow Heights, Hadfield and Mount Druitt. That demonstrates the range and extent of the operation.

Charges have been laid and, as I have stated, those who have been arrested will be appearing in courts in Melbourne and Sydney today. The range of offences includes those from sections of Commonwealth legislation that have not previously been used. Those relate to being a member of a terrorist group, conspiring to commit a terrorist act and directing a terrorist organisation. All have been charged under the Criminal Code Act 1995 and under state legislation. The amendments passed by parliament last week have provided some clarity and certainty to law enforcement agencies in relation to a number of terrorism related offences, including some of the charges laid by police today.
I am advised that these amendments may assist in the prosecution of some of the men arrested today. However, these are issues that will become clearer as court cases unfold. As these matters are now before the courts, people should exercise caution in what they say. The people who have been charged will be afforded the same legal rights as any other Australian according to law.

I can confirm that one member of the alleged terrorist group fled from police in the possession of a firearm. He was confronted earlier this morning by police. While this incident will be the subject of internal investigation by New South Wales authorities, it will be alleged that the offender shot at police, to which police responded, shooting him in the neck and chest. I understand his condition remains critical. Law enforcement officers will now be focused on forensically examining evidence located as a result of the search warrants. With the Commonwealth Director of Public Prosecutions, they will concentrate significant energy in preparing briefs of evidence and prosecuting those charged.

The fight against terrorism in Australia and the law enforcement operation overnight has been facilitated by the passage of counter-terrorism legislation in recent years. I thank those senators for their support of that legislation. I can assure senators and the Australian community that the law enforcement agencies at federal and state levels will continue the fight against terrorism with our intelligence agencies.

**Australian Customs Service**

**Senator FORSHAW** (2.12 pm)—My question is directed to Senator Ellison, the Minister for Justice and Customs. How is it that under the minister’s stewardship the financial mismanagement of the new cargo system is bleeding the Australian Customs Service dry? Given the original cost estimate of the project was in the order of $25 million to $30 million, can the minister confirm whether the real cost of this project has passed the $200 million mark and may even be approaching or exceeding $250 million? Can the minister confirm whether Customs has been in talks with the Department of Finance and Administration to again secure extra funding because so much has been thrown into the bottomless hole that is this new cargo system? Given that the minister promised full cost recovery for the new cargo system, how long will it take to recoup the millions that have been squandered on this project?

**Senator ELLISON**—The cargo management re-engineering program is going to bring internationally leading-edge technology to the management of the imports and exports of this country. That is something which industry has recognised. The program will offer to industry, both large and small, a greater facility for dealing with exports and imports. Other countries are looking at doing the same thing. In the United States a similar system is costing about $3.2 billion. In Australia we estimate the cost to be around $200 million. Along the way we have had a number of changes which have had to be accommodated. Firstly, we had the GST. The ICS is involved in revenue collection. But such is the ignorance that is being expressed about revenue collection by the opposition. You see, imports do necessarily involve the collection of duty and GST. That is perhaps lesson 1 for those opposite. The fact is that when the program was first conceived it did not involve the collection of GST. As well as that, along the way we had 9-11, the Bali bombings and an increased focus on security.

The information that will be garnered from this new system will include security aspects. That has been the step forward
which all have acknowledged as being the complex aspect of the new system. It requires more information and is more unforgiving about the correct information that needs to be fed into the system. This is all part of not only the facilitation of imports and exports but also border security. That is where this new system will be of benefit.

The opposition says that the money has been squandered. The implementation of this system was necessary due to the current system being due to fall over early next year. That system has been around for about 20 years, the computer system backing it up has been around for about 10 years and we are in 2005, when IT advances very quickly. We are putting in place something that will last Australia into the future, which will involve increased border protection and also a facilitation for industry, for exports and imports. Obviously that costs money. Customs set out to absorb those costs, as they have said at many estimates hearings, time and again. When you look at the benefits that this system will bring to Australia in the long term and the support for it that has been expressed by industry, you see that this is something that we had to do. We always acknowledged that there would be teething problems in its transition. We make no bones about it. That is why we put resources into helping business, especially smaller businesses, in relation to the transition.

Senator FORSHAW—Mr President, I ask a supplementary question. I thank the minister for acknowledging in his long answer that it has blown out to $200 million or more. I remind the minister that the original estimate was $25 million to $30 million—and 10 per cent GST on that is not $200 million. Given this massive blow-out, is it any wonder that Customs does not have enough resources to fight illegal fishing in Australia’s northern waters because the massive cost blow-outs in this cargo project have eaten up all the funds? How much more will the minister need to borrow from Finance to implement this project properly? I would not consult Senator Ian Macdonald for some advice, Minister.

Opposition senators interjecting—

The PRESIDENT—Order, senators on my left! Senator Forshaw asked a supplementary question. He should have the opportunity to hear the answer. I ask you to come to order.

Senator ELLISON—During the transition period of the CMR program we had Operation Clearwater II, which was a great success. Over 30 foreign vessels were apprehended and around 200 fishermen were arrested. We announced prior to that $88 million to resource the fight against illegal fishing. The Customs Service did an outstanding job, with Fisheries—and I acknowledge the great cooperation in this regard of Senator Ian Macdonald, the fisheries minister. We had a whole-of-government approach to border control. We had Defence, we had Fisheries, we had Customs and we had Quarantine working together to protect our borders and fight against illegal fishing. We did that whilst in the transition period for the ICS program. The opposition should not denigrate the great work of the men and women of the Australian Customs Service. They should acknowledge the great work that is being done. Watch the Border Security series sometime and you will see the great job that the men and women of Customs do in this country. You might learn something.

Workplace Relations

Senator SANTORO (2.19 pm)—My question is to the Minister for Finance and Administration, Senator Minchin, representing the Treasurer. Will the minister inform the Senate of any independent evidence of the economic benefits of workplace relations reform?
Opposition senators interjecting—

Senator MINCHIN—I thank Senator Santoro. I acknowledge Senator Santoro’s fine contribution to the state of Queensland as its Minister for Training and Industrial Relations and his ongoing commitment to IR reform. It is well known that when we came to office we introduced—

Opposition senators interjecting—

The PRESIDENT—Order! There are too many interjections on my left. I ask you to come to order.

Senator MINCHIN—As is well known, when we came to office in 1996 we passed the Workplace Relations Act as our first stage of improving the flexibility of Australia’s IR system and, in so doing, we introduced Australian workplace agreements and started the process of award simplification.

Since then we have seen real wages grow by 14 per cent, the unemployment rate fall to near 30-year lows and the labour force participation rate rise to record levels. In 13 years under the Labor government, in their rigid union dominated system, we had a 10 per cent rate of unemployment and real wages rose by no more than 1.2 per cent in all of the time that they had in office. It is no coincidence that those countries with more flexible labour markets, including the UK, the US and New Zealand, have significantly lower unemployment rates than countries with more rigid IR systems like France and Germany.

In response to Senator Santoro’s question, there is a growing body of evidence that further workplace relations reforms will bring substantial economic benefits to our country. Last year the International Monetary Fund stated in its annual report on Australia:

... the wage bargaining system needs further simplification, including a reduction in the overlap of the federal and state award systems and a diminished role of the award system in setting the minimum wage ...

Recently, in response to correspondence from the ACTU, the IMF said that the benefits of economic reforms in Australia, including improvements in the functioning of the labour market, have been substantial and that this gives a sound basis for expecting positive results from further labour market reform. The Productivity Commission has found in a series of case studies of a very wide range of industry sectors in Australia that workplace bargaining has facilitated significant improvements in productivity in this country. In its report on national competition policy, the Productivity Commission stated:

Backsliding that reduced flexibility and the capacity to tailor labour market arrangements to the circumstances of particular firms and the needs of an ageing population would almost certainly lessen workplace productivity and thereby reduce living standards.

A study by academics Tseng and Wooden at the Melbourne Institute found that firms whose employees were on workplace agreements were estimated to have around nine per cent higher productivity levels than comparable firms whose employees were award reliant. There is very clear evidence that greater flexibility and a focus on workplace bargaining produces higher productivity, more jobs and increased real wages. Indeed, that is why the Keating Labor government started us in this process towards enterprise bargaining.

On unfair dismissal laws, Access Economics has found that:

... unfair dismissal laws discourage the hiring of new workers and therefore undermine future prosperity. The more difficult it is to retrench people the more reluctant employers will be to hire them.

The implication for Australian policy making is that our current unfair dismissal legislation may
extract a relatively high and unnecessary cost to future prosperity and jobs growth.
There is overwhelming economic consensus from around the world, and within this country, that the link between flexible labour markets and productivity growth, jobs growth and higher real wages is well proven. It is only the Labor Party that refuses to see this evidence. The Labor Party says it wants to be relevant on economic policy and wants to be taken seriously; it will not be taken seriously while it refuses to see this evidence and kowtows to its union bosses. (Time expired)

Aged Care

Senator McLUCAS (2.23 pm)—My question is to Senator Minchin, the Minister for Finance and Administration. Is the minister now able to confirm that the Commonwealth own purpose outlays—or COPO—funding mechanism is administered by his department? Can the minister confirm that currently the calculation of COPO flows from the minimum wage determination of the Industrial Relations Commission around May every year? Is it true that COPO formulas are used to determine funding increases to both the aged care sector and the Commonwealth-State/Territory Disability Agreement every year? Can the minister now confirm that funding increases for both the aged care sector and the disability agreement will be frozen for 15 months or more because there will be no wage determination by the Fair Pay Commission until at least spring 2006? Is this an unintended consequence of the government’s proposed industrial laws or is it the government’s deliberate intention to freeze funding for the aged care and disability sectors?

Senator MINCHIN—I have a fine answer which I was going to table after question time but I am happy to allude to that answer now and simply say that, of course, my department does, as you say, administer the wage cost index, but it is not responsible for the policy. The policy is set by the government as a whole as to which programs are indexed by which particular indices. My department effectively puts the numbers in the calculator and comes out where with a number. Your question, Senator McLucas, was in relation to aged care providers, which is a policy question for the minister responsible for aged care providers. However, as to the substance of your question, which alludes to a new scare campaign from the Labor Party in relation to this very important reform of industrial relations—that there will no longer be indexation—I categorically refute that proposition. The fact is that we have had, and continue to have, a very responsible policy of indexing a number of government programs to what is called a wage cost index, which is a combination of both wage and non-wage cost increases—a combination of measuring wage and CPI increases on an annual basis. As you have noted, a number of programs, including aged care provider programs, rely on one of the wage cost indices, of which there are several.

In relation to the current wage cost index, it is true that in calculating the wage cost component of the index it relies on the Industrial Relations Commission’s safety net review. That will remain the basis for indexation of any such program that is indexed for 2005-06. If our legislation passes through this parliament and our changes are introduced, it is correct to say that the government will no longer be able to use the safety net review decisions for the purposes of indexing government outlays. As is well known, it is proposed in our legislation that the responsibility for setting minimum wages will move to the Australian Fair Pay Commission. The government will determine the most appropriate method of indexation for government expenditures following what I
hope will be the implementation of workplace relations reforms.

The principles underlying the indexation of government programs are not expected to change. Indexation will continue to be based on a measure of wage and non-wage costs consistent with those principles. We certainly do not assume that the indexation arrangements following implementation of our reforms will be less generous than existing arrangements. Certainly, there is no budgetary assumption of any change at all. We are not assuming any savings whatsoever from these changes. Of course, our government workplace relations reforms are not aimed at cutting minimum wages. In fact, we protect minimum award classification wages at least at the level set after the inclusion of the increase from the 2005 safety net review. As I said, we are not predicting any savings whatsoever in the indexation programs following the reforms that we hope will pass through this parliament. We will continue to ensure that government programs that are indexed in this way are set at appropriate levels.

Senator McLUCAS—Mr President, I ask a supplementary question. Can the minister confirm that if minimum wage increases awarded by the so-called fair pay commissioner are even one per cent less than those that have been awarded by the Industrial Relations Commission then the government stands to reap potentially billions of dollars worth of savings? Wouldn’t Commonwealth spending on aged care alone be cut by $45 million a year? Can the minister guarantee that the government will not attempt to drive down minimum wage increases as a sneaky, backdoor way of slashing Commonwealth spending on aged care and disability services?

Senator MINCHIN—This is typical scaremongering by the Labor Party. There is no intention to cut these programs. They will continue to be indexed by a wage and non-wage cost index, to ensure that we do continue to support these programs. The Labor Party was not able to support such programs because it ran up such massive deficits. We run surpluses so that we can continue to support these programs, and we will continue to index these programs. The question is utterly hypothetical because, as I said, with the passage of our legislation there will not be a safety net review and the government will need to make decisions on the basis of the wage cost component of the index.

Workplace Relations

Senator BRANDIS (2.30 pm)—My question is to the Minister representing the Minister for Employment and Workplace Relations, Senator Abetz. Will the minister outline to the Senate how the government is reforming the unfair ‘unfair dismissal’ laws, and what protections Australian workers will have from unlawful dismissal under the new laws. Is the minister aware of any alternative views?

Senator ABETZ—I thank Senator Brandis for his question and his genuine interest in ensuring that the 500,000 Australians who are currently unemployed will have the opportunity of gaining employment, because the current unfair dismissal laws are acting as a disincentive to job creation, denying thousands of our fellow Australians the opportunity of employment.

The unfair dismissal laws are a failed social experiment and commonsense now dictates that they should be changed. Recently I told the Senate about a case in my home state of Tasmania. This week we heard about another case, in Queensland, where the state education department was reportedly prevented by unfair dismissal laws from dismissing a teacher for continued inappropriate moonlighting—and let us just say it was in a
profession that has a longer history than education.

The current unfair dismissal laws are wrong and they need to be changed. Bob Carr knew it; Mr Beazley knows it; the unions know it; we all know it. But it is only this side of the parliament that is actually prepared to do something about it. Yet, despite knowing that the laws need fixing, those opposite continue to stand in the way by making misleading claims.

These untruths are also being peddled by so-called independent experts, such as David Peetz from Griffith University, who appeared on the ABC’s AM program on Thursday and made a number of outrageous claims. One would have to ask: what would motivate an independent expert to make such claims? I suggest that Mr Peetz is not independent. He has strong links with the union movement, including doing research sponsored by the ACTU. He has been reported as being a singer in a trade union choir, and he writes poetry for the Workers Online web site, which calls him its ‘resident bard’. Here he writes tasteless and infantile material such as You’ve got to slug a worker or two, You’re fired and Downsized. Worse than that, in the aftermath of September 2001 and the World Trade Centre terrorist attacks he wrote a poem titled The Terrorist, which was published on 17 September and which included a verse about a terrorist telling the President of the United States:

Yes, evil will be overcome by good, but sir, you see,
I know you are the evil one, and good is on my side!
You are the force of Satan—and that is why I died.

The ABC does itself and the Australian people no service by presenting someone like David Peetz as a ‘respected academic’, trying to tell the people of Australia that he is somehow independent. If Senator Santoro were here I would suggest to him that he might now have 601 questions to ask of the ABC. A person who engages in moral equivocation about terrorism will have no compunction whatsoever about deliberately misrepresenting our modest workplace relations changes. These are the extreme people in this debate, not the government with our reforms.

**Whaling**

**Senator BARTLETT** (2.34 pm)—My question is to the Minister for the Environment and Heritage. I note the minister’s media statement today calling on Japan to abandon its planned whaling program and reports that, despite the minister’s call, a whaling fleet has just set sail from Japan to carry out the killing of a dramatically increased number of whales in the Southern Ocean. Is the minister aware of advice provided to the International Fund for Animal Welfare by international law expert Professor Donald Rothwell that there are compelling arguments that Japan is flouting international law and that Australia could successfully challenge its actions in the international courts? Why is the minister refusing to pursue the option of taking Japan to the International Tribunal for the Law of the Sea to bring an immediate halt to this slaughter rather than continuing to rely only on diplomacy, which has clearly failed to deliver results?

**Senator IAN CAMPBELL**—I thank Senator Bartlett for what I regard as a very important question today. It is now well known that the Japanese whaling fleet will be departing Japanese ports over today and future days and will be setting off on their annual voyage across two hemispheres, down to Antarctic waters, to slaughter minke whales and, for the first time in many years, fin whales. We know they will do this using harpoons with explosive devices on their
heads; that they will fire the harpoons inside the whales and the devices will then explode. The whales will in many circumstances take up to 15 to 20 minutes to die in what we can only imagine will be an agonising, excruciating, painful death associated with drowning in their own blood, in the seawaters off Antarctica.

As Senator Bartlett would know, Australia has led what has been, as I am informed officially, the most active international effort to seek to bring an end to all whaling. It is an effort that has had bipartisan support in Australian history, certainly since the Malcolm Fraser Liberal coalition government brought an end to whaling in Australian waters 26 years ago. We have tried very hard by way of bilateral diplomatic activity, which Senator Bartlett is well aware of and has supported.

We have looked very closely at the advice from the International Fund for Animal Welfare. They have raised, in briefings with my office and my department yesterday, a 14-point legal analysis of all of the legal options. Those are legal options that have been looked at by the previous Labor government. Mr Keating’s cabinet looked at them in 1994 and 1995 when the Japanese last planned their then biggest increase in the whaling take. In 1994 they were taking 330 minke whales and they increased it by roughly 25 per cent to 440 minke whales. The Keating government looked at the legal options, as we have done. When I became the minister I reopened all of the files and looked at all of the opportunities and all of the options.

I just make the point to the Senate and particularly to Senator Bartlett, because I know that he shares my passion for conserving whales and trying to shut down what I think is a rort of the scientific provisions of the International Whaling Commission, that if I thought that legal action could do as he says and immediately close down whaling then we would have taken that action. I have absolutely no doubt that Mr Keating and conservation and environment ministers in the previous Labor government would have done so if they thought in 1994 and 1995, when 770 whales were killed, that they could have taken that legal action. I have no doubt about it. And many of the other conservation-minded nations, I have no doubt, would have taken that action.

It is not an action that is open only to Australia. The US, Great Britain, Brazil, our good friends in New Zealand and many of the other conservation-minded nations like France, Sweden and Germany could take the sort of action that IFAW have alluded to in their report. I welcome their report. We will study it very closely. We will, of course, pursue any action that we can, but my strong view is that the actions that Australia is taking have the best chance of leading to a cessation of whaling altogether. The challenge at the moment is to see an end to JARPA II before it is born.

Senator BARTLETT—Mr President, I ask a supplementary question. Is it not the case that if Australia launched action in the International Tribunal for the Law of the Sea about what is a dramatically increased whaling program it would open the prospect of an immediate, in effect, injunction being put on the imminent slaughter that he so accurately described? Given that diplomacy clearly has failed to date, is it not the case that the government has successfully taken Japan to the international tribunal in the past over an experimental fishing program for southern bluefin tuna which did have some success in forcing Japan to suspend that program? Why is it that in this case the minister is so sure that there is no prospect of success in undertaking this particular route in the international legal arena on this pressing and, I would suggest, far more horrendous action?
Senator IAN CAMPBELL—Could I assure Senator Bartlett that I have looked very closely at the southern bluefin tuna case that did go to the tribunal. I am informed, by people far more expert in international law than I, that that case was a very difficult case. As I understand it—I will have to get the exact detail as it is something that I looked at when I was travelling to Korea, some weeks ago—

Senator Hill—Ten countries ago.

Senator IAN CAMPBELL—Indeed—ultimately that was a case that had great difficulties for Australia. It was quasi successful. I think Senator Bartlett understands that. It was not the sort of outcome we were seeking. The sorts of issues that were raised in that case are the sorts of issues that we would face in any case that we took in relation to the whaling activity. I do not agree with the characterisation of our diplomatic efforts as having failed. I believe that this is a long-term fight. It is a fight that we fought for nine years and we will continue to fight. I think, ultimately, our success needs to be judged in a more reasonable time frame. I call on Japan to respect the decision of the International Whaling Commission. (Time expired)

Border Protection

Senator LIGHTFOOT (2.41 pm)—My question is directed to the Minister for Immigration and Multicultural and Indigenous Affairs, Senator Vanstone. Will the minister inform the Senate of how the government’s border control policies have effectively stemmed the flow of people-smuggling boats to Australia? Is the minister aware of any alternative policies?

Senator VANSTONE—I thank Senator Lightfoot for the question. He and other senators on this side of the chamber are very proud to be part of a government that has in fact protected Australia’s borders. We can see that by the very small number of boats, and the small number of people they have been carrying, that have arrived since the implementation of a number of policies designed by this government. In particular, I refer to the offshore processing policy, sometimes referred to as the Pacific solution. I note that, since the implementation of this policy, people smugglers have got the message. They have not been sending people in boats down to Australia because they know full well that the risk is that their clients will end up on Nauru, Manus Island or Christmas Island.

Honourable senators interjecting—

The PRESIDENT—Order! Senator Hill and Senator Evans, your discussions are rather noisy and are interrupting the minister’s answer.

Senator VANSTONE—Of course, the reason senators opposite do not like reference to this policy is that they would in fact get rid of the Pacific solution. They would say: ‘We’re opening up the doors. You can come on down and we’ll process you here onshore.’ They have not actually said that directly to the Australian people, but that is the nub of their policy: ‘We will get rid of offshore processing; people will be processed onshore.’ It is an invitation to people smugglers to start up their business again: ‘Bring them on down and we’ll do it here.’

But, equally, there are other differences between us and members opposite. On this side of the chamber we have resolved to intelligently use the resources we already have. We have not fallen for the old trick of believing that if you spend more money you necessarily do a better job. So we are quite properly using, in a coordinated way, the resources of Coastwatch and the defence forces. In fact, any Australian resources that can be brought together and used in a coordinated way are used in that way.

On the other hand, members opposite, Mr President—and you would have heard them
interjecting—say that we should have a coast guard. They run around and say, ‘Let’s have a coast guard.’ I thought I would refresh my memory as to the sorts of things that they were suggesting. I remembered that Mr Crean, when he was leader in the musical chairs we have on the other side with the leadership, wanted to have a coast guard with three particular new boats, one of them as a backup. I remember thinking how startlingly effective three extra boats would be on a 37,000-kilometre coastline. It was just a joke. At that time we had Mr Beazley, in some other capacity than the capacity that he now holds, saying that he was worried that vessels coming down through the northern islands would be tipping sea mines over the side. A sea mine weighs about 780 kilos and the prospect of tipping them over the side of little Indonesian boats is a joke.

The next idea they had was to have helicopters with snipers so that we could shoot these boats out of the water—until they realised that there were actually people on board the boats. Senator Lightfoot, I have got a bit more to say on this matter—quite a bit more to say, actually. One of their ilk from the other side of the chamber in the other house went to the United States to see their Coastguard. Probably someone saluted him and he thought he was important, and he came back with the new idea: to have a helicopter with snipers on board to shoot at the boats. (Time expired)

Senator LIGHTFOOT—Mr President, I ask a supplementary question. Could the minister continue with her lurid description of the Labor Party’s alternative to the government’s Coastwatch?

The PRESIDENT—Senator, that supplementary question is out of order.

Australian Football League: Broadcasting Rights

Senator CONROY (2.46 pm)—My question is to Senator Coonan, the Minister for Communications, Information Technology and the Arts. Is the minister aware of reports that the AFL is considering granting pay TV exclusive broadcasting rights to the home games of clubs like—and I know you will be particularly interested in this, Mr President—the Sydney Swans, the Brisbane Lions, the Adelaide Crows, Port Power, the West Coast Eagles and the Fremantle Dockers? Does the minister believe that the supporters of these clubs should be forced to pay $600 a year to watch their teams’ home matches? Is the minister concerned that the AFL seems to be intent on gouging every cent out of the broadcast rights at the expense of millions of fans who cannot afford access to pay TV? Can the minister confirm that the antisiphoning list includes every match in the AFL premiership competition? Will the minister remind the AFL of its legal obligations to ensure that free-to-air broadcasters are given a reasonable opportunity to acquire the rights to AFL matches before they are sold to pay TV?

Senator COONAN—I will not even hazard a guess at what might apply to the ‘roosters’ in this case with the antisiphoning list. I think that the antisiphoning list should act the way it is intended to act and I have no information currently available that it is anything other than operating in the way in which it was intended.

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Senator CONROY—Mr President, I ask a supplementary question—and I would not accept that answer, if I were you, Mr President. I refer to the minister’s comments at the National Press Club that some lesser events could the pruned from the antisiphoning list. Does the minister consider the home matches of the Crows, the Eagles or the
Dockers to be lesser events and, if not, will the minister guarantee that the government will not allow the AFL to exploit any loopholes in the antisiphoning regime that could reduce the number of AFL matches shown on free-to-air television?

Senator COONAN—As I have said to the Senate, the antisiphoning list will operate the way in which it is intended to operate and Senator Conroy can have confidence that that is the way in which these matters will be dealt with. I have absolutely no information that would indicate that the antisiphoning list is operating other than as intended. There will be monitoring of the list by the regulator to see whether there are some games in competitions that are not being utilised and not being offered to other broadcasters if not taken up by AFL. But Senator Conroy does not seem to be able to point to any way in which the antisiphoning list is not otherwise operating in the way in which it was intended.

National Security

Senator BOB BROWN (2.50 pm)—My question without notice is to the Attorney-General. Why was the law changing ‘the’ to ‘a’ left until last week when there have been 10 amending acts to the Criminal Code since June last year when the alleged terrorist cell on which the police acted overnight first came under surveillance? Is it true that the eleventh-hour legislation endangered the intelligence for and the security of that operation? As the Prime Minister is informed on a daily basis about security matters—

Government senators interjecting—

The PRESIDENT—Order! Senator Bob Brown, I presume the Minister representing the Attorney-General is the one you asked the question of.

Senator ELLISON—In answer to Senator Bob Brown’s question, I say at the outset that in no way did the passing of last week’s legislation or the announcement of that prejudice this operation. What was done was checked with the federal authorities and they too consulted with the state authorities who were involved in it. I think that today there was a question about this put to Deputy Commissioner Lawler from the Australian Federal Police and he rejected any notion that last week’s events prejudiced the operation. In fact, the passing of the legislation last week, as I said earlier in my answer to the Senate, was relevant to charges which are being laid in relation to some of those arrested.

Senator Bob Brown will recall that during the debate last week we mentioned that this amendment had been brought forward from the package to be dealt with as a result of advice that had been received from our agencies that was due to a matter which was under consideration and which is now the subject of an ongoing matter in the courts. We acted on the advice that we received and we stand by the action that we undertook in passing that legislation last week. It was necessary. I am not going to go any further in relation to discussion of the matter which I mentioned earlier. It is before the courts, and we have relied on the legislation passed last week to lay some of those charges. I will say nothing further than that. What I can say is that the action we took last week was taken after careful consideration and consultation with our law enforcement and intelligence agencies and it in no way prejudiced the operation at hand.
Senator BOB BROWN—Mr President, I ask a supplementary question. I thank the minister for that opinion, but I go back to my question: why did the government not amend any of the 10 amending acts to the Criminal Code since June last year when the alleged terrorist cells first came under surveillance? The Prime Minister denies it, but when was the government—anybody in the government—first approached to make that amending legislation? Secondly, what action has the government taken on leaks from government sources last week about the terrorist cells under surveillance in Sydney and Melbourne which must have manifestly put the people under surveillance on the alert and therefore endangered the consequent police operations?

Senator ELLISON—Senator Bob Brown is trying to get me to answer aspects of a matter which is now before the courts as to the point at which we got advice in relation to this matter. I am not going into that. We could look to Senator Brown for more support in relation to matters of national security, especially in the times that we are facing at the moment. When we have that cooperation from Senator Brown we can take him seriously on matters of national security, but until we have that it is hard to do so.

Workplace Relations

Senator CAROL BROWN (2.55 pm)—My question is to Senator Abetz, Minister representing the Minister for Employment and Workplace Relations. Can the minister confirm that under section 100 of the industrial relations bill before the House an employer can lodge an agreement with immediate effect, even if there has been no opportunity for employees to consider and approve that agreement? Doesn’t the bill allow the agreement to take effect even if the employer has breached the act? Won’t the onus be on employees, with no-one else having standing to launch expensive court action, to prove the breach before the agreement can be set aside? Why should employees be forced to take on the expense of court action to protect their entitlements and enforce compliance with the act?

Senator ABETZ—I thank my Mercury correspondent for the question. Senator Carol Brown asks about aspects of the legislation. In relation to the section that she asks about, there is a very good and extensive explanatory memorandum that I am sure will assist the honourable senator in determining those aspects of the legislation that she might have some difficulty with. We want the new agreements to operate as soon as possible to ensure that the benefits of these workplace agreements come into effect. I direct the honourable senator’s attention to page 163 of the explanatory memorandum, which tells us:

Proposed section 100 would set out when a workplace agreement comes into operation and ceases to be in operation.

Subsection 100(1) would provide that a workplace agreement comes into operation on the day the agreement is lodged.

Subsection 100(2) would provide that a workplace agreement comes into operation even if the requirements relating to Divisions 3 and 4 of Part VB have not been complied with. This would be a necessary consequence of a lodgment only system that does not involve workplace agreements being scrutinised prior to coming into operation.

I could go on but, rather than boring Senator Carol Brown’s colleagues on the other side, I suggest to her that she continue on to read page 164—

Senator Sherry—They are probably more bored on your side.

Senator ABETZ—I agree with Senator Sherry that—

Senator Chris Evans—Mr President, I rise on a point of order. My point of order
goes to the question of relevance. The minister was asked a question about the policy decision behind the clauses of the act. He may well think it is smart to read out the explanatory memorandum, but he has not answered the question, which went to the policy decision. He has been a serial offender in refusing to answer questions, and I ask you to direct him to the question about the policy decision and provide Senator Carol Brown with an answer.

The PRESIDENT—Minister, I believe you were in order—in fact, you were quoting from the bill. For once, I would be on your side on this one. I ask you to continue.

Senator ABETZ—Thank you, Mr President. It is always good to have top cover. Isn’t it amazing that we are being asked by those opposite what the meaning and impact would be of a particular section of the workplace relations reforms, and here I am outlining chapter and verse from the explanatory memorandum exactly what those clauses would mean, and Senator Evans, because he does not like the answer, has to get up yet again on a frivolous point of order. Those who view question time now know that when the Labor Party is struggling Senator Evans gets up on a fatuous point of order.

The policy decisions behind the totality of the workplace relations bill are summarised for Senator Carol Brown very neatly on pages 1 and 2 of the explanatory memorandum. This legislation, Work Choices, ensures that workers and their bosses can come together and reach agreements to their mutual benefit—something which former Labor Prime Minister Mr Keating espoused some 12 years ago, as I had occasion to advise the Senate only yesterday. Twelve years ago this was Labor policy, but now that they are out of government they are opposing it for cheap opposition’s sake. They know that it needs to be done for the good of the country, but they think they might get some short-term political benefit.

I commend to Senator Carol Brown that she read pages 1 and 2 of the explanatory memorandum and thereafter, in relation to section 100, she turn to pages 163 and those following and she will then have all revealed to her—and, hopefully, she might even be convinced to write to the Hobart Mercury and say what good legislation this is.

Senator CAROL BROWN—Mr President, I ask a supplementary question. Unfortunately, the minister does not like to let the facts get in the way of a good story. Can the minister clarify the technical effect of an agreement being declared void by a court under proposed section 105F of the IR bill? Would this have the effect of reinstating a previous agreement that applied to the employees before a new agreement took effect, would the employees fall back onto an irrelevant award, or would they fall back onto the five basic conditions under the act?

Senator Ian Campbell—This is asking for a legal opinion, which is not allowed.

Senator ABETZ—In my previous life I was asked for legal opinions, and I was given really good money for it. Today, I am asked for legal opinions for no money, and those opposite do not like it. I think I might go back to my former occupation.

Senator Chris Evans—Name the people who paid you money for your legal opinion.

Senator ABETZ—They would like it; I can understand that. On page 207 the honourable senator’s question is answered. She sought some technical detail. It is there for her to read. Can I suggest that the explanatory memorandum is set out in a very simple form that even Senator Carol Brown should be able to follow.
Senator Hill—Mr President, I ask that further questions be placed on the Notice Paper.

PREGNANCY COUNSELLING SERVICES

Senator CHRIS EVANS (Western Australia—Leader of the Opposition in the Senate) (3.02 pm)—Mr President, I want to make a brief suggestion. I think your ruling is correct—I am not disagreeing with your ruling—but because of the way it is worded I think it gives the wrong impression. I ask you to reconsider the wording. I think that Senator Nettle’s question in Hansard did provide an imputation—I think that is correct—but, in forming your statement, you do not refer to that imputation; you refer more broadly to religious views. I think that conveys a slightly different impression. So, as I say, I concur with your ruling but I would like you to have a think about it, because in effect what you now say is that the suggestion was that the decisions of the Minister for Health and Ageing were influenced by his religious views. I am not sure that is an unfair imputation. I think the minister would probably concede that his thinking and his values are influenced by his religious views. I say this as someone who is not religious. I just think the wording is a bit clumsy, and suggest that, given that it creates precedent and stands on the record, you might like to have a think about it. I was just a bit concerned, that is all, sir.

The PRESIDENT—Thank you for your comments.

Senator Faulkner—Mr President, I rise on a point of order. It goes to a similar issue: the timing of such statements by you from the chair. It seems to me that there is an inconsistent practice here, in that this particular statement was made at the commencement of question time. On other occasions, you have made similar statements at the conclusion of question time. I wonder if this indicated some sort of changed intention on your part in terms of the timing of such announcements, and whether you would in future intend to be consistent with what has previously been your approach in making these statements—on most occasions, anyway—at the conclusion of question time. It may be, because it relates to a matter raised specifically in the wording of a question, that you decided to do this at the commencement of question time, but that is the substance of my point of order and I wonder if you could reflect on that, please.

The PRESIDENT—As you know, I normally make statements at the end of question time. In this particular case, I think you hit the nail on the head. I thought it was a good idea to get the question out of the way first. I was not intending to ask Senator Nettle to withdraw her question; I just wanted to get the matter out of the way as soon as possible, in case the matter was raised during question time.

Senator HILL (South Australia—Minister for Defence) (3.04 pm)—by leave—I do not think it is a big issue. I also, when I listened to Senator Nettle, focused on her characterising the position that has been adopted by Minister Abbott as due to the background of his ‘narrow religious views’. I thought it was more the reference to narrow views—which she would argue would discriminate against those who do not fit within that narrow categorisation, and therefore the broader community—that led to the imputation of an improper motive. So I think what I am saying is consistent with what has been put to you. I would be happier if your statement had been linked to narrow views rather than just religious views. It is a viewpoint that has now been recorded and, when this issue arises again in a few years time, might be taken into account.
On the broader subject of bringing into account individual senators’ or members’ religious positions in relation to debate, I do not think that is particularly helpful, and it is something that we have tended to avoid—not because the standing orders have directed us to avoid it but rather because it does not generally contribute to a constructive and helpful analysis of the issues that are being addressed.

Senator BOB BROWN (Tasmania) (3.06 pm)—by leave—I take a different view. There is an increasing tendency by senators, particularly those opposite, to wear their religious beliefs on their sleeves in debate here and declare them as if that gives them an exclusive right to some moral or other point of view that other people do not have. That is outrageous, I agree. I ask you, Mr President, to take that into account as well. If people are going to introduce a religious avocation as a point in debating, then they must expect that that will be questioned as well.

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

Australian Customs Service

Senator LUDWIG (Queensland) (3.07 pm)—I move:

That the Senate take note of answers given by ministers to questions without notice asked by opposition senators today.

What we heard from Minister Ellison today was that, almost four weeks ago, we saw the imports component of the Cargo Management Re-Engineering system—that is, release 5 of the Integrated Cargo System—finally go live. Ever since that fateful day of 12 October, importers, industry and businesses have been left to deal with a system that was not ready and is unable to cope with the demand placed on it during the busiest period of the year, before Christmas. It was Minister Ellison’s decision for the CMR to go live during this period. Ever since then, when problems arose—when our ports were nearly reaching breaking point and it looked as though ships would begin to be turned away from our shores—where was the minister? He was nowhere to be found. We had Customs rolled out, but not the minister. We had Minister Roozendaal, the minister for ports in New South Wales, complaining. We had Minister Batchelor from Victoria complaining. But where was Minister Ellison? Nowhere. It seemed that he had gone fishing.

Before the import side was turned on, Senator Ellison was crowing that it was the greatest thing to happen to trade since Federation. I am sure he regrets those words now. We have heard nothing from the minister. The minister still remains unable, incapable or unwilling to answer many of the questions that have been raised. Any communication that has been made with industry seems to have been done between Customs and the industry. The minister, as I understand it, even had a senior Customs officer stationed in his office screening calls.

The question that everyone who has been forced to use this unready and ill-equipped system wants answered is: why did the minister choose to persist with a system that he knew was not ready? We had the Customs CEO, Mr Lionel Woodward, admit in an estimates hearing just last week that he was aware that the system had problems. That was instructive at least. He indicated that, up to three years before 12 October, he knew that there would be problems and a mismatch. He knew that he had made demands on industry, but did he ensure that industry was ready and capable of meeting them? Did he tell the minister to check because the demands were high?

We also heard evidence that Customs knew that the ICS would not be fully functional the day before the system went live. But the minister instead chose to persist with
his own self-imposed deadline. The deadline was set by the minister in a bid to save face after the debacle that dogged this project from the very outset of it. The CMR started life with an estimate of between $25 million and $35 million back in 1996. By the start of this year it had blown out to more than $200 million and it was three years overdue. The final cost of this project is still anyone's guess—it has not been finalised.

What we do not yet know are the costs that have been imposed upon industry since 12 October and the amount that Customs has had to commit to the project since 12 October. We still do not know whether the minister has asked the finance minister about additional funds. We may actually have to ask the finance minister to cough that up. We know that since 12 October there have been financial losses due to delays and, potentially, money lost on storage costs and damaged goods because the clearance of cargo could not be processed. Someone has to answer for this minister's incompetence because this minister does not seem to want to answer for himself.

The Australian newspaper reported today that several other important Customs projects, including a human resources and rostering package, an electronic document management system and a server and network storage project, have been put on the back-burner while work is done to fix the CMR. This adds to the fact that the Customs 2000—(Time expired)

Senator McGauran (Victoria) (3.12 pm)—It is federal Labor president Barry Jones who said that Labor is suffering from policy anorexia. Some of the sure symptoms of a party that is suffering from a lack of policy are distraction by minor issues, seeking the beat-up and attempting to get the scalp of a minister. It is a classic performance and a classic formula. We have seen Labor run this opposition formula for all of the time they have been in opposition—that is, for the last nine, nearly 10, years. They will not do the hard policy items. What do we see today? We see an attack on the minister in the hope of getting a scalp. In fact, during question time today, someone interjected, 'Where is Robert Ray?' He is a past master of direct personal attacks on ministers. But where is Robert Ray? Of course, he is swanning it in the United Nations.

This is a failed process. You cannot get it through to the opposition that in fact this is not the way to work its way back into government, least of all through this minister. Minister Ellison is an impregnable minister—he has shown this over the time he has been in the ministry and, I might add, as Attorney-General in waiting. He is a minister who has overseen our border protection and our Tough on Drugs program. I go as far as to say that this is a minister who is faultless. You have distracted yourselves with beat-ups. Look at the wording that Senator Ludwig used. He talked of ships being turned away. No ship has been turned away. Look at the language he used. He said that the wharves were at breaking point. They are not. Cargo is getting through. So his attack has fallen flat.

Let me give you the facts even if the previous speaker did not. The introduction of this mammoth integrated computer system is not unlike the introduction of the social security system computer that was introduced, I believe, in Labor's time in government. There were a few glitches at the beginning of that too. Now it is working beautifully. This integrated system is necessary. The minister is not the minister for the day; he is looking forward 10-plus years so as to cope with the growing business on the waterfront. It is a system that was required. There are going to be some early glitches in the system but they
are no more than that. You have come in here with a beat-up.

There have been certain errors, and they are as much to do with businesses not being able to work the system properly—not putting in absolutely correct information—as anything else. Such are the checks and balances on this new computer system. It is as much a question of getting used to the system as anything else. There have been certain shutdowns of the system but for no more than five minutes at a time. I believe there have been only a small number of these shutdowns when the computer needs to be rebooted. You would expect some problems with a new integrated system, and the government has responded to any difficulties by setting up a helpline, to which over 20,000 calls have been made, and by setting up an industry action group that is to report back on how the system can be made to run more smoothly. Already we are seeing those early problems and difficulties—as minor as they are, I stress—being smoothed out. Cargo is getting through—in fact, as much as 94 per cent of the cargo is getting through. The system is meeting the busiest period, which is a credit to the system and therefore to the minister. In summary, without doubt your attack today falls flat. He is one of the best ministers we have on this front bench.

Senator FORSHA W (New South Wales) (3.17 pm)—I have to say one thing about Senator McGauran’s performance: he made a better job of trying to deal with this issue than Minister Ellison did in question time. Senator McGauran may not have known that he was doing it, but he told the truth. For instance, he said that there have been 20,000 calls to the helpline.

Senator McGauran—So what?

Senator FORSHA W—You boast about that as showing that the system is working. In a matter of a couple of weeks there have been 20,000 calls to a helpline for this $200 million to $250 million new system. That does not tell me that it is working well. In fact, we are hearing from the state governments, from importers and from people in business, who are now trying to fill their orders for the coming Christmas period, and they are all saying that this system is in chaos.

Senator McGauran mentioned anorexia. I suggest that ‘anorexia’ is the last word you could use to describe a blow-out from $25 million to $250 million. That is not anorexia; it is a massive explosion—the complete opposite. The indisputable facts are that when this project was first proposed and started life it was to cost about $25 million to $30 million. The minister has acknowledged publicly, and again in question time, that the cost has now gone out to $200 million minimum and is more likely to be at least $250 million. When he was asked a direct question as to why that has happened and why that is not a demonstrable failure—a blow-out from $25 million to $250 million; a 1,000 per cent increase—the minister said, ‘There was the GST.’ His own government’s tax policy, the GST that came in after the 1998 election, apparently had some impact on the cost of this project.

My recollection is that the GST is 10 per cent. Ten per cent of, let us say, $30 million is $3 million. If we take $3 million off $250 million we get $247 million. You still have to come up with an answer as to why the project, taking out the GST impact, has cost in the vicinity of $220 million more than it was projected to cost. That is a blow-out of more than $220 million on a project that was supposed to cost between $25 million and $30 million. If this government and Senator McGauran cannot see that that is an absolute catastrophe, they obviously cannot see anything.
The system has been implemented with a crossover date of 12 October. The minister knows that that date was inappropriate because he is now clearly holding out that the process for companies to come online will take a much longer time than anticipated or intended. It is happening at the very time of the year when the major importing of product by businesses into this country for the coming Christmas season is at its height. What a stupid thing to do, to try to implement a massive system like this at this very time. It defies all logic.

We also know that the minister has acknowledged that there will be absolutely no chance of full cost recovery, as was intended. It is impossible. The Customs Service now has to find the means to cover the cost of this by cutting back on its other activities, such as in relation to trying to stop illegal fishing vessels coming into this country.

Senator PARRY (Tasmania) (3.22 pm)—Senator Ludwig and Senator Forshaw have both been incorrect in some of their statements; they need correcting up front. First of all, the Minister for Justice and Customs did not make the decision to go to the new system on his own—it was a roundtable of industry. Industry made the decision for a 12 October start-up with the support of the minister at a roundtable on 5 July. If that were not done by 12 October it would have been too late to implement the system prior to Christmas, which it is acknowledged is a busy time. We could not have gone beyond that, simply because the existing Unisys system would not have been supported beyond March. It was a very logical and rational decision made with full industry consultation, and industry was supported by the minister. People will think that the cargo industry has collapsed in Australia if the Labor party continue to talk in this way. It is incorrect.

I want to talk about cargo movements. In excess of 10,800 containers are available for collection today from the major ports of Sydney, Melbourne and Brisbane. Last week, from Monday, 31 October through to Sunday, 6 November, 23,650 containers were collected from those ports. As recently as yesterday, in excess of 5,000 containers were delivered from those ports. Contrary to media reports over the past week, many different parts of industry have been able to successfully lodge cargo reports, pay revenue and clear their goods in Customs under the new integrated cargo system, the ICS. Stevedores and freight forwarders have been urging brokers and importers to collect their cleared cargo.

Senator Conroy—Do you know what a sloth is?

Senator PARRY—I do. I want to talk about moving to the ICS system from the old COMPILE system. The old COMPILE system has remained working because some people have not swapped over. That is a very sensible initiative which enables people to use the old system until they can be trained in and swapped over to the new system. There are many people who find swapping and changing technologies difficult. I come from the private sector, where implementing a small computer change of any description is disruptive. This is one of the largest computer changeovers in this country and it is bound to be disruptive. There are bound to be teething problems. Anyone who suggests otherwise is kidding themselves or does not have a real comprehension of what happens with computers in industry or of how a necessary changeover is effected.

On top of that, you have to look at the volume of external users to the internal system. The internal system on its own will have complications, which everyone would recognise. Anyone who has had any business
or industry experience would recognise that. Obviously, members opposite do not recognise that. They do not get out to the workplace often enough to test these things out. Since the system has started running, only eight per cent of declarations are being lodged on the old system, the legacy system. Customs have allowed some brokers to continue doing so, as I have mentioned, until the brokers’ software is ready. The Customs software is there, and the teething problems are being ironed out. We are now waiting for the users to come on board and use it effectively.

On 4 November there were 18 brokers using only the old COMPILE system, with a further 67 brokers using both the ICS and COMPILE systems. The total number of brokers using only the new ICS system is 267. We have successfully processed over 4.5 million export messages since 6 October 2004. Since 12 October this year, 1.7 million import messages were successfully processed. Customs staff are helping industry to make the transition between the legacy system and the new ICS. People probably do not comprehend that this is a very labour-intensive time for Customs and industry. Only last week, an action group co-chaired by industry and Customs met to address difficulties being experienced by some users—I emphasise ‘some users’. The group will meet again on Friday. The success of the exports part of the new system over the past year is evidenced when industry and Customs work cooperatively, which they are doing. People are becoming gradually more familiar with the system and with understanding what the obligations are—(Time expired)

Question agreed to.

Australian Football League: Broadcasting Rights

Senator CONROY (Victoria) (3.27 pm)—I move:

That the Senate take note of answer given by the Minister for Communications, Information Technology and the Arts (Senator Coonan) to the question without notice asked by Senator Conroy today relating to the negotiations over AFL television rights and the antisiphoning list.

The antisiphoning laws are designed to ensure that major sporting events are available to all Australians on free-to-air television. In her answer today, Senator Coonan once again demonstrated that she has no real commitment to enforcing the antisiphoning regime. The question I asked her today was prompted by a report in the Australian last week. The report stated:

The Australian Football League is prepared to cross the Rubicon and grant Foxtel exclusive rights to some home games outside Melbourne if the price is right.

The report went on to further state:

AFL commissioners realise that if they are to achieve record payments for free-to-air and pay-television rights in the present round of negotiations, they will need to create new value for Foxtel.

If this proposal were implemented, fans of teams outside Melbourne—teams like the Eagles, the Dockers, the premiership winning Swans and the Lions—would have to pay at least $50 a month to watch telecasts of their teams’ home matches.

Fans of those teams might think there should be a law against the AFL trying to do that. The truth is that there is a law against the AFL doing that, but the law is not being enforced. The AFL seems intent on undermining the law in a bid to line its own coffers. The minister, in her answer today, showed no willingness to restrain the AFL’s greed. More than a decade ago, the previous Labor government established the antisiphoning regime. The purpose of that regime is to prevent events that are shown on free-to-air television from migrating to Fox exclusively. Under the scheme, the rights to
listed events cannot be sold to pay TV until free-to-air broadcasters have had reasonable opportunity to purchase the rights. It is clear that the free-to-air networks must be given first bite at the cherry to broadcast all AFL matches.

The antisiphoning regime does not prevent events being shown on pay TV. It does not guarantee free-to-air broadcasters exclusive rights. As senators will be aware, currently broadcasters have negotiated an arrangement where three matches per round that are not broadcast on free-to-air networks are shown by Foxtel. All AFL matches are currently being shown on free-to-air or pay television. So why is the AFL talking about delivering exclusive rights or increasing the number of games for pay TV? Is it simply a dash for cash? Last time around, the AFL broadcast rights were sold for $80 million per year, and this time around it has been reported that the AFL want up to $140 million per year. You could be forgiven for thinking that the price has been set so high in order to deny the free-to-air networks a reasonable opportunity to acquire the rights.

The AFL seems intent on forcing the free-to-air broadcasters to negotiate with Foxtel, on Foxtel’s terms, if they want to secure the rights. The AFL is prepared to bleed fans dry in its efforts to get a record price. In her answer today, the minister indicated that she is unwilling to intervene, to stop the AFL from selling out footy supporters. She should be directing the regulator, the Australian Communications and Media Authority, to investigate the contest for the AFL rights for 2006-11 to ensure that the antisiphoning laws are being complied with.

Of course, we should not be surprised at the minister’s lack of interest in protecting the availability of major sport on free-to-air television. She has form in this area. Remember when the Ashes were going to be on Fox alone? It took a backlash, and finally the SBS got its act together and what a great coverage we saw of the Ashes on free-to-air television. She did the same to the Soccer World Cup. Is Senator Helen Coonan going to be at the Sydney Football Stadium next week to see Uruguay versus Australia? Will she see the 95,000 fans screaming their hearts and lungs out for Australia? You will not be watching the World Cup in the future if this minister has her way, because it will not be on her list. *(Time expired)*

**Whaling**

**Senator BARTLETT** (Queensland) (3.32 pm)—I move:

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

The minister gave a reasonably convincing indication of the government’s concern, and of his personal concern, about the massive increase in the slaughter of minke whales that is going to occur in the next month or so by the Japanese fleet. What I did not find convincing was his reason for not acting to take the Japanese to court, particularly to the International Tribunal for the Law of the Sea. I recognise that these are difficult issues and there is no guarantee of success, but the simple fact is that it is not sufficient to simply say that diplomacy is the best approach, given that diplomacy has not delivered to date.

Diplomacy is a long-term approach, there is no doubt about that, as the minister said, but the fact is that it has not delivered results to date. Indeed, to the contrary, compared to last year we have a more than doubling in the number of whales that are about to be killed by the Japanese whaling fleet. In addition to that, not only is there a doubling of the num-
ber of minke whales to be killed but, for the first time, 10 fin whales will be killed. Fin whales are much larger than minke whales. They are the world’s second largest animal. The same mechanisms are going to be used to slaughter these whales that are used for slaughtering minke whales. I think it is reasonable to assume, although nobody knows for sure, that the suffering involved as a consequence of using the same methods on an animal that is much larger than a minke whale will also be commensurately greater. As well, the Japanese are planning to then move on to humpback whales in a couple of years time.

So, not only have we a dramatic increase, more than doubling, in the number of minke whales about to be slaughtered in the next month or so by the Japanese whaling fleet conducting commercial whaling under the facade of scientific harvesting but we also have it expanding into the even larger fin whales and eventually humpback whales. The plan is for 50 humpback whales a year to be hunted in the new future. Not only is this a travesty in animal welfare terms and a risk in environmental terms but it should also be emphasised that, even if you are looking at economics alone, the humpback whale is the mainstay of Australia’s quarter of a billion dollar whale-watching industry. Whilst action under the International Tribunal for the Law of the Sea is not guaranteed to deliver a successful result, it should be emphasised that there is a mechanism under that approach for what is, in effect, an injunction to be brought down whilst the matter is resolved. That appears to me to be the only way that is likely to be able to prevent the large-scale slaughter that is about to take place in the Southern Ocean in Australia’s Antarctic territories and surrounding areas.

In addition to that the minister noted, in his answer to my question, the past action Australia has taken in the International Tribunal for the Law of the Sea with regard to southern bluefin tuna. That was a case that had some positive results and some less positive results. It was not a comprehensive, total victory for Australia, but nor was it a complete loss either. There were some positive gains out of it, including Japan being forced to suspend their so-called experimental fishing program on the southern bluefin tuna at the time. That case was considered and ultimately experimental fishing was dropped, although fishing continued under other guises.

My understanding, from the advice provided to the International Fund for Animal Welfare, is that the grounds for pursuing this case with regard to whaling are stronger and more clear cut and less complex than they were in the southern bluefin tuna area. Therefore, I believe there is more prospect for more positive results. The simple fact is that, if the minister does not take that action, he is really just doing the same as the rest of us—putting out press releases and making statements saying, ‘Please stop; please don’t do it.’ They are doing it. They are on their way now. The slaughter is about to happen. The only way to realistically have it deferred, if not halted altogether, is for the minister to take that action that is available to him under international law. The Democrats believe now is the right time to do so. (Time expired)

Question agreed to.

PETITIONS

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

Detention Centres

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

The Petition of the undersigned shows the concern for the human rights of children held in immigration Detention Centres and Immigration Reception and Processing Centres around Australia...
lia. This is a violation of the Convention on the Rights of the Child that stipulates that children should not be held in detention.

Your petitioners therefore request that the Senate repeal legislation that forces children seeking refugee status in Australia to be held in detention.

by Senator Bartlett (from 2,596 citizens).

Higher Education
To the Honourable President and Members of the Senate in Parliament assembled. The Petition of the undersigned draws to the attention of the Senate concerns that proposed changes to the tertiary education sector will negatively impact on higher education campuses. Your petitioners request the Senate to:

(a) Reject the Government’s proposed Higher Education Workplace Relations Requirements, as they constitute an unnecessary and unwarranted attack on the status of Australian universities as autonomous public institutions;

(b) Not support the Government’s decision to cut operating grants of universities by up to $280 million if they do not meet those Requirements;

(c) Oppose the requirement that employees be offered Australian Workplace Agreements, which your petitioners say are inappropriate to higher education and will tend to undermine academic freedom and collegial decision-making;

(d) Condemn the Government’s failure to assist universities to address the real workplace issues in higher education, such as excessive workloads, the casualisation of the workforce and spiralling student-to-staff ratios.

(e) Confirm the rights of university staff to collectively bargain in accordance with established ILO and UNESCO conventions and standards.

Your petitioners therefore request the Senate to ensure measures are not enacted which would give effect to the Government’s announced policies, and further request that the Senate support the funding increases approved by the Parliament in 2003.

by Senator Crossin (from 47 citizens).

Higher Education
To the Honourable President and members of the Senate assembled in Parliament.

This petition of certain citizens of Australia draws the attention of the Senate:

Representative student organisations were formed out of the necessity to provide an independent student voice and representation on campus. In protecting student rights, student associations employ staff to provide professional services for students and help in the smooth running of the organisations. Student associations and the services they provide are recognised as both important and legitimate by the Universities they work with.

Student association services are essential on campus, assisting students throughout their academic careers. Staff of student associations provide independent advice and advocacy in support of student rights and welfare. Staff are part of a national network that is purely student-focused with valuable organisational memories and experiences. Examples of the services staff provide include advice and advocacy with academic, misconduct and exclusion appeals, course progression, Centrelink, tenancy and employment rights, harassment and discrimination, legal advice and representation, and childcare. It is vital to students that student association staff are independent of the University, Centrelink and government departments. Without student association services, students will be severely hindered in protecting their rights.

We believe the introduction of this legislation will cause significant job losses and create severe hardship for students on campus.

Your petitioners therefore ask the Senate to:

Oppose the Higher Education Support Amendment (Abolition of Compulsory Up-Front Student Union Fees) Bill 2005 as it will adversely affect their constituents.

by Senator Crossin (from 1,174 citizens).

Petitions received.
NOTICES
Withdrawal
Senator WATSON (Tasmania) (3.38 pm)—On behalf of the Standing Committee on Regulations and Ordinances and pursuant to notice given at the last day of sitting, I now withdraw business of the Senate notice of motion No. 2 standing in my name for three sitting days after today and business of the Senate notice of motion No. 1 standing in my name for seven sitting days after today.

Presentation
Senator Crossin to move on the next day of sitting:
That the time for the presentation of the report of the Legal and Constitutional References Committee on the administration of the Migration Act be extended to 9 February 2006.

Senator Bob Brown to move on the next day of sitting:
That the Senate—
(a) notes the death of Mr Rod Donald, the co-leader of the New Zealand Green Party;
(b) recognises Mr Donald’s key role in the campaign for a fairer voting system and in fostering humanitarian and ecological politics in New Zealand and abroad; and
(c) expresses it condolences to Mr Donald’s family, and to the Parliament and people of New Zealand.

Senator Siewert to move on the next day of sitting:
That the Senate—
(a) notes that the week beginning 7 November 2005 is National Recycling Week;
(b) commends local, state and federal governments for the increase in recycling and waste management initiatives over the past 10 years, which have resulted in substantial increases in recycling of aluminium cans, newspapers and organic waste;
(c) notes that:
(i) Australians are among the largest waste producers in the world, with an average of 2.25kg of waste being produced per person per day,
(ii) less than 7 per cent of Australian households recycle all of the following items; paper, glass, cans, food waste, garden waste and clothing/rags (Australian Bureau of Statistics survey 2000), and
(iii) a recent Roy Morgan survey commissioned by Planet Ark stated that 48 per cent of Australians are still confused about what they are allowed to recycle (despite 99 per cent agreeing that it is important for the environment); and
(d) recommends the following initiatives:
(i) an extension of current education programs on waste management initiatives, entailing ‘reducing, reusing, recycling and recovery’,
(ii) investigation of national legislation for product stewardship, incorporating the principles of extended producer responsibility,
(iii) the introduction of a national waste and recycling audit system to accurately measure the national recycling rate, and
(iv) the implementation of national container deposit legislation.

Senator Allison to move on the next day of sitting:
That the Senate—
(a) recognises:
(i) the release of the National Centre for Social and Economic Modelling report, Options for reducing the adverse impact of the proposed Welfare-to-Work reforms upon people with disabilities and sole parents, on 3 November 2005,
(b) notes that the report finds that the Government’s proposed ‘welfare to work’ changes will result in substantial cuts to the incomes of sole parents and people with disabilities by forcing them onto the
lower Newstart Allowance and that these losses will increase over time; and
(c) urges the Government to ensure that the welfare to work package does not result in a reduction in people’s income levels.

Senator Siewert 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 30 March 2006:
The involvement of the Australian Wheat Board (AWB) in the Iraq Oil-for-Food Programme between 1999 and 2003, and consequent revelations that such involvement led to payments that were directed towards the Iraqi Government, with particular reference to:
(a) the conduct of AWB management and employees throughout this period; and
(b) the conduct of Commonwealth regulators including the Department of Foreign Affairs and Trade, the Wheat Export Authority and any other relevant agencies.

Senator Stott Despoja to move on the next day of sitting:
(1) That so much of the standing orders be suspended as would prevent this resolution having effect.
(2) That the Parliamentary Charter of Rights and Freedoms Bill 2001 be restored to the Notice Paper and that consideration of the bill be resumed at the stage reached in the last session of the Parliament.

Senator Hill to move on the next day of sitting:
That, upon their introduction in the House of Representatives, the provisions of the Employment and Workplace Relations Legislation Amendment (Welfare to Work and Other Measures) Bill 2005 and the Family and Community Services Legislation Amendment (Welfare to Work) Bill 2005 be referred to the Community Affairs Legislation Committee for inquiry and report by 28 November 2005, with particular reference to increasing participation by, and reducing welfare dependence of, parents, people with disabilities, the very long-term unemployed and mature age people through:
(a) the provision of employment services and other assistance; and
(b) a responsive compliance system that encourages and rewards active participation.

Senator Milne to move on Monday, 28 November 2005:
That the Senate—
(a) notes the ‘call to action’ endorsed by the Assembly of Movements of the World Social Forum for an international demonstration on climate change on Saturday, 3 December 2005; and
(b) endorses the demand that Australia ratify the Kyoto Protocol immediately, and that the entire world community move as rapidly as possible to a stronger emissions reductions treaty that will be both equitable and effective in stabilising greenhouse gases and preventing climate change.

Senator Stephens to move on the next day of sitting:
That the Senate—
(a) notes with concern that:
(i) the Commonwealth Scientific and Industrial Research Organisation (CSIRO) Annual Report for 2004-05 shows a deficit increase of $9.2 million, up 73 per cent from the deficit in the 2003-04 financial year,
(ii) the CSIRO’s financial performance has led to a review of 780 research support jobs, of which as many as 200 jobs could be lost,
(iii) the number of senior executives earning salaries above $300,000 has doubled in the 2003-04 financial year and senior executive service salaries alone are costing more than $10 million a year,
(iv) revenue from consulting and research services fell by $18 million since the 2003-04 financial year to $60 million,
(v) highly talented and reputable scientists, such as climate change scientist Dr
Graeme Pearman, wildlife ecologist Dr Jeff Short and feral pest control scientist Dr Roger Pech have been dismissed or made ‘surplus to requirements’.

(vi) the CSIRO sought permission to operate at a deficit of $17 million but negotiated a deficit of $14.5 million for the 2005-06 financial year,

(vii) a government funding increase of 1.5 per cent over the 2004-05 financial year will be less than the increase in the Consumer Price Index,

(viii) a leaked CSIRO report has flagged a significant shift in research priorities away from crop and livestock, and renewable energy research, and

(ix) up to $15 million has been spent on a website that is still not running a year after it was promised; and

(b) urges the Federal Government to:

(i) not allow Australia’s premier research institution to sink further into the red,

(ii) investigate the accounts of the CSIRO, and

(iii) restore the focus of the CSIRO to research in the national interest.

COMMITTEES

Economics Legislation Committee

Extension of Time

Senator McGauran (Victoria) (3.41 pm)—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 reports of the Economics Legislation Committee on the provisions of the Tax Laws Amendment (Loss Recoupment Rules and Other Measures) Bill 2005 and on the provisions of the Energy Efficiency Opportunities Bill 2005 be extended to 10 November 2005:

Question agreed to.

NOTICES

Postponement

The following item of business was postponed:

Business of the Senate notice of motion no. 1 standing in the name of Senator Milne for today, proposing the reference of a matter to the Rural and Regional Affairs and Transport References Committee, postponed till 29 November 2005.

CONDOLENCES

Warrant Officer Class 2 David Russell Nary

Senator Ellison (Western Australia—Manager of Government Business in the Senate) (3.42 pm)—by leave—I, at the request of the Leader of the Government in the Senate, Senator Hill, and also on behalf of the Leader of the Opposition in the Senate, Senator Evans; the Leader of The Nationals in the Senate, Senator Boswell; the Leader of the Australian Democrats, Senator Allison; Senator Milne for the Australian Greens; and the Leader of the Family First Party, Senator Fielding, move:

That the Senate—

(a) expresses its deep regret at the death of Warrant Officer Class 2, David Russell Nary from the Special Air Service Regiment who died as a result of an accident during a training activity in the Middle East on Sunday, 6 November 2005;

(b) records that Warrant Officer Nary was a professional and dedicated soldier with a wealth of special forces experience who had served the nation on operations in the Sinai, East Timor and Afghanistan;

(c) tenders its profound sympathy and condolence to his wife and children, and family and friends in their bereavement; and

(d) sends a strong message of support to his fellow servicemen and women in their
tragic loss of a popular and highly experienced fellow soldier.

Question agreed to.

**MR NGUYEN TUONG VAN**

Senator ELLISON (Western Australia—Manager of Government Business in the Senate) (3.43 pm)—by leave—I, at the request of the Leader of the Government in the Senate, Senator Hill, and also on behalf of the Leader of the Opposition in the Senate, Senator Evans; the Leader of The Nationals in the Senate, Senator Boswell; the Leader of the Australian Democrats, Senator Allison; Senator Brown for the Australian Greens; and the Leader of the Family First Party, Senator Fielding, move:

That the Senate—

(a) acknowledges the shared history and strong relationship between Singapore and Australia;

(b) strongly supports the representations by the Prime Minister, the Honourable John Howard, MP for clemency on behalf of Mr Nguyen Tuong Van, an Australian citizen who was recently convicted and sentenced to death for drug trafficking in Singapore;

(c) strongly supports representations by the Leader of the Australian Labor Party, the Leader of the Australian Democrats, the Leader of the Australian Greens, the Leader of the Family First Party and members and senators of the Australian Parliament in relation to their pleas for clemency for Mr Nguyen Tuong Van; and

(d) urges the Government of Singapore, in particular the Prime Minister of Singapore, HE Mr Lee Hsien Loong, to spare the life of Mr Nguyen Tuong Van.

Question agreed to.

**CHILD CARE**

Senator ALLISON (Victoria—Leader of the Australian Democrats) (3.46 pm)—by leave—I move the motion as amended:

That the Senate—

(a) notes:

(i) that yet another child care centre is closing in the City of Port Phillip leaving 50 children needing to find new child care, and

(ii) that two centres will have closed by Christmas, with another scheduled to close in 2006, but no new child care centres have opened in the past 2 years;

(b) calls on the Minister for Family and Community Services (Senator Patterson) to work with state governments to overcome the serious shortage of places in inner urban areas due to increasing real estate prices and other issues; and

(c) urges the Government to desist from again blaming other levels of government and to be prepared to contribute to the solution.

Question negatived.

**COMMONWEALTH RADIOACTIVE WASTE MANAGEMENT BILL 2005**

**COMMONWEALTH RADIOACTIVE WASTE MANAGEMENT (RELATED AMENDMENTS) BILL 2005**

Referral to Committee

Senator CROSSIN (Northern Territory) (3.46 pm)—I ask that business of the Senate notice of motion No. 3 standing in my name and in the names of Senators Milne and Allison be taken as formal. In doing so I seek to recognise the traditional owners and representatives from the Central Land Council in the media gallery.

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

Senator Ellison—Yes.

The PRESIDENT—Senator Crossin, there is a spot further down the Order of Business for this to be dealt with. Was that your intention?
Senator CROSSIN—I understand that. My understanding was that this motion had been agreed to by the government. If that is not the case, we will seek to leave it until the time to debate business of the Senate. Perhaps someone can clarify that for me.

The DEPUTY PRESIDENT—It seems that formality has been denied and that that motion will be dealt with under business of the Senate.

CLIMATE CHANGE

Senator MILNE (Tasmania) (3.48 pm)—I move:

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.

Question put:
The Senate divided. [3.52 pm]

(The President—Senator the Hon. Paul Calvert)

Ayes............  7
Noes............ 43
Majority......... 36

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

NOES
Abetz, E. Adams, J.
Barnett, G. Boswell, R.L.D.
Brandis, G.H. Brown, C.L.
Calvert, P.H. Campbell, G.
Chapman, H.G.P. Colbeck, R.
Crossin, P.M. Eggleston, A. *
Ellison, C.M. Ferguson, A.B.
Fielding, S. Fierravanti-Wells, C.
Fifield, M.P. Forshaw, M.G.
Heffernan, W. Hogg, J.J.
Humphries, G. Hutchins, S.P.
Johnston, D. Joyce, B.
Kirk, L. Lightfoot, P.R.
Ludwig, J.W. Lundy, K.A.
Mason, B.J. McEwen, A.
McLucas, J.E. Nash, F.
Parry, S. Payne, M.A.
Polley, H. Ronaldson, M.
Scullion, N.G. Sherry, N.J.
Sterle, G. Troeth, J.M.
Trood, R. Watson, J.O.W.
Webber, R.

* denotes teller

Question negatived.

COMMITTEES

Legal and Constitutional References Committee

Meeting

Senator EGGLESTON (Western Australia) (3.57 pm)—At the request of Senator Crossin, I move:

That the Legal and Constitutional References Committee be authorised to hold a public meeting during the sitting of the Senate on Tuesday, 8 November 2005, from 7.30 pm, to take evidence for the committee’s inquiry into the administration of the Migration Act.

Question agreed to.

Corporations and Financial Services Committee

Meeting

Senator EGGLESTON (Western Australia) (3.57 pm)—At the request of Senator Chapman, I move:
That the Parliamentary Joint Committee on Corporations and Financial Services be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 9 November 2005, from 7 pm, to take evidence for the committee’s inquiry into the statutory oversight of the operations of the Australian Securities and Investments Commission.

Question agreed to.

**Community Affairs References Committee Meeting**

Senator EGGLESTON (Western Australia) (3.57 pm)—At the request of Senator Moore, I move:

That the Community Affairs References Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 10 November 2005, from 4 pm, to take evidence for the committee’s inquiry into workplace exposure to toxic dust.

Question agreed to.

**Community Affairs References Committee Extension of Time**

Senator GEORGE CAMPBELL (New South Wales) (3.57 pm)—At the request of Senator Moore, I move:

That the time for the presentation of reports of the Community Affairs References Committee be extended as follows:

(a) workplace exposure to toxic dust—to 2 March 2006; and
(b) petrol sniffing—to 30 March 2006.

Question agreed to.

**NOTICES**

**Presentation**

Senator BOB BROWN (Tasmania) (3.57 pm)—by leave—I give notice that, on the next day of sitting, I shall move:

Noting the death of Rod Donald, the co-leader of New Zealand’s Green Party, and recognising his key role in the campaign for a fairer voting system and in fostering humanitarian and ecological politics in New Zealand and abroad, the Senate expresses its condolences to Mr Donald’s family, the New Zealand parliament and the people of New Zealand.

I have entered this motion to avoid confusion but I wanted to read it out.

**MATTERS OF PUBLIC IMPORTANCE**

**Child Abuse**

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

The need for the Senate, and political leaders at all levels of government, to express strong support for the Federal Government to establish a national Royal Commission into the sexual assault of children 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 BARTLETT (Queensland) (3.59 pm)—I thank those senators who indicated support for having this debate this afternoon. At the moment in the Senate, and in the parliament more generally, we are being occupied with some debates on very weighty and significant matters that will, and do, affect the lives of many Australians. I refer to issues such as the dangers of terrorism and whether or not we should pass new laws to deal with that, the impact of major changes to workplace laws and the impact of major changes to the welfare system. They are all important matters that deserve significant debate. But one thing that tends to happen in this chamber and in politics more generally is that the immediate and urgent matters of
importance often crowd out longstanding, ongoing problems that also deserve and merit significant attention.

It is my view that the problem of sexual assault of children and the wider issue of physical abuse and abuse more generally of children is one such problem. It is a major, continuing problem and one that is not a party political issue. It is one on which I am sure senators from across the political spectrum would share the same view. We all know that abuse of children is something that can never be completely eradicated, but that should not be used as an excuse for failing to take every step possible to minimise it as much as possible, to identify perpetrators, to bring justice in such circumstances and to try to have early intervention in order to minimise long-term consequences and harm.

The reason I have chosen to bring this matter for discussion today is that a motion has been moved at the Australian Local Government Association conference which is being held in Canberra throughout this week. The motion is similar in wording to the matter of public importance that I have raised here today and calls on political leaders to express support for a national royal commission into child sexual assault. That motion initially came up through the Shoalhaven City Council and then through the New South Wales Local Government Association. It was adopted unanimously by the New South Wales Local Government Association, which called for a national royal commission into child sexual assault. That motion initially came up through the Shoalhaven City Council and then through the New South Wales Local Government Association. It was adopted unanimously by the New South Wales Local Government Association, which called for a national royal commission into this major problem. It has now moved up to the level of the Australian Local Government Association. Whilst I believe the motion will not be formally determined before tomorrow, I am informed that there is a reasonably strong prospect that it will be passed.

With such a motion about to obtain the support of the Australian Local Government Association, the peak organisation of that level of governance, it is appropriate that we use this opportunity to reintroduce and highlight the matter at the federal level of government. I believe it is clearly a national problem. It is not sufficient just to say that child protection comes within the purview of the states, so they should handle it. Of course, states need to do a better job, but to get a comprehensive approach and a comprehensive, consistent response I believe we need to have a national approach on the matter. We have not been able to do that adequately to date.

We have had Senate inquiries in the past in which my Democrat colleague Senator Andrew Murray has played a key role, as have some of the other speakers in this debate. I think Senator McLucas took part in the Senate inquiries into children in institutions and children who were part of the child migration programs in the past. Those inquiries were very valuable but they only touched on one particular group of children. Those inquiries produced overwhelming evidence of quite a widespread, large-scale problem. We need to recognise just how large-scale this problem is in order to recognise why we are failing if we do not take a national approach.

In my view, we should take the approach of instituting a royal commission into this issue—and not just so that we can point the finger at the wrongdoers of the past, although that is important. It is an important part of the process to finally recognise some of the serious wrongdoings and indeed crimes that have occurred in the past that have not been given proper recognition. It is far more important to address the current problem, which is very real and very widespread, and to do much better at having preventative mechanisms and at improving our processes in order to reduce the incidence, to increase the speed of intervention where
problems arise, to work much better at acknowledging the complaints of survivors of sexual and other assault and abuse and to put in place processes to try to deal with the damage caused.

I will give an indication of the numbers we are talking about, because a lot of numbers are often thrown around. To some extent, these are always going to involve some degree of estimation. In my own state of Queensland in the year 2003-04, figures provided by the Abused Child Trust indicate that over 35,000 cases were reported. That is not just an extrapolation from statistics; 35,000 specific cases were reported, of which almost exactly half—17,473—were substantiated. So 17½ thousand children were subjected to physical, emotional or sexual abuse or neglect. That was the number of substantiated cases just in Queensland in one year.

If you recognise that harm done to a child can have lifelong consequences for that child, for their families and for everyone they come into contact with, including the wider society, you get an idea of the extent of the problem and how much social and economic damage is done to our communities by our inability to properly address the matter. On a national scale, figures produced by the National Child Protection Clearinghouse for the preceding year, 2002-03, show that nearly 200,000 cases of physical, emotional or sexual abuse or neglect of children were reported. Over 40,000 of those were substantiated. We are talking about huge numbers.

It is appropriate to do that in the context of some of the other debates we are having. We talk about the dangers of terrorism, where a real threat and a real fear are provided, but I do not think the most enormous terrorist attack that we could think of is likely to impact on 40,000 children around the country in any one year, let alone on all of the people associated with those children. We talk about all of the apprehension, fear and massive coverage being given at the moment to the concern about a pandemic of bird flu—an appropriate matter for public debate. I agree—but even the worst-case scenario of an outbreak of bird flu would be nothing compared to the huge numbers of children that are affected, even with clearly substantiated cases of sexual assault, physical and emotional abuse and neglect, year after year and compounding time and time again. Yet we do not have anything like that degree of political attention, public debate and priority being given to the pandemic of child sexual assault and the wider abuse of children. I believe that has to change.

We have to give it the priority it deserves. I believe that a key way of doing that, an effective way of breaking through and really making a significant advance forward, is through a royal commission. It is a non-partisan issue, because it is not targeted at any one government’s failing over any short period of time. It is a failing of our entire community, stretching over decades. I believe that the only way we can really make a significant leap forward is through a significant, concrete action at a national level. We have had inquiries of different dioceses, different organisations, different institutions and different states, here and there, around different groups of children. They are all useful, but they are all piecemeal, here and there, with different recommendations—even the Senate committee inquiries, useful as far as they go. We need a comprehensive approach and we need to get a reaffirmation from political leaders across the board to put our weight behind that. (Time expired)

Senator MASON (Queensland) (4.09 pm)—I would like to congratulate Senator Bartlett on raising the issue of child sexual abuse. Senator Bartlett is quite right to say that how we deal with issues such as child.
sexual abuse, involving some of the most vulnerable members of our community, says a lot about our parliament, our community and our nation. In the Senate Community Affairs References Committee’s most recent report, I note a quote from the former president of South Africa, Mr Nelson Mandela:

Any nation that does not care for and protect all of its children does not deserve to be called a nation.

How right he is. As Senator Bartlett said, there is not only a cost to those individuals, as children, who are abused sexually and otherwise, but there is also a great cost and a great burden to the community at large. It is a problem that we cannot ignore.

The matter of public importance raised today by Senator Bartlett really goes to responsibility and coordination. As you are aware, under the Constitution the Commonwealth government has only a limited role with respect to child protection. Primarily, of course, the Commonwealth has drawn its relevance from the Family Law Act 1975. Under part VII of that act, a child’s best interests is the cornerstone of determining family law disputes. That is where the Commonwealth draws its relevance and many of its powers from. The difficulty, of course, is the gap between the Commonwealth powers under the Family Law Act to determine a child’s best interests and the child protection agencies that operate in the various states and territories throughout this country. That gap between the Family Law Act and the Commonwealth’s responsibilities and the child protection agencies in the states is where most of the problems lie.

As an example, when there is evidence of child sexual abuse in family law proceedings, held under Commonwealth auspices under the Family Law Act, often those findings or that evidence is not sufficiently followed up at state level by the relevant child protection agencies. Of course, the government, along with attorneys-general in the states and territories, under the Standing Committee of Attorneys-General, is looking at that very issue right now. It is a very important issue to coordinate. It is primarily a Commonwealth responsibility and we are working on that as I speak.

The second area of Commonwealth responsibility in the area of child protection and child sexual abuse—and Senator Bartlett just touched on this—is international agreements and treaties. The Commonwealth has also entered into various treaties that cover and protect the rights of the child—again, of course, this includes the sexual abuse of children. One of my great pleasures in this place is to be a member of the Joint Standing Committee on Treaties. Just yesterday the committee recommended that it would advise the executive to ratify the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography. Again, that is an area where the Commonwealth can assist and it is a way of combating child abuse and, indeed, child sexual abuse. That comes under a Commonwealth power, the foreign affairs power, in the Constitution. Also, the human rights committee, HREOC, promotes the UN Convention on the Rights of the Child. That is one of its core duties and it generally does it very well.

The problem, then, is the gap between federal law and state law—the gap between the responsibilities of the Commonwealth under the Family Law Act and under international treaties on the one hand and the state responsibilities for child protection on the other. That is the gap and that is what we have to fix. So what has the Commonwealth government done? It has done a few things. I will just touch on a couple and then I will directly address the issue about a royal commission. The Australian government’s
proposed national network of family relationship centres which are being established in response to the *Every picture* report will screen cases for violence or child abuse and refer such cases to support services and direct to the courts where appropriate. In other words, those centres will screen cases for violence or for child abuse, so the Commonwealth will take a proactive stance.

More importantly, recognising the importance of protecting the community by knowing the location and movement of convicted offenders, particularly when offenders move between states, the Australian government funded the CrimTrac Agency to build the Australian National Child Offender Register. This register is a joint Commonwealth, state and territory initiative. It was first outlined in November 2003 and launched in September last year. It is a very important initiative. Under the register, anyone convicted of sexual or other serious offences against children is legally obliged to notify police of their address, places they frequent, car registration and other personal details such as club memberships and even travel plans. This information is collated and given to state and territory police to ensure they can better monitor convicted offenders.

In addition there is international monitoring by the Commonwealth of child sex offenders. Under the Commonwealth Crimes Act there are offences applying to Australian citizens and residents who travel overseas to engage in sexual activity with children under the age of 16. In January this year when I was in Phnom Penh the Australian Federal Police showed me what they were doing with respect to child sexual trafficking. They have a highly coordinated network among countries in South-East Asia to respond to that threat and I think they are doing a very good job. In several countries in South-East Asia the Australian Federal Police have officers to do just that.

I come to the nub of Senator Bartlett’s argument, and that is the establishing of a royal commission. Why the government is reluctant to do that can be stated pretty simply. There are plenty of reports, perhaps too many reports, and not enough action. I refer to the Senate Community Affairs References Committee’s most recent report, *Protecting vulnerable children: a national challenge*. At page 21 it says:

A common theme from these reports—and that is all the recent reports on the care and protection of children in out of home care—has been that departments do not always respond to previous inquiries’ recommendations or suggestions.

They are often ignored. The report goes on:

The ACT Assembly committee summed up this view:

It is difficult to see where progress has been made and members of the community may legitimately ask how many recommendations, from how many reviews does it take for action to occur? The Committee had no desire to produce yet another report that simply sits on someone’s shelf collecting dust.

And that is the problem. There have been plenty of reports. There are inquiries at the moment being conducted in South Australia and there was one recently in Queensland that was chaired by the former Governor, Mrs Forde. But we need action. We need better training in the states. We need more money spent on child protection. We need better staff. We need a better tracking system. We need better filing systems. We can have as many reports as we like but we need commitment, particularly from state governments, to protect children. Again, I refer to the Senate references committee report. They say this:

At regular intervals over many years, reports on problems and shortcomings of the care and protection of children in out-of-home care have been
produced. Unfortunately, it seems that these reports had minimal impact in achieving a system that was responsive, accountable and achieved outcomes in the best interest of children.

We have had plenty of reports. We know what needs to be done. The state governments have to spend more money and give it greater priority. When that is done the children of this country will be better served.

Senator McLUCAS (Queensland) (4.19 pm)—I too would like to commend Senator Bartlett on raising in the chamber today the very important matter of protecting our children from sexual abuse. I would also like to commend the Parliamentarians Against Child Abuse for their work in continuing to maintain this issue not only in the public eye but, probably most importantly, in the minds of those of us who sit in this chamber and in the other chamber. As both previous speakers said, this is not a party political matter.

The quote that Senator Mason read out from our inquiry into children in institutional care is absolutely true—a nation cannot be a nation unless it treats its children in the way that they should be treated. Senators will recall that the Senate Community Affairs References Committee conducted an inquiry into children in institutional care and they will recall that it was one of the most momentous and significant reports that has been brought down in this place. I was pleased—although that is probably not the right word in the circumstances—to be part of that inquiry although what happened in that committee could be described as life-changing events.

During that inquiry many witnesses shared with us their personal experiences of what had happened to them during the time he was institutionalised. He told his wife the week before he gave evidence to our committee of what had occurred to him. You have to wonder why all of these witnesses would take the opportunity in a very public way to share their experiences—those horrific things that happened to them—with the community very broadly. In answer to that question, almost to a person they said these words: ‘So that we can stop them happening to anybody else.’ They were prepared to relive the horror that they had experienced as children in order to achieve the eradication of sexual abuse in our country.

Sadly, though, those expressed desires have not turned into reality. Many children are continuing to be abused sexually, physically, mentally and emotionally. Senator Bartlett talked about the figures. I cannot understand how you could abuse a child—it is beyond me—but we know that tens of thousands of children with families and siblings are experiencing this sort of abuse every year in Australia. We need to recognise the extent of the abuse that is occurring in Australia and we need to understand why it is occurring. We have to look sensibly and practically at measures that will prevent this sort of child abuse.

The measures are varied and they range across mental health issues and a whole range of community-building issues that we truly have to understand if we are going to deal properly with those who perpetrate this horrendous abuse of our children. We have to look at early intervention in suspected cases and we have to make sure that processes are in place so that action can occur swiftly and in consideration of the child who is alleging abuse. We have to make sure that there is appropriate legal support and treatment of allegations that have occurred.
Senator Bartlett is right: we do need a national approach to the prevention of sexual abuse of children in this country. We need to have standardised legal treatment of child sexual assault cases throughout Australia so that children are treated in the most sensitive way wherever this abuse may occur. Those sorts of national legal standards would include matters such as how children’s evidence is given, the communication between the complainant and police and the role of counsellors in the complaints process. We also have to look at measures that support children who have been abused and their families. As Senator Bartlett said, a child who is abused will suffer for a very long time the effects of that abuse. Support needs to be ongoing. We need to make sure that families are supported after the event and into the future so that those families can be healed.

We know that there is increased reporting—and that is to be welcomed. We have to look at why we have increased reporting of child sexual abuse. Excellent programs are operating in some of our schools around Australia—programs that encourage children to speak out; programs that explain to children what is accepted normal behaviour and what cannot occur. We have to be more open with our children and engage with them intellectually so that they know of the risks that may be posed in the community. I commend those schools that are being open and honest with our children so that our children are informed about the risks in society.

Labor support an investigation into child sexual abuse in Australia. We support an examination into the adequacy of existing legal protections and supports for children who are abused. We also support looking at ways to improve the protection of children and how best to reduce and eliminate child sexual abuse. We have no objections to the federal government holding a royal commission into child sexual assault. If the government were to order a royal commission, Labor would be supportive and enthusiastic and we would participate fully. However, if the choice were between spending on a royal commission and spending on the services and initiatives that we know are effective, are working and are giving our children some power and ability to defend themselves then Labor would choose the latter option.

If we can spend the sort of money that the government have just spent on advertising their industrial relations proposal—that is, $55 million—on prevention and support for children who are abused, I am sure benefits to this nation would be far better realised. We know that there are good programs out there and good systems in place, but the states tell us regularly that the level of funding they have is never adequate to do the task that they would like to accomplish. The $55 million that has been spent on full-page ads and lots of TV advertisements would, in my view, have been very well spent on protecting our children into the future. The Labor Party are open and receptive to any initiative that will stop children from being harmed.

Senator Mason referred quite extensively to the report that our committee brought down in August 2004, and I thank him for that. The report is entitled Forgotten Australians: a report on Australians who experienced institutional or out-of-home care as children. Senator Mason said that there have been too many reports—and our report actually says that. Senator Mason commented that there was no desire by our committee to produce another report that would collect dust. We wrote that in our report, and we wrote it intentionally. Senator Mason quoted our report in saying that we need real action to stop the scourge of child sexual abuse. I commend Senator Mason for saying that—because it is now November 2005 and this report has sat on someone’s shelf for over 12
months. It is a significant report. It requires a strong government response that will demand coordination not only within government departments federally but also across the states and with churches and other institutions that provided institutional care. But if this report is going to do anything then we desire a government a response. We have given some leeway on that, because it is a significant report and the recommendations are diverse and will take a lot of work to respond to. But if this report is not going to sit on someone’s shelf and achieve nothing then we require a government response. I commend the motion.

Senator BARNETT (Tasmania) (4.29 pm)—It is a pleasure to speak today on this matter of public importance. I empathise with the views already expressed by all speakers in this chamber on this very important matter. I thank Senator Mason for his erudite and thoughtful analysis of the break-up of responsibilities in this matter vis-a-vis the Commonwealth and the state governments. Senator Mason made it very clear that this matter is primarily a matter of responsibility for states and territories.

I nearly choked on my glass of water when I heard Senator McLucas say that the states do not have enough funds to deal with this matter. They are swimming in GST funds and all members of this chamber are aware of that. So, in terms of the states and territories fulfilling their responsibilities, they have the money to do so. Yes, there are gaps. There are too many gaps in terms of the responsibilities. We have the constitutional power with respect to the external affairs power and the post and telegraph power, the first relating to child sex tourism and the second relating to internet child pornography offences. I will deal with the second very shortly.

Reference has been made to the Standing Committee of Attorneys-General, which agreed on 8 August 2003 to establish a working group on these issues. That working group is currently developing a paper for consideration by SCAG. Yes, the Australian government has funded the CrimTrac Agency to build the Australian National Child Offender Register, and that is very important. It is a joint Commonwealth, state and territory initiative. It was first outlined in November 2003 and was launched on 1 September 2004.

Sadly, in my own state of Tasmania we are dilatory. The state government has been sitting on its hands and has not enacted the relevant legislation, similar to that in South Australia, to deal with these matters. But I believe there is something more problematic, something more systemic, with respect to this issue—and it is not just about coming up with bandaid solutions. I believe that the reason we are standing here debating these issues is because there has been depreciation in the values system that we have in this country, in the appreciation of families and family life. I believe that the root cause is the acquiescence to and, indeed, the acceptance of pornography in this country. That is something has not got better; it has got worse. That is one of the root causes for sexual assaults on children in Australia and it is time, as a community, that we faced up to this fact.

I commend the Sexual Integrity Forum, which is here in the parliament today, hosted by the Australian Family Association. Congratulations and well done on bringing these issues into the parliament to share your views with members of parliament. The Fatherhood Foundation have launched a book on this very issue this afternoon and they have previously hosted forums in this parliament on sexual integrity matters. They should be congratulated. They are concerned, like many mothers, fathers and families in
the community, about the proliferation of pornography.

This gets to the root cause. Why is it, for example, that our libraries are allowing internet access by children to pornography? This is happening across the country, not just in Tasmania where in August we found the State Library of Tasmania in Hobart allowing internet access to it. Why did that happen? I wrote to the state Minister for Education and said: ‘Please apply filtering immediately. Put on a ban.’ Some eight weeks later I got a letter of response saying: ‘Thank you for your letter. We will have a review.’ It is not good enough to allow children access to pornography in our public libraries, which are funded by the taxpayer. It is wrong.

This acquiescence to and acceptance of pornography in the community is a disgrace. A survey by the Australia Institute in 2003 called *Regulating youth access to pornography* found that 84 per cent of boys and 60 per cent of girls had been accidentally exposed to pornographic material on the internet, while two of every five boys had deliberately used the internet at some stage to see sexually explicit material. The survey found that 93 per cent of parents were in favour of filtering out pornography available on the home computer, let alone those in public buildings. The survey also drew a link between prolonged exposure to this material and tolerance of sexual expression.

The Australia Institute survey found that a much more effective method of restricting access by children to internet sex sites would be to require all ISPs to apply filters to all content, with some managed exemptions for adult users. I agree with them. I think that is a sensible proposition, particularly in public places, whether they be federal, state or local government controlled. Why should they have access to pornography or, indeed, violence and other inappropriate material?

There should be restrictions. There should be a ban. That is proper, in my view. The proliferation of pornography is really the root cause of sexual assaults on children in Australia and, indeed, of many other unintended and awful consequences that flow through to the community.

I commend the government, because we have spent money not only in the areas alerted to us by Senator Mason, on SCAG, CrimTrac and so on, but also on NetAlert. That is safety on the net. It is to provide safer operation of the net by families in their own homes to protect their children. That is fantastic. Congratulations and well done, particularly to Senator Coonan and the Prime Minister, for that initiative, for making it happen and for continuing to fund it. There is a special web site as well, a NetAlert web site that alerts people to the filters that you can obtain to guard against unwanted pornographic material.

Even in our own homes, you go home, turn on your home computer and bingo—out come the pornographic sites. You are hit again and again. This is not just in our home but across the country. Yes, you can apply your own filter. But why do we get this unwanted material in our faces? With children in your home, this is not right. An acceptance of pornography and the proliferation of it is something that, in my view, is inappropriate. The Commonwealth does have a responsibility—of course they do—under the post and telegraph and external affairs powers of the Constitution, but it is primarily a responsibility of the states and territories. I say to them: wake up, listen to the community, listen to what the mums and dads are saying, and turn off the sites that are offering pornography, violence and other inappropriate sites. *(Time expired)*

**Senator MILNE (Tasmania) (4.37 pm)—** The Greens unreservedly support the crea-
tion of a royal commission into child sexual assault in Australia. Anecdotal evidence suggests that up to one in 10 Australian children are the victims of child sexual assault and that most of these occur in the home. That is the shocking reality of child sexual abuse. Whilst I have heard what Senator Barnett had to say, this has been going on in homes around Australia for a long time and continues going on in homes around Australia at this time. That is why I think it is appropriate to address it at the national level by virtue of a royal commission. Whilst the internet and pornography is certainly a major issue, it is deeper in the culture than that, if you consider that one in 10 Australian children are the victim of child sexual assault and that most of it is going on in the home. There is something seriously wrong, and we have to get to the bottom of it.

As well as the federal government asking the Governor-General to issue letters patent, we ask the government to work with the states in order to ensure that all aspects of this issue are subject to review. It is the states which have the responsibility for most issues associated with child sexual assault. Although there have been significant steps made, the commission should be able to examine whether there can be procedural and evidentiary amendments to minimise further trauma to victims. The terms of reference for such a royal commission should be broad enough to cover all facets of this problem, from the pathology which causes people to perpetrate child sexual abuse through the detection and prosecution of such offences and on to the punishment and rehabilitation of offenders. I note here the pioneering work of former Greens senator Christabel Chama-rette in the treatment of child sex offenders in Western Australia.

Even more importantly, the royal commission should look at support services for victims. For victims, the effects last their entire lives. This is particularly so where the perpetrator is a member of their family or where the perpetrators have used their positions as religious superiors to, firstly, abuse the children and, secondly, ensure their silence. The commission should examine the response and the effectiveness or otherwise of government bodies charged with protecting children. Also, the commission should examine the culture of suppression and blaming the victim that permeated secular and religious bodies confronted with child sexual abuse within their organisations, such as schools and orphanages. Even when complaints were made in relation to these institutions, too often religious bodies decided to handle the matter internally through transfers and advised complainants not to go to the police. There has been plenty of evidence in state-prosecuted cases that abuse has gone beyond state boundaries. In Tasmania, we have had that particular occurrence whereby offenders were transferred within their religious organisations from one state to the next, so a triangle of abuse developed between states. That is why it is entirely appropriate that we have a national royal commission which looks at how these issues have developed and been handled.

Whilst some churches have now addressed these structural issues which allowed the abuse to be covered up and denied—and I acknowledge the work that has been done—others have not. It is imperative that a royal commission address the structural impediments to justice in both religious and secular organisations. It is not enough now for churches to just say, ‘We are dealing with it.’ I recognise that some of them are, and I pay tribute to the leadership in some of those churches which have come out openly and said, ‘Come and tell us what has happened and we will then acknowledge and deal with the pain and have an appropriate response.’ I acknowledge that that is happening, but it is
not happening universally and we need to make sure that it does happen universally.

I personally commend all the people who have worked to bring the issue of child sexual abuse before the Senate. Most people would prefer not to deal with this issue, and it has taken courage and dedication by a small number of people working for the interests of a much larger number to carry forward this work in the community, to get it to political levels and to get people to really focus on it. It has certainly been the case that, when children have come forward in the past, they have been told not to say such things about adults and the adults have been inappropriately held up as community leaders. (Time expired)

Senator KIRK (South Australia) (4.42 pm)—I also rise this afternoon to speak on Senator Bartlett’s motion with regard to child sexual abuse. I would like to thank Senator Bartlett for raising the issue today. It is a very important but often sidelined issue. Child abuse is one of the most serious social problems, if not the most serious one, in Australia today, and the Australian Labor Party is open to and supportive of any initiatives that will prevent harm to children.

I am the convenor of the group Parliamentarians Against Child Abuse, which is a group of parliamentarians who come together to hear about and to discuss issues relating to child abuse in our community. It is a non-partisan, cross-party group of parliamentarians. In September this year, during an event that we organised as part of National Child Protection Week, we heard from a number of experts from the NAPCAN Foundation, which is an organisation set up to fight child abuse and neglect here in Australia. According to NAPCAN, which is the only organisation of its kind in Australia working to prevent child abuse before it starts, in Australia a child is abused every 13 minutes. Suspected child abuse cases have doubled in number since 1999-2000. In 2004, there were 220,000 reports of child abuse in this country. This represents one report for every 25 children in Australia.

Proven cases of abuse and neglect of Indigenous children are six times higher than for the general populace. We also know that child abuse leads to future physical, mental and social problems, as a number of speakers have referred to. These problems may include suicide, homelessness, drug addiction, violent behaviour, crime, depression and poor physical health. NAPCAN’S fact sheet on child abuse notes:

Past victims of child abuse are grossly overrepresented in the prison populations, as perpetrators of crime and violence, and amongst the poorest and most socially disadvantaged members of our society.

Experts working in the field of child protection—and this includes social workers, doctors, child psychologists and psychiatrists—keep telling us that the current system is failing our children. What we need is a national strategy to combat child abuse. Of course, we appreciate that the states are primarily responsible for this area, but that does not detract from the need to have a national strategy at the federal level to combat child abuse.

As Senator McLucas mentioned, the Labor Party have no objections whatsoever to the government holding a royal commission into child sexual assault. If the government were to announce that a royal commission was to take place, of course Labor would be wholly supportive. However, if we were given a choice between spending money on a royal commission—and it could run up to $10 million, most of it on lawyers’ fees—and spending money on services and initiatives and on funding groups that we already know are doing an excellent job in protecting chil-
dren, the Australian Labor Party would choose the latter.

I would like to elaborate on this point and discuss briefly some of the child protection programs currently running and getting positive results. One example is the charity called Child Wise, an organisation that works to prevent and reduce the sexual abuse and exploitation of children in Australia and overseas. Child Wise is the Australian representative of ECPAT International, which is a global campaign existing in over 70 countries and is committed to ending the commercial sexual exploitation of children. Last year, as convenor of Parliamentarians Against Child Abuse, I invited Bernadette McMenamin, who is the head of Child Wise in Australia, to speak to PACA.

Child Wise runs on a shoestring, yet it has still managed to achieve so much with so little, largely due to the passion and the energy of the people involved. By way of example, I will mention three programs in which they have been involved. The first example is the Choose With Care program. This aims to minimise the risk of child abuse occurring within organisations working with children. The program assists organisations to improve screening, recruitment and management practices for staff and also for volunteers. The second program is the Child Wise Tourism and Travel with Care program. This provides education, training and assistance to the travel and tourism industry and to tourism educators. The third example is the series of workshops that Child Wise is undertaking in child trauma counselling training across South-East Asia, including in Vietnam, Laos, Cambodia, Indonesia and Myanmar. The workshops will assist children to recover from trauma, particularly the trauma experienced through sexual abuse and trafficking. I would like to commend the work of Child Wise in the Senate today.

NAPCAN, an organisation I referred to earlier, is also achieving excellent results. According to its CEO, Adam Blakester, there are countless examples of the success of what they call the ‘whole of community’ approach in preventing child abuse and neglect. For example, the largest study undertaken in Australia focused on a community approach in Newcastle, in the suburb of Windale. The project worked towards improving educational, work, health and other opportunities for children. In 1999, Windale was in the worst one per cent of New South Wales postcodes for instances of child abuse and neglect. In 2004, five years after the program, it was in the best 25 per cent. NAPCAN’s main message is that child protection requires a whole of community approach. This means an expansion of the traditional response by police and government bodies after the abuse has taken place to look to ways to prevent the abuse happening in the first place. Building cohesive communities provides a positive environment for parents and parenting.

In 2002, the Victorian Department of Human Services identified the underlying causes of child abuse as including poverty, substance abuse, mental health problems, social isolation and lack of family support. NAPCAN also identifies the need for what they call ‘child-friendly communities’ where children are valued, respected and actively included in the community. Very strong associations have also been identified between the presence of domestic violence among adults and the increased likelihood of finding child abuse and other maltreatment. Therefore, when assessing families for domestic violence, it is important that checks are done to determine whether the children have also been the subject of mistreatment. Labor believes there should be more nationwide standardisation in legal treatment of sexual assault cases so that children are treated in the most sensitive way possible. These legal
standards would include such matters as how children give evidence, communication between the complainant and the police and the role of counsellors in the complaint process.

In the time available today, it is only possible to touch on a few matters in regard to this very important subject. Whilst I recognise Senator’s Bartlett’s strong concerns and his commendable motivations in putting forward this motion, I do not believe that we need another inquiry to tell us that child abuse is a major problem in this country. We have already had a large number of inquiries and reports. What we need now is a national strategy to combat child abuse, and we need to find the money and the resources to put into programs that already exist and into expanding programs that take positive steps towards preventing child sexual abuse in this country.

Senator FIERRAVANTI-WELLS (New South Wales) (4.52 pm)—I would like to join previous speakers in discussing this matter of public importance today about child protection issues. At the outset I would say that child protection is primarily a matter for the states and territories. However, having said that, it is important that all levels of government work together to ensure not only that our children are properly protected but also that their needs are met. I remind the Senate that the Commonwealth does not have the constitutional power to enact legislation for child sex offences which has general operation. It can only legislate in those limited areas where it does have constitutional power, which it has done. These include the child sex tourism offences, which are supported by the external affairs power, and the internet child pornography offences, which are supported by the post and telegraphic power—which have been spoken about by Senator Barnett.

The government is committed to cooperating with the states and territories to better coordinate the Commonwealth’s family law system with the child protection systems at state and territory levels. This is evident from the number of initiatives that the Attorney-General’s Department is involved in and which have been picked up in the contributions of Senator Mason and Senator Barnett.

In my maiden speech I spoke of my community activities spanning 25 years. These included many charitable activities, and none impacted on me more than my work with Father Chris Riley’s Youth off the Streets. During my work there, it became very clear to me that there is no such thing as a bad child—just bad circumstances. As a board member and then as chairman, I was able to see first-hand a world that I did not believe existed. I came to understand the resilience of youth against adversity. A child is abused every 13 minutes across Australia. Perpetrators of crime against children and those who protect them deserve the severest punishment. I believe that the Commonwealth, within its constitutional powers, has confronted this important issue. As I said, the primary responsibility for this lies with the states and territories, and I encourage Senators McLucas and Kirk to look at the work that is being done at state level and to encourage their state colleagues to do far more than is already being done.

I want to look at some of the positive things that the coalition is doing within the ambit of its constitutional responsibilities. The Family law and child protection report, which was provided to the Attorney-General in September 2002, was very important. One of the recommendations that has been implemented has ensured that judges will be allowed to hear evidence which is vital to the protection of children and evidence which arises from disclosures in the course of confidential counselling and mediation or atten-
dance at post-separation parenting programs. As has been mentioned previously, the Standing Committee of Attorneys-General has established a working group to find ways of better integrating the family law system with family protection systems at state and territory levels.

The Australian government has proposed a national network of family relationship centres, which are being established in response to the Every picture tells a story report. The centres will screen cases for violence or child abuse. I think this will assist in early intervention. In my work with Father Chris Riley, I found that when you delve into the lives of the children and you scratch the surface and look at where their trauma began and the point which most influenced their road to a life of abuse, drugs, robbery, crime or other activities, the initial phase is often the breakdown of the family unit. That is often the beginning of their life of trauma. The initiatives that have been taken by this government to strengthen the family—particularly in terms of the Stronger Families and Communities program, Tough on Drugs and Values in Schools—all assist in supporting the family. I have seen first-hand how organisations such as Father Chris Riley’s Youth off the Streets can utilise not only their own funding and their corporate funding but also the funds that they get from the government to better undertake their activities.

I also want to touch on other activities undertaken at a federal level, such as the Australian National Child Offender Register. Child sex offences are contained in state and territory legislation and are investigated by state and territory law enforcement agencies. Given the limits on the Commonwealth’s power in this area, it does not have the information to track child sex offenders. That information is held at state and territory level. The Australian government has provided considerable assistance through CrimTrac, which has been spoken about previously. The register will provide an important tool for the Australian Federal Police to notify overseas jurisdictions about travel of serious child sex offenders. The AFP monitors travel movements of paedophiles in and out of Australia through the Customs passenger analysis evaluation system, the AFP Overseas Liaison Network and Interpol. The AFP has also received additional funds to strengthen its capacity to detect, investigate and provide specialist training on offences.

The AFP Transnational Sexual Exploitation and Trafficking Team has received $7 million over four years, which will assist the international network of the Australian Federal Police. Australia generally seeks to assist foreign countries, and the Australian child sex tourism legislation provides a backup where there is no relevant offence in the foreign country. As I have said, the Commonwealth’s powers are limited in this area, but it is important that the states not only cooperate but also do far more to protect our children from exploitation.

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

BUDGET
Consideration by Legislation Committee Additional Information

Senator McGAURAN (Victoria) (4.59 pm)—On behalf of the Chair of the Environment, Communications, Information Technology and the Arts Legislation Committee, I present additional information received by the committee relating to the hearings on the budget estimates of 2005-06.

COMMITTEES
Membership

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

Senator PATTERSON (Victoria—Minister for Family and Community Services and Minister Assisting the Prime Minister for Women’s Issues) (5.00 pm)—by leave—I move:

That Senator Santoro replace Senator Barnett on the Employment, Workplace Relations and Education Legislation Committee for the committee’s inquiry into the provisions of the Workplace Relations Amendment (Work Choices) Bill 2005 on 14 November 2005 from 9 am to 5 pm, and on 15 November 2005 from 9 am to 1 pm.

Question agreed to.

INTELLIGENCE SERVICES LEGISLATION AMENDMENT BILL 2005

Assent

Message from His Excellency the Governor-General was reported informing the Senate that he had assented to the bill.

HEALTH LEGISLATION AMENDMENT BILL 2005

First Reading

Bill received from the House of Representatives.

Senator PATTERSON (Victoria—Minister for Family and Community Services and Minister Assisting the Prime Minister for Women’s Issues) (5.01 pm)—I move:

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

Question agreed to.

Bill read a first time.

Second Reading

Senator PATTERSON (Victoria—Minister for Family and Community Services and Minister Assisting the Prime Minister for Women’s Issues) (5.02 pm)—I table a revised explanatory memorandum relating to the bill and 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 Health Legislation Amendment Bill 2005 proposes a number of amendments to legislation within the Health and Ageing portfolio.

Schedule 1—Amendments relating to Australian Community Pharmacy Authority—National Health Act 1953

The Health Legislation Amendment Bill amends the National Health Act 1953 to extend until, 30 June 2006, the existing arrangements for approving pharmacists to supply medicines subsidised under the Pharmaceutical Benefits Scheme (PBS).

The National Health Act 1953 currently provides for the establishment of the Australian Community Pharmacy Authority (the ACPA). The ACPA’s role is to consider applications made by pharmacists for approval to supply PBS medicines, and to make recommendations as to whether or not such applications should be approved.

In making its recommendations, the ACPA must comply with a set of rules determined by the Minister for Health and Ageing, in accordance with the Act. These rules, known as the pharmacy location rules, prescribe location-based criteria which must be satisfied in order for a pharmacist to obtain approval to supply PBS medicines from particular premises.

The Act currently provides for the pharmacy location rules and the ACPA to cease to operate at the end of 31 December 2005.

The bill amends the Act to provide for the pharmacy location rules and their administration by the ACPA to continue to operate until the end of 30 June 2006.

In accordance with a commitment made in the Third Community Pharmacy Agreement between the Commonwealth and the Pharmacy Guild of Australia, a joint review of the pharmacy location
rules has been undertaken. Extension of the existing arrangements until the end of 30 June 2006 will enable the Government, in consultation with the Pharmacy Guild of Australia, to carefully consider the findings and recommendations of the review in relation to the pharmacy location rules, and the role of the ACPA.

Schedule 2—Amendments relating to dependants—National Health Act 1953

Schedule 2 contains proposed amendments to a number of provisions in the National Health Act 1953 and corrects a number of technical loopholes in the existing legislation.

A number of the regulatory provisions governing private health insurance in the Act inappropriately apply only in respect of the payer of health insurance premiums to a private health insurance fund, the “contributor” and do not include reference to the “dependants” of the contributor, who are also members. Literal interpretation of a number of the existing provisions could result in “dependants” being excluded from cover. For example, current provisions relating to hospital purchaser-provider agreements, could be argued to only apply where the “contributor” is the patient receiving hospital treatment and not where the “contributor’s dependant” is the patient. The situation arises even where the contributor has paid for his/her dependants to be covered by private health insurance.

Schedule 2 will amend specified provisions in Part VI and Schedule 1 of the National Health Act 1953 for the purpose of ensuring that these provisions adequately cover the contributor’s “dependants” and, thereby, clearly indicate that the regulatory scheme governing registered health benefits organisations applies to all members of a health insurance fund with appropriate coverage. The aim of Schedule 2 of the bill is to ensure that health funds continue to cover a member with appropriate cover receiving medical / hospital treatment whether that member is classified as a “dependant” or a “contributor” to that health fund.

The amendments will ensure that all members of health insurance funds, with appropriate insurance cover, are adequately covered by the existing regulatory scheme. In addition, the amendments to provisions inserted in the National Health Act 1953 by the National Health Amendment (Prostheses) Act 2005 will ensure that the application of the new provisions providing for the regulation of health insurance funds in relation to the prostheses arrangements also provides adequate coverage of all persons covered by private health insurance policies.

Schedule 3—Amendments relating to health services tables—Health Insurance Act 1973

Schedule 3 of the bill amends the Health Insurance Act 1973 to clarify the scope of the power to make the Medicare Tables. It has been a long standing practice to specify, in the Medicare Tables, conditions that must be met for Medicare benefits to be payable for health services. The amendments remove any doubt as to the validity of including such conditions in the Tables.


Schedule 4 amends the Medical Indemnity Act 2002 to replace references to the HIC (Health Insurance Commission) with Medicare Australia CEO (Chief Executive Officer) in order to reflect the conferring of HIC functions to Medicare Australia. Consequential amendments were made to various Acts, including the Medical Indemnity Act 2002, to substitute Medicare Australia CEO for any reference to the HIC. These amendments commenced on 1 October 2005.

The Medical Indemnity Legislation Amendment (Competitive Neutrality) Act 2005 that amended the Medical Indemnity Act 2002 by inserting sections 59A and 59E which contain references to the HIC received Royal Assent on 18 October 2005 and therefore does not reflect the establishment of Medicare Australia in place of the HIC. The Medical Indemnity Act 2002 requires amendment so that the legislation consistently refers to Medicare Australia CEO. The amendments will commence retrospectively from 1 October 2005.

Debate (on motion by Senator Patterson) adjourned.
That the terms of reference for the Employment, Workplace Relations and Education Legislation Committee inquiry into the provisions of the Workplace Relations Amendment (Work Choices) Bill 2005 be amended as follows:

(a) omit “22 November 2005”, substitute “28 November 2005”;
(b) omit “reform of unfair dismissal arrangements”; and
(c) at the end of the motion, add:

(3) That for the purposes of this inquiry the committee must meet and take evidence in at least the capital cities of each state and territory.

This motion seeks to extend the inquiry into the Workplace Relations Amendment (Work Choices) Bill 2005 from 22 November until 28 November—which is a very modest request indeed. It seeks also to include as part of that inquiry’s terms of reference the exclusion of unfair dismissal arrangements. Again, it is a fairly modest request. It also seeks that, for the purposes of this inquiry, the committee should meet at least in each of the capital cities. As I said, it is a fairly modest motion. It is a fairly modest request. It is balanced, it is sensible and it is achievable.

As far as the extension of time is concerned, that should not be a problem for the government. It has not been a problem for the government to extend the length of time for the inquiry into the antiterror bill, an inquiry which Senator Hill sought to have completed within, effectively, one working day when he originally moved it a couple of weeks ago in this chamber. That inquiry has now been extended to 28 November and it would appear it can be handled quite comfortably within the requirements of the government to have that inquiry completed before the end of the year.

Similarly, with the inquiry into the workplace relations and work choices bill, the extension to 28 November would not materially impact upon the capacity of the parliament to conduct this inquiry, would not delay the reporting of the outcome of this inquiry to this chamber and, effectively, would not delay the capacity of this chamber to deal with the bill. But, of course, the government does not want to provide sufficient time for the Senate to adequately inquire into the terms of this bill, because they do not want people to be able to understand the complex detail that exists in the bill.

This bill was introduced in the House of Representatives last week—some 1,300 pages: 600 or 700 pages of the bill itself and 550 or 600 pages of explanatory memorandum. That excludes any regulations that might go along with the bill when it is ultimately passed by the parliament and put into law. We are expected within a period of four or five days to comprehend that, to come to grips with the complexities of the bill and the interrelationships between it and the regulations and to make a value judgment about what aspects of the bill are good, bad or indifferent. The government knows that it is very unlikely that the committee will be able to do that in the time frame that has been set down and that it is very unlikely we will have the opportunity to go into the detail necessary in order to examine all of the aspects of it. But, more importantly, those individuals, those organisations and those community groups that are concerned about the impact of the industrial relations bill on the general community will have very little or no time to put together a submission to this inquiry to represent their points of view in relation to the contents of the bill. This is a...
very deliberate attempt by this government to squeeze out any avenue for criticism of its industrial relations agenda.

We have also sought in the motion to include unfair dismissals. It has been argued by the government that we should not look at unfair dismissals because that has been done to death by inquiry after inquiry by this chamber. It is true that there have been a number of inquiries by the employment, workplace relations and education committee looking at the issue of unfair dismissals. Senator Murray and I have participated in probably three of four of them. But all of the inquiries that have looked at the issue of unfair dismissals have looked at it in the context of the benchmark being 20 employees—if you had less than 20 employees then it did not apply—and of some of the provisions that exist in other areas, particularly in the state tribunals, for dealing with those sets of circumstances.

What the Prime Minister did some six or nine months ago was to radically change that dimension, to shift the benchmark from 20 to 100—a radical shift in terms of the Australian economy, embracing virtually 98 per cent of all companies operating in this country and a very significant proportion of the workforce. That was done very deliberately to shut down access by the vast majority of members of the workforce to unfair dismissal claims. That has a radical impact in a whole range of areas, and we had not had an opportunity to think through it, to talk to workers and academics about it or to examine the consequences of it.

One of the impacts in terms of unfair dismissals, and it is a very obvious one, is that companies with over 100 employees have the capacity to restructure themselves in such a way that they can maintain the number of employees that they employ in any particular business unit below 100. Do not think they will not do it. They were very quick to do it to rob people of their redundancy payments. They were very quick to do it to avoid their liabilities in a whole range of other areas. So we should not think for one moment that they will not be quick to do it to ensure that they do not have a liability when it comes to dealing with unfair dismissals. That is an area that I think we should have had the capacity and the time to look at in some detail.

The third point of my motion is on the worst aspect of what the government has done: it has attempted to set up this inquiry—to be held over five consecutive days, starting from next Monday—in Canberra, as far away from a worker in this country as you can get, as far away from the people who might be affected by this legislation as you can get. Do not get anywhere near a worker, do not provide the opportunity for a worker to come through the doors of the inquiry and tell us their story, like one did in Western Australia last week. We had a young worker tell us that he was working for a hotel, he signed an AWA and the boss was so contemptuous of the workforce he did not even bother to register it. The young people at that hotel were still caught with those AWAs despite the fact that that had not occurred.

The reality is that there is going to be a very limited capacity for individuals to participate in this inquiry. This is really about the Howard government ensuring that there is no room for dissent from their point of view on industrial relations; that there are no avenues, other than what they minimally have to provide, for criticism to occur of the legislation that they are laying down; and that there is no longer the capacity for the voices of ordinary people to be heard when considering this legislation. It is typical of a government that is increasingly showing its arrogance, that is ideologically driven and that can no longer be bothered to even main-
tain a vestige of fairness in its approach to dealing with these types of issues.

The reality is that the majority of this law will not come into effect until probably March or April of next year. We know that. The department virtually admitted that at estimates. They have not drafted the regulations that sit alongside this bill and they cannot promulgate most of the bill until they do the regulations. So we know the bill is quite a way from being introduced. It is not time sensitive. We know it is not the case that we have to complete the inquiry within five days and get it through the parliament because it is ready to start on 1 January. What we do know, however, is that the government is very sensitive about this legislation because, the more people that hear about it, the more people out there that are exposed to the various elements of it, the more they are repulsed by it and the more this government is on the nose.

If that continues, the government are heading for one almighty fall at the next election. But they have a firm belief—and this is not guesswork, because we know members of the government have said it to members of the opposition—that they will get the bills through, there will be a little bit of huffing and puffing and kerfuffle and in six months it will be forgotten about and out of the public mind, and then in 18 months, come the next election, it will not be an issue on the agenda.

If that is what you think, think again, because people on this side of the agenda are determined to ensure that it stays an issue on the agenda, that it stays in the front of people’s minds and that we do expose at every opportunity the weaknesses in this legislation and the capacity in this legislation for ordinary workers to be exploited in the workplace. We will not be doing it alone, because the whole of the labour movement will be doing it—the political movement and the industrial movement. We will not be doing it alone, because the community and the churches will be onside, because at the end of the day this bill is bad legislation and bad policy and it will be bad for the Australian people.

This legislation, this ideology, is built upon what was done in New Zealand—the Employment Contracts Act, which was introduced in New Zealand back in 1991 on exactly the same premise as this legislation has been introduced here by this government: that it will increase productivity, increase growth and secure jobs. Over the period of the contracts act, none of those things happened for New Zealand. They went backwards. Productivity declined, unemployment grew and growth declined. When I asked the secretary of the department about the economic criteria underpinning this legislation and compared it to New Zealand, he said: ‘New Zealand was different. There were other factors at work in New Zealand that will not be at work here.’ He did not explain what they were, but he said that there were other factors at work that will not be at work here.

But look at what happened in Western Australia—another area that provided a model for this legislation. Under the coalition government, unemployment was 7.2 per cent. Under the Gallop government, after it abolished that legislation, unemployment has been 5.8 per cent. Participation in the work force has grown under Gallop by 0.2 per cent. Unemployment growth has declined slightly over that period, by 0.4 per cent. Real wages growth has grown under the Gallop government by 2.5 per cent, as against 1.7 per cent, and wage outcomes have grown by 5.8 per cent, as opposed to 4.9 per cent. And productivity—the thing that they hold up as being the fundamental reason for this legislation—is 6.29 per cent under the Gal-
lop government, as opposed to 3.8 per cent under the previous Liberal government.

The figures just do not stack up. They never have stacked up. Despite the rhetoric that this government goes on with, despite what we hear out of the Prime Minister’s mouth and despite what we hear from Minister Andrews, the rhetoric does not match the facts. The facts are there for all to see in the two models that have operated in this part of the world, which are the foundation stones upon which this legislation was built. In fact, all the outcomes were the reverse of what this government claims will be the outcomes under this legislation. We can guarantee that the results here will be the same as they were in Western Australia and in New Zealand. The reality is that this government is about cutting real wages. It is about increasing the profitability of business—

Senator McGauran—Yes.

Senator GEORGE CAMPBELL—by providing the opportunity to cut real wages—

Senator McGauran—No.

Senator GEORGE CAMPBELL—and to make companies more profitable on that basis. Do not take my word for it, and do not listen to the utterings of Senator McGauran; it came directly from the cabinet table. Ian Macfarlane, the Minister for Industry, Tourism and Resources in this country, went on the Alan Jones program and said that, if we are to remain competitive in the global economy, we have to get our wages down to the same level as in New Zealand. What was he saying in fact? He was saying that, in order for Australian business to remain competitive in the global economy, you had to take a wage cut of 25 per cent, because that is the difference between Australian wages and New Zealand wages.

One of two things had to have happened. Either it was one of those rare moments in which Ian Macfarlane told the truth, or he had a sudden brainstorm. I have to say I go for the first. I think he actually told the truth. Faced with doing an interview on the Alan Jones program in front of the whole Australian community, it would have been a bit hard for him not to have told the truth.

Senator Marshall—He was overawed.

Senator GEORGE CAMPBELL—My colleague says he was probably overawed. A lot of research has been done in this country in recent times by a variety of academics looking at the details of this legislation. Some of them you would regard as progressive academics, like David Peetz from Griffith University in Brisbane, and some are conservative academics, like Professor Mark Wooden from Melbourne university, who has done a lot of work for the coalition. The one thing that they all have in common is that they are all very sceptical of this legislation.

Senator Sherry—Where’s the Treasury research?

Senator GEORGE CAMPBELL—We were told last week that Treasury had done research into the economic benefits, but, as Senator Sherry well knows, a lot of Treasury research suddenly disappears when the outcomes do not deliver the sorts of results that the government wants. But we have seen today a minister in here trying to ridicule one of those researchers. I have not had time—and I am not going to have time—to go to some of the preposterous propositions that have been put to us today about how we are going to conduct an inquiry next week. As my staffer said, it is akin to the sort of structure you would see in a school debating society. We are being confronted with a proposition that is out of kilter with the way inquiries have been conducted in this parliament for the last 30 years. It is set up deliberately to avoid any proper scrutiny of this legislation through the processes of the Senate
structure. Not only have they nobbyed the structure by giving us a narrow time frame in which to hold the inquiry, by limiting what we can look at; they have also narrowed it in terms of the way in which they are prepared to conduct it. *(Time expired)*

**Senator MURRAY** (Western Australia) *(5.23 pm)*—Some time back, the Senate tabled a report into children in institutional care. The nation bore witness, via the television, to hundreds of witnesses to that committee waving the committee report above their head and cheering the senators. Whilst they were intensely interested in and concerned by the report and its recommendations, the reason they were waving the report above their heads and cheering the senators was that their story had been heard; they had had the opportunity to tell their story. Many people think the sole purpose of a Senate inquiry is the review purpose—for senators to form an opinion, based on the evidence and the opinions of others, as to how a particular bill should be assessed and reacted to. That is an extremely important part of the process. But no-one should ever forget that the most important thing a parliamentary democracy can do is to take its work to the people and to hear from the people with respect to that work.

This shortened inquiry into a 700-page bill with a 500-page explanatory memorandum is going to result in people not being heard. It has been shortened for entirely political reasons. The result of people not being heard will not reflect well on the government. There are members of the government—and I have heard them say this—who think, ‘Next year it’ll all be over; it will just wash through.’ Well, it will not. People will talk about how they have been treated and how they feel in these matters. The great virtue of the 1996 inquiry into the Workplace Relations Amendment Bill was that the Senate was able to act as a device for people letting off steam about how they felt about workplace relations in this country and the solutions the government were going to offer.

Not a week after this inquiry had been advertised, the submissions time closed. I can assure you that I have not finished reading the explanatory memorandum or the bill. I would like to get a few people in this Senate to put their hand on the Bible and then I would discover just how many of them have. I am willing to bet that it would not be many. Of course, we, like other members of the Australian community, have other things on our plate and have other things to do. We need time. How on earth you can expect the folk of Australia to have done in a week what we have not yet been able to do is beyond me.

There is a second practical issue which I have alluded to in those remarks—that is, the issue of senators having the time to properly review and to make recommendations. Of course people have already taken sides. Of course they have taken a broad view on the overall intent or impact of the legislation. But that does not mean to say that their minds will be closed to ameliorating, amending or reviewing legislation. When you think of the over 1,500 bills that have been passed in the Howard government’s lifetime, of which I think about a third have been amended, it is obvious that, with the exception of those amendments which were forced on the government by virtue of numbers, the government themselves have recognised that legislation is not perfectly drafted. I do not know about you, Madam Acting Deputy President, but I have not met any perfect beings or saints in the parliament. People do make mistakes when drafting legislation and when preparing complex bills. The fact that hordes and teams of lawyers were involved in the background in designing this does not comfort me at all, because you only have to watch a crowd of lawyers in a court and hear
them argue over the minutiae of matters to realise that their opinions are as varied as the birds in the forest.

There is that practical difficulty that, if we do not have time to get across these bills, we are going to end up being unable to review them and improve them in the manner we should. You might think that we have enough time before the hearings start next week but, for instance, just speaking for myself, there are 28 bills to be dealt with on the legislative program for this week, 10 of which I have specific responsibility for. So, for 10 of those, I must read the Bills Digest, have a look through the explanatory memoranda, have a look through the legislation and come to grips with the essential measures. They vary between the Australian Workplace Safety Standards Bill, the tax laws amendment bills Nos 4 and 5, the telecommunications interception bills, the Tax Laws Amendment (Loss Recoupment Rules and Other Measures) Bill, the Trade Practices Amendment (Personal Injuries and Death) Bill, the Superannuation Legislation Amendment (Superannuation Safety and Other Measures) Bill and the Corporations Amendment Bill. That is my job, but the fact is that doing that job and being busy at that means that I cannot be doing the other work, which is the committee work and the review of those matters which I have to address next week. And, if we get large numbers of submissions, we have to read through those and come to a view.

So what has Senator George Campbell proposed? Well, actually, he has proposed a really pathetic motion. It is really, really pathetic, Senator Campbell, because, as you know, an extra six days will be helpful but will not save us; it will merely improve the time. But he has been forced to take that pathetic approach because the government insists that they have this bill through by December. Why by December? It beats me. Why not next February, in the first week of sitting, beats me. But, of course, Senator George Campbell has recognised reality and has moved something so eminently sensible that, at the most, he has given us a bit more time to address some of the areas.

We absolutely support his recommendation because, to return to the remarks I made earlier about letting the people be heard, he is putting the outrageous suggestion—the absolutely outrageous suggestion—that the Senate should travel to the capital cities of the states of this country. I am using sarcasm, of course, because what is more sensible than the idea of going to Perth, or to Hobart, when it is the Tasmanian state IR system and the Western Australian state IR system which are about to be taken over by this legislation?

So, Senator George Campbell, although I think you have been far too modest in your motion, it is, in fact, a considerable improvement on the constraints we are facing.

The difficulty I have when I look at how the committee is going to try and arrange its affairs is that I know the chair of the committee, Senator Troeth, to be a very decent, personable and capable senator, but I am absolutely sure she is marching to the government’s tune on all this. I have to ask: how on earth do you manage a set of hearings—including the ridiculous proposals to have a week-long set of roundtables—when you have got these sorts of players?

You might have very partisan supporters on the government side or on the non-government side. But, to anyone who has the absolute effrontery to tell me that the churches of Australia are either on one side or the other, I say that that is an outrageous suggestion, as it is to say so of the academics of this country, or the professionals of this country, or the little people—like carpenters who are independent contractors, or burger flippers, or IT consultants. They should all
have the opportunity to come before the Senate of Australia and express their views without being put in a box: ‘You are for me’ or ‘You are against me’. They might be for parts of the bill and against other parts of the bill. I would be very surprised if they were not. I would be very surprised if anybody in this chamber did not see some merits in some parts of the bill and dislike other parts.

Then there is the question of the state governments. I would expect very serious representations from the state governments of Australia. As everyone in this chamber knows, I am a supporter of a unitary system—but I sure as blazes do not want to proceed with a bill that is pushing forward a unitary system without hearing from the state governments concerned as to their views and how they regard matters.

There is the automatic assumption that the union movement is just at one with the Labor Party. I think that is a mistake. I think many unions have an entirely independent view of the Labor Party. In fact, as far as I am aware, and my colleagues in the Labor ranks can tell me, some unions are not even affiliated to the Labor Party. So it is a great mistake to put the unions in one box and to put all the employers in another box. I have had representations from senior officers of employer organisations who are absolutely opposed to this bill; they come and sit in my office and tell me that. But they are very afraid to go out there and say so. Nevertheless, they are likely to at least make some representations and provide some recognition of their thoughts on the bill.

I think that, if the Howard government wants to get dictatorial with the Senate, then at least it has got to be an effective, efficient, practical and capable dictatorship, because the way in which this Senate inquiry is going to be conducted sounds to me—and perhaps somebody with good sense will prevail—as if it is going to be inefficient, impractical, ineffective and counterproductive. In that sense, Senator George Campbell’s amendment to the inquiry motion will assist in providing for a much more practical outcome.

In conclusion, as I have reminded the chamber before, I suspect I am the longest-serving IR spokesperson in the country—certainly, I am in the Senate and the House at present. I am not sure I should wear that as a badge of honour, having had nearly 10 years at this. It makes me experienced, but it does not make me expert—and I can assure you that I am finding this legislation complex. I do not find the intent or the broad picture difficult to understand, but I do find the actual legislative content complex. And I am used to dealing with very complex matters—I handle taxation and finance for my party, and that is extremely complex.

I really want to put on the record for the Democrats our dismay at the process. This Senate has had a century of working out how well to deal with Senate inquiries, how well to deal with witnesses and how well to deal with adversarial circumstances or highly politically charged issues. The outcome invariably reflects well on the Senate. There has been the odd occasion when you might be a little dismayed one way or the other but, in committee, the senators work things through and you get a pretty good outcome, even where there are high passions.

I fear that this process will not allow for the outcome that is necessary, which is a proper objective review of the legislation from a secretariat point of view and then a political appraisal added to that by the various members of the committee. So I am distressed about the committee process. I am distressed about governmental attitudes. I am extremely concerned about the way in which the inquiry looks as if it is going to run and, despite the fact that I have described them as
small improvements that Senator Campbell has been able to put forward, I am strongly supportive of them because they at least allow us a little more leeway and a little more opportunity to hear from those who are most concerned.

Senator SIEWERT (Western Australia) (5.39 pm)—It is a great shame that we are having to take up so much time in the Senate to debate a six-day extension, to debate whether we should be looking at unfair dismissal arrangements and to debate whether we should travel to other cities. To me, it just seems like plain commonsense. It seems that we are showing a lack of respect to the Australian community in not having a full, open, decent inquiry into these far-reaching changes to our industrial relations system—changes that the government itself calls evolutionary and the most major and significant changes to the industrial relations system in this country. If they are so evolutionary, so important and so good, surely the government cannot be afraid to have a decent inquiry that is open and that lets people come and explain the effects they think these changes will have.

These changes are going to have profound implications for all the workers in this country and their families, and people are going to want to speak about them. But not only are workers going to want to speak about them; unions, of course, are going to want to speak about them, academics are going to want to speak about them and people who are about to enter the workforce, the young people of this country, are going to want to speak about them, because the young people of this country are going to be significantly impacted by these changes. Women are going to be significantly impacted by these changes. We know from the Western Australian experience that the gender pay gap between men and women increased significantly when similar changes were introduced into Western Australia. We need to hear what people think about them.

I keep asking for this to be explained: how are these changes linked to an increase in productivity? Nobody has been able to satisfactorily explain that to date and I would really like to examine that in this committee. I would like to hear the evidence. I would like us to be able to consider it. If it is positive, that is good, but so far I have not heard about it. I would also like to be able to look at the implications for safety and what impact moving to more individual agreements will have on safety, because I am deeply concerned that it will have a significant impact. I would like the time to look at that.

I also believe that the implications for minimum wages are significant. What impact is that going to have? What impact will there be on the award system? Getting to the bottom of this complex legislation will take a significant period of time. Like Senator Murray, I have not had the time to read the whole 687 pages of this legislation. I agree: I doubt that anybody has. In fact, I know of several lawyers who are having trouble understanding this complex piece of legislation. They certainly have not had the time to do so in a week. A week—from when the legislation was tabled last week to when submissions are due tomorrow—is all they are getting to produce submissions, a week to digest and interpret 687 pages of extremely complex changes. Even if they get to put in a written submission, whether we actually get to hear their evidence is a moot point because at this stage all we are doing is taking evidence in Canberra. I would have thought it was imperative, given the fundamental changes in this legislation, that we travel around Australia and show Australians due respect by enabling them to present their comments to the committee. We should give them respect by hearing them.
I think it is particularly important that we go to Perth, where the introduction of individual contracts, the so-called reform of the industrial relations system, was tried in the nineties—a bad experiment that, thank goodness, has been largely reversed in Western Australia. But there are experiences to learn from there—for example, the impact on minimum wages. Very clearly the minimum wage went down in Western Australia. As I just mentioned, the gender pay gap significantly increased in Western Australia. There were implications for safety. These are all things that the committee should be hearing about. It is unfair to expect people to travel from Perth all the way over to Canberra to provide evidence to the committee. I do not believe that that is appropriate democracy in this country. I do not believe that that is giving people freedom of speech to be able to comment significantly on these proposals, because actually hearing from them in person and being able to question them and gain information that way is different from a written submission.

We also need to be looking at the implications of the right to strike. Again, the legislation is so complex that it is hard to work your way through it. The powers of the minister, the right of entry and redundancy are all significant issues, some of which I know we are not supposed to be considering under the terms of reference anymore. But all these are very important aspects that I know people are going to want to comment on, regardless of whether the committee thinks it can. I know these things are deeply concerning people because I have had hundreds of emails, dozens of phone calls and a number of letters about this. I know the community of Australia—particularly in Western Australia, where they have already lived through these changes—is deeply concerned.

Expanding the terms of reference to consider unfair dismissal arrangements is particularly important given the forewarning we had about this legislation containing an exemption from unfair dismissal rules for workplaces with fewer than 100 people. We were all getting hot under the collar about that. When you actually read the legislation that was tabled in parliament, I do not know why we were getting hot under the collar about workplaces with fewer than 100 workers being exempt from unfair dismissal provisions. If you read the legislation, it certainly seems like all employers have now been given the mandate to dismiss people and be exempt from unfair dismissal provisions. Businesses will be able to retrench and make redundant their workers for operational reasons which, as far as I am concerned, effectively means that employers can fire at will. All employers need to do is to assert they have needed to restructure their operations for economic and technical reasons and they will be able to fire at will. Workers really will not have much comeback; they will not have the right to claim unfair dismissal.

But, even if my interpretation of that is not correct, when we asked last week in estimates whether employers will be able to restructure their businesses so that each section employs fewer than 100 workers, we got a very unsatisfactory answer. It does not look like there are provisions to protect from that. So, any way you look at it, employees of this country will not have the right to protection from unfair dismissal. Even if employees who are sacked want to take action, they have to go through a means tested approach to apply for $4,000 merely to get advice on whether they have a case. Then, of course, they have to actually scrape up the funds to take a court case. Let us face it: if you have been sacked, you will inevitably be suffering from that. You will be under an awful lot of pressure—psychological pressure but also family pressure. You will be unemployed.
There is no way that people will have the resources to take court action.

These sorts of provisions are new. They should be considered. Again, it is showing the community respect by considering these things and letting people talk about them. It is showing respect to the community to extend this inquiry so that people around Australia can submit. It is not asking much for six extra days so that the committee can report on 28 November instead of 22 November. It is hardly going to matter to the government whether it is 22 or 28 November, but it matters an awful lot to the community, who will have extra time to make submissions and to be able to consider this legislation.

If this legislation is so good and so supported by the community, what is stopping the government having a truly accountable and open process of consultation? If they are so proud of these reforms, why are the government seeking to implement them in such a rush and attempting to exclude the broader community from this debate? If the government believe these changes are justified, they should have no fear of public debate. What is the government’s fear of public debate? Are they scared that they will actually get real information from real community members about the real impact on workers, the real impact on families, the real impact on the youth, women and Indigenous members of those communities?

So many of the advantages Australian workers now have compared to other countries have been achieved through collective bargaining and working together. The government are scared of hearing this information—that is the only reason I can fathom for why they do not want to have this bill exposed to full scrutiny and to hear from all members of the public. They should be prepared to have a series of open committee hearings around Australia to hear what the people of this country think about their changes. I support this motion although, like Senator Murray, I do not think it goes far enough. I think we should be given far more time to have a full and proper hearing into these changes, but I support at least this small step to try and expand the terms of reference for the committee so that all Australians get a chance to have input into this and to extend the time by just those six days. It is just six days we are asking for.

**Senator TROETH** (Victoria) (5.50 pm)—I move:

That the question be now put.

Question put.

The Senate divided. [5.55 pm]

(The President—Senator the Hon. Paul Calvert)

| Ayes............ | 34 |
| Noes............ | 32 |
| Majority........ | 2 |

**AYES**


**NOES**

Allison, L.F. Bishop, T.M. Brown, C.L. Carr, K.J. | Bartlett, A.J.J. Brown, B.J. Campbell, G. * Crossin, P.M. |
Question agreed to.

Question put:

That the motion (Senator George Campbell's) be agreed to.

A division having been called and the bells being rung—

Senator Chris Evans—Mr President, I raise a concern about the last division, in that the votes were recorded as 35 to 32. It is my understanding that all non-government senators voted against the movement of the gag by the government, yet the government claims to have had a three-vote majority on the vote. On my imperfect maths, that is not possible if the pairing arrangements were correct, and it seems to me that the vote was not recorded correctly. I think it would be unfair to represent that some other non-government senators had not opposed it. The government does have a majority, but it does not have the right to make up the numbers. While I concede we would have lost the vote, I object to it not being correctly recorded, so I raise with you whether the division was counted correctly.

The PRESIDENT—From time to time, mistakes are made. I understand the whip might explain that there was one extra member here who was not accounted for.

Senator McGauran—Yes. This matter was to be addressed immediately after the two divisions between the whips, as all errors are. What has occurred is that a paired senator from the government has turned up and has been mistakenly counted. But it can be adjusted and it will not have any effect on the outcome. That is the point I would have put to the whip afterwards.

The PRESIDENT—As is normal practice, the whips will sort out the discrepancy.

Senator Chris Evans—Can you inform me that the division will formally be recorded as 34 to 32?

The PRESIDENT—Correct.

Senator Chris Evans—Thank you.

The PRESIDENT—As a former whip knows, that is how it happens.

The Senate divided. [6.03 pm]

(The President—Senator the Hon. Paul Calvert)

Ayes............. 32
Noes............. 34
Majority........ 2

AYES

Allison, L.F. Bartlett, A.J.J.
Bishop, T.M. Brown, B.J.
Brown, C.L. Campbell, G.*
Carr, K.J. Crossin, P.M.
Evans, C.V. Faulkner, J.P.
Fielding, S. Forshaw, M.G.
Hogg, J.J. 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. Sherry, N.J.
Siewert, R. Stephens, U.
Sterle, G. Webber, R.
Wong, P. Wortley, D.
Senator CROSSIN (Northern Territory) (6.08 pm)—I, and also on behalf of Senator Milne and the Leader of the Australian Democrats, Senator Allison, move:

That the following bills be referred to the Employment, Workplace Relations and Education Legislation Committee for inquiry and report by 6 December 2005:

Commonwealth Radioactive Waste Management Bill 2005


In moving this motion, I understand that there is a government amendment, which I do not see circulated in this chamber. Perhaps that might be clarified for me at some stage.

This has been an incredibly disappointing process. If this is any indication of the way in which the nuclear waste dump in the Territory is going to be handled, Territorians need to be severely alert and alarmed about this government once again. I contacted the minister’s office last Thursday and suggested we have an inquiry into these two pieces of legislation. I remind the chamber that these two pieces of legislation seek to dump nuclear waste in the Northern Territory.

My understanding from the discussion with Minister Nelson’s office was that they might agree to an inquiry, but then we had further discussions about the reporting date. I had suggested a reporting date of next February or March. There are quite a few reasons for this. The first reason is this: the committee that will actually be sent this inquiry—if the government can ever make up its mind about what it is doing about this motion—is the Senate Employment, Workplace Relations and Education Legislation Committee, which is also the committee that will be dealing with the Work Choices inquiry next week. I understand, Madam Acting President Troeth, that you are the chair of that committee.

If this inquiry gets up, this will leave that committee about a week to go to places like Darwin, Katherine or Alice Springs, to take evidence here in Canberra and to formulate a report. So it is not an unreasonable request that perhaps it may well report next February or March. The reason we put forward that date relates to last week at estimates. In talking about the time line, I asked Dr Loy from ARPANSA if he had any guidelines that would assist ARPANSA in what they were looking for in order to grant the first licence.

* denotes teller

Question negatived.

COMMITTEES

Employment, Workplace Relations and Education Legislation Committee
Reference

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for this dump. The first licence is a licence to prepare the site. Dr Loy said:

What I am proposing to do is to bring that together in a regulatory guidance document that will describe the international guidance and indicate the areas in which I would want to be satisfied at each stage of the licence. I hope to bring that regulatory guidance material together in a draft in the next little while—before the end of the year—and to put it out for a period of public submission early into the new year.

The draft of the guidelines that will guide ARPANSA in what they will be looking for in order to prepare the site will not actually be circulated or finalised until the first half of next year.

These bills before the Senate give the Commonwealth ultimate power and authority to choose one of the three sites. There is no rush to do this. We could have an inquiry into these bills. We could report on the first sitting day of next February. The government can go ahead and choose the site, impose their will on Territorians and continue to lie to Territorians about what is happening with this dump. ARPANSA will produce their guidelines in mid-2006. Then the process of actually seeking a licence to prepare the site will proceed. There is no hurry to do this; there is absolutely no rush to do this.

This is in the context of a Prime Minister who said to the people in the Territory that he would treat the Territory no less than the states. This is also in the context of the member for Solomon saying that he would not stand by and watch a waste dump being placed in the Northern Territory. This is in the context of the senator for the Northern Territory, CLP Senator Scullion, saying, ‘Not on my watch,’ to the Northern Territory News. Not on his watch would a waste dump be put in the Northern Territory. We have had three members of this government not be honest with the people of the Territory, mislead Territorians and seek to railroad legislation through this parliament that imposes a dump in the Territory against the will of the people and against the will of the traditional owners in Central Australia, who have been here in this building for the last 24 hours. All we are seeking to do is have an inquiry into exactly what the intent of this legislation is when you seek to bypass the Native Title Act, bypass the Aboriginal Land Act, bypass the EPC Act and bypass the judicial review act. All we want to do is have a look at that and ask: ‘What does it mean for the stakeholders in the Territory, for Territorians, for the Northern Territory government and for the processes here?’

We are very reluctantly seeking to accommodate the government’s wishes and report by Christmas instead of February next year. My motion, in conjunction with Senator Milne and Senator Allison, has suggested a reporting date of Tuesday, 6 December, which still gives us two days in order to consider the legislation in this chamber before Christmas. That is not an unreasonable request.

I still do not have an amendment before me, so I am not entirely sure if such an amendment on behalf of the government actually exists now. I am not sure whether we are debating 6 December as the reporting date or 29 November as the reporting date. If someone would even care to take up the minister’s spot on the front bench and reply to my request, that would certainly be appreciated. But that shows the absolute contempt from this government in relation to this bill. The traditional owners from Alice Springs have been in this building for the last 24 hours and they cannot even get a meeting with Minister Nelson on this issue. Minister Nelson would not even give them a meeting, yet he is the very minister responsible for this dump and he is responsible for wanting to dump it on the land of these traditional owners. And now there is no-one to even tell
me if there is an amendment circulating in this chamber that changes the reporting date.

This is an appalling process. This is an example of the kind of process that we are going to have to put up with in the Territory while we take this dump through never-ending hoops and loopholes in order to try and work out exactly what this government is doing in relation to this dump. This process is a shambles—an absolute shambles. Someone said to me before, ‘Are you going to push for 6 December?’ We have tried to accommodate this government by conceding that we will report before Christmas. We have tried to accommodate this government by ringing the minister’s office first and asking if it was possible to have an inquiry rather than just coming in here and moving a motion. We have sought to do it cooperatively, but we do not get any cooperation in return. Someone asked, ‘Are you actually going to push for a division on the 6 December reporting date?’ Probably not, and the reason is that no-one can rely on the vote of Senator Scullion in relation to this dump. We would actually like to push for the 6 December reporting date, but I do not have any faith in his sitting on this side of the chamber and supporting me on a 6 December time line. Why is that? Because he has rolled over and had his belly scratched and tickled by members of the government.

Senator Ferguson interjecting—

Senator CROSSIN—You are right, Senator Ferguson; you can rely on his vote. But at the end of the day, he is not answerable to your allegiance. He has allegiance to the people in the Northern Territory. People in the Territory are not happy about these bills. We have brought down 9,000 signatures to this Parliament House this week. People in the Territory would like the Senate to actually have a long, hard look at this legislation. We are now going to get less than three weeks; we were asking for four weeks. We would rather have four months, and I do not actually believe that that would have been an unreasonable time line. The people in the Territory will know that this is legislation that is going to be steamrolled through this chamber and this parliament, just like the dump is going to be steamrolled on Territorians at the end of the day. People will know that this is a government that wants a contracted and restricted inquiry into this legislation, rather than the weeks we were asking for. People will know that, at the end of the day, they cannot rely on Senator Scullion’s vote to even support them in having an inquiry into this matter. Let’s forget about the fact that he is totally not going to consider people’s wishes in the Territory and actually vote against this legislation. We are now just looking for some support to have a decent time line in order to report on this. This is extremely disappointing.

I still do not have an amendment. I assume that we are debating a reporting date of 6 December. If that is the case, I would urge the government to seriously consider 6 December. It is not an unreasonable time line. It actually does provide the Senate committee and the committee staff who are dealing with the report on the Work Choices legislation with a decent amount of time to deal with submissions in relation to this bill in the following week. It gives us an opportunity to hear from DEST, ANSTO or ARPANSA here in Canberra in the first week of sittings. We can report in the second week of sittings and you can still have the legislation rammed through the Senate and rammed through the parliament, and the dump placed in the Northern Territory well before Christmas, if that is the way you want to go. Bear in mind that people in the Territory are not happy about the legislation and they certainly will be extremely unhappy about this process. This process does not allow a full, open and
accountable inquiry into this matter. The fact that this government is not even prepared to concede an extra seven days is an absolute disgrace.

Senator FERGUSON (South Australia) (6.19 pm)—I want to respond briefly—

Senator Allison—Madam Acting Deputy President, on a point of order: there was a list of speakers circulated and I was next on the speaking list. I just remind you of that.

Senator FERGUSON—There is no list.

The ACTING DEPUTY PRESIDENT (Senator Troeth)—There is a list of speakers, Senator Allison. In that case, I will call you.

Senator Allison—Thank you very much.

Senator FERGUSON—I apologise to Senator Allison. I did not know there was a list. I was told that there was no list.

Senator ALLISON (Victoria—Leader of the Australian Democrats) (6.20 pm)—I remember the Prime Minister shortly after the last election assuring all Australians that the Senate would do its job in scrutinising legislation. A lot of people believed the Prime Minister when he said that and things looked good for a while. But as we see the pile-up of legislation and the refusal to allow the Senate to properly inquire into legislation, that must surely be resonating with the population and they must surely be saying, ‘The Prime Minister isn’t true to his word.’

It is ludicrous that we would have an announcement that this nuclear waste dump will be sited in the Northern Territory. I was actually involved in the original process more than 10 years ago to look at an appropriate site. In fact, it was much longer than 10 years ago. It took many years to identify what was a demographically and geographically suitable area to put this waste. I did not necessarily agree with the findings of that study because it has always been the Democrats’ view that we should have waste repositories in each state. But the government has chosen instead to locate this site as far away as possible from the eastern states and from the site of greatest production—that is, Lucas Heights.

I do not think there is any doubt that this dump will be for medium-level waste as well as for low-level waste, so we might as well talk about it in that sense. It is going to be as far away as possible from Melbourne and Sydney, and it is also in a part of Australia which was not identified as suitable by the study. I think it is reasonable for the Senate to have a proper inquiry which examines that. How come we have suddenly got a couple of sites being proposed, neither of which, as I understand it, were identified as suitable at the time of the study?

One of the reasons we need more than half a day in Canberra for an inquiry of this sort is just that: the site is almost as far away as it is possible to be—maybe the north of WA would be further—from Canberra. The committee needs to go out and allow the voice of those people who are directly affected by this proposal to be heard, unless, of course, the Senate is prepared to fund the travel for Indigenous Australians who are going to be most affected by this legislation and by the siting of this dump. Unless we are prepared to bring them here to Canberra so that they can tell us how they feel about this proposal, then this committee should travel. But next week, not only is this committee going to be looking at industrial relations legislation; almost every other committee is also flat out. I chair the mental health services inquiry, and it is going to be in the Gold Coast for a whole day. Almost every member of this place will be involved in inquiries in the next week.

It has been possible for me to cut out some appointments and speaking engage-
ments and to rearrange my affairs, but I can still only find a day—a day and a half at the most—and that is not going to be enough to get us to Darwin; it is not going to be enough to get us even to Alice Springs. Because of the flight arrangements it will be impossible for me, and I know that it will be impossible for other members of the committee too, because of the workload that they face. It is ridiculous that the government will not allow this inquiry to report on 6 December. That would at least allow us to find a couple of days to travel to these parts of Australia. (Quorum formed)

Debate interrupted.

Sitting suspended from 6.30 pm to 7.30 pm

(Quorum formed)

HIGHER EDUCATION LEGISLATION AMENDMENT (2005 BUDGET MEASURES) BILL 2005

Second Reading

Debate resumed.

Senator BOSWELL (Queensland—Leader of The Nationals in the Senate) (7.34 pm)—I am speaking in continuation on this very important piece of legislation, the Higher Education Legislation Amendment (2005 Budget Measures) Bill 2005. I was making the observation that the bill is a very important one for North Queensland, particularly the Atherton Tableland and JCU at Townsville. The bill provides a total of 100 new places for veterinary science and tropical agriculture, which will commence in 2006, rising to 274 places by 2009, at a cost of $13.9 million. The university will receive 50 new veterinary science places, and that is a wonderful addition not only to North Queensland but also to the very important beef industry, which Queensland represents 48 per cent of.

Senator McGauran—What about Victoria?

Senator BOSWELL—Senator McGauran says, ‘What about Victoria?’ Victoria might do some things well but it certainly does not grow beef in the quantity and of the quality that Queensland does. I know that may offend my Victorian colleagues, but nevertheless 48 per cent of Australia’s beef and veal production is a very significant figure.

There are another couple of issues that concern me at the moment. While speaking on the benefits of regional universities in our communities, I want to acknowledge the great work that they achieve. I would also like to touch on another issue relating to research in Australian universities. The Australian government is currently looking at the development of a research quality framework for assessing publicly funded research. The minister has established a 13-member expert advisory group to advise on this initiative. I welcome the development of a research quality framework that promotes research, but I have a concern. At the moment, $2.4 billion is going into research in the major universities and $700 million is going into research in regional universities in Australia. What concerns me and is starting to concern people in rural and regional Australia is that this balance may be upset by this new committee that has been appointed by Minister Brendan Nelson.

I have spoken to Mr Nelson and got his assurances that regional universities will not be affected. Some of them might get less and some of them might get more. There is concern amongst the regional universities that the balance of the funding may be tipped towards the major universities in the cities of Australia. A gentleman from the UK will be in charge of this new initiative that will promote research quality and impact. I do not
have any problem with that, but I do have a problem with the balance being tipped away from the regional universities. There are a great many R&D corporations, whether they be in the banana industry, the wheat industry or the water industry, that get their research done at these regional universities, and they are locked into that. These universities are local, they understand the local issues and they have worked with these R&D corporations over many years.

While I take the word of the minister, as a man that would not mislead, I certainly want to express the concerns that are being expressed to me by the R&D corporations and some of the regional universities. As I said, I support excellence but I do not support the development of a research quality framework that might in reality work as a mechanism to concentrate all research in a small number of institutions. Large metropolitan universities have significant resources and are able to undertake large quantities of research. However, when it comes to public funding of research, it is important that we reward initiative and excellence in research rather than just quantity. The regional universities have a smaller resource base but show great quality and innovation in research that is having a real impact on the health of regional development. The diversity and quality of research being undertaken by small teams of researchers in these universities in cooperation with their communities is amazing, and the research is an absolutely vital component of our nation’s fine reputation for world-class research and development.

An example is a small research team at the University of Southern Queensland led by Professor Gerard Van Erp. He is working on the development and application of fibre composite materials in architecture, landscaping, buildings and civil engineering structures. He is doing it in partnership with one of the big industrial miners or quarriers up there, and they are doing a great job together. That sort of research lends itself to regional and rural Australia. Their research breakthroughs have received international acclaim, and the team is now widely recognised as one of Australia’s leading research and development groups in civil and structural engineering.

Another group of people that I will mention that does not come from one of the bigger universities is doing adult stem cell research at Griffith University. This university, as I have mentioned in the Senate, has developed groundbreaking research that is showing that adult stem cells harvested from the human nose have advantages over embryonic stem cells. That is not one of the top universities in Australia. It is not a Sydney or Melbourne university. It is a university in Brisbane, and it is doing astounding work.

What worries me about this proposal is that some of these smaller universities may lose some of their funding and there may be subjective judging of who does what and the quality. I spoke to the minister today and raised the issues with him, and I will get a further briefing. I think it is beholden on me to bring these issues up in this place and take them up with him. We have to ensure that, in developing a research quality framework, research programs such as the ones I have just mentioned are not in any way disadvantaged. To develop a model that did not recognise the importance of niche research that is undertaken in regional universities would place at serious risk our nation’s reputation for innovation and significantly affect regional development.

I applaud, as I have said before, the minister’s initiative to develop a research quality framework, and I make it clear at this stage that it will receive my support. I understand that the minister is putting more funding into research and development in universities. I
just ask that he be aware of the nervousness that is out there in regional and rural universities. They are niche marketers, they accommodate rural and regional research and they do an excellent job, and I would hate to see their achievements being lost in the huge universities of Sydney and Melbourne. I will certainly support this bill, because it gives great advantages, as Senator Ian Macdonald would know, to the regional universities, particularly JCU in Townsville, and it also gives a big leg-up to the university campuses in Cairns and on the Atherton Tableland.

Senator IAN MACDONALD (Queensland—Minister for Fisheries, Forestry and Conservation) (7.44 pm)—I understand that concludes the debate on the second reading of the Higher Education Legislation Amendment (2005 Budget Measures) Bill 2005, and we will deal with Senator Stott Despoja’s second reading amendment. Before we do, I thank all senators who have contributed to the debate. Can I say how delighted I am to be representing the Minister for Education, Science and Training, Dr Nelson, here in guiding this bill, hopefully, through the Senate, because it is a bill that deals with the University of Western Sydney and, perhaps more fortuitously, the James Cook University in Townsville. Townsville is the place where I have my electorate office and is in the region where I live.

I am delighted that this bill puts into place a commitment the Prime Minister made—at the urging of the federal member for Herbert, Mr Lindsay—before the last election, to a new veterinary science and agriculture school at James Cook University’s Townsville campus. We agreed to provide some $12 million to that. In recognition of the importance of the study of tropical sciences, the government is providing $26 million to James Cook University to fund teaching and research in veterinary science and tropical agriculture. As Senator Boswell has mentioned, this will certainly help the campuses of James Cook University in Townsville, Cairns and elsewhere in North Queensland where James Cook University has spread its wings.

The bill will fund new courses in veterinary science and tropical agriculture. It will establish a new undergraduate degree program and provide 50 new places for the course, including studies in the prevention and early detection of diseases in livestock. We do have a shortage of veterinary scientists and veterinarians around Australia at the present time. Indeed, I understand there is a worldwide shortage. This bill in another part in the Howard government’s movement forward in trying to ensure that Australia is well served by doctors, veterinary scientists and all of those professions where there is a shortage of skills at the present time. These 50 new places for an undergraduate degree program in tropical agriculture will give graduates expertise in tropical plants and exposure to research in vital agricultural areas such as sugarcane production. Again, it is very important to that part of the world from which I come.

The 100 new places in veterinary science and tropical agriculture will commence next year, and by 2009 the number of undergraduate places will rise to 274, at a cost of some $13.9 million. As we have seen elsewhere, new diseases can have devastating consequences across the nation, affecting both rural and urban communities. We must take steps to place Australia to the forefront of cutting-edge research to avert those disasters in Australia. These new undergraduate degrees will provide Australia with expert understanding in the fields of tropical animal diseases and tropical agriculture, which are, as I said, so very vital to Australia’s national interests and prosperity.
Breakthroughs in the knowledge of plants that thrive in a tropical climate can boost crop production and improve the livelihoods of many Australians, particularly those in rural and regional communities. This will be of great assistance to the area where I live in the Lower Burdekin and indeed to all of the rural and regional communities across the north of Australia. It is another indication of the Howard government’s interest in the north of our country and how we are prepared not just to have an interest but to put money and actual work behind that interest—in this instance, by funding James Cook University. This additional funding to James Cook University reflects our recognition of the unique contribution regional and higher education institutions like James Cook University make to their local communities, particularly for students from rural and regional areas, and, as I said, the contribution they make to our national prosperity.

James Cook University is very well led by Professor Bernard Moulden, the vice-chancellor, and I congratulate him and his team on guiding this initiative through. I also congratulate the member for Herbert, Peter Lindsay, on his undying support for this university, which has resulted in this additional money. I should also mention Mr Warren Entsch, the member for Leichhardt, who is based in Cairns, for his contribution to getting the federal government to provide this additional support for James Cook University. It is a great university. It does great things. At the current time it even has a student union that is led by a Young Liberal—a very prominent young lady, Jessica Weber. A lot of prominent people have also just recently been elected to the James Cook University council, like Mr Ryan Haddrick—one of those who have a very keen interest in their alma mater. All of those young people coming on and helping this university will ensure that it does in the future continue to provide a great service for Australia generally but particularly for the people of the north. I perhaps should apologise for spending a lot of my time talking about James Cook University, but I am so proud of that university and the great things that it does up in North Queensland.

There is another element to the bill, and that concerns the University of Western Sydney. Again, this bill is really part of the government’s very strong commitment to improving educational options and opportunities in the west of Sydney. This bill will put some $25 million into new capital infrastructure—funding to boost teaching, research and other facilities for students over the next three years. Seven million dollars is going to be provided for the development of a medical training facility at the Campbelltown campus to complement the university’s proposed new medical school, to which the government has committed some $18 million in the 2004-05 budget. Two million dollars is going to be provided for an upgrade of research and training facilities at the Hawkesbury campus, including the installation of a confocal multiphoton fluorescence microscope system. This funding will enhance the delivery of agriculture courses, furthering the university’s long history of agricultural education in the Hawkesbury. Again, it demonstrates the Howard government’s keen commitment to rural and regional Australia and to the industries which provide so much in the way of economic growth for Australia through its agricultural industries.

Nine million dollars is going to be provided for the establishment of a new building for teaching at the university’s Parramatta campus, and $7 million is going to assist in the construction of a new library at the university’s Penrith campus. By introducing the amendments to bring forward this funding—and they will come up in the committee stage—the government is demonstrating that
it is prepared to be flexible in the way that it funds these important projects and to ensure that the funding is delivered in a way that best suits university needs. These initiatives do reflect the Australian government’s ongoing commitment to building better community facilities and providing improved education opportunities for the people of Western Sydney. The University of Western Sydney puts the people of Western Sydney at the heart of its mission. Again I thank the Liberal members from the west of Sydney who have been very strong advocates for this additional funding and in fact for bringing forward this funding as well. The university has set itself the aim that, over the next 10 years, its teaching facilities and practices, research activities, student experiences and community engagement will rank amongst the best in Australia.

Finally, this bill will amend the maximum funding amounts under the Higher Education Support Act and the maximum amounts for transition funding under the Higher Education Funding Act 1988 to reflect indexation increases. The bill will also enhance the quality of higher education systems and the choices available to students. It does indeed reflect our government’s strong commitment to ensuring that universities continue to play a vital role in Australia’s economic, cultural and social development.

Senator Stott Despoja has moved a second reading amendment suggesting that the indexation arrangements for the higher education sector are inadequate. That is of course refuted. The government has conducted a review of indexation arrangements in higher education which found that there is no reason to change the current indexation arrangements, given the strong financial health of the sector, its enhanced scope to generate and retain revenue and recent funding increases.

Between 1996 and 2003, university revenue grew by over 50 per cent to just under $11.9 billion. Wage costs have increased by 28 per cent. Student places have increased by 33 per cent, with most of the growth being places for overseas fee-paying students. Since the review was published, we now have 2004 revenue data which shows that, between 1996 and 2004, the total revenue available to higher education institutions from all sources grew to $13 billion—a 65 per cent increase on 1996 levels, when this government took office. I think those facts clearly refute Senator Stott Despoja’s second reading amendment. She also made reference to the New South Wales Auditor-General’s report which makes it clear that all 10 New South Wales universities have positive total net asset positions, meaning their assets far exceed their debts and other liabilities. This is a pretty good news story. I thank all senators for their support for the underlying goals and the principles of the legislation, and I look forward to its passage through the Senate this evening.

Senator STEPHENS (New South Wales) (7.57 pm)—by leave—I want to briefly make the point that, while Labor support the sentiment of the amendment proposed by the Democrats, we are not able to support the actual content of the amendment, simply because of the figures that are there. However, the argument is something that we have debated in the second reading debate. I just wanted to put it on the record that we are certainly supportive of the sentiment.

Question negatived.

Senator Bartlett—Mr Acting Deputy President, I rise on a point of order. By way of indicating how constructive we are in saving the government time by not organising to have a division on that, I simply note our sole voice in support of that amendment.
The ACTING DEPUTY PRESIDENT  
(Senator Marshall)—There is no point of order.  
Original question agreed to.  
Bill read a second time.  

In Committee  
Bill—by leave—taken as a whole.  

Senator IAN MACDONALD (Queensland—Minister for Fisheries, Forestry and Conservation) (7.59 pm)—I table a revised supplementary explanatory memorandum relating to government amendments to be moved to this bill. I understand the memorandum was circulated in the chamber on 7 November. I seek leave for all three government amendments to be taken together.  

Leave granted.  

Senator IAN MACDONALD—I move the following government amendments that were circulated in the chamber yesterday:  

(1) Schedule 1, item 2, page 3 (table item 2, 3rd column), omit “$1,708,574,000”, substitute “$1,711,574,000”.  

(2) Schedule 1, item 2, page 3 (table item 3, 3rd column), omit “$1,671,190,000”, substitute “$1,673,153,000”.  

(3) Schedule 1, item 2, page 3 (table item 4, 3rd column), omit “$1,685,437,000”, substitute “$1,680,474,000”.  

Question agreed to.  

Senator STEPHENS (New South Wales) (8.00 pm)—I move the following amendment on behalf of the opposition and the Australian Democrats:  

(1) Page 2 (after line 2), after clause 3, insert:  

4 Accountability for advertising expenditure  

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

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

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

(a) the purpose and nature of the project; and  

(b) the intended recipients of the information to be communicated by the project; and  

(c) who authorised the project; and  

(d) the manner in which the project is to be carried out; and  

(e) who is to carry out the project; and  

(f) whether the project is to be carried out under a contract; and  

(g) whether such contract was let by tender; and  

(h) the estimated or contracted cost of the project; and  

(i) whether every part of the project conforms with the Audit and JCPAA guidelines; and  

(j) if the project in any part does not conform with those guidelines, the extent of, and reasons for, the non-conformity.  


Senator IAN MACDONALD (Queensland—Minister for Fisheries, Forestry and Conservation) (8.02 pm)—I indicate that the government will not be supporting the opposition’s amendment to this bill. I understand
that this is a regular, routine amendment that the opposition is introducing to all bills these days. It is the government’s view that there are adequate accountability mechanisms in place for government advertising. Any advertising for higher education is certainly conducted in accordance with the processes established by the Government Communications Unit in the Department of the Prime Minister and Cabinet and the Ministerial Committee on Government Communications. Any expenditure that is for advertising campaigns is allocated in the usual way through the budget processes. There is a need at times, so far as universities are concerned—a very genuine need—to be involved in advertising many things, and this particular amendment would certainly curtail proper advertising of many of the good stories and important things that need to be related to the public about universities and universities’ funding. So we will be opposing the amendment.

Senator BARTLETT (Queensland) (8.04 pm)—The Democrats support the amendment; not surprisingly, given that it is moved jointly in our name. Senator Stephens outlined the arguments in favour of it briefly and concisely but well. I realise the minister is just filling in here, as it were, and saying what he is instructed to say but, given that this amendment is moved regularly now to a range of pieces of legislation, it is important to clarify what it is about. It would not curtail proper advertising, as suggested—indeed, what it would do is ensure proper advertising. It would ensure that only proper advertising occurred, by putting in place a clearer accountability mechanism with regard to any advertising that was done.

To clarify what is in the amendment: it requires that, where there is any advertising project in relation to any matters or programs arising out of the higher education act that is greater than $100,000, a statement must be presented to the President of the Senate indicating a range of matters in relation to the proposed advertising project. It refers specifically to the Joint Committee of Public Accounts and Audit guidelines set out in the report of the Auditor-General.

So all it does is require a statement to be presented in relation to any advertising. In part, that statement is required to detail whether or not it conforms with the audit guidelines, as detailed by the Auditor-General. So, indeed, it would even allow inappropriate advertising—such as the grotesque theft of public money in the multimillions of dollars by the government that has occurred in recent times with regard to workplace relations. That, of course, has simply been promoting the Liberal Party’s political policy in the area, rather than anything else. But even this amendment would not prohibit that; it would just require a statement to be presented with regard to it, which would be required to note that such advertising is not in accordance with the guidelines set down in the Auditor-General’s report, quite a number of years ago now.

So it is simply wrong to say that it would curtail advertising of any sort, even improper advertising. It is an accountability mechanism. I can understand why the government do not support accountability mechanisms, because that simply throws a spotlight on the grotesque theft of public money that they are doing more and more brazenly in recent times, and the corrupt conduct involved with that. But it is pleasing to note that the Labor Party are supportive of amendments along these lines. It is a mechanism, I would suggest, that does provide a greater probability that, when the day comes when Labor do get back into government, they will not simply go down the same path that the current government are going down in this regard. It will also, hopefully, exert a bit of extra moral pressure on some of the state Labor govern-
ments that do not measure up on this issue quite as well as they should.

Question put:

That the amendment ([Senator Stephens’s]) be agreed to.

The committee divided. [8.12 pm]

(The Chairman—Senator JJ Hogg)

Ay e s ............. 31
Noes ............. 34
Majority .......... 3

AYES

Allison, L.F. Bartlett, A.J.J.
Bishop, T.M. Brown, B.J.
Brown, C.L. Campbell, G.
Conroy, S.M. Crossin, P.M.
Faulkner, J.P. Fielding, S.
Forshaw, M.G. Hogg, J.J.
Hutchins, S.P. Kirk, L.
Ludwig, J.W. Lundy, K.A.
Marshall, G. McEwen, A.
McLucas, J.E. Milne, C.
Moore, C. Nettle, K.
Nettle, K. Nettle, K.
Sherry, N.J. Sherry, N.J.
Stephens, U. Sterle, G.
Webber, R. * Webber, R. *
Wortley, D. Wortley, D.

NOES

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

* denotes teller

Question negatived.

Bill, as amended, agreed to.

Bill reported with amendments; report adopted.

Third Reading

Senator IAN MACDONALD (Queensland—Minister for Fisheries, Forestry and Conservation) (8.16 pm)—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

AUSTRALIAN WORKPLACE SAFETY STANDARDS BILL 2005

NATIONAL OCCUPATIONAL HEALTH AND SAFETY COMMISSION (REPEAL, CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 2005

Second Reading

Debate resumed from 18 August, on motion by Senator Minchin:

That these bills be now read a second time.

Senator WONG (South Australia) (8.16 pm)—I rise to speak on the two bills before the chamber: the Australian Workplace Safety Standards Bill 2005, and the National Occupational Health and Safety Commission (Repeal, Consequential and Transitional Provisions) Bill 2005, which involves the repeal or abolition of the National Occupational Health and Safety Commission, which I will refer to as the NOHSC. These two bills are inextricably linked and, as a consequence, Labor have no objection to there being a cognate debate on them. I want to make it
clear from the outset, however, that Labor support the legislative underpinning to develop and declare occupational health and safety codes and standards but we are opposed to the abolition of the National Occupational Health and Safety Commission. As a consequence of that position, we will be supporting the Australian Workplace Safety Standards Bill 2005 but opposing the National Occupational Health and Safety Commission (Repeal, Consequential and Transitional Provisions) Bill 2005.

We adopt that position for a number of reasons. First, the NOHSC bill seeks to abolish the tripartite National Occupational Health and Safety Commission, the NOHSC, and replace it with the Australian Safety and Compensation Council, the ASCC. Secondly, the Australian Workplace Safety Standards Bill 2005 seeks to enshrine in legislation the power of the Australian Safety and Compensation Council to develop occupational health and safety standards and codes once the National Occupational Health and Safety Commission is abolished.

Regrettably, Australia continues to have an extremely poor record with respect to work related death, injury and illness. It is estimated that there are around 3,000 work related deaths in Australia each year. Work causes more fatalities than the national road toll. In 2002 road fatalities numbered more than 1,700 deaths. To think that Australia’s workplaces have a higher fatality incidence than our roads is truly appalling in modern Australia. When one breaks these figures down, the true gravity of the situation becomes even more apparent. Nearly 450 of those work related deaths, an average of nearly 10 per week, are the result of a traumatic incident at work, including work related road deaths, and a further 150 deaths occur while working Australians are travelling to or from work. Another 200 people who are bystanders die each year as a result of someone else’s work activity.

In 1996, National Occupational Health and Safety Commission researchers arrived at a conservative estimate that at least 2,300 people died each year in this country as a result of work related exposure to chemicals. This does not reflect the current extent of death from occupational disease. In the near future, this figure may rise due to the expected increase in asbestos related deaths, a tragedy that for many decades has continued its macabre assault on working Australians, particularly through the Wittenoom disaster and the James Hardie disgrace. Australia has the highest incidence of asbestos related disease in the developed world. The incidence in Australia has been rising steeply since 1970. It is estimated that the total number of asbestos related deaths will reach at least 40,000 and perhaps as many as 60,000 by the year 2020.

More broadly, approximately 480,000 Australian employees experience a work related injury or illness each year. That translates to approximately 2.8 million Australians suffering from work related long-term health conditions. Each year there are around 140,000 compensated work related injuries resulting in an absence from work of one or more weeks. In comparison, excluding New South Wales, for which relevant data is not available, there are around 13,500 road accidents involving casualties each year in Australia. If one turns to the compensation paid to workers suffering as a result of workplace injury, unfortunately only around 40 per cent of all employees who experience and suffer from work related injury or illness receive some form of compensation. This, of course, has an enormous deleterious cost to our social and economic bottom line.

It has been estimated that the cost to the economy exceeds $20 billion per annum.
should be borne in mind that this figure, of course, does not take account of the social cost: the trauma and personal suffering of the victims and their families. Most responsibility for the implementation of occupational health and safety legislation standards and codes of practice is exercised by state and territory governments. The Commonwealth’s involvement is through the National Occupational Health and Safety Commission, the Workplace Relations Ministerial Council and, in its role as an employer, the Commonwealth Safety Rehabilitation and Compensation Commission.

In 1985, Labor established the National Occupational Health and Safety Commission through the National Occupational Health and Safety Commission Act 1985. As a consequence, that commission has been in operation for about 20 years. The commission is not just a Commonwealth body; it is Australia’s national body when it comes to occupational health and safety. It leads and coordinates our national effort to prevent workplace death, injury and disease in this country. The commission is a tripartite statutory body with 18 members, including representatives of the Commonwealth, state and territory governments, the Australian Council of Trade Unions and the Australian Chamber of Commerce and Industry, which are the formal representatives of employers and employees.

The commission is not a regulatory authority and neither makes nor enforces law. Largely, it has been responsible for producing key national standards as a model for laws in each Australian jurisdiction to help to achieve nationally consistent regulation; providing occupational health and safety statistics and ensuring that health and safety issues are included in training courses for employees in Australian industry; providing practical guidance to solving occupational health and safety problems and issues; and setting the national occupational health and safety research agenda.

Because the commission does not make nor implement occupational health and safety legislation, each jurisdiction in this country may take up and amend commission documents or standards to suit its own regulatory process. This can and has resulted in differences in the way legislation has been implemented in individual states and territories, and has led in more recent times to arguments for the harmonisation of health and safety legislation and regulation throughout the Commonwealth.

The principal goal in establishing the commission in 1985 was to reduce the unacceptably high national record of occupational death, injury and illness. In doing so, the commission sought to develop an awareness of issues relevant to occupational health and safety matters amongst the community and to facilitate public debate and discussion on these issues.

A key element of the commission is its tripartite nature. We on this side of the chamber believe tripartism is one of the most positive ways of working within Australia’s constitutional framework when it comes to employment matters. The commission structure ensures that the principal representative parties involved in occupational health and safety—mainly governments, employers and employees—develop a close working relationship and understanding of each other’s points of view and a commitment to common goals. Under the existing tripartite structure of the NOHSC, the Commonwealth and state governments have clear and distinct roles and responsibilities in occupational health and safety matters.

Since 1991, through its tripartite committees and working groups, the commission has declared seven priority national standards and codes of practice covering a range of
workplace health and safety hazards. These have not always been adopted in a nationally consistent way in state and territory legislation. However, the fact that priority national standards and codes of practice have been declared is testimony to the utility and success of the commission.

In 1997, under the Howard government’s direction, the National Occupational Health and Safety Commission reduced its activity with regard to the development of national standards and codes of practice, despite the fact that there are a range of hazards still to be addressed in the areas of working hours, stress and bullying. The commission has been reluctant to take national action on these important issues. Can I also note the reduction in funding, both in absolute and real terms, since the Howard government came to power in 1996. In that financial year, funding for the commission was $19.78 million; in 2004-05, it was just over $15 million. This has led to the virtual cessation of National Occupational Health and Safety Commission financial support for important occupational health and safety research.

Some workplace hazards have the potential to cause so much injury or disease that specific regulations or codes of practice are warranted. These regulations and codes adopted under state and territory principal occupational health and safety legislation spell out the duties of particular groups of people in controlling the risks associated with specific hazards. These regulations are clearly legally enforceable. Codes of practice provide advice on how to meet regulatory requirements. Although the codes may not be legally enforceable, they can be used in courts as evidence that these legal requirements have or have not been met. The national commission sets occupational health and safety standards for hazards common to many industries and workplaces across Australia. These standards do not become law until they are adopted as regulations in each of the states and territories.

In March 2004, the Productivity Commission reported on its inquiry into national workers compensation and occupational health and safety frameworks. That report did primarily focus on workers compensation rather than occupational health and safety. However, the commission found that national uniformity in OH&S regulation ought be a priority—a reference to the harmonisation approach to which I referred earlier. The Productivity Commission recommended that the National Occupational Health and Safety Commission be reformed. It did not recommend that it be abolished.

It also recommended clear specification of the objective of achieving uniform national occupational health and safety legislation and regulation in all jurisdictions in the NOHSC enabling legislation. It further recommended agreement by all jurisdictions to adopt, without variation, the legislation and regulations proposed by the NOHSC and approved by the council. It recommended further that the commission have the ability to appoint advisory bodies, noting the importance of consulting with employers, unions and all jurisdictions; there be specified timetables for council review of proposals from the commission similar to those applying in relation to food standards, with the process to be prescribed in the legislation; and funding of the NOHSC be shared by the jurisdictions, together with a commitment to funding the research and data collection necessary to ensure the development of a best practice national occupational health and safety system.

The Howard government’s response to the Productivity Commission’s inquiry is to abolish the National Occupational Health and Safety Commission and replace it with the proposed Australian Safety and Compen-
sation Council, the ASCC. The Minister for Employment and Workplace Relations announced in May 2004 that the government would maintain current funding for this body. In other words, the current funding of the national commission would be applied to the proposed Safety and Compensation Council.

In relation to the bills before the chamber, as I said, one, the National Occupational Health and Safety Commission (Repeal, Consequential and Transitional Provisions) Bill 2005, provides for the abolition of the commission through repealing the 1985 National Occupational Health and Safety Commission Act. The bill also deals with the consequential and transitional matters arising from that repeal and from the enactment of the Australian Workplace Safety Standards Bill. Notably, the current standards and codes declared by the commission will be taken to have been declared by the ASCC—that is, by the body the government wishes to replace the commission with. As the minister indicated in his second reading speech, the bill also preserves the effect of any public consultations that are under way and allows for these to be treated as if they had been undertaken by the ASCC, the new council. The bill also transfers the national occupational health and safety strategy and associated business plan to the new body.

The Australian Safety and Compensation Council will be an advisory body only. The Australian Workplace Safety Standards Bill 2005, one of the cognate bills before the chamber, will enable the establishment of the council by administrative or executive action. The council is to be created executively rather than being underpinned by legislation. Labor is opposed to the downgrading of the status of the primary Commonwealth body responsible for national leadership in occupational health and safety matters. The council's functions will include the declaration of national standards and codes of practice relating to occupational health and safety. In addition, according to the minister, the council, as its title suggests, will establish a national approach to workers compensation.

After a range of representations from various stakeholders, the government has agreed to empower the council, through legislation, with the ability to declare national standards of codes of practice. This is to be achieved through the bill and is a measure of the bill which, clearly, the Labor Party supports. However, as I have said, we oppose the abolition of the commission. The Productivity Commission's report did not recommend the abolition of the commission. It recommended adding to the commission's role and specifying the objective of achieving uniform national occupational health and safety legislation and regulation in all jurisdictions within and throughout the Commonwealth. Labor believe that replacing this statutory body with one that is merely administrative and executive is a downgrading of the important role the Commonwealth should play in leadership for occupational health and safety.

In addition, the act which is to be repealed—the 1985 legislation to which I have referred—provided a very detailed list of functions of the commission. Those included: declaring national standards; formulating policies and strategies relating to occupational health and safety; making recommendations for action to state and territory governments; making recommendations in relation to compliance with international standards relating to occupational health and safety matters; reviewing laws and awards relating to occupational health and safety matters; evaluating policies, actions and laws made as a result of the commission's work; research into occupational health and safety; and providing educational, training and promotional programs on occupational health and safety issues. In part for these reasons,
Labor is opposed to the abolition of the commission.

Given that the government’s stated intention, as reflected by the bill, is to abolish the commission, Labor are pleased that the government has agreed to empower the new ASCC through legislation to be able to declare national standards of codes of practice. We are also pleased that the Australian Workplace Safety Standards Bill defines the ASCC as a tripartite body that represents the interests of governments, employers and employees. As a consequence, the opposition support the Australian Workplace Safety Standards Bill 2005. While we agree that it is important to address the recommendations the Productivity Commission made regarding workers compensation, to merely add this role—which is an important issue—to the body replacing the commission without providing additional resources means, in effect, that the government’s financial commitment to addressing the occupational health and safety of Australian employees will be substantially reduced.

Labor believes that ongoing national research into occupational health and safety, something severely compromised by the ongoing funding reductions to the commission in recent years, plays an ongoing important role in the identification and prevention of workplace death and injury in Australia. I refer the chamber to my comments earlier as to the number of Australians killed or injured in workplaces every year. The proposal to abolish the tripartite, statutory National Occupational Health and Safety Commission and replace it with an administratively created advisory body substantially downgrades the Commonwealth’s participation in an active role in occupational health and safety. Labor supports the development and the implementation of national occupational health and safety standards, and is committed to ensuring that there is a true tripartite forum at the national level with employer, employee, industry and union, and state and territory government representation. It is Labor’s very strong view that this is best effected by the continuing role of the National Occupational Health and Safety Commission. As a consequence, the opposition opposes the repeal bill.

Senator MURRAY (Western Australia) (8.34 pm)—I rise to speak on the Australian Workplace Safety Standards Bill 2005 and the National Occupational Health and Safety Commission (Repeal, Consequential and Transitional Provisions) Bill 2005, which are being dealt with cognately. The NOHSC was established in 1984 and the National Occupational Health and Safety Commission (Repeal, Consequential and Transitional Provisions) Bill 2005 implements the Australian government’s decision to abolish the NOHSC and replace it with the Australian Safety and Compensation Council. As I understand it, the council will be an advisory body which, through a partnership of governments, employers and employees, will lead and coordinate national efforts to workplace safety to prevent workplace death, injury and disease and to improve workers compensation arrangements and the rehabilitation and return to work of injured employees.

Neither of these bills provides for the establishment or setting up of the Australian Safety and Compensation Council. My understanding is that this is being done administratively. However, the Australian Workplace Safety Standards Bill 2005 provides the power for the new Australian Safety and Compensation Council to declare national standards or codes of practice in legislation.

Senator Ian Macdonald—It was a shame that it was interrupted. I was just getting interested.
Senator Murray—Thank you, Senator. I also understand that it was only after representations from stakeholders, in particular from the ACCI, the Australian Chamber of Commerce and Industry, and the ACTU, the Australian Council of Trade Unions, that the government agreed to provide the power to declare national standards or codes of practice in legislation. So lobbying does work.

The Democrats support a national approach to workplace safety and also support the government’s move for a national approach to workers compensation, and combining the two areas. However, we do not support the move away from an independent commission to an administrative body. The Democrats believe abolishing the National Occupational Health and Safety Commission is a downgrading of national occupational health and safety generally, and we think that it is unfortunate that, instead of strengthening and building upon the importance of the commission, as recommended by the Productivity Commission, the government has chosen to replace this tripartite body with an administrative council. Of course, the government will answer that the proof will be in the pudding, and I guess we will see what the outcome is in due course.

The Productivity Commission recommended that the National Occupational Health and Safety Commission be reformed, not abolished. It recommended adding to the commission’s role and specifying the objective of achieving uniform national occupational health and safety legislation and regulation in all jurisdictions within and throughout the Commonwealth in the National Occupational Health and Safety Commission Act. We are also concerned that the Australian Safety and Compensation Council will have less legislative strength and will be given responsibility in workers compensation without any consequent increase in the allocation of funds towards that body.

When the government came into power in 1996, it cut funding to the NOHSC and has made subsequent cuts. In 1995-96, funding for the National Occupational Health and Safety Commission was $19.78 million. In 2004-05 it was $15.023 million. Of course, if you want to calculate that in real terms, it is a very significant reduction, which is a great pity because, if you contrast the reduction and then compare it to the increase in employment of 1.7 million people since that date, you have a real decline in investment in this area which, as I said, is most unfortunate.

The ACTU estimate that current funding for the NOHSC amounts to 3c per Australian worker per week. Yet Australia continues to have a poor record with regard to work related death, injury and illness. A recent study by Access Economics estimated that there are 4,900 work related deaths—and ‘work related deaths’ means including from work related diseases—each year in Australia. This is higher than the national road toll—it is double. The Australian Bureau of Statistics reports that half a million Australians suffer work related injuries or illnesses each year. Approximately 2.8 million Australians have long-term work related conditions. It is also estimated that 3.9 million work related problems and 1.1 million new work related problems are handled each year by general practitioners. I do not know about other senators in the chamber, but the quantum of those figures surprised me. Therefore, the Democrats believe that more funding, not less, should be put into addressing work related death, injury and illness.

The Bills Digest notes that there has been criticism of the government’s strategy to abolish the National Occupational Health and Safety Commission, noting that the criticism focuses on the fact that the NOHSC’s replacement, the Australian Safety and Compensation Council, will not have the same...
legislative basis. Rather, the ASCC will be set up administratively as a creature of the executive. The Bills Digest notes that this could be an advantage as it can provide greater flexibility. The government could add functions and powers more quickly and with less bureaucracy. On the other hand, any changes to the ASCC powers and functions, apart from those proposed in the Australian Workplace Safety Standards Bill, will be made by the government and are not subject to the parliamentary scrutiny processes. It is this last point that the Democrats have greatest concern about.

The Democrats are alarmed by the increasing lack of transparency and accountability of this government. This trend is being exacerbated by abolishing statutory bodies and shifting responsibilities to departments and ministerial control. Openness, accountability, transparency and the public interest are essential principles and protections in a democracy. Statutory agencies play an important role in Australia’s democracy. Some of the reasons for creating statutory agencies are: where impartiality and expertise is required, for instance, the CSIRO and the Civil Aviation Safety Authority; where independence is needed and close association with any political party or interest is undesirable, such as the Reserve Bank or the Australian Electoral Commission; where the role of the agency is to monitor other government bodies, such as the Australian National Audit Office and the Inspector-General of Taxation; where an organisation must be seen to be controlled by non-government interests, such as the Aboriginal and Torres Strait Islander Commission, which is now defunct; to enforce regulation and competition policy, such as with the Australian Securities and Investments Commission and the National Competition Council; and where central government delegates activities to concentrate on policy development, such as the Australian National Training Authority.

The abolition of the NOHSC is not the only example of the government shifting more responsibilities to departments and ministers. In November 2002, the board of the Civil Aviation Safety Authority, CASA, was abolished, and Minister Hockey has announced further rationalisation of various boards covering agencies across government. Most recently, the Telstra sale package legislated for the minister, and not the independent ACCC, to oversee the implementation of Telstra’s operational separation model. This move will mean that the minister would be subject to lobbying by Australia’s second biggest company, and we think this is highly inappropriate given the monopolistic position Telstra still maintains.

The government are also proposing to reduce the role of the AIRC, the Australian Industrial Relations Commission, while simultaneously giving more power to the Office for Workplace Services in the Department of Employment and Workplace Relations—the Office of Workplace Services of course has the unfortunate acronym OWS.

This is happening in an environment where the government are also threatening to strip charities of their tax deductible status if they run anti-government campaigns during elections, and where they now have control of the parliament to do so. It is the control of parliament, specifically the Senate, where we are seeing the greatest abuses. Despite government’s assurance that they would not abuse their power and that the Senate would operate as normal and would not be prevented from performing its review and scrutiny role, the government are doing exactly the opposite. I cannot think of a clearer example of contempt for parliamentary process and contempt for democracy than the way the government are dealing with the review
of their IR package. The government have refused the establishment of reference inquiries, have cancelled hearings and have unilaterally changed sitting hours and so on.

It is critical for democracy that we maintain our structures that support impartiality, independence, transparency and scrutiny. The abolition of the NOHSC is a backward step in effectively dealing with occupational health and safety issues across Australia. The Democrats are also concerned that the government may over time reduce the involvement of unions in the Australian Safety and Compensation Council. The Bills Digest states on page 27:

... that the definition of Australian Safety and Compensation Council in proposed new section 3 of the AWSS Bill could suggest that in the future, the new advisory body will be comprised of 'governments, employers and employees', implying operation of the ASCC without the participation of unions.

I seem to recall having seen that attempt in another bill before the Senate changed its numbers. We would be very concerned if the government went down this path. There is overwhelming evidence that shows that union involvement in occupational health and safety is beneficial. For example, in 1995 a group of researchers analysed the relationship between worker representation and industrial injuries in British manufacturing. It found that those employers who had trade union health and safety committees had half the injury rate of those employers who managed safety without unions or joint arrangements.

In Canada, a study by the Canadian ministries of labour found that union-supported health and safety committees have ‘a significant impact on reducing injury rates’, while a report by the Ontario Workplace Health and Safety Agency found 78 to 79 per cent of unionised workplaces reported high compliance with health and safety legislation, with only 54 to 61 per cent of non-unionised workplaces reporting such compliance. In Australia, unionised workplaces are three times more likely to have a safety committee and twice as likely to have undergone a management safety audit in the previous year than non-unionised workplaces.

A 1995 World Bank report stated:

Trade unions can play an important role in enforcing health and safety standards. Individual workers may find it too costly to obtain information on health and safety risks on their own, and they usually want to avoid antagonizing their employers by insisting that standards be respected.

As the Bills Digest noted, the UK’s Robens Committee report, which led to Australia’s occupational health and safety laws being revolutionised after the 1970s, recognised the unique role of the representatives of employees—namely, unions—stating that, whereas individual employees may not have had personal experience of health and safety adversity, collective organisations acquired what now may be called ‘corporate knowledge’ of OH&S issues, particularly those specific to an industry.

I have observed over time in this place that the coalition have unfortunately developed a view that the Labor Party and the unions are synonymous and, therefore, anything they can do to hurt the unions hurts the Labor Party. I think sometimes that blinds them philosophically and attitudinally to the very real and good work that unions do in many cases on a collective basis for their members.

Senator Ian Macdonald—They did it in the Tasmanian forests; you are right.

Senator Murray—Yes. The minister very graciously acknowledges what they did in the Tasmanian forests. That is a useful interjection. We would urge the government
not to go down the path of excluding unions from OH&S matters.

In conclusion, for reasons I have explained above, the Democrats will not be supporting the National Occupational Health and Safety Commission (Repeal, Consequential and Transitional Provisions) Bill 2005. However, given that we have no choice with respect to the abolition of the NOHSC and, therefore, the establishment of the Australian Safety and Compensation Council, we will support the Australian Workplace Safety Standards Bill 2005, which will give the new Australian Safety and Compensation Council power to declare national standards or codes of practice in legislation—and which we agree is critical legislation.

Senator SIEWERT (Western Australia) (8.51 pm)—Workplace safety is an issue of major importance. It has direct relevance to the day-to-day lives of all working Australians. Lack of safety has a major impact on workplace productivity, costing millions of lost work hours per year and costing the economy an estimated $20 billion a year. Those figures are provided by Access Economics. It has a tragic personal impact on thousands of Australians and Australian families who lose a loved one through an estimated 4,900 work-related deaths each year, not to mention those that are seriously incapacitated. This is an issue that we all need to take seriously, and I believe we have a grave responsibility to the Australian people to get this issue right. This means that we need to learn from past experience. We need to learn what factors contribute to increasing illness, injury and death in the workplace and what things help reduce the impact of health and safety risk factors on our work force, our businesses and our economy. This is an issue for careful consideration; it is not an issue for ideology. We do not want to be carrying out our policy experiments when the cost of our errors can be measured in human lives and injury.

This is why I am extremely concerned about the proposal to abolish the National Occupational Health and Safety Commission, or NOHSC, a tripartite statutory body that brings together all of the major players on this issue. I am concerned about its replacement with the Australian Safety and Compensation Council, or ASCC, an advisory body that is to be created administratively rather than being underpinned by legislation. This is a major downgrading of the importance of the national body concerned with leadership in occupational health and safety—from a statutory body to one which is merely administrative and executive. This means that the ASCC is very much under executive control and that any changes to the functions and the powers of the ASCC beyond those which are contained in the Australian Workplace Safety Standards Bill 2005 and the National Occupational Health and Safety Commission (Repeal, Consequential and Transitional Provisions) Bill 2005 will be made by the government without parliamentary scrutiny.

Unlike NOHSC, the ASCC does not have legislative powers and responsibilities; it is limited to what is essentially a toothless advisory role. Given that the ASCC is now to be responsible for dealing with issues of workers compensation in addition to health and safety, this means that the demands on the ASCC will be much greater than those on NOHSC. I understand that the ASCC will receive the same amount of money as NOHSC but will be responsible for dealing with workers compensation. Its capacity to deal with occupational health and safety will be severely reduced.

I am particularly concerned about how occupational health and safety and the abolition of NOHSC fit into the wider picture of the
government’s agenda of workplace reform. The national body concerned with leadership on occupational health and safety is being downgraded at the same time as sweeping changes are being made to workplace relations which see a focus on individual agreements. The reason for my concern about these changes and the reason that I am opposed to the abolition of NOHSC is that we have very good evidence that the collective involvement of workers in workplace safety issues is absolutely critical to our ability to reduce the toll of injury and death. This has been the finding of countless workplace studies from around the world. This was the rationale behind the creation of NOHSC in the first place.

While there is nothing in the definition of the ASCC that explicitly excludes union participation in the operations of the tripartite body, section 3 of the proposed AWSS Bill says that the new advisory body will be comprised of ‘governments, employers and employees’, which could be taken by implication to exclude the participation of unions. Given present circumstances, I think that is a fairly reasonable assumption. The problem here is that this body is being established administratively by an executive act of the minister, and there is no guarantee of union participation—and, therefore, collective agreement.

It is important that we understand and appreciate the reason for the establishment of NOHSC in the first place. It includes the outcomes of the Robens committee inquiry into OH&S in 1972, to which Senator Murray referred. That inquiry found that the awareness and involvement of workers in workplace safety was fundamental and that workers needed to participate fully in the making and monitoring of workplace health and safety. It also found that, since individual workers did not have sufficient personal experience of injuries to prompt that awareness, it was essential that safety awareness be fostered collectively. It found that the collective organisation of workers within an industry was essential in developing and maintaining sufficient corporate knowledge of health and safety issues within an industry. This is why the statutory recognition of joint consultative practices was integral to the establishment and function of NOHSC.

There are several studies of the relationship between indicators of objective health and safety performance, such as injury rates, and workplaces where joint arrangements are in place and/or when trade unions are engaged in worker representation. The British Workplace Industrial Relations survey of 1990 demonstrated that in workplaces where joint arrangements were in place, and especially where trade unions were involved, injury rates were considerably reduced. A Canadian Labour Congress study commissioned in 1993 concluded that union-supported health and safety committees had a significant impact on reducing injury rates.

A Norwegian study found that improvement in sickness absence was greatest where firms had adopted a participatory approach and where trade union representatives were active. A recent London School of Economics study found that a union presence in the workplace was associated with a 24 per cent lower workplace injury rate. The Ritter study, in my home state of Western Australia—which was held in response to the death of four workers at the BHP Billiton iron ore plant in WA—found that the move to individual agreements was a major causal factor in these and other accidents at the plant. It found that there was a direct link between individual contracts and workplace safety.

Taken collectively, these findings lend support to the notion that joint arrangements, trade unions and trade union representation on health and safety at the workplace are
associated with better health and safety outcomes than when employers manage occupational health and safety without representative worker participation.

The National Occupational Health and Safety Commission is a tripartite statutory body with 18 members. There are representatives from state and territory governments, the Commonwealth, the Australian Chamber of Commerce and Industry and the ACTU. NOHSC explicitly contains union representation and industry representation. Statutory recognition of joint consultation was fundamental to NOHSC, and employers had a statutory duty to consult with their employees and their representatives on measures for promoting health and safety in the workplace. It is responsible for identifying national standards of workplace occupational health and safety which form the basis of each state and territory’s safety regime.

NOHSC set out to reduce the unacceptably high level of occupational death, injury and illness; improve working conditions as a basic objective of the prices and incomes accord; provide all Australians with a safe and healthy working environment; and promote active participation by employees in their workplace in relation to occupational health and safety. When NOHSC was established in 1984, there was, on average, one workplace death every working day. At that point in time, there were 600 industrial injuries every day that led to lost time. Under NOHSC, days lost in new workers compensation cases have been falling steadily since at least 1996. In the 2004-05 annual report, the chairman of NOHSC stated that a 20 per cent reduction in fatality rates originally set for 2012 had already been met. The Productivity Commission’s 2004 report, National workers’ compensation and occupational health and safety frameworks, recommended to government that NOHSC needed to be reformed, not abolished. It does not provide a rationale for this action from the government.

I believe the government has totally dropped the ball on the issue of workplace safety with Work Choices. The message that came back from the Senate estimates committee last week was very clear in this regard. The answers supplied by the Department of Employment and Workplace Relations to questions from Senator Wong and me indicated very clearly that DEWR are not addressing the implications of workplace reforms for occupational health and safety. The group manager for the Workplace Relations Policy Group stated that, to his awareness, there had been no analysis of the implications of the ability to trade away shift breaks so that employees could work eight to 10 hours straight on the increased risk of accident, injury or death, and there had been no consultation with medical practitioners or occupational therapists on the OH&S implications of trading in breaks and annual leave.

DEWR representatives stated that there had been no analysis or review done on the impacts on safety of moving to individual agreements. I asked DEWR representatives very specifically about the Ritter inquiry which was held, as I said, into the deaths of four workers at the BHP plant in WA. The findings of this inquiry are absolutely critical to anyone involved in occupational health and safety issues. It found that the move to individual contracts was a major causal factor in these accidents. DEWR indicated that they were aware of the inquiry but they did not consider it relevant to the abolition of NOHSC and the move to individual agreements under Work Choices because:

We have not done an analysis of the impact of Work Choices on occupational health and safety because Work Choices does not impact on the employer’s responsibility under the Occupational Health and Safety Act.
The argument that the department of workplace relations continued to repeat was that they did not need to address issues of safety under Work Choices because the obligations placed on the employer by the occupational health and safety act are necessary and sufficient to ensure compliance. This denies any role for workers in becoming aware of safety issues and being collectively involved in identifying safety concerns and monitoring safety practices. This goes in the face of the evidence that a collective approach is absolutely necessary for the development of the corporate knowledge of occupational health and safety issues and practices within a particular industry. It ignores the fact that occupational health and safety relies on workers feeling confident to raise health and safety issues with their employers. It reflects an ignorance of the economic implications of diminishing occupational health and safety practices and a chilling lack of concern for the wellbeing of Australian workers and their families.

The Australian Greens support the legislative underpinning to develop and declare national occupational health and safety codes and standards. On this issue it is worth noting that, when it was established, a top priority for the NOHSC was the development of uniform legislative approaches to occupational health and safety and the development of national standards; however, under the coalition government there has been less attention paid to this objective, and the funding to the NOHSC has been reduced, as Senator Murray indicated, from $19.78 million in 1995-96 to $15 million in 2004-05.

One of the unfortunate outcomes of the reduced funding of the NOHSC over this period has been the reduction and ultimate cessation of national occupational health and safety research. This research played an important role in helping to identify, characterise and prevent serious health and safety issues in some of our major industries. I believe that the Commonwealth should undertake to fund this kind of research. It is informative for us to compare the costs of workplace safety to those of industrial dispute. Given the work that the government has done and the amount of effort that has been put into abolishing the right to strike and undermining and marginalising unions, we might presume that industrial action is having a serious impact on the economy; however, given the manner in which DEWR is ignoring consideration of the impacts of its Work Choices package on occupational health and safety issues, you might presume that occupational health and safety has very little impact on our economy. In both cases, the opposite is true.

It turns out that in 2001-02, which is the last time that information was available on occupational injuries, there was 19 times more time lost to injury than to industrial disputes. In fact, going back to the 1996-97 financial year the ratio is about the same: injury at work is costing us roughly 20 times the lost time hours as industrial action. Note that we are talking about lost hours here and not the added costs incurred through workers compensation claims and the impact on our health system.

Approximately 480,000 Australian workers experience a work related injury or illness each year. Each year, around 140,000 compensated work related injuries result in workers being away from work for one or more weeks. It is estimated that the cost to the economy of occupational health and safety exceeds $20 billion every year. This does not include the incalculable social cost of the trauma suffered by victims and their families. Compare that to the $15 million dedicated to the NOHSC or the ASCC. This government has already spent three times the amount it spends on safety on shamelessly promoting its Work Choices package. What
does the government do? It cracks down on the organisations that play the most significant role on the ground in ensuring occupational health and workplace safety—that is, the unions. In exchange for a reduction in the already low levels of industrial action in Australia, we are seeing a steep rise in time lost to workers compensation.

The most significant occupational health hazard the minister faces at this stage is a paper cut. He probably does not appreciate the hazards and safety threats that many Australian workers face, which are very significant, in their daily lives every time they go to work. Behind these statistics lies the tragedy of unnecessary death and injury in the workplace. With the government’s push towards flexible workplace arrangements and casual employment and the repeated rounds of downsizing by large private and public organisations, there is increasing evidence that these work organisation and labour market changes are having a detrimental impact on the occupational health and safety of workers.

The existing NOHSC explicitly contains union and industry representation. It ensures that employers have a statutory duty to consult with their employees and their representatives on measures for promoting safety and health in the workplace. Changing to a system where the key organisation providing national leadership on health and safety, the ASCC, is set up administratively at the minister’s discretion, where there is no statutory obligation to engage with unions or workers’ representatives on health and safety and where this leadership body is relegated to an advisory role is a disaster in the making for occupational health and safety.

The Australian Greens support the legislative underpinning, as I said, to develop and declare national occupational health and safety codes and standards; however, we oppose the abolition of the National Occupational Health and Safety Commission. Now more than ever, the right of workers to be represented by a union, especially in occupational health and safety matters, must be protected.

Senator LUNDY (Australian Capital Territory) (9.07 pm)—I rise to oppose the abolition of the National Occupational Health and Safety Commission through the National Occupational Health and Safety Commission (Repeal, Consequential and Transitional Provisions) Bill 2005 and note, as my colleagues have, that we will be supporting the Australian Workplace Safety Standards Bill 2005. I do so because it is the National Occupational Health and Safety Commission that has provided federal coordination, under the guidance of a tripartite council, of occupational health and safety standards in Australia for the last 20 years. It is interesting, certainly for me, to note that I started work in 1984, around the same time as the National Occupational Health and Safety Commission was established. I was removing asbestos, and this is one of the areas where the National Occupational Health and Safety Commission has provided crucial guidance to the state jurisdictions on the sorts of codes of practice, standards and regulations that should apply in that particular area of work.

I am sure my Senate colleagues can appreciate that the development of national standards provides not only base level minimum protection of the health and safety of workers but also critical advice for employers choosing to venture into these fields of business. Without these national standards and this guidance, employers themselves would find it difficult to meet their obligations under the broader general duties of care.

Unions are the most diligent form of daily checking and vigilance in most workplaces,
particularly on sites. Therefore, their role in tripartite forums like this is essential. Without the unions providing feedback through their organisation to the ACTU, it is impossible for bodies charged with the responsibility of developing standards to have a real grasp of what is happening on the ground.

Equally, employers face the challenges of fulfilling duties of care and it is only through the codification of what that duty of care constitutes that their task is actually made easier. They can follow a set of guidelines and be confident that they are doing the right thing by their employees.

Equally, the Commonwealth government, the other partner in this tripartite body, had a key role in facilitating and disseminating information and providing support, not only for the development of these guidance notes and codes for adoption by the state jurisdictions but for the coordination of the research effort, which is the other area of the National Occupational Health and Safety Commission that has been particularly poorly treated under the Howard government. Indeed, funding to the commission has been reduced over a number of years, to the point where they have been effectively undermined and prevented from undertaking crucial research work.

The other point I want to make about the abolition of this board is that it really forms part of a very broad, sweeping attack on workers’ rights by the Howard government. We have seen over many years now the Howard government make every effort it possibly can, within the constraints of a lack of majority in the Senate, to make changes to undermine the capacity of unions to organise and, in effect, the rights of workers. It is only now when we see the Howard government take control of the Senate that the gloves have come off. I know we will be debating the industrial relations legislation in this place in a short while. I see this bill and certainly the so-called Building and Construction Industry Improvement Bill 2005 that we have debated previously as being part of a very broad attack on the rights of workers and the ability of working people to organise themselves through their unions.

What is the point of abolishing a tripartite body, a body that has the cooperation of employers and has had for 20 years? It is a body that has provided an opportunity for workers to be democratically involved in the setting of standards and the development of codes, and indeed for the Commonwealth to have a clear stake in ensuring as close as possible to national outcomes on occupational health and safety standards. There is a critical red tape function in there for business organisations. I know first hand from my experience in the building industry how much that national guidance is appreciated by unions and employers alike. It codifies their duty of care under the state occupational health and safety acts and is a great help. To remove their role and to destroy the tripartite nature of the National Occupational Health and Safety Commission disempowers not just unions and employees but employers, and reduces their rights to be able to access appropriately developed standards.

What the government is trying to replace this tripartite body with—an appointed administrative council—is really about taking away the role that unions have. I am sure this government thinks it will probably have a good opportunity to place some of its bigger business mates on this advisory council. But I can assure my colleagues, certainly, that experience shows that it is not small business that will benefit in anyway from these changes. It is small business that will suffer as a result of having to undergo far more red tape in the production of standards and the accessing of that information. I am sure that the employer organisations will find that out only too quickly.
Going back to the role of workers and unions, a few colleagues have mentioned this already: in a workplace, occupational health and safety standards and laws exist but quite often they are not applied unless there is an employer with particular commitment or workers who have an interest in maintaining, sustaining or improving health and safety standards. My own experience is that in many cases it is through the initiative of the employees that standards get taken any notice of whatsoever.

For example, in the building and construction industry there have been many hazards over many years. I mentioned the asbestos code as one example, but another example is the use of synthetic mineral fibres. All the time new technologies are being developed for use in the building and construction industries, so there is a constant need for monitoring, assessing, reporting back about symptoms that workers may experience and for that intelligence, knowledge and information to go through channels and hopefully culminate in a deeper understanding at a leadership level of a problem and initiate a course of action to do something about it. More often than not it is through these channels and workers identifying hazards—as a result perhaps of a changed work practice or a new technology—that the process of hazard assessment starts. For example, with synthetic mineral fibres such as fibreglass and ceramic fibres, it was the irritation that these substances caused to workers’ lungs that initiated an investigation and research into the effect. That research would be undertaken by an organisation like the National Occupational Health and Safety Commission.

That research and intelligence gathered by union members, coordinated by their unions, culminating in an ACTU effort to bring these issues to the attention of the commission would ensure that something would actually be done and that a code would be developed that could then be adopted by the state jurisdictions. It makes perfect sense. It is a logical flow of information that certainly empowers working people through their unions and employers, who do need to comply with their duty of care. In my experience you have a bit of a mix: you have some employers who are quite genuinely ignorant of what laws or rules apply to them and are happy to be informed of those responsibilities through practical guidance notes such as the one I have here from the master builders of the ACT. They put out a fantastic newsletter on what the latest asbestos codes approved by the National Occupational Health and Safety Commission are. They go into great detail, providing practical information to their members.

I know equally that the Construction, Forestry, Mining and Energy Union are always putting out information through their occupational health and safety delegate network. They provide training and support. I also know that the sites that have that organisation on them—that have employers and workers on a health and safety committee—do have fewer accidents. I think Senator Siewert mentioned some of the statistics relating to the lower incidence of workplace injury and accident where you have workers and employers working together in a cooperative fashion. That is the culture that Labor initiated with this act when it was originally introduced in 1985.

That culture of cooperation is what is being attacked and undermined by the Howard government. Why remove a tripartite forum and replace it with an administrative body unless you are trying to cause fights, unless you are trying to create a problem between employers and employees about something which I think everyone agrees is fundamental—the right to be able to go to work and come home again in one piece? It is not too much to ask and not beyond the bounds of
logic, and it is certainly not in the realm of some of the ideological rhetoric we have heard emanating from some of our colleagues from the Howard government in this place and the House in recent times.

I believe that removing that tripartite nature is about provoking a problem—about creating dissent between unions and the people they represent and employers of all shapes and sizes. I have used the building industry as the example that I am most familiar with, but I think that the ramifications of undermining our National Occupational Health and Safety Commission and the role that it plays will, sadly, be an increased rate of workplace accidents and hazards, particularly when combined with the disempowering effects of the attack of the Howard government on the ability of unions to organise workplace safety and workplaces in general.

It is just so far from reality and naive to think that removing the ability of the National Occupational Health and Safety Commission to develop these standards for implementation in the states and the ability of unions, through their organisers and safety delegates on site, to go out and ensure that the standards are actually adhered to will not result in less safety on sites and in more hazardous workplaces. It makes me extremely worried that the culmination of all of this is going to be perhaps unforeseen by the Howard government, as they are on their ideological, narrow warpath. That is painfully clear, and we will all have a lot to say about that when we see those bills in this place. However, I am gravely fearful that one of the direct effects of all of these changes and these attacks on unions will be more people losing their lives and more people suffering inordinate dislocation and dysfunction for the rest of their lives as a result of workplace related injuries.

You do not need to look much further than the existing statistics to see how many people do suffer workplace injuries—some 440,000 last year—through no fault of their own. Their employers do have a general duty of care and, whilst it is easy to describe these things as accidents, I know from experience that there is usually something that has been completely out of the employee’s control that has contributed to that event occurring. What rights do those people have? I would like to leave that question to the chamber. The least we can do through federal law is to maximise the opportunity to have codes in place to help employees and employers alike and make sure they come home at night.

Senator MARSHALL (Victoria) (9.22 pm)—I too rise to add my piece to this cogitate debate on the two bills before us, and I too face the same predicament as my colleagues when it comes to considering and ultimately voting on these two bills. Those of us seriously concerned about occupational health and safety issues have been put into an impossible position by the concept before us. The bills before us are not ideal, progressive occupational health and safety policy; they are in fact regressive. They seek to de-prioritise occupational health and safety issues even further than they already have been by this government, and they seek to dismantle structures that have promoted occupational health and safety initiatives and discussions over the past two decades and that have worked well.

The effect of the Australian Workplace Safety Standards Bill 2005 and the National Occupational Health and Safety Commission (Repeal, Consequential and Transitional Provisions) Bill 2005 will be to abolish the National Occupational Health and Safety Commission and replace it with a disempowered advisory council in the pocket of and beholden to the minister. The council will assume greater responsibilities, having
to deal with issues relating to workers compensation as well as occupational health and safety, but it is expected to fund this greater responsibility from within its existing budget. Such a situation devalues and deprioritises the Commonwealth’s commitment to both issues, as the council is forced to cut occupational health and safety programs in order to deliver what can only be an ordinary level of service to its other requirement with what funds it can scrape together.

In my opinion, issues of workers compensation should be dealt with separately by a body funded and charged with the powers and resources necessary to do justice to the insurance side of what is an important issue in itself. Effecting improvements in occupational health and safety should be the responsibility of a body charged exclusively with that purpose—not one compromised by competing interests and scarce funds. Even so, the question remains of why a new body must be established separate to NOHSC to undertake this added responsibility and why in turn NOHSC must be abolished. Surely it would have made sense for the government to have simply added the workers compensation aspect of the Australian Workplace Safety Standards Bill to the current and well-established NOHSC Act. The savings of time, effort and money are too obvious.

However, this is where the government’s real agenda is exposed. It would make sense to simply create a new body to deal with workers compensation or to add the responsibility for it to the already established National Occupational Health and Safety Commission. But that was never the purpose of this exercise. The real agenda of the Howard government has always been to defund, deprioritise and devalue occupational health and safety issues. Its track record is testament to the fact. As soon as it was elected in 1996, the Howard government ripped around one-third of NOHSC’s funding out from under it, resulting in large staff cutbacks and a reduction in NOHSC’s services and functions such as providing information, training and education on occupational health and safety issues. Another important aspect of NOHSC’s operation—its work in setting national standards and codes of practice—was also reduced. Its funding has never really recovered and it is now, in dollar figures, only around what was spent by the former Labor government when the commission was first established.

But the defunding of the NOHSC has not been the government’s only line of attack. In 1997, it fundamentally altered the function and direction of NOHSC, resulting in less attention being spent on developing nationally consistent occupational health and safety standards. The ACTU has rightly pointed out that, as a consequence of this fundamental rearrangement of NOHSC’s priorities, no new national occupational health and safety standards were made for the building and construction industry between 1997 and 2003, by which time the report of the Cole royal commission itself had welcomed the resumption of standard setting.

The Howard government has also sought to restrict the rights of workers, their representatives and unions to pursue issues of concern regarding health and safety issues in workplaces in a number of ways. The Workplace Relations Amendment (Right Of Entry) Bill is but one example of its approach in this regard. Quite simply, with the Howard government and occupational health and safety issues, one must disregard its overtures and focus on its actions. This government, if it even cares at all about occupational health and safety issues, simply does not care enough.

Let us look at some of the fundamental differences in focus, responsibilities, requirements, structure, role and coverage of
the proposed Australian Safety and Compensation Council with what already exists under NOHSC. The first, the most obvious and most fundamental of the changes, is the basis on which the body is established and will operate. Unlike NOHSC—a tripartite statutory body operating independently from government and comprising 18 members, including representatives of the Commonwealth, state and territory governments, the ACTU and ACCI, established by an act of parliament conferring upon it certain rights and responsibilities for which it is responsible and must report to the parliament—the proposed ASCC will be a mere advisory body to be established within the Department of Employment and Workplace Relations by a legislative instrument. It will effectively be a toothless tiger, acting as the minister’s own advisory section on occupational health and safety within his own department.

The minister’s second reading speech made mention of how the council will, through a partnership between governments, employers and employees, coordinate national efforts to prevent workplace deaths, injury and disease and improve workers compensation arrangements and the rehabilitation and return to work of injured employees; however, there was no mention of how this will work in effect. The tripartite nature of the council sort of referred to by the minister has not been detailed in any way—or indeed confirmed as being the minister’s intention for the council. There is some mention of wider consultation taking place under the new regime. However, this has not been expanded upon either.

There is some uncertainty in my mind regarding clause 7(2) of the AWSS Bill where it refers to the ASCC giving due consideration to any representations duly made to it. If it thinks fit, it may alter a proposed standard or code of practice. This is indeed a seismic shift away from the original NOHSC Act, which stipulates that, in the performance of its functions in relation to research and testing, the commission shall pursue a policy directed towards the maintenance of scientific objectivity.

I am also concerned by the powers of delegation included in the bill, which enable the powers of the ASCC to be delegated to people such as an SES employee or an acting SES employee performing duties in the department. We do not know any details about how the council will operate, what it will do, who its membership will include, what its priorities will be, or anything else really. All of these details will be settled at the whim of the minister—a minister who certainly did not feel the need to oblige the parliament with any such detail during the bill’s debate in the other place. But that is just another example of this government’s broad arrogance.

In terms of the change of focus of the new ASCC, it is interesting to note the change in terminology used in the explanatory memorandum, in the bill and in the minister’s second reading speech for the bills we are considering today, compared to that which accompanied the NOHSC Act when it was passed by the parliament back in 1985. Under the National Occupational Health and Safety Commission Act, introduced into the parliament by the Hon. Ralph Willis, the functions of the commission included:

- to formulate policies and strategies relating to occupational health and safety matters;
- to consider, and to make recommendations in relation to, the action that should be taken by, and to facilitate co-operation between, the Government of the Commonwealth, the Governments of the States, employers, persons engaged in occupational activities and organizations of employers or of persons engaged in occupations on occupational health and safety matters;
- to consider, and to make recommendations in relation to, the action (if any) that needs to be
taken by Australia in order to comply with the provisions of any international instrument relating to occupational health and safety matters;
to review laws and awards relating to occupational health and safety matters;
to consider, and to make recommendations in relation to, proposals for the making of laws and awards relating to occupational health and safety matters;
to act as a means of liaison between Australia and other countries or international organizations in occupational health and safety matters;
to collect, interpret and disseminate information relating to occupational health and safety matters;
to publish reports, periodicals and papers relating to occupational health and safety matters;
to provide, and assist in the provision of, training in knowledge and skills relevant to occupational health and safety matters;
to conduct educational and promotional programs relevant to occupational health and safety matters;
to consult and co-operate with other persons, organizations and governments on occupational health and safety matters;
to make grants of financial assistance for purposes relating to occupational health and safety matters;
to carry out, arrange for, or assist testing of matters and things relevant to occupational health and safety matters;
by arrangement with particular employers, to carry out, arrange for, or assist in the evaluation of occupational hazards in places of work;
to carry out, arrange for, or assist research on occupational health and safety matters;
to encourage and facilitate the application or utilization of the results of that research or testing;
to establish and award fellowships and scholarships for training in the knowledge and skills relevant to, and for research on, occupational health and safety matters;
any functions conferred on the Commission by a law of a State,
to plan and establish the organization that will be required to enable the Commission to perform functions that the Minister, from time to time, declares are proposed to be conferred on the Commission by or pursuant to an arrangement or law, or a proposed arrangement or law, of the kind referred to in subsection (2); which includes a provision relating to acting on state laws
to declare national standards and codes of practice.
They go on and on, but forget these 20-odd functions and powers; it is the last two points alone that form the basis of the proposed ASCC’s powers and functions. That is all—simply the last two.
What is more, there is the difference in scope between the bodies. According to the NOHSC Act, the commission performed its functions:
for purposes in relation to any or all of the Territories;
for purposes in relation to a Commonwealth place within the meaning of the Commonwealth Places (Application of Laws) Act 1970;
for purposes in connection with defence;
in relation to the Australian Public Service, an authority or instrumentality of the Commonwealth or a body corporate over which the Commonwealth is in a position to exercise control;
for purposes in relation to an award made under a law of the Commonwealth or a Territory;
for purposes in relation to the provision of benefits and services to which paragraph 51(xxiiiA) of the Constitution is applicable; and
in relation to occupational health and safety matters arising in the course of, or that concern:
trade or commerce with other countries, or among the States;
the relevant activities of a corporation to which paragraph 51(xx) of the Constitution is applicable.

Again, the scope of the ASCC will only go so far as the last two points I have just mentioned. So to argue that the effect of the bills and the proposal before us will be minor, insignificant and no great move from the status quo is simply wrong. The effect will be to neuter advancement and improvements in occupational health and safety in Australia—and of that there can be no doubt. Outrages us, the original proposal of the Howard government for its ASCC did not even include the power to declare national standards or codes of practice. It was only after Labor, the ACTU and the ACCI criticised the proposal and demanded the power be conferred upon the new body that the government backed down and the power was reinvested with the ASCC. It just proves the lack of priority the Howard government gives to occupational health and safety issues in Australia.

NOHSC is the government’s only commitment to improving occupational health and safety outside of its commitment in relation to its role as an employer, and it is a sad commitment indeed. It beggars belief that the government would seek to de-emphasise the Commonwealth’s role in occupational health and safety and particularly so at this time. There is no evidence to suggest that occupational health and safety is in such a good state in Australia that a less rigorous approach to it can be tolerated. In fact, the polar opposite is the case. Australia has the worst record in the developed world for work-related incidents. It is estimated that some 3,000 people die each year in work-related incidents. The NOHSC itself has received advice from Access Economics that an estimate of 4,900 fatalities in Australia each year is indeed probably a more accurate figure, considering that not all deaths or injuries sustained at work are officially recorded and/or compensated.

Around half a million workers experience a work related injury or illness each year, of whom around 150,000 receive workers compensation. According to the ABS National Health Survey of 2001, approximately 2.8 million Australians have long-term work related conditions, and, according to NOHSC in 2001, 3.9 million work related problems and 1.1 million new work related problems were estimated to be handled by general practitioners each year. The cost to the economy of workplace death and injury exceeds $20 billion each year and, of course, that figure does not take into account the trauma and personal suffering of the victims and their families. Indeed, according to the NOHSC workers compensation online statistics, over the life of the Howard government—according to claims made, excluding traffic incidents—there have been 2,676 fatal and 1,177,924 non-fatal work related incidents in Australia. All considered, one must concur that Australia’s occupational health and safety record is far from impressive or good.

The government’s proposal before us today sits at odds with Australia’s ILO conventions, particularly convention 155 of 1981 relating to occupational health and safety, which requires ratifying countries to implement a national policy on occupational health and safety in the workplace. With this proposal, Australia is moving further away from the ILO ideal, certainly not closer. It is interesting to note that the minister first announced the abolition of NOHSC within weeks of ratifying that very ILO convention.

This proposal also moves away from the Commonwealth’s commitment to the National Occupational Health and Safety Strategy 2002-2012, which outlined initial national occupational health and safety targets,
including to sustain a significant, continual reduction in the incidence of work-related fatalities with a reduction of at least 20 per cent by 30 June 2012 and with a reduction of 10 per cent being achieved by 30 June 2007, and to reduce the incidence of workplace injury by at least 40 per cent by 30 June 2012 with a reduction of 20 per cent being achieved by 30 June 2007. As well, the proposal moves in the opposite direction to that suggested by numerous reports, including the Productivity Commission’s report which recommended adding to NOHSC’s role and specifying the objective of achieving uniform national occupational health and safety legislation and regulation in all jurisdictions within and throughout the Commonwealth in the NOHSC Act. Labor believes that replacing this statutory body with one that is merely administrative and executive is a downgrading of the important role that the Commonwealth should play in leadership for occupational health and safety within Australia.

The Howard government’s priorities in industrial relations and occupational health and safety are all wrong. The government has spent $69 million on a union witch-hunt, disguised as a royal commission, where occupational health and safety issues were virtually ignored, despite the terrible record of incidents within the building and construction industry. It has spent $46 million funding its shady building industry secret police force and an astronomical $150 million on its AWA agent, the Employment Advocate.

This proposal lacks vision. It lacks commitment to effecting real improvements in occupational health and safety and workers compensation. It is simply hollow. That is why the proposal does not have the support of the states or the ACTU and has not had the support of the ACCI. Indeed, that is why the proposal does not have my support or the support of the Labor Party. The government should drop this poor piece of policy and reform the National Occupational Health and Safety Commission. It should not nobble it. Labor supports the National Occupational Health and Safety Commission and will vote to protect it. (Quorum formed)

Senator WEBBER (Western Australia) (9.44 pm)—The Australian Workplace Safety Standards Bill 2005 is not one, as has been mentioned, that Labor opposes in that it seeks to provide a legislative underpinning that will provide our fellow Australians with safe and healthy workplaces. The bill aims to develop and define the standards that allow for occupational health and safety at work. There is no doubt that a lot of work needs to be done in this area. The estimates suggest that each year in Australia there are over 3,000 work related deaths. This is 3,000 too many. Every person who goes about their daily work should have the reasonable expectation that they will return home at the end of the day. Clearly, that is not the case.

Government legislation in this area is not new. Today, we continue the work done over hundreds of years, here and in other countries, to ensure that our fellow citizens can return home each day in the condition they left prior to starting work. There are more work related deaths each year than there are Australians who die as a result of motor vehicle accidents. Yet it is obvious from all the public campaigns run about speeding, drink-driving and other road safety campaigns that there is a huge disconnect between how we treat work related deaths and how we treat deaths on our roads. It seems to me that we spend as a nation far more on reducing the road toll than we do on reducing the rate of deaths in the workplace.

Most people would not even be aware that the rate of death in the workplace is higher than deaths on our roads. I would suggest that we have got the balance right on pre-
venting deaths on our roads and yet we have
tmitted to address the higher rate of deaths in
our workplaces. Do we, as legislators, as a
community, place less value on reducing the
rate of deaths in the workplace? There is no
substitute for people being safe at work.
Many of the most dangerous occupations in
this country are also the best paid—and
many of them are in my home state of West-
ern Australia. There is no doubt that people
working in the construction, mining and
manufacturing industries are well paid due to
the dangers they face on a daily basis.

Unfortunately, we have lost sight of this
reality as the government steps up its attacks
on the well-paid sectors of the skilled and
semiskilled work force. Rigorous standards
of health and safety are vital in industries
where high-risk factors are involved, such as
working below ground, at height or with
dangerous materials. We saw previously this
government’s attack on people working on
the Australian wharves less than 10 years
ago. The people of Australia were told that
there were restrictive work practices and that
waterside workers were on easy street. One
of the areas attacked involved the people
working on overhead cranes who only
worked on that equipment for an hour at a
time. This, the government’s attack dogs
would have you believe, was solely to slow
down work and make our wharves less com-
petitive. But what is the reality now? Over-
head cranes operators can now work for
longer than one hour at a time. Container
rates have gone up—or, at least, did until the
new Customs IT system came online; then
they collapsed again. But the price—and let
us be clear: there is always a price—was the
number of occupational health and safety
cases relating to back problems that started
to be lodged.

There is now an epidemic on our wharves
of workers who are forced to work on over-
head cranes for hours on end without a
break. They are now being forced out of the
work force due to the damage to their bod-
ies—a record we should not be proud of.
This is not a reasonable outcome. The price
of increased container rates is the health of
our fellow Australians. Prosperity and wealth
should not be the only end when considering
these issues. The rights of people to be fairly
paid and to remain healthy and safe are just
as important. We overlook the rights of peo-
ple to be safe at our own peril. It is estimated
that nearly half a million Australians suffer a
work related injury each year. We know that
somewhere around 140,000 Australians are
forced off the job for periods longer than a
week each year as a result of an injury sus-
tained at work. So the economic cost of this
goes far beyond worker’s compensation and
medical expenses.

The economic costs also include factors
such as lost production and other delays. In
purely monetary terms, it is estimated that
the cost to the economy is more than $20
billion per annum. This, of course, in no way
takes into account the other costs, such as the
social cost of trauma and suffering that is
endured. Surely we should make workplace
safety one of the major concerns that we ad-
dress in this place, not just when legislation
is before the Senate but at all times. Imagine
where we would be as an economy, as a so-
ciety, if we were not collectively having to
find $20 billion each year to deal with work
related death and injury. It should be of con-
cern to all of us, whether we are parliamen-
tarians, employees, employers or unions, to
ensure that we work continuously to make
our workplaces safer and safer.

Labor does not, however, support the
other legislation that we are considering at
the same time as the Australian Workplace
Safety Standards Bill 2005, the National Oc-
cupational Health and Safety Commission
(Repeal, Consequential and Transitional Pro-
visions) Bill 2005. This bill is about abolish-
ing the National Occupational Health and Safety Commission, as we have heard. The commission is a tripartite body that was established in 1985. The commission had the responsibility to lead and coordinate Australia’s efforts to prevent workplace deaths and injuries. The commission is a statutory body with a membership of 18 people. Those 18 members are drawn from the Commonwealth, state and territory governments, the ACTU and the Australian Chamber of Commerce and Industry. By any definition, then, it comprises representatives of all of the players. The commission is not in a position to regulate and does not make or enforce law, but the commission is responsible for producing national standards. It provides statistics and ensures that health and safety issues are included in any workplace training courses. The commission also provides practical guidance to solving problems and helps set the national agenda on health and safety.

One of the arguments that those opposite will make about the National Occupational Health and Safety Commission is that each jurisdiction was able to take up its recommendations within its own framework and therefore this led to differences from state to state. Their argument is that this commission has failed to deliver consistent laws across Australia. Let us understand that the commission was not set up to do that. We on this side of the chamber understand that there are differences in Australia from city to city, from region to region and from workplace to workplace. Those opposite want us to move towards yet another single system—that is, a take it or leave it approach, an approach that centralises power in the hands of ministers and their functionaries.

This is not the way to ensure that our fellow Australians are safe at work. I for one am not convinced that my workplace safety is guaranteed by Minister Andrews. This current option will deliver to ministers the power to regulate without concern for local issues or circumstances. A minister and his or her functionaries in Canberra will apparently know the best way to ensure the safety of workers working on construction projects in the north-west of Western Australia; they will know the best way to ensure the safety of those working on the North West Shelf; they will know the best way to prevent the disaster that occurred at the HBI plant in Port Hedland in Western Australia. I remain to be convinced.

The real value of the commission as it stands has been its tripartite nature, with governments, employees and employers all determining national standards and priorities, therefore ensuring contributions from throughout our vast nation. It created a situation where all were heard and none were excluded—a model this government seems to find offensive—where those states with strong manufacturing bases were heard at the same level as those with strong mining and agricultural industries.

For all this government’s pretence of concern for work safety, let us have a look at its record. In 1995-96, funding for the commission was some $19 million; in 2004-05, funding had fallen to $15 million. That is the record; what does it tell us? It tells us a very simple story: safety in the workplace is not a high priority for this government. How can you draw any other conclusion when you see the commission’s funding reduced like this? Either Australian workplaces are suddenly now safe—and the statistics do not seem to indicate that—or else the government has cut funding for its own political purposes.

What we are really seeing is yet another ideological attack by the government on the rights of employees to be represented by unions. The fundamental failing of the commission, in the government’s view, is that the ACTU is involved. Their problem is not that
each jurisdiction in the Commonwealth enacts its own laws, although they did not seem to have that problem when they actually held office in any of the states and territories; their problem is that unions are involved and therefore they want to strike out the commission. Mention unions and the government have to legislate them away. As Senator Murray quite rightly said in an earlier debate, not all unions are affiliated with the Labor Party, so we do not necessarily represent all of their views. A cooperative tripartite approach is to be replaced because the government have never acknowledged any role for unions in this country.

The other aspect of this bill that we oppose is that the National Occupational Health and Safety Commission, which is a statutory authority, is to be replaced by a body that operates administratively and with executive powers. We go from a situation where the commission is accountable for its activities to the parliament, the ultimate in Australian democracy, to one where it is accountable to the minister alone. Yet again, when presented with the opportunity to remain open and accountable—something that Liberal parties throughout the nation claim they are—the government always choose the path of less transparency, less accountability and increased ministerial power. To label those opposite as conservative is perhaps to do a disservice to conservatives throughout history. Those opposite are indeed radicals when it comes to these issues. They take every opportunity presented to them to destroy the foundation of our Federation and every chance they can to centralise power, something that used to be anathema to the party of Mr Menzies. And they seize every chance to diminish the rights of the states.

By the time the government are finished, there will be precious little that we will recognise of our federal system, a system that has worked for over 100 years now. The government are caught out yet again centralising power for the purpose of reducing the role of trade unions in this country. Abolishing the statutory National Occupational Health and Safety Commission and replacing it with an advisory body demonstrates the lack of real commitment the government have to safe workplaces.

The Australian Safety and Compensation Council will also take on the role of reforming workers compensation. It will do so without any additional funding for the task, apparently. This means of course that the activities of the new Safety and Compensation Council regarding occupational health and safety will have to be diminished, because there is no other outcome possible. How can this new advisory body place the same emphasis on safety when it now must concern itself with compensation as well, with no additional funding? The reality is that it cannot do both when its funding is barely sufficient to meet its obligations under the current arrangements. Of course, we will always support those parts of the legislation that aim to develop and implement national occupational health and safety standards, but to do so without a statutory tripartite approach runs the risk that the input from particular regions and industries will be overlooked. And to do so without adequate funding runs the risk that neither task will be done particularly well.

By all means, reform the National Occupational Health and Safety Commission; ensure that it is adequately funded and resourced to take on new responsibilities. But to replace it with an advisory council is a step backwards. We will not advance health and safety in the workplace by creating this new council. The Australian people deserve more from their government than is being demonstrated in this approach.
Senator MOORE (Queensland) (9.59 pm)—I take the opportunity this evening to comment on the legislation before us, the Australian Workplace Safety Standards Bill 2005 and the National Occupational Health and Safety Commission (Repeal, Consequential and Transitional Provisions) Bill 2005 and, in particular, on the proposed abolition of a body that has served us well, the National Occupational Health and Safety Commission. I like the part of the bill title in brackets—Repeal, Consequential and Transitional Provisions—which I think means that we are no longer going to have this body! That is the proposal.

It is important that we take stock and look at what the impact of such a decision will mean. I speak in this place this evening as someone who, during the 1980s and early 1990s, worked in the Australian Public Service. I was unashamedly a beneficiary of the expanse of knowledge of, commitment to and excitement about the issues of occupational health and safety that occurred in Australian workplaces at that time. It was not the case that there had not been some awareness and knowledge of occupational health and safety before that, because people in workplaces have to understand safety. It is the only way that they are able to effectively work together as employers and employees in a workplace and achieve the outcomes of productivity. If you are to have a productive workplace, it must be safe.

In line with what was happening across the world through the seventies, and particularly through a range of legislative changes in the eighties, during the period from about 1983 onwards in Australia there was a proliferation of understanding of exactly how occupational health and safety could work in Australian workplaces and could be based on a very important principle. That principle is of cooperation between employer and employee. As a worker in the Australian Public Service at that time, I was able to see exactly how workers and their employers, with the workers’ representatives, the Australian trade union movement, were able to benefit greatly from a range of effective changes in the workplace which led to knowledge, understanding and the development of real standards which would operate within the workplace to make us all safe.

Even more importantly, we were able to feel safe and to have genuine confidence that we were to be looked after in our workplace. We were able to look at what kinds of problems and dangers, such as chemicals, were around. We understood that these things would be investigated and that where it was found that they could do harm they would be prohibited. Not only would we be able to look at what dangers there were, but there would a raft of training opportunities available, developed effectively using the best resources and based on an outpouring of research which occurred in this area at that time. So there was not only a feeling of safety but a feeling of confidence that we would be safe and that safety would be a priority in the workplace.

During that time, there was an understanding that workers must be personally involved in the process. Too often, when we looked at the responsibilities of being in the workplace, it used to be seen as sometimes a little too easy for people to think that the responsibility for safety belonged to someone else—that if you turned up and did your job, that was the understanding of what your role was. But during the 1980s, as we developed more understanding about exactly how a cooperative would operate within that process, an understanding grew and was nurtured that, in being part of the workplace, you took on a whole range of responsibilities, one of which was involvement in your own safety. There was also an understanding that it was not just responsibility for your own safety
but the safety of the whole workplace. So there was a sense that you, as an employee, had a responsibility for the safety of the comrade beside you as well. If there was an unsafe practice or behaviour in the workplace, you had a right to be involved in working out a way of making it better.

I will give a couple of examples of this. At the time when I started working in the Australian Public Service, there was a major turn towards the greater use of computers in the Public Service. As a result, in the department where I worked, a large number of workers became quite unwell with what we now know as overuse injury. It is quite commonly known about now but, back in the early eighties, people were unaware of exactly what caused it and what the impact of it was. There was a great degree of labelling and marginalising sufferers. People who were feeling pain in the workplace were labelled as overactors or as having neurotic tendencies. But as a result of some genuine cooperative effort, mainly in the Australian Public Service, and of the use of research—most of which at the time was international—we were able to develop a body of knowledge and understanding in the Australian workplace which became envied internationally and was the saviour of a lot of people who were working with computers at the time.

Many workers of the time—including people I still meet—were just about crippled by the ineffective introduction of workplace practices by people untrained and unaware of the use of computers and have long-term injuries and a range of impacts that have damaged their lives. But those people can now have the absolute certainty that their very painful experiences have benefited so many others. As a direct result of the research on and understanding of their experiences, we were able to see exactly what caused the issue and develop cooperative processes—one of the real successes of Australian workplaces. Through the tripartite understanding of the employer, the employee and their government, we were able to develop processes that now outlaw that kind of behaviour and we do not see that type of workplace injury much anymore. As workers in the 1980s, we were able to hear that our government was taking immediate action to look at the issues of workplace safety.

I know that previous speakers have made this comment, but I am going to say it as well. When the National Occupational Health and Safety Commission was introduced through legislation—probably in this place—there were a range of goals that the NOHSC was going to achieve. Key to those was the involvement of workers and employers in understanding their workplace safety issues, in developing training and in developing standards to ensure that there would be this kind of ongoing commitment and that we would measure results through research that would indicate what would be safe and what would not.

Through the direction of the legislation that came through, there was an understanding that we would be able to achieve a long-term strategic plan around the issues of occupational health and safety. Once again, it was not just the actual change; it was the confidence that this was going to remain a priority and a commitment into the future. With regard to people’s safety, I think that, often, that sense of knowing that it is a commitment makes the environment feel more secure and gives people that sense that their individual worth is valued. Way too often workers get the sense that their only value is somehow linked to their productivity. I know that Senator Lundy looked at this issue. When people seem to be concentrating on a more flexible workplace, on taking away degrees of regulation, on taking away the sense of security, the concept of a worker’s value to their workplace may be
marginalised. One of the ways in which a person will feel secure in any discussion relating to their work life will arise from a sense of security that their safety is of paramount importance.

I believe that the development of the legislation in the 1980s led to that degree of certainty for many workers in Australia. Whilst I do not make the statement that every worker in Australia immediately understood the legislation and immediately knew where they fitted, one thing that I can say with confidence is that any worker who was a member of the union had that security. One of the areas in which the unions have an extraordinarily proud history is occupational health and safety. You cannot name an industry where you cannot see that the trade union movement has not been active and has not been a leader. It must be, because its only reason for being is to look after its members. If members are damaged or hurt, inevitably that must damage their union. As Senator Webber has said in her contribution, the whole uncertainty of exactly where—if it all—there is an understanding by the government in this range of legislation of any role for a union does cause concern. When you look at the issue of workers’ safety, you see that that is an intrinsic role for the trade union movement. That cannot be disputed. That is something that the trade union movement does well.

Recently, I have been involved in the Senate Community Affairs References Committee, which is currently looking at the issue of toxic dust. We have been hearing evidence from a range of different people in this area. Once again, one of the things that came out of just about every day’s evidence was this issue of not just the physical damage but also the emotional damage, the alienation, a worker feels when they are damaged in their workplace, as well as the long-term impact on their family and friends. With regard to toxic dust, it came out consistently that, once the issue was identified, employers and employees could work effectively through the union movement to look at ways to ensure that there was appropriate protective equipment, that there were appropriate regulations and, on the basis of the NOHSC’s role, that there were standards developed which would indicate exactly what was an appropriate amount of dust in the atmosphere that a worker would be able to take before they suffered any long-term damage.

It seems clear that, when there is a cooperative arrangement, these things happen better. That does seem to be the basis for the development of the NOHSC in the 1980s. This acknowledged that, if you were going to have an Australia-wide organisation that would have credibility, that would have the scope to look at the issues effectively and that would properly engage with all the parties that it should, it would have to involve the state governments; because so much of the legislation is based at the state level, it would have to involve employers and it would have to involve employees. The ACTU has played a leading role in the history up until now of the National Occupational Health and Safety Commission, as have the peak employer groups. In the efforts that we have made looking at change and looking at having arrangements that are much more flexible, it must be remembered that, when you have freely given cooperation, you will have a successful result. When you start imposing change that creates any doubt about the worth of any of the players, you will create division and you will create a conflict. If there is one area that we should agree on, it is our dedication to making workers safe in the workplace.

Every year in Queensland—and I am sure elsewhere—we have a national remembrance day for workers who have lost their lives as a result of industrial accidents. The visible
process that we use is to send off balloons into the atmosphere. I am never too sure about the environmental impact of this, but it does make a particularly effective visual statement. On national remembrance day, we use black balloons, and we have representatives from workplaces come together—employees and employers—to remember their workmates who have lost their lives in the previous 12 months. It is an intensely confronting experience to be part of that national remembrance day. It is also confronting to see that there can be this cooperation. We have heard previous speakers talk about the quite tragic circumstances of the number of workplace injuries that occur every year in this country. We have also heard that, for every worker that is killed, there are so many more that are badly injured. Remembrance day also reminds us of the emotional trauma and stress of the families that surround those people. But, when you stand there and you look and see the black balloons floating away over the Brisbane skyline and you know that each one of those balloons actually represents a worker who is no longer with us, that is a message for all of us, because it means that we must do better. We remember the people who have been damaged, but it also encourages us to do better into the future.

For this evening’s contribution, I want to put on record my concern that the good, effective work of the National Occupational Health and Safety Commission could be dismissed way too easily. The lessons that we have learnt from that body are that, when you effectively put commitment into the issue of occupational health and safety, you will get involvement and result. When you effectively resource an organisation and give them the confidence to do their job, you will get result. I regret the push from the government to wipe this particular body out. I am concerned about the replacement body which is being set up. I have hope that there will be the commitment into the future for all the same reasons that former Minister Willis gave when he introduced legislation in 1984 for the National Occupational Health and Safety Commission. I hope that when the government forms the new body they will have that same strength of commitment that was expressed then, that this will be a body that will engage all people in the decisions, that it will be a body that will be effectively resourced into the future and that it will be a body that will be responsive to the community that it must serve.

I am concerned that, once again, this particular group is not going to be formed through an act of parliament in this place. We will not have the ability to debate, to look at how it is going to be reformed and to amend the way it is going to operate; it will be done through regulation. Way too often recently that has been the methodology chosen by the government. It does not give confidence. There is a place under our system for regulation that works effectively with legislation. I do not believe regulation is the appropriate way to create the major body which is going to be looking at OH&S into the future in our country. I believe that as a parliament, a cooperative parliament, we should be working together to establish that organisation here through a parliamentary decision. It worries me that it is going to be through another process.

I am concerned about the role that will be taken by trade unions in whatever new body will be created. The trade union movement has a noble and an effective reputation and history when it comes to the issues of occupational health and safety. I am concerned about the resourcing that will be given to this new body. We have already heard from other speakers that it will not be focused exclusively on the issues of occupational health and safety. The expectation is that it will
have a range of responsibilities, including that of workers compensation. We know how important the issues of workers compensation are and they should not be combined or caught up with any other function. It should be a totally separate but cooperative body.

As we actually work towards the end of this part of the debate, it would be good if we could send a message of confidence to the workers and the employers. They will be important in whatever new legislation and regulation is put in place. They will be the people to make it work. It does not matter what other people say. It will be the people who are engaged in the workplace who will make whatever comes into being work. We have a responsibility to ensure that they understand that we believe that their health and safety is important, that we believe it is a priority, that we will ensure that it is appropriately resourced and that we will give them the freedom and the strength to be involved in whatever process is put there. I hope that we will be able to fulfil that expectation. If we do not, we have not done our job and we have no right to be safe ourselves.

Senator ABETZ (Tasmania—Special Minister of State) (10.19 pm)—I thank senators for their contribution to this debate. Labor has indicated that it supports the Australian Workplace Safety Standards Bill 2005 but opposes the National Occupational Health and Safety Commission (Repeal, Consequential and Transitional Provisions) Bill 2005. The government urges senators to pass both bills.

Labor asserts that the abolition of the NOHS Commission and its replacement by the Australian Safety and Compensation Council somehow downgrades the Commonwealth’s role in occupational health and safety. This completely misunderstands and misrepresents the government’s intentions in seeking to reform the consultative arrangements for promoting greater consistency and uniformity in workplace safety and workers compensation in Australia. Firstly, the new arrangements recognise the importance of employers, employees and governments working together to establish a national approach to workplace safety and workers compensation. The council’s membership will include representation from employer and employee groups as well as state and territory governments—as a result, we have a genuine tripartite arrangement. Secondly, in establishing the council administratively, there is no diminution in the role or functions of the council. The council will have a very detailed list of functions which will be set out in its establishment documentation. Indeed, the council’s functions will be broader than those of the commission. Whereas the commission dealt specifically only with occupational health and safety matters, the new council will cover, for the first time, both occupational health and safety and workers compensation matters. Finally, the council is being established administratively as an advisory council with strong accountability to the Minister for Employment and Workplace Relations and the Workplace Relations Ministers Council.

At this stage, can I just make a few points in reply. Senators Wong and Murray each raised concerns that the Productivity Commission did not recommend the abolition of NOHSC. However, what Senators Wong and Murray did not mention was that the Productivity Commission did recommend that NOHSC be radically restructured as a small, expert advisory body and that it not be a tripartite body.

The Productivity Commission’s criticisms of NOHSC’s performance were telling. However, the government has decided to structure NOHSC’s successor, the ASCC, as a tripartite body. This is in part a response to representations from various stakeholders,
including the states and employee organisations. Senator Murray laments the lack of transparency and accountability to the parliament of the ASCC, because it is created administratively rather than legislatively. This fails to recognise that the ASCC is a tripartite body representing Commonwealth, state and territory governments as well as employers and employees. The ASCC is accountable to the Workplace Relations Ministers Council, which comprises all ministers for labour. As part of the Department of Employment and Workplace Relations, the office of the ASCC is accountable through the minister to the parliament.

During debate, it has been suggested on several occasions that unions will not be represented on the ASCC. (Quorum formed) This is not the case. The ASCC was constituted on 13 October 2005 and includes three ACTU representatives. The ACTU has known for months that the ASCC will be tripartite. The three ACTU nominated representatives are Ms Jill Iliff, Mr Richard Miles and Mr Peter Tighe. It would appear that those opposite have not been made aware of those appointments.

In relation to the make-up of the Australian Safety and Compensation Council, it does have a constitution, and I am happy to table that in this place to allay any fears. It clearly sets out in its objects section that the ASCC is designed to provide a national forum by which representatives of governments, employers and employees consult and participate in the development of policies relating to OHS and workers compensation matters and promote national consistency in the OHS and workers compensation regulatory framework. I table that document for the assistance of senators.

When enacted, these two bills will underpin the government’s plans for achieving national consistency and greater uniformity in both occupational health and safety and workers compensation arrangements. The government is committed to ensuring that Australian workplaces are as safe as possible and that injured workers are assisted at all times with their rehabilitation and return to work. The government has a proud record regarding its commitment to improving occupational health and safety in every Australian workplace.

The Australian government further demonstrated its commitment to OHS by initiating the development of the National OHS Strategy in 2002. Signatories to the strategy include the Australian government, all the state and territory governments—including the ACT—the ACTU and ACCI. The strategy seeks to improve Australia’s occupational health and safety performance over the next decade and to foster sustainable and safe enterprises that prevent work related death, injury and disease.

The Australian Safety and Compensation Council will assume responsibility for the ongoing implementation of the National OHS Strategy. The replacement of the National Occupational Health and Safety Commission by the new council is an important step towards attaining the goal of national consistency and greater uniformity in both OHS and workers compensation arrangements.

On behalf of the minister, I would like to thank and acknowledge the contribution of members and employees of the National Occupational Health and Safety Commission who were involved in the commission over its 20-year history. They have played a valuable role in promoting and developing the evolution of OHS in the Australian workplace. The new council will build on the achievements of NOHSC in the occupational health and safety area. With participation from Comcare, the states, territories and
relevant employer and employee groups, the new council will also provide leadership in coordinating OHS and workers compensation arrangements and in delivering greater consistency in outcomes nationally.

I will leave my remarks there. I repeat that this will be a tripartite body. It does have ACTU representatives on it. As one would expect, any government is genuinely concerned about the occupational health and safety of Australian workers. Whilst we do not accept all the findings and suggestions of the Productivity Commission report, we have taken on board some of the representations from the union movement, and we believe that this is the better way forward. I commend the bills to the Senate.

The ACTING DEPUTY PRESIDENT (Senator Moore)—I understand that senators wish to vote differently on these bills, so I will put the questions separately. The first question is that the Australian Workplace Safety Standards Bill 2005 be read a second time.

Question agreed to.

Bill read a second time.

The ACTING DEPUTY PRESIDENT—The question now is that the National Occupational Health and Safety Commission (Repeal, Consequential and Transitional Provisions) Bill 2005 be read a second time.

The Senate divided. [10.35 pm]

(The President—Senator the Hon. Paul Calvert)

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The committee has before it the amendment on sheet 4653, which I will describe as the standard accountability for advertising expenditure amendment. The non-

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Question agreed to.

Bill read a second time.

In Committee

AUSTRALIAN WORKPLACE SAFETY STANDARDS BILL 2005

Bill—by leave—taken as a whole.

Senator MURRAY (Western Australia) (10.39 pm)—The committee has before it the amendment on sheet 4653, which I will describe as the standard accountability for advertising expenditure amendment. The non-
government parties have been consistently supporting this amendment and it will be moved jointly by the Labor Party and the Democrats, for three prime reasons. The first reason is to continue to express deep concern and dismay that the government refuses to review, revise and reform the 1995 guidelines under which it is operating for advertising expenditure.

The second purpose of the amendment is to indicate to the Senate and to the public of Australia the basis on which the non-government parties believe that government advertising expenditure should occur. The third purpose of the amendment, which is being put consistently to a number of bills as appropriate, is to provide an opportunity to convey strong disapproval and strong concern at both the quantum and the nature of the advertising which is under way.

In making those remarks, I repeat what the Senate well knows and that is that all parties do support government expenditure for genuine factual information to be provided to the Australian community. But we are all strongly aware of the dangers of partisan or political advantage being taken in the expression of that advertising and we wish to see the whole process reformed. In that view it is my strong belief, based on the feedback I have received, that we are well supported by the majority of Australians. They do not like any sense of any government of any colour, be it territory, state or federal, using their taxpayers’ money for any partisan or political advantage.

Minister, because you are well acquainted with the arguments, I do not intend to go through the fuller exposition on this amendment; I will merely move it as my half of the joint proposal. I, and also on behalf of the opposition, move:

(1) Page 5 (after line 3), after clause 8, insert:

8A Accountability for advertising expenditure

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

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

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

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

(4) In subsection (3), Audit and JCPAA guidelines means the guidelines set out respectively in Report No. 12 of 1998-99 of the Auditor-General, entitled Taxation Reform: Community Education and Information Programme, and
Report No. 377 of the Joint Committee of Public Accounts and Audit, entitled *Guidelines for government advertising*.

**Senator Wong** (South Australia) (10.42 pm)—I, and on behalf of Senator Evans, am jointly moving with Senator Murray the amendment on sheet 4563. This is yet another bill to which both the opposition and the Democrats are seeking to put in place some measure of accountability for advertising expenditure. I anticipate that the minister’s response is likely to be the same as it has been on a number of previous occasions—but he may well prove me wrong: the government may decide in a fit of accountability to agree to insert a provision that ensures that the expenditure of public moneys in relation to advertising under this bill and others is done in a manner that is accountable. However, I suspect that if we are waiting for that we could be waiting a very long time.

The political context of this, as the chamber well knows, is the revelation at Senate estimates of the extraordinary and wasteful cost of the government’s political advertising campaign in relation to its industrial relations changes. The figure that was indicated was, I think, over $50 million—indeed, it was certainly in the tens of millions—on a campaign that I think most Australians would regard as not being about factual information. In fact, one could hardly argue that it was information about their rights and entitlements, given that the legislation had not yet even been presented to the parliament. It could hardly have been an indication of what their rights and entitlements were going to be; rather it was a set of government advertising placements which were about presenting the government’s spin and the government’s propaganda.

Senator Murray made a very good point—people in this place, the opposition senators who support this particular clause, do not oppose per se the use of public moneys to enable a government to provide appropriate factual information to the citizens of the country. What we do not agree with is that expenditure being over the top—profligate—nor do we agree with that expenditure not being accountable to the parliament. The set of measures which is suggested in the amendment is not to prevent the government being able to undertake appropriate advertising but to insert some accountability measures in relation to that expenditure.

There has been concern in the community as to this government’s misuse of public moneys over recent weeks. You could not turn your television on without seeing the Work Choices ads, and for a few weeks you could not open a paper in this country without being bombarded by government literature about what the government said was a good thing regarding its industrial relations changes. It is interesting to note the revelations about the lack of information provided to some of the workers who were portrayed in that video regarding what they were actually being filmed for. It is somewhat ironic at a time when we are discussing bills that are supposedly about workplace safety that, as I recall, one of the workers who was filmed in the advertisements actually thought he was making a video about workplace safety. But he was not. As everybody knows, he was making a very expensive public advertisement for the government in order to soften up the public before the legislation was placed in the parliament.

However, leaving aside the highly political, highly politicised and, we say, entirely inappropriate use of taxpayers’ funds on the Work Choices campaign, there is an issue of principle and broader accountability here. We in the Labor Party do have a view that more clear standards in relation to government advertising are required. We have been on the public record, and Kim Beazley as
opposition leader has moved a private member’s bill in relation to this issue.

Government senators interjecting—

Senator WONG—It is interesting to note the various comments on the other side. I think I have mentioned before in the context of the discussion on this clause the Medicare safety net advertising before the last election, which, as I recall, Senator Abetz and others in this place justified on the basis that it was about ensuring people knew their rights and entitlements. As I have said previously, I do not recall any rush by this government when it changed the Medicare safety net entitlement to spend a lot of public money on advertising that the ‘rock solid, ironclad guarantee’ had in fact been breached. Similarly, what do we see here? Millions of dollars being spent by this government on softening the electorate up on legislation that had not even passed the parliament—that in fact had not even been tabled within this parliament.

What is extraordinary is that they have absolutely no shame on this. They on that side seem to think that it is their money buying the newspaper pages, spot after spot on commercial television and all these things. It is not. It is taxpayers’ money. It is the money that taxpayers provide to the Australian government to put to good use in government services and other things for the betterment of the people of Australia. I would have thought that if government ministers had spoken to people in their electorates they would have noticed that people—certainly people in my electorate—have not been impressed by the way that this government has chosen to splash around what people know are taxpayers’ funds on what is nothing more than a propaganda campaign.

I am sure the minister will try and defend it, as he might, but really it is indefensible. It is indefensible for the lack of accountability on public moneys. We even had the Special Minister of State, who is the representing minister on this legislation, refuse in question time to indicate to this chamber exactly what the budget was on government advertising. That is how little this government chooses to be accountable to the Australian people through this parliament. This minister refused in question time to answer a question specifically in his portfolio area about expenditure on government advertising. It is extraordinary.

Senator Ian Campbell—Why don’t you explain your hypocrisy?

Senator WONG—I am sure if you want to speak in this debate, Senator Campbell, you can have the opportunity to do so rather than interjecting across the chamber. This minister refused in question time to indicate how much is actually being spent, simply saying, ‘We’ll spend whatever is required to allow people in this country to be—

Senator Ian Campbell—How much did you spend on Working Nation? It is hypocritical—

The CHAIRMAN—Senator Ian Campbell, you need to withdraw that comment. It is unparliamentary, and you know it.

Senator Ian Campbell—I withdraw my references to Working Nation, the Paul Keating policy which the Keating government spent millions on.

The CHAIRMAN—Senator Ian Campbell, you know what I am referring to. I ask you to withdraw.

Senator Ian Campbell—I was referring to the Working Nation advertising campaign run by the Keating government, the One Nation advertising campaign, the Medicare advertising campaign and the superannuation advertising campaign run by the Keating government, and I used the word ‘hypocrisy’, and I stand by it.
The CHAIRMAN—Senator Ian Campbell, the Hansard record will show that you made a direct reference, which is unparliamentary, about the senator who is making the speech. I am asking you to withdraw that imputation.

Senator Ian Campbell—The imputation was in relation to gross hypocrisy, and I withdraw the imputation.

Senator WONG—As I was saying in relation to expenditure on government advertising, we even had the Special Minister of State in this place refuse to indicate in the parliament when asked a question directly in his portfolio area as to the budget associated with the government advertising campaign in relation to Work Choices—

Senator Ian Campbell—The Keating budget? More hypocrisy?

Senator WONG—Would you like to give a speech, Senator Ian Campbell? You are entitled to the call. (Quorum formed) As I think I was discussing—

Senator Abetz—Monologuing!

Senator WONG—Generally, that is what speeches are; they are generally not a dialogue, Minister. Occasionally, with you on the other side, we are drawn into the debate in a different way. I was discussing the amendments on sheet 4653. I want to make a couple of brief points in the time remaining. First, as I said, Senator Abetz did not indicate what the budget was on the extraordinary advertising spend in relation to the Work Choices campaign, despite being asked in the chamber. That information had to be dragged out of the government through the Senate estimates process. I think most Australians would find it hard to understand how the government could possibly justify spending $55 million, I think it is—I could stand corrected—of taxpayers’ money on a campaign which is clearly a politically motivated campaign and which is clearly not about advising people of their rights and entitlements, because the legislation, at the time the campaign was undertaken, had not been tabled in the parliament. It certainly has not passed the parliament as yet. So there is no reasonable basis for the level of advertising saturation that we observed over the period of a few weeks when the government was busy selling its Work Choices campaign. I do not particularly object to the government selling its Work Choices campaign; what I object to is it using the levers of government in the way that it has in misusing taxpayers’ funds for those purposes. That is what I object to.

We made it clear as part of the last election what our position would be in attempting to ensure more accountability for government advertising. We have previously put forward a private member’s bill. In this parliament, for a period of time we have jointly with the Democrats consistently moved this amendment, which seeks to impose some accountability for government advertising.

Senator ABETZ (Tasmania—Special Minister of State) (10.56 pm)—The government opposes these amendments for the reasons outlined on numerous occasions. I accept that the Democrats are consistent in relation to this area. We of course as a government disagree. In relation to Labor, they only ever condemn federal Liberal government advertising and never, ever state Labor government advertising, including in my home state of Tasmania, where a particular government minister is under threat of losing her seat and, as a result, is now appearing in her own department’s TV commercials. But we will never have that condemned on that side.

To set the record straight, in relation to legislation being required to underpin a government information campaign, the High Court has debunked that by a margin of five to two. Senator Wong can keep on with her
mantra but the High Court has spoken on that. In relation to the Medicare safety net, just as an example, the reason for that campaign was that families had to register. As a result of that campaign, we had 645,000 families register—a very successful campaign. I will not delay the Senate any further, so that we can move to the vote on this. As indicated, we oppose the amendment.

Senator WONG (South Australia) (10.58 pm)—We were happy to try to facilitate passage, but, if you are going to put things on the record, Labor is going to have to respond to them. It was your choice to delay the bill, not ours. The minister has suggested—and it is the usual position from government ministers; you set up a straw man or straw person and knock it down—that somehow I was saying that there was some constitutional requirement that legislation has to be before the parliament before the advertising expenditure is legal. That was not at all my argument. My argument was this: on what basis can you justify spending $55 million of taxpayers’ money on a policy proposal? That is all it is; it is a policy proposal. It is not legislation that is tabled in the parliament. It is not legislation that has been passed. You could even try to justify it on the basis that this was about telling people...

Senator Abetz—The High Court has said it is okay.

Senator WONG—I do not know what it is about Senator Abetz. He cannot understand logic sometimes. He keeps saying that the High Court says it is okay. This is not a constitutional issue; this is a moral one and a political one.

Senator Abetz—So why did you go to the High Court?

Senator WONG—What I am raising now is a moral and political question: on what basis can this government possibly justify spending over $50 million of taxpayers’ money on a Liberal policy proposal? That is what you are doing. You cannot even justify it on the basis that this is somehow advising the Australian people of rights and entitlements that have changed. You cannot even justify it on that basis, because there was no such change in the legislation; there was in fact nothing before the parliament. So what we had was $55 million spent on explaining what was a Liberal government proposal.

Progress reported.

ADJOURNMENT

The PRESIDENT—Order! It being 11.00 pm, I propose the question:

That the Senate do now adjourn.

Labor Party Policy

Senator SANTORO (Queensland) (11.00 pm)—I wish this evening to draw to the Senate’s attention one of the great hypocrisies of the federal parliamentary Labor Party, namely their continuing deliberate, deceitful and disingenuous attempt to lay at the feet of the federal government the sins of their state colleagues. Over the past near-decade, the traditional opposition role has been replaced by a new and innovative Labor mission. Instead of a shadow cabinet, we now have a team of ambassadors from the states and territories, obsequiously papering over the disastrous work of their local party masters, by asserting that the foundation of all faults lies with the Commonwealth. From their ambassador-in-chief down, they tell us that everything will be better if we only let the party which runs the Queensland health system and the Sydney tunnels have its turn down here in Canberra. Tunnels are not my expertise, but I think it is instructive to look at Queensland as an example of how Labor in government compares to their promises in opposition.

I will start with taxation. Since the 2004 election, under the leadership of a man...
whose rate of reincarnation will soon rival the Dalai Lama’s, federal Labor has maintained its pre-electoral stance that we should introduce across-the-board tax cuts while increasing spending. It was Margaret Thatcher who introduced the notion of ‘handbag economics’, and perhaps it is time for Julia Gillard to slap her colleagues with hers until they understand this basic principle—you cannot spend more than you raise. And yet, this approach is precisely what lies at the heart of the Queensland malaise. Premier Beattie, like a teenager with his first credit card, has wandered the toyshops of public policy, purchasing whatever takes his fancy, without regard to the inevitable tearful reckoning when the bill comes in.

This tendency to live on borrowed time and, increasingly, on borrowed money, has been facilitated by the most generous funding package ever offered to, and greedily grasped by Australian state Labor governments. For example, for 2004-05, Queensland was $769 million better off under the tax reforms introduced by the Howard-Costello government, and this financial year Queensland will be $600 million better off. These are windfall tax income gains and they are big gains. Clearly this windfall income, which even Premier Beattie extols as a unique gift to the states, offered the opportunity to improve services within a balanced budget—and yet we see Queensland chasing its Labor comrades on the east coast on the highroad to bankruptcy.

Now, most of us are willing to forgive state governments for what Alan Greenspan famously referred to in the private marketplace as ‘irrational exuberance’, when there is a clear public good served by a temporary relaxation of the fiscal drawstrings. I will not hold anybody in suspense here this evening, or anybody listening out there, as to whether I believe this defence might be fairly offered by the Beattie Labor government. But let us look at the absolute depth to which they have sunk. Like Peter Beattie, Kim Beazley and his cohorts tell us that only Labor, with their core social justice mission, can be trusted to build and maintain an effective public health system. Well, this morning’s Courier Mail gives us the headline that says it all about the Labor approach to health management, and it reads: ‘Fewer hospital patients, more deaths.’ That really is an achievement. The Beattie government are raising the expenditure on health and tell us they will have to find $1.5 billion per annum to fix the system which they have denuded of its most basic features, of qualified doctors, nurses and hospital facilities. We are now told they are managing to reduce the number of patients, while simultaneously raising the mortality rate of those who are lucky—and I use the word advisedly—enough to find themselves a bed.

There is a truth buried in the statistics around Queensland health, and it is that the recent revelations around Bundaberg are merely a symptom of the institutionalised corruption in the system, which has flourished as a natural response to a government without a plan—a government running a health system so out of control that a one-way ticket for a foreign doctor to visit home is an emblem, rather than an aberration, of the current political management. The final insult is that Queensland has now announced that its high-cost, low-access, high-mortality trifecta of a health system will now be complemented with the unilateral withdrawal of free care in public hospitals. Late last month, Premier Beattie announced new Queensland-only copayments, for elective surgery, dental care, glasses and specialist outpatient services. This is from the party whose federal embassy tell us they should be trusted with Medicare.

Another area where federal Labor tell us they are the soul of compassion and the root of humanity is in immigration. Well, the
Beattie government has an informative take on that one as well. Apparently, the real problem with the health system in Queensland is simply migration from the south: those pesky New South Welshmen who cross the border in the hope of a better life. So Peter Beattie, believing that Queensland was exempt from section 92 of the Constitution, and needs no further economic growth, had the gall to foreshadow a thankfully illegal tax on anyone who wanted to cross the Tweed. Like Pat Buchanan, with his latter-day Buchanan Trench, he decided economic prosperity would only be guaranteed by keeping the work-hungry southerners out.

If you want a real insight into the Labor hand-wringing on immigration and refugees, Queensland Labor’s opposition to even state border-crossing will tell you how opportunistic Labor really is. And in place of this ludicrous tax proposal, we are now told that the unnecessary health deficit will be funded by the last refuge of the political scoundrel—1,000 new poker machines, which will prey on the most vulnerable in our society. And watch this space: if you thought New South Wales was the pokie economy, just watch the Beattie crew’s taste for easy money grow.

It is occasionally suggested that Labor leaders, and Peter Beattie in particular, are a group of dastardly criminal masterminds rigging entire state—and, where they have the opportunity, national—economies to the benefit of their cronies in the party backroom and the dwindling union movement. But the real picture is becoming clearer. These men are not the Australian equivalent of Al Capone, building a national empire of private interests protected by government franchise. No; if you want a real comparison, look at the petty schemers and minor tricksters of the comedy underworld. Premier Beattie increasingly resembles a kind of Arthur Daley character, constantly thwarted in his clever schemes as the minor inconveniences of the law and community standards get in his way.

Some of the revelations of recent times, however, would beggar belief, even for a figure as inept in his planning as Arthur Daley. Let us start with a standout example, QFleet, which is one of those stories which would be genuinely hilarious if it were not for the money it has haemorrhaged from the rest of the state budget, most obviously health. Queensland is losing $10 million a year on a stockpile of old government vehicles and finds itself between a rock and a hard place. Either it allows these cars to sit in the warehouse and rust into some sort of artistic tribute to public policy gone mad or it dumps them on an illiquid market and destroys a significant part of the motor vehicle industry. For those who remember those scenes from Minder where Arthur opened his doors to a warehouse full of goods suspiciously missing their bills of lading, we could at least take it as read that the lovable old rogue was able to find a place for them in the market at a knockdown price without destroying hundreds, perhaps thousands, of jobs. Arthur, of course, had a used car yard, so he would potentially have been on the receiving end of this sort of policy disaster.

Recent figures published in the Courier-Mail show that an annual $10 million could pay for 89 specialists, 147 trainee doctors, 227 nurses, or just about anything else the public might value above $40 million dollars worth of unsaleable cars which the government’s advisors warned them more than seven years ago against accumulating. A message to federal Labor here: you will be judged on your performance, not your promises. If you cannot run a used car yard, perhaps the national economy is well and truly out of your orbit.

The list of Labor hypocrisy and the gaps between federal promises and Queensland
performance is endless. Those who are interested might compare Labor’s demand for federal dental money to Queensland’s refusal to introduce fluoride at a time when there is an epidemic of tooth decay and extraction in first-year primary students, or they might contrast Labor’s environmental and farming policies with the Beattie government’s flat-out lies to cover up its lack of success in eradicating fire ants. Here is a clue for those interested in pest management: designating an area for eradication, and thereby naming it as an eradicated area, is not the same thing as actually spraying. And what about sending the head of infrastructure to London to expedite the redecoration of Queensland House? I am all for ambience but moldings inside a public building are not the infrastructure Queensland so desperately needs.

I am, of course, reminded that this year marks an important 30th anniversary for Labor—not the dismissal, but federal Labor’s first national infrastructure policy, intended to have been underwritten by one Tirath Khemlani. Perhaps the Beattie bankruptcy is yet to be solved by some similarly Machiavellian masterstroke. What we have in Queensland is smoke and mirrors. What we have in Queensland is the politics of imagery over substance. Clearly, this is not good for Queensland. It is a clear indication of what federal Labor foreshadows for the rest of Australia. (Time expired)

Tertiary Access Program

Senator MOORE (Queensland) (11.10 pm)—I want to make a positive contribution this evening. During the last sitting on 7 November, a group of tertiary students from the Logan College of TAFE visited Canberra for the day. This group of 18 students and one teacher was a part of the Tertiary Access Program, which is a scheme which allows people who may not have been able to access the best possible result out of their education and who did not achieve the results that would have allowed them to access tertiary education to return through the TAFE system and build up the qualifications necessary to have a choice of education and employment opportunities.

This group of students from Logan, which is south of Brisbane, identified through their training that they wanted to learn more about the government process. They identified through their discussions that they had an interest in the way the government operates, in finding out what exactly goes on in their national capital and in learning more about how the democratic system works. When these people got together in their classrooms, they looked at having a trip to Canberra.

Many of the people who are doing this course have very limited incomes. They are at a stage where they want to make a lifestyle change to give themselves greater opportunities, but that comes at a real cost. They have full-time study for a period of 12 months. They have to achieve fairly high results during that period and then compete to get into tertiary places. Hopefully many of them are going to go to the university campus at Logan but many others will take various opportunities. The real economic impact of their choice for this period of transition is quite tough. The concept of coming to Canberra from Brisbane is an expensive business. So they put a little committee together and worked with their teachers to come up with a way of funding their visit to Canberra to see how parliament ticks.

They contacted lots of people to get help. This evening I want to acknowledge the really strong support they got from their college and also from Qantas, because Qantas came good with a very generous sponsorship scheme to help these young people come to Canberra. I want to acknowledge the strong and very immediate support that that firm
gave them. That also came through the direct involvement of the Transport Workers Union in Brisbane. It took only a phone call to the Transport Workers Union to find out where we could go for help. It was a bit of a gamble. When we made the request, we were not sure what the response would be, but it is a wonderful example of community support. It was only through that generosity that the students could come to Canberra.

I was absolutely privileged to meet with this group of people, to hear their excitement about being here and to listen to what they thought the experience was. I want to quote directly from some of them because their words say it so much better. One student said:

Apart from the scenery and all the historic sites, watching live parliament was amazing! John Howard and all the other people there have always just been an abstract part of the running of Australia. Having seen them with my own eyes and gaining a little insight into my government I am amazed to say that I have a genuine new interest in the running of my country!

Another of the young people said:

When the Parliament was making condolences for the Bali bombings—which were on that day, and they were able to see that both in the House of Representatives and the Senate—

I was touched to see how emotional some members became—I though they were always angry.

Mr President, I think that is a bit of a comment about the perceptions that people can have of this place, which you see sometimes yourself.

When their teacher was summing up the experiences from their point of view she said: ‘Old Parliament House was interesting for them, but it was the new house that really got them going!’ They got very animated when question time proper started, and they were still hopping when they got into the office to talk about what they had done. She said that they were a bit overawed at meeting real politicians but then they realised that they were just people like they were and they could talk and listen at that time. When they were on the bus going back to the airport, they just wanted to talk about how excited they were. They were so hyped on the plane that the flight attendants asked them to be quieter. I think that sums up the excitement and value of such an opportunity.

When I had the chance to meet with them, they came from such various backgrounds. I was able to talk with them about what made them choose to do this Tertiary Access Program to go on to do other jobs and have other opportunities and also about what made them so keen to come to Canberra.

Once again, with 18 people you get various responses, but I think those quotes I read out indicate the value of being here, visiting this wonderful place and seeing how parliament operates. I think it was a very telling point about them seeing that politicians are not ‘always angry’ and that, actually, valuable things happen here. They are the kinds of lessons that we must take out into the community.

You know, Mr President, that I have written to you about trying to extend some kind of formal support to people who are in the TAFE system. We have a wonderful program at this place that gives support to school students in the primary and secondary years to give them help when they live a long way away to come and experience Canberra. The Parliamentary Education Office does amazing work. There can never be too many words said about the scope and talent of the people who work there. They have a real ability to make parliament and our wonderful democracy real to students. I am very keen to see whether we can find some way to give that support to people who are in the TAFE system. The TAFE system is a very special-
ised part of our educational opportunities in Australia because it recognises that people, at all ages, can have the opportunity to return to the education process. Sometimes we forget that. I think that we get a little bit too complacent, that we think that education is one long, straight path. In fact, for many people, it takes many turns.

When I met these people who had the opportunity to visit Canberra, they had such different experiences, perhaps negative experiences, of their own schooling at the secondary level—having to drop out for different reasons, wanting to go off and get a trade of some kind. But then, through the kinds of things that happen in life, they were able to see that there can be options, such as getting an actual academic qualification, hopefully through the Logan Campus, and getting a job. Many of them wanted to be teachers. I think that is so valuable, having that life experience. A few wanted to be lawyers. I said, ‘If you really want to do that, you can,’ but it was an attraction for them. I was thrilled to see that a couple of them, as a result of the experience they had through their education and coming here, see politics as not just elected politicians but, through the mechanics of the process, a genuine career option—and that must be valuable. If we can widen that knowledge and that enthusiasm, we will be ahead in our government, we will be better for having that opportunity.

I promised each of them that I would read their names into the *Hansard*. They were fascinated by the *Hansard* process and how every word that is spoken is actually recorded for history. So I want to take the time now to read the names of the 18 students from Logan into the *Hansard* for them and their families. I also want to say a word of congratulations to Dr Sharon Broughton, who is the coordinator of the Tertiary Access Program at Griffith University, Logan Campus. Without her amazing enthusiasm and passion, this would not have happened. So now, for all of those students—I do not think you will be listening now, but I will send this on to you—I will read out your names: Kirsty Baldwin, Kristina Bledig, Anne Camplin, Rachel Ennis, Joel Curtis, Josh Gittens, Karen Grozinger, Kylie Hill, Angie Jorgen, Nicole KYTE, David Little, Blair Marzullo, Luke Newcombe, Laila Sabawi, Voelcker Sapolu, John Solowiej, Janice Tibbels and Tonia Ward. You are now a part of our history. Your names are in *Hansard*. I truly hope that you will be back in Canberra, that your experience will be shared with many other people and that, naturally, our democratic process will be enhanced by your involvement and your better knowledge. Politicians are not just angry; they are a part of the political system, and now you know more about it.

Exports: Natural Resources

Senator SANDY MACDONALD (New South Wales—Parliamentary Secretary to the Minister for Trade) (11.20 pm)—I recently spoke in the Senate on the importance of rural exports to the Australian economy and what the Australian government have been doing through our ambitious trade policy agenda to keep the successful export story moving firmly ahead by opening up further opportunities to our exporters. As I have said, we owe much not only to our rural exporters but also to our manufacturing exporters, our services exporters and our natural resources exporters. Tonight I would like to focus my remarks on the very significant part that our natural resource sector plays in delivering export earnings and the potential for increased uranium exports to add further to this.

The Australian economy is benefiting from the success of our strong export performance, which last financial year reached a record $162.3 billion. As exporters have
risen to challenges such as the higher Australian dollar and increased international competition, we have seen a broad distribution of growth across all sectors. Minerals and energy exports have been playing a particularly important part, with robust global demand and record prices. Resource exports performed strongly in 2004-05, with around 80 per cent of resource commodities recording price increases and the mineral and energy exports sector earnings rising some 29 per cent to $67.4 billion. Increased demand in Asian markets for our metals and energy has been driven by the region’s robust growth in industrial production. The importance of the region is highlighted when you consider that East Asia accounted for some 55 per cent of our total merchandise exports in 2004-05.

Coal exports were our largest export last financial year, with an increase of 55 per cent in value terms, leading to a new record of $17 billion. And the prospects for the coming year are continuing to look good with, so far in 2005, contract prices for coking coal and iron ore having risen by around 120 per cent and 70 per cent respectively. Driven largely by the forecast growth in our minerals and energy exports, we can look forward to our commodity export earnings continuing to rise this financial year by some 19 per cent to around $117 billion.

We are seeing countries increasingly looking at the broad range of options for meeting their energy needs. One of those options is nuclear power through uranium. Reflecting this, uranium prices are at a 21-year high and are expected to rise further. The global number of nuclear reactors is expected to rise significantly in coming years. For Australia, which holds some 30 per cent of the world’s uranium reserves at medium-cost recovery, this all presents an incredible opportunity to become an energy supplier to the world.

Our uranium exports over the past few years have averaged around 10,000 tonnes per year, fuelling about two per cent of total world electricity production. We earned nearly half a billion dollars last year from our uranium exports, and there is a great deal of potential for us to export more. We are already a significant supplier, particularly in the East Asian market, and, with our low cost reserves and political and economic stability, we could readily increase our share of the world market.

At the same time, we are mindful of the need to ensure that uranium exports are used solely for peaceful purposes. Australia has long been an active advocate for arms control and nonproliferation and is a responsible uranium exporter, with a commitment to the NPT. One of the ways Australia contributes to the responsible use of uranium resources is through our network of bilateral safeguards agreements, without which we will not sell our uranium. This ensures that Australia’s nuclear exports are used exclusively for peaceful purposes and can only be retransferred to a party having a bilateral safeguards agreement with Australia. Australia currently has a network of 19 agreements, covering 36 countries including countries in Europe and Asia, as well as North and South America, and we are in the process of adding to this network, including through our discussions with China on a bilateral safeguards agreement.

Our network of agreements complements and builds upon the International Atomic Energy Agency’s safeguards regime and, it is important to note, has helped set the benchmark around the world in terms of the strict treaty-level peaceful use conditions placed on the use of uranium generally. Once we have an appropriate safeguards agreement in place with China, we would be ready to start exporting uranium to what is now the world’s second largest energy consumer.
With such an agreement, we would be able to tap into a market for uranium that is expected to increase fourfold by 2020.

I want to acknowledge the efforts of the Minister for Foreign Affairs, Alexander Downer, and the Minister for Trade, Mark Vaile, who have worked tirelessly to promote the responsible export of Australian uranium. The Minister for Foreign Affairs has quite rightly questioned the logic of people who are concerned about greenhouse gas emissions but oppose nuclear energy, which is one of the cleanest and safest sources of power available. I welcome recent reports that the Australian Labor Party have at last decided to engage in the debate about the ‘strategic importance of Australia’s uranium resources’ and are preparing to discard their ridiculous opposition to new uranium mines. As noted by the opposition’s resources spokesman, Martin Ferguson:

Uranium presents a new opportunity and over time people have to grasp these opportunities and front up to their responsibilities …

The Howard-Vaile government are working to make the most of the opportunity presented by uranium resources and we welcome the support of the opposition in that regard.

_Senate adjourned at 11.27 pm_

**DOCUMENTS**

**Tabling**

The following government documents were tabled:

- Airservices Australia—Corporate plan July 2005 to June 2010.
- Equity and diversity program—Report for 2004-05.
- Alcohol Education and Rehabilitation Foundation Ltd—Report for 2004-05.
- ASC Pty Ltd (formerly Australian Submarine Corporation Pty Limited)—Report for 2004-05.
- Audio-Visual Copyright Society Limited (Screenrights)—Report for 2004-05.
- Australia Business Arts Foundation Ltd—Financial statements for 2004-05.
- Australian Centre for International Agricultural Research—Report for 2004-05.
- Australian Fisheries Management Authority—Report for 2004-05.
- Australian Institute of Criminology and the Criminology Research Council—Reports for 2004-05.
- Australian Pesticides and Veterinary Medicines Authority—Report for 2004-05.
- Director of Public Prosecutions—Report for 2004-05.
Family Court of Australia—Report for 2004-05.

Forest and Wood Products Research and Development Corporation—Report for 2004-05.


Industrial Relations Court of Australia—Report for 2004-05.


Professional Services Review [Medical and pharmaceutical services]—Report for 2004-05.


Sugar Research and Development Corporation—Report for 2004-05.


Tabling

The following documents were tabled by the Clerk:

[Legislative instruments are identified by a Federal Register of Legislative Instruments (FRLI) number]


Civil Aviation Act—

Civil Aviation Order 82.5 Amendment Order (No. 1) 2005 [F2005L03362]*.

Civil Aviation Regulations—Instrument No. CASA 383/05—Instructions—route specifications [F2005L03426]*.

Civil Aviation Safety Regulations—Airworthiness Directives—Part 105—

AD/A330/53 Amdt 1—Electronic Instrument System Display Units [F2005L03396]*.

AD/BELL 47/101—Scissors Assembly and Weld Assembly Scissors Bracket [F2005L03433]*.

AD/BELL 212/67—Emergency Floation Reservoir Adapter [F2005L03436]*.

Customs Act—Tariff Concession Orders—

0507063 [F2005L03388]*.

0507309 [F2005L03390]*.

0507312 [F2005L03369]*.

0507313 [F2005L03370]*.

0508791 [F2005L03415]*.

0509435 [F2005L03373]*.

0509807 [F2005L03374]*.

0509808 [F2005L03376]*.

0509824 [F2005L03377]*.

0509832 [F2005L03378]*.

0509993 [F2005L03379]*.

0510006 [F2005L03416]*.

0510033 [F2005L03417]*.

0510407 [F2005L03418]*.

0510515 [F2005L03419]*.

0510520 [F2005L03421]*.

0510522 [F2005L03422]*.

0510589 [F2005L03401]*.

0510590 [F2005L03402]*.

0510591 [F2005L03403]*.

0510608 [F2005L03423]*.

0510612 [F2005L03413]*.
0510721 [F2005L03424]*.
0510725 [F2005L03404]*.
0510726 [F2005L03405]*.
0510727 [F2005L03406]*.
0510728 [F2005L03407]*.
0510891 [F2005L03409]*.
0510892 [F2005L03410]*.


Environment Protection and Biodiversity Conservation Act—Amendment of list of specimens taken to be suitable for live import, dated 24 October 2005 [F2005L03324]*.

Financial Management and Accountability Act—Financial Management and Accountability Determinations—

2005/43 —Cultural Ministers’ Council Special Account Establishment 2005 [F2005L03427]*.
2005/46 —International Aid Special Account Establishment 2005 [F2005L03428]*.

Industry Research and Development Act—

Industry Cooperative Innovation Program Directions No. 1 of 2005 [F2005L03360]*.

Renewable Energy Development Initiative (REDI) Program Directions No. 1 of 2005 [F2005L03359]*.

Parliamentary Entitlements Act—

Parliamentary Entitlements Regulations—Advice of decision to pay assistance under paragraph 18(a), dated 1 November 2005.

Veterans’ Entitlements Act—Determination under section 46L, dated 29 May 2005 [F2005L03357]*.

* Explanatory statement tabled with legislative instrument.

Indexed Lists of Files

The following document was tabled pursuant to the order of the Senate of 30 May 1996, as amended:

Indexed lists of departmental and agency files for the period 1 January to 30 June 2005—Statement of compliance—Australian Research Council.
QUESTIONS ON NOTICE

The following answers to questions were circulated:

Fisheries: Basslink Pty Ltd

(Question No. 504)

Senator Allison asked the Minister for Fisheries, Forestry and Conservation, upon notice, on 11 April 2005:

With reference to the answer to question on notice No. 28 (Senate Hansard, 7 March 2005, p.158): Can details be provided of the agreement mentioned in the answer that was to have been made with the McLoughlin’s Beach Progress Press Association, also known as the McLoughlin’s Beach Residents and Ratepayers Association, including who on behalf of that organisation signed the agreement and when it was signed.

Senator Ian Macdonald—The answer to the honourable senator’s question is as follows:

On receipt of Question on Notice 28, my Department sought advice from Basslink Pty Ltd on the consultation process undertaken for the development of a code of conduct for commercial and recreational fishing activities. The information provided by Basslink formed the basis of my response of 7 March 2005.

In response to your further Question of 11 April 2005, my Department again sought advice from Basslink on the involvement of the McLoughlin’s Beach Progress Press Association in the development of the fishing code conduct. In response to this second question, Basslink advised that the information it provided to the Department to answer your original question was inaccurate.

Basslink Pty Ltd clarified that whilst it consulted with 17 peak commercial and recreational fishing bodies in developing the “Code of Conduct for Fishing and Anchoring Safely with Basslink” (Code of Conduct), it did not consult with the McLoughlin’s Beach Progress Press Association. The parties consulted in the development of the Code of Conduct were considered to represent all major fishing and recreational interests in the area. The final version of the Code of Conduct was approved by the Australian, Victorian and Tasmanian Governments in October 2003.

In light of this advice, the response to Question on Notice No. 28 should read:

(1) Yes, Basslink Pty Ltd has a voluntary Code of Conduct for Fishing and Anchoring Safely with Basslink (Code of Conduct). The Code of Conduct was developed after consultation with peak commercial and recreational fishing groups listed in part 2. The final version of the Code of Conduct was approved by the Australian, Victorian and Tasmanian Governments in October 2003. A copy of the Code of Conduct is attached.

(2) The following 17 fishing group were consulted when developing the Code of Conduct:

- Lakes Entrance Fishermen’s Co-operative
- Seafood Industry Victoria
- South East Trawl Fishing Association Ltd
- South East Non Trawl Association
- Tasmanian Game Fishing Association
- Tasmanian Fishing Industry Council
- Tasmanian Marine Recreational Fishing Council
- VRFish
- Victorian Game Fishing Club

QUESTIONS ON NOTICE
• Victorian Ocean Scallop Association
• Victorian Fishing Industry Council
• Richey Fishing Co
• Commonwealth Fishing Association
• Tidal Princess Charters
• Australian Government Department of Agriculture, Fisheries and Forestry
• Australian Fisheries Management Authority
• Australian Seafood Industry Council

(3) As listed in part 2) there were two major groups from Gippsland area consulted. These were:
• Lakes Entrance Fishermen’s Co-operative
• Tidal Princess Charters (based in Yarram)

Gippsland fishers would also have been represented in several of the other groups listed in part 2.

It is important to note that primary responsibility within the Australian Government for the approval and monitoring of the Basslink project lies within the Environment portfolio. My own portfolio’s involvement is limited to monitoring any potential effect of the project on fishing. I would therefore recommend that any future questions on this issue be directed to the Minister for the Environment and Heritage, Senator the Hon Ian Campbell.

Review of Recognition of Service in Korea
(Question No. 554)

Senator Mark Bishop asked the Minister for Defence, upon notice, on 20 March 2005:

With reference to the Minister’s media statement (008/05 dated 16 March 2005) announcing the review into the level of recognition of service following the armistice in Korea in 1953:

(1) Would the Minister advise: (a) the anticipated start and completion dates for the review; (b) the total projected cost of the review; (c) the process by which Mr Garry Nehl and Rear Admiral Crawford were selected, including how many other candidates were considered for each position; (d) who made the final decision as to the appointments; and (e) when the decision was made.

(2) (a) What is the projected cost of secretarial support to be given to the review; (b) the number of secretarial staff involved; and (c) the agency which will supply the secretarial support.

(3) What is the estimated remuneration to be paid to each of Mr Nehl and Rear Admiral Crawford including: (a) daily rate of remuneration; (b) travel allowance; (c) travel costs; and (d) accommodation costs.

(4) (a) Is Mr Nehl the former National Party member for the Federal Electorate of Cowper, New South Wales; and (b) what is the extent of his military service.

Senator Hill—The answer to the honourable senator’s question is as follows:

(1) (a) Start date - 27 June 2005; completion date - December 2005;

(b) Estimated at $245,000.

(c) The selection process sought to establish balance across the working party panel by including panel members with military experience, particularly Korean service, experience of procedural process and, importantly, the capacity for an independent viewpoint. While a number of individuals were considered, no list of alternatives was developed. In seeking to identify individuals capable of fulfilling the chair appointments, the balance between military and procedural experience led to a co-chair arrangement solution. Other panel members were identified by their potential to contribute to a balanced panel.
(d) The Hon De-Anne Kelly MP, Minister for Veterans’ Affairs and Minister Assisting the Minister for Defence.

(e) 11 March 2005.

(2) (a) The net additional cost is $130,000.
(b) Three.
(c) Department of Defence.

(3) $503 per day. Rates of pay have been sourced from the Remuneration Tribunal Determinations.
(b), (c) and (d) Remuneration will be broadly be in accordance with prescribed Remuneration Tribunal determinations regarding daily fees. Travel costs, allowances and accommodation costs will be appropriate to rank, but are yet to be defined.

(4) (a) Yes. (b) None.

Ubon Veterans Review
(Question No. 557)

Senator Mark Bishop asked the Minister for Defence, upon notice, on 20 April 2005:

With reference to the Minister’s media statement (007/05 dated 11 March 2005) headlined ‘RAAF Ubon veterans praised for service’:

(1) (a) When was the review announced; (b) what was the reference number and date of the Ministerial media release containing the announcement; and (c) what other steps were taken to make the public aware of the review.

(2) When did the review conclude.

(3) When did the Minister receive the findings of the review.

(4) What was the total cost of the review.

(5) (a) Who were the members of the review; and (b) when were they appointed.

(6) (a) What was the process of selection; (b) what military expertise was sought; (c) how many names were considered; (d) who made the final selection and when was the decision announced.

(7) What was the cost of secretarial support provided to the review, including the number of secretarial staff involved and the agency which supplied the secretarial support.

(8) What are the details of each meeting held by the committee including: (a) the date, time, duration of each meeting; (b) the venue of each meeting; and (c) the committee members who attended each meeting.

(9) What remuneration was paid to each committee member including: (a) daily rate; (b) travel allowance; and (c) travel costs.

Senator Hill—The answer to the honourable senator’s question is as follows:

The media statement ‘RAAF Ubon veterans praised for service’ was made by the Minister Assisting the Minister for Defence, the Hon De-Anne Kelly MP.

(1) (a) At a meeting with the RAAF Ubon “Reunion – Recognition” Group on 9 February 2004, an undertaking was made by Mr Brough to have material provided by the Group further evaluated to determine whether it would have altered the outcome of the Review of Service Entitlement Anomalies of South-East Asian Service 1955-75 (Mohr Review) regarding eligibility for the Vietnam Logistic and Support Medal (VLSM). Mrs Kay Elson MP, the Hon Arch Bevis MP and Major General Bill Crews, National President of the Returned and Services League, were in attendance as observers.

(b) There were no Ministerial releases announcing the review.
Mr Mal Barnes, President of the RAAF Ubon “Reunion – Recognition” Group, was advised of the Review by letter on 3 June 2004. As the Review was specific to this Group, and specific material was provided, submissions from the wider public were not required.

(2) 9 July 2004.
(3) The Hon Mal Brough MP received the findings of the independent panel on 9 July 2004.
(4) Approximately $60,000.
(5) (a) Air Marshal Doug Riding AO DFC (Retd), Rear Admiral Philip Kennedy AO RAN (Retd) and Mr Ces White.

(6) (a), (b), (c) and (d) The selection of independent panel members was conducted by the Hon Mal Brough MP on advice from the Department of Defence. Air Marshal Riding and Mr White were specifically recommended by the Department of Defence. Air Marshal Riding’s selection was based on his experience on the Review of Veterans’ Entitlements (Clarke Review) and his experience as a senior RAAF officer. Mr White also had experience on the Clarke Review and the Mohr Review. Rear Admiral Kennedy was selected by Mr Brough based on his involvement in the Mohr Review. Mr Brough’s overall preference was to try to use experience contemporary to the Mohr Review.

(7) One Defence employee was provided at the Australian Public Service Level 6 as part-time secretariat for the independent panel. The staff member was employed for a cumulative total of approximately three days at a daily rate of $234.

(8) (a) The independent panel formed on 8 June 2004 and met every working day, during standard business hours, until 2 July 2004.

(b) The independent panel met at the Department of Defence in Canberra.

(c) All three members of the independent panel attended these meetings.

(9) No payment was made for travel costs.

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<thead>
<tr>
<th>Total Remuneration Paid</th>
<th>Daily Rate</th>
<th>Travel Allowance</th>
<th>Travel Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>$48,427</td>
<td>$360 or $1,000</td>
<td>Approximately $5,600</td>
<td>Approximately $2,300</td>
</tr>
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</table>

Minister for Citizenship and Multicultural Affairs: Overseas Travel
(Section Nos 720 and 731 supplementary)

Senator Chris Evans asked the Minister for Immigration and Multicultural and Indigenous Affairs and the Minister representing the Minister for Citizenship and Multicultural Affairs, 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; (e) When did the Minister return to Australia.

(2) (a) Who did the Minister meet during the visit; (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; (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 by not necessarily limited to: (i) fares, (ii) allowances, (iii) accom-
modation, (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) in-
surance, 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) how many occasions did the Minister or his/her office or department and/or agency charter air-
craft, and in each case, what was the name of the charter company that provided the service and the
respective costs.

Senator Vanstone—The answer to the honourable senator’s questions is as follows:

Further to the answer to Question Nos. 720 and 731 provided on 11 August 2005, the answer to part 7
of those questions stated that the Special Minister of State would be responding on my behalf. This is no
longer the case as individual Ministers will now respond to this question. The answer to part 7 of the
question is as follows:

(7) The spreadsheet at Attachment A lists the costs per expenditure item for each departmental officer
that travelled overseas with the Minister for each financial year from 2000-01 to 2004-05.
### Questions on Notice

#### Attachment A

**Departmental Overseas Travel Costs**

**DIMIA Officers Accompanying Ministers**

**2000/2001 Financial Year to 2004/2005 Financial Year**

<table>
<thead>
<tr>
<th>Trip Date</th>
<th>Trip No.</th>
<th>Minister</th>
<th>Countries</th>
<th>DIMIA Staff</th>
<th>Airfares</th>
<th>Allowances</th>
<th>Accom.</th>
<th>Hospitality</th>
<th>Insurance</th>
<th>Other Costs</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>20 April 2005 to 04 May 2005</td>
<td>34</td>
<td>Vanstone</td>
<td>US, Canada (Hong Kong - Private)</td>
<td>Bill Farmer</td>
<td>$18,522.39</td>
<td>$2,330.52</td>
<td>$4,060.68</td>
<td>$1,250.12</td>
<td></td>
<td>$26,163.71</td>
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<tr>
<td>27 Feb 2005 to 05 Mar 2005</td>
<td>33</td>
<td>Vanstone</td>
<td>Indonesia</td>
<td>Bill Farmer</td>
<td>$8,365.59</td>
<td>$1,410.00</td>
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<td></td>
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<td>$9,775.59</td>
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<tr>
<td>22 Apr 2003 to 06 May 2004</td>
<td>32</td>
<td>Vanstone</td>
<td>Thailand, Hong Kong, China, Vietnam</td>
<td>Bill Farmer</td>
<td>$18,088.32</td>
<td>$3,560.53</td>
<td>$3,550.74</td>
<td></td>
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<td>$25,199.59</td>
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<tr>
<td>23 Sep 2003 to 04 Oct 2003</td>
<td>31</td>
<td>Ruddock</td>
<td>Armenia, Switzerland, Iran</td>
<td>Peter Hughes</td>
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<td>$1,188.02</td>
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<td>UK, Bangladesh, Sri Lanka, Pakistan</td>
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<td>$5,005.28</td>
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<td>28 Apr 2003 to 30 Apr 2003</td>
<td>29</td>
<td>Ruddock</td>
<td>Indonesia</td>
<td>Ed Killesteyn</td>
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<td>$4,217.63</td>
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<td>Trip Date</td>
<td>Trip No.</td>
<td>Minister</td>
<td>Countries</td>
<td>DIMIA Staff</td>
<td>Airfares</td>
<td>Allowances</td>
<td>Accom.</td>
<td>Hospitality</td>
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<td>28 Sep 2002 to</td>
<td>25</td>
<td>Ruddock</td>
<td>Geneva, Canada, Malaysia, Philippines, Korea</td>
<td>Bill Farmer</td>
<td>$27,499.36</td>
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<td>01 Aug 2002 to</td>
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<td>Ruddock</td>
<td>South Africa, Tanzania, Greece, Yugoslavia, Czech Republic, Austria, Slovak Republic, UK</td>
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<td>22</td>
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<td>China, Belgium, France, UK, Switzerland, Denmark, Norway, Finland, Pakistan</td>
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<td>06 May 2002</td>
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<td>Bill Farmer</td>
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<td>07 Dec 2001 to</td>
<td>19</td>
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<td>UK, Switzerland, Spain</td>
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<td>$13,500.00</td>
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<td>05 Sep 2001 to</td>
<td>18</td>
<td>Ruddock</td>
<td>Indonesia (Special Envoy Visit with Ministers Downer and Reith)</td>
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<tr>
<td>Trip Date</td>
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<td>Minister</td>
<td>Countries</td>
<td>DIMIA Staff</td>
<td>Airfares</td>
<td>Allowances</td>
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<td>17</td>
<td>Ruddock</td>
<td>Indonesia, Thailand, Vietnam</td>
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<td>16</td>
<td>Ruddock</td>
<td>Iran, UAE, Syria, Lebanon, Jordan, Sweden, Switzerland, UK</td>
<td>Bill Farmer</td>
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<td>Ruddock</td>
<td>Switzerland, Papua New Guinea</td>
<td>Bill Farmer</td>
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<td>09 Jul 2000 to 22 Jul 2000</td>
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<td>Singapore, Malaysia, Thailand, India, France, UK</td>
<td>Bill Farmer</td>
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Minister for the Environment and Heritage: Overseas Travel  
(Question No. 726)

Senator Chris Evans asked the Minister for the Environment and Heritage, 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 answer to the honourable senator’s question is as follows:

(1) The Special Minister of State will respond to this question on my behalf.

(2) (a) and (b) The information required to answer this question is not readily available and its compilation would involve an unreasonable diversion of resources which I am not prepared to authorise.

(3) (a) I have never been accompanied by a business delegation, in my position as the Minister for the Environment and Heritage, during my overseas visits.

In relation to my predecessors, this information is not readily available and its compilation would involve an unreasonable diversion of resources which I am not prepared to authorise.

(b) This information is not readily available and its compilation would involve an unreasonable diversion of resources which I am not prepared to authorise.

(4) The Special Minister of State will respond to this question on my behalf.

(5) (a) The Department of the Environment and Heritage is responsible for a number of costs associated with my overseas visits, including information technology, phone expenses, security measures, official hospitality and airport facilitation. Specific details of these expenses for each trip, including for those of my predecessors, is not readily available and its compilation would involve an unreasonable diversion of resources which I am not prepared to authorise.

(b) The Department of the Environment and Heritage is not responsible for the costs associated with ministers’ families when they accompany a minister travelling overseas.
(c) The Department of the Environment and Heritage pays a number of costs associated with my staff accompanying me on overseas visits, including information technology, phone expenses, security measures, official hospitality and airport facilitation. Providing specific details of these expenses for each trip is not readily available and its compilation would involve an unreasonable diversion of resources which I am not prepared to authorise.

(d) The information required to answer this question is not readily available and its compilation would involve an unreasonable diversion of resources which I am not prepared to authorise.

(6) The Special Minister of State will respond to this question on my behalf.

(7) (a), (b), (c), (d), (e) and (f) The information required to answer this question is not readily available and its compilation would involve an unreasonable diversion of resources which I am not prepared to authorise.

(8) The Special Minister of State will respond to this question on my behalf.

**Missing Persons Week**

(Question No. 1061)

**Senator Ludwig** asked the Minister for Justice and Customs, upon notice, on 4 August 2005:

(1) Can a breakdown of costs be provided for the total cost of Missing Persons Week.

(2) How many posters were: (a) printed; and (b) distributed.

(3) What was the cost of the printing and distribution of the posters.

(4) To whom were the posters distributed and was there any cost to the persons requesting the posters.

(5) How many pamphlets were: (a) printed; and (b) distributed.

(6) What was the cost of the printing and distribution of the pamphlets.

(7) To whom were the pamphlets distributed and was there any cost to the persons requesting the pamphlets.

(8) (a) Who was invited to the launch of National Missing Persons Week; and (b) who attended.

(9) What events did the Minister or his representative attend throughout the week.

(10) Can information be provided on the nature of the agreement between the National Missing Persons Unit (NMPU) and Foxtel’s Crime and Investigation network and what resources of the NMPU will be devoted to the agreement.

(11) Prior to Missing Persons Week commencing was it advertised: (a) on television; (b) on radio; or (c) in newspapers; if so, which medium and what was the cost of these advertisements; if not, why not; and (d) can a copy be provided of the advertisements.

(12) What books were launched during the week.

(13) (a) Does the Australian Federal Police, or any other body, conduct any media monitoring as to the number of mentions and stories; if not, why not; if so, what is the cost of this monitoring; and (b) can information be provided on the outcome of the monitoring.

**Senator Ellison**—The answer to the honourable senator’s question is as follows:

(1)

<table>
<thead>
<tr>
<th>NATURE OF EXPENDITURE</th>
<th>COST</th>
</tr>
</thead>
<tbody>
<tr>
<td>Posters (including distribution)</td>
<td>$1357.85</td>
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<tr>
<td>Flyers (including distribution)</td>
<td>$4687.10</td>
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<tr>
<td>Invitations</td>
<td>$113.25</td>
</tr>
<tr>
<td>Trophy engraving</td>
<td>$49.50</td>
</tr>
</tbody>
</table>

**QUESTIONS ON NOTICE**
(2) 4,500 posters were (a) printed and (b) 4,400 distributed.
(3) The cost of printing and distribution of the posters was $1357.85.
(4) Posters were distributed to each state and territory missing persons unit, South Pacific nations through the AFP Pacific Island Liaison Officer, AFP Australian and International Network offices, Centrelink, Australian Red Cross, NSW Attorney-Generals’ Department, Salvation Army Family Tracing Service, Link-Up (which includes NSW Aboriginal Corporation, Department of Immigration Multicultural and Indigenous Affairs, Open Family Australia, NSW Missing Persons Committee and individual members), media organisations, Kids Help Line, hospitals in Canberra, Mental Health Association (NSW), International Social Services, Family Court of Australia, Youth Hostels Australia establishments through Australia, Canberra Connect Shopfronts, Allanah and Madeline Foundation, libraries and council chambers and members of the public at no cost to the recipients.
(5) 208,000 flyer style pamphlets were (a) printed and (b) 207,900 distributed.
(6) The cost of printing and distribution of the flyers was $4697.10.
(7) The flyers were distributed to the Police Credit Unions of NSW, Queensland, Victoria, South Australia and Tasmania at no cost to the recipients.
(8) (a) The invitation list included Federal parliamentary members, ACT Legislative Assembly members, family members of missing persons, government department representatives, state and territory missing persons units, NSW Attorney General’s Department, Link-Up (NSW) Aboriginal Corporation, non-government agencies, AFP personnel, ACC personnel, Canberra Institute of Technology staff and students, media outlets and locally based international law enforcement officers, including US Federal Bureau of Investigation, US Drug Enforcement Agency and the NZ Police Liaison Officer.
(b) Those attending included Opposition members of the ACT Legislative Assembly, family members of missing persons, government department representatives, NSW Attorney-General’s Department, Link-Up (NSW) Aboriginal Corporation, non-government organisations, AFP personnel, Canberra Institute of Technology staff and students, and the NZ Police Liaison Officer.
(9) The Minister did not attend any event associated with National Missing Persons Week.
(10) The National Missing Persons Unit is providing the images and the circumstances of missing persons in Australia to Foxtel’s Crime and Investigation network, in consultation with state and territory missing persons units. The commitment requires minimal resourcing from the staff of the National Missing Persons Unit.
(11) National Missing Persons Week was not formally advertised on television, radio or newspapers. However, television, radio, newspapers and magazines covered issues relating to National Missing Persons Week and actual missing persons cases. Each state and territory missing persons unit were responsible for the publicity gained in their state and territory.
(13) (a) The AFP utilised Media Monitors to provide summaries of print and broadcast items at a cost of $180.00.
b) Throughout Australia 63 press items and 216 radio and TV items mentioning missing persons specifically and generally, and National Missing Persons Week 2005 specifically were noted.

**Australian Technical Colleges**

(Question No. 1080)

Senator Wong asked the Minister representing Minister for the Vocational and Technical Education, upon notice, on 11 August 2005:

What are the:

1. registered schools;
2. registered training organisations; and
3. other partners in each of the successful consortia which will operate the Australian Technical Colleges in the locations announced on 15 July 2005.

Senator Vanstone—The Minister for Vocational and Technical Education has provided the following answer to the honourable senator’s question:

As negotiations are currently underway with successful organisations (a) registered schools, (b) registered training organisations and (c) other partners have not yet been confirmed. The information requested can be made available once funding agreements are finalised.

**Australian Technical Colleges**

(Question No. 1081)

Senator Wong asked the Minister representing the Minister for Vocational and Technical Education, upon notice, on 11 August 2005:

1. For the year 2006, what is the expected number of students to be enrolled at each Australian Technical College (ATC);
2. For each of the proposed ATCs, what is the expected number of enrolled students when each college is operating at full capacity.

Senator Vanstone—The Minister for Vocational and Technical Education has provided the following answer to the honourable senator’s question:

1. As negotiations with the successful organisations are currently underway the number of students to be enrolled in 2006 has not yet been confirmed.
2. As negotiations with the successful organisations are currently underway the number of students to be enrolled when the College is operating at full capacity has not yet been confirmed.

This information can be provided once the agreements are finalised.

**Wind Energy**

(Question No. 1115)

Senator Allison asked the Minister for the Environment and Heritage, upon notice, on 29 August 2005:

(2) Does the Government agree with GWEC’s prediction that Australia’s wind energy industry will be brought to a standstill in 2007 if market measures remain unchanged.

(3) Does the Government agree that Australia is well placed to become the renewable energy hub of the Asia-Pacific region, resulting in billions of dollars of investment and export income, and hundreds of new jobs, especially in rural and regional Australia.

(4) Does the Government acknowledge that the cost of wind energy has dropped 50 per cent in 15 years and on current trends in major markets is on course to be cost-competitive with conventional fuels within a decade.

(5) Does the Government agree that it is desirable to remove the obstacles and market distortions that currently constrain the wind industry’s potential; if so, what action is proposed to ensure the continued development of wind power generation beyond 2007.

(6) In recognising the importance of addressing climate change under the APPCDC, what evidence is there that suggests that ‘clean coal’ technologies and nuclear power are ‘practical ways that promote economic development’, as quoted by the Minister for Foreign Affairs (Mr Downer) in a joint statement with the Minister for the Environment and Heritage, dated 11 August 2005.

(7) Does the inclusion of nuclear power and clean coal in the suite of technologies to be included as examples of technology cooperation with other members of the APPCDC, indicate that these technologies are likely to be as cost-competitive and readily implemented as wind power; if so, what evidence does the Government rely on in forming this view.

(8) (a) What criteria will be used to assess technologies to be funded under the Low Emissions Technology Fund; and (b) if the criteria are yet to be established, what is the process to do so and over what time frame.

(9) Will short term abatement be one of the criteria; if not, why not.

(10) If there is to be ‘no setting or arbitrary goals or timeframes’, are any goals or timeframes proposed to be developed under the APPCDC.

Senator Ian Campbell—The answer to the honourable senator’s questions is as follows:

(1) The Vision Statement for the Asia Pacific Partnership on Clean Development and Climate explicitly includes wind power as one of the areas for collaboration by partner countries. However, no decisions have yet been made on specific implementation measures or arrangements. These issues will be discussed at the initial ministerial meeting of partner countries, which will be held in Australia in November 2005.

(2) Approximately 460 megawatts of wind energy generation capacity has been installed since 2000. Another 330 megawatts of capacity is currently under construction and more capacity is planned. This wind generation is expected to continue operating until 2020 and beyond. MRET has encouraged investment in wind ahead of other technologies which may prove more effective in reducing greenhouse gas emissions in the long term. This situation is expected to change in favour of other technologies after 2007 when MRET is no longer likely to be the dominant mechanism stimulating investment in renewable and other low emission technologies.

(3) Yes. Through a range of Government initiatives, investment in the renewable energy industry in Australia has grown substantially over the past decade. This places Australia’s renewable energy industry in a strong position to actively participate in markets in the Asia-Pacific region.

(4) The Government is aware of wind industry projections of wind energy costs potentially converging with gas fired generation costs within a decade.

(5) Yes. The Government’s Energy White Paper, Securing Australia’s Energy Future, includes a number of initiatives to promote the development and demonstration of a broad range of low emission technologies, and address impediments to the uptake of renewable energy. Measures relevant to the
wind energy industry include a $14 million Wind Energy Forecasting Capability; a $20 million Advanced Electricity Storage Technologies programme; and a $100 million Renewable Energy Development Initiative. The Australian Government is also working with the States and Territories through the Ministerial Council on Energy to reduce regulatory and technical impediments to renewable energy uptake, with a particular focus on wind energy.

(6) Coal is, and will remain for the foreseeable future, a crucial source of energy for Australia and other partner countries. Any effective response to climate change must, therefore, include action to reduce the emissions associated with this energy source.

(7) The Partnership’s Vision Statement includes a wide range of potential areas for collaboration, but makes no comment on relative cost-effectiveness. The indicative areas listed in the Statement reflect the range of natural resource endowments, and sustainable development and energy strategies, of partner countries.

(8) In June 2005, the Minister for Industry, Tourism and Resources and I jointly released a Statement of Challenges and Opportunities and Draft Programme Guidelines for the Low Emissions Technology Demonstration Fund. The draft programme guidelines included draft eligibility and merit criteria. Public consultation, including public meetings in Melbourne and Brisbane and a formal submission process, provided constructive feedback on the draft documentation. This feedback will inform the final programme guidelines which I anticipate releasing in the near future.

(9) The Low Emissions Technology Demonstration Fund forms the foundation for the longer-term dimension of the Australian Government’s climate change strategy for positioning Australia to maintain a strong and internationally competitive economy with a lower greenhouse signature. As such, it is deliberately targeted at long-term emission savings.

(10) The Partnership is intended to foster collaboration among key countries to develop, diffuse, deploy and transfer the cleaner, more efficient technologies that the world needs to achieve the required deep cuts in global greenhouse gas emissions. In developing and agreeing practical collaborative activities or projects, partner countries may agree specific goals and/or time frames relevant to those activities.

Military Engagement
(Question No. 1116)

Senator Nettle asked the Minister for Defence, upon notice, on 29 August 2005:

(1) Has the department prepared plans for military engagement in either North Korea or Iran.

(2) Have any personnel from the Australian Defence Force (ADF) or the department been consulted in relation to CONPLAN 8022-02.

(3) Has the department received a copy of the 2005 version of the Joint Publication 3-12, Doctrine for Joint Nuclear Operations by the United States (US) Joint Chiefs of Staff.

(4) Has any section of the ADF ever participated in training with US submarines of the SSBN Ohio Class; if so, which training exercises.

(5) Do SSBN Ohio Class submarines enter Australia’s exclusive economic exclusion zone; if so, can details be provided for when and where.

(6) Is the US Navy required to advise the Australian Government if an SSBN submarine wishes to enter Australian territorial waters; if so: (a) what procedures are followed by the US Navy; (b) who do they notify; and (c) what procedures does the Government then follow.

(7) Are there any bilateral agreements between the US and Australian Governments that allow the entry of an SSBN submarine into an Australian port.
(8) Is the government aware of which SSN submarines are certified to carry nuclear weapons; if so, can details be provided.

(9) Have Australian forces conducted any training with US forces that include scenarios involving the use of nuclear weapons.

Senator Hill—The answer to the honourable senator’s question is as follows:

(1) (4), (5) (6), (7), (8) and (9) It has been and remains this Government’s policy not to disclose details of military contingency plans, training and submarine operations that could jeopardise Australia’s security. In addition, to discuss sensitive US capabilities, such as submarines, in public forums would compromise well established respect and trust mechanisms that exist between the two nations, and fundamentally breach bilateral security arrangements.

In regard to submarine operations, be assured that the Australian Government remains confident that appropriate measures and safeguards are in place and are respected by both nations. A formal element of the policy enforced by this Government is The Senate’s Standing Committee on Foreign Affairs, Defence and Trade publications, ‘Visits to Australia by Nuclear Powered or Armed Vessels’ 1989.

(2) Not that I am aware of.

(3) I note that the publication is freely available to Defence, and indeed the Australian public, on the internet.

Australian Defence Force: Recruitment
(Question No. 1138)

Senator Mark Bishop asked the Minister for Defence, upon notice, on 6 September 2005:

(1) With reference to a recent announcement that the Australian Defence Force (ADF) will target the recruitment of 300 defence force personnel from overseas: (a) what is the estimated cost of promoting this recruitment; (b) which agencies will be responsible for funding the promotion; (c) how many people from those agencies will be so employed and at what cost; (d) in which countries and cities will promotions occur; and (e) which private sector employment companies will be engaged and at what cost.

(2) How many serving personnel, currently engaged, were recruited from overseas, by country of origin.

(3) (a) What is the time frame for the recruitment drive; and (b) when is it expected that the target of the recruitment of 300 personnel will be reached.

(4) Will a recruitment team personally interview applicants; if so: (a) who will comprise the recruitment team; and (b) what budget has been allocated for: (i) airfares and accommodation, (ii) advertising, and (iii) other items.

(5) What critical skill shortages within the ADF are being sought through this process.

(6) (a) What terms of appointment are to be offered to potential applicants, and (b) will they include family transfers and repatriation.

Senator Hill—The answer to the honourable senator’s question is as follows:

(1) (a) to (e) The Australian Army is not targeting the recruitment of 300 personnel from overseas. The Army has an Army Labour Agreement with the Department of Immigration and Multicultural and Indigenous Affairs, which runs from May 2004 to June 2007. Under this Agreement, 100 employer-sponsored visas were available in 2004-05 with subsequent years’ ceiling to be negotiated. The Army has recently negotiated a limit of 300 employer-sponsored visas for 2005-06. The Army does not actively recruit to this scheme or expend money on advertising. The Army responds to in-
queries lodged through Australian Embassies, High Commissions and the Defence Force Recruiting or Army’s career management websites.

(2) This information is not available. However, 66 personnel transferred from overseas into the Australian Army in 2004-05. In 2005-06, 36 personnel have transferred to date.

(3) See my response to part (1).

(4) Yes. An Army interview panel travelled to London in September 2005 and another is due to travel to London in October 2005 to conduct final selection interviews for those applicants considered suitable for transfer to the Australian Army. These interviews align with the Australian Defence Force posting cycle.

(a) There are two panels, each consisting of two Army officers, a psychologist and a medical officer, along with several support staff. These panels are consistent with an Army Selection Board for officer and soldier selection. Additionally, a social worker and regional educational liaison officer will interview the family of each applicant. This process allows the whole family to make an informed decision on the transfer.

(b) (i) Approximately $250,000 is budgeted for these two panels for travel, accommodation, meals and other costs, such as the hire of office accommodation through the Australian High Commission in London.

(ii) and (iii) Nil.

(5) Under the occupational classification of employments identified by the Army in the Army Labour Agreement, there are ten critical officer employment categories identified at the Captain and Major levels. These are mainly medical professionals, engineers and pilots. There are 29 soldier employment categories identified at the Corporal and Sergeant level. These are primarily technical and support trades that are currently critical in the Army.

(6) (a) The minimum period of service for Special Service officers and soldiers is three years. There are a number of conditions that must be met. These conditions are detailed in the letter of offer. The member must apply for Australian citizenship within three months of arriving in Australia.

(b) The Army pays for, and arranges, the removal of the family from their country of original to Australia. The Army also pays for medical approvals and visa application fees, but does not fund the repatriation costs of the family.

Taxation

(Question No. 1147)

Senator Murray asked the Minister representing the Treasurer, upon notice, on 6 September 2005:

(1) With respect to the tax data for the latest financial year available, and with respect to all those earning less than the tax threshold of $21,601, can details be provided for: (a) the total number of individual income tax payers, disaggregated by gender; (b) the total income tax paid; (c) the total tax deductions claimed, disaggregated by type of claim; and (d) the total tax rebates paid out.

(2) Can details be provided, indicating the average time lag between income tax paid and rebates received.

Senator Minchin—The Treasurer has provided the following answer to the honourable senator’s question:

As this question deals with matters of taxation administration, I asked the Commissioner of Taxation for advice:
(1) (a) Male taxpayers 912,000
    Female taxpayers 1,158,000
    Total taxpayers 2,070,000

(b) ($m) 2,752

(c)  
<table>
<thead>
<tr>
<th>($m)</th>
<th></th>
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<tbody>
<tr>
<td>Total work related expenses</td>
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<tr>
<td>Prior year losses</td>
<td>120</td>
</tr>
<tr>
<td>UPP Australian pension or annuity</td>
<td>146</td>
</tr>
<tr>
<td>Non-employer sponsored super contributions</td>
<td>221</td>
</tr>
<tr>
<td>Interest &amp; Dividends</td>
<td>96</td>
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<tr>
<td>Cost of managing tax affairs</td>
<td>117</td>
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<tr>
<td>Gifts or Donations</td>
<td>83</td>
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<tr>
<td>Low value pool</td>
<td>9</td>
</tr>
<tr>
<td>UPP foreign pension or annuity</td>
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<tr>
<td>Election expenses</td>
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<tr>
<td>Project pool</td>
<td>*</td>
</tr>
<tr>
<td>Other</td>
<td>56</td>
</tr>
<tr>
<td><strong>Total tax deductions claimed</strong></td>
<td>2,160</td>
</tr>
</tbody>
</table>

* is not zero but rounded to zero.

(d) ($m) 1,029

(2) The pay as you go (PAYG) system is the means by which amounts are paid to the Australian Taxation Office (ATO) to meet expected tax liabilities. For payments to which PAYG withholding applies, amounts are withheld from payments made to individuals at the time of payment. For income to which the PAYG instalment system applies, an instalment amount is remitted to the ATO for the income they earn in the previous period (normally quarterly).

While a taxpayer’s expected entitlement to some tax offsets can be claimed during the year of income through reduced PAYG withholding deductions, the majority of tax offsets are claimed on assessment in the following year. For most tax offsets a taxpayer’s entitlement to a particular tax offset is based on their income or expenditure during the year. A taxpayer’s actual entitlement to a particular tax offset is determined when their tax return is lodged.

We cannot provide details of the average time lag between income tax paid and receipt of tax offsets as we cannot quantify the time lag itself. The reasons for this are:

- An employer’s total withholding dictates when the employer must remit the PAYG withholding amount to the ATO. This can vary from around once a week to once every quarter
- PAYG instalment taxpayers remit quarterly, bi-annually or annually depending on their circumstances
- The lodging patterns of individuals vary significantly. While taxpayers who self prepare their own return are required to lodge by 31 October of the next year, individuals lodging through a tax agent have a much longer time for their returns to be lodged under the tax agent lodging program
- There is an option for some tax offsets to be claimed through the year as reduced PAYG withholding deductions. For example: dependant spouse tax offset
- Some forms of income are taxed on lodgment of a tax return only. For example: capital gains income.
Australian Naval Cadets: Car Accident  
(Question No. 1177)

Senator Mark Bishop asked the Minister for Defence, upon notice, on 13 September 2005:

1. Has the Minister’s attention been drawn to an article in the Townsville Bulletin, dated 3 August 2005, which reported on the inquest into the death of Australian Naval Cadet Nicholas Schumacher of Mackay who died from head injuries following a car accident on 12 September 2004.

2. Can the Minister confirm that the Landcruiser troop carrier in which Cadet Schumacher was traveling was purchased by the Commanding Officer of Training Ship (TS) Pioneer for a sum of $3,000.

3. Which person or agency: (a) was the registered seller of the Landcruiser at the time of the purchase; and (b) was the registered as the new owner of the vehicle.

4. Was the Landcruiser used exclusively by the Australian Naval Cadets; if not, which person or agency was permitted to use the vehicle.

5. What insurance coverage was taken out on this vehicle and which person or agency paid the insurance premiums.

6. Which person or agency was responsible for the registration of the vehicle with the Queensland Licensing Centre and which person or agency paid this account.

7. Can it be confirmed that one tyre on the vehicle had been fitted with a 12-year-old patched inner tube; if so, was the patched inner tube in the tyre at the time of the sale of the vehicle for $3,000 to the Commanding Officer of TS Pioneer.

8. (a) What was the nature of the injuries to the 6 cadets who were also passengers in the vehicle at the time of the accident; (b) what treatment was given to the cadets; and (c) which cadets are receiving ongoing treatment.

9. (a) Why was the vehicle sold prior to the commencement of the inquest; (b) to whom was it sold; (c) when did the sale take place; (d) which person or agency arranged the sale; (e) who approved the advertisement of the vehicle; and (f) at what cost.

Senator Hill—The answer to the honourable senator’s question is as follows:

1. Yes.

2. The Landcruiser troop carrier was purchased by the Unit Support Committee of TS Pioneer for the sum of $3,000.

3. (a) 15 Australian Cadet Unit at Ignatius Park College Townsville. (b) The Unit Support Committee of TS Pioneer.

4. Yes.

5. The vehicle had third party insurance coverage, which was paid for by TS Pioneer funds.

6. TS Pioneer registered and paid for the registration of the vehicle.

7. Yes. It is not known if this inner tube was fitted to the vehicle at the time of purchase.

8. (a) to (c) Two cadets received serious injuries, and continue to receive medical care and support. These injuries included a fractured back and a compound leg fracture. Both the cadets required intensive care and surgery, followed by counselling. Four cadets were not physically injured, but one is receiving psychiatric support and another is receiving counselling.

9. (a) The vehicle was sold prior to the inquest because there was no direction from the authorities for the sale not to take place. (b) A private individual. (c) The sale took place in early June 2005, before the Coroner requested that the vehicle be retained. The Commanding Officer was able to re-
retrieve the faulty wheel for the Coroners Court. (d) The Commanding Officer of TS Pioneer arranged the sale. (e) There was no advertisement of the sale. (f) $900, as a wrecked vehicle.

Army: Training Exercises
(Question No. 1178)

Senator Mark Bishop asked the Minister for Defence, upon notice, on 13 September 2005:

(1) Has the Minister’s attention been drawn to a report in The Age, dated 6 September 2005, on evidence given to an inquiry into the death of Trooper Angus Lawrence who died from heat exhaustion during training exercises at Mt Bundy, near Kakadu National Park in the Northern Territory in November 2004.

(2) During the 8-week training course in November 2004: (a) how many army personnel were treated for heat exhaustion; (b) how many were hospitalised for treatment; and (c) what was the length of hospitalisation in each instance.

(3) (a) What medical services were available to personnel during this training course; (b) how many staff were available; (c) where were they located during training exercises and; (d) what monitoring of personnel health was conducted.

(4) What was the severity of health problems suffered by those treated for heat exhaustion and what ongoing health problems are experienced by those affected.

(5) (a) Since 2002, how many army personnel based at Robertson Barracks have been treated for heat exhaustion; (b) how many were hospitalised for treatment; and (c) what were the circumstances of each incident.

(6) What changes have been made to training procedures at Robertson Barracks to prevent heat exhaustion to troops during training exercises.

(7) (a) What types of personnel transport are air-conditioned; and (b) which personnel transports were in use during training at Mt Bundy in November 2004.

Senator Hill—The answer to the honourable senator’s question is as follows:

(1) Yes.

(2) (a) 15. (b) Six, including Trooper Lawrence. (c) Five were admitted to Robertson Barracks Medical Centre for observation and discharge within two days. Trooper Lawrence died at Royal Darwin Hospital before formal admission.

(3) (a) The bulk of the training course was conducted at Robertson Barracks. While in barracks, personnel had access to the full range of health services provided through the Robertson Barracks Medical Centre, including referral to civilian specialists and Royal Darwin Hospital if necessary. The field phase of the training course was supported by Army medical assistants dedicated to the activity. These soldiers had training that included the provision of pre-hospital emergency and primary health care in a military environment. Patients requiring care beyond the capability of the medical assistants in the field were referred to Robertson Barracks Medical Centre. Patients with more serious complaints had direct access to Royal Darwin Hospital with evacuation provided through a combination of military means and St John’s Ambulance Service.

(b) Two medical assistants were allocated for the duration of the field phase of the training course.

(c) The medical assistants operated from a tent about 200m from the field position where the personnel undergoing training were based. The medical assistants also had access to the Camp at Mount Bundy Training Area, which has some permanent facilities including a dedicated air-conditioned medical treatment room.

QUESTIONS ON NOTICE
(d) Access to medical assistance was available at all times during the field phase of the course. Furthermore, the medical assistants were required to visit the field position at least twice a day to check on the well-being of the personnel undergoing training.

(4) Apart from Trooper Lawrence, the remainder of personnel treated for heat exhaustion during the training course presented with symptoms that were considered to be of mild to moderate severity. None of these individuals are recorded as suffering any ongoing health problems as a consequence of this heat-related illness.

A separate training activity was conducted at Mount Bundy for an overlapping period. One soldier suffered a serious heat injury on that activity and required emergency care at Royal Darwin Hospital. That soldier has had some ongoing health problems associated with his heat stroke, including short-term memory loss and slurred speech. These problems have now been mostly resolved and the soldier has regained a medical status of being “fit for full duty”.

(5) (a) 152. At any one time, there are 3,400 personnel serving at Robertson Barracks. The 152 includes the full range of heat illness, from minor cases of dehydration through to the tragic death of Trooper Lawrence.

(b) 50. 48 admitted to Robertson Barracks Medical Centre and two to Royal Darwin Hospital.

(c)

<table>
<thead>
<tr>
<th>Diagnosis</th>
<th>No. of cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dehydration</td>
<td>24</td>
</tr>
<tr>
<td>Heat exhaustion</td>
<td>5</td>
</tr>
<tr>
<td>Heat illness</td>
<td>11</td>
</tr>
<tr>
<td>Heat exposure</td>
<td>1</td>
</tr>
<tr>
<td>Heat rash</td>
<td>1</td>
</tr>
<tr>
<td>Heat stress</td>
<td>4</td>
</tr>
<tr>
<td>Heatstroke</td>
<td>3 (including Trooper Lawrence)</td>
</tr>
<tr>
<td>Heat related illness</td>
<td>1</td>
</tr>
</tbody>
</table>

(6) The Army has initiated a Heat Injury Remediation Project and implemented significant changes to policy, management and monitoring of conditions in order to minimise the incidence and severity of heat injury during the conduct of military training and operations. Where training is required during very hot conditions, such as training deemed essential to prepare for an operational deployment, then that training will be assessed and managed within the new guidelines specified by the Heat Injury Remediation Project.

With respect to the type of promotion course being undertaken by Trooper Lawrence when he died, the Army has directed that the field phase of such courses is no longer to be conducted in the Northern Territory during the wet season (October to April).

(7) (a) The commercial lease fleet of vehicles, such as cars, commercial four wheel drives, and light, medium and heavy buses are all air conditioned. A number of military specific vehicles are also air-conditioned, such as the Australian Light Armoured Vehicle and the Bushmaster Infantry Mobility Vehicle. The Army 6WD Land Rover ambulances are fitted with air conditioners in the rear module.

(b) Personnel were conveyed to and from Mount Bundy Training Area in buses that were air-conditioned. The only commercial vehicles deployed to Mount Bundy Training Area for the duration of the field training phase of the course were passenger-variant Land Cruisers. All other vehicles were military specific, including 4WD Land Rovers, a Unimog truck and a 6WD Land Rover Ambulance. Despite being fitted with an air-conditioner in the rear module, the air-conditioning in the ambulance used to transport Trooper Lawrence was not functioning.
correctly. This point was identified in the Defence inquiry, Comcare investigation and coronial inquiry into Trooper Lawrence’s death.

**Superannuation Guarantee Charge**  
*(Question No. 1267)*

*Senator Sherry* asked the Minister representing the Minister for Revenue and Assistant Treasurer, upon notice, on 29 September 2005:

For each of the financial years 1995-96 to 2003-04, what were the total collections by the Australian Taxation Office for the superannuation guarantee charge for large business.

*Senator Coonan*—The Minister for Revenue and Assistant Treasurer has provided the following answer to the honourable senator’s question:

As this question deals with matters of taxation administration, I asked the Commissioner of Taxation for advice:

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
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<td>1995-96</td>
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<tr>
<td>1996-97</td>
<td>$2,323,164</td>
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<tr>
<td>1997-98</td>
<td>$1,934,350</td>
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<tr>
<td>1998-99</td>
<td>$3,222,099</td>
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<td>2003-04</td>
<td>$10,104,425</td>
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**Superannuation Guarantee Charge**  
*(Question No. 1268)*

*Senator Sherry* asked the Minister representing the Minister for Revenue and Assistant Treasurer, upon notice, on 29 September 2005:

For each of the financial years 1995-96 to 2003-04, what were the total liabilities determined by the Australian Taxation Office for the superannuation guarantee charge for Government organisations.

*Senator Coonan*—The Minister for Revenue and Assistant Treasurer has provided the following answer to the honourable senator’s question:

As this question deals with matters of taxation administration, I asked the Commissioner of Taxation for advice:

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
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<tbody>
<tr>
<td>1995-96</td>
<td>$456,349</td>
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<td>$841,296</td>
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<td>$1,199,772</td>
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<td>2003-04</td>
<td>$1,730,497</td>
</tr>
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</table>
Senator O’Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 5 October 2005:

Is the Minister aware of the report of the House of Representatives Standing Committee on Transport and Regional Services, entitled National Road Safety – Eyes on the road ahead: Inquiry into National Road Safety, tabled in the House on 21 June 2004; if so: (a) when was the Government due to respond to this report; (b) when, in what form and from whom has the Minister received representations regarding the government’s response to this report; (c) to date, what action has the Minister and/or the department taken to prepare a government response to this report; and (d) when will the Government respond to this report.

Senator Ian Campbell—The Minister for Transport and Regional Services has provided the following answer to the honourable senator’s question:

The Ministers are aware of the report of the House of Representatives Standing Committee on Transport and Regional Services, entitled National Road Safety – Eyes on the road ahead: Inquiry into National Road Safety, tabled in the House on 21 June 2004.

(a) All Government responses to Parliamentary Committee reports are normally due three months after tabling of the reports.

(b) A search of the files has shown that:

On 17 August 2004, Ms Fran Kilgariff, Alice Springs Mayor wrote to the Minister for Local Government, Territories and Roads, the Hon Jim Lloyd MP, regarding several of the recommendations from the report.

On 8 September 2004, Ms Kirsten Livermore MP, Federal Member for Capricornia, wrote to the former Minister for Transport and Regional Services, the Hon John Anderson MP, forwarding a letter from her constituent Mr Peter Cook of Yeppoon, a member of the Central Queensland Offroad Club Inc, giving his opinions on recommendations relating to vehicle advertising, and changes to licensing requirements.

On 8 November 2004, Mr Peter Middleton wrote to Mr Anderson, regarding special licences for drivers of four wheel drive vehicles.

On 24 November 2004, Mr Michael Czajka of the Motorcycle Riders’ Association wrote to Mr Lloyd regarding a national strategy for motorcycle safety.

In May 2005, Mr Rod Hannifey wrote to Mr Lloyd regarding recommendations relating to a national call centre for reporting road damage, national standards for the design and maintenance of roads, special licensing or education for drivers towing caravans, and truck rest areas.

On 21 September 2005, Mr Douglas Gardiner wrote to the Minister for Transport and Regional Services, the Hon Warren Truss MP, seeking an update on the status of the report.

(c) The report included 38 recommendations, many of which involved policy or regulatory areas largely controlled by the state and territory governments. The Department of Transport and Regional Services initiated consultation with the states and territories during August 2004. Input on some of the recommendations was also requested from the Department of Finance and Administration, and from the Treasury.

(d) The Government is considering its response to this report, and expects to table its response in Parliament shortly.
Cootamundra Aboriginal Girls Training Club Memorial  
(Question No. 1297)

Senator O’Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 6 October 2005:

Is the Minister aware of a proposal to build a memorial to the Cootamundra Aboriginal Girls’ Training Centre on land at Hovell Street, Cootamundra, controlled by the Australian Rail Track Corporation (ARTC); if so: (a) when and how did the Minister become aware of the proposal; (b) when and from whom has the Minister or the department received representations in relation to the proposal; (c) what was the nature and the outcome of each representation; (d) if a representation was made in writing, can a copy of the representation be provided; if not, why not; (e) if records of a representation were made, can a copy of such records be provided; if not, why not; (f) what are the dimensions, in square metres, of the piece of land in question; (g) what is: (i) the market value of the land, and (ii) the value as determined by the Valuer General; (h) does ARTC own this land; (i) who are the shareholders of ARTC; (j) (i) what, if any, commercial opportunities are being explored by ARTC in relation to this piece of land, and (ii) when is a final decision expected.

Senator Ian Campbell—The Minister for Transport and Regional Services has provided the following answer to the honourable senator’s question:

Yes.

(a) and (b) This matter was brought to the Minister’s attention by correspondence from a representative of the Cootamundra Aboriginal Girls Training Home Memorial received on 4 October 2005.

(c) As result of the representations from the Cootamundra Aboriginal Girls Training Home Memorial the matter was raised with the ARTC.

(d) and (e) I am advised that a copy of this correspondence was provided by the correspondent to Senator O’Brien.

(f) to (j) The land initially identified by Miss Punnett is leased by ARTC from the NSW Government as part of its 60 year lease of the interstate rail network in NSW which commenced on 5 September 2004. Ongoing discussions have been held between ARTC, the local Council, and the Cootamundra Aboriginal Girls Training Home Memorial to establish a site for the memorial. ARTC has advised that following these discussions a preferred new location for a memorial has been identified by the Cootamundra Aboriginal Girls Training Home Memorial group on RailCorp (CountryLink) land. RailCorp is a NSW Government entity.

ARTC is owned by the Australian Government. The Minister for Finance and Administration and the Minister for Transport and Regional Services are the joint shareholder Ministers of ARTC.

Medibank Private  
(Question Nos 1329 and 1330)

Senator Chris Evans asked the Minister for Finance and Administration, upon notice, on 17 October 2005:

(1) With reference to the 2003 scoping study for the proposed sale of Medibank Private:

(a) who provided legal advice to the scoping study;

(b) what was the scope of the legal advice commissioned by the Minister or the department, i.e. were there specific terms of reference for legal advice commissioned;

(c) was the legal advice commissioned to examine specific elements of a proposed sale and/or the structure of the company and/or undertake or oversee due diligence;
(d) did the legal advice examine or refer to Medibank Private’s status as a public financial enterprise or a not for profit entity;
(e) did the legal advice examine or refer to Medibank Private’s assets or reserves and the relationship of the Government to these assets or reserves, including issues relating to their ownership;
(f) did the legal advice examine or refer to Medibank Private’s assets or reserves being controlled by its member contributors;
(g) did the legal advice refer to historical opinion which questioned the legality of privatisation of a non-government controlled entity;
(h) did the legal advice examine or refer to historical advice which questioned the legality of the Government earning a return from the privatisation of Medibank Private;
(i) what, if any, due diligence was performed as part of this study; and
(j) what security classification does this report have (e.g. is it commercial-in-confidence).

(2) With reference to the 2005 scoping study for the proposed sale of Medibank Private:
(a) who is providing legal advice to the scoping study;
(b) what is the scope of the legal advice commissioned by the Minister or the department, i.e. what are their specific terms of reference;
(c) is the legal advice commissioned to examine specific elements of a proposed sale and/or the structure of the company;
(d) is the legal advice examining or referring to Medibank Private’s status as a public financial enterprise or a not for profit entity;
(e) is the legal advice examining or referring to Medibank Private’s assets or reserves and the relationship of the Government to these assets or reserves, including issues relating to their ownership;
(f) is the legal advice examining or referring to Medibank Private’s assets or reserves being controlled by its member contributors;
(g) is the legal advice referring to historical opinion which questioned the legality of privatisation of a non-government controlled entity;
(h) is the legal advice examining or referring to historical advice which questioned the legality of the Government earning a return from the privatisation of Medibank Private; and
(i) what, if any, due diligence will be performed as part of this scoping study.

Senator Minchin—The answer to the honourable senator’s question is as follows:

(1) (a) Freihills provided legal advice to the 2003 Medibank Private Limited (MPL) Scoping Study (the Scoping Study).
(b) The legal adviser was appointed to assist the Government in its consideration of the future ownership of MPL.
(c) Yes.
(d) to (h) The legal advice examined a range of issues and matters necessary to assist the Scoping Study meet its Terms of Reference. The content of legal advice received by the Department of Finance and Administration during the course of the Scoping Study is subject to legal professional privilege.
(i) Limited due diligence was undertaken by the legal adviser and the business adviser as part of the Scoping Study.
(j) The scoping study is classified Commercial-in-Confidence, and includes sensitive business and financial information relating to Medibank Private Limited, and the commercial views and information of other stakeholder in the industry.

(2) (a) The Department of Finance and Administration is currently conducting an update of the 2003 Scoping Study. No legal adviser has been appointed to assist that update.

(b) to (i) Not applicable.

(j) Limited business due diligence is being undertaken by the business adviser as part of the current update of the 2003 scoping study.

Mr Ahmed Jamal  
(Question No. 1336)

Senator Nettle asked the Minister representing the Minister for Foreign Affairs, upon notice, on 24 October 2005:

(1) With reference to reports that a 22-year old Australian man, Mr Ahmed Jamal, has been detained in Iraq:

(a) where is he being detained and how is this known;
(b) when was the Government notified of his detention;
(c) what is the legal basis of his detention;
(d) has he been charged; if not, when will he be charged; if so, what were the charges;
(e) has he been transferred, or is there an intention to transfer him, to detention in Guantanamo Bay;
(f) what steps has the Government taken to secure his release;
(g) how many consular visits has he received and when were the visits; if there were no visits, why not;
(h) has he appeared before a court; if not, when is he scheduled to do so;
(i) does he have legal representation;
(j) has his family been notified of his imprisonment;
(k) will his family be provided with government assistance to obtain legal advice and support to facilitate answering charges or obtaining release; and
(l) has he been visited by representatives from the Red Cross.

Senator Hill—The Minister for Foreign Affairs has provided the following answer to the honourable senator’s question:

See answer to Senate Question on Notice 1294.