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RADIO BROADCASTS

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- SYDNEY 630 AM
- NEWCASTLE 1458 AM
- GOSFORD 98.1 FM
- BRISBANE 936 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 the Hon. 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 Australian Greens—Senator Robert James Brown
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
Australian Greens Whip—Senator Rachel Siewert

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
Minister for Trade and Deputy Prime Minister
Treasurer
Minister for Transport and Regional Services
Minister for Defence and Leader of the Government in the Senate
Minister for Foreign Affairs
Minister for Health and Ageing and Leader of the House
Attorney-General
Minister for Finance and Administration, Deputy Leader of the Government in the Senate and Vice-President of the Executive Council
Minister for Agriculture, Fisheries and Forestry and Deputy Leader of the House
Minister for Immigration and Multicultural and Indigenous Affairs and Minister Assisting the Prime Minister for Indigenous Affairs
Minister for Education, Science and Training
Minister for Industry, Tourism and Resources
Minister for Employment and Workplace Relations and Minister Assisting the Prime Minister for the Public Service
Minister for Communications, Information Technology and the Arts
Minister for the Environment and Heritage

The Hon. John Winston Howard MP
The Hon. Mark Anthony James Vaile MP
The Hon. Peter Howard Costello MP
The Hon. Warren Errol Truss MP
Senator the Hon. Robert Murray Hill
The Hon. Alexander John Gosse Downer MP
The Hon. Anthony John Abbott MP
The Hon. Philip Maxwell Ruddock MP
Senator the Hon. Nicholas Hugh Minchin
The Hon. Peter John McGauran MP
Senator the Hon. Amanda Eloise Vanstone
The Hon. Dr Brendan John Nelson MP
Senator the Hon. Kay Christine Lesley Patterson
The Hon. Ian Elgin Macfarlane MP
The Hon. Kevin James Andrews MP
Senator the Hon. Helen Lloyd Coonan
Senator the Hon. Ian Gordon Campbell

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

Minister for Justice and Customs and Manager of Government Business in the Senate
Senator the Hon. Christopher Martin Ellison

Minister for Fisheries, Forestry and Conservation
Senator the Hon. Ian Douglas Macdonald

Minister for the Arts and Sport
Senator the Hon. Charles Roderick Kemp

Minister for Human Services
The Hon. Joseph Benedict Hockey MP

Minister for Citizenship and Multicultural Affairs
The Hon. John Kenneth Cobb MP

Minister for Revenue and Assistant Treasurer
The Hon. Malcolm Thomas Brough MP

Special Minister of State
Senator the Hon. Eric Abetz

Minister for Vocational and Technical Education and Minister Assisting the Prime Minister
The Hon. Gary Douglas Hardgrave MP

Minister for Ageing
The Hon. Julie Isabel Bishop MP

Minister for Small Business and Tourism
The Hon. Frances Esther Bailey MP

Minister for Local Government, Territories and Roads
The Hon. James Eric Lloyd MP

Minister for Veterans’ Affairs and Minister Assisting the Minister for Defence
The Hon. De-Anne Margaret Kelly MP

Minister for Workforce Participation
The Hon. Peter Craig Dutton MP

Parliamentary Secretary to the Minister for Finance and Administration
The Hon. Dr Sharman Nancy Stone MP

Parliamentary Secretary to the Minister for Industry, Tourism and Resources
The Hon. Warren George Entsch MP

Parliamentary Secretary to the Minister for Health and Ageing
The Hon. Christopher Maurice Pyne MP

Parliamentary Secretary to the Minister for Defence
The Hon. Teresa Gambaro MP

Parliamentary Secretary (Trade)
Senator the Hon. John Alexander Lindsay (Sandy) Macdonald

Parliamentary Secretary (Foreign Affairs) and Parliamentary Secretary to the Minister for Immigration and Multicultural and Indigenous Affairs
The Hon. Bruce Fredrick Billson MP

Parliamentary Secretary to the Prime Minister
The Hon. Gary Roy Nairn MP

Parliamentary Secretary to the Treasurer
The Hon. Christopher John Pearce MP

Parliamentary Secretary to the Minister for the Environment and Heritage
The Hon. Gregory Andrew Hunt MP

Parliamentary Secretary (Children and Youth Affairs)
The Hon. Sussan Penelope Ley MP

Parliamentary Secretary to the Minister for Education, Science and Training
The Hon. Patrick Francis Farmer MP

Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry
Senator the Hon. Richard Mansell Colbeck
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</td>
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The PRESIDENT (Senator the Hon. Paul Calvert) took the chair at 9.30 am and read prayers.

NOTICES
Presentation

Senator Brandis to move on the next day of sitting:

That the Economics Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Tuesday, 7 February 2006, from 4.30 pm, to take evidence for the committee’s inquiry into the provisions of the Future Fund Bill 2005.

Senator Payne to move on the next day of sitting:

That the time for the presentation of the report of the Legal and Constitutional Legislation Committee on the provisions of the Corporations (Aboriginal and Torres Strait Islander) Bill 2005 be extended to 30 March 2006.

Withdrawal

Senator WATSON (Tasmania) (9.31 am)—Pursuant to notice given at the last day of sitting on behalf of the Regulations and Ordinances Committee, I now withdraw business of the Senate notice of motion No. 1 standing in my name for 10 sitting days after today.

HIGHER EDUCATION LEGISLATION AMENDMENT (2005 MEASURES No. 4) BILL 2005

EDUCATION SERVICES FOR OVERSEAS STUDENTS AMENDMENT BILL 2005

Second Reading

Debate resumed from 7 November, on motion by Senator Colbeck:

That these bills be now read a second time.

Senator WONG (South Australia) (9.32 am)—I want to speak briefly on the Higher Education Legislation Amendment (2005 Measures No. 4) Bill 2005 and the Education Services for Overseas Students Amendment Bill 2005. The first bill is principally designed to enable the availability of FEE-HELP for students attending the USA based Carnegie Mellon University which will operate in my home town of Adelaide from March next year. The package of bills also seeks to improve consumer protection measures for higher education students through changes to tuition assurance arrangements and also lays bare the government’s hypocrisy on the question of compulsory fees for amenities and services.

These bills will allow Carnegie Mellon to be the first foreign owned university to offer courses to Australian and overseas students in Australia by creating a new category of Table C higher education providers in the Higher Education Support Act. Table C providers will be able to access the FEE-HELP loans scheme for Australian fee-paying higher education students; and, providing they comply with the requirements of the Education Services for Overseas Students Act, table C providers may offer courses to overseas students in Australia. They will not be able to access what are known as HECS places.

Any assessment of Carnegie Mellon reveals its outstanding international reputation. The international recognition of its bona fides as a university is based on its certification of accreditation by the Middle States Commission on Higher Education, a United States higher education accrediting agency. The Australian University Quality Agency has attested to the bona fides of the middle states commission as a quality assurance agency of international standing. The qualifications Carnegie Mellon is seeking to offer have been successfully assessed against the Australian qualification framework and veri-
fied that they meet the standards of an Australian qualification.

In July the South Australian government announced that Carnegie Mellon had successfully applied to be registered as a university. This is the first time a non-self-accrediting higher education institution has been approved to operate as a university in Australia. Within our system all universities are self-accrediting. Self-accreditation is seen within Australia as an expression of confidence in a higher education institution by the government, suggesting that the government has a sufficient degree of faith and trust in the educational quality and operational robustness of an institution to permit it to approve its own courses.

Labor places great importance on the protection of the name and concept of a university. Currently this protection is embodied in the national protocols, which are a vital tool for protecting the standard and reputation of Australia universities and their students. So much of Australia’s good international academic standing depends on the reputation of our universities as being first-class centres for teaching and research. Labor does believe, however, that Carnegie Mellon’s acceptance into Australia and the legislative change this move is forcing should not allow open slather for any and all comers. The accreditation process must be thorough, comprehensive and transparent. In this case the expert panel of higher education specialists required under the protocols to examine evidence of compliance unanimously agreed that the Minister for Education, Science and Training should endorse Carnegie Mellon’s application. Public confidence in the approvals process would be strengthened by greater transparency. It is unfortunate that in this case the South Australian government feel that other legislation constrains them from making the panel’s assessment publicly available.

Labor are concerned about any diminution of the requirements to become recognised as a university. We are not attracted to arguments that access to the term ‘university’ should be relaxed, as we believe this would devalue the very essence of what is essential about our universities. In relation to either Carnegie Mellon specifically or more generally, our position is clear: that the establishment of foreign universities in Australia to offer programs for both domestic and international students must undergo a rigorous assessment process and that each application must be thoroughly assessed on its merits. If Carnegie Mellon’s application is to set any sort of precedent it is to reinforce a process of rigorous examination of the merits of each case and to ensure the applicants adhere to strict and quality standards.

The second aspect of these bills is provisions to clarify and strengthen the operation of the tuition assurance arrangements for fee-paying higher education students. The amendments stipulate that if a provider is unable to continue to offer courses to students then the affected students will have the option of transferring to another provider to complete their studies or seeking a refund of their fees for uncompleted units. Labor hopes that the provisions of this package of bills which alter the tuition assurance arrangements for higher education students will strengthen and improve consumer protection in circumstances where a student’s education provider is unable to continue to offer the units for study for which the student is enrolled. The higher education market is important to the Australian economy. It is a market where quality offerings and good reputation are critical to continued strong performance. Labor supports measures designed to uphold and protect Australia’s reputation and, importantly, to protect students.
It is the third aspect of this legislative package which is the most breathtaking. Aspects of the Education Services for Overseas Students Amendment Bill 2005 are a fantastic mix of the hypocrisy, ideological obsession, contradiction and incompetence we have come to expect from this minister for education and this government. I note that the Senate is being kept back today primarily to deal with the voluntary student unionism legislation. We have not been advised as to whether that will in fact come on.

Items 5 and 6 of schedule 1 of the ESOS amendment bill are designed to allow higher education providers to continue to charge a fee to overseas students for a range of services that they are obligated to provide under the Education Services for Overseas Students Act 2000. The services that universities must provide under that act, and the national guidelines, include independent grievance handling, dispute resolution, counselling, orientation services, accommodation advice and academic progress advice. If these services sound familiar it is because they are some of the services currently provided by the much maligned university student organisations. The ESOS Act even requires providers to have a student contact officer who is responsible for the provision of counselling and other services. The act requires providers’ compliance with the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students, which requires the student contact officers to:

...Promote the successful adjustment by overseas students to life and study at an Australian institution.

...Assist students to resolve problems which could impede successful completion of their study programs.

The national code specifies that registered providers must have in place ‘appropriate support services and be able to demonstrate the advice provided to intending overseas students on these services’. This means that the government is happy to ensure that student services continue to be provided for overseas students but wants to see them wither away for local students. This is a massive act of hypocrisy by the Howard government. On the one hand, through this bill, the government is enshrining the right of universities and other education providers to charge a fee for services for overseas students, while on the other hand, through their so-called voluntary student unionism legislation, the government seeks to outlaw universities charging Australian students a fee for precisely the same purposes.

The rationale behind the ESOS bill is that the government has realised that, if its extreme and destructive antistudent services legislation were passed, this could conflict with universities’ obligations under the ESOS Act. So sections of this bill are a fix for a problem that would not exist but for the extreme and ideologically driven agenda of the Howard government; an agenda that has been so driven by ideological fervour from those opposite, that they cannot see the devastation it will bring and they cannot find a reasonable way to get it through the parliament. The government continues to refuse to countenance sensible compromises advocated by both the opposition and Senator Joyce. Frankly, it would make more sense to drop these destructive plans altogether.

The so-called VSU legislation will destroy vital campus services that support university students such as child care, counselling, legal advice and sporting organisations. Of course, we know that this attack will hit outer metropolitan and regional universities the hardest. This extreme attack has been opposed by everyone from student organisations, vice chancellors, university staff and campus chaplains, to high profile sportspeople and administrators, including prominent Olympi-
ans, high-profile performers and artists and, of course, members from political parties from all sides of this parliament. They have all expressed their concerns about the impact of the government’s attack on university services.

The opposition believes that Minister Nelson, and the government, should stop playing student politics, support Labor’s amendment and support these important student services. In light of the government’s obvious confusion—it has been made very clear to the chamber over the last 24 hours that it is in a complete state of confusion about this issue—it is unclear why elements of the Education Services for Overseas Students Amendment Bill that are being debated today still need to proceed. Instead of amending the ESOS Act to be consistent with the government’s false rhetoric of student choice, this government has introduced a bill that would allow a fee to be charged to one set of students, those coming from overseas, but not to local students. Yet, such a stubborn, arrogant and extreme government cannot yet admit publicly that its so-called VSU legislation is both misguided and destructive.

What the government has failed to grasp is that student services for Australian and international students will not be possible without the infrastructure and capital accumulated by student organisations. The fact is that universities rely on these organisations and their services for all students to meet their obligations under the Education Services for Overseas Students Act. It is the economies of scale realised through mass participation in student services that allow these services to be provided for overseas students. If the minister were to drop the VSU legislation, we would not need this part of the ESOS amendment bill at all. Labor strongly oppose the Howard government’s push to end proper and decent arrangements for funding student services. Labor will not oppose the bills before us today, simply because we believe that all students should be given this same opportunity to maintain and preserve all the important support services provided by student organisations.

**Senator Nettle** (New South Wales) (9.42 am)—The Greens are very worried about the future of higher education in this country. We can see a disaster coming down the track and it will be one of this government’s making. There remains an urgent need to back our public universities, to fund them with appropriate indexation and to ensure that access to university remains a viable and attractive prospect for future students.

But the Higher Education Legislation Amendment (2005 Measures No. 4) Bill 2005 and the Education Services for Overseas Students Amendment Bill 2005 do not do that. These bills seek to change the law, a law only recently written, to allow foreign universities to set up shop in Australia to compete for overseas students, for domestic students and for some level of federal government funding. These institutions will, of course, be private fee-charging institutions. They will not be set up with a mission focused on the long-term benefits of Australian students’ education; they are coming to make money. They may, as in the case of Carnegie Mellon—the first cab off the international privatisation rank—be respected universities in their home countries, and indeed be non-profit making educational institutions, but their mission for their overseas operations is to make money. Carnegie Mellon would not be setting up in South Australia if they thought they would lose money.

The minister has said this about his brave new world:

The introduction into the sector of such a highly regarded international university will increase diversity and choice within the Australian higher
education sector, make Australia more globally competitive and part of the global higher education marketplace and attract students from around the world who are seeking a high-quality education experience.

So, in case anyone missed the key words, they were: diversity, choice, competitive and marketplace. The future of the physical and intellectual infrastructure of our higher education system is to be entrusted to the marketplace, which will—via the magic of competition—deliver choice and a high-quality education experience. What he does not say of course is, ‘For those who can afford it.’ But more of that later.

This is not new. I have been talking in the Senate, since I got here in August 2002, about the way in which the government is pursuing an extreme policy of education privatisation. The first bill I spoke on in the Senate was a bill to extend government fee subsidies to private institutions. There were just three at the time and since then another 30 or so have been added to the list. We have also seen the expansion of one of our existing private universities, Notre Dame, with Commonwealth dollars, and now we are dealing with the first new university to enter the government’s international education marketplace. In those three years, we have seen an acceleration of the drift in funding for our universities from public to private sources.

Our public universities were publicly funded when the Howard government came to power. The share of public funding—that is not including HECS, which is, of course, mostly private funding from students—was just over 60 per cent. Since then HECS levels have been raised twice, restrictions on university student intakes have been lifted, domestic full fee-paying students have been introduced and core indexation has been removed. The result is that our public universities are now largely private. The proportion of funding coming from public sources to our universities is now 40 per cent. Most of the money running higher education is now private.

A lot of that increase in private funding has come from the influx of overseas students. There has been a gold rush of interest in Australian degrees from the overseas—mostly Asian—marketplace, with enrolments jumping from 53,000 in 1996 to over 210,000 last year, as a result of federal government policy. Now around 20 per cent of university revenue comes from this stream. It is not additional or top-up revenue; it is part of the basic core operating revenue for universities. If it goes, there will be massive financial problems for the sector.

There has been a revolution in the way our higher education sector is run. This government has pushed as hard as it can to float our higher education system on the high seas of the international market. Now, as Carnegie Mellon appears on the horizon, the impact of this choice will become clear to those who have ignored it up until now. This choice is ushering in a future that for the minister is full of promise. It is full of promise of increasingly limited government spending on higher education. It is a promise of overseas investment in self-interested institutions taking up the responsibility for providing Australia with the knowledge factories of the future. And it is full of the promise of a qualification industry continuing to take advantage of the gold rush in education services from Asia.

For the Greens this future is fraught with danger. It is a future that threatens to leave Australian and overseas students high and dry. Like a gambler with a sure fire system, the government has put more and more of its chips on the same numbers. The government is betting that interest from large numbers of wealthy overseas students in purchasing Aus-
tralian based degrees will continue. It is gambling that a sustaining domestic fee-paying market for degrees will grow. It is gambling that overseas and domestic education investors will continue to see a return in Australia and will continue to invest. And, finally, it is gambling that it can continue to underfund the higher education sector whilst these other players fill the gap. This is recklessly extreme public policy that is really playing fast and loose with the skills and knowledge base of our future. None of these assumptions are solid, and many of them are downright shaky. It is not difficult to see that, if some of the gold rush conditions of the overseas student market change and other demographic and economic factors turn around, then the market will crash, investment will flee, leaving a system starved of public investment that will have lost intellectual and physical capital and be unable to take up the slack.

In the latest edition of the *Australian Universities Review* there was an article by Michael Gallagher, who is the Director of Policy and Planning at the Australian National University. He shares the Greens’s concerns about the direction of government policy on higher education, and he points to worrying demographic and economic trends that underpin the point I have been making. He says, ‘The recent raft of changes to higher education policy, if implemented, will I believe only be able to operate for between two and four years before they implode.’ What he is concerned about is that a policy that is predicated on the delivery of fee-paying students is in trouble when we recognise that the cohort of 15- to 24-year-olds who dominate demand for higher education will be in decline after 2010. Not only that but the data on the effect of economic value of getting a bachelor’s degree indicates that the worth is decreasing relative to earlier cohorts experiences, and this is happening at a time when degrees are becoming more expensive. Put simply, degrees are not worth what they used to be and they are a lot more expensive. This of course means there will be less demand. This leaves universities scrabbling to maintain their domestic student revenue, but this government continues to introduce measures which are disincentives for students to attend university—the increasing of fees and the lower service levels, as proposed in the voluntary student unionism legislation.

But it is perhaps the perilous reliance that the system now has on overseas students that is more concerning. There is no assurance that the boom times will continue regarding overseas student enrolments; indeed, quite the opposite. The latest government data tells us the enrolments are continuing to grow, but a close examination of the figures should give us pause for thought. The growth as of August this year in enrolments of overseas students was 6.5 per cent but most of that growth—42 per cent—came from India, which is a relatively new supplier of overseas students, and from China, which continues to dominate with around half the total enrolments. However, commencements or new students—that is, students enrolling for the first time—are not doing so well, with only a three per cent growth so far this year but with commencements in full retreat from Hong Kong, Malaysia, Indonesia and Singapore.

These trends are worrying because of the developments behind them. We know that China, Singapore and Malaysia have all increased their investment in domestic higher education places, which may explain the trend emerging from these near Asian neighbours. We can expect this to continue into the future. Growth in those economies may well look well established, but natural disasters, political instability and a coming global recession could drastically change that picture. As soon as that happens, the flow of
students will dramatically decrease, particularly when domestic options are becoming more attractive economically and educationally.

These are the shifting sands on which our brave new higher education system is being built, and of which this bill is an element. Already our domestic providers are under pressure, particularly the smaller and newer universities. In South Australia, where Carnegie Mellon is poised to set up shop, there are three established universities: the University of South Australia, Flinders University and University of Adelaide. None of these institutions would claim to be awash with money, and they will now all face more competition for their students, thanks to this legislation. An ugly side effect of this increased competition is also the pressure on universities to take in increasingly poor quality students. Anecdotal evidence has been indicating this trend for some time. In May this year, the Sydney Morning Herald carried the following story about Macquarie University:

A Macquarie University professor of economics, Peter Abelson, fails 40 per cent of students in his second-year course. “We have students who have failed the course four to five times. At least one student has failed it six times,” he says. “It is an absurd situation.”

He goes on to say:

The summer school has failure rates of 60 to 70 per cent. It’s dishonest because we have ... people into courses simply to take their money.

There appears to be growing evidence that this phenomenon is being repeated around the country as institutions scrabble to maintain this funding stream. But, of course, the process leaves standards dented across the board. It therefore damages the reputation of Australian university education and so puts more downward pressure on enrolments.

This bill then comes as the latest measure to carry on with this high-risk policy. The introduction of a new university into the sector is far from obviously going to be in the long-term benefit of students, particularly in South Australia. This bill is more about attaining economic statistical goals—that is, increases in GDP or export figures—not educational goals. It is more about the government’s desire to withdraw from its funding responsibilities than any concern for the future health of the education sector. Perhaps saddest of all, it is probably a little bit to do with the minister’s fetish of having a top-100 university in Australia, and an American one at that.

The measures contained in this bill will cost a few million dollars in government subsidies to fee-paying students attending Carnegie Mellon. But it also opens the door to other institutions who will also demand access to the FEE-HELP arrangements. It is not clear what budgetary parameters are being put on this program. Will these FEE-HELP dollars be capped? Ultimately, they surely must be. When that happens, the competition for places will further impact on the viability of existing domestic comprehensive universities as they find their access to limited government-supported places is being taken up by private providers who trade on overseas reputations but do not provide the full range of services in institutions in Australia on which these reputations were built.

The Greens want to see the long-term interests of education standards in Australia take precedence. We see it as the responsibility of the Commonwealth to ensure that the higher education system can sustainably provide high-quality accessible education into the future. It is essential that this capability is preserved. But, as I hope to have shown, this is not what is being done by the policy of privatisation. The very first thing that a government which is committed to providing a
A sustainable high quality accessible university system in Australia would do is appropriately index the core funding that is supplied to our public universities. Appropriate indexation would reduce the need for universities to charge such high student fees as are charged now. It would provide some basic funding equity across the system and allow university administrators to sensibly plan for the future. Beyond this basic first step, the Greens are calling on increased funding to abolish fees for domestic undergraduate students. This is about equity, but it is also about ensuring that higher education remains a valuable goal for all Australians and particularly for young Australians.

The government talks about diversity. The Greens say that the public university system is already providing a diverse range of options and could do more, but, without appropriate backing and funding, this diversity will be lost. Higher education providers are being invited to pursue the same fee-paying dollar and tailor courses and institutions accordingly. Where is the diversity in Australia becoming the business studies school of the Asia-Pacific region? The Greens do not support this bill. We reject its role in the ongoing privatisation of our higher education system. We reject its continuation of the high stakes game of chance that this government is playing with our universities’ futures. We reject the approach implicit in this bill that somehow taxpayers’ money is better spent encouraging overseas providers to set up cash cow operations in Australia than investing in the public university system.

Senator TROETH (Victoria) (9.56 am)—It is with pleasure that I rise to speak on the Higher Education Legislation Amendment (2005 Measures No. 4) Bill 2005 and the Education Services for Overseas Students Amendment Bill 2005. The essence of the first bill is to amend the Higher Education Support Act 2003 to make it possible for Carnegie Mellon University to establish an overseas branch in Australia, to be located in Adelaide—your home state, Mr Acting Deputy President Chapman—from January 2006. There are also, under this bill, tuition assurance requirements provided under the Higher Education Support Act 2003 and some technical amendments required by the Legislative Instruments Act 2003.

The first bill will insert a new category of table C providers within the Higher Education Support Act. There are currently table A providers—that is, 37 public universities and other higher education providers such as the Australian Maritime College and the Batchelor Institute of Indigenous Tertiary Education—and three table B providers—that is, self-accrediting higher education providers, Bond University, the University of Notre Dame Australia and the Melbourne College of Divinity.

Table C providers under this legislation will be for approved overseas higher education institutions. This will provide an operational framework for all approved overseas higher education institutions to operate a branch in Australia. As well, approved overseas higher education providers will have limited access to certain Commonwealth assistance including FEE-HELP and Aushelp. This will enable, as I said, a new private, not-for-profit United States based institution, Carnegie Mellon, to operate as a university in Adelaide and access FEE-HELP and Aushelp for eligible students studying at its Australian branch. It will strengthen and clarify issues relating to eligible students attending Australian branches of an approved higher education provider as well as make other technical amendments.

Certainly, the tuition assurance provisions, which are provided under the higher education legislation measures, strengthen and clarify the tuition assurance requirements.
which protect students studying at non-table-A providers so that students in this category have comprehensive and robust consumer protection in the event that a provider ceases to offer a course in which a student was enrolled. Students will have the option of various other procedures and that gives them the reassurance that they are not alone if something happens to their provider. You may well ask why the Australian government is supporting the introduction of foreign universities into Australia. Unlike the Greens, the Australian government is committed to the development of a strong and high-quality higher education centre that is internationally competitive. This underpins our own nation’s economic, cultural and social development.

Higher education is increasingly delivered in a global context, with international benchmarking being a key measure of quality. Australian institutions, our own institutions, are part of that global context and they should be exposed to different forms of educational provision if they are to remain internationally relevant. The entry of foreign universities such as Carnegie Mellon will enable Australian institutions to compare their offerings and their methods of operation with other institutions that are highly regarded internationally. Our own practices and efficiencies will improve within the Australian system as a result of this process. Indeed, it is envisaged that the operation of foreign universities in Australia will facilitate the exchange of academic staff, which will benefit the quality of teaching and research within Australian based institutions. We simply cannot remain insular and parochial within this international environment.

In addition, the Australian government is committed to free trade internationally and we have recently concluded a number of free trade agreements. These agreements, while making limited commitment to public higher education, permit universities based in other countries to operate in Australia as long as they meet certain appropriate standards of quality. Just as we are establishing branches, campuses and collaborations in other countries, foreign countries are increasingly looking to expand their investment and their markets overseas. In the changes proposed to the Higher Education Support Act 2003 we will be able to provide a framework for the higher education sector in Australia to allow the further globalisation of provision and to assist Australia to compete internationally.

Carnegie Mellon is the first foreign university to establish a branch within Australia and these amendments provide the opportunity for other foreign universities to also establish themselves here provided they meet the same stringent accreditation, approval and quality and accountability requirements that are in place for our own higher education providers. For the first time Australian universities will be able to actively collaborate with foreign universities on Australian soil. We will have the introduction into Australia of highly trained and internationally respected academics. This will facilitate the cross-fertilisation of ideas and we will have innovative learning, teaching and research practices that will further enrich the Australian university experience not only for higher education students but also for the wider community.

Again, students will have increased choice in respect of course offerings. Subject to relevant state and territory approval, foreign universities will be able to offer Australian students world-class degrees and postgraduate qualifications not currently available to them in Australia. Carnegie Mellon University is a high-quality education and research institution. It ranks 38 out of 200 on the Times Higher Education Supplement ranking of the world’s top universities. It ranks No. 54 out of 500 on the Yau Tong University’s ranking of the world’s top universities. Car-
negie Mellon’s School of Computer Science was ranked first in the 2002 US News & World Report magazine survey of graduate programs and Carnegie Mellon H John Heinz III School of Public Policy and Management ranks eighth in the USA for the quality of its courses.

We are putting in place a range of FEE-HELP loans to eligible students at the Australian branch but we will provide no funding to Carnegie Mellon University so we are not depriving Australian universities of any funding by doing this. In addition, Carnegie Mellon University will not be eligible for any research funding or other grants, including grants under the Commonwealth Grants Scheme, so the limited pool of funding for higher education in Australia will not be diluted following the introduction of any foreign university. I am very pleased that the South Australian government have supported Carnegie Mellon’s entry into Australia through establishment grants. They will be providing $20 million over the next four years to support the establishment of the Carnegie Mellon University, and that includes scholarships, operational support and start-up grants.

The introduction of not only this university, but also, hopefully, other foreign universities, will increase diversity and choice within the Australian higher education sector. It will establish Australia as being seen to be open and receptive to different forms of educational provision, including through the establishment of branch campuses of foreign universities. It will make Australia more globally competitive and part of the global higher education marketplace. It will elevate the international standing and attractiveness of our country as a preferred choice education destination. It will attract students from around the world who are seeking a high-quality education experience in a safe and unique environment through either an Australian provider, of which we have many, or from an internationally recognised university. All of that is very important.

I would like to turn briefly now to Senator Wong’s comments on her attempt to link this legislation to our legislation dealing with voluntary student unionism. I would simply like to say that it is unfortunate that Senator Wong does not realise that the amendments to the ESOS Act, the Education Services for Overseas Students Amendment Bill, are about reinforcing existing arrangements and clarifying that providers are able to charge a fee to cover the cost of their obligations under the ESOS framework. The government greatly value and support the wide range of benefits international students bring to our society and we have in place a strong framework of regulatory requirements to protect the education experience of students in Australia.

The ESOS Act safeguards the interests of students coming into Australia by providing consumer protection and setting standards for education providers. That is in fact a major attraction for students to come to Australia. Higher education providers are required to make available to overseas students certain services required under the ESOS national code of practice for registration authorities and providers of education and training to overseas students, and there will be no change to this requirement. This has nothing to do with our legislation on voluntary student unionism. Like other students, overseas students will participate in the non-academic activities that they think will enhance their experience in Australia and they will be prepared to pay for them. So Senator Wong is totally wrong on this point. I think she is intentionally trying to link voluntary student unionism with this legislation, which is totally out of place in this context.
Senator STOTT DESPOJA (South Australia) (10.08 am)—I rise today to speak on the Higher Education Legislation Amendment (2005 Measures No. 4) Bill 2005 as well as the Education Services for Overseas Students Amendment Bill 2005. Obviously we are dealing with these bills in a cognate fashion, even though they are not necessarily linked, but I understand that they have the support of the majority of the chamber. Indeed, I go so far as to describe them as non-controversial legislation, and that begs the question—it is not a philosophical one—why are we here having potentially one of the longest debates on legislation that we have had in the last couple of days, with a speakers list that includes a number of government senators? While I respect and applaud their right to be on that list, I am just wondering if there is a particular motive for us to have a long debate over two non-controversial cognate bills that, arguably, could have been dealt with in the last few days, given the government’s hurried guillotining and gagging of debates.

Senator Troeth told the chamber that it is disingenuous for any of us to make a link between this legislation and voluntary student unionism. That is an extraordinary comment, given that one of the bills we are considering—specifically the ESOS legislation—deals with a compulsory student union fee at the same time as we are supposed to be considering legislation that deals with the so-called abolition of compulsory student fees, or universal student membership through student organisations—so-called voluntary student unionism. First of all, it is quite disingenuous not to make that link when there is a fairly obvious link before us in the bill today, and, secondly, when some of us in this place are quite conscious of the fact that we are here having long debates over non-controversial legislation, just in case there are some backroom deals on legislation, specifically the Higher Education Support Amendment (Abolition of Compulsory Upfront Student Union Fees) Bill 2005, the bill listed as No. 6, although there is no actual figure today. I am wondering why this is even on the red for today, given that no-one has been notified that this legislation will actually be debated. So I wonder what is going on in the backroom discussions and deals at the moment. I am under no illusions as to why the speakers list on such non-controversial legislation has suddenly bumped out.

The first of these bills—and it has been addressed in detail previously by colleagues—the legislation dealing with the establishment of Carnegie Mellon, is theoretically straightforward. The main purpose of the bill is to amend the Higher Education Support Act 2003, the HESA, and the Education Services for Overseas Students Act 2000, ESOS, to enable foreign universities to operate in Australia and provide courses for domestic as well as international students. Specifically, the amendments that are contained within the legislation allow for the establishment in Australia—in fact, Mr Acting Deputy President Chapman, in our home state of South Australia—of a branch of the Carnegie Mellon University, which is based in Pittsburgh in the United States.

The Australian Democrats’ views on this legislation have been made public before and, indeed, we provided a short supplementary report to the Senate committee that looked into this legislation. Our views specifically on publicly funded and accessible education are well known; our concern about the privatisation of universities, whether they are foreign or domestic, is widely known as well. Having said that, we recognise also that this legislation has both state and Commonwealth support. It has bipartisan support—that is, it is supported strongly by the government in this place and, indeed, supported
by the Australian Labor Party in both houses. We recognise, too, that it is expected to bring significant financial benefit to the state of South Australia, but the Democrats have made it clear from day one that we think it is imperative that adequate safeguards are built into the legislation to ensure that the reputation of our public universities is protected.

In order to do that, as I flagged in my committee report, the Australian Democrats are endorsing—and, indeed, today I will be moving an amendment—the recommendation of the National Tertiary Education Union, the NTEU, that the Senate amend the Higher Education Legislation Amendment (2005 Measures No. 4) Bill 2005 to ensure that table C providers are listed under the table by which they have been accredited in Australia and that the Senate amend the Higher Education Legislation Amendment (2005 Measures No. 4) Bill so that overseas universities accessing table C must meet the test set out in protocol 1 of the national protocols for higher education approval processes to be able to access university title in Australia. So, while we recognise and support the tuition assurance requirements contained in the legislation, we believe that our amendments will go a little further to ensure that there are adequate safeguards in place.

I want to put on record some of the concerns that have been listed by the National Tertiary Education Union. They have made very clear their concerns about the idea of extending such public funds—because we are talking about public dollars, state dollars, going towards a private institution—not only in their submission to the Senate inquiry but also in public statements. They have claimed that they are concerned that the South Australian government’s decision to assess Carnegie Mellon’s application in secret could set a precedent for other state and territory governments in relation to similar applications. As has been already mooted in this place, the issue of transparency and accountability in relation to the application process is an issue.

They go on to say that the reputation of Australia’s university system rests on the maintenance of strong accreditation standards, including open and transparent community consultation. This is particularly important, they go on to note, because significant public funding is being provided to Carnegie Mellon, including the South Australian government’s decision to commit to the institution. They believe that it is important that the South Australian government now publicly release all information about the Carnegie Mellon proposal. I want to endorse that call today. I know the opposition spokesman on behalf of the ALP said that it was unfortunate that the state government felt constrained by other legislation, but certainly we think there is a strong argument for more information to be revealed in the interests of the people in my home state as well as the people in the Commonwealth.

The National Tertiary Education Union state that Carnegie Mellon is the first application made by a foreign provider to operate as a university under the national protocols and as such—and we agree with them here very strongly—could have major implications for the Australian higher education sector. The higher education sector cannot make any meaningful assessment of the South Australian government’s decision in relation to Carnegie Mellon, however, because no information about it has been made public. They go on to say that previous applications by institutions to operate as universities in Australia have been assessed by a rigorous and transparent process, which has included the full disclosure of documents relevant to the application, and consultation with interested groups in the sector. That has not happened adequately in this case and we certainly call on the South Australian government, recognising that it is their role, to pro-
vide some of that information. Indeed, I think they have been woeful in the lack of consultation. Having said that, I do recognise the support of the Australian Vice-Chancellors Committee and the institutions in my home state for the establishment of such a branch of Carnegie Mellon.

The Education Services for Overseas Students Amendment Bill 2005, which has been touched on in this place and linked I think inevitably to the broader debate about so-called voluntary student unionism, is only really necessary if the Higher Education Support Amendment (Abolition of Compulsory Up-front Student Union Fees) Bill 2005 is passed and the collection of a universal service fee at universities is banned. This is linked to voluntary student unionism and the very legislation that is being debated in backrooms and corridors right now; otherwise, why else would we be here debating a non-controversial bill?

As the Democrats have stated in our minority report, our additional report to the Senate committee process, this bill alone—the one before us—will not adequately protect the availability and the affordability of student services for international students or for domestic students. Fees collected under so-called VSU, even with the passage of this bill—so even with the so-called safeguards this bill is supposed to enshrine for international students—will not be enough to ensure that those vital student services are retained and kept afloat. Furthermore, many of the services that do survive will be forced to increase dramatically the cost of the services they offer which, as all senators know, are currently subsidised by the payment of a universal student fee.

Our office and obviously the Senate committee process heard from the National Liaison Committee for International Students in Australia, the NLC, as well as the Council of Australian Postgraduate Associations. They put on record very clearly their concerns that this fee for international students would be increased in order to support the services. Let us face it: the fee is already significantly higher for those international students than it is for domestic students. They have good reason to fear the fee will increase not only as a consequence of the VSU but because history tells us that in this country, with the deregulation of the overseas student market in education, we have used and exploited international student services and international students as cash cows.

We have recognised in this country for many, many decades the importance culturally, intellectually and socially of international students coming to our country and studying at our institutions. But it is only in the last two decades under the previous Labor government and now this coalition government that those students have been forced to pay higher and higher fees in order to not just cover the costs of their education but increasingly subsidise other costs of university life—a consequence of massive chronic and consistent underfunding for universities through their operating grants by successive governments. International students are not unused to being treated as cash cows. This bill basically underlines that.

The government recognises that it has responsibilities and obligations to provide a certain standard of services, as it should under its ESOS obligations, for international students, and that cannot be undermined. Thus the government has had to realise that it has to put this legislation through in the event of the voluntary student unionism legislation being passed in this chamber, whether today or next year, because it has to ensure those standards are maintained. But the impact this is going to have on student services, domestic and international, and the fees they pay I can only begin to imagine.
That brings us back to the point of so-called voluntary student unionism. Again, I ask the question: why do we have so many members on a speaking list for arguably non-controversial legislation? It is a question that all members on the crossbenches and indeed in the non-government parties today are wondering about. Perhaps the Manager of Government Business or someone else might want to enlighten us as to whether we will be here this afternoon, this final day of the parliamentary year, because there are discussions taking place in various offices—and we can only begin to imagine which ones they are. It does beg the question why we are here today. What are the likely effects of the voluntary student unionism legislation? It is obviously a fait accompli in that the government would not be putting forward this ESOS legislation unless it thought voluntary student unionism was going to pass this place.

Like other senators in this chamber, particularly the opposition and Greens senators, I want to make very clear how the Australian Democrats feel about the proposed passage of that legislation as it is linked to this legislation. We are strong advocates of universal services payments. We are strong advocates of the right of students and their organisations to organise democratically. We have long recognised the vital services that are provided by student unions, student associations and student guilds. We recognise that all of these services are threatened under the government’s proposals—government proposals linked to the legislation we are debating today—whether those services are subsidised catering, welfare, advocacy, representation or media.

I might add that in our home state as of 30 November last week the University of Adelaide university radio 5UV will no longer be providing student radio. They have been providing it since around 1972, arguably one of the longest-running student radio stations in the world. What has happened to it? It is no longer going to be funded because the university and the students cannot pay for it. That is the end of a wonderful tradition that has marked our state and our capital city. Many of us—and some in this place—got our start in student radio and at radio 5UV. I want to put on record how sad it is that that particular form of student media will no longer be provided—and that is directly as a consequence of the proposed student unionism legislation that this government wants to ram through the parliament.

Whether it is media, advocacy, welfare, child care or other services or sporting clubs, religious clubs or other clubs, all of these vital parts of a campus experience will be gone. When we talk about the campus experience, I want to talk about the holistic experience that is university life. It is not just a degree factory that students attend or people aspire to attend; it is a holistic experience that includes the broadening of academic, social, cultural, intellectual, sporting, religious and other horizons. Who are we—who is this parliament—to deny students that university experience, especially when many of us have had that experience, including many in the cabinet?

As for the notion that a universal fee that is paid by students on their campuses is somehow akin to a trade union fee, that is wrong. It has been shown in law to be wrong. It has been made very clear that the payment of a universal fee on campus is more akin to the payment of a council rate. It is a fee that members of your local community contribute to pay for council services and responsibilities. Let us not muddle this debate up with some kind of vendetta against the trade union movement.

As Senator Kemp made clear in his response to a question without notice from
Senator Lundy this week in question time, it is clear that there is an element of vendetta in this. There is an ideological and political motive. It is about getting even with some of those student representatives and student politicians. I would have thought that a number of those people in the cabinet could work out any of those vendettas in this place if they wanted to and not take them out on current and future generations of students and aspiring students.

The government has also with this legislation sought to quash dissent. When we talk of vendettas, the government is so worried about different views and different voices. We have seen in the past nine years the way that organisations and NGOs have been shut down or had their funding closed, limited or threatened in some way. Now it is the students’ turn. There are many government senators in this place who have been prepared to stand up and say that they are not happy with the way that student organisations have directed their funds. I would be hard pressed to find anyone who is completely happy with the way that student organisations direct their funds, but when they do they should do it in a democratic fashion and they should do it in a way that marks student control of student affairs. It should not be about governments intruding, it should not be about politicians intruding and it should not be about the university administration intruding on the disbursement of those funds which are collected from and used by the students.

But I am not surprised that university autonomy has been interfered with, whether it is through this legislation or any other. Arguably, in the last year we have seen more legislation—certainly since the passage of HESA—that interferes with university autonomy than ever before. The sector knows that, the NTEU knows that, the academic and general staff know that, students know that and the Australian vice-chancellors know that. We have reached a new low—HECS hikes, up-front fees, the deregulation of the postgraduate sector, the deregulation of overseas students; and now voluntary student unionism. (Time expired)

Senator TROOD (Queensland) (10.28 am)—It is a great pleasure to speak on the Higher Education Legislation Amendment (2005 Measures No. 4) Bill 2005 and the Education Services for Overseas Students Amendment Bill 2005. Coming from an educational background, the matters touched on in the bills are matters very close to my own heart, and I am delighted to have the opportunity to speak on them. It is important to put them in the context of the changes that have been taking place in higher education over a long period of time. It is perhaps appropriate at the very beginning of my contribution to underscore the fact that the Howard government in 2005-06 will put a record amount of money into higher education—$7.8 billion. That will be a significant contribution overall to the sector. What is important about these bills is that they move us in the direction of greater diversity in the higher education sector, which is a matter on which I have spoken in this chamber in the past and a matter in which I believe very keenly. It is a direction in which we certainly need to be moving. For my part, these bills advance that cause, and I am delighted to see that.

In her contribution to the debate, Senator Nettle made the observation that she and her party were striving for equity in undergraduate education by, as I understood her argument, increasing the opportunities for greater access to higher education for undergraduates, largely for non-fee paying students. This sounds to me rather less like equity than insanity. As with so much of the Greens’ policy on so many issues, the numbers just do not compute. We would find ourselves in a situation where other areas of public policy
which demanded considerable public expenditure would be found wanting if we were to go down that path. So that contribution adds almost nothing to the debate.

It is regrettable that Senator Stott Despoja is so suspicious about the reasons for this debate taking place. It is important to recognise that issues of higher education are matters of national importance in Australia. One could even argue that they are matters of national security. Nothing is more fundamental. I recall saying in my maiden speech in this chamber that I regarded matters of higher education as being critical to the nation’s future. Nothing has occurred to change my views on those matters in the last several months. These are matters of vital international and national importance. It is right and proper that we should be spending time debating them.

It is also to be observed that this is not an uncontroversial bill. The Labor Party is proposing amendments to the bill. We ought to recognise the fact that we have a difference of opinion on aspects of this bill which make it less than straightforward. In my contribution I want to put these changes in a wider context. I think it is important to understand that in the last 15 to 20 years there has been a virtual revolution in the nature of university education. There has been a fundamental change in the way in which not just Australia but countries around the world approach matters of higher education. I would argue that this revolution has taken place in broadly three phases. The first of these, and perhaps the least successful of them from my perspective, were the great Dawkins reforms of 1988. The Dawkins reforms had one good, valuable and, one might say, virtuous consequence, which was that they opened up the Australian higher education market to a wider range of participants. Prior to 1988 it was essentially an elite system of higher education. A consequence of the Dawkins reforms was that it became a mass education system. It opened up opportunities for people who had not previously thought about going to university or who had had little opportunity to go to university for various reasons—perhaps matters of culture or socioeconomic circumstances. There are various reasons one can easily think of why people might have been disinclined to go to university. The Dawkins reforms did one good thing, which was to open up the university sector to people who would not otherwise have got there.

In almost every other respect the reforms were a disaster because they resulted in a highly homogenised university sector. Every university, after the reforms were consolidated, looked much like every other university. So we were left with, essentially, far fewer educational choices in this country. We were left with a situation where we had, by the early part of this century, 37 public universities, all of which were doing essentially the same kinds of things, providing little choice to students and little choice in educational opportunities. They were essentially trying to establish themselves as comprehensive institutions. That limited greatly the range and diversity of the overall market. The difficulty in particular was that the protocols which were imposed by various departments of education around the country defined a single model for Australian education. That put us in a situation where there was an increasing degree of single-mindedness and homogenisation and we failed to offer the opportunities to students which a market of this kind does.

One of the more disastrous consequences was that we found that more students were going to university and fewer students were going into technical and further trades. It was not until the Howard government came to office in 1996 that we began to address the problem of technical education. That has resulted in the introduction of the new col-
leges of technical education, which are in the process of being founded. They will address a profound problem which has existed for a long period of time and which the Labor government, in its period in office after 1988, singularly failed to address. So that is a welcome dimension in increasing diversity in the higher education sector in Australia.

The second great revolution was the opening up of the Australian education market to overseas students. This began in the mid-1980s with the opening up of the market to graduate students. It was consolidated by opening the market to undergraduate students. By the mid-1980s we were in a position where it was possible for universities to offer education to full fee paying international students. This process began rather slowly at first, but we have now reached a situation where there are over 200,000 international students in Australia. They come from an interestingly diverse range of backgrounds. In the most recent statistics, for 2004, we see that 79,000-odd students came from North-East Asia; 26,000 came from southern and central Asia; 14,000 came from the Americas, broadly defined; and about 7,400 came from sub-Saharan Africa. The total is 228,000 for 2004—an increase of 8.6 per cent on the figure for 2003.

So the market remains buoyant. It is an opportunity for students to come to Australia to get a broad education in a range of areas where Australian universities have an international reputation, where they have high levels of expertise and where their services might well be available to students in other parts of the world. This is an international market. All of the surveys that have been taken on the overseas student experience underline the value of these markets for overseas students. They are very positive experiences for most people, and in some respects one could argue that this is a very effective means of conducting Australia’s foreign policy, because most of these students remain in Australia for a long period of time, depending on the kind of course they are undertaking. Many are here for several years. They not only have experience in institutions but get a wide experience of Australian society.

It was highly regrettable that Senator Nettle, in her contribution, focused on what she saw as the downside of this process—in particular in relation to universities—and failed to outline the benefits to overseas students of participating in Australia’s higher education system. It is not just the overseas students who have the opportunity to gain benefits from this process; it is of course a great advantage for Australian students. In my experience, overseas students enrich the teaching and learning environment of institutions, they enrich classroom discussion and they expose Australian students who may not have had the opportunity to travel overseas to different values and cultures. They provide opportunities for students to interact with people from and to learn more about foreign cultures, and that seems to me to be a very important dimension of the overall overseas student experience in most of our institutions.

The ESOS Act, which is a part of the debate we are having today, is important because it actually clarifies the responsibilities and the services that universities are required to offer to overseas students. These are not trivial matters. They are matters of considerable importance, both to students and to universities. The services include matters of grievance, dispute resolution and access to information and counselling in relation to orientation and first arrival in institutions and academic progress. Speaking from experience, I know that these are matters of great sensitivity to all students, but academic progress is certainly something which is of concern to overseas students. They come with a
commitment to education. They come to Australia determined to achieve their objectives of a better education, and, as I said, for the most part that is a very positive experience. The services provisions also apply to matters of further study and accommodation. So these matters are critically important to the way in which students experience education in Australia. They are not to be trivialised, as has tended to be the case, by the contributions of the other side in relation to this particular debate.

It is true that concerns have been expressed about the nature of the participation of overseas students in Australian universities. I say two things about that. First of all, we have to be on guard all the time regarding standards. Some concerns have been expressed about the extent to which overseas students have been inclined to pull down the educational standards of institutions. My own experience in universities in this country is that, for the most part, that is not the case. Students retain very rigorous standards of education and are determined to do so because they fully realise that their reputations depend on doing so.

It has also been argued that there is a danger that there will be a dependence on the income from overseas students. The point is that these programs have now been in place for going on 20 years. They have resulted in steady increases in the numbers of students participating, and students act in an international market. They are prepared to come to Australia because they get good value for their education. They prefer to come to Australia because it is a safe place for overseas education. They prefer to come to Australia, from Asia in particular, because it is close to their home. And they prefer to come to Australia because they know that they will get value for their money. So the prospect in the near term that this market is going to collapse in the dire circumstances which have been argued seems to me to be overextended.

The third revolution that has taken place in higher education in Australia is the expansion of institutions both in Australia and overseas. It is a parallel process, where some Australian universities have established campuses overseas. Several institutions in Australia have established campuses in places like Malaysia and elsewhere in Asia— I know of an experience in China. The other part of the parallel process is overseas universities establishing themselves in Australia. This is the nature of the Carnegie Mellon exercise. They will be coming to Australia to establish a high-quality educational institution. It will add great diversity to the international student market in Australia. I welcome that because it will move away from the homogenised university sector that we have had for such a long period of time. It will be subject to the national protocols, so there can be no argument that the result of this particular move will be a decline in standards. The quality will be retained. The state government strongly supports the proposal, as we heard previously in this debate. It will certainly add, I think over a long period of time, an interesting dimension to the education market in South Australia.

The expectation is that in the first year there will be around 50 students participating in Carnegie Mellon University, and this will rise to around 200 students in 2009. This is an important development in the internationalisation of Australian education. The reality is that universities not just in Australia but also around the world are acting in an increasingly international environment. It was once the case that universities in Australia, as elsewhere, were essentially in a very small marketplace. In 2005, they are not just competing with other universities in their cities, they are not just competing with other universities in their states and they are not just
competing with other universities nationally; they are competing in an international marketplace. That is something that every vice-chancellor I have ever met is very conscious of. It enters very strongly into their planning processes into the future, and it guides their thoughts about the structure of their courses, the arrangements for teaching and the arrangements for use of resources. Everything about the university experience is now related to the reality that universities are in an international market.

The Carnegie Mellon institution, which will establish itself in South Australia in the early part of next year, is a manifestation of the fact that this market is increasingly diversified. It is a manifestation of the fact that Australia is recognised as an extremely valuable and important place for higher education. It is a reflection of the fact that we can offer an experience to overseas students that they cannot easily get in other parts of the world. I therefore welcome with enthusiasm the higher education bill and the ESOS bill, which will clarify in very important ways the nature of the overseas student experience in Australia. It will define more clearly important aspects of student participation in Australian education, and that is to be welcomed.

Senator EGGLESTON (Western Australia) (10.47 am)—I would like to make a few remarks about the establishment of international universities in Australia, which I think is a very important new development in the Australian education system. We in Western Australia have a branch of the University of Notre Dame. While it is certainly an Australian university and its governing body is very much Australian, it is nevertheless connected to Notre Dame university in Indiana and the various other members of the Notre Dame fraternity around the world. Education has become very international in recent years. While Australia has been reaching out to the region to bring students into Australia and to establish campuses in the region, I think it is an indication of the globalisation of education that we have an American university from Pittsburgh interested in establishing itself in Australia. According to a report that I have read, that university sees it as a way of accessing Asia.

As I said, Notre Dame is an example of an internationally connected university in Australia, and it is certainly an example of the benefits that internationally connected universities can bring to the Australian education system because a significant proportion of the student body at Notre Dame university comes from other countries on exchange from other Catholic universities around the world. That means that the courses they study at Notre Dame are recognised in other countries as being of an acceptable standard—they meet largely American standards—and it also means that the Australian students have the experience of mixing with students from other countries, which broadens their general outlook and brings other benefits in terms of new perspectives on the subjects they study.

Notre Dame university in Fremantle was established relatively recently. It began with an arts faculty and an education faculty, but it has expanded to provide major professional courses, including law and medicine. Its law course has been going for close to 10 years, so Western Australia now has three law schools: UWA, Murdoch and Notre Dame. Many of the international students who have come to Notre Dame have been involved in the law course. More recently—last year, in fact—Notre Dame established a medical faculty, which has a four-year postgraduate course. I recently attended the official opening of the Notre Dame medical school, having been involved with various Western Australian MPs in seeking the approval of the Prime Minister for the first pri-
vate university in Perth. The Prime Minister was happy to support Notre Dame.

I went to their opening ceremony and it was very interesting to talk to the students who were studying medicine at the new NDU medical school. They included a wide diversity of people of varying ages—from their 20s to their 50s—and, interestingly, a sprinkling of international students. I spent some time speaking with a young woman who had been involved in the finance industry in New York. She had a commerce degree and had worked in the money markets of New York, and was looking for a different pathway to follow in her life in which she could contribute more to the community. And so she applied and came from New York to study medicine at Notre Dame and is now getting towards the end of her first year. As well, there were international students that had come from the pool of Catholic universities in other parts of the world—of course, the university is a postgraduate university.

That is an example of the benefit that a private international university can bring to Australia. It brings people in from other countries who get to know Australia and understand what we have to offer and then take our culture and perspectives to other countries. Notre Dame is very involved in providing assistance to East Timor in terms of nursing and teaching, and there are schools at its Broome campus. (Quorum formed) So there are benefits from having an international university in Australia—particularly, as in this case, an American university. Already, from the international students that have been in Australia this country has reaped great benefits. For example, I was told recently that at one stage the Indonesian cabinet had four graduates of Australian universities in it, which must mean as a result that there is a much greater understanding in Indonesia of Australian conditions and the Australian government’s outlook. We have been taking international students since the 1950s and we now have an enormous core of alumni throughout the region who have Australian degrees.

As I said earlier, Carnegie Mellon University have made it quite plain that part of the rationale for setting up in Australia is that they see it as a step to Asia. The provost of their campus in Pittsburgh, Professor Kamlet, has said that Carnegie Mellon wanted to establish a unique international institution in Australia with reach to Asia, China and India. He said:

We view our establishment here as important to Asia.

Professor Kamlet went on to say:

We see ourselves as a global player and we see ourselves as very strong in information management and entertainment technology.

The school that is going to be established in Adelaide will be a branch of the university’s high-calibre entertainment technology centre. In the beginning, it is expecting to have about 50 full- and part-time postgraduate students on campus in its first intake. It is fascinating, I think, that an American university is seeking to establish itself in Australia. Australian universities of course have established campuses in Malaysia—Curtin university in Perth has done that—and also in the gulf. They do that because education has now become an enormous international business. Australia is providing services to something like 270,000 international students. We are in a market where we have to compete very hard for students. Even though Carnegie Mellon University is an American university, the fact that its campus and training will be located in Australia means that students from this region will be coming to that university in Australia. Whether or not the university is American does not matter. The fact is that they will be doing courses in Australia, they will be getting to know Australia better and
they will certainly bring that enhanced understanding of Australia and Australian conditions to bear in their lives and careers in their own countries.

I think Carnegie Mellon will undoubtedly be the first of many international universities which seek to establish themselves in Australia. As I said, we have seen in recent years a great globalisation of education and if Australia wants to be competitive we must play a role and permit international education institutions to establish themselves in this country. But while we may let international institutions establish themselves here, it is also important that we regulate the conditions under which the students study in Australia so we can be sure that Australia's reputation for providing a good standard of service to international students is protected and that the quality of the education provided meets our requirements. So this bill seeks to amend the Education Services for Overseas Students Act to enable approved higher education providers to provide education and training services to international students and for registered providers to charge a fee to cover their costs of meeting the obligations of the ESOS framework.

As I have said, international education can bring a wide range of benefits to our society, including significant cultural, intellectual and economic rewards. In fact, the international market in 2004 was worth some $7.5 billion in Australia, sustaining at least 50,000 jobs in this country. The reputation of this valuable industry, including the interests of students who choose to study here, is safeguarded by the ESOS Act. This legislation establishes key national elements for the regulation of international education and seeks to ensure that international students receive the education and training for which they have paid. It also aims to strengthen public confidence in the student visa program by ensuring that only genuine students come to Australia to study under these arrangements and that they are appropriately supported in doing so. To do this the ESOS framework requires providers to meet a range of obligations. That is very important to ensure that the reputation of Australian education is maintained and that we are not providing a backdoor means for students from other countries to gain access to Australia.

We want to remain competitive in the international market. The international export industry in general is facing significant and rapid structural change. We in Australia are not immune from this. To remain competitive we need to be able to respond to emerging challenges such as competition from countries entering the market, flexible partnership arrangements, expanding offshore provision of courses and changes in the nature and demand of consumer expectations.

The entry of the Carnegie Mellon University to Australia will give prospective students a choice of qualifications, Australian or American, in a safe and unique environment. As I said, Australia will still benefit economically and culturally from having this university in this country. One of the questions which I suppose might arise in people's minds is whether permitting this university to come to Australia and establish a campus here will adversely affect Australia's ability to attract international students. We in the government do not think this will be the case. We believe that opening Australia to foreign owned, high-quality education providers will improve our international reputation and offer greater choice to international students.

Carnegie Mellon University is an education and research institution which is ranked 38th out of 200 by the Times Higher Education Supplement in London which ranks the top universities in the world. In other words, it is right up there in the top 40. The gov-
ernment believes this university will attract more postgraduate students from the Asia-Pacific region to Australia. South Australia attracts about 4.8 per cent of international students studying in Australia and aims to double that market by 2013, so this university in particular will be of benefit to South Australia. Another of the benefits from the arrangements under which this university is being set up will be that students will know how much they will need to pay for the cost of their education experience in Australia before they leave their home country. That is a vital matter to the parents of these students, so that they can be aware of what the cost obligations are and plan accordingly when arranging for the students to study in Australia.

Another question that might be asked is: what guarantees are there that Carnegie Mellon University will comply with the requirements of the ESOS Act? The ESOS Act is being amended to enable Carnegie Mellon University to operate as a registered provider and offer education and training services to international students. The Carnegie Mellon University will be subject to the same requirements as other registered providers—for example, all the ESOS consumer protection arrangements will apply, and it will need to provide all the student support and other services required under our national code. As a world recognised education and research provider, the Carnegie Mellon University is a highly regarded, prestigious university and has a reputation based on demonstrated service delivery. All of this will be audited so that the standards are maintained and the students who study in Australia will be guaranteed a very high standard of education.

There are many benefits from encouraging international universities to establish themselves in Australia. We are part of a global market. Having international students here has demonstrably increased the understanding of Australia and Australia’s culture in the countries of our region. As I have said, this university specifically has a focus on bringing in students from the Asian region, including China and India, to this country. So I think it is a very commendable project and I recommend it to the Senate for support.

Senator CHRIS EVANS (Western Australia—Leader of the Opposition in the Senate) (11.08 am)—by leave—I just want to raise the issue of where we are going in the parliament today. We are in danger of this bill, on which we are all in furious agreement, being debated for longer than the Welfare to Work or antiterrorism bills. Given the fact that the government needed the time and insisted on guillotining those bills through, it seems very strange that today we are about to have our fourth government speaker, with maybe others lining up, to discuss a bill that everyone is going to vote for and on which we agreed we would pass last night but the government did not bring it on. I think this is getting to high farce. I accept the government may have wanted time to beat up on Barnaby or to convince Senator Fielding, but I really think we owe the staff and the other senators the courtesy of knowing what is going on. The debate on this bill has just been filibustered by the government. This is the government that has had to use the gag and the guillotine all week to save time. Although the speeches have been excellent—Senator Eggleston this is, of course, no reflection on the speeches—they have not exactly been on the topic. I asked the Manager of Government Business earlier in the day if he could let us know by 11 o’clock at the latest what is going on. He has not got back to us. It does seem to me that the Senate is being filibustered for no good reason.

The next three bills on the list are all non-controversial ones that we also agreed to pass yesterday. We were prepared to sit late yesterday to pass them to save the expense of
the parliament sitting today and the inconvenience to senators and staff. As I said, this is just being talked out for the sake of filling up time. The government ought to indicate whether the VSU legislation is coming or not. If it is not, we ought to get on with it, finish the government business and everyone should be allowed to go home. If it is, then they ought to bring it on. Quite frankly, this is, again, an abuse of the processes of the Senate. If the government is going to keep filling up the speakers list on a bill which is going to be carried, and would have been carried an hour ago if it were not for government speakers, then it is turning into a farce.

I just want to put on record our concern about the process. I would appreciate the government informing the Senate of what is occurring. The Prime Minister is on national radio saying the VSU legislation will not come on this year, but it seems the Senate has been asked to sit and government speakers have been asked to filibuster despite the fact that the Prime Minister is out there saying that the VSU legislation is not coming on. I would appreciate the government informing the Senate of its plans for the rest of the day and why it is seeking to filibuster on a minor bill. It really stands in stark contrast to the events of earlier in the week when major bills were gagged and guillotined without sufficient time, yet a bill on which we are all in furious agreement is now going to take almost as long. It is just getting to the ridiculous stage, so I would appreciate it if the Manager of Government Business could do the Senate, staff and everyone connected with the parliament the courtesy of informing us of what is going to occur today. That will allow everyone to plan their lives and get on with things and would save the embarrassment of senators, like Senator McGauran, having to grab together some notes to speak on the bill, which I am sure have been organised at short notice. Although I am sure he is very interested in higher education issues, I really think we ought to get on with it.

Senator McGauran (Victoria) (11.12 am)—Thank you, Mr Acting Deputy President.

Senator Chris Evans—It had better be a good speech after this!

Senator McGauran—I had better do a good speech. I thank Senator Evans for complimenting the previous speakers on the government side. But he is not totally correct when he says that we are all in furious agreement. I am sure we all will be at the time of taking the vote but the previous speakers, such as Senator Nettle over there who seems to be spending the day in the chamber, were not in furious agreement. I am very disappointed. I have to say, I was a bit disappointed in Senator Stott Despoja. We have the Carnegie Mellon University, a foreign-owned university—of course, that explains why Senator Nettle was not enthusiastic about this bill; anything foreign is not welcome to her—and I would have thought that the South Australian senator, Natasha Stott Despoja, would have been a little more enthusiastic. If you go over her speech in Hansard, she is not all that enthusiastic. I hope I do not misquote her. I invite her to come in and contradict me during the committee stages should she wish. We should all be in furious agreement about the establishment, which is part of this bill, of a new university—a foreign one at that, but a highly reputable one—in the state of South Australia. I am sorry Victoria has not got it.

Senator Conroy has just walked into the chamber. He too would be disappointed. No, he is totally disinterested. It is not surprising—it has been a long week for Senator Conroy and he is not all that interested in where the universities go. He has not put his
name down to speak on this bill. We are little state proud and South Australia have something to be proud of. This bill relates to the establishment of a foreign university, a first, in South Australia—the reputable Carnegie Mellon University. That is what I will address my remarks to primarily today.

As Senator Evans intimated, this debate has covered many different subjects far and wide. It has even ventured onto the hot topic of compulsory student unionism. If time permits, I may venture into that area myself. I do not particularly want to debate that here and now; there will be a time and place to debate that particular bill. We all wait with bated breath for when that time and place will be.

What we have before us is an advance in higher education, and one of the best examples of where the government’s 2003 reforms have led us. Those reforms were very difficult to introduce into the Senate when we did not have the majority. We had to get those reforms through the Senate, against the resistance of the bottomless pit school of thought, which Senator Natasha Stott Despoja leads, which thinks that there is a bottomless pit in higher education and that governments have to fund endlessly every point of access, every degree and, for that matter, every footy oval.

Senator Stott Despoja interjecting—

Senator McGauran—Senator Stott Despoja walks into the chamber and is already snapping at me.

The ACTING DEPUTY PRESIDENT (Senator Forshaw)—Order, Senator McGauran! Senator Stott Despoja, you should not be interjecting whilst walking around the chamber.

Senator Stott Despoja—You should have called him to order on that point.
as we all know, is enormous. As there is only one cake, only one budget, we will not be a part of the bottomless pit school of thought, which comes from those on the other side of the chamber.

Those reforms were introduced, but the government fully takes responsibility for an element, a portion, of the contribution to university budgets and university budget life. There is a range of ways the government makes that contribution, including direct to courses, infrastructure grants and, I should also add, regional grants. The point is that those reforms were resisted in every way. Here we have an example—and the sky did not fall in; far from it—of where we are attracting the top educators from overseas to set up in Australia. This is all part of the government’s reforms. Educators now have the flexibility and the ability to charge and set up in Australia. It is a credit to South Australia that they chose to set up there. I, of course, would have preferred it if they had chosen my own state of Victoria. We have some good universities there, too. I compliment the University of Melbourne, no less, which is in the top 100 universities. (Quorum formed)

It may surprise the interjectors, but I know quite a lot about this bill. I was simply distracted by the previous speaker, Senator Evans, when he said that we were all in furious agreement. In the final analysis we are, when it comes to the vote. But, listening to speakers such as Senator Nettle and Senator Stott Despoja, it seems there is great variance as to policy, philosophy and direction of higher education. That has been run through the Senate quite solidly and frequently. We all know where Senator Stott Despoja, let alone Senator Nettle, stands on higher education. As I said, they are from the school of the bottomless pit. But a government has to be a little more responsible than that. They will never get into government. But the major parties that do get into government have to be able to divide up the cake. That is what we have done with universities.

Ironically, universities have prospered since. One of the best examples of the advancement of Australia’s education system is the establishment of this foreign university. Just before I was rudely interrupted by the whip on the other side, I was mentioning the University of Melbourne in Victoria, which is one of the top line universities in the world. It certainly made the top 100, but I think it did better than that. Forgive me for not knowing exactly where it actually finished. We are very proud of that university. We know it is one of the world’s top universities. It is a Victorian university and, as a Victorian senator, I would like to put that on the record. I will just read out some information on the essence of this bill:

The Bill seeks to amend the Education Services for Overseas Students Act 2000 ... to enable: approved overseas higher education providers to provide education and training services to international students; and registered providers to charge a fee to cover their costs of meeting the obligations of the ESOS framework.

That is, the Education Services for Overseas Students framework. I will continue:

The reputation of this valuable industry, including the interests of students who choose to study here, is safeguarded by the ESOS Act.

The ESOS Act establishes key national elements for the regulation of international education, and seeks to ensure that international students receive the education and training for which they have paid ...

The protections provided by such regulation have brought world-wide recognition of our quality and innovation in education and training, and led to the development of an export sector which holds a pivotal role in Australia’s future.

Senator Stott Despoja, I hope you do not think I have it in for you just before Christmas, but I am sure I heard you say that the
government or the education sector have it in for overseas students—that we are using overseas students as a cash cow and exploiting them. This is a major industry which universities hunger for. I do not know what you are going to tell your vice-chancellors at the Christmas party, but, Senator Stott Despoja, do you really understand the reliance—

The ACTING DEPUTY PRESIDENT—Order! Senator McGauran, I draw your attention to the fact that your remarks should be directed through the chair.

(Quorum formed)

Senator McGauran—I know that Senator Stott Despoja did make those comments about overseas students. I should add that she was in defence of them. I am sure they would wonder why if you ever asked them. They come to this country by choice. They not only get a good education because of the high standards and bar that we set—it is an international standard—but also like to come to Australia. They happen to like to come to Australia. Recently I came back from Micronesia, and there are many scholarships given out there by Australia and the United States. The Micronesians would choose to come to Australia ahead of the United States just for the whole experience that they will get. It is not just the high education; it is the culture, security, safety and people. I do not know who Senator Stott Despoja has been speaking to when she claims that the industry is using them as a cash cow and they are being exploited. I really think they like their experience here. I do know that the universities value them highly. If the universities do not value them, they will leave. They simply will not come. It is a competitive market. Perhaps the words ‘competitive market’ are what Senator Stott Despoja does not like. She still lives in the Whitlamesque years, when it was all paid for up-front.

I would like to paraphrase for the chamber a very good paper issued by the Department of Foreign Affairs and Trade. It is entitled, Education without borders: international trade in education. In essence, this paper sets out the importance and the dollar and social value of international students to Australia and to our higher education system. It says that in 2003 education services were worth some $6 billion to the Australian economy. That is a 13 per cent increase on 2002-03. To give credit to the previous government, that is when the market was first opened up—if I can use those words, Senator Stott Despoja—for international students. They laid the foundation stone. There was an enormous increase in their time, but it has been jumping every single year—

Senator Stott Despoja—If you are talking about the Colombo plan, it kind of dates back a little!

Senator McGauran—I accept Senator Stott Despoja’s interjection. She is very knowledgeable in this area. We differ in direction, policy, philosophy and just about everything else but I know that she holds her views firmly and she has a great deal of knowledge on this issue. In fact some would say that she is a little too narrow in this particular area. I like to spread myself across all portfolios.

But there is no getting away from the fact that this is a $6 billion industry for Australia alone. Then there are the cultural effects. In the years and decades to come those that have been educated here and go back home to Malaysia or Thailand will have a friendship with Australia that will never be forgotten. There are strong international and diplomatic advantages in this. You know all that, so why are you saying that they are cash cows, that they are exploited? Whenever that
foundation stone was laid, it has been increasing every single year, and you would have to agree with that. Australia is becoming a magnet for higher education.

Australia’s trade in education and its linkages with many other countries are predominantly in Asia, and I venture to say that China is our largest market. Between 1994 and 2004 the number of international students undertaking courses in higher education in Australia increased by an average of 15 per cent per year. In 1994, 35,290 international students were enrolled, and I give credit to the Labor government of that time. In 2004, this figure had grown to 151,798 students—what a leap! You would not have got that leap without the reforms. While I give credit to the previous government for their very intrepid reforms, which did begin to attract overseas students, the market is so competitive that universities need to be flexible to attract international students. Australia’s onshore enrolments constitute the largest share of international students to total enrolments in higher education of any OECD country. In 2004 higher education accounted for almost 70 per cent of a total of $3.4 billion earned in fees for international education by Australian institutions. Growth in onshore enrolments continues to be strong and will be strong into the future.

Whilst we are all in furious agreement on this bill, I will touch on one matter that was mentioned by previous speakers. I do not wish to go into it in depth—there will not be time enough for that. Previous speakers on the other side of the chamber tried to link this particular bill with student union fees. As Senator Abetz said, the link is spurious, but I suppose in this atmosphere it had to be made. There is one principle that the government is working on in relation to voluntary student unionism. At the very heart of this bill is the principle of freedom of association. You can bring in every other argument that I have heard—and heaven knows we have all heard the arguments from both sides that universities are a special case, that there needs to be a cultural understanding, that there is more to universities than just an education, and so on—but there is another side to the argument. We on this side of the chamber say: look at how they are using those student unions. No less than $200,000 was spent at the last election—against the government. I ask you: what student wants their money spent on election campaigns?

The arguments go back and forth and this chamber will debate that matter soon enough, or not debate it. But let us bring the argument back to the core. This is where senators on the other side of the chamber fall down. How you could deny this particular principle, I do not know. You come in here and pontificate about human rights, the freedom of men and women et cetera, but the heart of this bill is freedom of association. A student ought to have the right to join or not to join, and that is at the heart of it. How can you deny that?

Senator Wong—Mr Acting Deputy President, I rise on a point of order on relevance. Senator McGauran might like to be aware that in this legislation there is an exception from that choice principle and a requirement that universities charge a compulsory fee in relation to providing services for students. So this argument is in fact counter to what the legislation says.

The ACTING DEPUTY PRESIDENT (Senator Barnett)—Senator Wong, there is no point of order. He was speaking broadly to the bill.

Senator McGauran—I urge the Senate to support this bill.

The ACTING DEPUTY PRESIDENT—I now call Senator Parry.

Senator Wong—Mr Acting Deputy President, I rise on a point of order. Senator
Parry was not on the speakers list. We are now seeing yet again an addition to this ridiculous filibuster the chamber is being asked to endure while this government beats up on Senator Joyce and Senator Fielding to get the deal through after they have truncated debate and guillotined debate on controversial bills.

The ACTING DEPUTY PRESIDENT—Order! What is your point of order?

Senator Wong—Senator Parry was not on the speakers list. This is clearly just a filibuster by the government. How long is this going on for?

The ACTING DEPUTY PRESIDENT—Senator Wong, there is no point of order.

(Quorum formed)

Senator PARRY (Tasmania) (11.38 am)—I was concerned about the remarks of Senator Wong regarding the validity of my wish to speak in this debate. I have a son who is currently in his second year at the University of Tasmania and I have an elder son who has graduated from the University of Tasmania. I feel very privileged to be able to speak in this debate because higher education is a part of my family’s and my extended family’s structure. I think it is a slight on this side, and certainly on me, to question the validity of my wish to speak in this debate.

I wish to join with other coalition senators and those opposite in speaking on this matter. I wish to address the two cognate bills that are being discussed, the Higher Education Legislation Amendment (2005 Measures No. 4) Bill 2005 and the Education Services for Overseas Students Amendment Bill 2005. I want to draw the chamber’s intention to a couple of matters—in particular some Hansard extracts from the member for Bass, Mr Michael Ferguson, who gave a brilliant speech in the House of Representatives which this chamber obviously did not have the benefit of hearing. There are some matters that I wish to address in that speech which I will come to in a moment.

I also wish to acknowledge the contribution of Senator Russell Trood in this debate. Senators heard Senator Trood speak earlier. Senator Trood comes with great qualifications. He was probably too embarrassed to introduce his qualifications into the chamber. Senator Trood has not only spent 20 years in the service of higher education but also worked for the Australian National University, Griffith University and other universities overseas, which is very relevant to this debate. Senator Trood brings to this debate qualified and impeccable credentials. I particularly want to commend Senator Trood on introducing that aspect to the debate and on his modesty for not raising many of the issues that I have just raised.

Senator Payne interjecting—

Senator PARRY—He is unique in the chamber, as Senator Payne points out. He comes to this parliament with a strong academic background which has served him extremely well in this debate and, I am sure, will serve him well in many debates to come. I am certainly proud to have commenced my term as a senator with Senator Russell Trood from the great state of Queensland.

I now wish to move to the great state of Tasmania and Mr Michael Ferguson, the member for Bass. I will just paraphrase from some of the Hansard pieces. The member for Bass was very emphatic when he spoke about this bill. He was very supportive of it, as all government members are.

Senator Wong—And all opposition members, Senator Parry.

Senator PARRY—That is commendable. Senator Wong interjects, but it is nice that members opposite have agreed to support us on this bill. I cannot say the same for the Democrats completely. I think they wish to insert amendments that we will not agree
with. I understand that the Greens will also. However, the main opposition has certainly supported us in this matter, but it is still necessary to place in Hansard—

Opposition senators interjecting—

The ACTING DEPUTY PRESIDENT (Senator Barnett)—Order! Allow Senator Parry to continue.

Senator PARRY—Thank you very much, Mr Acting Deputy President Barnett. I know that you will appreciate the comments of Mr Michael Ferguson from the seat of Bass. It is important to get the speech on record in this chamber because we did not have the opportunity to have it here. It is fine to have it in the House of Representatives Hansard but it is also great to have it in the Senate Hansard. Mr Ferguson indicated that he is very supportive of making it possible for the Carnegie Mellon University to establish an overseas branch here in Australia.

Senator George Campbell—Put it to a vote.

Senator Webber—Let’s put it to a vote now.

Senator PARRY—I wish to address the bill.

The ACTING DEPUTY PRESIDENT—Order! Allow Senator Parry to continue without interjections.

Senator PARRY—We cannot win. We are either gagging or not gagging. We just cannot win. This bill has two extra purposes which I wish to really emphasise. One relates to the tuition assurance requirements under HESA and the other makes some technical amendments that have been required by the Legislative Instruments Act 2003.

Senator Wong—Are you still reading from the Reps Hansard?

Senator George Campbell—Are you reading your speech?

Senator PARRY—I am refreshing my memory with notes that I have in front of me, Senator George Campbell. There is an important aspect of this particular bill. I will quote from Hansard, if I may. Mr Michael Ferguson said:

The bill inserts a new category of table C providers within HESA that are currently table A—

Senator Wong—Mr Acting Deputy President, I rise on a point of order. Whilst I appreciate the deep conviction with which Senator Parry is speaking, I wonder whether I could ask for a direction from you as to the appropriateness of reading Hansard into Hansard, which is what this chamber has been reduced to. He is reading the Hansard from the House of Representatives into the Hansard of the Senate chamber.

The ACTING DEPUTY PRESIDENT—Senator Wong, there is no point of order and I think you are aware of that.

Senator PARRY—There is a relevant aspect to Tasmania in this particular extract from Hansard. It is nice for the constituents of Tasmania to hear some aspects being read into Hansard—

Honourable senators interjecting—

The ACTING DEPUTY PRESIDENT—Order! We will have some order in the chamber and allow Senator Parry to continue.

Senator PARRY—I will have to start that quote again because I do not believe the chamber heard it. Mr Ferguson said:

The bill inserts a new category of table C providers within HESA that are currently table A providers—37 public universities and other higher education providers such as the Australian Maritime College ... That is in my home state of Tasmania. He goes on:

... and the Batchelor Institute of Indigenous Tertiary Education, which I—
that is Mr Ferguson—

had the pleasure of visiting quite recently ... There
are also three table B providers. These are self-
accrediting higher education providers such as
Bond University, the University of Notre Dame
Australia and the Melbourne College of Divinity.
Table C providers will be approved as overseas
higher education institutions. This will give an
operational framework for all approved overseas
higher education institutions to operate a branch
in Australia if they so desire.

As has been stated before, and it is important
to restate this from my perspective, the bill
will amend the Higher Education Support
Act to enable high-quality foreign universi-
ties, such as the university that has been
quoted in this chamber today, the Carnegie
Mellon University, to establish institutions
within Australia.

I strongly believe that students must have
a real choice of excellence in higher educa-
tion and the entry of Carnegie Mellon into
Australia will further enhance that choice.
The crux of the debate is the choice we want
to provide for overseas and domestic stu-
dents. Apart from this, the Australian gov-
ernment will not be providing funding to
Carnegie Mellon or any other foreign univer-
sity. This offers Australian students at Carne-
gie Mellon entitlements similar to those they
would enjoy if enrolled in similar courses at
public or private higher education providers
under the Higher Education Support Act.
Eligible Australian students who seek to en-
rol in a fee-paying course should be treated
equally regardless of whether they are study-
ing at an Australian university, at an appro-
priate Australian private higher education
provider or at a foreign university that has
been approved under the national protocols
for higher education approval processes.

Carnegie Mellon is the first foreign uni-
versity seeking to establish a branch within
Australia. These amendments provide for
other foreign universities to also establish
themselves here—so opening up the entire
market and not just for one university. These
amendments provide for other foreign uni-
versities to establish themselves here, as I
have mentioned, provided they meet the
same stringent accreditation. The accredita-
tion standards are extremely important. The
national protocols for higher education ap-
proval processes have provided for the op-
eration of foreign universities in Australia
since 2001. The national protocols have the
endorsement of all states and territories as
well as the Commonwealth. I know that
Premier Rann is particularly pleased and
very keen because South Australia will be-
come the first home to a foreign university. It
is a credit to that state for encouraging that.

I will return to the Hansard and mention
some other aspects of the speech from Mr
Michael Ferguson, the member for Bass. He
was excited about this prospect, as we all
are. Mr Ferguson said:

Labor went to the last election pledging that it
would not support voluntary student unionism.
The people who voted Labor at the last election
did so believing that Labor would not support
voluntary student unionism legislation—

Senator Wong—‘And guess what’!

Senator PARRY—Very good.

Senator Wong—It continues:
... within the last two months the member for
Jagajaga publicly announced that Labor would be
supporting the principle—

The ACTING DEPUTY PRESIDENT—
Order! We will allow Senator Parry to con-
tinue.

Senator Wong—I will read with you, Senator Parry.

Senator PARRY—I is good to know that
Senator Wong supports the fact that this is a
very important contribution from the mem-
ber for Bass in Hansard. (Quorum formed)
Just prior to the quorum being called, Sena-
tor Wong waved the House of Representa-
tives *Hansard*, from which I was quoting relevant excerpts from the speech of the member for Bass, Mr Michael Ferguson. For Senator Wong to have that piece of paper in the chamber during this debate proves my point that the member for Bass had a lot of relevance to the debate in the House of Representatives. To support that relevance, I wish to place on the record in this chamber that Mr Michael Ferguson, the member for Bass, is a teacher. He has had a lot to do with higher education in Tasmania and in the electorate of Bass and is recognised for his comprehension of education matters. It is very important to note that not only do I have the *Hansard* of his speech but Senator Wong has it as well. She offered to read it with me. I commend Senator Wong for picking up the most relevant and important pieces of the House of Representatives debate and introducing them into this chamber. I acknowledge that to make sure that *Hansard* records that.

This legislation will no doubt be the commencement of great things for this country. I believe that having this additional choice and the variety that it will bring to be like a merging of cultures in education facilities. If you have conferences or forums of any nature in any industry or any endeavour, including education, when you bring in a different cultural aspect you develop a wider understanding. To bring that wider breadth of understanding and that different aspect to education and learning has to be of benefit to our students. That is what this variety will bring. It is something that all members and senators should support, and support wholeheartedly without amendment. The two bills have been carefully constructed and placed together in such a way that members would wish to support them.

I want to mention some other aspects about the bills which I know have been covered but they need to be restated.

**Senator Brandis**—They need to be emphasised.

**Senator PARRY**—I thank Senator George Brandis for his assistance. It is important that we emphasise these matters because sometimes they go under the radar and people do not hear the structured debates concerning them.

**Senator Brandis**—They are misrepresented by the Labor Party.

**Senator PARRY**—As Senator Brandis also interjects, they can be misrepresented, and not just by the Labor Party but by other parties. It is important that we continually state the need for these bills and the reasons why we support these bills.

The amendments will ensure that, where students choose the option of a student contribution tuition fee, repayment of their FEE-HELP debt will be remitted. Any amounts paid up front will be recredited to their FEE-HELP balances. Also, under the tuition assurance provisions, where students choose the course assurance option, the amendments will ensure—

**Senator Conroy**—Free Barnaby!

**The ACTING DEPUTY PRESIDENT**—Order!

**Senator PARRY**—It is very hard to concentrate. Under the tuition assurance provisions, where students choose the course assurance option—which is a great option—the amendments will ensure that the student will not incur any additional cost for those units undertaken with a second provider that replace units not completed with the first provider. While this means that the second provider carries the cost of the student undertaking any replacement units, broad consultation with the sector indicates that this is already common practice.

Further, in relation to that provision, in the case of replacement units the changes will
protect students who are forced to withdraw because of special circumstances, such as medical or family circumstances, and protect institutions which provide the replacement units without any fee. Students will be able to get a refund without any impost on the second provider and the higher education provider guidelines will set out the basis for this refund. That is a commendable and important provision. Technical amendments will make it clear that the secretary has the power to act in relation to recrediting and remitting the balances and debts of students if a provider cannot do so because, for example, it has ceased to operate. The legislation covers every possible option and every possible angle.

In light of the provisions of this legislation, an amendment to the Education Services for Overseas Students Act 2000 is also being prepared. ESOS regulates the provision of education and training to overseas students in Australia, and I wish to highlight some points about that. Currently, ESOS precludes overseas education providers from offering education and training services to students when they do not meet the residency requirements set out in section 16 of ESOS.

Senator Stott Despoja interjecting—

Senator Conroy—You can do it—another two minutes to go.

The ACTING DEPUTY PRESIDENT—Senator Conroy, cease your interjections.

Senator PARRY—Senator Stott Despoja has just indicated I should be saying ESOS instead of E-S-O-S. That is my preference and I would sooner use E-S-O-S. I think that was a pedantic interjection. I do not think there is any particular way we should pronounce acronyms, but I prefer E-S-O-S.

Senator George Campbell—You could mention some of those dead bodies you have buried.

Senator Fierravanti-Wells—I would be worried if I were you, George. He is very good.

The ACTING DEPUTY PRESIDENT—Order! Senator Parry has the call.

Senator Conroy—Take the interjections—go on!

Senator PARRY—Those interjections do not deter me from my cause of promoting these two very significant bills. It might be a laughing matter on the other side, but I treat these bills very seriously. I want to talk about Carnegie Mellon University in the moments I have remaining. The Australian government is committed to the development of a strong and high-quality education sector. The important point is that it is internationally competitive. I sometimes think that people fail to see that it has to be internationally competitive, underpinning our economic, cultural and social development. I spoke about cultural development through melding other education cultures with our university framework in Australia.

Higher education is increasingly being delivered in a global context, with international benchmarking being a key measure of quality. International benchmarking is another key point. The introduction of a Carnegie Mellon University campus to Australia will enable us to focus on international benchmarking standards at home. The entry of foreign universities will enable Australian institutions to compare offerings and methods of operation with other institutions. This is a point that Senator Russell Trood raised earlier. This is the benefit of going overseas. Senator Trood has had the benefit of traveling to overseas universities. Now we will have overseas universities coming here, if this bill passes.

Senator Ludwig—If it passes? Is there some doubt?
Senator PARRY—You cannot take anything for granted, Senator Ludwig. *(Time expired)*

Senator PATTERSON (Victoria—Minister for Family and Community Services and Minister Assisting the Prime Minister for Women’s Issues) *(12.01 pm)—* I would like to thank all those who spoke on the Higher Education Legislation Amendment (2005 Measures No. 4) Bill 2005 and the Education Services for Overseas Students Amendment Bill 2005 for their interest. I particularly want to thank Senator Parry, who is a very new senator. He gave a very important speech on a topic about which he feels very strongly. That does point out the different skills and the diversity that people on our side bring to this chamber. Senator Trood has a very strong Australian and international academic background. I will blow my own trumpet, Senator Trood, and say that I have an academic background too.

Senator Webber—You were an academic.

Senator PATTERSON—I was an academic, yes. I taught in university. Senator Parry was a policeman and also an undertaker.

Senator Conroy—He knows where the bodies are buried!

Senator PATTERSON—He knows where the bodies are buried in Labor. I look at the extensive legal experience that Senator Fierravanti-Wells has and at the background of Senator Payne.

Senator Wong—Mr Acting Deputy President, I rise on a point of order. Much as I admire the minister’s desire to praise the background of her colleagues—and I do not intend to detract from that—my point of order goes to relevance.

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

Senator PATTERSON—I am outlining the difference between the backgrounds of the people on this side and the backgrounds of the people on the other side.

Senator Wong—What’s that got to do with the bill?

Senator PATTERSON—It has a lot to do with the bill in that Senator Trood can get up here and speak from experience, not just from having been a student at university—which is about all that people on the other side can speak about in their experience of university. I spent 20 years on Monash University Council and taught in tertiary institutions. Senator Trood has spent an enormous amount of time in universities. At least some of us on our side worked in universities and have actually been teachers in universities. There is not one on the other side who can make that claim—not one. They have nearly all been union reps. But that is beside the point. We on this side have much more credibility when talking about what goes on in universities, other than from the point of view of being an undergraduate. In fact, there is hardly a postgraduate person on the other side either. We have a breadth of experience on this side. We are not a limited gene pool, like the other side, of former union employees. We have a group of people who can make a major contribution from their perspective and their experience in the real world. That is relevant in this debate.

I want to reiterate a few points. *(Quorum formed)* As I was about to say when I was so rudely interrupted by yet another quorum being called, the bills before the Senate today will allow amendments to both the Higher Education Support Act 2003 and the Education Services for Overseas Students Act 2000 to enable high-quality foreign uni-
versities to offer courses to Australian international students.

The HELA 4 bill creates a new table C category of higher education providers to enable approved foreign universities to offer FEE-HELP loans to eligible Australian students. This demonstrates the Australian government’s commitment to ensuring that all eligible Australian students are treated equally wherever they choose to study, as long as it is with an approved provider. These amendments provide a framework for foreign universities to also establish themselves here, provided they meet the same stringent accreditation, approval, quality and accountability requirements that are in place for Australian higher education providers. Opening up the higher education sector to high-quality overseas universities will provide students with increased choice in course offerings, subject to Australian government and relevant state and territory approval. Foreign universities will be able to offer Australian students world-class degrees in postgraduate qualifications not currently available to them.

These amendments will enable the first such provider to be approved under the national protocols for higher education approval processes—the private, not-for-profit, United States based institution Carnegie Mellon University—to operate as a university in Adelaide. The Carnegie Mellon University is planning to offer education services to international and domestic students in Australia that commence from the 2006 academic year. Initially, postgraduate courses will be offered in public policy, management and IT.

The Carnegie Mellon University is a prestigious institution currently ranked No. 44 out of 200 on the Times Higher Education Supplement ranking of world universities and ranked 54 out of 500 on the Jiao Tong University’s ranking of top world universities. The Carnegie Mellon School of Computer Science was ranked first in the 2002 US News and World Report magazine survey of graduate programs. This is the very sort of program and standard that we need here in Australia if we are going to operate into the future and compete in a world market. We have to ensure that we have people who are world standard in terms of technologies like IT. The Carnegie Mellon John Heinz III School of Public Policy and Management ranks eighth in the USA.

This bill will, for the first time, enable Australian universities to actively collaborate with foreign universities on Australian soil. It will facilitate the cross-fertilisation of ideas and innovative learning, teaching and research practices, which will deepen the Australian university experience for higher education students and the wider community. I also presume that students will be able to more easily travel backwards and forwards to the Carnegie Mellon University, do some units over there and bring back the sorts of benefits that you can get when, as a young person, you have the opportunity to travel and study overseas. There are benefits within this that I do not think we will see until well into the future. They will impact on networks of senior people in IT as those students go on to be professionals, and they will improve Australia’s opportunity in what will be a very competitive world.

The provisions of this bill reflect the Australian government’s commitment to a world-class and internationally competitive university sector. This bill will further clarify and strengthen the protection offered to students through the comprehensive tuition assurance requirements under HESA to better reflect the policy intent of the tuition assurance requirements. Mechanisms are included within the bill that will provide improved comprehensive consumer protection for students.
studying at non table A providers. Should a higher education provider cease to offer a course in which a student is enrolled, the amendments clarify that students will not be financially disadvantaged. Students will have two options. They can either switch to another higher education provider without incurring additional costs for uncompleted units or obtain a refund for those uncompleted units.

If a student chooses to transfer to another provider, they will not have to pay twice for the unit. The second provider will bear the cost, as is the current practice. Where a student chooses the refund option, their student learning entitlement and FEE-HELP balances will be recredited and their HELP debt will be remitted. Under the amendments to tuition assurance, if a student transfers to a replacement unit with another provider and subsequently withdraws due to special circumstances, a refund of their student contribution will be obtainable while their student learning entitlement and FEE-HELP balances will be recredited and their HELP debt will be remitted. Again, the second provider will not bear any cost in such cases.

This bill will make consequential amendments required to existing higher education acts to clarify that any disallowable instruments made under those acts are now legislative amendments. These are minor technical amendments required by the legislative instrument 2003.

International education brings a wide range of benefits to our society, as I said, including significant cultural, intellectual and economic rewards. An added benefit of our competition in the international marketplace is the stimulus to quality and innovation, which is in the interests of all students. In 2004, the industry had an estimated worth of some $7.5 billion, sustaining at least 50,000 jobs. We must remember that the export industry differs from domestic education as it requires the support of migration policy and must provide relevant and accessible consumer protection. The services, education and training that providers provide must cater for the fact that students who travel to Australia cannot usually see before they purchase and, if there is reason for discontent with the services they obtain, they may not be able to remain in Australia to pursue the matter through Australian processes. As such, the reputation of this valuable industry, including the interests of students who choose to study here, is safeguarded by a specific piece of legislation: the Education Services for Overseas Students Act 2000—the ESOS Act—and its complementary requirements.

The ESOS legislative framework ensures all providers, including universities, meet a range of legal obligations. This includes providing support services to assist overseas students to adjust to life in Australia and study at Australian institutions—such as ensuring appropriate arrangements for independent grievance handling and dispute resolution, and access to information on counselling services, orientation, academic progress, further study and accommodation. Passing this amendment to the ESOS Act will allow a provider to include an amount in their tuition fee—but not a separate fee—to cover the national code support service requirements. This amendment does not impose any additional legislative or financial requirements on providers. Instead, it is facilitative only and reinforces the obligation to meet current national code requirements. Therefore, it continues a significant and beneficial feature of Australia’s international education export industry in a more challenging and competitive global industry.

There is yet another measure that we have introduced—one we introduced when I was parliamentary secretary for immigration. It
was to reform the whole student visa process to ensure that students were legitimate when they came here and that they were not being tricked by unscrupulous providers, which would destroy our overseas student education market, in order to maintain the reputation of our outstanding educational institutions and other education services here in Australia. This is yet another example of this government ensuring that a very valuable, not only economically valuable, part of our economy—that is, overseas students studying here in Australia—has integrity and that these students have appropriate assistance and a positive experience so that they will go home and promote not only that institution but Australia as they become senior people in business and education.

I do not think I will get another opportunity today to wish my colleagues on both sides of the house a very happy Christmas and a good break. I look forward to some challenging times in 2006, when the Howard government will be introducing additional changes to make Australia more competitive and focus on the needs of individuals, like I have been able to do this year. We have extended carers payment to parents with profoundly disabled children, we have a program for some additional respite for carers with adult disabled children, and we have a measure which gives parents looking after a child with a disability in their later years some assistance to reduce the likelihood of them being affected by the means and assets test. They are the sorts of measures that we will be introducing in the new year. In the meantime, I wish all my colleagues a very happy Christmas and a very safe time over the break.

Question agreed to.

Bills read a second time.

In Committee

HIGHER EDUCATION LEGISLATION AMENDMENT (2005 MEASURES NO. 4) BILL 2005

Bill—by leave—taken as a whole.

(Quorum formed)

Senator STOTT DESPOJA (South Australia) (12.17 pm)—by leave—I move Democrat amendments (1) and (2) on sheet 4737:

(1) Schedule 1, item 6, page 6 (line 2), after “suspended”, insert “or if it is listed in this Act by a title or name which is different to the title or name by which it has been accredited in Australia”.

(2) Schedule 1, item 6, page 6 (after line 2), at the end of section 16-22, add:

Definition

(3) In this section:

university means a university which satisfies the tests set out in Protocol 1 of the National Protocols for Higher Education Approval Processes.

I have outlined in my contribution the reasons behind these amendments, and I commend them to the chamber.

Senator WONG (South Australia) (12.18 pm)—Can I indicate that the opposition is not in a position to support these amendments. Amendment (1) has the potential to create uncertainty and confusion. The responsibility for accreditation lies with state governments, and denying recognition as a table C provider through potentially minor differences in a provider’s name introduces uncertainty to an important process. I make the point that additions to table C still require Commonwealth legislation and the opportunity for scrutiny by the Commonwealth, as has been the case with Carnegie Mellon University. At this point we do not support the inclusion of the definition of ‘university’ in the Higher Education Support Act. Through the ministerial council process, state and ter-
ritory governments and the Commonwealth are reviewing the national protocols and accreditation process. Whilst this discussion is under way, the opposition is not in the position to support a legislative definition. However, as a matter of principle, Labor does support protecting the name and concept of a university.

In relation to these amendments, I want to make this point: the opposition indicated to the government yesterday that it would facilitate passage of this bill. We are supportive of it. We are now almost in the third hour of debate on a bill that the government and the opposition are in screaming agreement on. This is the only amendment that is at all controversial from the opposition’s perspective.

What we have seen from the other side over the last three hours is extraordinary. This is almost as long a debate on a non-controversial piece of legislation as was allowed in the committee stage of the Welfare to Work bill. This is an extraordinary situation. This morning we have seen the government filibuster its own agenda because it is not able to manage its program and to give itself time to cut a political deal on voluntary student unionism. It is making the Senate continue to sit after having guillotined important debates on important legislation in this place. This is not a way to run a Senate and it is the icing on the cake when it comes to the abuse of the Senate and its processes this week.

We have had guillotined debate for two weeks on incredibly controversial, complex legislation. We have had the situation with the Work Choices bill where 337 amendments were provided some 30 minutes before we entered the chamber. Hundreds of amendments were voted on at the end of the guillotine. People did not even know half the time what they were voting for. There were amendments put through that no-one in this chamber had scrutinised properly. In the context of that—

Senator Parry—We knew.

Senator WONG—Senator Parry says he knew. I challenge him to show me that he actually did. There were 337 pages of amendments to a bill nearly 700 pages long. If Senator Parry thinks he has so extraordinary a legal mind that he knew exactly what all of them meant then he is certainly a better man than many in this chamber.

Senator Webber—He is smarter than Senator Abetz then.

Senator WONG—I am not sure I can take that interjection.

Senator Ludwig—I would vote for Senator Parry on that one.
Senator WONG—The view being expressed, Senator Parry, is that we would prefer to deal with you than with Senator Abetz, but obviously that is a matter for your party room. The point is that today we have the icing on the cake of the extraordinary abuse of the Senate that we have seen these last two weeks. The antiterrorism bill, the largest changes to industrial relations in a century and the largest changes to welfare since 1947 were all guillotined through. Hundreds of amendments were voted on without debate—they were simply put at the end of the guillotine process. And today, we spend three hours on a bill with which the opposition agree and which we indicated we would facilitate the passage of last night. This is yet another example of the government’s extraordinary abuse of this chamber and its processes. They could have got this bill through last night and they did not. They chose not to, and they have chosen to filibuster this morning because they are trying to have time to cut a deal on VSU in the backrooms. So this chamber is simply a show that is going on while you are trying to cut a deal in the political backrooms. That is what is occurring, and everyone in this chamber knows it. Frankly, the government ought to be ashamed of themselves with the way they have behaved in the chamber this morning: filibustering non-controversial legislation while they are trying to cut a backdoor political deal on VSU.

Senator VANSTONE (South Australia—Minister for Immigration and Multicultural and Indigenous Affairs and Minister Assisting the Prime Minister for Indigenous Affairs) (12.24 pm)—I am somewhat surprised, I must say, at the contribution by Senator Wong. I am surprised in several contexts because the main thrust of her complaint is that there has been a filibuster here this morning. I have not been involved—I have been off doing other things—so I cannot comment on that. She puts that in contrast to the government having guillotined some bills over the last few days. The reason I am surprised is that Senator Wong therefore gets up and uses her time not to talk on the bill but to talk on some political point she wants to make generally. I was thinking, ‘Hold on, if you want time for political discussion, surely you should use it for that.’ And I thought, ‘Heavens above’—

Senator Wong—We just did.

Senator VANSTONE—On the bill.

Senator Wong—I spoke on the amendment.

Senator VANSTONE—Through you Mr Temporary Chairman Barnett, I will say that Senator Wong confuses nobody. She uses the opportunity to speak on the amendment to waste a bit of time making a political point about process. What happened yesterday was an example of that. The opposition had its last chance to call the government to account by using question time, and it chose to throw it away on theatrics. I took the opportunity yesterday to make that point and—quite unwisely, frankly—to give the opposition some advice. Even hard hearts can be soft hearts every now and then. The advice I gave to the opposition was that if you want to have a hope of getting elected you have to say what you do. You have to say one thing and do that thing. You cannot do one thing and say another. In that context, Senator Wong has chosen and has invited this debate—I would rather talk about the bill, and I will—and therefore—

Senator Wong—Then talk about it, Minister! Go on—talk about it!

Senator VANSTONE—I am going to respond to the political points that she made. And then I will take up her so boldly and courageously offered challenge. ‘Go on then—talk about the bill,’ she says. I am shattered and frightened, Senator, really. I am
shuddering. My knees are shaking at the thought of you raising your voice at me. A censure motion from you lot, as I said, would be like being hit with wet lettuce.

Opposition senators interjecting—

The TEMPORARY CHAIRMAN (Senator Barnett)—Order! There is too much noise. Senator Wong, cease the interjections and allow the minister to speak.

Senator VANSTONE—I will get off the political aspect but, in relation to cutting short debate, I just want to make the points that were made yesterday. Perhaps Senator Wong was not here or was not listening. I know she was physically here. The former Labor government hold the record for guillotining bills in the Senate, at nearly twice the amount of times it has been done by this government. Labor guillotined 221 bills, compared to 93 by the Howard government. I have been in this place nearly 21 years. I will have been elected to my seat 21 years in February, and it has happened at the end of nearly every session, especially towards the end of the Christmas session, where the Senate chooses to waste its time or not get through the program. Every government has done it—guillotined bills to get them through. It is not as if the bills have not been introduced and available in many cases. They have just wasted their time.

If you want to look at who, as manager of government business, holds the record, Labor Senator Robert Ray does. He pushed through 52 bills in one day. Do not worry about 337 amendments—52 bills. The second record is held by Mr Bob McMullan, formerly Senator Bob McMullen, who pushed through 57 bills in one day in June 1992. As for allowing debate, if you go to the records of the Senate and you find the 28 longest Senate legislative debates ever held, you see that 13 of them—nearly half—have been allowed by this government. That is in sharp contrast to the previous Labor government, which hold only six of them. So if we want to talk about who allows debate, of the 28 longest bills, this government has sat over nearly half. The previous government have sat over only six. I sat on that side of the chamber for more than 10 years. I have experienced opposition under other people having the majority, which was Labor in cahoots with the Democrats. I have seen all of this before and, frankly, they are crocodile tears coming from the opposite side. The real tears from you guys are because you are not in government.

As I made the point yesterday, when you do one thing and say another the public are not stupid; they sense it. What they say is: ‘What do you guys really stand for?’ Are you saying that you would not use the guillotine if you were in government and the bills had not been passed at the end of the session? Of course, you are not giving that commitment. You would not be caught dead giving it, because you would love to be on this side. You would use the guillotine as you did in the past—twice as much as this government has—and you would shorten debate as you have in the past.

Let me finish on this point just in case Senator Wong wants another round of the kitchen on this. If you want to talk about the democratic process—

Opposition senators interjecting—

Senator VANSTONE—This point was made yesterday by the Labor Party: the Australian public are finally waking up; poor dodos have been asleep for 10 years. That is Labor’s attitude: the poor dodos have been asleep for 10 years. Finally, Australia is waking up. Labor should be in government. That is their view. They think that at every election in the past the Australian people have not known what they are doing. The one thing you have to accept in politics is that the
Australian public makes the right choice. It is frequently not one you welcome. I have sat over there. I have lost election after election. I have listened to ridiculous reasons for it and had my own views on why it has happened. In the end you will come to accept that the Australian people make the right choice.

**Senator O’Brien**—Exactly what we said.

**Senator VANSTONE**—Exactly what you said—good. I welcome your endorsement of this government having been re-endorsed. But what does that mean? We won a majority. We formed government in the lower house. Then it means, of course, by virtue of a different voting system in the Senate where there is proportional representation, that everybody gets their chance. Even if you start off with only two per cent of their vote, you still get a chance to win a seat in the Senate as happens in this place. I would say proportional representation is sometimes considered a fairer system. Nonetheless, the members of this side won a majority. Go and beat the public up for it.

It is a decision made by the Australian people and it seems that some on that side want to say that when you have got the numbers it is okay; democracy is great. But when on this side we have the numbers, somehow it is not fair. Go and stamp your feet somewhere else. It is just completely unreasonable. I have sat over there. I have seen what you people did in government—twice as much guillotining and much less debate allowed. A government is entitled to conduct its business and get it through the chamber. That is what the Australian public expect us to do.

The last point I would like to make is that Senator Wong, who sought a seat in politics, in parliament, is devastated that people might be having political discussions. Shock, horror! Heavens above! Yes, the Senate is in politics, and she has taken a while to realise it. Yes, governments do talk to people—making a deal is trying to put the pejorative on it. But it is okay, we cannot have everything we want. What can we talk about? Can we come to a commonsense decision on this? Can we find some common ground? Can we find an agreement? You can taint that with the words ‘political deal’ if you like but, with respect, in a chamber that is what is going to happen. That is the process you are in, Senator Wong. I welcome you to it if you have only just realised that that is in fact where you are.

I would like to turn to the bill.

**Senator Chris Evans**—Hear, hear!

**Senator VANSTONE**—I hear ‘Hear, hear!’ from the other side and I welcome Senator Evans to the debate. I would not have had to make those points if Senator Wong had not chosen to make hers. They deserve a response. The Carnegie Mellon University has been through a rigorous and thorough assessment process conducted in accordance with protocol 2 of the national protocols for higher education approval processes. Having been assessed under national protocol 2, the South Australia Minister for Employment, Training and Further Education made a determination under the South Australian Training and Skills Development Act 2003 recognising Carnegie Mellon University of Pittsburgh, Pennsylvania, USA as a university for the purposes of that act. HELA B4 describes Carnegie Mellon under table C as ‘Carnegie Mellon University, a non-profit corporation established under Pennsylvania law’. This reflects the legal entity which is to operate in Australia.

I might add that under national protocol 2 an overseas higher education provider is defined as ‘a university or other recognised higher education provider whose legal origin is in a country other than Australia.’ Carnegie
Mellon University clearly meets that definition. It would be inappropriate to apply national protocol 1 as it sets out the process for the establishment of Australian universities whose legal origin is in Australia and which will be legally established under the relevant state and territory legislation. Carnegie Mellon University’s legal origin is not in Australia, nor has it made an attempt to establish itself as an Australian provider.

Senator BARTLETT (Queensland) (12.34 pm)—Not surprisingly, I support the amendments moved by Senator Stott-Despoja and the points she made relevant to the legislation. I think the wider debate we are having now is worth clarifying, and there were a few points made by the minister that I think need to be corrected. I say that the current government minister in the chamber is perhaps somewhat more willing than some of her frontbench colleagues to acknowledge when things have not been put correctly and I hope she would take them on board. I am at the moment going through some more research further back into the past because I think one or two of the stats I have used in the last day or so have not been completely correct. The further back you go looking at what was done in the past, the more things you uncover.

I think a few things need to be emphasised. Firstly, we could frankly go all the way back to 1901—it might not have relevance to what the Democrats did—in terms of what other parties have done in this place if we want to keep trying to use past behaviour to reinforce political points in the here and now. It must be emphasised that the Senate was very different. Even as recently as the 1980s, there were on many questions no time limits for debate. Second reading speeches, I think, were 30 minutes and prior to that were even 60 minutes—it is a thought that fills me with horror that people could have 60 minutes each on a second reading speech. And for many matters, like matters of urgency and other motions to debate reports, there was no limit to the length of time on each of those debates. These days matters of urgency are as a matter of course limited to an hour. Debates on documents are limited to an hour or 30 minutes. Things are very different now from what they were even back in the 1980s. I think that needs to be emphasised just as with the university sector.

Whilst I acknowledge the point that Minister Patterson made about the experience on the government benches of what universities were like when many of them went to universities as students—indeed, even when I was a student it was very different from what it is now—there are a few specific things the minister said that I think do need to be corrected. I appreciate she was just reading from a document provided to her by, I think, Minister Hill’s office, so she would not know that it is wrong. Firstly, it is not correct to say that the Labor government in their 13 years in office used the guillotine twice as many times. In fact, the Labor government used the guillotine only 11 times in 13 years. The Liberal government have used it 12 times in 10 years, and four times in the last four months, most relevantly.

Also, no-one has ever said on any side that they would never, ever support a guillotine. All of us at various stages have supported guillotines, even Senator Harradine, Senator Brown and past Green senators. The WA Greens supported guillotines at various times. I would remind senators of the great cuddly guillotine of 1996 which everybody supported. The new Liberal government moved the motion, the Labor opposition senators moved the allocation of hours and both the Democrats and Bob Brown stood up and said they supported it. So clearly guillotines can be a constructive mechanism. The key point is the context in which they operate.
The length of time that has been allowed for a bill to be debated has some importance but you also have to look at how much time was spent examining the bill in a parliamentary committee. If we look at the current examples of the Welfare to Work legislation, the terror legislation, the workplace legislation and the Telstra legislation, they were given pathetic amounts of time, and all on top of each other in the case of the first three, to add insult to injury. On top of that we had the government’s 330-odd amendments to the workplace bill, brought in 40 minutes before the committee stage had to start. It is actually the time allowed in the committee that is relevant. As has been pointed out, we have had more time on this mostly non-controversial—apart from the Democrats’ view—legislation than we have had on matters like the welfare changes, which are far more significant. The wider context of the legislative debate that occurred with all the amendments is much more significant, as is whether or not the legislation was around for a long period of time before it was debated and whether there was a significant committee stage.

It is also not true to say—as was said—that Senator Ray guillotined 52 bills in one day and Senator McMullan guillotined 57 bills in one day. Those guillotines, as I explained in my adjournment speech last night, were moved in one day—because they have to be moved one day or another—but the guillotines themselves extended over two weeks on both occasions. So those bills were not all pushed through in one day, as was stated. Senator Abetz earlier this week made a statement; I think he said that 62 bills were guillotined in an hour. That is simply not correct. Those facts need to be corrected and put on the record.

We have had the debate between the government and opposition, and statements about what each did in government and what it is like to be on the opposition benches. I would like to give the unique perspective of the Democrats, who have never been in government and have never expected to be in government, and we do not see our role as getting into government. From our perspective, we have always approached it in terms of what is best for the public and what is best as a public policy outcome. The simple fact is that we are not allowing adequate scrutiny for important pieces of legislation, and that short-changes the public. That is the bottom line.

It is not about whether it irritates us, although it certainly does, let me hasten to add. It is about the fact that it short-changes the public. That is why it is particularly important to emphasise the combination of the various processes that the government have used—the regular use of the guillotine; very short guillotines; guillotines without notice or consultation; totally inadequate committee inquiries into legislation; very short committee stages of the bill for the detail to be properly examined, as opposed to second reading stages; and large amounts of amendments dropped in with very little notice. In that context, none of us, including most of the government senators, can honestly say: ‘We know what it is we are passing.’ These things become law. They affect people’s lives, in enormous ways sometimes. We are being derelict in our primary duty if we do not properly scrutinise and know what it is that we are actually making into law. I really think we need to remind ourselves of that occasionally.

None of us here are totally pure in this, and I do not seek to portray myself or the Democrats in that regard, but clearly the processes and actions of the government over the last few months are unprecedented in the degree of contempt, not just for the Senate but for the public and for democracy, and that is dangerous. The trouble is that it
will actually encourage tit for tat behaviour when the day comes that Labor does get back into government. Then we will see the comparisons being drawn. I think we would be much better served by acknowledging that none of us have been perfect in the past.

As I said last night, there was a guillotine I did support that, in retrospect, I think I would have been wiser not to have, and one closure that we supported in recent decades that, again, we should not have. But the 1992 guillotine that Senator Vanstone refers to was in 1992. I know Senator Vanstone was here then but the number of people who voted for that guillotine who are still here is actually only three: Senators Ray, Sherry and Faulkner. So to hold all of us eternally accountable for the actions of a large number of people who are not here any more is really making life unnecessarily difficult for ourselves.

The last great guillotining of a big chunk of bills through in one day was when around 16 bills were put through in about two hours, moved by Senator Carrick, back in 1980. I think it was in February 1980. There is only one senator here who was here then, and that is Senator Watson, who probably voted for it. But I do not think we should all hold ourselves to that level just because there is still one person left who voted for it in 1980 and say, ‘He did that in 1980, so we’re going to do this now.’ Let us acknowledge that the overall aim is to try to get the best legislation at the end of it and acknowledge that none of us is pure in this but we certainly want to aim to improve the standards.

There is simply no way that any objective observer could possibly say that the actions of the government in the Senate over the last couple of months have been anything other than, frankly, extremely dangerous. It is dangerous passing legislation when you do not know what it is in it. It is dangerous for democracy and the precedents it sets, and it is the dangerous for the people who may be inadvertent victims of that. So it is important to have not only the facts out there but also the context. The context and the facts are that the government is acting in an unprecedented way which is flagrantly breaching the Prime Minister’s pledge that he would not misuse his narrowest of majorities in the Senate. That is something that has to be emphasised, because we do not want it to become a benchmark that future senators will keep referring back to for the next 25 years. Having said that, I once again state that I support the amendments before the chamber and commend them to you. I hope I have persuaded you to support them.

Question put:
That the amendments (Senator Stott Despoja’s) be agreed to.

The committee divided. [12.49 pm]
(The Chairman—Senator JJ Hogg)

Ayes……….. 6
Noes……….. 49
Majority…….. 43

AYES
Bartlett, A.J.J. *  Brown, B.J.
Murray, A.J.M.  Nettle, K.
Siewert, R.  Stott Despoja, N.

NOES
Adams, J.  Barnett, G.
Bishop, T.M.  Brandis, G.H.
Brown, C.L.  Calvert, P.H.
Campbell, G.  Carr, K.J.
Chapman, H.G.P.  Colbeck, R.
Conroy, S.M.  Crossin, P.M.
Evans, C.V.  Faulkner, J.P.
Ferguson, A.B.  Fielding, S.
Fieravanti-Wells, C.  Fifield, M.P.
Forshaw, M.G.  Hogg, J.J.
Humphries, G.  Hurley, A.
Johnston, D.  Joyce, B.
Kirk, L.  Lightfoot, P.R.
Ludwig, J.W.  Lundy, K.A.
Marshall, G.  McEwen, A.
McGauran, J.J.J. *  McLucas, J.E.
Senator STOTT DESPOJA (South Australia) (12.55 pm)—The few amendments that we have moved today are to legislation that has received more second reading debate time than the antiterrorism legislation. The amendments we have moved to the ESOS Amendment Bill 2005 are designed to improve the safeguards and protections for quality. For those senators who are unsure as to what they just voted on, we sought to ensure that if you run a university in this country, you should meet the accreditation that universities have to meet in this country—that is, you cannot simply have a university from a foreign place become a university in Australia without meeting the same criteria that Australian universities have to meet. I thought that some senators might like to know what the vote was on, and I apologise to any senators who had meetings interrupted as a consequence of that division. I am sure the Prime Minister’s meeting had finished at that point, so I hope that timing was not inconvenient. I move Democrats amendment (1) on sheet 4740:

(1) Schedule 1, item 6, page 4 (after line 6), after subsection 18(2), insert:

(3) Subsection (2) does not permit a registered provider to include in a tuition fee for an overseas student any fee for services other than tuition.

(4) Where a registered provider charges an overseas student a fee for services other than tuition, that charge is to be a service fee which itemises the services provided.

This is an amendment that has come out of the submission and the evidence provided by the national liaison committee—that is, the overseas student representative body in Australia. I referred to this in my committee report and my second reading remarks, so in the interests of time, as I know that senators are keen to have this debate finalised and have this certainly bipartisan and arguably non-controversial piece of legislation passed by this place. People know of my concerns and the concerns of the students involved in the NLC: that their fees are not itemised and that they are worried about escalating or potentially escalating fees for student services for overseas students.

Senator McGauran, in his contribution, talked about the fact that this bill and the agenda of the legislation that the government was putting forward was about freedom of association and ensuring that students have a choice. That was before he was interrupted by a point of order from Senator Wong, who pointed out, quite rightly, that this bill is actually to do with a compulsory services fee that is only for international students. Bearing in mind, those ardent supporters in the chamber of so-called voluntary student unionism realise that this is a universal services fee that is compulsory for international students.

Having said that, the aim of this amendment is to ensure there are separately itemised fees that are currently not included in the tuition fees. We are essentially calling for transparency in relation to this fee. It is a fairly innocuous amendment and I commend it to the parliament. In the interests of ac-
countability and transparency, I hope it will pass.

The TEMPORARY CHAIRMAN (Senator Marshall)—The question is that the amendment moved by the Australian Democrats be agreed to. I think the noes have it.

Senator STOTT DESPOJA (South Australia) (12.58 pm)—In the interests of time, I will not seek a division. I ask the Labor Party to indicate how they voted. My understanding was that they supported that amendment.

Senator WONG (South Australia) (12.58 pm)—Yes, the Labor Party did support that amendment.

Question negatived.

Bills agreed to.

Bills reported without amendment; report adopted.

Third Reading

Senator VANSTONE (South Australia—Minister for Immigration and Multicultural and Indigenous Affairs and Minister Assisting the Prime Minister for Indigenous Affairs) (12.59 pm)—I move:

That the bills be now read a third time.

Question agreed to.

Bills read a third time.

HIGHER EDUCATION LEGISLATION AMENDMENT (2005 BUDGET MEASURES) BILL 2005

Consideration of House of Representatives Message

Consideration resumed from 7 December.

Message received from the House of Representatives acquainting the Senate that the House has agreed to the bill with amendments and requesting the concurrence of the Senate in the amendments made by the House.

Ordered that the message be considered in Committee of the Whole immediately.

House of Representatives amendments—

(1) Schedule 1, page 3 (after line 10), after item 1, insert:

1A Subsection 41-45(1) (cell at table item 1, column headed “Amount”)

Repeal the cell, substitute:

$1,539,636,000

(2) Schedule 1, item 2, page 3 (cell at table item 2, 3rd column), omit the cell, substitute:

$1,716,942,000

(3) Schedule 1, item 2, page 3 (cell at table item 3, 3rd column), omit the cell, substitute:

$1,673,153,000

Senator VANSTONE (South Australia—Minister for Immigration and Multicultural and Indigenous Affairs and Minister Assisting the Prime Minister for Indigenous Affairs) (1.00 pm)—I move:

That the committee agrees to the amendments made by the House of Representatives.

The CHAIRMAN—Before proceeding, I will read a statement in respect of the Higher Education Legislation Amendment (2005 Budget Measures) Bill 2005. The statement reads:

Two of the amendments made in the Senate to this bill have been disagreed to in the House of Representatives on the basis that they should have been requests. The amendments were moved by the government in the Senate as amendments on the basis of the well-established principle that amendments in the Senate may re-allocate appropriations without increasing the amount of expenditure.

Question agreed to.

Resolution reported; report adopted.
EUROPEAN BANK FOR
RECONSTRUCTION AND
DEVELOPMENT AMENDMENT BILL
2005

Second Reading

Debate resumed from 1 December, on motion by Senator Abetz:

That this bill be now read a second time.

Senator SHERRY (Tasmania) (1.02 pm)—The European Bank for Reconstruction and Development Amendment Bill 2005 authorises the European bank to operate in Mongolia. The first thing that strikes you about this particular piece of legislation is the question of why we need a bill in relation to this matter. I understand that we do need it legally, but it would be a lot better in terms of process that we do not have bills every so often to allow the European bank to operate in a new country, in this case Mongolia. It seems to me to be a waste of the parliament’s time to be dealing with issues that really are minute in the context of parliamentary consideration. I also note that there is no financial impact with regard to this bill. If we are to come in to parliament and authorise the European bank to operate in every country that it intends to move into, I think a better way should be found for the Australian parliament to authorise such activity.

The second point I want to make is that it does not concern me that the European bank or any bank is going to help out Mongolia but it does concern me that this is the European bank and, plainly, Mongolia is not in Europe. It is about as far from Europe as you can get, except perhaps for my home state of Tasmania. We are here authorising the European bank to operate on the far side of Asia, in Mongolia. I raise this in all seriousness because I think there is a risk that the European bank, by spreading its operations into non-European countries, is evolving into a general bank of assistance to poorer countries around the world. That then begs the question: why do we need a European bank evolving into a general world bank when we already have a World Bank carrying out many activities of the European bank? I want to put those points on the record.

The European Bank for Reconstruction and Development was established in 1991 when the various communist regimes were collapsing in central and eastern Europe and the ex-Soviet countries needed support and assistance. That is fair enough. The Labor Party does not object to that original aim to support the emergence of a new economic structure in the private sector in a democratic environment in those eastern European and central European countries.

We have heard a lot about banks in the last couple of weeks in the parliament, both here and in the House of Representatives. We have heard a lot about the Reserve Bank of Australia. In what will be my final remarks for the year, I do want to re-emphasise, in the context of banks and banking policy, that we could not have illustrated more typically what the Liberal Party and Liberal government of this country represent than what has happened in the last two weeks.

Senator George Campbell—They like putting their mates in the banks.

Senator SHERRY—I will get to that in a moment. In this Senate chamber, we have spent a fair slice of our time debating the Liberal government’s deregulation of the labour market, delivering to the top end of town and delivering to big business.

By way of contrast, but on the same theme of delivering to big business and the top end of town, there has been extensive debate in the House of Representatives about the nomination of a Mr Gerard as a member of the board of the Reserve Bank of Australia by the Treasurer, Mr Costello, and, apparently, unanimously by the cabinet—who
were, apparently, swinging from the rafters in joy at this particular appointment by the Treasurer.

On the same theme, we have seen the Liberal government defending the appointment to the Reserve Bank of Australia of Mr Gerard, who had donated more than $1 million to Liberal Party election funds and who had been found by the tax office to have engaged in tax minimisation schemes in the Caribbean and, through his company Gerard Industries, in countries such as Bermuda and the Netherlands Antilles.

You could not have had, in this last fortnight of the parliament’s sittings, a truer reflection of what the Liberal Party stands for. In the Senate chamber, they have been cutting workers’ wages and conditions over time and deregulating the labour market. How many Australian workers have a bank account in Bermuda or the Netherlands Antilles, let alone in Mongolia? How many Australian workers who face the slow, steady reduction of their wages and conditions over the next few years—

**Senator Ian Macdonald**—Tell me where Richo’s bank accounts are.

**Senator SHERRY**—How many of them have tax havens in Bermuda or the Netherlands Antilles, Senator Macdonald, tell me? What we have here is typical of this Liberal government—extraordinary arrogance. They are out of touch. They attack the wages and conditions of low- and middle-income earners in this country through their industrial relations changes and deregulation of the labour market and, at the same time, they defend a top-end-of-town mate who donated more than $1 million to their election fund and put him on the board of the Reserve Bank of Australia. With those few remarks, the Labor Party—

**Senator George Campbell**—There was somebody on the board of the European Bank as well, wasn’t there?

**Senator SHERRY**—I am glad you reminded me of that. Former senator Jim Short—a former Assistant Treasurer, actually—was, for a time, the Australian nominee on the European Bank for Reconstruction and Development; he was on their board for a period of time.

**Senator Ian Macdonald interjecting—**

**Senator SHERRY**—Well, he was another mate nominated to another bank, Senator Macdonald; that is the point. Former senator Short has long left this parliament; he was the Assistant Treasurer. It would be interesting to know if he was involved with the Treasurer, Mr Costello, in appointing Mr Gerard. I do not know what sort of job he did on the executive of the European Bank for Reconstruction and Development, but that was another example of a Liberal Party mate—in this case, a former senator—appointed to a bank board. So this bill tends to—

**Senator George Campbell**—And a former IR minister, too!

**Senator SHERRY**—A former IR minister—that is right: Mr Reith! Mr Reith is now a director of the European Bank for Reconstruction and Development. We have a really interesting synergy here, when we are talking about Australian nominees to the European Bank for Reconstruction and Development: a former Assistant Treasurer, former senator Short; and now, of course, the former industrial relations minister, Mr Reith.

**Senator Ian Macdonald**—What about Blewett? What about Gareth Evans?

**Senator SHERRY**—But I make these points, Senator Macdonald, in the context of industrial relations, with the former minister, Mr Reith, over there, reconstructing Europe.
And I make them in the context of what has occurred in this parliament—in this Senate and in the House of Representatives—over the last fortnight.

The Labor Party does support this piece of legislation, which concerns extending or allowing the European Bank for Reconstruction and Development to operate in Mongolia. As I say, I do not really know why we would need a particular piece of legislation taking up legislative time to allow such an operation. I hope a way can be found whereby we do not need acts of parliament to extend the bank’s operation into various countries around the world.

If this is going to happen more and more, the European Bank for Reconstruction and Development will effectively evolve into another World Bank. We already have a World Bank to which Australia contributes, and I think we need to be just a bit careful about setting up another World Bank. We need to ask what economic policy overlaps are involved in that—if that is the way in which this bank is going to evolve, because, clearly, Mongolia is not in Europe. If we are going to have more and more non-European countries in which the European Bank operates, then, effectively, it becomes a second World Bank. Issues such as cost efficiency and the overlapping of policy will, I think, come more and more sharply into focus.

(Quorum formed)

Senator PAYNE (New South Wales) (1.15 pm)—It gives me enormous pleasure to participate in the second reading debate—

Senator George Campbell—They’re all leaving, Marise.

Senator PAYNE—You are still here, Senator Campbell. That could possibly be why. As I was saying, it gives me great pleasure to participate in this second reading debate on the European Bank for Reconstruction and Development Amendment Bill 2005, but most particularly to assist Senator Sherry with a point he pressed on a number of occasions during his contribution. I think he asked the chamber on more than one occasion why we had to bring a bill before the chamber to achieve this outcome in relation to Mongolia. I would suggest that perhaps reading past the title of the bill might in fact have provided Senator Sherry with the answer to that. If he had made it to 1.3 in the explanatory memorandum then he would also have noticed that the act creates a regulation-making power so that any future amendments to the agreement can be made by regulation. Obviously he was not able to make it all the way through the onerous provisions of the four-page draft bill to determine that minor point. I am sure that is the application that those on the other side bring to these matters.

The bill was introduced in the House of Representatives early in November by the Parliamentary Secretary to the Treasurer. I note that this is implementing an important commitment made by Australia as a member of the European Bank for Reconstruction and Development in the process of assisting Mongolia’s economic and social development. That is a commitment which we have made over a long period of time. The Treasurer, in fact, is a governor of the European Bank for Reconstruction and Development.

I also noticed with some interest that in his remarks Senator Sherry left hanging in the air an observation about the value or role of the European Bank for Reconstruction and Development and whether it was stretching its resources too far with the sort of contribution that it was making, in comparison to the World Bank. I think it is important to note the differences and the very specific role of the European Bank for Reconstruction and Development and to not confuse it, in this case, with the World Bank.
It was established in 1991. Communism was crumbling in central and Eastern Europe. One wonders where Senator Mason is, in fact, for this matter because I am sure he would make a very erudite contribution. I am also positive Senator Brandis will indeed enhance the debate later. The countries of Eastern Europe and the former Soviet Union needed some support to nurture a new private sector in a growing democratic environment.

Senator Brandis—To throw off the shackles of communism.

Senator PAYNE—Yes, indeed, Senator Brandis—as they emerged from the shackles of communism. Today the European bank uses tools of investment to help build market economies and democracies in 27 countries, from central Europe to central Asia. It is in fact the largest single investor in the region. Beyond its own financing, it engages significant foreign direct investment. It is owned by 60 countries and two intergovernmental institutions. More importantly, notwithstanding the fact that it has public sector shareholders, its investments are mainly in private enterprises and usually made together with commercial powers. It provides project financing for banks, industries and businesses, both for new ventures and investments in existing companies.

It is clear from the European bank’s web site—which is a very interesting and useful web site that senators may wish to turn their attention to—that it has a very clear mandate which stipulates that it must only work in countries that are committed to democratic principles. Further, respect for the environment is part of the very strong corporate governance which is attached to all European Bank for Reconstruction and Development investments. It has several criteria in relation to the making of those investments. A country must move closer to a full market economy. It must take a risk that supports private investors and does not crowd them out. I made an early reference to its investment mainly in private enterprises. It must apply sound banking principles. The European bank promotes both structural and sectoral reforms. It is very committed to competition, privatisation and entrepreneurship. It is basically aiming in much of its work to enhance the development of the private sector with regard to all of these.

I think the issues of corporate governance are particularly important to the European Bank for Reconstruction and Development. In fact, in the Office of the Chief Compliance Officer of the bank they go out of their way to promote good governance, to ensure that the very highest standards of integrity are applied to all the activities of the bank. It is clear that those standards of integrity are based on international best practice. In relation to compliance, they look at conflicts of interest, corruption, confidentiality and money laundering.

I want to make some remarks about their concentration on anti-corruption measures in particular. Their efforts in that regard are quite clearly set out on the web site in terms of what individuals, corporations or those who are aware of activity regarded as dubious are able to do to address their concerns. Most particularly they make very clear some principles about anti-corruption and fraud to which I am certain the Australian government also adheres. They note that corruption and fraud result in the erosion of public confidence in political institutions and legal systems, distort the allocation of resources, inflate spending on public procurement and undermine competition; in fact, they weaken the very institutions that the bank is mandated to strengthen: market economics, pluralism and democracy.
The European bank combats corruption and fraud as well as misconduct of bank officials, employees and consultants and any activity which might compromise the integrity of the bank and its partners. It is well known that Australia’s commitment in this area, particularly in its engagement in aid and development, is also very much targeted to addressing questions of corruption—dealing with corruption where it arises and ensuring that any contribution Australia makes in its aid program is not marred by the stain of corruption in countries where contributions are made.

This was most effectively reinforced recently in the statement of the Asia-Pacific Economic Cooperation group and Australia at the 17th APEC ministerial meeting. That joint statement was issued in Busan, in the Republic of Korea, in the middle of November. The ministers recognised and made absolutely clear at APEC, and there is a synergy in the approach of the European bank on this matter, that you cannot achieve the economic prosperity for which APEC aims and to which the European bank is so committed in democratic countries unless corruption both in domestic economies and in any international engagement in national business transactions is effectively addressed and that those individuals who are guilty of corruption are, in the words of the joint statement, ‘denied a safe haven’.

The ministers who were present at the APEC meeting in Busan identified a number of areas where corruption had a very corrosive and damaging effect on the economy and on good governance in nations where it occurs. They note in the joint statement that it undermines economic performance and weakens democratic institutions and the rule of law. They note that it has the capacity to disrupt social order, to destroy public trust and to provide an environment for the flourishing of organised crime, terrorism and other threats to human security. Challenges to human security are, in the new international environment in which we find ourselves, some of the greatest challenges that countries in this region and the region covered by the European Bank for Reconstruction and Development face.

The APEC ministers also identified corruption as one of the largest barriers to APEC’s road to free trade, to their efforts to increase economic development and to greater prosperity. The ministers very strongly reaffirmed in this statement from Busan:

... that they would continue to look for avenues to effectively address this important issue within APEC as well as in other fora.

So quite logically those members, like Australia, who are members of both organisations, are able to do that at both levels. The United Nations Convention against Corruption is a priority in this particular area, and the ministers encouraged those countries who had not done so to take appropriate steps towards its effective ratification and implementation and to continue to make reports to what is known as the ACT task force, which grew from the APEC Anti-Corruption and Transparency Symposium, which was hosted recently by Korea. Those steps in the implementation of the UN Convention against Corruption will also involve making annual reports to the ACT task force on the anticorruption commitments of APEC nations. The pledge that will be made by CEOs when the APEC CEO summit comes around in a very short period of time will be a very important part of that process.

I think that emphasis on anticorruption and what I would more broadly call good governance principles is an important part of the approach that the European bank and, of course, APEC take. It is also reflected in AusAID’s approach in terms of overseas aid.
When we talk about effective governance we mean a country managing its resources competently in a way that is fair, open, accountable and responsive to people’s needs. That might include addressing governance at a number of levels. It might include improved economic and financial management, increased public sector effectiveness—another very important aspect of this sort of policy framework—strengthening law and justice, the development of an effective and functioning civil society and strengthened democratic systems.

It seems to me when I have the opportunity through some of the work that I do—for example, on the Joint Standing Committee on Foreign Affairs, Defence and Trade, and particularly on the Human Rights Subcommittee of that committee—that these aspects of improved governance are absolutely fundamental to addressing the challenges of poverty and to addressing any effort to ensure that countries are able to lift themselves out of that development challenge and move forward with strong market economies and with transparent and comprehensive systems that individuals, the citizens of those nations, are able to have good faith in and able to work within in whatever capacity they choose. I bring those points, particularly in relation to anticorruption, to the attention of the Senate.

The decision on Mongolia which this bill relates to was a decision of the board of the European bank and was announced by Jean Lemierre, the president of the bank, in his press conference in April last year, when the commitment was made by the board. I would like to note his statement on that occasion. In his press conference that evening in London he said:

The Governors have all welcomed Mongolia. ... Mongolia wants to become a recipient country of the Bank, meaning that we can use the Bank’s money to operate in that country. I totally agree with this. We have already taken the first two steps. The Board has approved it, the Governors have approved it. Now, because this involves an amendment in the Agreement Establishing the Bank, the member countries of the Bank have to go through the process of ratifying this amendment. We have already received a few ratifications and there has been a very clear commitment by Governors to complete the process quickly. Hopefully, Mongolia will soon become a country of operation.

That of course is what we are doing here this afternoon. As has been noted earlier, the next step to ensuring that we do not have to do it with a piece of legislation on every occasion is the enactment of the provision to ensure that it can be done by regulation in the future. That will obviate the necessity for bringing bills such as this back before this chamber.

Senator Sherry made some observations in relation to the extension of the bank’s activities to Mongolia. I think it is important to note Australia’s engagement in that area currently. What we are trying to do in our engagement with Mongolia through our development cooperation program is to strengthen their human and institutional capacity for long-term sustainable development and, most importantly and again in synergy with the role of the European bank, to assist their transition to a modern, market based economy. The program which AusAID operates in Mongolia is aimed at assisting the skills base of key government agencies. We provide Australian development scholarships which will continue to develop specialised expertise and qualifications in a range of areas—and they go back to those principles of good governance I was enunciating earlier. They include: public sector financial management; the administration of government; and policy in both education and employment, in social welfare and in legal and judicial fields.
Our program also addresses funding for some select small-scale community and good governance activities. I want to talk briefly about a couple of those. We have a Mongolia-Australia Targeted Capacity Building and Small Activity Facility, which was launched in August 2003. Australia’s contribution over 2½ years to that is almost $6 million. The goal of that particular facility is to contribute to poverty alleviation—by strengthening the human resource capacity of Mongolian government agencies to implement their own government’s action program in priority areas of good governance reform and by supporting community development activities.

We also, of course, respond to emergency assistance calls and appeals from Mongolia, particularly in order to help vulnerable families affected by the very severe climatic conditions they experience. There was a suggestion that perhaps a visit to Mongolia in the middle of winter might not be the most effective method of learning about the operations in the community there. But they do need that help very seriously, because the effects of the climate have included absolute devastation of the livelihoods of vulnerable nomadic herders in particular. We have been helping with emergency assistance in that regard.

We joined the European Bank of Reconstruction and Development in 1991, so we have been members right from its establishment at the end of the Cold War, following the fall of the Berlin Wall. Why did we do that as a nation? We did that because we wanted to demonstrate our strong support for the political and economic changes that were occurring in Eastern Europe and we wanted to encourage the development of democracy and strong market economies. It gives us an Australian voice, which is very important, in aspects of the political and economic reform process, through the bank’s policy dialogues with its borrowing members. It also gives Australia access to information about opportunities for both financial and commercial activities. As I observed earlier, we have been an active member of the European bank both through the Treasurer’s role as governor and through our representatives on the board of directors. We support this particular bill because giving access to investment funding will assist greatly in facilitating private sector growth and Mongolia’s future economic development.

I have mentioned some of our engagement with Mongolia, particularly in aid and development, but we have also had diplomatic relations with the nation of Mongolia since 1972. They have been recognised by high-level visits in both directions. In fact, the Speaker of the House of Representatives and colleagues from this chamber took a parliamentary delegation to Mongolia in April this year. We only have modest bilateral trade at this point—it was worth a total of $16 million in 2004. I understand it mostly comprises the temporary import of exploration equipment by Australian companies which operate in Mongolia. We would be looking at what scope there is for expansion of trade in areas like telecommunications; building; construction and design; and food processing industries. Our major investment prospects lie in the areas of mining and infrastructure.

In addition to the development assistance to which I have already referred, we have assisted Mongolia’s economic transition and supported their emerging democracy with aid in relation to the United Nations Development Program’s agricultural management development project. In the current financial year our official development assistance level is estimated at about $3.3 million. I indicated earlier that the Treasurer had supported and voted in favour of this proposal. That was endorsed by the Joint Standing Committee on Treaties in a report it tabled on 10 May this year.
I noted earlier the regulation-making power which will ensure that bills of this sort do not have to come before the chambers. I think that is a very efficient way of dealing with it and it will reduce the administrative burden on the parliament. *(Quorum formed)*

Senator STOTT DESPOJA (South Australia) (1.37 pm)—I rise on behalf of the Australian Democrats, in my capacity as their foreign affairs spokesperson, to briefly address the legislation before us—the European Bank for Reconstruction and Development Amendment Bill 2005. As you have heard, this bill follows a decision of the European Bank for Reconstruction and Development on 30 January last year to include Mongolia as a recipient country of the bank’s funds. The Mongolians were an integral part of the old Comecon system and, as such, were effectively as much a part of the former Soviet Union as any of the Central Asian states which have been the recipients of money. Although Mongolia has already received funds from the bank, this bill will make changes to the European Bank for Reconstruction and Development Act 1990 to allow Mongolia to formally become a recipient of the bank’s funds. The Mongolians were an integral part of the old Comecon system and, as such, were effectively as much a part of the former Soviet Union as any of the Central Asian states which have been the recipients of money. Although Mongolia has already received funds from the bank, this bill will make changes to the European Bank for Reconstruction and Development Act 1990 to allow Mongolia to formally become a recipient of the bank’s funds as a country of operations. I might acknowledge the contribution from Senator Sherry: maybe he was right about the number of times we get legislation in this place on an issue such as this. It might be worth rethinking this process. Nonetheless, before a country can become a country of operations, all countries which are member countries of the bank will have to ratify the bank’s decision and that is what we are seeking to do in this place today.

Senator Chris Evans interjecting—

Senator STOTT DESPOJA—I missed that interjection, but I am trying to keep my contribution short because I know that all of us want to go home. It is ironic that we are spending all this time on non-controversial legislation. This bill has cross-party support. I think this is the winner bill of the session. No-one disagrees with the bill, but we are debating it! Forgive me, Mr Acting Deputy President, but it is starting to get to me. We had 2½ hours for the second reading debate on the antiterrorism legislation—arguably the most important bill of the decade, if not the century—and this morning we spent more time than that on a non-controversial—albeit interesting—piece of legislation. Carnegie Mellon’s establishment is an important part of my portfolio, as is the ESOS Act and its amendments and, equally, the European Bank for Reconstruction and Development Amendment Bill 2005. I cannot believe, though, that we are spending this much time on it. But back to the bill before us—

Senator Brandis—It is very interesting.

Senator STOTT DESPOJA—If this is interesting, Senator Brandis, you need to get out more, because this ain’t fun. The Democrats acknowledge the important work undertaken by the bank since its establishment in 1991, and we support the bill for the positive impact that it might have on the economy of Mongolia. I thank Senator Marise Payne for her contribution, and I have no doubt that Senator Brandis was right when he said that he did not believe that the issues of Mongolia have been so effectively aired in this place in the history of this Senate. I am confident that he is right. I acknowledge Senator Payne’s contribution and therefore I do not intend to try and compete with it. Certainly, we hope that this bill may have a positive impact on the economy of Mongolia—and, indeed, that the consequential benefits of this bill may be many and varied.

On a serious note, we have one slight concern with this legislation. There is one aspect of the bill that we refer to with concern. The bill will also introduce broad regulation-making powers. The new section 6 of this
legislation will enable the executive to react to future changes to the agreement by making regulations. In essence, this provision will resemble a Henry VIII clause because it enables the executive to change a piece of primary legislation by means of subordinate legislation. So, while I take on board Senator Sherry’s concerns, I think there is a process issue that we should look at.

These provisions appear problematic, as they seem to enable the executive, to an extent anyway, to undermine the supremacy of the parliament, which may result in the constitutionality of these provisions becoming an issue—potentially—for the High Court. But, those concerns aside, the Democrats support the bill, and I believe every person in this place, to a senator, supports the legislation before us. This again begs the question—put in a non-philosophical sense—of why we are here. Why are we here? Believe me, I am one for the constitutional and democratic processes of this chamber. I want us to debate bills, analyse law, debate amendments, vote on them accordingly and understand what we are doing, but why were we not doing that for the past fortnight on arguably the biggest bills of this century—Work Choices, Welfare to Work, antiterrorism and radioactive waste dumping? The government was gagging and guillotining them through.

Senator Brandis—You are not interested in Mongolia, are you?

Senator STOTT DESPOJA—I will answer that interjection. With all due respect, I do not think either my support for or interest in Mongolia—or the support of my party and me for the European Bank for Reconstruction and Development Amendment Bill 2005—is under question here, thank you, Senator Brandis.

Senator Chris Evans—Where is Mongolia?

Senator STOTT DESPOJA—It ain’t near Tasmania, as we heard this morning. But I digress.

Honourable senators interjecting—

Senator STOTT DESPOJA—You can tell we have lost it, Mr Acting Deputy President. I commend this bill to the Senate, albeit with that proviso. Again, I add my concerns about the process today and over the past fortnight. As I said, spending three hours this morning on Carnegie Mellon when, quite seriously, 2½ hours were spent at the second reading stage on the antiterrorism legislation—a bill that attacks some of the fundamental freedoms, human rights and civil liberties in this country—is a joke. People know that. I just hope that any meetings that are taking place with individual senators or even the Prime Minister are fast meetings—or at least meetings with some resolution—because it is a joke to keep the Senate here on a filibuster for this period of time.

Senator COONAN (New South Wales—Minister for Communications, Information Technology and the Arts) (1.43 pm)—Senator Stott Despoja will no doubt be relieved to know this, following the extensive contributions in this debate. I have listened very carefully to all of them. I am very grateful for all the contributions to the debate on this very important bill—the European Bank for Reconstruction and Development Amendment Bill 2005. I thank all senators for their contributions and commend the bill to the Senate.

Question agreed to.

Third Reading

Bill passed through its remaining stages without amendment or debate.

(Quorum formed)
COMMITTEES
Employment, Workplace Relations and Education Legislation Committee
Additional Information
Senator McGAURAN (Victoria) (1.47 pm)—On behalf of the chair of the Employment, Workplace Relations and Education Legislation Committee, I present additional information received by the committee on its inquiry into the provisions of the Workplace Relations Amendment (Work Choices) Bill 2005.

Finance and Public Administration
References Committee
Additional Information
Senator McGAURAN (Victoria) (1.47 pm)—On behalf of the chair of the Finance and Public Administration References Committee, I present additional information received by the committee on its inquiries into government advertising and accountability and the regional partnerships and sustainable regions programs.

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

Senator ELLISON (Western Australia—Minister for Justice and Customs) (1.47 pm)—I seek leave to move a motion to vary the membership of certain committees.

Leave not granted.

DOCUMENTS
Tabling
Senator ELLISON (Western Australia—Minister for Justice and Customs) (1.47 pm)—I table the annual report 2004-05 of the Health Insurance Commission.

COMMONWEALTH RADIOACTIVE WASTE MANAGEMENT BILL 2005
INDIGENOUS EDUCATION (TARGETED ASSISTANCE) AMENDMENT BILL 2005
Returned from the House of Representatives
Messages received from the House of Representatives agreeing to the amendments made by the Senate to the bills.

COMMITTEES
Intelligence and Security Committee
Membership
Message received from the House of Representatives notifying the Senate of the appointment of Mr Ciobo to the Parliamentary Joint Committee on Intelligence and Security.

HIGHER EDUCATION SUPPORT AMENDMENT (ABOLITION OF COMPULSORY UP-FRONT STUDENT UNION FEES) BILL 2005
HEALTH LEGISLATION AMENDMENT BILL 2005
TELECOMMUNICATIONS (INTERCEPTION) AMENDMENT (STORED COMMUNICATIONS AND OTHER MEASURES) BILL 2005

Declaration of Urgency
Senator ELLISON (Western Australia—Manager of Government Business in the Senate) (1.48 pm)—I declare that the following bills are urgent bills and I move:

That these bills be considered urgent bills:
Higher Education Support Amendment (Abolition of Compulsory Up-front Student Union Fees) Bill 2005
Health Legislation Amendment Bill 2005
Telecommunications (Interception) Amendment (Stored Communications and Other Measures) Bill 2005.
Suspension of Standing Orders

Senator CHRIS EVANS (Western Australia—Leader of the Opposition in the Senate) (1.49 pm) — Pursuant to contingent notice, I move:

That so much of standing order 142 be suspended as would prevent debate taking place on the declaration of urgency motion.

I note that, in seeking to move these bills as urgent, the minister approached me across the table a minute ago and said the government are about to use the guillotine on the VSU legislation. We sat around this place from 9.30 this morning to 1.45 this afternoon debating Mongolian economic development opportunities. We had Senator Parry read into the Hansard a speech his Tasmanian colleague made in the other house. The place has turned into a complete farce. Government senators may smirk. They may think it is funny but, as always, one has to take responsibility for the consequences of one’s actions. Quite frankly, because the government is turning this place into a farce, Australians are noticing that the government’s arrogance is interfering with its commitment to govern for all Australians.

I have not seen the motion because the minister has not done me the courtesy of letting me see it. He did tell me he was going to do it. He gave me two minutes notice—that is what passes for courtesy these days. It is just not acceptable. This is a new low for this government, and it is a new low for the Senate. The government set the hours. The government said that we should sit extra hours in order to get through the legislative program. We accepted that. During the last two weeks, we sat extra hours most nights but, despite sitting extra hours, on the most important legislation to come before the parliament in recent years we have had debates that smashed records for brevity.

The terrorism bills were rammed through with the use of the gag and the guillotine. The Welfare to Work legislation was rammed through with the use of the gag and the guillotine. Then on Wednesday we sat around batting the breeze, because the government said that it wanted it on Tuesday. It had the power, and it would abuse it and use it. So on Wednesday we sat around batting the breeze, not doing much, because the government was not ready to go. But as soon as the government is ready to go suddenly the game is back on again. I do not know what the deal is. I do not know what the fix is. I know the government have been beating up on Senator Fielding and Senator Joyce for the last few days. I wonder whether intimidation of senators may have occurred. We will have to look at that in the coming weeks.

Certainly, this is unprecedented. Here we are at quarter to two, when we were due to finish at 3.30 pm on the extra day that the government asked the parliament to sit, and at quarter to two the incompetent Manager of Government Business in the Senate comes in and says: ‘I’m about to move the guillotine again on the remaining bills. I’m about to insist that we debate the bills.’ I believe we must also do the committee stage of the bills. But, as I said, I have not seen the resolution yet so I do not know what it is we will be debating. This is the abuse of process that has become the norm. On 1 July this year the government got the numbers. We knew the world would change. But no-one expected that this sort of abuse would occur. We thought Senator Hill and the government would honour the sorts of principled positions they had argued over many years.

I know that Senator Hill might be about to move on to greener pastures. But the actual abuse of Senate process is now so breathtaking in its arrogance and abuse of power that I think even senators on the coalition side are shocked. I understand now that, at quarter to
two, we are being told that we are going to have an extended sitting to debate amendments to a bill that we have not seen. Again, the Senate is to be used as a sausage factory. The government is going to arrogantly walk in here, drop amendments and tell us to vote for them, and we are not going to get time to see them or debate them. This is what passes for democracy now under the Howard-Costello government. We are going to have debate truncated to consider government amendments that we have not seen. We will not get a chance to read or understand them before the debate is brought to a close. It is just breathtaking in its hypocrisy. It is not good enough.

I urge the government to think again. This bill will not be able to be carried in the House of Representatives until next year. There is no reason for this. There is no excuse. The abuse of the Senate has to stop. Quite frankly, the farce today is just outstanding. To spend hours debating Mongolian bank reform while we waited for the fix shows how cynical and out of touch the government are. They have stopped governing for Australians—they are governing in their own ideological interests. (Time expired)

Senator BARTLETT (Queensland) (1.54 pm)—I think the point cannot be emphasised strongly enough. I just spoke before, during the committee stage of the higher education debate, and tried to emphasise the key role of this chamber, the key role it has always played and, I might say, the key duty we have when we get elected to parliament. That is not to get on the TV screens, get political capital or win political points. Our key role, particularly in the Senate as the house of review, is to scrutinise legislation and the actions of the government of the day. The key reason why we have to do that is not just to keep them honest; it is to make sure that the laws that are passed are good laws and, at the minimum, have the impact they are intended to have so that even those of us who do not agree with what that impact is going to be can be confident that they are actually structured in a way that ensures they are not going to have unintended consequences.

We saw today in the newspapers a report that, apparently, in amongst the 330-odd amendments to the incredibly detailed and complex workplace relations legislation, there was one that made a very significant change to what it will mean for workers who are renegotiating their contracts. It is a change which nobody mentioned. It is certainly perceived that very few, even on the government side, were aware of it. It is a positive change, it seems. But, if you have that absurd situation where 330-odd amendments are dropped into this chamber 40 minutes before we are meant to start to debating, questioning and scrutinising them and then that process is severely curtailed by a sharp guillotine, there is simply no hope that we can be effectively doing our job. There no surer way of bringing the entire institution of parliament, democracy and politicians in particular into disrepute than to fail—and blatantly and obviously fail—to do the most fundamental and basic aspect of your job. Let us face it—if we allow laws to be passed and come into effect that we actually have not even bothered to read then we are being derelict in our duty, and in the most basic duty. That is the fundamental point.

You can throw around all the statistics you like backwards and forwards about who has moved how many guillotines with how much notice on how many bills over how many years—and there is some importance to that debate—but the bottom line is that we need to be able to credibly guarantee that we are doing our job on behalf of the Australian people and that we actually know what things we are making into law. We cannot do that because of the actions of this government.
We have had the absurd situation where we have spent more time talking about the European bank in Mongolia and the new US university campus being set up in Adelaide than we have managed to spend talking about taking away pension payments for hundreds of thousands of Australians and removing major civil liberties and freedoms from our criminal codes. We have had more so-called scrutiny or debate of sorts this morning on totally non-controversial legislation—legislation that was specifically listed yesterday as non-controversial. It usually takes one minute, if anyone can be bothered to turn up to speak to it, because it is so basic and procedural.

I spoke last night in the adjournment debate and again earlier today about the historical facts. Nobody is suggesting that a guillotine is inappropriate under any circumstances. As I said before, in 1996 there was a guillotine where all of us—the government, the opposition, the Democrats and Senator Bob Brown—supported it. It was what I call the cuddly guillotine. There is nothing cuddly about this. We have had four guillotines this fortnight and they have all been extremely sharp and brutal and totally without notice. This is another one. It is simply contemptuous. It has to be said that, despite all the bluster and smokescreen from the government and all the misleading statistics, it is unprecedented in its contempt for the Senate. More importantly, it is contempt for the Australian people. The Democrats stand firmly and strongly against it. It is the key demonstration of what has been lost with the Democrats’ loss of ability to hold the balance of power and constructive reason in this place. It has been replaced with contempt and arrogance from the government.

Senator BOB BROWN (Tasmania) (1.59 pm)—This is more of the same. It is the executive—that is, Prime Minister John Howard—simply saying to democracy in Australia and to proper forms of debate based on informed political representation on behalf of the Australian people, ‘Go take a jump!’ It is not just the Howard government but the Prime Ministerial office that dictate what this nation will have. It is not just the outcome of the legislation; it is the process.

I mentioned yesterday that in the Menzies era this chamber spent 15 days considering the bill to ban the Communist Party, and that was with the government in control of both houses. There was a decency about Menzies’ liberalism—and many will not like to hear me say that in here—which at least showed respect for matters of national importance to be debated. That has gone. Half a century on—gone. This is an example of the small-mindedness of the executive office. It has a hubris that, from the Prime Ministerial chair, says, ‘I know what is good for this country and anybody who says otherwise is not working with the country,’ and it is exemplified in the move here this afternoon to change the hours of the Senate.

Sometime during the morning, at Prime Ministerial pleasure, it was decided that new legislation requiring new time will be put to the Senate, which should have risen last night. That is the measure of the Prime Minister. He is very small-minded, very egotistical and very much of a mind that he knows what other people should be thinking and what they should be doing and what is good for them. It is a very paternalistic attitude and it will have its own undoing. I do not mind. I am very proud to be a representative of a different point of view in this nation. The Prime Minister might not like it. He rushed past at tea in the dining room last night without even an acknowledgment. Well, that is the man—unsociable, a social misfit in many ways, unable to hold—

Senator Hill—Mr Acting Deputy President, I rise on a point of order. I think that
remark is unparliamentary and should be withdrawn.

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

Senator BOB BROWN—Thank you, Mr Acting Deputy President—a good ruling. He does not fit in in terms of being able to hold a debate with people who have a different point of view. The Prime Minister never debates anything with people who have a different point of view out in the public arena. If you can tell me when he did, Minister for Defence, then please do. We have a little while longer to deal with this misfit government. Through the dint of the last election it may have had an unsuspecting public not understanding the ramifications, as far as the Senate is concerned, of this period in which it is able to use the Senate as a foible, but Australians think better of it than that. The Prime Minister will get his comeuppance down the line—

Senator BOB BROWN—Could somebody bring the dictionary to the member opposite? He wants to know what ‘comeuppance’ means; I am sure that it is in the Macquarie Dictionary. One of the strugglers on the other side has difficulty with a term like that. If someone could turn to C and go to the page with ‘come’, he might be able to find the word there. The people will judge on this. There is one other word a little further on in the dictionary which describes the way this Prime Minister operates and the way this government is operating. It is a shorter word, and it is ‘nasty’. This is a nasty government which has not got—

Senator Faulkner—I rise on a point of order, Mr Acting Deputy President. It certainly is unparliamentary to call a government a Nazi government. Even though the cap may fit, I think that is unparliamentary, don’t you?

The ACTING DEPUTY PRESIDENT—Was the word ‘nasty’?

Senator BOB BROWN—Yes, it was ‘nasty’.

The ACTING DEPUTY PRESIDENT—That is not unparliamentary. There is no point of order.

Senator BOB BROWN—I will leave that to Senator Brandis. He is the expert in that field. But it is nasty and everybody understands what that means. But there is no better word to— (Time expired)

Senator HILL (South Australia—Leader of the Government in the Senate) (2.05 pm)—Senator Bob Brown is a very poor loser. Unfortunately he did not do well in the last election. He crowed about what he believed he would achieve but in the end the voters did not endorse the program that he put to the Australian people. In fact they were very cautious, to say the least, about his program. I am not going to embarrass him, as one of my colleagues does quite often, about that part of his program that they particularly objected to, but I would respectfully suggest to him that if he had stuck to the environment he would have done a lot better than he did by branching into other areas of social policy. As a very bad loser and having achieved a disappointing result in the last election, he then comes into this chamber and complains about the majority seeking to implement its program.

We make no apology about that. We are grateful that the Australian people endorse the program that we put to them at the last election. We accept the responsibility that comes with that and we will do our best to get that program implemented consistent with proper parliamentary practice and, in particular, adequate scrutiny. That is the way we have approached the legislative program.
It has annoyed Senator Brown and the Labor Party and Senator Bartlett, but it is our job to see that our legislative program is put to the vote and then the parliament will decide who wins that vote. It is obvious to us that the program will not be completed today within a reasonable time without a process being put in place for orderly management of time, and that is the intention through this process. We have one bill that is going to take a couple of hours, and that is the voluntary student unionism bill.

Senator Chris Evans—A couple of hours—generous.

Senator Hill—Voluntary student unionism has been around for years. The issues have been debated over and over again. Sooner or later the parliament had to make a judgment upon it. They have done so in the House of Representatives. It is our wish that this afternoon they will do so within the Senate. That is what we are seeking to achieve. What is so unreasonable about that? There is nothing unreasonable about that at all. So, despite the howls of protests from the Australian Labor Party, who demand that we not have the opportunity to have our legislation voted upon, we intend to use the processes available to us to ensure that there is a vote. We have two non-controversial bills after that, which should take only a few minutes. That will allow the balance of the program of this session to be dealt with in an orderly way. As I understand that all party leaders have spoken on the issue, I move:

That the question be now put.

The Senate divided. [2.13 pm]

(The President—Senator the Hon. Paul Calvert)

Ayes............ 35
Noes............ 33
Majority......... 2

AYES
Abetz, E.
Barnett, G.
Brandis, G.H.
Chapman, H.G.P.
Coonan, H.L.
Ellison, C.M.
Fierravanti-Wells, C.
Heffernan, W.
Humphries, G.
Joyce, B.
Macdonald, J.A.L.
McGauran, J.J.J.
Nash, F.
Patterson, K.C.
Ronaldson, M.
Scullion, N.G.
Trood, R.
Watson, J.O.W.

Boswell, R.L.D.
Calvert, P.H.
Colbeck, R.
Eggleston, A. *
Ferguson, A.B.
Fife, M.P.
Hill, R.M.
Johnston, D.
Macdonald, I.
Mason, B.J.
Minchin, N.H.
Parry, S.
Payne, M.A.
Santoro, S.
Troeth, J.M.
Vanstone, A.E.

NOES
Allison, L.F.
Bishop, T.M.
Brown, C.L.
Carr, K.J.
Crossin, P.M.
Faulkner, J.P.
Forshaw, M.G.
Hurley, A.
Ludwig, J.W.
Marshall, G.
McLucas, J.E.
Murray, A.J.M.
O’Brien, K.W.K.
Sherry, N.J.
Sterle, G.
Webber, R.
Wortley, D.

Bartlett, A.J.J.
Brown, B.J.
Campbell, G.
Conroy, S.M.
Evans, C.V.
Fielding, S.
Hogg, J.J.
Kirk, L. *
Lundy, K.A.
McEwen, A.
Moore, C.
Nettle, K.
Polley, H.
Siewert, R.
Stott Despoja, N.
Wong, P.

PAIRS
Campbell, I.G.
Ferris, J.M.
Kemp, C.R.
Lightfoot, P.R.

Hutchins, S.P.
Ray, R.F.
Milne, C.
Stephens, U.

* denotes teller

Question agreed to.

Question put:

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

The Senate divided. [2.19 pm]
(The President—Senator the Hon. Paul Calvert)

Ayes........... 33
Noes........... 35
Majority........ 2

AYES

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

NOES

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

PAIRS

Hutchins, S.P.  Campbell, I.G.
Milne, C.  Kemp, C.R.
Ray, R.F.  Ferris, J.M.
Stephens, U.  Lightfoot, P.R.

* denotes teller

Question negated.

Original question put:

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

The Senate divided.  [2.23 pm]

(The President—Senator the Hon. Paul Calvert)

Ayes........... 35
Noes........... 33
Majority........ 2

AYES

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

NOES

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

Question agreed to.

Allotment of Time

Senator ELLISON (Western Australia—Manager of Government Business in the Senate) (2.25 pm)—I move:

That the time allotted for consideration of the remaining stages of these bills be as follows:

<table>
<thead>
<tr>
<th>Bill</th>
<th>Time Allotted</th>
</tr>
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<tbody>
<tr>
<td>Higher Education Support Amendment (Abolition of Compulsory Up-front Student Union Fees) Bill 2005</td>
<td>Second reading, commencing immediately until 4.30 pm today</td>
</tr>
<tr>
<td>Health Legislation Amendment Bill 2005</td>
<td>Remaining stages until 5 pm today</td>
</tr>
<tr>
<td>Telecommunications (Interception) Amendment (Stored Communications and Other Measures) Bill 2005</td>
<td>Commencing immediately after the preceding item until 5.15 pm today</td>
</tr>
</tbody>
</table>

And I move:

That the question be now put.

Senator LUDWIG (Queensland—Manager of Opposition Business in the Senate) (2.26 pm)—by leave—What we have now heard from the government is complete hypocrisy. What you did yesterday was vote a censure motion down first time. I did not think that you could top that effort, I did not think that you could do better than that, but you have today. All of you who have participated in this abuse of Senate process should hang your heads in shame. You have ensured that there will be no debate. In fact, you have ensured that there would be a ‘hurry up and wait’; you have all participated in a filibuster on the government’s own legislation.

Senator Wong—Unbelievable.

Senator LUDWIG—That is completely unbelievable, as I am reminded. Not only is participating in a filibuster on your own legislation unbelievable but also it is unprecedented. The bills on this morning’s program are no doubt important bills, but this parliament should have been able to pass them in the last couple of weeks. One of them was a non-controversial bill. For those people who do not understand what a non-controversial bill is, we do them on a Thursday—usually before two o’clock, before question time—and usually nobody speaks on them. They are called ‘non-controversial’ because there is no argument between the government, the opposition and the minor parties about what should happen with those bills. They are supported; they are bills that need not be debated.

Today, the government have talked to these bills and filibustered and complained until such time as they could cut a deal and work out what their position is in relation to the VSU or the Higher Education Support Amendment (Abolition of Compulsory Up-front Student Union Fees) Bill 2005. The trick is that you have not told anybody what the deal is. You may not even have a deal; you might be just letting the balloon go to see what happens to that piece of legislation. You have done this on the last sitting Friday. You put out a red this morning which said that we would finish at around 3.30 pm. You came in at 10 to 2 and gave the leader a minute’s notice—no notice to the Manager of Opposition Business in the Senate—that you were going to move an hours motion that takes us up to 5.15 pm. Utter hypocrisy!

You then say in relation to that: ‘At 5 o’clock to 5.15 pm, we’ll deal with the two non-controversial bills that are left in 15
minutes.’ Senator Hill makes the flippant remark: ‘That won’t matter; we can deal with those two in 15 minutes.’ It took you a lot longer than that this morning. It took you hours to deal with one non-controversial bill this morning. Then you flippantly say, ‘It’ll take nothing short of 15 minutes to deal with two.’ If we apply the same logic, it would have taken 15 minutes this morning. But, no, the government decided to filibuster and continue until it could work out that it could bring this legislation on. At 10 to two it decided to bring on this motion which gives a bit of time for the second reading, which will mean that we will probably get not much more than one second—

Senator Ellison—Mr President, I rise on a point of order. Senator Ludwig said he would make a short statement. This is now extending that period of time. It is a question of judgment, but I ask that you bring that to the attention of Senator Ludwig.

The President—I think Senator Ludwig was getting towards the conclusion of his short statement.

Senator Chris Evans—He was given leave.

The President—Yes, but he was given leave on the basis of making a short statement.

Senator Ludwig—It is a short statement that I am making. When you compare it to the filibuster of the government this morning on a non-controversial bill, you will see that this is short, because I will not be able to sustain a couple of hours as the government did in relation to that bill. This motion says that up to 4.30 pm we will do speeches on the second reading and then debate on the remaining stages of the bill will take 30 minutes—that is, 30 minutes to consider in detail what is contained in the amendments that we have probably not yet seen in total. A couple have been circulated in the chamber. That is less time than we have had for some of the non-controversial bills.

Senator Sherry—The Mongolian bill!

Senator Ludwig—I am reminded by Senator Sherry that the Mongolian bill had a far longer committee stage than you are prepared to give to this. You will rue the day that you decided to up-end the long precedents of this Senate by ensuring that we would not have a proper debate today. Senator Hill said: ‘I’ll complain about the time you have taken up since 1 July. We won’t deal with issues such as taking up government time on committee references.’ You have eaten up your own time and driven the program so that we do not have the ability to deal with those issues. Effectively, what you have done is to ensure that there will be no committee references.

The President—Order! Have you completed your statement, Senator?

Senator Ian Macdonald—Mr President, on a point of order: not only is this not short but also it is not a statement. Senator Ludwig is quoting something Senator Hill has said and then he is arguing against it. It is clearly a debate. He was given leave to make a short statement indicating whatever, but debating an issue and quoting what other senators have spoken about in debates on other legislation is clearly not a short statement. It is not a statement and it is certainly not short.

The President—Your point of order is correct. Senator Ludwig was given leave to make a statement, not to debate the issue. I believe the short statement has been rather elongated and I ask you to conclude your remarks.

Senator Ludwig—in relation to the point of order—have you ruled on the point of order, Mr President?
The PRESIDENT—I ruled on the point of order, yes. I ruled that you were debating the issue rather than making a statement.

Senator LUDWIG—Thank you, Mr President. I will return to the statement. I was using by analogy what has been said in previous debates. If they do not understand explanation by analogy and example then I cannot help them much further with that. In respect of the statement I am making, if you look at the bills that have been put before us—the Higher Education Support Amendment (Abolition of Compulsory Up-front Student Union Fees) Bill 2005, the Health Legislation Amendment Bill 2005 and the Telecommunications (Interception) Amendment (Stored Communications and Other Measures) Bill 2005—you will see that the last two are non-controversial bills. The Senate knows that; the government know that. Instead of allowing them to be dealt with previously, they have now wrapped them up to be dealt with in 15 minutes today. They could have been dealt with last night, the night before that or the night before that. We could have had a finalisation of the legislative program last night. That is what was on offer to the government, but they have not taken up that offer. They have not decided to pursue that. Instead, they have decided to take the extraordinary position that they have adopted today at 10 to two, which is effectively to thumb their noses at Senate procedure, the opposition and the minor parties as well as at their own senators.

The PRESIDENT—Order! Senator, I am going to put the motion. You have had sufficient time and the Senate has been rather patient.

Senator Bob Brown—I seek leave to make a short statement.

The PRESIDENT—Is leave granted? Leave is not granted.

Suspension of Standing Orders

Senator BOB BROWN (Tasmania) (2.35 pm)—Pursuant to contingent notice of motion, I move:

That so much of the standing orders be suspended as would prevent me making a statement.

I move that motion because this is an extraordinary manoeuvre by the government to prevent proper debate of a serious matter by the Senate. In 1974 the Greek generals sent the tanks into the University of Athens and crushed 19 students to put down dissent against their dictatorship. Two decades before that, Mussolini sent a letter to all the academics of Italy requiring them to sign allegiance to the Nazis. So fearful was that prospect that only 13 refused. The Howard government has a different way of dealing with the wishes of universities here. It simply ignores them and, with a mandate in the Senate, legislates regardless.

The vice-chancellors do not want this legislation, whatever the deal is that has been fixed up here today. The students do not want it. The people of Australia have never voted for it. Here we have the prosecution of a grudge by those neoconservatives opposite who feel that they were on the wrong end of things back in their uni days, and they are going to carry out that grudge by attacking universities across the country in 2005. That is the pre-Christmas spirit of this nasty government. A grudge is the last thing that they are going to make sure that they implement—that they carry through, that they get some revenge for—this year. It is the last bit of bad behaviour by this government, abusing the vote of the people, on this, the last day of sitting of the parliament in 2005.

Once again, I urge members opposite to think again about being part of this nasty, tawdry, undemocratic process that is occurring here this afternoon. It is the process that will be kept in mind by the Australian peo-
The sledgehammer that is being used here this afternoon is the Howard government’s version of the tanks—it is the Howard government’s version of the use of a ‘sign up or be expelled, if not executed’ regime that goes back to the 1930s.

_Senator Brandis interjecting—_

**Senator BOB BROWN**—We have the expert on Nazism now intervening from the benches opposite. This is sheer nastiness that is exemplified by the interjecting Senator Brandis opposite.

_Government senators interjecting—_

**Senator BOB BROWN**—As I said, we are unruffled about this. Senator Hill might get up and say, ‘Senator Brown’s this or that.’ I have seen all this before. I lived through the years of the Gray government—another out-of-control, neocorporate government, which left Tasmania with a $100 million black hole, amongst other things. We fixed that up afterwards, but it took a decade for Tasmania to recover. How long it will take this country to recover from the legislation we have seen in the last two weeks remains to be seen. We will live with this afternoon. The fact is that the government will not. The people will make their judgment on that in good, due time. That is the wonder of a democracy. I urge Prime Minister Howard, who is using these dictatorial methods, to look at the dictionary and look up the word ‘democracy’. It means ‘of the people’. It does not mean ‘ramming it over the people and sledgehammering it through the house of the people’, as is happening here this afternoon.

**Senator ELLISON** (Western Australia—Manager of Government Business in the Senate) (2.40 pm)—This is a procedural motion and there has been adequate and extensive debate in relation to this issue. It is entering into the time that we can address to the debate of the legislation today. Thus, I move:

_That the question be now put._

Question put.

The Senate divided. [2.45 pm]

(The President—Senator the Hon. Paul Calvert)

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_AYES_  

_NOES_  

CHAMBER
Question agreed to.

Question put:

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

The Senate divided. [2.49 pm]
(The President—Senator the Hon. Paul Calvert)

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**AYES**

- Allison, L.F.
- Bishop, T.M.
- Brown, C.L.
- Carr, K.J.
- Evans, C.V.
- Forshaw, M.G.
- Kirk, L.
- Lundy, K.A.
- McEwen, A.
- Moore, C.
- Nettle, K.
- Polley, H.
- Siewert, R.
- Sterle, G.
- Webber, R.
- Wortley, D.

**NOES**

- Abetz, E.
- Barnett, G.
- Brandis, G.H.
- Chapman, H.G.P.
- Coonan, H.L.
- Ellison, C.M.
- Fierravanti-Wells, C.
- Heffernan, W.
- Humphries, G.
- Joyce, B.
- Macdonald, J.A.L.

**PAIRS**

- Campbell, I.G.
- Ferris, J.M.
- Kemp, C.R.
- Lightfoot, P.R.
- Vanstone, A.E.
- Hogg, J.J.
- Hutchins, S.P.
- Milne, C.
- Ray, R.F.
- Conroy, S.M.
- Mageean, J.J.
- Conroy, S.M.
- Lightfoot, P.R.
- Hogg, J.J.
- Hutchins, S.P.
- Milne, C.
- Ray, R.F.

* denotes teller

Question negatived.

Allotment of Time

The PRESIDENT—The question now is that the motion for the allotment of time be now put.

Question put.

The Senate divided. [2.52 pm]
(The President—Senator the Hon. Paul Calvert)

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<td>Majority</td>
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**AYES**

- Abetz, E.
- Barnett, G.
- Brandis, G.H.
- Chapman, H.G.P.
- Coonan, H.L.
- Ellison, C.M.
- Fierravanti-Wells, C.
- Heffernan, W.
- Humphries, G.
- Joyce, B.
- Macdonald, J.A.L.
- McGauran, J.J.J.
- Nash, F.
- Patterson, K.C.
- Ronaldson, M.
- Scullion, N.G.
- Trood, R.

**NOES**

- Abetz, E.
- Adams, J.
- Barnett, G.
- Brandis, G.H.
- Chapman, H.G.P.
- Coonan, H.L.
- Ellison, C.M.
- Fierravanti-Wells, C.
- Heffernan, W.
- Humphries, G.
- Joyce, B.
- Macdonald, J.A.L.
- McGauran, J.J.J.
- Nash, F.
- Patterson, K.C.
- Ronaldson, M.
- Scullion, N.G.
- Trood, R.

**PAIRS**

- Conroy, S.M.
- Lightfoot, P.R.
- Hogg, J.J.
- Hutchins, S.P.
- Milne, C.
- Ray, R.F.

* denotes teller
Question agreed to.

Original question put:
That the motion (Senator Ellison’s) be agreed to.

The Senate divided. [2.56 pm]
(The President—Senator the Hon. Paul Calvert)

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AYES

Abetz, E. Adams, J.
Barnett, G. Boswell, R.L.D.
Brandis, G.H. Calvert, P.H.
Chapman, H.G.P. Colbeck, R.
Coonan, H.L. Eggleston, A.
Ellison, C.M. Ferguson, A.B.
Fierravanti-Wells, C. Fifield, M.P.
Heffernan, W. Hill, R.M.
Humphries, G. Johnston, D.
Joyce, B. Macdonald, I.
Macdonald, J.A.L. Mason, B.J.
McGauran, J.J.J. Minchin, N.H.
Nash, F. Parry, S.

Paisley, K.C. Payne, M.A.
Ronaldson, M. Santoro, S.
Scullion, N.G. Troeth, J.M.
Trood, R. Watson, J.O.W.

NOES

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.
Forshaw, M.G. Hurley, A.
Kirk, L. Ludwig, J.W.
Lundy, K.A. Marshall, G.
McEwen, A. McLucas, J.E.
Moore, C. Murray, A.J.M.
Nettle, K. O’Brien, K.W.K.
Polley, H. Sherry, N.J.
Siewert, R. Stephens, U.
Sterle, G. Stott Despoja, N.
Webber, R. * Wong, P.
Wortley, D.

* denotes teller

Question agreed to.

Higher Education Support Amendment (Abolition of Compulsory Up-Front Student Union Fees) Bill 2005

Second Reading

Debate resumed from 7 December, on motion by Senator Patterson:

That this bill be now read a second time.

Senator Bob Brown—Mr President, I rise on a point of order. There are seven speakers on the circulated list. I put it to the chamber that speakers might restrict themselves to 10 or 15 minutes, to allow all those speakers to have their say.

The President—I think that is something for the whips to work out, and it is not point of order.
Senator Bob Brown—But it is a very reasonable suggestion.

The PRESIDENT—It is not a point of order. It is a matter for the whips. In the normal running of the business the whips organise this, and they will do that again.

Senator Chris Evans—Mr President, I rise on a new point of order. What is occurring is that the government is manipulating the whips’ list to suit itself. The traditional arrangement between the whips has been frustrated again as the government seeks to abuse every process. I say to you, Mr President, the list is produced by the government to suit the government’s ends. I note that the government is overrepresented on the list, according to the proportions in the chamber. I think it is reasonable to ask that the government, as it has moved the gag and the guillotine, provides, to those who want to, an opportunity to speak. Otherwise it is again a complete abuse of any process for senators to make a contribution.

The PRESIDENT—There is no point of order. It has always been the convention of this place that the order of speakers is decided by the whips, and that is what will happen—

Senator Chris Evans—It has not been decided by the whips.

The PRESIDENT—I would ask you to read the Senate Procedure Committee report, page 13:

In many debates an agreed speakers’ list is compiled by the Whips and provided to the Chair, and Senators normally seek and receive the call in accordance with the list. The Standing Orders Committee in 1974 considered the status of that list and agreed that it is ‘unofficial and not a curb on the President, whose duty and privilege it [is] to say which Senator ... [has] a prior right to speak’, and that the list could be used ‘on the understanding that it is unofficial and must not be referred to in debate’. The Senate adopted the Committee’s report. The list should also be regarded as subject to each of the practices listed above.

Senator Chris Evans—I raise a point of order, Mr President.

The PRESIDENT—What is your point of order?

Senator Chris Evans—I want to use the point of order to make the point that it has not occurred in accordance with that procedure and that, of the seven people listed to speak, two are from the National Party. That is a rorting of the speakers list as well. They have rorted everything, and now they have even rorted the speakers list.

The PRESIDENT—There is no point of order. I call Senator Wong.

Senator Wong (South Australia) (3.01 pm)—What do we see here today? We see this government, in its arrogance, continuing to treat this chamber like its own private club. You may as well make this chamber an extension of the coalition party room, because that is how you are treating it. What we are seeing today is the government moving a guillotine on a highly controversial bill and then rorting the speakers list so that they still get to speak while senators on the opposition side are cut off. That is what we are seeing from this government.

And what have we seen today, fellow senators? We have seen the government engaging in a very new tactic for a last day of sitting: a government filibuster on its own legislation, just to allow the political manoeuvring over in the backrooms. What a confirmation that is that you treat the Senate as your own private club. Well, it is not your own private club. This is a chamber of the parliament of Australia and it deserves a modicum of respect, even for a government as drunk on power and as arrogant as this government has become in the short time it has had the Senate majority. This is being treated as nothing more than a meeting of the
coalition—although, actually, it is probably a meeting of only the Liberal Party, because it looks like either the Nationals have rolled over or the government has done a deal with Senator Fielding.

Let us just look at what has happened here today. We spent just under 3½ hours debating non-controversial legislation that the opposition was supporting—3½ hours on a bill that the opposition said we would pass quickly and efficiently last night. We also spent nearly an hour—three-quarters of an hour—debating whether or not the European bank would do development work in Mongolia. I have nothing against Mongolia; I am sure it is very important work that the European bank does. But, really, one would have thought the parliament of this country could have spent a reasonable time discussing important legislation like the bill that is before us, the Higher Education Support Amendment (Abolition of Compulsory Up-front Student Union Fees) Bill 2005, which has been guillotined. One would have thought that the Senate might have had the opportunity to debate more appropriately some of the legislation that we have been debating this week, or this VSU legislation we are on now, which the government wants to guillotine through. We will get half an hour for the committee stage, which is when we are supposed to examine the bill in detail.

We had just under four hours in committee on the Welfare to Work legislation. The industrial relations legislation was also guillotined, and we had 337 government amendments lobbed on the table, giving the opposition and minor party senators about seven seconds per amendment to consider it before we came into the chamber. So they guillotined terrorism, truncating that debate; they guillotined Welfare to Work to make sure there was insufficient debate there; they guillotined IR; and now they are guillotining VSU. Those are four highly controversial and important pieces of legislation that deserve proper scrutiny. People did not even know what they were voting on in the case of many of those amendments. We had hundreds of amendments voted on in a few minutes at the end of the guillotine.

Today they filibustered in the morning, talking about Mongolia and a bill that the opposition agreed with and agreed to facilitate, so that they had time to do their deal. That is what the Senate has been reduced to under this government: a filibuster in the morning and then, when it suits them, a guillotine and a gag in the afternoon. Somehow I do not think there was a conversion on the road to democracy. I do not think that occurred in the middle of the day. What has most likely occurred is a deal: either Senator Joyce has changed his mind or, if he is holding firm, Senator Fielding has changed his mind.

The opposition parties are here debating the bill and we do not know what the deal is. Senator Ludwig, in the previous, procedural debate, actually indicated that—that we do not know what we are dealing with—and I heard interjections from the other side: ‘Well, you’ll know soon enough.’ What arrogance! You are so drunk on power. You are so out of touch. You just sit there and sneer and say, ‘Well, you’ll know what it is soon.’ This is the parliament of Australia. If you are going to force legislation through, the least you can do is front up and tell us what the deal is. What sort of grubby political deal has been done to get this through? Have you held your people or not? Either Senator Joyce is doing the right thing and holding firm, in which case we are seeing the Liberal Party walking over the National Party again, driving the Nationals into oblivion, saying, ‘We’re not dealing with you, we’re dealing with Senator Fielding,’ or Senator Joyce is backing down.

CHAMBER
The other alternative, as I said, is that Senator Fielding has made an agreement. I do not know what I can say about that, because I do not know if there has been an agreement or not. I hope that Senator Fielding sticks to his word. He is quoted publicly as saying that a compulsory service fee in relation to student unionism is reasonable, if it is set at the right level. In the article about Senator Fielding in the *Herald-Sun* on 23 July the fifth point under the heading ‘The 10 commandments’ was that VSU ‘should be retained as it exists in Victoria’.

I hope Senator Fielding is continuing to hold the same position. We were very disappointed that he indicated public opposition to the Welfare to Work changes but changed his mind. Obviously, that is his issue. I hope that on this matter he is going to stick to the position he indicated publicly. I would welcome it if he did.

Let me be clear about the bill that is before us. We strongly oppose the Higher Education Support Amendment (Abolition of Compulsory Up-front Student Union Fees) Bill 2005. We oppose it and we defend the vital amenities, services and facilities provided on university campuses right across Australia which are under threat from this extreme legislation. Make no mistake, the bill before us will destroy vital campus services that support university students. Health services, child care, sporting infrastructure, counselling, clubs and societies, orientation activities, financial services, housing services and legal support services are all hanging in the balance. Yet we have seen no family impact statement and no assessment of what impact these laws will have on the capacity of many in our community to be supported at university.

Senators’ actions today will determine whether around 4,200 Australians will face losing their jobs. Those who stand opposed to this bill are standing in support of those services, facilities and amenities that are clearly threatened. We stand alongside those students and workers who will suffer as collateral damage because of the Howard government’s ideological vendettas and desire to settle old political scores. Mr Beazley has accurately described this legislation as the revenge of the nerds. But VSU is simply a nightmare set to befall our university campuses, and senators in this place have the power to pull the plug and stop this destructive ideological crusade dead in its tracks.

Labor have proposed a sensible compromise amendment to protect university student services while giving students the choice of whether or not they wish to belong to their student organisations. We stand here to support students, student services and student organisations. Under our amendment, a fee would be collected by universities for use on services for the benefit of students but compulsory membership of student organisations would be outlawed. Senator Joyce has circulated an amendment which is similar, in large part, to the amendment that has been moved by the Labor Party, and we encourage all those in this chamber to do whatever they can to rescue—to save—the vital services which are under threat from this extreme government and this extreme legislation.

The fact is, the education minister has been rushing, hoping and feverishly negotiating, trying to figure out just how much taxpayers’ money is enough to see the extreme views of a minority of Liberals extract payback from their student political foes. That is why we have all been held back here on a government filibuster. Surely Dr Nelson has better things to do than waste his time playing student politics. Sadly, it appears that is not the case. Sadly for university students across the country, Dr Nelson is resting his leadership hopes and shoring up votes for a future tilt at the deputy’s job, proving he is a
member of the diehard ideological vanguard opposed to anything called a union. As was remarked in the *Sydney Morning Herald* earlier this year:

With John Howard on the warpath, the only union that’s safe is the Australian Rugby Union. Unfortunately, if this legislation is passed, not even rugby union is safe—at least it is certain no university teams will be.

This bill prohibits compulsory membership of student organisations and also precludes universities charging mandatory fees for non-academic amenities and services. Noncompliance will put at risk a university’s entire funding. So we see a sledgehammer approach again from this government. It will use all the levers of government to hammer through its extreme and ideologically driven agenda.

There is also a brand new penalty provision which will fine universities if they do not comply with the Howard government’s ideology. It is no coincidence that each and every Australian university recognises the benefits of students’ contributions to the communities in which they study, socialise and learn. There is no doubt that student organisations help keep students at universities by offering the necessary subsidies and services that cash-strapped universities simply cannot offer. Perhaps one of the most poignant examples of that is child care. I think it is Flinders University in my home state of South Australia—and also the University of Adelaide, I believe—that offers subsidised child care on campus. That not only assists staff; it also assists single parents who want to go back to university to study in order to try and build a more secure future for themselves. These are the sorts of services that are under threat because those on the other side found it hard to win elections in student politics and have never forgotten it. They did not mind running and they did not mind holding office—when they won a position occasionally—but now they have the levers of government they want to impose their own extreme payback option on student unions.

This ideological vendetta of the Howard government ignores the valuable contribution that student organisations make to our community, both on campus and beyond. One very important way they do that is through sporting organisations. There has been a lot said about that. We have recently seen in the papers elite and high-profile sportspersons coming out against the government’s legislation. There are so many services which are potentially under threat—not only sport and child care but also advocacy services. The government completely ignores the help that individual students get from their student organisations. They are given help to appeal their grades. They get assistance if they have been treated unfairly or have been the victims of what might be described as common administrative glitches. This kind of persistent work—practical advocacy by student organisations for individual students and groups of students—happens every day in our universities. The associations go in to bat for these students, because student fees allow it and pay them to do so. This is one of the critical advocacy roles that will go if this bill becomes law, because it is hardly a service that can be run for a profit. If student organisations do not provide that service, the only other avenue left to students will be to resort to expensive legal representation, which, of course, the vast majority of students could not support.

We saw another example of the willingness of the minister to say and do anything on this issue when he told Kerry O’Brien on the *7.30 Report*:

Well, the experience in Western Australia, where voluntary student unionism like this was introduced in 1994, was that these services not only survived; in many cases they actually flourished.
What an extraordinary statement. This minister will say and do anything to get this agenda enacted—right down to the downright misrepresentation that is in that quote. Student organisations were decimated under this type of legislation in Western Australia and student services were lost. The legislation damaged services at all Western Australian universities. The Murdoch University Guild was in such a bad financial position that its auditors could not sign off on its accounts and it survived on loans. The Edith Cowan University Guild went into liquidation and closed all of its services. I could go on. I recall that Senator Eggleston, I think, publicly expressed disquiet about this legislation. Clearly the minister does not even speak to some of the people who are on his own back bench and who might actually be open to the facts in this debate. Unfortunately, the experience in Western Australia is the fate that awaits every single student support service organisation—slow decay and then collapse.

This agenda is political payback. Earlier in the year an article in the *Australian* reported that the President of the Australian Liberal Students Federation ‘helped education minister, Brendan Nelson, draft the legislation’. What more evidence do we need that this bill is about nothing more than petty vendettas that originate in student politics? Some of us, I hope, have grown beyond our experience in student politics and moved on to issues that, hopefully, might be of more concern to the broader community, but it appears that some on the other side are still in the same old paradigms and still fighting the same old wars they could not win at university.

Whilst the vanguard of the attack has been the current crop of Liberal students and their vociferous alumni gnashing their teeth on the government’s back bench, they have been lone soldiers. Quite frankly, the coalition of opposition to this legislation has been nothing short of extraordinary. Let us take stock of who has opposed the Howard government’s extreme VSU attack: student organisations, regional communities who use on campus facilities—

**Senator McGauran**—Vice-chancellors.

**Senator WONG**—vice-chancellors, university staff, campus chaplains—why don’t you interject on that, Senator McGauran?—sporting organisations, university staff, arts organisations, high-profile sportspeople and administrators, including prominent Olympians, high-profile performers and artists and, of course, members from all sides of this parliament. You cannot even convince your own backbench. There are a couple who are actually alive to what you are doing. They have all expressed their concerns about the impact of the government’s attack on university services.

Now is the time to take a stand. Let us back concerned words with firm action and take the 10 steps needed to save student services. The strength of opposition to this bill has forced the minister into humiliating delay after humiliating delay. There has been a humiliating filibuster today on non-controversial legislation, while in a frantic flurry of activity the government tried to get a deal with either Senator Joyce or Senator Fielding—or through their own party room.

When VSU was originally discussed by the minister it was going to start in 2006, but when that could not happen it was pushed back to 2007. After the ideologues on the Liberal back bench convinced the minister that you could not let good sense get in the way of extreme ideology, the education minister came up with the brilliant idea of a mid-2006 starting date. Those opposite are desperate to take vengeance on those who beat them in elections for the working groups of the subcommittees of the boards of manage-
ment of their university student associations during the seventies and eighties. That is why they want to impose an administrative nightmare on our universities. Hell hath no fury like a Liberal politician scorned. It is plainly obvious that this new mid-year starting date is administratively unworkable. After amendment in the House, the punitive sections of the bill will not apply until 1 July 2006, unless you are a new student enrolling in a new course of study commencing after that date. But, presumably, if you are a student during first semester next year, it will still be possible that during second semester you will be required to pay your union fees to support the vital range of campus services. Is anyone else in the chamber confused? It is not surprising if we are. Certainly the universities are.

This government has been in disarray on this piece of legislation. We have seen that disarray play out before us on the floor of the chamber; government members filibustered in the morning and then suddenly had a conversion and voted for a guillotine and a gag on this debate in the afternoon, after getting their riding instructions. This government has tried every trick in the book to get its way. Those who get on their feet and speak in this debate, including me and those from the opposition and minor parties who will get up after me, do not even know what the deal is. Unless someone has told us in the meantime, none of us even know what the proposition is. Is there an amendment to be moved? Is there some additional funding we do not know about? We have not had anything from the government on this. Perhaps there is a funding offer where senators are being offered millions of dollars in taxpayers’ money to massage this legislation past rightful and principled opposition.

The fact is nothing has been confirmed on the public record or in this chamber on what this deal might be. All we have is media speculation—reports that, in order to secure cash grants, universities would be asked to ‘clearly demonstrate a drop in the number of students paying a compulsory fee had affected the viability of sporting recreation facilities’. What that would mean is that universities would have to wait for their facilities and services to decay before being able to access the funds. That is very logical. Let them run down, let them prove they have run down, then they can come back and ask for some money from the government. We have not been provided by this government with any proper assessment on the impact of this legislation—and certainly no assessment of its impact on families.

There is no legislative guarantee that any money that is on the table will be appropriately allocated. I hope in the discussions with the senators on the other side who have expressed concern about this that that has been made clear. Today senators are being asked to lay waste to our university campuses and their vital student services on the promise of a minister who, a little more than a decade ago, said that he had never voted Liberal in his life. There is consistency for you: he had never voted Liberal in his life! The only way to save student services and universities is to allow all universities to levy a compulsory fee for amenities and services. Labor’s amendment will save university student services. We stand opposed to this legislation, which will be terribly damaging to the services provided. We urge all senators to do the same. (Time expired)

Senator STOTT DESPOJA (South Australia) (3.21 pm)—As the only person from the Democrats who will get onto the speakers list today, I rise on behalf of the Australian Democrats to make it very clear that we strongly oppose this legislation and the process that we have observed today in this place. Today is Freaky Friday in the Senate. On Freaky Friday we have talked for an hour or
so on the European Bank for Reconstruction and Development involving Mongolia and spent 3½ hours on a non-controversial, bipartisan supported bill involving the establishment of Carnegie Mellon and a change to the ESOS Act. That is 3½ hours of valuable, taxpayer-funded Senate time. Earlier this week, 2½ hours was good enough for antiterrorism, which is arguably the most significant piece of legislation in this parliament’s history, let alone in the last almost decade of this coalition government.

Welcome to Freaky Friday, where we do not care about democracy. Democracy, schemocracy! We do not care about informing people about what deals may or may not have been brokered in this place. We do not care if people get to speak. We do not care if people know what we are voting on. In fact, we do not even care if we get to put our amendments separately, because democracy in this place is dead. It does not matter that the standing orders still apply or that we have process, because I have seen every convention—or every convention with which I was familiar in this place, anyway—abused in this place in the last two weeks. But this takes the cake. How ironic that we are debating a bill that deals with issues of democracy, control of student affairs and the use of dollars at university campuses that are usually otherwise organised through the university and its student associations, university unions and guilds. How ironic that we are talking today about pulling the rug out from under those very support services, amenities and representative, sporting and other services provided on campuses, and we are doing it in minimal time. We have 1½ hours for debate, if you are lucky enough to get onto the speakers list in this newfound democratic place, and half an hour for the committee stage in case you want to talk about the amendments that at least two senators have moved to this bill. Half an hour for amendments—what a joke!

Senator Wong is right. What is the deal? My gosh, Freaky Friday has now turned into a television program! What is the deal? How did Senator Fielding’s meeting with the Prime Minister go this morning? I ask only because I am genuinely interested. I hope that it was fun and a nice exchange of views. I would not mind knowing, just for the record, whether a deal was struck. I do not want to pre-empt anything Senator Fielding might add in this place—or Senator Joyce, as the case may be. Just tell us! One thing I will say is that all of us have done deals in this place. All of our political parties have been party to deals with each other. But you will not find the Democrats having done a deal without negotiation, consultation and making it transparent. People may not have liked the deals we have done. I might not even have liked some of the deals we have done. But we know about them and we tell the Senate with less than five minutes to midnight.

This abuse of Senate process this week is as embarrassing as it is dictatorial. The upper house is being abused and eroded in a shameful way. This is not a house of review; this is a joke. It seems to me that there are smug and contrite faces on the other side. I am always very wary of reflecting on people personally, but I tell you what—the hubris in this place is just coming off people. It is palpable. What arrogance—we spent the morning in a farcical debate about Mongolia and Carnegie Mellon because people wanted to make a deal behind closed doors. Now we are debating the deal and we do not even know what it is. Does that suggest that maybe we are in for a shock? Maybe the numbers really are in the balance. Maybe we are going to have a considered debate and people can make up their minds on the floor. They can observe, assess and debate the amendments and then make a considered
decision. Of course we won’t, because you cannot do it in 1½ hours of debate and half an hour of committee stage.

The bill is so significant. This bill has at least $600 million worth of consequences for student organisations, sporting facilities, people’s jobs and also for those students who might not even actually be on campus—that is, aspiring students. This has huge consequences—generational consequences. It has consequences for regional, remote and rural areas. It has consequences for campuses. It has consequences for the universities. It has consequences for communities. We are dealing with it in a token 1½ hours—less than the amount of time for a non-controversial, cross-party supported bill dealing with Mongolia. This is extraordinary.

Let us talk about this legislation. The likely effects of this bill have been well documented in a committee report. They are broad-ranging and devastating. We are talking about emasculating student services that have served our universities well for decades. I ask: what was it about the university experiences of members that was so bad, so chronic and so traumatising that so many of them in this place have come armed with this vendetta? They want to get their hands on university student organisations and completely destroy them. What was it? What happened?

Look at the cabinet ministers with university degrees: the Prime Minister, ministers Downer, Costello, Hill, Minchin, Abbott, Ruddock, Coonan, McGauran—the other McGauran—Vanstone, Nelson, Patterson and Andrews. What happened? I will tell you what happened. They went through university and most of them—and I will stand corrected quite happily if need be—got their university degrees on the public purse. Publicly funded and accessible education I will defend until I die. What is wrong with the people who got it, though? They are not prepared to defend it. In fact, they want to go one step further. They want to use misrepresentative phrases like ‘freedom of association’ to justify their wrecking of revenge on the student organisations. It was good enough for them, but it is not good enough for the next generation of students. It is not good enough for students today and it is not good enough for students tomorrow. What happened to them? What was so bad and tawdry about their university experiences? I hate to think.

This is part of a broader attack. We have all seen it. We have all seen the legislation come through in months and weeks and years. There have been HECS hikes, up-front fees, deregulation of the postgraduate sector and further fees and charges for overseas students. In fact, just this morning, without wishing to reflect on a vote of the Senate, we passed the Education Services for Overseas Students Amendment Bill—everyone would remember because we spent quite a bit of time on it; 3½ hours, I believe—which actually ensured that a compulsory student services fee was charged for overseas students. How ironic! We did not hear about freedom of association then—well, we did from Senator McGauran, but that is because of a mistake. He did not know what the bill was about.

So: overseas students, domestic students and university autonomy—for the first time in history a minister has the greatest power ever to interfere in the courses run by a university. ‘What about the ARC?’ I hear you ask. What happened to that board? What are we going to do to that? The minister now has discretion to not fund decisions and recommendations by the ARC. Are we allowed to know why that is the case? Of course we are not. It is not publicly transparent. It is not available. It is not accountable. It is not on record. It is not tabled. It is not even in the
annual report. There is a long list of attacks on the university sector, but this one is a beauty. This is the one that not only enables the government to wreak revenge and have their ideological political direction—whatever that may be—but also single-handedly undermines the services provided by those universities.

It also takes away their voice. This is the other part of this debate: representation, advocacy, counselling and welfare—all these important areas are lost. I understand that there are many people in this place and their families that may not need assistance. They may have enough money to get them through. That is okay, but most students do not. Most communities do not. Most of the committees that are going to be hit hardest by this bill are those who happen to be poorer or, indeed, live in regional, rural or remote areas—a fact that I think is acknowledged by some on the other side.

So we are talking about stifling dissent. Are we in this place really so scared of students in their organisations feeding into the democratic process, even protesting against what we do with this place? Are we really so scared that we are going to completely destroy their opportunity to organise at all? Student affairs should be student controlled. It is the basic premise, a basic message, and one with which I agree. I am not fooled by terminology such as ‘freedom of association’ nor am I fooled by the notion that a fee that is charged in a universal fashion on a university campus is akin to trade union membership, because it is not. The court cases and the legal research prove it. This fee is more akin to council rates, the kinds of rates that we contribute to a community, as we do as members of a community. Our rates are paid to the council for the services and the amenities that they provide.

Mr Acting Deputy President, I appeal to you and others on this note: when we talk about communities, universities are just that—or at least they used to be. They are not just machines producing academic qualifications with a degree at the end. They are a holistic experience. I know that I have lost this debate but I still feel as though it has to be put on record because it means so much. It is not just an Australian tradition or an Oxbridge tradition; it is a tradition around the world. People are encouraged to expand their cultural, social, political, sporting and, yes, even religious horizons. That is what university is about. Otherwise we would all stay home and get qualifications by other means.

Mr Acting Deputy President, do not misunderstand. I do not doubt the worth of any kind of education. Lifelong learning is a passion and it is one we all feel strongly about. I have no doubt about it. I do not suggest for a moment that vocational education and training has any less worth—of course it has not. Education in itself is the key to empowerment, equality, enlightenment and democracy, so of course we all subscribe to the notion of lifelong learning, and one aspect of that is the university experience. It is different from TAFE. It is different from school. It is different from WEA. They all have their place but university as an experience is what we are talking about today, and it is the experience that we have single-handedly, or at least consistently over time in this place, destroyed.

We keep forgetting that some people cannot afford to go to university. They cannot afford to go to TAFE either where upfront, full fees apply—and before anyone interjects that I have got a problem with TAFE or the voc ed sector, please do not misunderstand that. There are people out there who were able to access universities as a consequence of the abolition of tertiary fees in the 1970s under Whitlam. That is a fact. There is re-
search that tells us that fees and charges remain a financial disincentive and a psychological one for students entering into and participating in higher education. When you combine that with a lack of student income support—and let us face it, it is woeful and anyone who read the latest Senate inquiry into that will acknowledge the below poverty line levels of supplementary income for students particularly those from regional campuses—it is just not good enough. So when you combine fees and charges and debts the size of your parents’ or your own mortgage, it starts to add up.

When you finally get to university, what support structures ensure all students, young or old—mature age as well as those who have just left school—and particularly those from lower socioeconomic groups, can participate in this university experience? What support structures are there to ensure that there is help with their child care, with their advocacy, with their welfare, and indeed with representation, with media, sporting activities, clubs of all kinds, subsidised catering, the bars and other activities? There is an extraordinary breadth of activities.

If we do not like those activities, if students on campus do not like those activities, they have input to the process of deciding the disbursement of those funds. I am not suggesting they are always perfect—of course they are not. It is like suggesting that all democratic institutions are perfect. D’oh! We are not exactly a perfect institution today on this Freaky Friday, Mr Acting Deputy President. In fact I think that our democratic structures could do with a little tightening up. Nearly every—indeed, I stand corrected—every institution, every university in this country, now has a conscientious objection clause. For those people advocating freedom of association, there is your out. Nobody wishes to ensure that you belong to a union, guild or association that you find offensive or that is somehow contrary to your conscience, and nor should you.

We are not talking about that; we are talking about the payment of a fee that is supported by the key representative groups and key organisations in the sector: the Council of Australian Postgraduate Associations; the National Tertiary Education Union; the National Union of Students; the National Liaison Committee for International Students; and the AVCC, the Australian Vice-Chancellors Committee—not always the most radical group out there, with all due respect to some of the vice-chancellors on that committee, but they are united and they are united on this issue. When you have the vice-chancellors, the key administrators of universities in Australia today, saying, ‘This is bad law,’ then we should be listening and taking note.

It is not only those organisations; it is individuals, high-profile and prominent Australians, ordinary Australians and people who have been involved in the arts, sport and a whole range of activities. They have all said how they feel about this bill. They have made it clear in full-page advertisements. How ironic. I have a copy of the second full-page advertisement this week that an organisation have felt compelled to take out because they just do not believe their government is listening in any other way.

I recall reading on Tuesday, once again, the John North/Law Council full-page advertisement. They were so desperate for a response to their originally private letter to the Prime Minister of this country, where they outlined their fundamental problems with human rights and civil liberties breaches in arguably the biggest piece of law we have dealt with in this place in a century. Look at the names of the people: Cate Blanchett, Barrie Kosky, Nadine Garner, Nell
Senator McGauran—Never heard of them.

Senator STOTT DESPOJA—They are all political enemies too, are they? Whoops. If you do not agree with the artists, the journalists, the writers and the sports heroes, it is just extraordinary. The government cannot deny the strength of ill-feeling towards this legislation, because most people in the community know what it is about. They know why this is being moved. They understand that this is vengeance and vendetta dressed up as some kind of support for freedom of association. How misleading. In recent days we have heard about deals, discussions, negotiations and bribes, because that is what they are—$80 million here, $100 million there; ‘Whoops, I will raise you $120 million if you sell out students for today, sell out university experience and forget the aspiring graduates of tomorrow.’ Do we honestly think that $120 million is going to compensate for the job losses, lost services and lost amenities?

We have heard a lot about those things but, as has been made clear today, we do not know what the deal is. That is the deal: a blank sheet. We have nothing. I sincerely hope there is no deal, but I have to admit—I listened to our Prime Minister on television last night and again, I believe, on radio this morning—that the Prime Minister led us to believe that he was not going to pursue this legislation unless he felt he had some prospect of success. So I can only believe that he feels he has some prospect of success and that is why we spent this morning filibustering and debating bills that were non-controversial and unnecessary for that time frame of debate.

I will not necessarily get a chance to speak in the committee stage, given that we have only half an hour, so I say now that the amendments are an attempt to ameliorate the worst aspects of the bill. The ALP’s are better than Senator Joyce’s—for those of us who have read them, and I am sure that everyone is au fait with the amendments here—but they do not go far enough and I think that is acknowledged by the movers. At this point, I think we are all desperate to do something to ameliorate the impact of this legislation, such as it is. We are desperate to do something that recognises that maybe we are not in the best position to make these decisions. How dare our government talk about using taxpayer funded dollars to compensate universities for the money that students would otherwise be paying. What about user pays? (Time expired)

Senator BOSWELL (Queensland—Leader of The Nationals in the Senate) (3.41 pm)—The Senate is debating the Higher Education Support Amendment (Abolition of Compulsory Up-front Student Union Fees) Bill 2005. The Nationals have long supported the abolition of student union fees, believing that no-one should be forced to join a union or that their money should go to people or events that they do not support. The Nationals’ policy is to support the abolition of compulsory student union fees while also looking after the educational and other needs of students, particularly in regional areas.

This legislation gives effect to the abolition of the fees, while The Nationals have argued strongly for and secured a funding package of some $80 million that will contribute to non-educational university amenities and services. We went to the Prime Minister and to the Minister for Education, Science and Training, Dr Nelson, and put our case in the strongest possible terms. The funding package would not be there today if it were not for the National Party. I believe it answers our policy resolution on VSU as much as is possible at this time. I am aware
that there is a proposed amendment from my colleague Senator Joyce, which will be moved in the committee stage but which is not supported by the government.

It is necessary to canvass the issues raised in the second reading stage in order to outline why I support the bill before us. It is tempting to cross the floor to applause from vested interests. In my younger days I may even have given in to the temptation. It is hard to resist the bright lights and popular talk shows of the media. It is hard to resist the magnet of a high profile. Every person in the Senate today has that same opportunity. Fourteen years in opposition teaches you that the only way you will win and hold onto government is to have a tight and sustainable coalition. And if you are not in government, you have nothing to offer your constituents. However, if I were to vote against the government at any stage of this bill, as a party leader in the Senate there is no doubt that I would put the coalition under tremendous pressure.

The Nationals come to Canberra with a distinct policy focus and we argue for that in the party rooms and forums available to us. We benefit from access to ministers and have voices in the cabinet room. There are two alternative approaches from then on: either you abide by the coalition party room decision and go out and sell the joint decision or you take it upon yourself to publicly disagree. There are pros and cons with each strategy, as most senators understand. You can sell yourself for going against the government or you can go with the team approach that secures government and holds you there.

It was The Nationals’ voice in the coalition that got the package for university funding. There would not have been any such funding had The Nationals not gone in and fought hard for it. Not only that; as with all legislation we will monitor the situation of non-educational services at universities closely. If the package is not enough or is not working out properly, The Nationals will be the first to negotiate with the minister for a better deal. This is what is on the table today and we have to go forwards, not backwards. We have to be a coalition to have government and to have ministers that we can go to.

It is no secret The Nationals have had concerns about facilities at regional universities. I do not think we could have expressed those concerns more vigorously than we have at every opportunity in the forums available to us. We have pushed the cause of these students as far as we are able. There comes a point in a coalition relationship where both sides have moved to accommodate each other and can go no further. Then it is up to the coalition as a whole to step together, not to draw apart in conflict. That is why this coalition government has been so successful. There has to be give and take. Individually we attract a wider pool of voters than we could if we were amalgamated. We then bring them together under a coalition. We bring government to all those people.

Unfortunately, the same situation does not always exist at state level, which is why we have so many state Labor governments. It would be dangerous to try the state version of coalition in Canberra because that would put huge pressure on the federal coalition. There is a view from some in Queensland to support an amendment to this bill, even though none was put forward by our colleagues in the lower house. It is possible that any such amendment could be the straw that would put considerable pressure on the coalition camel’s back if I were to give my support to it as a Senate leader. I will not put a successful coalition government in jeopardy because the implications of that would be far worse for The Nationals’ constituents than the applause that may come from supporting
an amendment not sanctioned by The Nationals party room or the joint party room.

The condemnation that would fall on The Nationals if we were to undermine this government would pull down our electoral prospects to a position from which we would never recover. To my critics waiting in the wings, I say that I do not have the luxury of a populist stand on this.

_Senator Lundy interjecting—_

**The ACTING DEPUTY PRESIDENT (Senator Brandis)**—Order! Senator Lundy, Senator Boswell will be heard in silence.

_Senator BOSWELL—_ I have negotiated sincerely and with great effort to bring about a compromise that satisfies both coalition partners. My record across many industries and issues shows that I will always go into bat if there is a hole or an oversight in government policy or a need for government action. The bill should be supported. There are always ways to deal with any shortcomings if and when they arise. It is far better to be in government to be able to address issues as they arise than to be locked in opposition with no way to deliver for your constituents.

My stance on this bill is all about supporting the coalition as the best structure to deliver good government for Australia. It is about making sure that students who are external or part time do not pay for services they never use, so straightaway they are better off by hundreds of dollars. It is all about saving money for many of The Nationals’ constituents who struggle to send their kids to uni. The football fields will still be there tomorrow and there will still be students playing on them, but they will be about $600 better off. Sure, everyone has a wish list when they come down here and enter the party rooms. I believe that I have achieved a great deal for The Nationals’ constituents because of the coalition.

I am enormously proud of this government. Over the last decade we have turned the nation from a shipwreck into an aircraft carrier. We have not just weathered the storms of international economic crisis; we have prospered as a nation. We have created employment and wealth and given our children a future. Those achievements are directly due to the fact that we have held this coalition together.

At the last federal election I was fully involved in The Nationals’ Queensland Senate campaign and worked tremendously hard to win that seat for The Nationals and Senator Joyce. That has meant much to the coalition. Together with Senator Joyce, the National-Liberal coalition has some wonderful achievements to look back on this year with the passage of major legislation.

It must be recognised that it is not easy for National senators to get elected. We have to distinguish ourselves from other candidates, yet not jeopardise the coalition. There is a fine balance required. I relish my job because I can deliver for many industry groups, from sugar and fishing, tobacco growers, wheat growers, graziers, miners, ethanol producers, banana growers, pork producers and ginger and pineapple growers to super-yachts and small business. I can go directly to the Prime Minister, the Deputy Prime Minister and ministers for action. I can deliver road funding, mobile phones and the internet to remote Australia. I travel from Normanton and Boulia in the most far-flung regions of my great state of Queensland and help them with tourism and development projects and infrastructure. I can be a voice for social conservative voters and influence the political agenda on issues such as abortion, RU486, stem cell research, euthanasia, pornography and so on.

_Senator Lundy—_ Mr Acting Deputy President, I raise a point of order on rele-
vance. Senator Boswell has completely gone off the track. He is not addressing the bill that is about to sell out students around Australia and I ask you to draw his attention to the bill.

The ACTING DEPUTY PRESIDENT—There is no point of order. Senator Boswell’s remarks are relevant to the debate on the second reading of the bill.

Senator BOSWELL—It is tempting to cross the floor on occasions and rev up my short-term personal vote. In these days of cynicism against politicians and political institutions, it would be popular too. But the day we allow populism to triumph in our parliaments is the day the ship of state sinks. There are those who wait for me to support the government on the existing bill so that they can pull me down. But I would rather go out fighting for good coalition government than leave on my knees to populism.

Senator FIELDING (Victoria—Leader of the Family First Party) (3.52 pm)—This issue has been a vexed one for me and for Family First. I have looked at the issue on its merits and I genuinely believe the argument can run both ways—to retain compulsory student union fees or abolish them. I have been asked constantly for my views about the Higher Education Support Amendment (Abolition of Compulsory Up-front Student Union Fees) Bill 2005—for many days and weeks—and have given an honest answer, telling my parliamentary colleagues, the media and my constituents that I have not made up my mind on the bill. I have had a great deal of trouble deciding on this legislation because there are strong advocates for both sides mounting good cases.

Family First has met with a range of groups, including the Australian Campus Union Managers Association at RMIT in Melbourne, as well as Sydney University Sport. I have listened to arguments by the Minister for Education, Science and Training and the Prime Minister. I have also spoken with the opposition leader and met with the shadow minister for education. I have had numerous delegations in my office, ranging from the National Union of Students to Christian student groups to the Australian Vice-Chancellors Committee.

While this bill is about an issue that is close to the hearts of many coalition members, that is not something that bothers me. I am not fussed by the noise surrounding this issue nor interested in the politics. The matters I have been pondering include what is education and what is the purpose of education, what services should be provided at tertiary institutions and who should pay for them, what obligations do tertiary institutions have and whether people at tertiary institutions receive preferential treatment in terms of access to subsidised services that others in the community do not have. I am also conscious of the need to promote higher education and access to higher education, particularly for people from the outer suburbs and regional areas.

Family First believes this bill raises two central issues. The first is compulsory student unionism—whether students should have to be members of unions or associations. The second issue is whether students should be required to pay a compulsory fee for services and whether those services are an essential part of a university experience. There are a range of conditions under which students pay amenities and services fees. Part-time students and those at regional campuses or studying off campus usually pay less than full-time students at metropolitan campuses. Most universities do not require membership of a student union or provide an exemption for students who do not want to join a student union. However, all students are required to pay the compulsory charge.
Family First is opposed to compulsory unionism and believes students should have the freedom to choose whether they belong to a union or any club or association. In relation to paying compulsory fees, the question we need to ask is whether, if we abolish compulsory fees, we will cut out many of the services that exist on universities. How many of these services would continue without a compulsory fee and how many are really essential? Do any of these services mean the difference between a student being able to attend a university or not? I am persuaded by the argument that many services would not continue in the same form if this bill was passed. But it is argued that services that students really want, and need, will continue.

Current and former university students have told me of their frustration at having to pay a compulsory fee for services they have never used. Others have spoken passionately about the need to subsidise services such as legal advice, housing assistance, counselling and child care and how important these are to students, particularly those from more disadvantaged backgrounds, as well as some mature age students, such as single parents returning to study. In Victoria, student fees range from about $130 to $440 per year, which is a lot of money to many students and many families. I remember when I was an engineering student. Being one of 16 children, I am fully aware of how compulsory amenity fees can stretch people and I can understand how students would prefer to spend the money elsewhere. Are we imposing hardship on some students right now?

These are the sorts of issues I have been considering, as well as trying to ponder the possible consequences if this bill is passed—particularly what the unintended consequences might be. I have found it difficult to focus on the issues given the overloaded legislation schedule we have had in the Senate this past fortnight. I ended up locking my office door last night, because a number of colleagues—all well meaning—kept dropping in to offer advice and it was difficult to focus on the details. While it has been hard to find time for quiet contemplation, I have been able to weigh up these issues, clarify these views and finally arrive at a decision. I have also put all the politics and noise aside. As I said at the outset, I have focused on the merits of the bill before us—nothing else. And, when Family First votes, let me stress that Family First will be voting on this bill and nothing else.

Senator NETTLE (New South Wales) (3.59 pm)—There we go. There is the deal. At four o'clock on a Friday Senator Sell-Out comes in here to tell us that he has sold out students across this country.

The ACTING DEPUTY PRESIDENT (Senator Brandis)—Order, Senator Nettle! Senators will address other senators by their names, not by offensive nicknames. Senator Nettle, withdraw that, please.

Senator Conroy—Mr Acting Deputy President, I rise on a point of order. Withdraw what?

The DEPUTY PRESIDENT—There is no point of order. I have called Senator Nettle to order.

Senator Conroy—I am asking what phrase you’re asking to be withdrawn.

The DEPUTY PRESIDENT—I am sorry, Senator Conroy; there is no point of order. I am calling Senator Nettle to order.

Senator Conroy—I am asking what phrase you’re asking to be withdrawn.

The DEPUTY PRESIDENT—I am sorry, Senator Conroy; there is no point of order. I am calling Senator Nettle to order. Senator Nettle, Senator Fielding will be addressed by his name. Senator Nettle, you have the call. You will address Senator Fielding and all other senators by their names.

Senator NETTLE—Yes. Senator Fielding has sold out Australian students at universities across this country—not just students who are studying now but generations of students who will come through Austra-
lian universities and who will not be able to access the services that senators in this chamber accessed while they were at university. Students will not be able to access services like child care, for example. They will not be able to enjoy the fulfilment of campus life or have the opportunity to have full knowledge and experience of university. Senator Fielding has sold out students who choose to involve themselves in a whole range of different clubs on campus. That includes students who choose to involve themselves in Christian clubs on campus, and we all know that there are many of those. Senator Fielding has sold out those students and their Christian clubs here in the Senate at four o’clock on a Friday. He made the deal with the Prime Minister this morning and then he came in here at four o’clock and said: ‘I’m going to sell out all those students. I don’t care about those students.’

What about the mature age student who wrote to me who studies at the Ourimbah campus of the University of Newcastle? She is studying mathematics and fine arts. She is a single mother with four children alive and one child deceased. Her youngest child is disabled. She wrote to me about the great benefit that the compulsory student amenity fee has provided for her. She said:

If this fee is made voluntary few students would pay it. This would mean a great deal less support ... for students like me.

She talked about how she wishes to start a degree in teaching next year and about how it requires a compulsory practical component. She wrote to me about her student association, which provides the on- and off-campus insurance that will allow her to do the practical component of her course. The practical component of her course is being put in jeopardy by Senator Fielding here this afternoon. This mature age student with four children, one of whom is disabled, who relies on the services at her campus, will not be able to access the child-care services that she currently accesses at her university. I have received a raft of these letters. I have visited 23 campuses around this country, talking with students about the impact of voluntary student unionism. I have also met with the managers of student unions, who are right now making decisions about which services they will have to cut, thanks to Senator Fielding.

Government senators interjecting—

Senator NETTLE—How many child-care centres will be cut out of Australian universities, thanks to Senator Fielding? How many services will be stripped from students, which will mean that they will not be able to continue with their study, thanks to Senator Fielding?

Government senators interjecting—

The DEPUTY PRESIDENT—Order! Government senators will come to order. Senator Nettle should be listened to silence.

Senator NETTLE—It is worth reminding the chamber, especially members of the opposition who are here and who I know are extremely disappointed with the outcome we have today, that Senator Fielding is in this chamber because of the Australian Labor Party. Senator Conroy has been over here trying to find out what is going on with Senator Fielding. Senator Conroy, it was your party in Victoria that gave preferences to Senator Fielding, which allowed him to come in here today, at four o’clock on a Friday afternoon, and sell out Australian university students now and into the future. It is worth acknowledging that that is why Senator Fielding is here today and that is why he is able to sell out the university students of today and the future.

What does Senator Fielding say to the students who write to me? Another student from the Ourimbah campus of the University of Newcastle wrote to me to say that he
saves every year for enough money to be able to go with his touch footy team to play at the University Games. He wrote to me about how much money he saves up every year to go on those trips, to be able to spend money in the regional centres where his touch footy games are played for the university. This is being ripped away from him, thanks to this government and Senator Fielding. I applaud the two young women students from Macquarie University who was at a hockey game recently which the Minister for Education, Science and Training, Minister Nelson, attended. I applaud those two young girls, who are members of the Macquarie University hockey team. They held up a sign which said: ‘My hockey team will not be playing next year because of this man.’

Senator Ronaldson—Pay the fee, get the service.

Senator NETTLE—That sign was pointed at Minister Nelson.

Senator Ronaldson—Pay the fee, get the service. What’s wrong with you?

The DEPUTY PRESIDENT—Order, Senator Ronaldson!

Senator NETTLE—Perhaps they should hold up another sign which says that their hockey team will not be able to play in future hockey games with a whole range of other universities not just because of Minister Nelson but also because of Senator Fielding, who got in here on the preferences of the Australian Labor Party.

Senator Fierravanti-Wells—Whose preferences did you get in on?

Senator NETTLE—There are university students whom we all met with—perhaps not many that Senator Fielding has met with—

Government senators interjecting—

Senator NETTLE—Senator Fielding talked today about the number of students who had been in his office. I am not sure how many of those students Senator Fielding actually met, but there are students now and there will be students into the future who will have none of the opportunities and choices that Senator Abetz and Senator Mason got to enjoy at university. They will not have those same services. I am very interested to hear what Senator Fielding has to say about the compulsory payment of taxation in our community.

Government senators interjecting—

The DEPUTY PRESIDENT—Order! There are too many interjections and there is too much audible conversation. Would everybody please do Senator Nettle the courtesy of listening to her in silence.

Senator Fielding came in here today and said, ‘I don’t think that students should have to pay for these services.’ I wonder what Senator Fielding thinks about people in our community who have to pay for the roads that they drive on and the child-care centres that their local councils run out of their council rates. I wonder what Senator Fielding has to say about the football fields that are provided and maintained out of funding that is given to local councils. I wonder what Senator Fielding has to say about all these sorts of services that can only be provided to the high quality that they are provided to if everyone chips in. This goes to the very question of whether people should be contributing to services for everyone to use.

This is why the Australian Greens support not just universal student services on campuses that are run and controlled by students but also universal public services in our community—public services like health and education. The government are only to able to provide those services because everyone chips in. Maybe some people do not use the child-care centre, perhaps not right now. Perhaps in a few years they will; perhaps
their parents used it. But the services are only there because everyone has chipped in. Those services will not be there in the future at Australian universities, thanks to this government and Senator Fielding coming in here and selling out university students in Australia and university students into the future.

We have heard examples of what has happened at universities in Western Australia. They have simply not been able to provide the same level of services. When you say to somebody, ‘Do you want to pay taxes?’ funnily enough, most people will say no. So when you say to students, ‘Do you want to pay for these things?’ funnily enough, they do not all say yes. That is why we have compulsory taxation in this country, and that is why we should have a system where everyone in that community contributes like they do in the broader community—contributes to ensure that those services are there.

Let me give another example. A postgraduate student who studies at Flinders University in Adelaide has written to me. This student goes through the services that are provided at that postgraduate organisation and compares the costs that students pay currently for those services with the costs of similar services that are available in the local community. For example, at the child-care centre that exists at Flinders University, students are charged $60 per semester for one child and $5 for each additional child. Let me say that again for all those mothers who are thinking about how much they pay for their child care: if you are a postgraduate student at Flinders University you pay $60 per semester for one child and $5 for each additional child. By comparison, the closest child-care facility to Flinders University charges $235 per week for one child only.

This is the choice that this government wants to give mature age university students with children who need to access child-care services. Would you like the choice of paying $235 per week to have your child in the local child-care centre, or would you like the choice of paying $60 per semester for your child to go to those services? That choice will not be there if this legislation goes ahead, because that university will not be able to provide the same kinds of subsidies to enable university students to send their children to that child-care centre for just $60 per semester. The choice will not be there.

This legislation is not about choice. This legislation is about taking away student choice; it is about taking away student voices. Here we are in here, right at the end of the year, 9 December, at a quarter past four and all the students are doing their exams, have gone away on holidays or are out there feverishly working to earn enough money to pay their way through university next year. They are not able to be here making sure that their voices and concerns are heard in the debate. So it is left to us to read out these letters and examples that we have received or heard from the students we have visited around the country, because it is the students who are being sold out today. It is the students who are having their throats and voices ripped out, ensuring that they do not get to have a say about what happens on their campus.

Senator Abetz over there got to have a say about what happened on his campus when he was at university, and Senator Mason over there got to have a say about what happened on his campus when he was at university, but this government and Senator Fielding want to make sure that students in the future do not get to have a say about what happens with the money that they contribute to ensure services are there for all students on their campus. The government and Senator Fielding want to make sure about that, and they will do it in this way and a whole raft of other ways—taking students off university
They will find every avenue available to them to ensure that future students do not get the opportunities that members of this government have had—taking away that voice from students; taking away the opportunity for students to come together and put together a whole range of activities, whether it is newspapers, newsletters, student activities or setting up clubs.

This government is taking away those opportunities for students. We have heard from people in the community who have enjoyed the same experiences that senators here have enjoyed talk about how much being involved in those activities benefited them. This chamber and the House of Representatives are absolutely full of people who have experiences from being involved in a representative democracy on their student campus, learning about whatever it might be: debating—I am sure in the case of Senator Mason—being involved in activities, making decisions and being representatives. They learnt those skills and learnt those ropes as students, and they want to deny future students the opportunity to be involved in those activities. They want to take away from students the choice of being involved in those activities as part of their extracurricular activities. That is how many people have made their way into this chamber and into the House of Representatives—by being involved in those activities and learning about democracy and representation. This government and Senator Fielding want to take all those life experiences away from future Australian university students.

We have heard from many people who have enjoyed these experiences regarding what will be taken away. Let me share with the Senate a letter I received from an associate professor at the University of Melbourne who wrote to me about the theatre board at the University of Melbourne. She said:

The Theatre Board’s role at the University is to encourage the widest possible participation in theatrical activity from students across the University, not only aspiring performers directors and writers, but lawyers, doctors, engineers, architects and economists—even budding politicians—whose confidence, teamwork and public presentation are immeasurably enhanced by their extracurricular experiences in theatre.

Student theatre has an extraordinary history at the University of Melbourne and has been instrumental in shaping Melbourne’s and Australia’s cultural life. The Melbourne Theatre Company grew out of the Union Theatre. Student theatre also had a significant role in the development of many other theatre companies and movements, including La Mama, the Australian Performing Group, Whistling in the Theatre, Chamber Made Opera, law and Architecture reviews, the D Generation and the broader comedy scene in Melbourne and Australia.

Innumerable people who have been influential in shaping Australia’s cultural history developed their skills in student theatre at Melbourne, including performers ... Barry Humphries ... Norman Kaye, Zoe Caldwell ... Joan Harris, Max Gillies, Cate Blanchett ... Steve Vizard and Rod Quantock, directors John Summer ... and George Fairfax; and writers, Ray Lawlor, Jack Hibberd ... Benefactors Richard Pratt and the late Sir Rupert Hamer developed their love of the arts through student theatre as did many public intellectuals, including Germaine Greer.

Senator Wong—Mr Acting Deputy President, I rise on a point of order. I apologise to Senator Nettle for the interruption, but I wonder if coalition senators could do us the courtesy of having their meetings outside the chamber.

The ACTING DEPUTY PRESIDENT—There is no point of order. I have already called senators’ attention to the level of audible conversation. I did not think it was particularly distracting at that point, but perhaps Senator Wong’s advice might be taken.

Senator Bob Brown—It is very rude.
Senator NETTLE—I was just speaking about all of the people who got to enjoy the experiences that this government and Senator Fielding this afternoon are moving to deny Australian university students. Things like the Monty Python team came out of student theatre. These are the sorts of things that this government and Senator Fielding are denying future students the opportunity to be involved in.

Recently, I visited a gallery called the Watt Space Gallery. It is in Newcastle and is funded by the student union there. Over the last six years nearly 4,000 students have exhibited their artwork at that gallery. They have had nearly 200,000 people visit the gallery and nearly $300,000 of student artwork has been sold. It has been around since 1989 and has developed a national and regional reputation as a premier student art gallery. Students learn the skills of running and curating exhibitions and promoting shows, and many of them go on to be successful artists or run galleries in regional Australia or around the world.

Without the funding and infrastructure provided by the University of Newcastle union, the future of Watt Space in Newcastle is bleak. Other senators have asked me how I know. I know because I talked with the university administration and the people who run these services about what is already planned to be taken away from them. So 4,000 students at Newcastle university will not get the same opportunity to exhibit their artwork in that place. I know that because 75 per cent of the funding of these organisations is provided by a student fee, where everyone chips in; everyone pays their bit. It is not just the fine arts students who are able to exhibit their work at student theatres. The day I visited, a first-year accounting student was putting up on the walls her first-ever exhibition, which was of traditional Chinese calligraphy. All students have the opportunity to be involved in those sorts of activities. That is what students there now and future students are being denied by these moves of this government.

Senator Humphries interjecting—

Senator NETTLE—We saw what happened when VSU—voluntary student unionism—was brought in at other universities. The services crumbled. They do not all disappear overnight; we all acknowledge that. But, because we have had conversations with people, we all know that right now university union administrators are making decisions about which services they will have to cut for next year. That is how we know, Senator Humphries—and others who have been interjecting. We talk with the managers of these unions, we sit down with them, they show us their budgets and they discuss with us how they will have to take away job opportunities for people in their regional centres.

I went to Southern Cross University in Lismore and heard about the 170 people who work in that regional town—a regional town that really needs employment opportunities—who will not be able to continue to do that work. That whole community is going to suffer. The bus company that drives the international students to their places and the whole town of Lismore will suffer as a result of the moves being taken right here by this government and Senator Fielding. You should never deny not just students but also regional towns those opportunities. It is not about paying off regional towns, like in the funding package Senator Boswell was talking about. What about the regional students who travel to Sydney university or Melbourne university? Do they get any money from the funding package Senator Boswell was talking about? No, I suspect they do not, because this government is not concerned about students. Government members have
had their turn, they have had their experience, and they want to deny other students that opportunity. *(Time expired)*

**Senator Joyce** (Queensland) (4.21 pm)—Mr Acting Deputy President—

**Senator Lundy**—Mr Acting Deputy President, I rise on a point of order. According to standing order 186, when all else is in doubt you should call the senator who rises first. This is the third time I have risen to speak in this debate—

**The Acting Deputy President** (Senator Brandis)—I saw Senator Joyce rise first.

**Senator Lundy**—That is because you were looking in that direction.

**The Acting Deputy President**—There is no point of order.

**Senator Joyce**—There have been many good arguments posed, and I will endeavour—

**Senator Lundy**—Mr Acting Deputy President, I rise on a further point of order. Perhaps you could advise me when I will be able to seek leave to incorporate my speech on the second reading, seeing that I am obviously going to be deprived of the opportunity for the third time this week to give such a speech.

**The Acting Deputy President**—Senator Lundy, that is not a point of order either. The debate has not long to go.

**Senator Lundy**—Can you give me that—

**The Acting Deputy President**—No. It is not a point of order. Sit down.

**Senator Joyce**—As I said, there have been many good arguments posed here today, and I will endeavour not to replicate them. I do not support—

**Senator Bob Brown**—On a point of order. Mr Acting Deputy President: I ask you when honourable senators who want to incorporate speeches will be able to. Can you make sure that that opportunity is available?

**The Acting Deputy President**—That is a matter for arrangement between the managers—not for me.

**Senator Bob Brown**—At your behest.

**Senator Joyce**—I do not support compulsory student unionism. We have the chance today to end that process, and it is quite obvious that it will end today. I have moved an amendment to allow the ending of compulsory student unionism but to facilitate continued facilities at universities. The inception of it is in a resolution that comes from my state conference. I will read it out to completely clarify my position, because I was sent here by Queensland to represent Queensland and to follow or be guided by it. It reads:

That this State Conference of The Nationals Queensland:

- Declares its full and unequivocal support for the concept of voluntary student unionism;
- Notes the concerns of the Federal government with regard to wastage of funds by university student unions;
- Requests the Federal government ensures that an alternate funding mechanism with comparable—
  that means the same—
  levels of funding to existing fees is provided to maintain—
  that means forever—
  the level of services and the provision of facilities on university campuses.

That backing—coming down in my first term to represent my party at the federal level—is what is driving me. I would like to thank Mike Horan and Stuart Copeland for raising this issue at the start and for sitting down with me to cover the issues of the University of Southern Queensland. I would like
to thank Lawrence Springborg and the Queensland Nationals for their support.

As a starting point, I see a number of pieces to the philosophy. I see a university as any other business, and so at this moment I have a problem. Universities should be able if they so choose to not charge a fee. If we get rid of compulsory student unionism and put the matter under the auspices of the universities, they should be able to choose to charge a fee or not to charge a fee. If they pick up students, who are like clients, and start making a way into the market because of that reduction of fees then they will continue on with that. But we should leave them the option if they so choose to charge a fee at the university level, audited and covered by the university—a bill that goes to the university. It seems peculiar, from a conservative party point of view, to be telling a business what it can and cannot charge for.

Universities are not just purely academic institutions. They never were and they never will be. I hope they are never turned into just purely academic institutions. They are to embolden the whole spirit of a person and to broaden their social dynamic. And to broaden a person’s social dynamic they must have things around them that entail and encourage that—that bring that out of them. That is why we have playgrounds for the kindergarten, we have playgrounds for the primary schools and we have fields for the high schools. And so it should be the case at universities that we create the mechanisms for people to go out and mix.

If you are going to have those mechanisms for them to have a greater social engagement then you have to have them in place. To say a user-pays facility will work does not tend to countenance the argument that some of these facilities take 10 or 13 years to pay off—maybe 150 years of funding is needed to build them up to a certain level. We are about to take Australia to a form of funding for these facilities that is only replicated in one other country in the world—that is, the Republic of China. The package speaks of $80 million to cover $170 million worth of fees. There would be a residual of about $25 million. So we have $145 million a year or $20 million a year taken over four years. That is about a $120 million shortfall. That is not a comparable level of funding. This means that there is going to be a large black hole at the end of that period. It is going to fall to a political process as to who gets the funding.

Yes, I am driven by the fact that I went to the University of New England. It holds on by its nails to being a relevant university. I am passionate about it because I believe in the collegiate spirit that it has. I believe that this change is going to take them down so that they start losing relevance. I believe that when they close down 14 hectares of sporting fields, as they say they going to, they will become a second-rate choice university to go to. I believe it will build up the status quo for the sandstone universities and that the little universities, such as the University of Southern Queensland, the University of New England, James Cook University, the University of Central Queensland and Charles Sturt University, will be detrimentally affected. We will be saying to people who go to one university, ‘This is the experience you will have here,’ and to the people who go to another university we will be saying, ‘This is the type of experience you will have there.’

Earle Page, a Prime Minister of this nation and a leader of my party, was formative in trying to construct education in regional areas to give them a comparable experience, to give equality around this nation. I am passionate about this because I think that we are being bloody-minded. We could go forward and come up with a reasonable solution that would achieve parity and equality. I believe
that after this bill passes all of a sudden the funding mechanisms of these regional universities will say once more to people in regional areas, ‘You belong to a second class.’ And they should not.

Families, 5,000 of them, are going to be affected by this legislation. Where is the impact statement on them? You should not create a problem and then endeavour to say, ‘We are going to fix it.’ You should not create the problem—you should find the solution rather than create it. That is what we should be doing here today. There is no reason that this has to go through in the next half-hour. There is no reason to put these things at risk. There is no reason to put the University of New England at risk in the next half-hour. We could come up with a solution. We are a clever government. We build submarines and all these other things, and I am sure we could come up with a reasonable solution.

The Senate is not controlled and nor should it be. This is a clear example for the soothsayers, especially on the other side, who say the Senate is controlled; it is not controlled. This is a house of review where people have their own minds and their own mechanisms for making decisions, and it will continue to protect the dignity of the parliament of our nation. I am disappointed that some people believe that there is a sense of attracting attention. I would happily not have been the subject of having a resolution from my party, which I am supporting. It is not the resolution of one senator; it is the resolution of my party, supported by three states and federally.

I certainly do not seek applause and I never have. But I certainly have gone into bat for my party against the odds and against all takers, and I have tried to do the very best that I can for them. I find it a slight insult to suggest that I have done 10 years of work for my party as some sort of gratification mechanism. That is a complete insult. I have done it because I believe in the people I represent. This Senate has passed a lot of legislation and will continue to do so. I will be an effective part of the transition of bills, but I will always retain my dignity in representing the constitution of this nation. And I will never let this place fall into a position where we cannot review and where, the moment we intend to review, the moment we intend to exercise our dignity as senators of this nation, we are derided.

The ACTING DEPUTY PRESIDENT (Senator Brandis)—Order! It being nearly 4.30, are there any senators who wish to seek leave to incorporate their remarks?

Senator McGauran (Victoria) (4.29 pm)—By arrangement, I seek leave to incorporate speeches by Senator Fifield, Senator Humphries and Senator Santoro.

Leave granted.

Senator Fifield (Victoria) (4.30 pm)—The incorporated speech read as follows—

On three occasions the Coalition has introduced legislation to end the practice of universities charging fees for compulsory membership of student unions, guilds and associations. It was defeated in 1999. It was defeated in 2001. The changed composition of the Senate offers some prospect that this—the third attempt—will be successful. I hope it is.

At the heart of this bill is a commitment to uphold the right to self-determination, to uphold the right to freedom of association.

To guarantee that no student can be compelled to join any organisation against their will. To ensure that no student can be compelled to pay a fee for services they may not want.

This bill is necessary because, to date, campus organisations, universities and state parliaments have denied these rights to students or at best viewed freedom of association as a technicality to be satisfied rather than a principle to be embraced.
There has been much discussion in this parliament over recent weeks about the necessity to circumscribe certain civil liberties. These discussions have taken place in the context of the anti-terror legislation.

As a parliament, we have reluctantly placed limitations on freedom of association in specific circumstances.

We have done so as a parliament to do all we can to protect life. Compulsory student unionism is a restriction on freedom of association.

The only rationale is to make life easier for the administrators of campus services. To save them the bother of having to be responsive to students and justify their services. Public safety is a reason to restrict freedom of association. The convenience of union administrators is not.

This bill is in no way anti-student, anti-union, or anti-campus life.

To the contrary, this bill respects students. This bill trusts students. This bill empowers students. This bill recognises that university students are clever adults able to exercise their own judgement in their own interests.

The view has been put that the inability to compel fees, to compel membership will destroy student life. As though student life can only exist as a result of a compulsory fee. As though fun will only happen if it is compulsory.

Those opposite must have a very pessimistic view of today’s youth. I don’t know if youth have changed since my days at uni.

I’ve said it before Mr Acting Deputy President, but if you put a couple of thousand 18 to 23 year old frisky, curious, energetic students together, you’re going to have a vigorous campus life. You can compel a fee, but you can not compel engagement in campus life. It is an inquiring mind and a curious disposition that determines the quality of campus life and engagement.

Kim Beazley referred to this legislation yesterday as “revenge of the nerds”. This is a particularly undergraduate use of language by the Opposition Leader.

But since Mr Beazley has introduced this category, I should point out that the only people on campus who fall into it are those who lack the capacity through reason, advocacy or good service to convince people to voluntarily join them in an activity or organisation.

The only people in Mr Beazley’s category are those who can not persuade people to join their organisation, who have to make it mandatory.

If we can trust students to choose their university, to choose their degree and to choose their courses. We can trust them to decide whether to not to join a student union or association.

The onus should be on student organisations to convince potential members of the benefits of the services they provide.

I am optimistic student organisations will be able to. But more than that, the onus should be on the service providers to justify their services. They should be doing it anyway. When there is the power to compel, there is no imperative to respond to student wishes.

If students value the services provided by student unions as much as student unions claim, then they have nothing to fear. Students will pay and join.

Students will rise to the challenge of running organisations on a voluntary basis.

Organisations throughout the community operate on the basis of mutual support for agreed objectives.

Students should have the same rights on campus as they do off campus—that of choosing the interests and recreations they wish to pursue.

On this side of the chamber we have faith in the ability of students to determine their own needs.

Not all do.

I cite Professor Peter Coaldrake, Vice-Chancellor of Queensland University of Technology who said at a Senate Employment, Workplace Relations and Education Legislation Committee hearing into this legislation:

“I am not sure that students at any particular point, particularly early on in their studies, are likely to make—I hesitate to use the term—‘rational’ choices in that respect.”

This is the cry of central planners everywhere.

Students know better than universities how their own funds should be spent.
Those who argue the counter case contend that student fees are analogous to tax. The example of local government rates is cited. I don’t accept that universities are some sort of fourth tier of government. It is the role of state and federal governments to provide a social safety net—not universities. This safety net is provided for all in the community—the old and the young, for workers and students alike. The tax analogy ignores the differing capacity to pay. Not only are the same union fees paid regardless of the value to the student, the fees are paid regardless of the income or other circumstances of the student. The compulsory fee is akin to a poll tax. Members of the community can choose to pay for non-government services. Students should have that right. The moral argument about the right of students to choose has been won. Labor conceded this when they dropped their ‘in principle’ opposition to VSU. I say ‘in principle’ opposition because their substantive opposition remains. The ALP are offering only a technical out. The ALP policy is officially you don’t have to join a student union. There’s a catch under their plan—you still have to pay a compulsory fee for a range of services. This is similar to what is known as the Victorian model. The legislation introduced in Victoria by the Kennett Government and since amended by the Bracks Government. This model is colloquially known as VSU-lite. It is true that Victorian students don’t have to join the student union. You can opt out. But if you opt out, there is no fee differential. Whether you belong to the union or not, you have to pay the same fee. Under the Victorian legislation there is also a legislative bar on compulsorily acquired fees being used for political purposes. One problem. It doesn’t work.

It doesn’t work because no accounting or auditing system can deal with the fact that money is fungible. I draw the Senate’s attention to an article by Jason Frenkel in the Herald-Sun on 23 November 2005, headed ‘Student cash given to Iraqi union’. The article alleges the Monash Student Association provided $1000 to Foraok Isma’al, a member of the Southern Oil Workers Union in Iraq. According to the article, the union supports the anti-coalition insurgency in Iraq. According to the article, Monash Student Association chairman Nick Richardson admitted the Iraqi organisation could be engaged in violence aimed at coalition forces, but defended the donation, which he described as going to a “progressive organisation”. I have written to the Attorney-General for advice on whether the Monash Student Association or its office bearers have potentially breached Australian law, by providing funds to an organisation which encourages the targeting of coalition forces, including members of the Australian Defence Force.

Even if compulsorily acquired student money could be quarantined from political activity, I for one could still not accept such a model. In a free market, in a free society, people should not be compelled to buy products they don’t want. A limited services fee in Victoria still results in an absurd situation. I read from a letter addressed to university student Jessica Thompson from the first of August this year, from the Fees Unit, Monash University. The letter states, in relation to an outstanding compulsory amenities fee, that:

“If payment is not received by the 4 August 2005 your enrolment will be encumbered. This means that while your enrolment this semester is still valid, the following restrictions will be placed on you:

• Loss of access to library borrowing and other services
• Loss of access to Monash University’s computer systems, including internet and email
• Loss of access to enrolment records, examination results, and academic transcripts

CHAMBER
Unable to graduate until the debt is cleared"
This is just a slightly more sophisticated case of
‘no ticket, no start’.
This bill honours the Coalition parties’ commitment at the last election and gives effect to the
clear will of the Coalition parties.
The majority report of the Senate Employment,
Workplace Relations and Education Legislation
Committee inquiry into the legislation recommended this bill be passed without amendment.
I would like to commend the members of the
Government Education, Science and Training
backbench committee, which I have the privilege
of chairing, for their work on the form on this bill.
I also thank the committee, particularly its secretary Michael Ferguson, for their lateral thinking
in proposing a transitional fund for sport and recreation on campus.
This is an example where the processes of the
governing parties come up with a concept to ad-
dress a community concern. I particularly ac-
knowledge Senator Trood, a distinguished aca-
demic, for his quiet efforts on this plan and per-
sonal insights into the university sector.
I’d particularly like to thank Minister Nelson for
the time he devoted to what is a small bill, but
which contains a great and enduring liberal dem-
ocratic principle.
I also thank Minister Nelson’s Senior Adviser Zoe
McKenzie for her assistance.
I commend Senator Judith Troeth for her magni-
ficent chairmanship of the Senate Employment,
Workplace Relations and Education Legislation
Committee inquiry into this legislation.
I place on the record my thanks to the president of
the Australian Liberal Students Federation Mr
Julian Barendse and the Federation’s VSU Officer
Rohan D’Souza for their advocacy on behalf of
the rights of students.
I want to leave the final words in my speech to a
student—Michael Josem, president of the Monash
Student Union, who stated to the Senate Em-
ployment, Workplace Relations and Education
Legislation Committee’s hearing in Melbourne
that:
the abolition of high, compulsory up front and
unfair amenities fees will force changes. It will
force us to work harder to serve students. We’ll
have to work smarter to deliver services that stu-
dents choose to fund. No longer will we be able
to continue, reliant on a compulsory fee. We’ll
have to deliver services that students actually
want. That’s challenging for many people. The
status quo is comfortable. The mediocre is easy.
The future, of change, progress and excellence, is
unknown. We’ll have to be excellent—not merely
adequate. Unsurprisingly, many people don’t like
that.”
This is good legislation. It deserves to be sup-
ported.

Senator HUMPHRIES (Australian Capital Territory) (4.30 pm)—The incorporated speech read as follows—

I am delighted that today the Australian Senate
has the opportunity to correct a long-standing
wrong, and remove a blight on the freedom of
young Australians.

Compulsory Student Unionism sits uneasily
with core Liberal Party philosophy—freedom of
choice and freedom of association.

Within reasonable limits, this Government
does not seek to mandate human behaviour. It
believes that individuals are the best judges of
how to conduct their lives, in particular how they
spend their money.

This Bill will amend the Higher Education
Support Act 2003 so that from mid-2006, no stu-
dent will be compelled to join a student organisa-
tion, union or guild. In addition, no student will
be compelled to pay a fee to an institution for
non-academic amenities, facilities or services
unless he choose to pay a fee to make use of those
services.

Currently, as a condition of their enrolment,
Australian higher education students are required
to pay a general services fee of between $100 and
$590 per year. The average fee is almost $300 per
year.

There are a number of arguments put about by
the opponents of voluntary student unionism that
demand addressing:

1. The National Union of Students claims that
the ability to opt out of a student union already
exists. This is misleading because even if a stu-
dent chooses to not belong to a student union, that student is still required to pay the general services fee which is then typically donated to charity.

2. The NUS asserts that voluntary student unionism would lead to only a small number of students paying the general services fee, causing a dramatic reduction in campus services. However, these services, particularly the clubs and societies, are already often only accessed by a small minority of students. I do not dispute that these services contribute to the ‘university experience’ and ‘campus life’ but why should the majority of students subsidise the lifestyle of the few?

Voluntary student unionism may well result in better services being provided to students. It is a law of economics that subsidies encourage organisations to become inefficient, complacent and unresponsive to consumer demands. With a guaranteed source of income through compulsory fees, student unions have little incentive to respond to consumer dissatisfaction with their services and provide value for money or improve amenities.

If, with the abolition of compulsory fees, there were a decline in the incidence of certain services, surely this would be a reflection of the preferences of the student population. Businesses and organisations which are part of the general community live or die on the basis of how much patronage they can attract. Why should their campus equivalents be any different?

Supporters of compulsory student unionism have raised the spectre of ‘free-riders’, people who would use campus services despite not paying the fee. This problem would quite easily be prevented by requiring users of campus services to hold union membership cards.

One of the most common arguments used by the NUS against voluntary student unionism is that it is an attempt by the Federal Government to silence students from protesting against its higher education policies. This is wrong. It is an attempt by the Government to provide freedom of choice and association to students, the same freedom exercised by every other Australian. Almost a quarter of a century ago, while a student at the Australian National University, I wrote the following in the ANU Reporter:

“Could the Student Association survive voluntary unionism? The answer is another question: if it cannot make itself sufficiently attractive to potential members, ought it to survive? If, as the Left would have us believe, students love their representative body, what is there to fear?”

The Left’s credentials as champions of social justice would be bolstered if they supported Voluntary Student Unionism. As internationalists, the Left is horrified when Australia defies international opinion and conventions.

Yet compulsory student unionism defies Article 20 of the United Nations Universal Declaration of Human Rights states that ‘everyone has the right to freedom of peaceful assembly and association’. Australia is also a signatory to the International Covenant on Civil and Political Rights and the International Labor Organisation convention concerning freedom of associations. These conventions specifically denounce the practice of compelling individuals to become members of associations.

The term ‘equity’ is used ad nauseam by the Left. Yet Compulsory Student Unionism flies in the face of this principle. A student from a low income background, working part-time and studying, and without the time to indulge in ‘campus life’, is required by to pay the same fee as a student from an affluent background supported by his or her parents. In a sense, compulsory student unionism is a form of regressive taxation.

No-one has yet explained to me why university campuses are virtually the only places in our society where membership of a prescribed set of organisations is mandatory before a person can enjoy something which the Left often describes as a right. It is time that this anomaly was ended. Compulsory student unionism is an obnoxious anachronism, and has actively contributed to a poorer quality of services than students deserve.

For both those reasons I support this legislation and commend its passage through the Senate.

Senator SANTORO (Queensland) (4.30 pm)—The incorporated speech read as follows—

Listening to some of the speakers against VSU, one might be forgiven for thinking they were discussing a different Bill.
For the benefit of colleagues opposite, let me assist by making clear three things this Bill does not do. It does not prohibit students attending universities. It does not prevent them from banding together, pooling their funds, and establishing a sports club, drama society or women’s collective. And it does not prevent the provision of services on campus, whether they be refectories, medical centres or tennis courts.

The Bill before us does one thing, and one thing only. It prevents the coercive taxation of university students to fund organisations, services and ideas which they do not use, do not want, and in many cases find offensive.

The status quo which the Opposition and others support is telling as to their motivation. In recent years, we have seen High Court challenges which have enforced the prohibition against State Governments imposing taxes, particularly in the form of excise. And we haven’t heard any suggestion from Senators opposite that we should legislate to reverse that.

At the same time, through the offices of this Government, we have consistently passed and enforced legislation which prevents compulsory subscription to labour unions, to outlaw the historical scourge of “no ticket—no work”. A reform which has been wholeheartedly embraced by the Australian community, to the point where self-employed people now outnumber union members in this country.

Then, on the issue of university funding, we are told by colleagues opposite that education is a right, and that any restriction on that right, such as requiring students to retrospectively fund part of their education once in the workforce, is anathema.

And yet, through some twisted logic, we are told that there is one inviolable financial restriction which must be a condition of education—that no student may enrol, learn or graduate at an Australian university, unless they pay an annual fee to their respective unions, guilds or similar associations.

I would ask Senators opposite to consider this hypocrisy, next time they lecture us on free education. You insist that the right to study may be unilaterally withheld—not for refusing to pay for a valuable education—but for refusing to join an extracurricular political body. You will happily enforce a regime which bans university attendance for anyone taking a stand on political principle. And you will happily neglect to mention that your primary interest in the status quo is the retention of training grounds for the next generation of your party.

I am proud today, that the Howard Government is willing to confront, and take the political flak for confronting this last bastion of coercive collectivism.

VSU is a cause which is close to the hearts of many of the people in my Party, from our time in ALSF, and it provided the issue which I and so many of my colleagues first learnt how unjust the Labor Party’s idea of justice really is.

We continue to oppose it not just because it is an arrangement against which many of us fought in our campus days, and not just because the principle of compulsory unionism is rightly reviled. We fight it because we are the true believers. We are the true believers in the rhetoric used by the Australian left to cloak and disguise its contempt for democracy and meritocracy.

We believe that the only path to justice, freedom and the good society lies through the field of ideas, in which the universities are such a critical participant.

And it disgusts us, that this forum: the one place where every Australian can earn a place, to learn and discuss at the highest level the values, structure and governance of our society and nation, is polluted by a politically opportunistic gateway, that says “no ticket—no education.”

We have heard genuine nonsense during this debate. We have heard that the Schonell Theatre at the University of Queensland would be shut under VSU. No doubt Hollywood, Bollywood and the Australian film industry are shaking in their shoes. Cinema is a commercial activity, people, not a public good, and we don’t collect to subsidise movie tickets for any other group. And if it needs a membership to keep movies cheap, then no doubt the movie-going student public will rise up to that challenge.

And we’ve heard the risible suggestion that the Sydney University Rugby Club, that poverty-
Chamber

stricken breeding ground for judges, doctors and Wallabies, will no longer be able to compete with the Eastwoods, the Parramattas and the other clubs in the Sydney competition who have to rely on the largesse of much less privileged communities.

We have been told that country universities are a special case. I can only agree with that. It is a fact that regional universities have less local competition from suppliers of food and entertainment—they are a special case, and will find the task of obtaining student support for collective goods much more compelling than their city cousins In Inner City Campuses where Commercial competition in both prices and offering of services is so very much greater. Regional campuses have a captive market, city campuses do not.

My view as a legislator is that one should always pursue the highest principle. But I also recognise that there may be an incremental process, and this may only be our first step in freeing up the Universities. As long as the final outcome doesn’t say that you can’t attend an Australian university unless you pay tax to a political body, then I’d say we’ve taken a significant step forward.

And I would say that if we are required as part of this step to permit some non-political exemptions, to fund what some of my colleagues judge to be essential services, then we can tolerate that on one condition: that unlike the farce of partial VSU in Victoria, funds are spent only on the services for which they are explicitly raised, and are never subject to discretionary diversion by some unrepresentative group of student political hacks.

And I will say this clearly here today: Woe betide anyone who seeks to use any exemptions or amendments to this Bill to subvert the principle of voluntary unionism. While we might recognise the pragmatic need for an incremental approach to this issue, none of my colleagues—and I am confident that includes those who are seeking amendments—will hesitate to revisit this legislation if it is not observed in letter and spirit.

Finally, I would take this opportunity, in my last speech of the year, to make an observation on the past six months.

During that period, we have passed the Telstra sale legislation, overhauled workplace reforms, introduced the visionary welfare-to-work program and …

And we’ve managed such an ambitious program, because we can work as a Coalition. Despite attempts by those opposite and their self-styled “community” advocates, to fragment us, and despite Senator Conroy’s bluster about how an exercise of democratic power conferred with the Australian people is an abuse of his right to waste everyone’s time, we have achieved a great deal together.

And this VSU Bill will be one of our crowning achievements, because it represents four decades of campus and Party action, and lies at the beginning, and the heart of our cause.

Senator CHAPMAN (South Australia) (4.30 pm)—I seek leave to incorporate my speech in support of the legislation.

Leave not granted.

Senator LUNDY (Australian Capital Territory) (4.30 pm)—I seek leave to incorporate my speech for the second reading debate.

Leave not granted.

Senator WEBBER (Western Australia) (4.30 pm)—By arrangement, I seek leave to incorporate the speeches of Senators Marshall, Carr, McEwen, Stephens and Polley.

Leave granted.

Senator MARSHALL (Victoria) (4.30 pm)—The incorporated speech read as follows—

What we are debating here today is not a matter of good public policy or about furthering or bettering the nation.

We are debating legislation that is regressive and dogmatic.

It’s legislation that aims to crush student services, organisations, unionism and activism on University campuses throughout Australia.

It’s a clear and direct assault upon a group within the community perceived to be opposed to the policies of the Howard Government. It’s as simple as that.

CHAMBER
This is an issue that the Howard Government and a number of ministers within it more particularly are obsessed with.

It's an issue that pops up from time to time, is never supported by the community or those concerned, yet it's one that the Howard Government simply cannot do away with.

And so it's back before the Senate again.

What this bill seeks to do is to make the compulsory non-academic fees that all students at Australian universities pay toward the services provided at the university, voluntary.

The Minister and the wider Government distort the debate by arguing that it's about offering students choice in the organisations they are associated with or are members of when they attend university, but that's not what this debate is really about.

Most university students already have choice about whether or not they wish to join their student union, association, guild or council. Most students may opt-in or opt-out of the student associations at their university, whatever the case is at each, upon enrolment or at any time. I don't have a problem with this and if enshrining this principle was all that this bill was about then there'd be no problem. But that's not what this debate is really about.

What this debate is really about is fulfilling the long-held ambition and so-far unsuccessful quest of the former student politicians within the Howard Cabinet to crush the organisations they were once involved and active in.

It's about the starving of funds and eventual bleeding dry of organisations still understood by the likes of Ministers Costello, Abbott and Nelson to be full of Left wing Marxists and other communist and socialist types hell-bent on bringing about a revolution in Australia.

It proves just how out of touch this Government is. Australian Universities and the student organisations inside of them have changed a lot since the days Peter Costello wandered the grounds of Monash.

On the other hand, some things haven't changed at Australian universities and that's their community-mindedness and service provision.

Universities are more than just degree-factories. They are a place where students are part of a community, where a wide-range of diverse opportunities and experiences are made available, a place where people can gain more than an academic education, where one can gain an important life experience.

Compulsory non-academic fees, otherwise known as general service fees or amenities fees are like a flat tax or local council rate payable by all students enrolled at each university.

The amount differs from University to University, depending on the services provided.

The income generated is used by the student organisations on the university campus to provide services for student, and in many cases, community use.

For instance, at La Trobe University's Bundoora campus in my home state of Victoria, the $357.00 General Service Fee, paid by all full-time students is divvied up between four student organisations, each providing a wide range of services and a Children's child care Centre.

The La Trobe University Union provides publications and information including the student diary, a daily campus newsletter and a periodical publication. It provides cultural, arts and entertainment services such as: bands, a student bar, a ceramics studio, comedy, films, a Rainbow Room, an International Students' Association, leisure courses, a weekly market, a radio station, a recording studio, student theatre, an amphitheatres and a women's room.

It also operates commercial facilities and services including: a bakery; food and beverage outlets; room, hall or bar hire for functions, weddings, birthdays, and conferences; a large Union Hall used by the University for graduation ceremonies and other community organisations; and a Wholefoods Café.

The Union also provides: academic gowns for graduation ceremonies; BBQs; bike and book lockers; a bottle shop; a computer room; a dark room; faxing facilities; games; newspapers; housing services; lost property; movie tickets; the Orientation program; a Parents and Children's Child Care Centre (separate from the Children's Centre I mentioned before); passport photos; a
Part-time, Evening and Mature Age Student Organisation and lounge; phone cards; photocopying; a piano; pool tables; a second hand book store; a school holiday care program; screen printing; showers; student employment services; a tool library; and a Union Services Centre for general information.

The La Trobe University Sports and Recreation Centre provides access to a 25 metre indoor heated pool; basketball and netball courts; a weight and fitness gym; an aerobics studio; 6 squash courts; 5 tennis courts; playing fields; a synthetic hockey pitch; a shared ski lodge at Mt Buller and around 25 affiliated clubs.

The La Trobe University Students’ Representative Council provides representative and advocacy services including support with appeals against assessments and academic misconduct, support with show cause hearings and special consideration applications, disciplinary matters, bullying, harassment and discrimination. Other services include a legal service, tax and financial advice and assistance, Rabelais student newspaper, a 2nd hand furniture and book store and over 50 clubs and societies. The SRC’s numerous activist departments include an indigenous and a disability department, which represent the needs of these marginalised groups at the University and in higher education more broadly.

SRC members and officers routinely represent the needs of students on University Committees such as library committees, security on campus committees and on academic boards.

And finally, the La Trobe Postgraduate Association (LUPA) provides a wide range of advice, advocacy and representative services, including running skills seminars, publishing a regular newsletter and representing students in their disputes with the university system. LUPA provides access to postgraduate lounge facilities and also runs an Orientation program for postgraduate students.

All of these services and organisations are under threat from this legislation.

The Minister argues that if services are required or wanted enough by students, then the market will demand and happily fund them. What a naïve outlook?

Everyone knows that’s not the way society works. The market of itself does not naturally work to ensure that the vulnerable are provided for.

That’s why governments and taxation exist. They exist to ensure that all necessary services are provided for everyone and that the vulnerable are protected.

If made voluntary, how many students do you think will spend the money to support their student organisations and services, particularly those they may not realise exist only until they are needed?

My guess is not many—probably about the same number as would pay tax or local government rates if they were made voluntary.

You see, not everyone at university will need to access academic support if and when they have to “show cause” in order to remain enrolled in their course. But some do and will in the future. The wage and resources alone needed for an organisation to provide an academic support officer could not be adequately covered by the fees charged of individuals accessing such a service, and thus it simply wouldn’t be provided.

The reason many of the services are currently provided on university campuses is due to the steady-stream of student income provided for them each year, which has progressively been able to fund a wider range of services that individually, students would not or could not pay for.

The Minister says that it’s unfair that a single mother attending university should be paying to subsidise the sky-diving club, but that is hardly an argument to abolish the entire rates-like system.

I don’t support the use of my tax dollars being used to fight a war in Iraq, to give the Prime Minister a 30 per cent tax rebate on his private health insurance or funding the use of immigration detention centres, but I still have to pay for them. I don’t have a choice how and where my tax dollars are spent, other than through the same democratic processes that exist for students and the student organisations spending student money.

The Minister says that this legislation is not about attacking student unions because nothing will prevent them from continuing to exist or providing on-campus services. But it’s committing them to death by a thousand cuts. They will be starved
of funds because few students will pay a voluntary levy—and they will eventually fold along with all of their services.

And there is little doubt that the effect of this bill is likely to be felt more severely by students and communities in rural and regional areas.

Many student organisations operating from universities in some rural and regional areas of Australia are the only service providers of their kind for students and other members of the local community.

For instance, the University of New England Students’ Association, in partnership with the Armidale Ex-Services Club, constructed and operates the only local cinema available for use by students and the local community.

The UNE Students’ Association is also the sole administrator of the student employment database, finding jobs for students in the local community and it also operates the local radio station 2UNE, one of the oldest regional community radio stations in Australia.

Likewise, the University of Southern Queensland’s Guild provides students and the wider Toowoomba and Darling Downs communities with their only easy-to-access Olympic-standard sports and training facilities.

This type of student union community involvement and integration is mirrored around the country, particularly in rural and regional areas.

In terms of employment, the bill advocates the loss of around 6,000 jobs in the non-academic university sector, including many hundreds in rural and regional areas.

And these mass job losses will affect a wide range of skilled and unskilled workers in a wide range of industries.

It’s a draconian outcome to satisfy a sad old ideological vendetta.

And what’s worse, it will inevitably affect the academic outcomes of Australia’s universities and many students studying at them.

As student organisations are starved of funds, services will be wound back. Student advocacy, academic support and welfare services will be obviously affected, leaving many students who would otherwise access these important services stranded. Many will drop out of university. Others will simply fail or fail to gain the education they are capable of and are paying for.

Many, who with the help and support of these services would normally succeed, will fail to reach their full potential. Such a situation will drag down the overall average academic outcome of Australia’s universities, thus making Australian higher education less attractive and effective.

Moreover, with the starving of funds used by student organisations to provide services on campuses currently, many universities themselves will end up funding a range in the hope of keeping academic averages up, an on-campus culture and community existent and thus an attractiveness about the institution in order to keep paying streaming going through.

These funds can only come from one place and that’s from the operating budgets of the universities, each already starved of funds.

Universities will be forced to dip into their capital works, infrastructure or staff and education budgets in order to provide the services that students would otherwise pay for and provide.

It’s obvious, but the more universities have to spend on providing services that student organisations once provided, the less there is to spend on the main business of universities and that’s on academia, on research and development, and on the building or maintenance of facilities.

It’s a lose-lose situation for universities. Do they maintain a sense of community and culture about them and provide services to support and further the educational experience for students, which will benefit all concerned but sacrifice funds? Or do they refuse to do this and risk the attractiveness of the institution and at the same time risk its academic outcome by failing to provide adequate support services for its students?

As I mentioned before, universities are more than degree-factories. However by culling the culture at our universities, these are exactly the type of institutions this legislation aims to create.

It’s a bill which will have severe detrimental effects on the higher education sector in this country and on its export success. It’s a bill which will see Australian universities and higher education
in Australia devalued and become less appealing and attractive to overseas students.

As it is today, many international students attending Australian universities face a very rough deal. They pay thousands and thousands of dollars in up-front fees, sit in overcrowded lectures and tutorials, are unable to access the support they need from their overworked tutors, may be dealing with language or specific academic challenges and do so in a foreign country and culture away from family and friends.

In many cases, the support of services such as the International Students’ Association at La Trobe, Bundoora, are the only ones of their kind offering access to the networks and services many international students require to succeed.

To pass this bill will be to make higher education in Australia a less attractive package to lucrative overseas student markets. It’s economically irresponsible.

Not only will this legislation damage Australia’s reputation as a high quality higher education provider, it is, according to experts bound to damage the nation’s sporting success in the future as well.

Many student organisations fund sporting programs, facilities and clubs, an arrangement heralded by many as one of the core factors leading to Australians having had so much sporting success in the recent past.

According to a report in the Australian newspaper on 24 March 2005, last year, more than 1300 athletes received more than $2.6 million in sports scholarships from Australian universities.

A national survey of universities revealed $58 million was invested directly each year into sports facilities and services, (of which) $40 million was derived from student fees.

The Australian Olympic Committee has voiced its concern that university sports programs could lose $100 million when this legislation is passed.

Many successful sportspersons have been supported by university sporting clubs including many famous rugby Wallaby greats such as Nick Farr-Jones and Michael Hawker. Double Olympic gold medallist and Oarsome Foursome rower, Nick Green rowed for the University of Melbourne Boat Club when he was a student. In fact, the former Head of Sport at the University of Technology, Sydney, boasts that its rowing club has produced 30 Olympic rowers.

Replicating any of this in the future will be almost impossible due to the Howard Government’s belligerence.

The absurdity of the situation is exacerbated further when you consider that this legislation comes about at a time when we are trying to encourage more people, particularly younger ones to participate in sport to help combat obesity.

As Geoff Lawson, a former Australian Test cricketer is quoted as saying in 17 March’s Sydney Morning Herald, “it smacks of absolute bloody mindedness”.

And he’s dead right.

But Mr Lawson isn’t the only person to condemn this legislation. In fact, the condemnation has been coming in thick and fast and from far and wide.

Kevan Gosper, member of the International Olympic Committee has said he is very concerned as Patron of university sport in Australia that this move could have the unfortunate outcome of denting very badly the expectations of university sport at a very critical time.

The Australian Vice Chancellor’s Committee is also disappointed by the legislation, and I quote from the Committee’s media release of 16 March: “This legislation, if passed, will have the potential to reduce university students’ convenient and affordable access to various support services and amenities,” AVCC President, Professor Di Yerbury said.

“The AVCC rejects the Government’s underlying premise that students are forced to be members of student organisations they do not wish to join voluntarily. They are not.

“The AVCC’s policy acknowledges that students already have the option not to be members of student organisations but also states the importance of students’ participation in the organisation of their universities,” Professor Yerbury said.

“It’s a bit like council rates—not everybody uses all the services, but rates in a community are compulsory.
“The Government is going against its own policy statement in *Backing Australia’s Future* in that we should have a diverse higher education system, not ‘one-size-fits-all’,” she added.

Michael Osborne, Vice Chancellor of La Trobe University has said, and I quote from a report in the Age newspaper of 18 March this year:

“The Federal Government’s controversial laws scrapping compulsory student union fees would ensure universities would become “wastelands” lacking the facilities of decent institutions worldwide. The legislation would impoverish universities deterring international students as they “see Australian institutions becoming academic slums.”

If the Minister and the Government were serious about their argument that this has nothing to do with an assault on student unions or their services and instead has everything to do with ensuring that Australian students do not have any up-front fee-like impediments as they enrol for University, then the Minister would seriously consider altering the system for the collection and dispensation of compulsory non-academic fees to ensure that no such impediment existed yet didn’t kill the services or the student organisations providing the services in the process.

The Government in its wisdom, surely, could come up with an alternative arrangement whereby students could add the charge of the compulsory non-academic fee to their higher education contribution scheme debts to be repaid once in the workforce, or some such similar scheme.

There is only one reason why the Government has refused to do the necessary leg-work in this regard and that is simply because it has not wanted to.

This legislation has been designed from day one to kill student organisations, whatever the cost.

Through its sheer rightwing zealotry, the Howard Government risks the quality of the entire higher education system and its attractiveness in to the future both to local and international students. This is an appalling piece of legislation and I wholeheartedly reject it.

I encourage the Senate to pass Labor’s amendment to save university services or to reject this bill outright.

**Senator CARR** (Victoria) (4.30 pm)—

*The incorporated speech read as follows—*

Mr President, I rise to speak to the second reading of the Higher Education Support Amendment (Abolition of Up-front Student Union Fees) Bill 2005.

This is a matter that I have spoken on several times before in the life of this Government. I have done so on all of these occasions because the issue of membership of university student organisations is one that has obsessed this Government.

Time and time again, it has felt driven to attempt to destroy student organisations in our universities and the services that they provide.

Time and time again, this Government has sought to subject the university students of Australia to its ideological fixation on this issue.

And, time and time again, the Senate has exercised its proper role and rejected this extreme legislation.

We have yet to see whether the ideologues can pull it off on this occasion—whether those people at the extreme end of the spectrum, like Dr Nelson, can take each and every one of the Liberal and National Party colleagues here in the Senate with them. They are worried that they can’t—and they worry with good reason.

**Government Senators’ misgivings**

Because there are Government Senators and Members who don’t like this bill. There are members of the Government who know what it will mean to Australian universities and Australian students.

They understand the devastation it will wreak on the polity and community of campus life.

They know what it will mean to a young bloke I know from Ballarat, who has moved down to the city to go to university. He wants to keep up his sporting interests and join a university hockey club.

But, if this legislation becomes law, from next year that hockey club probably won’t exist. The University’s sports grounds won’t be maintained.
Government Senators know this is true. They know it’s even more likely to be true in the case of regional campuses—that play such a vital role in local communities and economies.

They know that, by voting for this bill, they will be depriving young and older Australian students of services, facilities and opportunities for recreation and social interaction that are fundamental to university life.

We are talking here about somewhere on campus to buy a sandwich or a cup of coffee.

We are talking about a child care centre so that student parents actually get the chance to go to classes and get themselves qualified with a degree.

We are talking about personal and academic counselling and support—vital to so many students if they are to get through their courses successfully.

These are the kinds of things that Dr Nelson wants to abolish with his extreme legislation.

Where’s the sense in that?

There are many Government Senators and members who are uneasy about this prospect, because it represents a senseless, mindless attack on students’ rights to the services that are essential to a decent university education.

**ESOS provisions**

The Government itself—even its most rabid ideologues—know that this attack is counterproductive. They know it’s destructive.

How do we know this?

We know because this very same Government has introduced legislation—legislation that’s currently before the Senate—that makes it mandatory for universities to provide just these same services and facilities to the international students who come to this country to study.

The Government is well aware that, if our universities do NOT provide these services and facilities, international students—the cash cows on which Australian universities now depend for their continued financial viability—these students will go elsewhere. They will go to the United States or New Zealand or the UK because our universities could not compete.

So, on the one hand, the Government has acknowledged that these services are vital for international students, but on the other hand, Australian students apparently can do without them.

What a hypocritical attitude!

How unfair is it to guarantee student services and facilities for cash cow international students, but to deny the very same services to local students?

It is only a mad ideology that leads anyone down this path.

**Membership of student organisations**

And it’s an ideology that completely ignores the facts.

Dr Nelson and his colleagues profess to be driven in this mad endeavour by the principle of freedom of association.

That’s an important principle.

But, as far as I’m aware, it’s a principle that’s already enshrined in the statutes establishing every public university in the land.

Universities have opt-out or conscientious objection provisions, that allow students to decline to join the campus student union. They do not have to join.

They don’t have to join now.

If the Government is worried about freedom of association, there is freedom of association right now on our university campuses.

No, it’s not really that. This Government is so blinded by its own ideological obsession against campus student organisations that it can’t see reason.

It plans not just to ensure that students aren’t forced to join a political or representative organisation, but to ensure that students don’t get the basic services they need on campus.

**A senseless position**

In his hubris, Dr Nelson has ludicrously painted himself into a corner.

In order to justify his position, he has been forced to advance a series of ridiculous arguments.

We heard about the price of sausage rolls.
We were told about the poor young guy who didn’t see why he should subsidise the child care costs of the single mum.

And we heard about the single mum who couldn’t afford to pay anything towards the university rock-climbing club.

Then we heard about the student who didn’t actually use the counselling service—why should she subsidise someone who did use it?

Dr Nelson knows these arguments are silly. Of course he does.

Because, if they’re not silly—if they’re entirely reasonable—then of course, to be consistent, we have to apply them to the taxes that the same Government makes us all pay.

As anyone who read last Friday’s Australian is aware, I live in a reasonable-sized house in the suburbs of Melbourne. It’s my own house.

But there are many other Australians who are not nearly as fortunate as I am. They don’t own their own homes—they have to rent.

And rents in our capital cities are steep. Those on low incomes receive rent assistance from the Commonwealth.

We taxpayers collectively spend hundreds of millions of dollars a year in Commonwealth Rent Assistance.

Following Dr Nelson’s logic, though, he and I and all the taxpayers who own their own homes shouldn’t be forced to subsidise the rents of less affluent Australians. It isn’t fair, according to his reasoning.

What claptrap!

If my luck changed and I found myself unemployed and homeless, then this Commonwealth program of assistance would be available to me—or to Dr Nelson, for that matter.

I am quite happy to pay my taxes just so that programs like this one are available to people who need them.

And a student, when he or she enrols at university, might not foresee that, a few months down the track, some major personal or family problems will come up. Then that student needs support services such as counselling to get them through their studies successfully.

Not all students use all campus services, just as, as a taxpayer, I don’t benefit from all possible Commonwealth assistance programs.

But those facts don’t imply that I shouldn’t have to pay tax, nor that students shouldn’t be expected to contribute to the cost of the services available on campus and the facilities they might want to use.

Labor’s amendment to this bill would require students to contribute to the cost of campus services, without making them join a student organisation. As I have noted, this is a right they already enjoy.

**Dr Nelson’s “student vote”**

Now we have seen Dr Nelson come out and make the ludicrous suggestion that all students should be forced to vote on whether or not they want to pay their student union dues to fund campus services and facilities.

Technically speaking, he could oblige universities to undertake such a ballot.

He could do that by threatening to cut off their Commonwealth funding if they don’t co-operate. Under the Higher Education Support Act 2003, he has open-ended powers to force universities to do just about anything to ensure that their funding flows to them.

Technically speaking again, Dr Nelson could specify that, as a condition of funding, all university Vice-Chancellors had to sing Tiptoe through the Tulips in the presence of DEST officers.

**Micro-managing universities: IR**

This Government’s power to micro-manage universities is phenomenal. We have recently seen to what extent it will go in terms of Industrial Relations. It has decimated university staff conditions and torn away the rights of unions on campus.

Now it is withholding universities’ conditional payments for January and February 2006, until it has had time to peruse the fine print of all the workplace agreements made with unions, to find out if they comply with the detailed new conditions it has forced onto them.

It is placing universities’ cash flow at risk at a vital time of year, simply because the Government itself is snowed under with all the mountains of paperwork it has created.
By the time the next Federal Election comes around, it’s difficult to predict just how intrusive all of these arrangements and conditions will have become.

Meanwhile, the proportion of university revenue, exclusive of HECS, that actually emanates from the Commonwealth has plummeted under this Government—from 57% in 1996 to less than 40% in 2004.

Universities are required to jump through ever more hoops for ever-diminishing amounts of money.

This Government is hell-bent on turning our universities into degree mills that do no more than its bidding.

**Conclusion**

If this legislation passes through the Senate, this Government will have its heart’s desire—it will have smashed student organisations.

It will snatch away students’ rights to collective representation on campus governing bodies.

It will remove their right to advocacy and advice concerning academic matters such as academic progress rules and appeals.

It will abolish the very services that support and help students who need assistance with personal and life problems.

It will also abolish the educational support services—English language, writing skills, how to make the best of lectures—that help students through their courses.

It will close student medical and dental services.

It will make it impossible for many student parents, all around the country, to attend class—because of the closure of child care on campus.

And it will make university life lonelier, more isolating and socially poorer for all students.

In the case of regional universities, this Government will strike at the very heart of regional economies and community life.

What an achievement.

I can only hope that enough Senators on the Government side of the Chamber see reason and cross the floor on this bill. The students of Australia, and Australian universities, depend on their good sense.

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**Senator McEwen** (South Australia)

(4.30 pm)—The incorporated speech read as follows—

Labor opposes the Higher Education Support Amendment (Abolition of Compulsory Up front Fees) Bill in its current form, and proposes sensible amendments which, of course, the Government rejects.

Labor opposes the Government’s bill because it is going to be very bad legislation for the university students the Government says it is so concerned about.

But as we have seen, time and again, when it comes to implementing its extreme ideological agenda, the Government couldn’t care less about who gets hurt along the way.

And so we have seen the Government vote to sell off Telstra despite 70% of Australians not wanting it sold and now 12,000 Telstra workers are potentially going to lose their jobs.

We’ve watched the Government vote for the wholesale destruction of Australia’s 100 year old industrial relations system and now more than 3.5 million Australians won’t be able to seek redress if they are sacked for no reason.

And we’ve also watched Government Senators vote for the so called welfare to work legislation that will dump Australians who are disabled or single parents onto the dole.

And now the next instalment—destroying Australia’s student unions.

It’s the final plank in a raft of extreme legislation that will see realised the long held dreams of the Prime Minister and his worn out, out of touch, government that has had nine long years to do something good for Australia but has spent all of that time wrecking everything that is good and fair in Australia.

Another piece of extreme legislation is about to be rammed though this Senate, just like it was crushed through the other House earlier in the week.

AND FOR WHAT?

Because some of those in the Coalition have harboured vengeance for 10, 20 or 30 years just waiting for the chance to punish student unions because some members of the Coalition weren’t
able to win control of the student unions when they were students.

Because this Government has a pathological hatred for anything that has as its basis collectivism and fairness—the principle of people working together, contributing equally so that everyone benefits and those who need it are looked after.

Because this Government cannot bear the criticism it gets from the student organisations that—quite rightly—focus on the real problems in our higher education system, the lack of funding to Universities, and the huge HECS debts that Australia’s young people are accumulating—the $11 billion dollar HECS debt being carried by our students and graduates, the HECS debt that has doubled in nine long years of this Government.

And this Government is shoving this legislation through just because it can. With arrogant disregard for the wishes of the majority of Australians who are NOT clamouring for this legislation, this Government is just charging ahead doing whatever it likes, just because it can, because it has control of the Senate and it is once again going to abuse that situation.

BAD FOR STUDENTS, BAD FOR STUDENT UNIONS

Australians are not out there demanding the destruction of student unions. The students themselves are not clamouring for this. If they were, the protest would have been manifest well before this in campus referendums or student protests or by universities supporting VSU. But there is no groundswell, students are sensible people who, unlike the Government members, can see the rationale and the value of contributing a relatively small amount for student services that will support them in many different ways throughout their university career.

If you look at the submissions to the Senate Enquiry into this Bill the individuals and organisations that contributed submissions overwhelmingly said they did not support this legislation.

Just this week the Australian Vice Chancellors Committee—hardly a radical organisation—wrote to all Senators rejecting the mooted proposal to secure support for the Bill with an $80 million bribe and imploring us to not support the Government’s legislation and instead leave it to the institutions themselves to determine what services will be provided on their campuses, and how those services will be managed and funded.

Labor does not support this legislation—even though the student organisations have been highly critical of the Labor Party and its policies.

Critical, because the point of student unions is to support students and advance their interests—an objective which will invariably put the student organisations in conflict with the government of the day from time to time.

It is not just arrogant to ride roughshod over the student organisations, it is dangerous—highly dangerous. What we are seeing here is a dangerous slide into restricting the ability of a significant interest group to organise legitimate opposition to the government of the day. Which groups will this government target next with its slide into repressive, punitive legislation that restricts the freedom to criticise government? Maybe some of those church based welfare groups that receive funding from the Government should start to get worried.

Of course, the representative function of student organisations is but one of a raft of activities they undertake on behalf of students.

The services and amenities that student unions provide for students are well documented in the submissions to the Senate enquiry. Those services and facilities include sporting clubs, health centres, welfare services, childcare centres, IT resource centres, catering facilities, meeting rooms, entertainment programs, chapels and prayer rooms, student representation to university boards and committees, and accommodation and employment services.

Sometimes I think those on the other side live their lives divorced from reality. It seems the only historical or contemporary knowledge they have of student organisations is a few examples of financial mismanagement which are repeated ad nauseum. Mind you, its OK for their mates who donate $1.1 million to the Liberal Party to engage in extraordinary lengths to avoid paying tax, its OK to bail out the Prime Minister’s brother when he goes broke, its OK for them to waste $55million of taxpayers money on a failed attempt to get public support for its draconian
workplace laws—but they don’t talk about that much. And of course we keep hearing about those AUS days, back in the 1970s and 1980s. Thirty years ago. To bring us into this century, perhaps the Government should just “Get over it”.

It is typical that the Government ignores the many, many excellent services and amenities that student unions provide.

Amenities and services that can ONLY be provided if there is a universal fee collected from all students—a modest fee which, when everyone pays it, provides enough money to ensure all students benefit.

Amenities and services that will NOT be provided at all, or will have to be provided on a user pays basis, or that Universities will have somehow to fund out of their own revenues.

EXAMPLES
Unlike many of the Government Senators who apparently have little knowledge of what student unions do—or wilfully ignore what those organisations do because it suits their pathetic arguments to do so—I have a good understanding of the benefits of student unions because I used to work for one.

When I worked for a student union it was in an administrative capacity and I must admit when I took up the job with the Adelaide University Union, I really had very little idea about what a student union did or how it operated. That was the case even though I had been a mature age student at that University a few years before. I did not have much occasion then to use many of the services provided by the student organisations on campus, but I never begrudged paying the student union fees if it meant other people would benefit.

Adelaide University Union has a long and distinguished history—and was first established in 1895—more than 100 years ago. It commenced charging universal membership fees in 1927 and has charged them ever since. Interestingly, a survey of students at the University conducted by independent market research company, found that 84% of students at Adelaide University supported a compulsory student services fee to fund services and amenities, as opposed to a user pays system (from AUU submission to Senate Enquiry, p5).

The affiliate organisation where I worked, the Students Association, began as the student representative council in 1946. It has always been a strong advocate for student interests and critical of governments—all governments—that introduce policies or legislation perceived to be inimical to the best interests of students.

In the five and a bit years I worked for the student union at Adelaide University, I worked under six different student association presidents and six different elected student boards and councils—boards and councils whose members had been supported in their election campaigns by the whole gamut of political parties and views—Liberal, Labor and Independent.

Despite my occasional disagreements with some of those elected student representatives about political, industrial or administrative matters, I found in my five years that overwhelmingly they were absolutely dedicated to providing the best possible service to the students they represented, and—despite the fact they were mostly young and inexperienced in such matters—they managed large budgets with financial rigour and responsibility that would put to shame many of the employers I dealt with in my later life as a union official.

It is galling to have to sit here and listen to Government members continually deride and disparage the efforts of elected student representatives who voluntarily, and usually for no or very little monetary reward, worked very hard and very effectively to make life at university better for their peers.

EXAMPLES
There are numerous examples one could use to illustrate what it is that is in jeopardy because of the Government’s hysterical, pathological hatred of student organisations.

There are so many good and valuable services provided by student unions and partly or wholly funded by universal student fees that it is hard to know where to start and stop, however I will give a few examples.

WELFARE SERVICES
We should be particularly concerned about the threat the Government’s legislation is to welfare services on campus. For example, at the Univer-
sity of Adelaide student union—and I am sure at most student organisations—the Education and Welfare Officers help students in a variety of ways including individual counselling about both academic and personal matters. Students in financial difficulty can be assisted with emergency student loans and budgetary advice. Such assistance can be the difference between completing a course and dropping out. A loan of a few hundred dollars to pay an unexpected bill can make all the difference to a student trying to juggle university workloads, paid work and family life.

As the AUU said in its submission to the Senate Enquiry into this legislation ‘Whilst these counselling and support services are not academic in nature, they clearly affect a student’s ability to perform academically. Without this type of support and assistance, the stress placed upon students in need will increase and a consequent increase in the number of students dropping out of study would seem inevitable.

Now it is true that most students at Adelaide University—which currently has some 18,000 students—will, hopefully, never need to go near an Education and Welfare Officer. If you asked a student who was enrolling for the first time if they could foresee the need to visit a Welfare Officer at the student union I am sure they would say, they could not envisage having to do that. But the fact is some of those students will need those services at some point in time, and if they had to pay for them on a fee for service basis, they would not be able to afford to pay for those services that now are provided on an equal basis to all students because all students pay the student services fee.

OVERSEAS STUDENTS ASSOCIATION

My working life at the Adelaide University Union coincided with the beginnings of a greater influx of overseas students to Australian universities. These students, whom the government actively encourages to come to Australia, have particular needs. It is not an easy thing to up stumps and come to Australia—to another country and another culture—to study.

Under the umbrella of the Adelaide University Union, overseas students at Adelaide University formed the Overseas Students Association to advocate for them and to assist them with the many complexities of being a student from another country living and studying in Australia. Again, referring to the AUU submission to the Senate enquiry, I note that the OSA has been successful in securing changes to university policies despite resistance from the University. Changes such as allowing early graduation so that overseas students can have their degrees conferred before returning home, and the introduction of supplementary examinations held in the students’ home country were the direct result of lobbying by the OSA on behalf of its members.

If there was no OSA, funded by ALL students on campus through the universal levy, there would not have been those changes which, apparently, the University now agrees were good changes and have assisted the University attract more overseas students.

As well as its advocacy and representation roles, the Overseas Students Association organises social events for both overseas and non-overseas students. I know the Government likes to rant on about beer and barbecues provided by student unions. I wonder if Opposition Senators begrudge the provision of social events to overseas students who are away from the support of their families and friends back home.

They must, because that is exactly the kind of campus service that the Government’s legislation will deny students because who or what is going to fund the Overseas Students Association if the student union does not? No doubt one of those “niche entrepreneurs” that the Government Senators refer to in their section of the Report of the Senate Committee into this legislation will step into the breach.

No doubt “niche entrepreneurs” are falling over themselves to pick up student welfare services and student advocacy and lobbying services like those provided by the Overseas Students’ Association.

What a farcical position on the part of the Government—that some private, for profit entrepreneur will pick up services like the Overseas Students’ Association.

OTHER SERVICES

I could go on about other services—how student organisation’s Women’s Departments on the Uni-

CHAMBER
versity campuses in South Australia over many years lobbied for provision of campus child care services, and for improved security on campuses and how they provide invaluable, independent support for women who are sexually harassed by academic staff.

How Environment Officers on campuses work with universities to raise awareness of environmental issues and reduce energy use and encourage recycling of waste on campuses.

None of those things are going to be funded by entrepreneurs or by universities. Those things will just not happen anymore, these valuable things that contribute to the welfare of students on campus and to the whole University community will just disappear.

STUDENT EMPLOYMENT

As well as providing services for students, student organisations are also employers of many students. In its submission to the Senate Enquiry, the Australian Campus Union Managers Association estimates that under the Government’s legislation up to one third of student organisation employees—some 4200 people—are at risk of losing their jobs and many of those people are students.

Go to any campus and you will see students working in the student services provided. What is the Government going to say to those students who lose their jobs? Look we saved you $300 in student union fees sorry about the $3000 a year you are going to lose because you won’t have a job any more.

However we know that the government doesn’t care about people, it is completely out of touch with what happens at universities—it is still living in the past, still harbouring old grudges

CONCLUSION

In conclusion, the government hides its hatred of student organisations under the guise of “freedom”. This is nothing about freedom, it is an abuse of the word freedom to say that institutions cannot choose how they organise student services on campus, to restrict the way institutions provide those services and to punish them if they provide services in a way the government does not approve of.

It is not acceptable for the Government to confess to its real motivations for this legislation so they have to fish around and find an acceptable word to disguise their real intent and “freedom” is purloined.

Students are already free to choose whether or not to attend a university that requires a student to contribute to a student union. There are already opt out provisions for students that do not wish to join.

Student unions themselves—democratically elected student organisations—can determine whether or not to compulsorily or voluntarily charge for membership.

And the amendments proposed by the Labor Party to this legislation further ensure that any student organisation fees collected will be used for student services.

The Government is shameful in the way it claims to be so concerned about “freedom” when this legislation is all about forcing universities to bend to the Government’s ideological imperatives.

The ideological imperatives of an out of control, incompetent, extreme government that once again is going to use its control of the Senate to wreck Australian institutions that are based on the tradition of fairness and a fair go for everyone.

Senator STEPHENS (New South Wales) (4.30 pm)—The incorporated speech read as follows—

I rise to speak on this bill, which we all know is designed to undermine student activism in our universities and through this to undermine the autonomy of universities—but it will do much more than that—it will destroy the social and cultural fabric of Australian higher education institutions.

It is a bill driven by the ideology of this government that wants to eliminate “union” in any shape or form from the political landscape.

This bill needs to be amended to protect the important services that are provided through student union and amenity fees, at university and TAFE campuses across the country.

Without those fees, services and activities that student associations provide will be pared back to the bare minimum. What will happen to the wel-
fare services, subsidised health and child care, academic appeals and advocacy that student services now provide on campus?
Who will pick up the slack, who will provide the alternatives? Well, the government is now trying to cajole Senator Joyce with a Christmas present—another bucket of money to dole out, in the hope he will capitulate.
And will he be suckered again by this government? Let's just wait and see!
Through this bill, this government is guaranteeing to see the collapse of student organisations across Australia—student organisations which provide vital services and advocacy roles for students.
Labor will strongly oppose this attack on students.
As a recent student of a university, I am very aware of the range of services provide to undergraduate and postgraduate students alike.
Surely students are being pressured enough by this government. Higher HECS fees mean debts, part-time jobs, crowded classes and now $100,000 degrees.
Labor opposed a similar attempt by the federal government to introduce voluntary student unionism at a federal level in 1999.
Then, the Higher Education Legislation Amendment Bill 1999, represented the Howard government's first attempt at its ideological assault on student organisations.
That bill, as with the bill before us, attracted widespread community opposition.
It was opposed by a number of vice-chancellors, including the Australian Vice-Chancellors Committee. State parliaments passed motions against the former bill's introduction. Even in South Australia, where Liberal government was in power, the South Australian parliament passed a motion against the bill;
It stated:
That this house is committed to ensuring that South Australian university programs and students are not disadvantaged and is therefore opposed to voluntary student unionism.
That's pretty clear isn't it?

So, perhaps Government Senators aren't aware of the range of services provided by student organisations:
Let me tell you—the University of Canberra, for example, where I was recently as student, support services such as subsidised health and child care, academic appeals, student loans, welfare support and assistance in the transition to university life.
These services could not exist without a compulsory services and amenities fee.
I have three children enrolled in university, so I know that attending university for the first time is very challenging. University can be a lonely time. Young students move from their high school class of perhaps 30 to a lecture of perhaps 150-300.
It's not that easy for a country kid, or any student, to find their own way in a large institution like the University of Canberra or the ANU, or Charles Sturt, or UNE—this is a big pond for little fish.
Orientation Week—O-Week—gives new students a chance to make some tentative friendships, and find their way around the campus and the services that are there to support them. They do this by becoming involved in the activities offered by the student organisations.
And it is these services that help them settle into university life.
So, what do we have in this bill—well, orientation programs will be curtailed, because the activities organised by student organisations won't be able to happen.
And what will be the outcome of that?
Disoriented students, students making poor subject choices, students getting caught up in accommodation options that don't work for them—real effects on students and their abilities to successfully participate in the higher education system.
An important issue that I see is unresolved by the government's arguments is the removal of transition programs offered by student organisations, which will seriously impact on international students.
For many overseas students, it is the transition programs that student organisations provide during the orientation period that allow them to make some sense of cultural issue S in Australia, that
help them in their language needs, and are essential to their success in higher education in Australia.

The Senate Employment, Workplace Relations and Education References Committee report—Hacking Australia’s future—examined this issue at length.

Mr Trevor White, a representative of the Australasian Campus Union Managers Association, argued that services provided by student organisations were ‘part of the total educational experience in coming to Australia’.

Mr White was very clear about the contribution of services and amenity fees. He said:

It is an outrageous comment by the government to say that these services are not important.

International students use a wide range of services from student organisations as part of their transition to university life in Australia.

As well as the vital program that occurs for international students during orientation week, many student organisations have an international students department, which provides an important support base and friendship network for overseas students on campus.

At the University of Canberra, there is a strong focus on international student enrolments.

UC enjoys a culturally rich population, with students from over 80 countries forming part of the University’s multicultural community.

International Student Services offers a variety of activities and services for international students, including facilities, organising affordable day trips, political advocacy, international newspapers and cheap faxing.

As well, overseas students are able to access the range of services provided by student organisations, including clubs and societies.

The Senate Employment, Workplace Relations and Education References Committee concluded in their inquiry that there was a clear danger that foreign students would be deterred from enrolling in Australian universities if these services were not available.

And higher education is on of our most significant export earners.

Another group to be affected by the abolition of VSU are mature age students and women.

Believe me for mature age students, going back to university can be a challenging time. Mature age students find going back to study and upgrading their qualifications a tough experience, often juggling home life with studying on a limited income.

In many student organisations across Australia, there are mature age student departments.

At Monash University at Clayton for example, the Mature Age and Part-Time Students Association provides a strong support base for students aged 23 and above.

They provide a quiet and comfortable lounge with free computer access, coffee—and tea-making facilities, reading rooms and regular social events. They also play a strong advocacy role for mature age and part-time students within the university. This department would almost certainly not exist without a compulsory services and amenities fee.

Women are participating more in Australia’s higher education institutions than ever before, yet women still face discrimination and harassment on campus. They need to feel safe.

Flexible learning options mean night time lectures and tutorials, night time library and computer lab sessions—and women need to feel safe on campus at those times.

The level of success that they experience from participating in higher education can be dependent on how safe they feel on campus.

It might sound a very simple thing to many Senators, but student organisations have played a vital role in lobbying university administrations to ensure that campuses are well lit.

And that there are security guards on campus. I have availed myself of this service many times—Security guards will walk students to and from class and to car parks to ensure their safety.

Here in Canberra, the student organisations even provide shuttle buses for students to get to their accommodation at night.

The university environment can intimidate women as students in other ways too—have you ever been to a tutorial with 300 other students and tried to ask a question?
Adult Learning styles are very different, and the fact is that male students often dominate classroom discussions and debates. It’s even tougher for women enrolled in non-traditional professions such as engineering who often feel totally excluded in these predominantly male courses.

So, in these kinds of circumstances, the women’s department, which is part of the student organisation, plays an important role in providing support for women on campus.

Women’s departments are often one of the strongest departments of a student association. They can be advocacy bodies raising campus awareness about issues such as sexual harassment and assault and gender equity on campus.

Women’s departments also provide a range of activities, including self-defence classes and practical workshops, spaces for breastfeeding, learning facilities, mentoring, quiet reflection, study and companionship.

Without a compulsory services and amenities fee, what will women’s departments be able to offer? In some associations, they would be forced to close down.

Women will be the losers on campus.

And, if you come from a regional community, and have studied on a regional campus, as I have, then you know how important student organisations are to the lives of students who attend regional universities.

Student organisations at regional universities are the lifeblood on campus, providing activities and support for students almost 24 hours a day.

Regional universities make significant contributions to the communities in which they are based.

Student organisations are creative in provide services that allow students to engage in the larger communities—it’s different at a rural campus. Students live in the town, rather than in residences—so transport to and from the campus is an important service.

Transport services enable students to have an active student life and a fruitful university experience.

Without such services, students would be less likely to select regional universities as their higher education provider of choice. This has significant implications not only for the university but also for the local economy of the town itself.

For regional towns, student associations often own a variety of facilities used by the local people; A great example is the University of New England in Armidale. The student union owns the town’s cinema. Other student associations have wonderful choirs and bands.

These kinds of facilities add to the vibrancy and life of regional centres. The functions that are provided by student organisations are vital parts of a student’s experience in higher education.

Even the Minister for Education, Science and Training acknowledged that:

... student organisations enrich university life and provide a whole range of services, from the very commercial right through to support and counselling—services which are all ... valued by students.

So, why then is the minister now is trying to destroy the very institutions he praised? He know that this bill, without amendment, will mean the cessation of many of the services he regarded as ‘valued by students’.

It will lead also to a massive loss of jobs. We’ve already seen that in Western Australia.

The Court government introduced voluntary student unionism in Western Australia, in 1994. The immediate effect was that student organisations were forced to the brink of collapse.

University administrations recognised the irreplaceable value and role of student associations and were regularly forced to financially prop up student organisations to ensure their continued existence.

Under VSU, student organisations in Western Australia were forced to lay off services staff, as they did not have the funds to maintain their employment.

If the legislation is passed without amendment, the Australasian Campus Unions Managers Association, the peak body for services providing organisations on campus, estimates that at least 4,200 jobs will be lost, including hundreds in regional areas. How can this government claim to support regional Australia when attempting to
legislate hundreds of regional jobs out of existence?

The minister has argued that many of the services operated by student organisations could be operated by commercial enterprises and that this would be a more efficient and cheaper way to go. And as much as Universities are now trying to offer flexible delivery, summer programs, extended classes, and professional development course, its not enough to ensure that services can be viable, because the main student body is only on campus for six months of the year.

That’s a tough call for commercial businesses trying to remain viable and inevitably they have to raise their prices to compensate for the six months they are not there.

At the moment, many student organisations subsidise food outlets; This certainly won’t be possible without a compulsory services and amenities fee.

But this is about much more food and drink outlets.

How does the government expect the student welfare services, and student advocacy services to be funded under this bill?

In Western Australia, as a result of the VSU legislation introduced by the Court government, students who worked unpaid for the guilds found themselves using all their energy in recruiting students as members to their guild rather than representing their members. The students had no choice but to do this, because without the financial resources provided through memberships the student associations would almost definitely cease to operate.

Labor is proposing an amendment to this bill, a sensible compromise—to outlaw compulsory student union membership and to allow universities to charge a compulsory services and amenities fee.

Labor’s amendment provides a practical and sensible way to protect vital campus services. Labor has moved beyond the Liberals’ tired old debate about compulsory student unionism, where Liberal members are still fighting the campus battles they lost in the 1970s.

In fact, the amendment is aimed at saving the government from itself.

If the government chooses not to support the amendment Labor will strongly oppose this bill. Without a compulsory services and amenities fee, vital student services such as welfare provision, subsidised health and child care, academic appeals and advocacy will be significantly diminished; in some cases, they will cease to exist.

So, we wait to see what Senator Joyce is up to—‘Backdown Barnaby’—who, once again, has been talking about being prepared to stand up and fight the good fight on this legislation I guess we will have to wait and see whether he does.

I feel very strongly about this legislation—perhaps because my university experience is still very fresh in my mind.

Students today face a vastly different set of circumstances. Students are paying increasingly greater sums of money for their degrees. People are working longer and longer hours on the side to support themselves and more than ever people need the support of their student organisations.

And the argument that part time students don’t want to fund these services doesn’t wash—it is the culture of university life that is provided through a range of student services that exposes young people, young and old minds alike to the intellectual stimulation and activities that round them as human beings.

It has suddenly occurred to me why the government might not want to support such seditious activity!

We all know that the government’s attack is aimed at silencing opposition, silencing voices of dissent. And where do we find the radical youth of this generation? In the universities, of course.

Why wouldn’t we want them there?

The government’s attack is particularly aimed at the representative arm of student organisations, though the consequences will be felt far more widely.

The student bodies of every university in this country has democratic elections, where students decide who represents them and who spends those fees. And Senators opposite know this to be true, because most universities actually have Lib-
eral students who run for representative office on a pro-VSU line.

University governance bodies require representation by student organisations, and there are circumstances when students themselves need representation. Who will fill that role at student appeals committees when students charged with offences against the university need, and in some cases are required to have representation?

Where will the students voice be on equal opportunity boards, on the university council and on both chancellor and vice-chancellor selection committees?

So, these are the implications of this Bill. It’s not just about sporting facilities and the student union bar—as some in the government would have us believe.

The Australian Vice Chancellors Committee has proposed a compromise proposal to the minister that would allow universities to maintain student services and amenities on campus.

The AVCC is strongly opposed to the idea of proposing a fund of some $80 million to universities over three years as compensation for the removal from universities of the ability to continue to charge a services and amenities fee.

As John Mullarvey CEO of the AVCC has pointed out:

This sum of money is less than half what universities currently collect in any one year. It will not come close to ensuring universities are able to maintain the current level of services and amenities and does not take into account the relative requirements of each university campus.”

Mr Mullarvey points out that such a proposal will create another level of federal bureaucracy and intervention into the affairs of autonomous universities.

And I’m reminded of the Ministers’ heavy handed approach to the Higher Education Funding Bill, and the TAFE funding Bill—the minister is gaining a reputation for his heavy handed approach.

Well, in this instance, his quick fix, grants-based solution is no solution at all—and I hope that Senator Joyce is not swayed by the silver tongued bodgie.

This Bill is about reining in student activism, but driven out of ideology. It’s not about small p political activism—anyone who has been involved in Labor or Liberals on campus would appreciate how seriously those students take themselves—but it’s not about any of that.

It’s about reining in the universities and their autonomous councils—bringing them to heel on tertiary funding issues. It is part of a much bigger agenda by this Minister.

Let me remind Senators: the effects of this Bill will be felt far wider than the representative arms of student organisations.

Labor is proposing sensible amendments which aim to protect many of the services which student organisations deliver on our campuses.

The range is extensive—employment services, academic rights, women’s rooms, music, sport, safe spaces, taxation assistance, welfare services. Our universities have always been regarded as places of learning—and they need to remain that way as vibrant, diverse campuses encouraging debate and participation.

The AVCC provides an alternative—now let’s see what the Government is prepared to concede.

Senator POLLEY (Tasmania) (4.30 pm)—The incorporated speech read as follows—

I rise to speak on the Higher Education Support (Abolition of Compulsory Up-front Student Union Fees) Bill 2005.

Education Minister Brendan Nelson is living in the seventies. Just like the Sky Hooks song but he has caught a dreadful disease. But Dr Nelson’s disease that has nothing to do with sex, drugs and rock and roll. Dr Nelson’s disease is that he has become the stereo-typical middle aged man whose radical student days are long gone and whose politics have shifted from Labor to those of the extreme right. Acting Deputy President, it’s hard to believe this is the same man who shared my politics as a member of the Labor Party.

But there you go. The Education Minister’s Report Card might read:
“Brendan seems confused about the tasks we have set him. He appears to have withdrawn from the rest of the class and tends to bully those least able to defend themselves. Brendan needs to reflect more on the consequences of his actions.”

Students from regional Australia will remember what living in the 70s was like.

The only people who could afford to go to university were the children of doctors and lawyers.

This bill is another step by Education Minister Brendan Nelson towards turning Australia’s universities back to the 60s and 70s.

Acting Deputy President, this bill will have two significant impacts.

From January next year, any higher education provider—primarily universities—who is receiving Commonwealth support under the Higher Education Support Act will be prevented from making membership of student organisations a condition of enrolment. Sounds more than heavy handed to me. It sounds extreme.

But what’s new with this extreme Howard Government? It really is just more of the same!

It also sounds absurd when students already have the option of opting out of membership of student organisations.

The truth is in the numbers. Most students already have a choice and they choose to stay in student unions.

Minister Nelson’s bright idea to call a referendum among students reeked of desperation politics. He might as well survey Australians about whether they want to pay the Commonwealth taxes that provide childcare.

Bass MHR Michael Ferguson shone the light of his ignorance into this debate when he articulated that child care services for students weren’t a necessity and shouldn’t be a union function.

Given this government’s out-of-touch record with childcare in regional Australia I suppose we shouldn’t have been surprised by his comments.

Acting Deputy President, this bill also prevents higher education providers from making a condition of enrolment any fee ‘for the provision to students of an amenity, facility or service that is not of an academic nature’. You can bet that higher education providers, TAFE and Universities will have to abide by this ridiculous condition to received Commonwealth funding.

It will become a condition of receiving a grant.

The bill contains a provision which allows the minister to reduce Commonwealth funding for higher education institutions by $100 per federally funded student place if the conditions are breached.

Heavy handed? Minister Nelson, how soon you forget your student roots and how disgracefully you abuse your privileged position in this parliament. Finally, if the minister chose to invoke section 19-65, more than $5 billion in Commonwealth funding to universities could be lost.

It’s hard to believe this is a minister who enjoyed the privilege of a free university education.

This is extreme in its heavy-handedness. This Bill is arrogant in its bullying.

But this government has become an expert at bullying.

By bullying legislation through and abusing its power in this chamber.

By bullying the most disadvantaged in our society by ramming through its Welfare to Work Bill.

By bullying Australian workers and employees into its WorkChoices Bill.

History will record this government as bullying and extreme in its reforms agenda.

Look at the groups of society it has targeted in the past two months. Students, the disabled and unemployed have all been painted in powerless corners.

For what agenda?

I believe this miserable Howard Government is trying to impoverish and consequently silence great chunks of Australian society and create a little America.

Last week we saw survival of the fittest, American style agendas rammed through our Parliament with WorkChoices and now Welfare to Work.

Now the Federal Government wants the Americanisation of our universities. Labor wants an Australia built on Australian values not run by Terminator-style politicians who have no care to protect society’s minorities.
Australia deserves an Education Minister who isn’t stuck in the seventies and who doesn’t model himself on Arnold Schwarzenegger.

Labor wants a university system that contributes to a confident, independent nation that stands on its own two feet.

Labor wants a clever country where the university system is allowed to support students appropriately to ensure they make the most of their study opportunity.

This bill will destroy vital campus services that support university students. Health services, child care, sport and legal support services are all hanging in the balance. The child-care centre at my local university, the University of Tasmania, provides an exceptional service to students who are parents. Many of the students who come from Northern Tasmania arrive at university from low socio-economic background and go back to study, upskill and better themselves through education.

The child-care centre provides not only subsidised child-care places but also many very flexible arrangements that parents would be very hard-pressed to find at other child-care centres in the area. Without this valuable service—and it will go if this legislation gets through the parliament—many parents who are students simply will not be able to afford child care and will not be able to afford to stay at university. Families will be forced to either have to pay through the nose for child care or no longer continue their university studies.

Is that Minister Nelson’s agenda? To reduce the number of students attending university in regional Australia? Judging from his statements last week about degree quality from regional universities I am starting to think his agenda is to take Australia back to the early 1970s when only the children of doctors and lawyers could afford to attend university. Is Minister Nelson living in the 70s?

There is no doubt that student organisations help keep students at university by offering the necessary subsidies and services that cash-strapped universities just cannot offer. Already targeted by this out-of-touch Howard Government through its miserable and arrogant Welfare to Work Bill, single parents may suffer the most from this bill. They have very few choices but to rely on campus child care to allow them to improve their skills and they would not be able to study without their subsidised support.

The sole parent is probably only able to complete their teacher training thanks to the student organisation’s child-care subsidy. What Labor wants to see is the entire student services on our university campuses continue.

We don’t want to hear Education Minister Brendan Nelson trivialise the issue again and again lowering the debate to the cost of sausage rolls.

Labor wants to allow all students to decide whether or not they want to join a student organisation but each and every student would be responsible for making a contribution to these services on their university campuses.

We do think that there should be a contribution that everybody makes.

But what we want to see is that all of the services on our university campuses continue. The only way to continue is to reward all students who make a contribution to those services.

We are yet to hear an idea from Education Minister Nelson that doesn’t come as a heavy-handed threat to universities connecting their funding to their ability to stop students joining student unions.

VSU is also about the fights that many of the Liberal Members of Parliament had when they were on university campuses, where they lost student elections to more savvy Labor student organisers.

Now what they are trying to do is use their power in the Australian Parliament to get rid of all of these services that they were able to enjoy when they were at university.

But this government arrogantly ignores the valuable contribution that student organisations make in so many ways. One of the very important ways is university sporting organisations. They make campus life vibrant and create opportunities for the promotion of health and fitness in the general community, not just for university students. They have trained generations of Olympians and elite sportspeople.
Many prominent Australians were so alarmed at the introduction of this bill that they took out an advertisement in major papers around the country condemning the government’s move to destroy university sport. Sport for university students also provides a valuable outlet for stress and is great for students’ mental health. When sporting greats like Shane Gould, John Coates, Kevin Gosper, Stuart MacGill, Geoff Lawson, Phil Kearns, Liz Ellis and Ric Charlesworth speak out against these changes to campus life does this arrogant Howard Government listen?

No. Because as they have shown, they don’t have to listen to anyone, anymore. Which way will Senator Joyce jump this time? Come on Senator Joyce. Join these great Australians and show some courage and act against this appalling legislation. Come on Senator Joyce. Protect the great contribution to university life of their sporting organisations. Actions speak louder than words, Senator Joyce. Actions speak louder than words.

It is not only sport and it is not only child care; there are so many other services provided by student organisations. Come on, Senator Joyce. Help disadvantaged Australians get a university education with access to safe and reliable child care. Another one is the advocacy services. The government completely ignores the help that individual students get from their student organisations. Come on, Senator Joyce, help the university students who would otherwise not have any access to legal advocate. The persistent work, practical advocacy by student organisations for individual students and groups of students, happens every day in our universities. Student advocates will go if this bill becomes law. There’s no money in being a student advocate. It is the students’ union fees that support the service. Who will desperate students turn to for legal advice?

This bill smells more like making students and universities powerless. The universities will be pressured with funding threats to apply the bill while the students will be left without much of the vital support they deserve to successfully complete their studies. After four long years Minister Nelson gets an ‘F’ for:

- reducing the number of Australian students in our universities while massively increasing the cost of university education
- presiding over the most significant drop in Australians in training in a decade in 2004
- continuing to back a flawed Federal schools funding system which gave big funding increases to the schools which needed it the least
- reducing research and development to 0.6% of GDP—the lowest level in two decades
- introducing massive 25% HECS fee hikes, and 60 degrees costing over $100,000
- vetoing ten Australian Research Council grants without giving any reason increasing the size of the education bureaucracy from 1,481 in 2001 to 2,014 in 2005
- increasing his Ministerial powers and bureaucratic red tape, reject university and TAFE courses and
- bungling the implementation of the Parent School Partnership Initiative by tying up Indigenous communities in red tape.

The Education Minister is probably financially secure after he was given his $200,000 medical degree gratis after his education was made free by the Whitlam Labor Government. However, I am left to wonder whether Minister Nelson is also a business graduate? After all, he oversees at least a $13 billion debt owed by other, not-so-fortunate students.

Minister Nelson needs to take a long hard look in the mirror and see beyond his own face to the absolute hypocrisy of this arrogant government’s policies.

Under Labor’s amendment a fee would be collected by universities for use on services for the benefit of students but would outlaw compulsory membership of student organisations.

The amendment:

- Outlaws compulsory student union membership.
- Allows universities to charge a compulsory services and amenities fee.
- Specifies a range of amenities, facilities, activities and services on which monies collected may be spent—including child care, sports facilities, advocacy, counselling, orientation information, cultural activities.
• Introduces tough new accountability and reporting requirement for universities to make sure any money collected through a compulsory student amenities fee is used in accordance with the law.

• Requires universities to levy fees on a pro-rata basis for part time, external and distance education students.

Labor’s compromise amendment is a sensible, practical way to protect vital campus services.

Laborhas moved beyond the Liberal’s tired old debate about compulsory student unionism, where they are still fighting the campus battles they lost in the 1970s.

Still living in the 70’s Minister Nelson? The Minister should give something back to this nation and protect vital campus services under threat from this extreme, ideological, so-called VSU legislation. Acting Deputy President, Labor’s list of protected services, amenities and activities of direct benefit to students:

• food and beverages, meeting rooms, sports and physical recreation, child care, counseling, legal advice, health care, housing, employment, visual arts, performing arts and audio-visual media, debating, libraries and reading rooms, academic support, personal accident insurance for students, orientation information, support for overseas students, student representation and advocacy, student clubs and societies, social activities, cultural activities, welfare, commercial activities, capital funds and infrastructure, investments and reserves, student publications, or student financial assistance; and

• administrative matters related to any of these; and

• other facilities, services consistent with, or reasonably incidental, to any of these items.

Come on Minister Nelson! Convince Australia’s students that you are not living in the seventies.

The ACTING DEPUTY PRESIDENT (Senator Brandis)—It now being after 4.30 pm, pursuant to the procedural resolution of the Senate I now put the question that the bill be read a second time.

Question put.

The Senate divided. [4.35 pm]

(The President—Senator the Hon. Paul Calvert)

Ayes…………… 34

Noes…………… 30

Majority……… 4

AYES


NOES


PAIRS

Minchin, N.H. O'Brien, K.W.K. 
Ronaldson, M. Faulkner, J.P. 
* denotes teller 

Question agreed to. 
Bill read a second time. 

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

The CHAIRMAN—The question is that the bill stand as printed. 

Senator ABETZ (Tasmania—Special Minister of State) (4.38 pm)—I indicate, on behalf of the government, that the government does support voluntary student unionism—it has been the government’s policy for a long period of time—and, as a result, the amendments that will be considered during the committee stages will be opposed by the government. At the outset, I acknowledge the fantastic contributions of virtually every single one of my colleagues on this side of the chamber. The principle of this legislation is clear—that the right to a tertiary education should not be predicated on membership or the payment of a fee to a student union—and the amendments seek to erode that principle. This right to freedom of association is fundamental; it is the right of every individual student. The amendment moved by Senator Wong is unacceptable to the government. It will be taxation without representation—

Senator Chris Evans—Mr Chairman, I raise a point of order. The minister seems to be wanting to give a second reading speech, but he is pretending to address the amendments which have not been moved. Surely senators have the right to move their amendments before the minister attempts to debate them. If he wanted to make a second reading speech, he should not have voted for the gag and the guillotine. 

The CHAIRMAN—There is no point of order. 

Senator ABETZ—Our proposal is, in fact, based on what the University of New England Students Association wrote to me in recent times. They wrote: ‘The University of New England Students Association strongly supports voluntary student unionism. It is an opportunity to reform our organisation in ways never done before. Voluntary membership will mean that we must promote ourselves and continuously remain relevant to the student body. If we serve the students well then they will want to join. It is as simple as that.’ That proposition is insurmountable, but it is also an issue of social justice. As Alan Anderson said in the Australian on 16 August 2005: 

Of course, the poorest students have no time to paddle on the river. 

Pay a visit to your nearest uni refectory then tell me if it reflects the subsidy—

Senator Wong—Mr Chairman, I raise a point of order. There are three amendments in a committee stage which is almost half an hour over. The minister could have incorporated his speech as has been facilitated. He is now filibustering in a committee stage of only half an hour. There are three amendments, including amendments by the opposition and Senator Joyce. We want to get on and debate the amendments. The minister could have incorporated his speech. This is yet another abuse of the process. Be strong enough to argue the amendments, Minister. Have the guts to let them be moved, and debate them. 

The CHAIRMAN—There is no point of order. 

Senator ABETZ—Thank you, Mr Chairman. He also said: 

Meanwhile poorer students bring cut lunches from home, unable to afford to eat at the inefficient refectories which they are nonetheless forced to subsidise.
The single mum studying nursing has no time to join the rugby or rowing clubs. At Tasmania university, my own university, the greatest issue on campus at the moment is car parking, because students drive to campus for a lecture and then drive away from the university. Two arguments have been put forward in relation to this. One is essential services. The point that we make on behalf of the government is that if these services are so vital, students are surely intelligent enough to decide what services they need. If essential, they will attract student support.

**Senator Allison**—Mr Chairman, I raise a point of order. Can the minister indicate what amendment he is speaking to?

**The CHAIRMAN**—There is no point of order.

**Senator Wong**—They are too gutless to debate the amendments.

**The CHAIRMAN**—Senator Wong, I am trying to hear Senator Allison.

**Senator Allison**—As we know, this is a time which is normally for debating amendments. It is also an opportunity to ask questions of the minister. I ask him to answer that question.

**The CHAIRMAN**—I cannot instruct the minister how to speak in this debate. At the start of any committee stage there is normally a free-ranging debate where, you are quite correct in saying, questions are asked. The time allocated for the committee stage of this bill is not something within my province and all I can do is draw the minister’s attention to the debate and ask him to continue.

**Senator ABETZ**—Thank you, Mr Chairman. The other argument is to give students more than an academic experience. Can I suggest that most people on this side and the student community find that somewhat patronising, because the students do not get marked on extracurricular activities, so all that is in fact required is the payment of the fee—and I think that exposes some of the shallowness of the argument. External students and correspondence course students get exactly the same certificate; they are not marked down because they do not engage in university life. The right to an education should not be based on union fees. What those opposite are scared of is that if students are given a choice students might pass a judgment.

The proposition has been put that universities are like local councils. If we were to follow that through, the presumption would be you could only live in a municipality or shire if you joined the local ratepayers association. It would be a requirement, a precondition, for being able to live in that local municipality. Compulsory student union fees are a poll tax where the poorest student pays exactly the same as the richest student, and it is the only up-front fee that students face in trying to access a tertiary education. I indicate the government will oppose the amendments, and can I thank the government for giving me the honour of handling this bill.

**Senator Bob Brown**—On a point of order, Mr Chairman: you did call me earlier and you then went to the Leader of the Opposition in the Senate. I am happy for Senator Wong to have a period of time but I would like to be able to resume that call you made earlier.

**The CHAIRMAN**—I call Senator Wong.

**Senator WONG** (South Australia) (4.46 pm)—What an extraordinary display—30 minutes of committee and the minister does not even have the bottle to give us time to debate the amendments! He has even got to have a filibuster for 15 minutes in a 30-minute debate.

**Senator Abetz**—No, five!
Senator WONG—You could have given a second speaker a chance or you could have incorporated, but you had to get up and give your big speech.

Senator Abetz—No, five! Be honest!

Senator WONG—That is so tough, Senator Abetz. You ran away from the censure motion yesterday—but let us go to what we have seen today. We have seen the National Party being driven into oblivion by the government—by the Liberal Party—with the exception of Senator Joyce. You wonder what is happening to the National Party when you see Senator Boswell come in and say, ‘We’ve got 80 million pieces of silver so we’re going to sell out. We’re going to sell out for 80 million pieces of silver. We know it’s not adequate and we don’t know any of the arrangements associated with it.’ Is it a transitional fund? If so, what is it going to? What is it transiting to? It is a deal done behind closed doors, and they have not even had the guts to come in here and outline the deal. We have seen the Leader of The Nationals in the Senate coming in and giving Senator Joyce a big whack before he moves his amendments. At least there is one senator in the National Party who is prepared to stand up for what their federal council said. But there is only one and that is why it will be the end of them, because they ignore everything and just do what the Liberals want.

Senator Boswell says, ‘It’s got to be give and take.’ You know what give and take is, National Party style—minus Senator Joyce, of course? It is doormat behaviour; that is what it is. It is doormat behaviour from the National Party. That is what we will see later: all the doormats standing over there and maybe a few of them will cross the floor. I hope a few of them will cross the floor. Maybe they can remember the federal council motion that Senator Joyce read out which requests that the federal government ensures an alternative funding mechanism with comparable levels of funding. They did not secure comparable levels of funding—yet another doormat performance from the National Party’s Senator Boswell, an apologist for the Liberal government riding roughshod over key student services—sports, child care, student services. They ride roughshod over them in this ideologically driven agenda—the revenge of the nerds. These are the people who have the gall—having run in student politics and having tried to hold positions in it—to now want to destroy the organisations that they were happy to participate in. What an act of hypocrisy! Mr Chairman, I seek leave to move together opposition amendments (1) to (3) on sheet 4808.

Leave granted.

Senator WONG—I move:

(1) Schedule 1, item 1, page 3 (lines 9 to 17), omit subsection 19-37(1), substitute:

(a) require a person to be or to become a member of an organisation of students, or of students and other persons; or

(b) require a person enrolled with, or seeking to enrol with, the provider to pay to the provider or any other entity an amount for membership of an organisation of students, or of students and other persons;

unless the person has chosen to be or to become a member of the organisation.

(2) Schedule 1, item 1, page 3 (lines 18 to 22), omit subsection 19-37(2), substitute:

A higher education provider must not:

(2) require a person enrolled with, or seeking to enrol with, the provider to pay to the provider or any other entity an amount for the provision of an amenity, facility, activity or service that is not of an academic nature, unless that amenity, facility, activity or service is of di-
rect benefit to students enrolled with, or seeking to enrol with the provider.

(2B) In this section, a direct benefit in relation to an amenity, facility, activity or service for students who are enrolled with, or seeking to enrol with a provider, is the provision of:

(a) food, beverages, meeting rooms, sports and physical recreation, child care, counselling, legal advice, health care, housing, employment, visual arts, performing arts, audio-visual media, debating, libraries, reading rooms, academic support, personal accident insurance for students, orientation information, support for overseas students, student representation and advocacy, student clubs and societies, social activities, cultural activities, welfare, commercial activities, capital funds and infrastructure, investments and reserves, student publications or student financial assistance; and

(b) administrative matters related to any of the items listed in paragraph (a), including the costs of collecting amounts paid under this section; and

(c) other facilities, or services consistent with, or reasonably incidental, to any of the items listed in paragraph (a).

(2B) Subsection (2A) does not apply to an amount that the higher education provider requires the person to pay if the amount is for goods or services that:

(a) are essential for the course of study in which the person is enrolled or seeking to enrol; and

(b) the person has the choice of acquiring from, but does not acquire from, a supplier other than the higher education provider; and

(c) either:

(i) are goods that become the property of the person that are not intended to be consumed during the course of study; or

(ii) consist of food, transport or accommodation associated with provision of field trips in connection with the course of study.

(3) Schedule 1, item 1, page 3 (line 23) to page 4 (line 3), omit subsection 19-37(3), substitute:

(3) A higher education provider must ensure that any fee levied in accordance with subsection (2A) is adjusted on a pro-rata basis to an amount commensurate with the person’s status as a part-time, external or distance education student, or a proposed part-time, external or distance education student.

(4) A higher education provider must ensure that it has procedures in place to provide detailed reporting and accountability mechanisms for any monies collected or received from any fees pursuant to subsection (2A). Such reporting and accountability mechanisms must include a requirement that a statement is to be provided to the higher education provider’s governing authority at least once per year, and published in the provider’s annual report.

(5) A statement required by subsection (4) must specify:

(a) the amount of monies collected by the provider in the preceding year; and

(b) the purposes for which the provider spent those monies or made them available and the amounts spent or made available; and

(c) the names of organisations of students, or of students and other persons, to which the provider made the monies available and the amounts that were made available to each organisation; and

(d) the purposes for which the organisations referred to in paragraph (c)
spent the monies made available to
them.

I make this point to the chamber and to those
senators who might be considering their po-
sition on this: if either Senator Joyce’s or the
opposition amendments do not get up, what
you are voting for is an end to key and essen-
tial services on campus; that is what you are
voting for. We know what happened in WA.
We know even Senator Eggleston at one
point raised concerns, although I think he has
gone quiet now. A whole range of other peo-
ple, not just in the AVCC and the community
but in the government, have raised concerns
about this: Kym Richardson, Ian Causley,
Kay Hull, Paul Neville, Bob Katter, Russell
Trood, Nigel Scullion and Fiona Nash.
Where are they? Where is Senator Nash? Is
she going to do the right thing? Is she going
to support Senator Joyce? Is Senator Nash
going to support Senator Joyce and support
her federal council’s position? We will wait
and see. As for Senator Fielding: as I said, I
actually do not know from what Senator
Fielding said in here what his position is, but
it seems pretty clear if the government is
going to bring the vote on what it will be. I
just say this: I understand public statements
have been made by Senator Fielding while
we have been debating in this place. If Sena-
tor Fielding’s vote is with the government,
we on this side say that at some point we
hope the public become aware of the differ-
ence between Senator Fielding’s position
when he talks to newspapers and his vote in
this chamber. He said he opposed Welfare to
Work but he voted with the government. If
he votes for VSU—and I appreciate he may
not vote; if that is the case then obviously
what I say is conditioned by that—what he
will be doing is saying one thing and voting
another way—and people will be aware of it.

Senator BOB BROWN (Tasmania) (4.51
pm)—Effectively, Senator Fielding came in,
then left. He has abandoned the chamber. He
is not here for the debate. One has to ask:
where is the package that he is aware of but
the rest of the chamber does not know about?
Some principled partaker in the democratic
process he is!

This is Senator Fielding washing his
hands of his responsibility to students as we
go to Christmas. This is Senator Fielding
taking his 30 pieces of silver in return for a
sell-out of the student unions. It is Labor’s
Senator Fielding, by the way, who is per-
forming in this fashion. I do not mind. Sena-
tor Fielding can make up his own mind.

I have a different point of view as far as
Senator Joyce is concerned—and I have been
one of his critics—because today he has
stood by a commitment to the Queensland
party which he represents. That has to be
something that people will appreciate and
laud. The electorate out there, which is sick
of not knowing what is going to happen in
parliaments and sick of the backroom deals
which are not brought forward so that par-
liament can debate them, will at least say that
Senator Joyce has done what he said he
would do. Senator Joyce has stood up for an
electorate that voted for him to do what he is
doing today.

Not so Senator Fielding. He is not even in
the chamber. He is missing during the vital
part of this debate, when he should be here
listening to what is happening. He has gone
out to speak to the government negotiators
who have promised him protection as this
tawdry process unfolds—on this Friday
which sees the last sitting of the Senate for
2005. So be it. We have seen it all before.
The problem here, of course, is that the gov-
ernment—and Senator Fielding is the ci-
pher—has had Senator Fielding return to the
prime ministerial office after the negotia-
tions the Prime Minister had with him back in
the run-up to the last election. This is comeback
day for Senator Fielding. But it is a pretty low point in politics. If this is Family First politics then, boy, oh boy, that two per cent of people who voted for him are going to have to think again.

We are told that Family First represents the politics of principle. The principle involves him locking out his colleagues—he said it himself—while he sits in a room and takes calls from the government. Senator Fielding, do not tell anybody else—come in and make a speech and do not make it clear what you are going to do on the eve of an incredibly important decision for the parliament. Keep everybody in the dark. Pretend that you are the arbiter of this matter and, what is more, that the weight of the world is on your shoulders. What a pathetic performance it was from Senator Fielding this afternoon. What a failure he is as a representative of the people of Victoria who put him there.

Senator Fielding should have looked back a couple of benches to Senator Joyce, who at least today stood up for what he said he would do. Not so Senator Fielding. There has been a whole process of failure of principle from this senator, who has made his decision outside the realm of the people who voted for him. I ask Senator Fielding and the Nationals who are going to sell out students today: what about the students who go to city universities? What are they going to get out of this? I ask Senator Fielding: has he read the history of the GST package? Where are all the great things that were going to flow out of that? They have evaporated, as will this package in the future. There is no guarantee about the future.

Government senators interjecting—

Senator BOB BROWN—The baying crowd opposite know that. All they do is tug their forelocks to the Howard executive office. What a low point. What a nadir in politics we have seen dished up here by Family First on this last afternoon of sitting in 2005. What a black day for the potential of a party which said it had principle but, when it got to the crunch, was found to have none at all.

Senator WEBBER (Western Australia) (4.56 pm)—I seek leave to incorporate speeches by Senators Chapman and Lundy.

Leave granted.

Senator CHAPMAN (South Australia) (4.56 pm)—The incorporated speech read as follows—

I am pleased that the Higher Education Support Amendment (Abolition of Compulsory Up-Front Student Union Fees) Bill 2005 has a place on the Senate’s legislative programme before the close of the 2005 parliamentary year.

Compulsory student unionism, an antiquated feature of Australia’s higher education system, gravely offends the principle of freedom of association.

Freedom of association is a basic right whose introduction into Australia’s universities is long overdue. Australian students should not have to fight for the right to make basic decisions such as choosing whether or not they will join a student union and whether or not they will pay amenities, facilities and services fees.

The Howard Government enshrined the right of freedom of association into Australia’s workplace laws in its first term of office and it is only right that it is afforded to university students in this country. What an insult it is to the tertiary students of Australia that at the present time the framework governing higher education does not allow them to exercise the most elementary of choices in relation to membership of a student union. Instead, at the beginning of each year, or each semester, they have to find a few extra hundred dollars to fund a set of services which, in many cases, they do not want and do not use.

If we look at the situation in South Australia, undergraduate students enrolled on a full-time basis at the University of Adelaide in 2005 had to find an extra $326.70 for 2005, students enrolled on the same basis at the University of South Australia had to find an extra $273.50, and students at Flinders University had to find an extra $362.80.
Although these are great sums of money for students to find, especially in one hit, universities in other parts of Australia require their students to pay up to $590 in what is effectively a flat tax. Accordingly, as proposed by the relevant legislation, under VSU no student will be compelled to join a student organisation or, union or guild, or be compelled to pay a fee to an institution for non-academic amenities unless they choose to pay a fee to make use of those services.

This right to join, or not to join, a university union finally extends students the same right that they enjoy outside universities. Why should a mature-age mother who has gone back to university to update her skills and has no interest in anything other than gaining a degree have to compulsorily pay a student union fee? Similarly, why should a part-time, postgraduate student who rushes from work to university after hours and doesn’t have time to get involved in wider university life have to pay a student union fee? Or why should a student completing their degree through on-line delivery and never even sets foot on campus have to pay? Well, they won’t have to and this Bill will ensure that the absurdity of compulsory student union fees is removed and they won’t have to.

This is not radical policy as the Opposition would suggest. Perhaps with the introduction of this Bill they will need to look further a field than universities as taxpayer-subsidised breeding grounds for future candidates for election to this place.

Various reports confirm what we know; student union monies are used recklessly to fund things such as transport to a protest held at Woomera and bail for persons arrested at this protest, campaigns to stop opposition of Iraqi women by “US occupiers”, and an Australian speaking tour for an Iraqi oil worker and Southern Oil Workers Union activist.

I need not recount at length the disastrous circumstances surrounding the collapse of The University of Melbourne Student Union which went into receivership after the misappropriation of $43 million and allegations of abuse of process and conflict of interest.

Contrary to the unfounded and alarmist predictions of doomsday that have so often been brought to this debate by those opposed to the Howard Government’s reforms, this will not spell the end for universities. It will simply mean that in an open and competitive economy students will organise to support the amenities and services for which there is a demand. This is the basis upon which voluntary organisations operate right around Australia. Universities should be no different. In any case so-called ‘subsidised’ services are not always the cheapest that are reasonably available.

It was interesting to read Minister Nelson’s speech on university student services as a matter of public importance in the House on 10 August this year. He quoted an email sent by the Vice-Chancellor of Monash University, Professor Richard Larkins, to his staff and students on 18 July this year. It said in part:

“In the event that the legislation is passed without amendment, the university will directly fund some activities, other would be combined with membership of the student association as a voluntary fee and other activities could be user pay at the point of use.”

So there we have it; evidence that at least one university would directly fund what it sees as essential activities. In any case, a typical scenario sees that student union membership fees comprise only a small percentage of student union revenue. Profits made from the commercial activities of student unions are still able to be spent at its discretion towards campus activities.

I will spend a couple of minutes going through the findings of some research conducted for The University of Adelaide because it tells an important story in the context of this Bill. In May 2005 The University of Adelaide and the Adelaide University Union reported through market research company Market Equity, on a study entitled ‘Student Services: an overview of awareness, usage and satisfaction’.

Ostensibly, the research was commissioned to provide a gauge of students’ satisfaction with their student union. It’s fair to say that the union commissioned the research in the hope that it would serve as a vindication of their claim to be
an organisation that the university simply could not do without.

The survey reported these main findings (from a response of 2908 students):

That 48 per cent of students rated their university union as good or excellent, 40 per cent rated it as average, and 12 per cent rated it as poor or very poor.

That given a choice, 84 per cent of students would support paying the Student Service Fee (at some level) over a user pays system.

That when asked about their preferences for the amount and uses of the student services fee, 4 per cent favoured providing more support services and increasing the fee; 48 per cent favoured maintaining the current level of support services and the fee; 23 per cent favoured providing only basic support services and reducing the fee; and 16 per cent favoured students paying the fee on an as needs basis.

That some students are concerned about their union fees subsidising other students' activities—that is, political activities, at the expense of core support services. Specifically, 41 per cent said they would prefer to see the student services fee cover only support services; 43 per cent preferred the fee to support mostly support services but some student politics; 1 per cent preferred the fee to support mostly student politics and some support services; and less than 1 per cent preferred the fee to support only student politics.

The results of this study were enthusiastically embraced by the Australian Vice-Chancellors' Committee, who issued a media release which contained the following comments from the Vice-Chancellor and President Professor James McWha:

"What is clear from this research is that if the Federal Government proposes reform legislation that allows universities to collect a Student Services and Amenities Fee, it will be acting in line with the wishes of the vast majority of our students."

One can hardly fathom the breathtaking irony of these results. If indeed 84 per cent of students support the compulsory payment of the student services fee at some level, then surely the Union has nothing to worry about, as it will receive plenty of support under a voluntary system. It's difficult to understand how student unions are so vehemently warning of the destruction of university life as we know it when if their union services are worth their salt as they say they are, these results indicate that students will keep coughing up the services fee.

Secondly, although the results do show that 84 per cent of students support paying the fee at some level, they show doubt at the margins with some students uneasy about funding political activities. They also show that some students favour a watered down version of services so that they cover only the basic support services (although they are not defined in the report's executive summary which I have a copy of, it is reasonable to assume it means that some of the more extreme special interest group activities do not have the full support of the student body).

There has been a lot of debate about the merits of a so-called 'VSU lite' model, a watered down version of voluntary student unionism, whereby a lower fee is charged for only a handful of 'essential' services, with a particular focused on regional universities where various non-academic activities such as sports clubs are an important part of the community. In reality this is not a workable option; it is very difficult to draw a line in the sand between what are essential and non-essential services, and ideologically, VSU lite still doesn't hold up.

The experience VSU lite in Victoria is instructive here. Although it was a well intentioned measure by the Kennett Government, separation through Voluntary Student Representation did not work.

In an article published in the Australian on 25 October this year, 'Student fees fund political activities', universities were said to have confirmed rules governing the Victorian VSU lite model, which allows compulsory collection of student union fees but does not allow these monies to be spent on political campaigns, to be "totally ineffectual".

President of the Monash University Students' Association, Nick Richardson, had this to say: "For us, it's totally meaningless. The formula that was brought in depended on universities to implement it. In our situation, funding sources, other
than the amenities fees, can be used for political activates. At the moment it’s only a budgetary thing to get around VSU.

In the past year, there was money contributed to West Papua freedom movement. Money was also given to the Stop the War Coalition. I think that was in the order of $500.

We have recently passed a motion of solidarity and a $3000 grant for an organisation fighting for women’s freedom in Iraq.

This article also reported a request from Senator Carr’s office for contributions of student union monies to go towards a “fighting fund” against the Governments workplace relations reforms.

This blatant misuse of funds is hardly reflective of the wishes of the whole student body and demonstrates a flagrant disregard for the monies entrusted to student unions. Many students would be rightly incensed by this.

Students are well able to decide for themselves what is best for them and how best to spend the significant sum of money they currently hand over to their student union. In closing, I urge the Senate to finally grant students in Australian universities a choice they have been denied for far too long; voluntary membership of their student union.

Senator LUNDY (Australian Capital Territory) (4.56 pm)—The incorporated speech read as follows—

This week we have repeatedly witnessed the Howard Government gag debate and guillotine legislation in order to bulldoze their ideological and extreme agenda through the Senate.

And now, at the last minute, this extreme government is intent on using its majority to give life to some pathetic deal to destroy valuable and necessary student services at Australian Universities. But we don’t know. We have a Labor and a National amendment before us.

The Howard Government is prepared to remove on-campus services, cost thousands of people their jobs and deny the communities access to hundreds of millions of dollars worth of sporting facilities for the sake of an ideological campaign by a pack of immature ideologues reminiscing about their days in student politics.

So determined to relive their student days from the 70’s that that this pack of selfish ideologues have ignored the more reasoned pleas of members of their own ilk and party to drop this absurd and damaging agenda.

For example, David Clarke AO Macquarie Bank Chairman and former federal Liberal Party treasurer recently stating that “When people actually understand what this legislation is going to do, I find there is very substantial opposition to it amongst people who would be regarded as traditional Liberal voters.” (The Australian Friday 5 August 2005)

I have watched with interest the machinations that have occurred in this last week around this place and how the liberal party ideologues bullied until they got VSU back on to the notice paper. It was a shock for many to see it back there given that Senator Joyce never seemed to waiver in his opposition to VSU.

Perhaps it was the spectre of a deal with Senator Fielding they fuelled the push. Senator fielding never said what he would do but his analysis of the detrimental impact on young people, many away from home for the first time was not a factor in his decision to do this appalling deal.

Where is the family? This, after all, is a family matter. Kids from the country going to the city and vice versa need to have access to student services.

In many cases, the services replace the sort of support a family would have provided in the past. Many services, from counselling to crisis support one would hope to never be needed, but it is security for both parents and students to know they are there. Without compulsory students services fees, these services would not be viable.

On this point, the ridiculous pseudo-economic arguments used by the liberal ideologues to justify cutting funds to support services like that is that students can “choose” to use them and therefore pay up front. The absurdity of applying open market theory to a counsellor providing personal support and advice on a university campus exposes just how childish the arguments for VSU are.

It is worth dissecting their pathetic argument. The ideologues argument goes like this: If students did
not have to pay any compulsory fee up front, then they would have the equivalent cash to expend on services of their choice. This cash would then be used on services of choice, and therefore the ‘market’ or the exercise of this choice would determine the viability of the services. Clearly they have rejected some critical counterpoints such as having more cash to expend means that more services could be purchased. Richer people can afford more. Poorer people can afford less. In a hierarchy of needs for students, only those students who have their basic needs covered are even in a position to contemplate spending money on services on campus.

It goes without saying that those who are further from home and family are more likely to need to access the student services that provide advice, practical support and affordable solutions. In other words, the ideologues are pushing greater inequity for the life and social experience of those attending university.

At one level, the unfairness being institutionalised with VSU is the inequity for those students who live at or near the university but are far from home and family. These are the students that rely on the services at Uni because they are not able to access the support networks from home and family.

From another perspective, university students who are wealthier have far more options to access support, either fee for service at the university or fee for service outside the university. The inequity being institutionalised here is purely and simply favouring the better-off and discriminating against students who are not so cashed up.

But its is unforgivable that those students that are financially disadvantaged and those students living below the poverty line trying to juggle part time work and full time study will be deprived of access to a basic social support network.

But wait there’s more. The natural corollary for the ridiculous pseudo-economic arguments used by the liberal ideologues is that these services would not survive on a fee for service basis anyway. Let alone compete! Hardly any university student services would survive without the guaranteed cash flow that comes from the compulsory student services fee!

This fact was confirmed by a number of witnesses to the Senate inquiry, who confirmed that trading would have to cease immediately if the source of revenue from compulsory students services fees was banned because the business entities that provide the services would become insolvent.

So what services are at risk? Again, evidence at the Senate Inquiry heard that the following list of services would be under threat:

There would be NO Counselling, Health and medical services, Dentists, graduate employment services, Affordable social activities, sport and recreation, the arts, Financial advice Mentoring and orientation for new students, Employment assistance and Affordable food and beverages.

If leaves them with no Free Legal advice, Childcare, Academic support, Personal accident insurance for students, Student representation and advocacy, Student clubs and societies, Welfare, Access to religion Support for overseas students, counselling and Support in adjusting to University life.

The list goes on: No Safety shuttle buses, Cultural and developmental programs, Student diaries and publications, Accommodation and housing assistance, Cultural societies. And I am sure I have missed some!

This list illustrates how university campuses are complex communities in their own right. They have an array of special needs because of the fact they host thousands of young people for the intellectual and social development is their responsibility. Universities take this responsibility seriously and I admire the way that university academics and administrators have stood firm against banning compulsory student services fees.

The Vice Chancellors Committee have made the point that Australia sells itself as an education destination based on the total university experience. This includes the facilities, services and lifestyle available to international students studying in Australia. And our Universities are being required to compete against one another more and more too. How can they do this is a key selling point is dismantled?.

Furthermore, a survey of service providers at Australian universities has found they employ 4,200 people. These people will lose their jobs!
Of particular concern to the Labor party is the negative effect that banning compulsory student services fees will undoubtedly have on Australia’s sporting infrastructure and participation opportunities.

Again the damage will be inflicted at a number of levels. It will harm the elite end of sport including the Olympics, Paralympics and Commonwealth games.

It will also affect those that play representative sport of some description, from campus-based national league teams to intervarsity sport and the University Games.

Some 1,400 sports scholarships at universities will be at risk because the human and physical infrastructure to support the athletes will no longer exist or be so diminished that it is unsuitable for elite training.

It will also harm participation in sporting and recreational activities. This ideological agenda of the Howard will strip $30 million from sport in Australia and jeopardise the maintenance and viability of more that $600 million of sporting infrastructure according to an economic assessment of the impact by Australian University Sport, an organisation that covers all Uni sports associations.

How can this be anything but devastating to the 500,000 Australians, from Olympians to students to school children, who currently utilise university sporting facilities and programs?

The massive reduction in the annual budgets for facilities and maintenance thereof means that many will be left to slide into a state of disrepair or under-use. The real economics determines that if this happens, so much capital is then required to get facilities back in good order that it just won’t happen.

Yet when asked specifically about these cuts in Question Time this week, the Minister for Sport and Recreation refused to defend university sport programs and facilities.

And it is not just the Labor Party that have called him to task. Over 40 prominent Australia’s sporting identities which included David Clark AO, John Coates AO, Liz Ellis, Rob DeCastella, Shane Gould, Johnny Lewis and Phil Kearns who have publicly called on the Prime Minister and the Federal Government to support a sports facilities and activities fee that will preserve the capacity of our universities to deliver programs and services of benefit to ALL Australians.

Instead the Minister has gone deathly silent on the impact on sport in this country and has done NOTHING to defend the role that universities play, not only in the development of athletes but also the massive support they give to Australia’s sporting community through facilities, clubs and services.

The Howard Government argues compulsory union fees are anachronistic and not relevant to education in the 21st century.

As I have said, they argue the services previously paid by Student services fee could be provided by the private sector or on a fee-for service basis.

The truth is that services and amenities fees are used to support sport and recreation activities at Higher Education institutions. Universities have a long association with sport and, particularly prior to the AIS, are a major part of Australia’s elite athlete development program.

Liz Ellis, Australian Netball Captain states “As a graduate and international athlete, I recognise that campus sports programs and facilities made possible by fees play a vital role in the continuing welfare of students and the overall health of our communities.” (Australian 5/8/05)

There have been numerous representations made from students during this debate on the impact sport made on their university experience and their life—sport as a socialisation factor can not be underestimated by those across the chamber.

I would like to refer to a few representations made by the Melbourne University Women’s Football Club—the MUGARS—which exemplify the importance of sporting clubs in the lives of university students from all walks of life.

A former Mansfield resident (note this is MP Ms Panopoulous’s electorate) an ideologue of some repute, suggests that the footy club completely changed the path of her life. As a country kid moving to the city to study, it was not the easiest transition ... I’m sure I would not have made it through my degree without the MUGAR’s pushing me along. I would never have met these amazing women who are my very dear friends.
Another student moved to Melbourne from a farm in Wannon (Mr Hawker’s, Speaker of the House, electorate) where she suffered chronic depression, low self esteem and a battle with anorexia. She had no friends in Melbourne and did not even know how to buy a ticket on a tram. Her experience with the football team turned her life around, she said recently that ‘for the first time in my life I can honestly say that I am happy ... and I owe a lot of that to my family the MUGARS.’

Another MUGAR said that: “It is clear to me that this club creates leaders and passion, inspires and SAVES people more than any other organisation or group I have ever come in contact with. It gives women a chance to experience an active, diverse, body-positive, fully inclusive and supportive environment, which helps many individual women flourish in all facets of their.”

An international student said of her experience: “I know that joining the club has certainly enhanced my enjoyment of my short time here. Without it, I believe I would have spent the entire duration of my time here without ever truly getting to know any Aussies and that would have been an incredible loss” and other International students spoke of the similar experience.

A post-graduate student in the MUGARS put it simply, she said: “the MUGARS has given me the chance to: Develop new friends; Be involved in organised, regular physical activity, some thing I had stopped doing since I was 17; and develop leadership skills, team work skills, self-confidence and problem solving skills. “

A young girl from Shepparton joined the MUGARS in her first year at uni. She said: “I feel immensely lucky to have experienced what I have at uni, and it was largely due to belonging to a club ... My time at uni developed me into a clear and critical thinker and independent learner, but it has been my time with the MUGARS whilst at uni that really developed me into a strong minded, capable and resilient person ready to survive and succeed in today’s world.”

The effects of VSU on this club are:

Membership would be halved—without the financial support of MUSA to cover training grounds and subsidised equipment, membership fees would need to rise dramatically. For this club to operate without university support they would be required to increase their membership by four times in some cases.

Reduced participants would mean reduced opportunities for women and girls to compete at a level they feel comfortable.

The Australian University Sport Working Group which represents some 46 campus sport and recreation organisations describe Brendan Nelson’s legislation as having a “catastrophic” impact on a much underestimated, self funding sector of Australian sport and recreation. The submissions made by this peak body highlighted the following realities if this legislation is inacted.

- Sport and recreation services, programs and facilities at regional, rural and outer urban Tertiary Education
- Providers (TEP) will suffer disproportionately as a result of this legislation.
- The removal of guaranteed revenue streams will jeopardise the maintenance and viability of more than $600 million of sporting infrastructure painstakingly built up over generations through the contributions of past students.
- With no time to adjust to the loss of a significant income stream, Tertiary Education Providers (TEP) sporting bodies that have recently invested in infrastructure will struggle to service debts.
- Future students will be disadvantaged enormously as Tertiary Education Providers (TEP) sporting bodies—particularly those in regional, rural and outer urban Australia—will no longer be able to confidently borrow for capital projects.
- The health of our student population—and many members of the general public will be adversely affected by legislation which reduces the capacity of Tertiary Education Providers (TEP) sporting bodies to promote physical activity through their clubs, facilities and school program.
- Those sports which traditionally struggle for support, particularly women’s and disabled sport, will be severely undermined by the
diminished resources available to Tertiary Education Providers (TEP) sporting bodies.

- Students who are also elite athletes (a third of our Olympians in Athens were either current or past tertiary students) will no longer receive the support necessary to balance sport and study, necessarily affecting our success on the international stage.

In funding terms the very real financial impacts on the sporting community are very hard to ignore. Australian University Sports believe it is unlikely University and Higher Education Councils and Boards will make up any these funding losses from a deregulated union fee environment. In their view this means that University Sports facilities will probably be left to run-down and therefore not continue to pay an important part in Australia’s sporting future.

Changes to the funding and support of University based sports facilities will have a significant impact in regional settings. In these areas University sports facilities are often the only elite facilities available to local athletes. Some regional based coalition MPs have voiced strong concerns at the VSU Bill’s impact on regional campuses.

It is not good enough to offer subsidies to regional campuses. Universities are diverse societies with rural students landing in the city for the first time, international students arriving in Australia for the first time and those from the cities arriving on regional campuses for the first time.

It is not good enough for those across the Chamber who represent kids from rural Australia to allow the support services and activities on any campus in Australia to be undermined.

Habors moved beyond the Liberals’ tired old debate about compulsory student unionism, where they are still fighting the campus battles they lost in the 1970s.

The amendment to this legislation that Labor has put forward is the only sensible and practical way to save vital services on university campuses.

The amendment satisfies the Howard Government’s extreme ideological agenda to settle old scores from student politics in the 1970’s it gives students the choice of whether or not they wish to belong to their student union but it protects university student services that this Government is undermining with this legislation.

Labor’s amendment allows universities to charge a compulsory services and amenities fee and sensibly specifies a range of amenities, facilities, activities and services on which monies collected may be spent—including child care, sports facilities, advocacy, counselling, orientation information, cultural activities.

Labor’s amendment also introduces tough new accountability and reporting requirements for universities to make sure any money collected through a compulsory student amenities fee is used in accordance with the law. This should also satisfy this Government’s unfounded concerns that student fees are spent irresponsibly.

Our amendment also provides for a fair system of fee collection requiring universities to levy fees on a pro-rata basis for part time, external and distance education students.

The only way to save university student services is to allow all universities to levy a compulsory fee for amenities and services and this should include appropriate student advocacy services.

Senator STOTT DESPOJA (South Australia) (4.57 pm)—I rise to address Labor amendments (1) to (3) on sheet 4808 before us. On behalf of the Australian Democrats I indicate that we will be supporting the amendments before the chair. We make it very clear that student fees are spent irresponsibly. Our amendment also provides for a fair system of fee collection requiring universities to levy fees on a pro-rata basis for part time, external and distance education students.

The only way to save university student services is to allow all universities to levy a compulsory fee for amenities and services and this should include appropriate student advocacy services.

Senator STOTT DESPOJA (South Australia) (4.57 pm)—I rise to address Labor amendments (1) to (3) on sheet 4808 before us. On behalf of the Australian Democrats I indicate that we will be supporting the amendments before the chair. We make it very clear that, along with Senator Joyce’s amendments, they do not go far enough, but they are a last-minute and desperate attempt by all of us to ameliorate the worst aspects of this legislation, which will completely emasculate student services and amenities. Have no misunderstanding: as we have said on record, we know exactly what this legislation is going to do to representation and to services that include sport, subsidised catering, welfare, child care, media, politics—all of it; you name it.

I want to make it very clear that people do deals in this place all the time. But we do not see grubby little deals like this where we do
not even have an amendment before us. What is the deal? This is not just Freaky Friday anymore; this is Senator Fielding’s Freaky Friday. He has not even told us what the deal is. Is it $80 million? Is it $100 million? Has he topped $120 million? What is the deal?

This is an abuse like none before. We have not had a deal on a piece of legislation like this—with absolutely no notice, a guillotined debate and gagging of speakers. We have no idea what the legislation is being changed to reflect today. We have no idea what Senator Fielding has addressed and discussed with the Prime Minister in his meetings today. We are expected, in this curtailed and truncated committee stage, to agree to legislation and amendments that we do not even know about. This is a sad example of the abuse of the coalition’s powers in the Senate today.

These amendments do not go far enough. They cannot fix the system. But the system ain’t broke. So we support the ALP amendments, and the ALP understands why. We have discussed this in the second reading stage. They certainly go further in a more positive way than Senator Joyce’s amendments, which, of course, are completely restrictive as to the services that can be provided—including denying advocacy and representation. For that reason the Democrats will not be supporting the restrictive amendments. At this late stage we will do what we can to support amendments that improve the bill. If Senator Joyce’s amendments are the ones left standing, then we will support those as well.

Senator JOYCE (Queensland) (4.59 pm)—We do not support compulsory student unionism—never have, never would. This is about making sure that we maintain the legacy that has been built up over 100 years that goes towards providing vital infrastructure—

The CHAIRMAN—Order! The time allotted for consideration of the remaining stages of the bill has expired.

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

The committee divided. [5.04 pm]
(The Chairman—Senator JJ Hogg)

Ayes……………

Noes……………

Majority………

AYES

NOES

PAIRS
Question negatived.

Question put:

That the amendments (Senator Joyce's) be agreed to.

The committee divided. [5.08 pm]

(The Chairman—Senator JJ Hogg)

Ayes............. 29
Noes............. 31
Majority........ 2

AYES

Allison, L.F. Bartlett, A.J.J.
Bishop, T.M. Brown, B.J.
Brown, C.L. Campbell, G.
Carr, K.J. Conroy, S.M.
Crossin, P.M. Evans, C.V.
Forshaw, M.G. Hogg, J.J.
Hurley, A. Joyce, B.
Ludwig, J.W. Lundy, K.A.
Marshall, G. McEwen, A.
McLucas, J.E. Moore, C.
Murray, A.J.M. Nettle, K.
Sherry, N.J. Siertle, G.
Stephens, U. Webber, R. *
Stott Despoja, N. Wong, P.

NOES

Abetz, E. Adams, J.
Barnett, G. Boswell, R.L.D.
Brandis, G.H. Chapman, H.G.P.
Colbeck, R. Coonan, H.L.
Ellison, C.M. Fielding, S.
Fierravanti-Wells, C. Fifield, M.P.
Heffernan, W. Hill, R.M.
Humphries, G. Johnston, D.
Macdonald, I. Macdonald, J.A.L.
Mason, B.J. McGauran, J.J.J. *
Minchin, N.H. Nash, F.
Patterson, K.C. Payne, M.A.
Ronaldson, M. Santoro, S.
Scullion, N.G. Troeth, J.M.

Vanstone, A.E.

PAIRS

Ray, R.F. Ferris, J.M.
Milne, C. Campbell, I.G.
Faulkner, J.P. Kemp, C.R.
O’Brien, K.W.K. Lightfoot, P.R.
Kirk, L. Calvert, P.H.
Wortley, D. Ferguson, A.B.
Polley, H. Parry, S.
Hutchins, S.P. * denotes teller

Question negatived.

The CHAIRMAN—The question now is that items 2, 3, 4 and 7 of schedule 1 stand as printed.

The committee divided. [5.12 pm]

(The Chairman—Senator JJ Hogg)

Ayes............. 32
Noes............. 28
Majority........ 4

AYES

Abetz, E. Adams, J.
Barnett, G. Boswell, R.L.D.
Brandis, G.H. Chapman, H.G.P.
Colbeck, R. Coonan, H.L.
Ellison, C.M. Fielding, S.
Fierravanti-Wells, C. Fifield, M.P.
Heffernan, W. Hill, R.M.
Humphries, G. Johnston, D.
Joyce, B. Macdonald, I.
Macdonald, J.A.L. Mason, B.J.
McGauran, J.J.J. * Minchin, N.H.
Nash, F. Patterson, K.C.
Payne, M.A. Ronaldson, M.
Santoro, S. Scullion, N.G.
Troeth, J.M. Trood, R.
Vanstone, A.E. Watson, J.O.W.

NOES

Allison, L.F. Bartlett, A.J.J.
Bishop, T.M. Brown, B.J.
Brown, C.L. Campbell, G.
Carr, K.J. Conroy, S.M.
Crossin, P.M. Evans, C.V.
Forshaw, M.G. Hogg, J.J.
Hurley, A. Ludwig, J.W.
**Friday, 9 December 2005**

**SENATE**

<table>
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<th>CHAMBER</th>
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<td>Lundy, K.A.</td>
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**PAIRS**

| Ferris, J.M. | Ray, R.F. |
| Campbell, I.G. | Hutchins, S.P. |
| Kemp, C.R. | Milne, C. |
| Lightfoot, P.R. | Faulkner, J.P. |
| Eggleston, A. | O’Brien, K.W.K. |
| Calvert, P.H. | Kirk, L. |
| Ferguson, A.B. | Wortley, D. |
| Parry, S. | Polley, H. |

* denotes teller

Question agreed to.

Bill agreed to without amendment.

**The CHAIRMAN**—Pursuant to the allotment of time agreed to earlier today, I now report the bill.

**Third Reading**

**The PRESIDENT**—The question now is that the remaining stages be agreed to and the bill be passed.

Question put.

The Senate divided.  

(5.17 pm)  

(The President—Senator the Hon. Paul Calvert)

| Ayes……… | 29 |
| Noes……… | 27 |
| Majority…… | 2 |

**AYES**

| Abetz, E. | Adams, J. |
| Barnett, G. | Boswell, R.L.D. |
| Brandis, G.H. | Chapman, H.G.P. |
| Colbeck, R. | Coonan, H.L. |
| Ellison, C.M. | Fielding, S. |
| Fierravanti-Wells, C. | Fifield, M.P. |
| Heffernan, W. | Hill, R.M. |
| Humphries, G. | Johnston, D. |
| Macdonald, J.A.L. | Mason, B.J. |
| McGauran, J.J. * | Minchin, N.H. |
| Nash, F. | Patterson, K.C. |
| Payne, M.A. | Ronaldson, M. |
| Santoro, S. | Scullion, N.G. |
| Troeth, J.M. | Trood, R. |

**NOES**

| Allison, L.F. | Bartlett, A.J.J. |
| Bishop, T.M. | Brown, B.J. |
| Brown, C.L. | Carr, K.J. |
| Conroy, S.M. | Evans, C.V. |
| Forshaw, M.G. | Hogg, J.J. |
| Hurley, A. | Joyce, B. |
| Ludwig, J.W. | Lundy, K.A. |
| Marshall, G. | McEwen, A. |
| McLucas, J.E. | Moore, C. |
| Murray, A.J.M. | Nettle, K. |
| Sherry, N.J. | Siewert, R. |
| Stephens, U. | Sterle, G. |
| Stott Despoja, N. | Webber, R. * |
| Wong, P. | |

**PAIRS**

| Ferris, J.M. | Ray, R.F. |
| Campbell, I.G. | Hutchins, S.P. |
| Kemp, C.R. | Milne, C. |
| Lightfoot, P.R. | Faulkner, J.P. |
| Eggleston, A. | O’Brien, K.W.K. |
| Calvert, P.H. | Kirk, L. |
| Ferguson, A.B. | Wortley, D. |
| Parry, S. | Polley, H. |
| Vannstone, A.E. | Campbell, G. |
| Macdonald, I. | Cossins, P.M. |

* denotes teller

Question agreed to.

Bill read a third time.

**HEALTH LEGISLATION AMENDMENT BILL 2005**

**Second Reading**

Debate resumed from 8 November, on motion by Senator Patterson:

That this bill be now read a second time.
TELECOMMUNICATIONS (INTERCEPTION) AMENDMENT (STORED COMMUNICATIONS AND OTHER MEASURES) BILL 2005

Second Reading

Debate resumed from 13 October, on motion by Senator Ian Campbell:

That this bill be now read a second time.

Senator STOTT DESPOJA (South Australia) (5.17 pm)—The incorporated speech read as follows—

As I discussed in my previous second reading speech in response to the Telecommunications (Interception) Amendment (Stored Communications) Bill 2004, the protection of privacy in Australia lags far behind that of the rest of the developed world.

Since I last spoke on this piece of legislation no further measures have been introduced to protect the private information of Australians nor have any developments occurred at common law.

Rather, there have been increased attempts to erode privacy—including the decision by the government to seek to extend the 2004 version of this bill.

It should be noted that in 2004, following its Inquiry into the Provisions of the Telecommunications (Interception) Amendment (Stored Communications) Bill 2004, the Senate Legal and Constitutional Committee referred to the operation of the sunset clause as an “important check in the process” of ensuring clarity in the application of the TI Act.

Yet the Government attempts to further extend this legislation as a patchwork measure on what has been deemed an inadequate legislative framework for access to telecommunications in general.

The Democrats at that time supported this need for clarity and were hopeful of a positive outcome on this issue following the review commissioned by the Commonwealth Attorney General and undertaken by Mr Anthony Blunn, the so-called Blunn review.

I take this opportunity to again lament the absence of an expressly established right to privacy in Australia. The absence of a bill of rights in Australia holds us in stark contrast to every other common law country.

Our privacy law is an awkward accumulation of different Acts, regulating different areas of our lives.

The Universal Declaration of Human Rights establishes that individuals have a right to be free from arbitrary interference with their privacy, family, home or correspondence and a right to the protection of the law from such interference.

Of course the Declaration does not have the status of a legal instrument but these rights have been subsequently enshrined in the International Covenant of Civil and Political Rights. This provides the international legal basis for privacy law in Australia.

The development of new forms of communication, such as email, SMS, voicemail and internet chat programs has posed a constant challenge to the existing legislative framework surrounding the protection of privacy of telecommunications.

To cope, the legislation has been updated in a consistently ad hoc fashion and as a consequence of numerous amendments it has become quite complicated. According to the recent review it requires replacement by new legislation.

This Bill, which has been proposed in various forms since 2002, all sharing the same intention of removing protection for private stored communications, has been constantly opposed by organisations advocating the privacy rights of Australian’s.

In response to the 2002 amendment an objection was the Federal Privacy Commissioner, who remarked;

“There seems to be little justification for reducing the privacy protection of a communication as intimate as a voice mail message or SMS, in comparison with a ‘live communication’ simply because the transmission of the former is temporarily delayed”.

This comment remains valid and the Democrats repeat the view contained in the dissenting report attached the Senate Legal and Constitutional Report that there is in fact no justification for exempting such communications.
When the Telecommunications (Interception) (Stored Communications) Bill 2004 was introduced into the Senate in June 2004 the Government lifted the thin veil of pretension and the amendments blatantly excluded stored communications from the ambit of the act, whether read or not, for a period of 12 months.

These amendments mean that instead of an interception warrant, as provided for by the TIA, a general search warrant is sufficient to allow law enforcement agencies to access private emails, voicemails and SMS messages.

This outraged privacy organisations and in its submission to the Senate Legal and Constitutional Committee Inquiry Electronic Frontiers Australia referred to the Bill as an “utter disgrace” as it “is the type of legislation one might expect to see in a police state, not in a democracy”.

I referred earlier to the Democrats hopes in relation to the Blunn Review. In 2004, as a response the requests of many government and non-government bodies, the Commonwealth Attorney General commissioned Anthony Blunn, SC to conduct a review of the regulation of access to communications.

This review was demanded by privacy oriented groups and strongly supported by the Senate Legal and Constitutional Committee following their inquiry into the Telecommunications (Interception) Amendment Bill 2004.

Included in the complaints in relation to this review was the fact that non-government bodies with an interest in the preservation of individual privacy were given an extremely inadequate consultation period.

This stands in contrast to the time provided to government agencies contributing to the review. The Australian Privacy Foundation, in their submission, commented: “Without labouring the points made in our letter of 19 April, we re-iterate our concern about the limited consultation period and lack of transparency of information relevant to the review. Despite the terms of reference being dated July 2004, the review was only announced, and invitations made to interested parties, in March 2005. We contrast the limited opportunity for public input with the more than 9 months that have been given available to government agencies.”

This report purports to have, as its primary consideration, that “the protection of privacy”, but it can be seen from its recommendations that it is merely paying lip service to the notion.

On the most contentious issue debated in the preceding three attempts to change the legislation, the report makes a point of justifying the distinction between “real-time” and “stored communications” and gives reasons why stored communications does not need to be covered by the act.

This justification centres around the ‘spontaneous’ nature of “real-time” communication and the inherent necessity of protecting it on that basis.

The paramount consideration, according to Blunn, is that these communications “do not provide the opportunity for ‘second thoughts’ prior to transmission offered by other forms”.

Using this distinction as a basis for justifying the application of an interception warrant for one form of communication and not another does not make sense. When a person leaves a voice message they do so spontaneously. The storage of the message for a period of time in an unopened inbox does not make it any less spontaneous.

Blunn further exhibits confusion on the issue when he states that no distinction needs to be made between chat room conversations and those conducted through a medium allowing verbal exchange.

This being so, the question must be asked—is a quickly drafted and sent email necessarily any less spontaneous that a verbal exchange or an internet chat room exchange?

Unless the person who is sending the communication is monitored to see how much time and thought they have put into it, the simple answer is no.

The Blunn Review is correct in its recommendation that new legislation needs to be drafted to cater for the evolution of modern technological developments in telecommunications.

I certainly think aspects of the report are valuable, it has no value in terms of the recommendations it makes regarding stored communications.
Finally, it must be noted that the intention stated by the Senate Legal and Constitutional Committee was that this review should be public. The recommendations of the report were made public, but none of the submissions were. Upon telephone inquiry to the Attorney-General’s Department, it appears that they could not release them because none of the parties making submissions were asked for authorisation to release the information they provided upon submission.

I acknowledge that it may be appropriate in relation to submissions by government agencies as ASIO to withhold some information for valid reasons, but it seems dubious that the input from privacy organisations at least was not authorised to allow for publication. This “oversight” clouds the transparency of the whole process, particularly after consideration of the unfavourable views of the two independent privacy bodies (that released their reports on their website for public viewing).

There is a distinct theme running through the history of this legislation. It is one of manipulative conduct by the government. Leaving aside the recommendations of the ‘Blunn Review’, the actions of the Attorney-General’s department in allowing far more time to government agencies to contribute to the review than that provided to those preparing external submissions, and the far from transparent nature of the submissions leave a distinctly odorous impression.

In order to improve the legislative framework surrounding the regulation of access to telecommunications in Australian Federal law a second independent inquiry should be undertaken to examine the current scheme and determine the measures needed to protect private communications including stored communications.

In relation to the legislative treatment of stored communications we could use the example of the United Kingdom where the Regulation of Investigatory Powers Act 2000 provides acceptable protection for stored communications.

Despite the terrorist attacks we’ve seen in London they haven’t introduced such draconian measures affecting stored communications to parliament. Unlike our legislation the UK legislation provides much greater protection.

The fundamental difference is that communications are deemed to be still in transmission when stored on a system for the intended recipient to access and interception that does not fall under one of the limited lawful interception exceptions requires the issue of a special warrant.’

But how effective are these interception warrants anyway? I have previously risen to speak on the worrying statistics in the 2003 annual report on the Telecommunications (Interception) Act and noted that there has been a dramatic imbalance between the increased number of interceptions and the contrastingly number of interceptions that yield information and are used in the prosecution of offences.

It seems this trend remains. The 2004 Report on the Act showed that whilst 3028 warrants were issued there were only 2035 arrests and 1824 convictions based on these warrants. The number of arrests and convictions since 2003 has increased slightly proportionate to the number of warrants issued but there is still a significant imbalance.

Julie De Rooy also referred to the figures from the 2002 and 2003 Reports by the Attorney-General’s Department in her article in the Law Institute Journal. She noted that the United States Courts—despite the US’s far larger population—only granted approximately half the number of phone tap warrants in the same period as Australian courts granted interception warrants. This is disturbing information.

The Democrats will not support this Bill. The position we are in now remains the same as that of a year ago.

The Blunn Review has not proven to be as transparent and independent as we hoped and we suggest a further review of the telecommunications interception regime to allow for adequate consideration of the concerns expressed by privacy advocacy groups.

The PRESIDENT—The time allotted for the consideration of the remaining stages of the Health Legislation Amendment Bill 2005
and the Telecommunications (Interception) Amendment (Stored Communications and Other Measures) Bill 2005 has expired. The question is that the remaining stages be agreed to and the bills be now passed.

Question agreed to.

Bills passed through their remaining stages without amendment or debate.

COMMITTEES

Membership

The PRESIDENT—I have received letters from party leaders seeking variations to the membership of committees.

Senator ELLISON (Western Australia—Manager of Government Business in the Senate) (5.21 pm)—by leave—I move:

That senators be appointed to committees as follows:

Community Affairs Legislation Committee—

Appointed, as participating members: Senators Heffernan, Nash, Stephens and Stott Despoja

Community Affairs References Committee—

Appointed, as participating members: Senators Stephens and Stott Despoja

Foreign Affairs, Defence and Trade—Joint Standing Committee—

Appointed: Senator Bartlett

Intelligence and Security—Parliamentary Joint Committee—

Appointed: Senator Faulkner

Legal and Constitutional Legislation Committee—

Appointed, as substitute members: Senators Bishop and Trood to replace Senators Crossin and Mason, respectively, for the committee’s inquiry into the Defence Legislation Amendment (Aid to Civilian Authorities) Bill 2005

Appointed, as participating members: Senators Johnston and Murray

Parliamentary Library—Joint Standing Committee—

Appointed: Senator Allison

Rural and Regional Affairs and Transport References Committee—

Appointed, as a participating member: Senator Murray.

Question agreed to.

VALEDICTORY

Senator HILL (South Australia—Leader of the Government in the Senate) (5.22 pm)—I seek leave to make a brief statement.

Leave granted.

Senator HILL—On behalf of the coalition side, I wanted to thank the clerks and all officials, the attendants—

Senator Chris Evans—I rise on a point of order, Mr President. As I understand the government’s guillotine, it ended Senate proceedings. While I would be happy to do the normal valedictories, the government’s own motion cancelled Christmas and cancelled thanks.

Senator HILL—If that is your attitude, so be it. I would like to wish everyone a happy Christmas. I look forward to seeing you all back next year, including you, Senator Evans.

LEAVE OF ABSENCE

Senator ELLISON (Western Australia—Manager of Government Business in the Senate) (5.23 pm)—by leave—I move:

That leave of absence be granted to every member of the Senate from the termination of sitting this day to the day on which the Senate next meets.

Question agreed to.

VALEDICTORY

The PRESIDENT (5.23 pm)—I have one prerogative: I have the last say. At this stage of the 2005 sittings, I take this opportunity to thank all the officers of the parliament for their assistance to me and to the Senate dur-
ing the year. I particularly thank the Clerk of the Senate, his colleagues at the table of the chamber, the Usher of the Black Rod and all the other staff of the Senate for their work during the year.

This year saw the greatest intake of new senators since 1949 and possibly since Federation. The induction of the new senators was conducted in a most efficient manner, which is a tribute to the professionalism of Senate staff. I thank the secretary and staff of the Department of Parliamentary Services for continuing to operate and maintain Parliament House in such an efficient manner. This year, they have had to grapple with a major security project, and have done much to minimise the impact on occupants of the building.

I record particular thanks to my colleague Senator John Hogg, re-elected as Deputy President and Chairman of Committees, for his very loyal support during the year. I also thank all members of the panel of temporary chairmen of committees for taking their turns in the chair during debate. We have had passionate debate about major issues, and we must never forget that a vote in here and in the other place can sometimes have far-reaching effects. And yet, despite sometimes justified criticism and comment, our Australian parliament remains the envy of many other nations of the world. The year 2005 has been busy and challenging. I extend my warmest good wishes to all senators, their families and their staff, and to the staff of Parliament House, for an enjoyable Christmas and a relaxing holiday period.

Honourable senators—Hear, hear!

The PRESIDENT—The Senate stands adjourned until 7 February 2006.

Senate adjourned at 5.25 pm
QUESTIONS ON NOTICE

The following answers to questions were circulated:

Legal Services
(Question No. 1350)

Senator Bob Brown asked the Minister representing the Attorney-General, upon notice, on 7 November 2005:

(1) Is the department, or any other department or instrument of Government, providing any direct or indirect financial or other support to Mr Lewincamp’s legal actions against Captain Martin Toohey of the Royal Australian Naval Reserve and several media organisations; if so, what is the nature and amount of that support.

(2) Is funding for independent legal advice for matters brought on entirely by his military service being provided for Captain Toohey; if so, how much is being provided; if not, why not.

Senator Ellison—The Attorney-General has provided the following answer to the honourable senator’s question:

(1) No.

(2) I understand that the Department of Defence has offered to Captain Toohey legal assistance, at Commonwealth expense, only in respect of matters arising from his military service. That offer has not been accepted, but remains open.