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SITTING DAYS—2006

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

- CANBERRA 103.9 FM
- SYDNEY 630 AM
- NEWCASTLE 1458 AM
- GOSFORD 98.1 FM
- BRISBANE 936 AM
- GOLD COAST 95.7 FM
- MELBOURNE 1026 AM
- ADELAIDE 972 AM
- PERTH 585 AM
- HOBART 747 AM
- NORTHERN TASMANIA 92.5 FM
- DARWIN 102.5 FM
FORTY-FIRST PARLIAMENT
FIRST SESSION—FIFTH 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. Nicholas Hugh Minchin
Deputy Leader of the Government in the Senate—Senator the Hon. Helen Lloyd Coonan
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. Nicholas Hugh Minchin
Deputy Leader of the Liberal Party of Australia—Senator the Hon. Helen Lloyd Coonan
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 Nigel Gregory Scullion
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
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(1) Chosen by the Parliament of Queensland to fill a casual vacancy vice Hon. John Joseph Herron, resigned.
(2) Chosen by the Parliament of Victoria to fill a casual vacancy vice Hon. Richard Kenneth Robert Alston, resigned.
(3) Term expires at close of day next preceding the polling day for the general election of members of the House of Representatives.
(4) Chosen by the Parliament of Tasmania to fill a casual vacancy vice Susan Mary Mackay, resigned.

PARTY ABBREVIATIONS
AD—Australian Democrats; AG—Australian Greens; ALP—Australian Labor Party; CLP—Country Labor Party; FF—Family First Party; LP—Liberal Party of Australia; NATS—The Nationals

Heads of Parliamentary Departments
Clerk of the Senate—H Evans
Clerk of the House of Representatives—I C Harris
Secretary, Department of Parliamentary Services—H R Penfold QC
HOWARD MINISTRY

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

(The above ministers constitute the cabinet)
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<td>Senator the Hon. Christopher Martin Ellison</td>
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<td>Minister for Fisheries, Forestry and Conservation</td>
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<td>Minister for the Arts and Sport</td>
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<td>Minister for Human Services</td>
<td>The Hon. Joseph Benedict Hockey MP</td>
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<td>Minister for Community Affairs</td>
<td>The Hon. John Kenneth Cobb MP</td>
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<tr>
<td>Minister for Revenue and Assistant Treasurer</td>
<td>The Hon. Peter Craig Dutton MP</td>
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<tr>
<td>Special Minister of State</td>
<td>The Hon. Gary Roy Nairn MP</td>
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<tr>
<td>Minister for Vocational and Technical Education and Minister Assisting the Prime Minister</td>
<td>The Hon. Gary Douglas Hardgrave MP</td>
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<td>Minister for Ageing</td>
<td>Senator the Hon. Santo Santoro</td>
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<tr>
<td>Minister for Small Business and Tourism</td>
<td>The Hon. Frances Esther Bailey MP</td>
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<tr>
<td>Minister for Local Government, Territories and Roads</td>
<td>The Hon. James Eric Lloyd MP</td>
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<tr>
<td>Minister for Veterans’ Affairs and Minister Assisting the Minister for Defence</td>
<td>The Hon. Bruce Frederick Billson MP</td>
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<tr>
<td>Minister for Workforce Participation</td>
<td>The Hon. Dr Sharman Nancy Stone MP</td>
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<tr>
<td>Parliamentary Secretary to the Minister for Finance and Administration</td>
<td>Senator the Hon. Richard Mansell Colbeck</td>
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<td>Parliamentary Secretary to the Treasurer</td>
<td>The Hon. Christopher John Pearce MP</td>
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<td>The Hon. Gregory Andrew Hunt MP</td>
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<td>Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry</td>
<td>The Hon. Sussan Penelope Ley MP</td>
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<td>Parliamentary Secretary to the Minister for Education, Science and Training</td>
<td>The Hon. Patrick Francis Farmer MP</td>
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<td>Parliamentary Secretary (Foreign Affairs)</td>
<td>The Hon. Teresa Gambaro MP</td>
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SHADOW MINISTRY

Leader of the Opposition  The Hon. Kim Christian Beazley MP
Deputy Leader of the Opposition and Shadow Minister for Education, Training, Science and Research  Jennifer Louise Macklin MP
Leader of the Opposition in the Senate, Shadow Minister for Indigenous Affairs and Shadow Minister for Family and Community Services  Senator Christopher Vaughan Evans
Deputy Leader of the Opposition in the Senate and Shadow Minister for Communications and Information Technology  Senator Stephen Michael Conroy
Shadow Minister for Health and Manager of Opposition Business in the House  Julia Eileen Gillard MP
Shadow Treasurer  Wayne Maxwell Swan MP
Shadow Attorney-General  Nicola Louise Roxon MP
Shadow Minister for Industry, Infrastructure and Industrial Relations  Stephen Francis Smith MP
Shadow Minister for Foreign Affairs and Trade and Shadow Minister for International Security  Kevin Michael Rudd MP
Shadow Minister for Defence  Robert Bruce McClelland MP
Shadow Minister for Regional Development  The Hon. Simon Findlay Crean MP
Shadow Minister for Primary Industries, Resources, Forestry and Tourism  Martin John Ferguson MP
Shadow Minister for Environment and Heritage, Shadow Minister for Water and Deputy Manager of Opposition Business in the House  Anthony Norman Albanese MP
Shadow Minister for Housing, Shadow Minister for Urban Development and Shadow Minister for Local Government and Territories  Senator Kim John Carr
Shadow Minister for Public Accountability and Shadow Minister for Human Services  Kelvin John Thomson MP
Shadow Minister for Finance  Lindsay James Tanner MP
Shadow Minister for Superannuation and Intergenerational Finance and Shadow Minister for Banking and Financial Services  Senator the Hon. Nicholas John Sherry
Shadow Minister for Child Care, Shadow Minister for Youth and Shadow Minister for Women  Tanya Joan Plibersek MP
Shadow Minister for Employment and Workforce Participation and Shadow Minister for Corporate Governance and Responsibility  Senator Penelope Ying Yen Wong

(The above are shadow cabinet ministers)
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<tr>
<td>Shadow Minister for Consumer Affairs and Shadow Minister for Population Health and Health Regulation</td>
<td>Laurie Donald Thomas Ferguson MP</td>
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<td>Shadow Minister for Agriculture and Fisheries</td>
<td>Gavan Michael O’Connor MP</td>
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<td>Shadow Assistant Treasurer, Shadow Minister for Revenue and Shadow Minister for Small Business and Competition</td>
<td>Joel Andrew Fitzgibbon MP</td>
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<td>Shadow Minister for Transport</td>
<td>Senator Kerry Williams Kelso O’Brien</td>
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<td>Senator Kate Alexandra Lundy</td>
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<td>Shadow Minister for Homeland Security and Shadow Minister for Aviation and Transport Security</td>
<td>The Hon. Archibald Ronald Bevis MP</td>
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<td>Shadow Minister for Veterans’ Affairs and Shadow Special Minister of State</td>
<td>Alan Peter Griffin MP</td>
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<td>Shadow Minister for Defence Industry, Procurement and Personnel</td>
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<td>Shadow Minister for Immigration</td>
<td>Anthony Stephen Burke MP</td>
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The President (Senator the Hon. Paul Calvert) took the chair at 9.30 am and read prayers.

PETITIONS

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

Information Technology: Internet Content

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

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

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

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

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

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

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

by The President (from 14 citizens).

Petition received.

NOTICES

Presentation

Senator Watson to move on the next day of sitting:

That the Senate—

(a) notes that the Tasmanian Labor Government and Forestry Tasmania, in allowing major control of plantation softwood to be held by one operator, have been negligent in failing to ensure ongoing contracts for pine resources to pine processors in north east Tasmania; and

(b) calls on the Lennon Labor Government to use its influence to encourage Rayonier Tasmania to negotiate reasonable commercial contracts for future supply of pine resources with Auspine Limited without delay, in order to assist in the future planning of the company and to foster continued employment stability in north east Tasmania.

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

That the Senate—

(a) notes the United Nations report condemning the operation of Guantanamo Bay;

(b) supports calls by the British Prime Minister, Mr Blair, to close the military detention camp in Guantanamo Bay;

(c) notes the decision by the Government of the United States of America to release 119 detainees from the facility to their countries of citizenship; and

(d) calls on the Australian Government to facilitate the return of Australian citizen, Mr David Hicks, now held at the facility for more than 4 years.
No.1 standing in my name for nine sitting
days after today for the disallowance of the
Civil Aviation Amendment Regulations 2005
(No. 3) and business of the Senate notice of
motion No.1 standing in my name for 11
sitting days after today for the disallowance
of Instrument No. CASA 383/05. I seek
leave to incorporate in Hansard the commit-
tee’s correspondence relating to these in-
struments.

Leave granted.

The correspondence read as follows—

Civil Aviation Amendment Regulations 2005
(No. 3), Select Legislative Instrument 2005 No.
243

10 November 2005
The Hon Warren Truss MP
Minister for Transport and Regional Services
Suite MG46
Parliament House
CANBERRA ACT 2600

Dear Minister

I refer to the Civil Aviation Amendment Regula-
tions 2005 (No. 3), Select Legislative Instrument
2005 No. 243. These Regulations amend the prin-
cipal Regulations to introduce new provisions
concerning pilot operating procedures on, and in
the vicinity of, non-controlled aerodromes. The
Committee has considered these Regulations and
raises the following matters.

First, the new paragraph 166(2)(c) requires that
the pilot in command of an aircraft that is being
operated in the vicinity of a non-controlled aer-
drome must conform with, or avoid, the circuit
pattern. New paragraph 166(2)(d) requires that
when the pilot joins the circuit pattern this must
be done in a certain direction. The latter require-
ment is subject to subregulations 166(3) and (4).
The relationship between paragraphs 166(2)(c)
and (d) is not clear. Does ‘conforming’ with a
circuit pattern mean the same thing as ‘joining’ a
circuit pattern? If so, is it intended that paragraph
166(2)(c) should also be subject to regulations
166(3) and (4)? Nor is it clear when a pilot must
avoid the circuit pattern. The Committee would
appreciate clarification of the operation of these
provisions.

Secondly, regulation 166 prescribes a number of
strict liability offences. New regulation 166A also
prescribes a strict liability offence, but subregula-
tion 166A(4) provides a defence of reasonable
excuse. The Committee seeks your advice as to
why a similar defence is not available for the
strict liability offences specified in regulation
166.

The Committee would appreciate your advice on
the above matters as soon as possible, but before
2 December 2005, to enable it to finalise its con-
sideration of these Regulations. Correspondence
should be directed to the Chairman, Senate Stand-
ing Committee on Regulations and Ordinances,
Room SG49, Parliament House, Canberra.

Yours sincerely
John Watson
Chairman

6 February 2006
Senator John Watson
Chairman, Senate Standing Committee on Regu-
lations and Ordinances
Room SG49
Parliament House
CANBERRA ACT 2600

Dear Senator Watson

Thank you for your letter of 10 November 2005
regarding Civil Aviation Amendment Regulations
2005 (No. 3), Select Legislative Instrument 2005
No. 243. I apologise for the delay in responding.
I have now received the following advice from
the Civil Aviation Safety Authority.

In respect of your request for clarification of the
operation of the provisions in paragraphs
166(2)(c) and (d), I am advised that paragraphs
166(2)(c) and (d) reflect phases of the operation
of an aircraft in the vicinity of an aerodrome.
Paragraph 166(2)(c) obliges aircraft outside a
circuit pattern to avoid the circuit, and aircraft in
a circuit pattern to conform with the circuit. Para-
graph 166(2)(d) obliges an aircraft outside the
circuit wishing to land to join the circuit and to do
so in a particular way (unless making a straight-in approach).

Conforming with the circuit pattern means flying an aircraft in the circuit pattern that is defined by any other aircraft already flying in the circuit. Joining the circuit pattern occurs when the aircraft first enters the circuit.

An aircraft which is outside the circuit pattern for an aerodrome and wishes to land at the aerodrome has two options: (a) to join the circuit pattern in accordance with CAR 166(2)(d) or CAR 166(4), and then conform with the circuit in accordance with CAR 166(2)(c); or (b) to avoid the circuit in accordance with CAR 166(2)(c) and carry out an approach in accordance with CAR 166(3).

In respect of your request for advice as to why there is a provision for a strict liability defence of reasonable excuse in 166A but not in 166, I am advised that the defence of reasonable excuse was provided for an offence against subregulation 166A(3) because it only deals with the operation of radio, and that may be reasonable circumstances where the pilot is unable to comply. It is not appropriate to provide for a reasonable excuse defence for the essential safety-related behaviour required by CAR 166. Naturally, the defence of mistake of fact is still available in relation to the strict liability offences in CAR 166.

Thank you for raising these matters with me.
Yours sincerely
Warren Truss
Minister for Transport and Regional Services

9 February 2005
ref: 22/2006
The Hon Warren Truss MP
Minister for Transport and Regional Services
Suite MG46
Parliament House
CANBERRA ACT 2600
Dear Minister
Thank you for your letter of 6 February 2006 (reference 07719-2005) responding to Committee concerns in relation to the Civil Aviation Amendment Regulations 2005 (No. 3), Select Legislative Instrument 2005 No. 243. In general terms, these Regulations introduce new pilot operating procedures on, and in the vicinity of, non-controlled aerodromes.

In your letter, you point out that an aircraft which wishes to land at a non-controlled aerodrome has two options: to join the circuit pattern and land in conformity with the circuit, or to avoid the circuit and carry out a straight-in approach. Under subregulation 166(3), a pilot may choose to carry out a straight-in approach only if the aircraft is equipped with a serviceable radio, and the pilot broadcasts an intention to make such an approach on the frequency in use at the aerodrome, and the wind direction and usable runways are appropriate for such an approach, and final approach is established at least 5 miles from the landing runway, and the pilot gives way to any other aircraft established and flying the circuit pattern.

While subregulation 166(3) imposes a measure of control over the use of straight-in approaches, it is not clear how it will operate in all potential situations. For example, how can the pilot of the aircraft carrying out the straight-in approach be certain of the position of all other aircraft in the vicinity of the aerodrome, particularly those already in, or about to join, the circuit pattern? For the purposes of right of way, is there potential for uncertainty as to whether another aircraft is “established and flying in the circuit pattern” or about to join the circuit. For the purposes of ensuring adequate communication between all aircraft in the vicinity of the aerodrome, should the requirement as to having a serviceable radio, operating on the relevant frequency, be imposed on all those aircraft? Do the new procedures take adequate account of the possibility that inexperienced or trainee pilots might also be in the vicinity of the aerodrome? Finally, to avoid the possibility of any misunderstandings between pilots as to their position or intention, is there any benefit in providing that straight-in approaches should only be undertaken when there are no other aircraft flying in the circuit pattern? The Committee would appreciate clarification of these issues.

The Committee would appreciate your advice on the above matters as soon as possible, but before 1 March 2006, to enable it to finalise its consideration of these Regulations. Correspondence
should be directed to Senator John Watson, Chairman, Senate Standing Committee on Regulations and Ordinances, Room SG49, Parliament House, Canberra.

Yours sincerely
Brett Mason
Deputy Chairman

1 March 2006
Senator John Watson
Chairman
Senate Standing Committee on Regulations and Ordinances
Room SG49
Parliament House
CANBERRA ACT 2600

Dear Senator Watson

Thank you for your Committee’s letter of 9 February 2006 regarding Civil Aviation Amendment Regulations 2005 (No 3), Select Legislative Instrument 2005 No. 243. I note that the Committee’s questions appear to fall outside its terms of reference, however I am happy to respond.

In respect of your request for clarification of the operation of the provisions in paragraph 166(3), I have now received advice from the Civil Aviation Safety Authority (CASA). In relation to your specific questions, I offer the following:

1. How can the pilot of the aircraft carrying out the straight-in approach be certain of the position of all other aircraft in the vicinity of the aerodrome ... ? The intention of the recommended suite of continually updated position-based broadcasts is to enable pilots to develop situational awareness or a mental picture of traffic in the vicinity of the aerodrome. In addition, pilots are required to maintain a lookout so as to visually acquire other aircraft. The combination of radio broadcasts and visual lookout is a long standing practice in Australia and elsewhere.

2. For the purposes of right of way is there potential for uncertainty as to whether another aircraft is established ... in ..., or joining the circuit? Regardless of the system employed, there will always be the potential for some uncertainty. That is why pilots are required to maintain a lookout in 166(2)(a). However, if pilots make the appropriate radio broadcasts, that uncertainty is reduced or eliminated. In the case of aircraft not equipped with radio, their position track and altitude relative to the runway provides a visual indication of whether they are established in or joining the circuit.

3. For the purposes of ensuring adequate communication ...should the requirement as to having a serviceable radio ... be imposed on all those aircraft? This is done now where CASA has determined that traffic levels and mix create an unacceptable risk to aviation safety. However at most non-controlled aerodromes traffic levels are too low to justify the mandatory carriage of radio.

4. Do the new procedures take adequate account of the possibility that trainee or inexperienced pilots may also be in the vicinity of the aerodrome? Yes. All pilots are taught the procedures as part of their training. As only a small percentage of the total pilot population at most non-controlled aerodromes are trainees, their contribution to overall risk is small. The standardisation on one set of procedures across all aerodromes also assists trainee and inexperienced pilots.

5. ...Is there any benefit in providing that straight-in approaches should only be done when there are no other aircraft flying in the circuit...? No. The imposition of such a restriction would unnecessarily prohibit a recognised safe and efficient procedure for aircraft landing. The procedure is in use all over the world and has been used in Australia for more than 15 years with no evidence of significant collision risk.

Thank you for raising these matters with me.

Yours sincerely
Warren Truss
Minister for Transport and Regional Services

Instrument No. CASA 383/05
1 December 2005
The Hon Warren Truss MP
Minister for Transport and Regional Services
Suite MG46
Parliament House
CANBERRA ACT 2600
Dear Minister

I refer to Instrument No. CASA 383/05 made under regulation 179A of the Civil Aviation Regulations 1988 that specifies instructions for the navigation of an aircraft under the Instrument Flight Rules.

The Committee notes that clause 8 in Schedule 1 to this Instrument makes reference to “a long flight over water”. There is no reference in clause 8 to any definition of what constitutes a “long flight”. The Committee therefore seeks your advice on whether the clause should contain a reference to such a definition.

The Committee would appreciate your advice on the above matter as soon as possible, but before 23 January 2006, to enable it to finalise its consideration of this Instrument. Correspondence should be directed to the Chairman, Senate Standing Committee on Regulations and Ordinances, Room SG49, Parliament House, Canberra.

Yours sincerely

Brett Mason
Deputy Chairman

27 February 2006
Senator Brett Mason
Deputy Chairman
Standing Committee on Regulations and Ordinances
Parliament House
CANBERRA ACT 2600

Dear Senator Mason

I refer to your letter dated 1 December 2005 regarding Civil Aviation Safety Authority (CASA) Instrument No. CASA 383/05 made under regulation 179A of the Civil Aviation Regulations 1988 that specifies instructions for the navigation of an aircraft under Instrument Flight Rules. I apologise for the delay in providing a response.

The Committee noted that clause 8 in Schedule 1 to this Instrument makes reference to “a long flight over water” without defining what may constitute a “long flight”. The Committee sought advice on whether the clause should contain a reference to such a definition.

I am advised that clause 8 of Schedule 1 to the Instrument seeks to prevent an aircraft remaining off track for the remaining part of a flight once an off-track situation is detected. If an aircraft is off track, the shortest way to the destination is a straight line. However, the aircraft will remain off track for the remainder of the flight if the aircraft is flown from its off-track position direct to the destination. Not regaining the flight plan track, while providing the least flight time, may compromise safety through a breakdown of the applicable traffic separation standard as there is an expectation that the aircraft will be navigated along the flight plan track.

Clause 8 in Schedule 1 to this Instrument requires the pilot in command of an aircraft to cause the aircraft to resume its flight plan track within 200 miles of detecting the off-track situation. In the context of the Instrument, a “long flight” is one where an off-track position is detected more than 200 miles from the flight destination. The clause only applies to aircraft operating under the I.F.R. in oceanic airspace, which are almost exclusively sophisticated jet operations. Operators involved in such operations have procedures designed to ensure compliance with the requirements of this clause, and understand its purpose and effect.

Accordingly, I am advised that it is CASA’s view that a definition of a “long flight” is not required for the purposes of clause 8 in Schedule 1 to this Instrument.

Thank you for raising this matter with me.

Yours sincerely

Warren Truss
Minister for Transport and Regional Services

BUSINESS

Rearrangement

Senator KEMP (Victoria—Minister for the Arts and Sport) (9.32 am)—I move:

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

No. 8 Australian Sports Anti-Doping Authority Bill 2005
Australian Sports Anti-Doping Authority (Consequential and Transitional Provisions) Bill 2005
No. 9 Jurisdiction of Courts (Family Law) Bill 2005 [2006]

Senator Bob Brown—I ask the minister to tell us what government business Nos 8 and 9 are, please.

Senator KEMP—Thank you, Senator Brown. Have you got a Senate Order of Business? Have you got the red?

Senator Bob Brown—What do you think?

Senator KEMP—The short answer is that if you looked at your red, Senator Brown, you would see that government business orders of the day Nos 8 and 9 relate to the Australian Sports Anti-Doping Authority Bill 2005 and the Jurisdiction of Courts (Family Law) Bill 2005 [2006].

Question agreed to.

Rearrangement

Senator KEMP (Victoria—Minister for the Arts and Sport) (9.33 am)—I move:
That the order of the general business for consideration today be as follows:
(a) general business notice of motion no 387 standing in the name of Senator O’Brien relating to government accountability; and
(b) consideration of government documents.
Question agreed to.

Rearrangement

Senator KEMP (Victoria—Minister for the Arts and Sport) (9.34 am)—by leave—I move:
That at noon today, Senator Hill may make a valedictory statement for not longer than 20 minutes.
Question agreed to.

NOTICES
Postponement

The following items of business were postponed:

Business of the Senate notice of motion no. 4 standing in the name of the Leader of the Australian Democrats (Senator Allison) for today, proposing the reference of a matter to the Employment, Workplace Relations and Education References Committee, postponed till 27 March 2006.

General business notice of motion no. 334 standing in the name of Senator Bartlett for today, relating to sexual assault on children in Australia, postponed till 27 March 2006.

Postponement

Senator BARTLETT (Queensland) (9.34 am)—by leave—At the request of Senator Stott Despoja I move:
That general business notice of motion no. 368 standing in the name of Senator Stott Despoja for today, relating to the Convention on the Elimination of All Forms of Discrimination against Women, be postponed till 27 March 2006.

Question agreed to.

BUSINESS
Rearrangement

Senator KEMP (Victoria—Minister for the Arts and Sport) (9.35 am)—At the request of the Parliamentary Secretary to the Minister for Finance and Administration (Senator Colbeck), I move:
That on Monday, 27 March 2006:
(a) the hours of meeting shall be 2.30 pm to 6.30 pm and 7.30 pm to 10.30 pm; and
(b) the routine of business shall be:
   (i) question time, and
   (ii) the items specified in standing order 57(1)(a)(iii) to (xi).

Senator Bob Brown—I have no objection to that, but I again ask the minister to explain why the motion is necessary.
Senator KEMP—This will enable the lunch which is being held for Prime Minister Blair to take place. It will allow the sitting times to better fit in with the lunch.

Senator Bob Brown—I seek leave to make a brief statement about that matter.

Senator Patterson—No! Well, only if it is short. Yesterday you went too long.

Leave granted.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (9.36 am)—I thank Senator Patterson, amongst others, for that generosity. The visit of Prime Minister Blair is rapidly coming upon us, and I think it is very important to recognise that he is not a head of state. Indeed, he is somewhat of a fading star in global politics. However, it is important to note that we have not yet been notified about an address that is proposed by Prime Minister Blair—

Senator Chris Evans—It's on the red.

Senator BOB BROWN—Okay. It is there on the list now. Let me put a point of view here that is somewhat different from the prime ministerial point of view, because this is a directive, if you like, from the Prime Minister. We have in this place a Great Hall. It should not just be for the raising of huge amounts of money by political parties. It should be put into the service of the people of Australia generally. It is the proper place for visiting heads of state and also people who are not heads of state, like Prime Minister Blair, to address parliamentarians and, indeed, citizens of this country. That is what the Great Hall's function is.

The use of the chambers of parliament is for those elected to this parliament under our democratic system. The proposal that we go to the House of Representatives to listen to the address from Prime Minister Blair is second-rate. We ought to be going to the Great Hall of this parliament. The Senate should not be seen as a secondary house. We should not be simply falling into a process whereby the Prime Minister of this country wants to aggrandise himself and make determinations about how and when this parliament should be used. Of course, the members of the government will rubber-stamp this proposal, but I want to make it absolutely clear that visiting politicians, whatever their status might be, should be addressing parliamentarians and members of the public in the Great Hall. That is the proper function of the Great Hall.

Senator Patterson—Mr President, I rise on a point of order. We gave Senator Brown leave to speak on the motion. The motion was about changing the time of the sitting of the Senate, not about where Mr Blair would speak. I would ask you to draw him to the motion.

The PRESIDENT—There is no point of order, but Senator Brown did say that he sought leave to make a brief statement. I remind him of what he said.

Senator Kemp—Mr President, I rise on a point of order. There are appropriate ways to address a senator. Senator Brown knows what those appropriate ways are. The discourtesy of Senator Brown is most unwelcome. I invite Senator Brown to address senators with their appropriate names and to withdraw the expression he used.

The PRESIDENT—Senator Brown, I did not actually quite hear what you said, but I do not think it was an endearing term. I would ask you to withdraw that remark. I think it may have been offensive.

Senator BOB BROWN—If the—
The PRESIDENT—I am asking you to withdraw it.

Senator BOB BROWN—I am happy to, because I note that Senator Patterson—

The PRESIDENT—I am also reminding you about your original request to make a brief statement.

Senator BOB BROWN—Senator Patterson does not want to be seen as being identified so closely with or like the Prime Minister. That is okay; I can understand that. I can see why that would be offensive. The fact is that the Great Hall of this parliament is the proper place for great speeches and great presentations. We should not have either house of this parliament used as a stamping ground for the aggrandisement of the Prime Minister.

Senator Bartlett—I seek leave to make a brief statement as well.

Senator Chris Evans—Mr President, I rise on a point of order. I mean no disrespect to Senator Bartlett, but it seems to me that we are having this debate at the wrong point. If senators followed the red they would see that this resolution relates to the sitting times in order to allow senators to attend the lunch. I think what we are having is a concern about the message which comes under item 7 on the red regarding the resolution carried by the House of Representatives regarding the invitation. I would just bring that to your attention, Mr President. It seems to me that we are going around in circles on the wrong issue.

The PRESIDENT—If I can just enlighten you, Senator, I understand that the message will be related to the Senate. If someone wishes to comment on that they would have to seek leave, as they are now. So it is six of one and half-a-dozen of the other.

Senator Bartlett—I am happy to speak later. I was going to speak later but because the debate had started I thought I would finish it all now and get it out of the way.

Leave granted.

Senator BARTLETT (Queensland) (9.42 am)—I thank the Senate. Just briefly, even though this motion does relate to the lunch—and I have not decided whether I will go or not, not that anyone will particularly care—I do think that, following on from other comments, it has been the Democrat view, repeatedly stated, that the Great Hall is a better place for addresses by visiting foreign leaders. But I should note that the message that is going to appear from the House of Representatives does conform with recommendations and, indeed, a resolution adopted by the Senate and I think by the House of Representatives after the last occasions where we had visiting dignitaries speaking. So it has at least been an advance in that the government is listening to the recommendations and resolutions put forward regarding these sorts of addresses.

It is still something that obviously changes a bit as we go along because Mr Blair is not a head of state, of course. Indeed, I think we have a head of state in the country at the time who is not coming to address us here. But that is a separate matter. I certainly have always preferred the Great Hall to the House of Representatives, but at least the structure of it this time is by way of invitation rather than some so-called joint sitting of dubious constitutionality. So at least it is a step forward, although I still would suggest that the Great Hall is more appropriate and that we do have some codified set of procedures for these sorts of things.

Senator CHRIS EVANS (Western Australia—Leader of the Opposition in the Senate) (9.44 am)—by leave—I think it is important that we remember that we did deal
with these issues in response to some difficulties that arose last time about a joint sitting of the parliament. I do not want to go over that ground. It was pretty well covered at the time. But, as the Clerk reminds me, we did have a report from the Senate Standing Committee of Privileges, the Senate Standing Committee on Procedure and House of Representatives Standing Committee on Procedure which recommended this as a better course of action to get over the difficulties we found with a joint sitting. Whilst this is not the motion on which we ought to be having this debate, I would just indicate that Labor will be supporting it on the basis that that was the procedure recommended. I think there is a great deal of sympathy around the parliament for doing these things as a gathering in the Great Hall because both chambers are treated with equal respect. But, given that we carried the motion we did to overcome the difficulties last time, this seems to me to be at least a reasonable way to proceed.

Question agreed to.

SCIENCE WEEK

Senator MILNE (Tasmania) (9.45 am)—
I move:

That the Senate—

(a) notes:

(i) that this week is the annual ‘Science Meets Parliament’ event,

(ii) the critical role of science in the protection of the environment and the development of new technologies and industries,

(iii) the recent appointment to the board of the Commonwealth Scientific and Industrial Research Organisation (CSIRO) of people with ties to the fossil fuel industry, and

(iv) the increasing level of political interference in scientific publications and commentary; and

(b) calls on the Government to develop procedures for merit-based selection of independent CSIRO board members and to improve the public visibility of the activities of that board.

Question put.

The Senate divided. [9.49 am]

(The President—Senator the Hon. Paul Calvert)

Ayes……….. 8
Noes……….. 49
Majority…….. 41

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

NOES
Adams, J. Boswell, R.L.D.
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. Ferris, J.M. *
Ferguson, A.B. Fieravanti-Wells, C.
Fielding, S. Forshaw, M.G.
Fifield, M.P. Humphries, G.
Hogg, J.J. Hutchins, S.P.
Hurley, A. Johnston, D.
Johnston, D. Kemp, C.R.
Kirk, L. Ludwig, J.W.
Macdonald, I. Marshall, G.
McEwen, A. McGauran, J.J.
McLucas, J.E. Moore, C.
Nash, F. Parry, S.
Patterson, K.C. Payne, M.A.
Polley, H. Ray, R.F.
Ronaldson, M. Scullion, N.G.
Sherry, N.J. Stephens, U.
Sterle, G. Troeth, J.M.
Trood, R. Watson, J.O.W.
Webber, R. Wong, P.
Wortley, D.

* denotes teller

Question negatived.
IRAQ

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (9.53 am)—I move:

That the Senate—

(a) notes that:

(i) 20 March 2006 is the third anniversary of the invasion of Iraq by coalition forces,

(ii) the suffering of the Iraqi people continues and there is no end in sight, and

(iii) global opinion is that the Iraq war is a mistake; and

(b) calls on the Government to withdraw Australian troops from Iraq immediately and implement a comprehensive aid program instead.

Question put. The Senate divided. 

(The President—Senator the Hon. Paul Calvert)

Ayes......... 7
Noes......... 46
Majority..... 39

AYES
Allison, L.F. 
Brown, B.J. 
Nettle, K. 
Stott Despoja, N.

NOES
Adams, J. 
Brandis, G.H. 
Calvert, P.H. 
Carr, K.J. 
Conroy, S.M. 
Evans, C.V. 
Ferris, J.M. * 
Fierravanti-Wells, C. 
Forshaw, M.G. 
Humphries, G. 
Hutchins, S.P. 
Kemp, C.R. 
Ludwig, J.W. 
McEwen, A. 
McLucas, J.E. 
Nash, F. 
Payne, M.A. 
Ray, R.F. 
Scullion, N.G. 
Stephens, U. 
Troot, J.M. 
Watson, J.O.W. 
Wong, P. 

* denotes teller

Question negatived.

MS CORNELIA RAU

Senator NETTLE (New South Wales) (9.57 am)—I move:

That the Senate—

(a) notes that:

(i) Ms Cornelia Rau was discovered detained in Baxter Detention Centre on 3 February 2005, almost 13 months ago, with an untreated mental illness,

(ii) Ms Rau has not been compensated for her 10 months of detention, and

(iii) Ms Rau is currently receiving sickness benefits; and

(b) calls on the Government to ensure that Ms Rau is properly compensated for her ordeal as a matter of urgency.

Question put. The Senate divided. 

(The President—Senator the Hon. Paul Calvert)

Ayes......... 9
Noes......... 46
Majority..... 37

AYES
Allison, L.F. 
Brown, B.J. 
Nettle, K. 
Stott Despoja, N.

NOES
Adams, J. 
Brandis, G.H. 
Brown, C.L. 
Conroy, S.M. 
Evans, C.V. 
Ferris, J.M. * 
Fierravanti-Wells, C. 
Forshaw, M.G. 
Humphries, G. 
Hutchins, S.P. 
Kemp, C.R. 
Ludwig, J.W. 
McEwen, A. 
McLucas, J.E. 
Moore, C. 
Nash, F. 
Payne, M.A. 
Polley, H. 
Ray, R.F. 
Ronaldson, M. 
Scullion, N.G. 
Sherry, N.J. 
Stephens, U. 
Sterle, G. 
Troot, J.M. 
Troid, R. 
Watson, J.O.W. 
Webber, R. 
Wong, P. 
Wortley, D.

* denotes teller
Thursday, 2 March 2006


Noes


Ay es 31

Noes 32

Majority 1

* denotes teller

Question negatived.

Committees

Community Affairs References Committee

Extension of Time

Senator MOORE (Queensland) (10.10 am)—by leave—I move the motion as amended:

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

(a) workplace exposure to toxic dust—to 31 May 2006; and

(b) petrol sniffing in remote Aboriginal communities—to 20 June 2006.

Question agreed to.

**MS CORNELIA RAU**

Senator **GEORGE CAMPBELL** (New South Wales) (10.11 am)—We understand that we may have incorrectly called a vote in respect of one of the formal motions. If so, we seek leave to revisit notice of motion No. 390 and to recommit for a vote the motion standing in the name of Senator Nettle relating to Cornelia Rau.

Senator **NETTLE** (New South Wales) (10.11 am)—I am happy to have that motion recommitted.

The **PRESIDENT**—Is leave granted to have the vote on that motion put again?

Leave granted.

**Question put:**

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

The Senate divided. [10.16 am]

(The President—Senator the Hon. Paul Calvert)

**Ayes**………….. 32

**Noes**………….. 34

**Majority**........ 2

**AYES**


**NOES**


**Medical Student Places**

Senator **BOSWELL** (Queensland—Leader of The Nationals in the Senate) (10.18 am)—Mr President, I seek leave to revisit notice of motion No. 388 and to recommit for a vote the motion standing in my name relating to medical student places.

Leave granted.

**Question put:**

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

The Senate divided. [10.23 am]

(The President—Senator the Hon. Paul Calvert)
COMMITTEES

Publications Committee

Report

Senator WATSON (Tasmania) (10.27 am)—I present the 10th report of the Standing Committee on Publications.

Ordered that the report be adopted.

Regulations and Ordinances Committee

Ministerial Correspondence

Senator WATSON (Tasmania) (10.27 am)—I present a volume of ministerial correspondence relating to the scrutiny of delegated legislation for the period May to December 2005.

ADDRESS BY THE PRIME MINISTER OF THE UNITED KINGDOM

The ACTING DEPUTY PRESIDENT (Senator Ferguson)—A message has been received from the House of Representatives forwarding a resolution relating to an address by the Right Honourable Tony Blair, MP, Prime Minister of the United Kingdom. Copies of the resolution have been circulated to senators in the chamber.

STATUTE LAW REVISION BILL (No. 2) 2005 [2006]

FISHERIES LEGISLATION AMENDMENT (COORDERATIVE FISHERIES ARRANGEMENTS AND OTHER MATTERS) BILL 2005 [2006]

Returned from the House of Representatives

Messages received from the House of Representatives returning the bills without amendment.

Question agreed to.
SCHOOLS ASSISTANCE (LEARNING TOGETHER—ACHIEVEMENT THROUGH CHOICE AND OPPORTUNITY) AMENDMENT BILL 2006

First Reading

Bill received from the House of Representatives.

Senator COONAN (New South Wales—Minister for Communications, Information Technology and the Arts) (10.28 am)—I move:

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

Question agreed to.

Bill read a first time.

Second Reading

Senator COONAN (New South Wales—Minister for Communications, Information Technology and the Arts) (10.29 am)—I move:

That this bill be now read a second time.

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

Leave granted.

The speech read as follows—

The purpose of the bill is to amend the Schools Assistance (Learning Together—Achievement Through Choice and Opportunity) Act 2004, which provides funding to States and Territories for government schools and funding for non-government schools for the 2005-2008 funding quadrennium. The Australian Government will provide a record estimated $33 billion in funding for Australian schools over the four years, 2005-2008. This is the largest ever commitment by an Australian Government to schooling in Australia.

The Act provided for a significant investment toward school infrastructure, providing an additional $1 billion of Australian Government funding for the Investing in Our Schools Programme. Of this additional funding, $700 million will be provided to government schools and $300 million to non-government schools. Through this Programme, the Australian Government is responding to the need to restore and build Australia’s school buildings and grounds by injecting much needed additional funding into schools. The standard of school infrastructure can have a marked bearing on teaching and learning in schools. The Australian Government already contributes very significantly to school infrastructure funding in both State owned government schools and in non-government schools as a means of improving educational outcomes for Australian children. The $1 billion Investing in Our Schools initiative takes the total Australian Government commitment to capital works in schools across Australia to an estimated $2.7 billion over 2005-2008. An estimated $1.7 billion is being provided under the Capital Grants Programme over 2005-2008 to assist the building, maintenance and updating of schools throughout Australia.

One of the most important features of the new initiative is that for government schools it is the school communities themselves who determine their school infrastructure priorities. For example it may be that parents identify a need for the installation of air-conditioning or heating, or the school Parents and Friends association, in conjunction with teachers, determines that funds should be sought to install or upgrade computer facilities or construct outdoor shade structures. Under this programme we are empowering the school community—getting teachers, parents, students, counsellors and friends of the school, along with the school Principal involved in making decisions about what infrastructure is right for their school.

A further important feature of this programme is that it has started to deliver a whole range of often overlooked, but still important, smaller infrastructure projects that are so often desperately needed by school communities but never seem to make it on the priority list of state education bureaucracies. It is helping to alleviate the ongoing pressure on school communities to undertake their own fundraising.

There has been an overwhelming response for applications under the Investing in Our Schools Programme. The Australian Government approved 4,034 Round One Projects in 2005 with projects being undertaken in 2,614 schools across...
Australia. Due to this overwhelming demand, the assessment of 2005 Round 2 projects has extended into 2006. The bill amends the Act to enable some 2005 funding under the Investing in Our Schools Programme to be carried over to 2006. The bill also brings forward allocated programme funds from 2008 to 2006 to help meet the sheer volume of need that is clearly evident in the state school sector. We are in the business of getting things done and moving these funds will allow this programme to deliver results quickly.

While this bill involves funding for government schools, it is also important to note that this Government, through the Investing in Our Schools Programme, is also delivering an additional $300 million in infrastructure funding for non-government schools, to support the long term infrastructure needs of Catholic and independent schools across Australia.

Under the Capital Grants Programme an estimated $1.7 billion is being provided over 2005-2008 to assist the building, maintenance and updating of schools throughout Australia. An estimated $1.2 billion will be provided for State and Territory government schools during 2005-2008, whilst an estimated $471 million will be provided for Catholic and independent schools over the same period.

The socioeconomic status (SES) funding arrangements are the basis for Australian Government general recurrent grant funding to non-government schools in Australia for 2005-2008. Schools are funded on the basis of the SES of the communities from which they draw their students. Schools serving the poorest communities receive the highest level of assistance, while schools serving the wealthiest communities receive the least amount of assistance.

Under the Act, non-government special schools automatically have an SES funding level of 70% of the relevant Average Government School Recurrent Cost Amount, which is the highest general recurrent funding level.

The bill will amend the Act to automatically provide maximum general recurrent funding to non-government schools that cater primarily for students with social, emotional or behavioural difficulties who are at risk of leaving mainstream schooling. In some States recognition as a special school does not include schools that cater for socially and emotionally disturbed students at risk of dropping out of the education system. The amendments to the Act correct this anomaly and fulfil the intention of providing maximum general recurrent funding to these schools. This amendment is consistent with the original intention of the SES funding arrangements for these schools.

In order to improve financial management of schools programmes funded under the Act, the bill also amends the Act to provide some flexibility to move programme funds between programme years. This measure is being implemented by including a regulation-making power in the Act.

This amendment supports the intention of the Act to maintain security and stability of Australian Government financial assistance for the 2005-2008 quadrennium.

The bill also amends the Act to utilise unspent funding from the pilot Tutorial Voucher Initiative, which was an innovative and practical pilot programme conducted in 2005. Under this pilot, a tutorial voucher valued at up to $700 was available for children who were below the Year 3 national reading benchmark in 2003. The Australian Government intends to use these unspent funds to provide further literacy assistance for students in need. The Australian Government became aware that a large number of children in Victoria and Queensland were unable to participate in the pilot due to their respective State governments either not notifying their parents of their eligibility to register for assistance, or advising them of their eligibility to register for assistance after the closing date.

Passage of the bill is necessary to ensure that these important initiatives for students, schools and school communities can be implemented to continue to support the improvement in school outcomes across Australia. I commend this bill to the Senate.

Ordered that further consideration of this bill be adjourned to the first day of the next period of sittings, in accordance with standing order 111.
COMMITTEES
Rural and Regional Affairs and Transport References Committee
Reference
Senator O’BRIEN (Tasmania) (10.29 am)—I move:

That the following matter be referred to the Rural and Regional Affairs and Transport References Committee for inquiry and report by 16 October 2006:

The adequacy of Australia’s aviation safety regime, with particular reference to the performance by the Civil Aviation Safety Authority of its functions under the Civil Aviation Act 1988.

I must say at the start that I am disappointed that government senators are opposing this reference. I am not surprised the Minister for Transport and Regional Services, Warren Truss, is opposed to it and is calling for government senators to oppose this motion, because this reference was a test for him—a test he has failed. Mr Truss does not want Australia’s aviation safety regulatory regime subjected to a detailed examination by a committee of the parliament, and the question needs to be asked: why? It is obvious that it is because he is worried what an inquiry might reveal.

Let me outline what Labor proposes: a general inquiry by the Senate Rural and Regional Affairs and Transport References Committee into our aviation safety regime, with particular reference to the performance of the Civil Aviation Safety Authority, to report by 16 October 2006. There is nothing out of the ordinary in that proposal. Indeed, inquiries of this kind used to be the bread and butter of Senate references committees. That was, of course, before the Howard government gained a stranglehold on this chamber and made a deliberate decision to choke it to death. Another important change has occurred: Liberal and National Party senators no longer exercise any will of their own. They take the whip not just from their respective party rooms but straight from the executive. In this case it is a National Party minister calling the shots: the metaphorical tail wagging the dog.

Let me turn to the question of why this inquiry is so necessary and to the reason the government’s decision to block the reference is contemptible. The simple fact is that many Australians have lost confidence in Australia’s aviation safety regime. In particular, they have lost confidence in CASA, the Civil Aviation Safety Authority. A recent survey commissioned by CASA that measures views on aviation safety in Australia shows that many Australians have lost confidence in flying. This survey, released in January, shows that public confidence has fallen since it had last been measured, in 2002. CASA’s own survey shows that complete confidence in arriving safely when flying between capital cities has fallen to 36 per cent, from 41 per cent in 2002. Complete confidence in arriving safely when flying between regional towns has fallen to 24 per cent, from 27 per cent in 2002. The simple fact is that Australians ought to have complete confidence that they will arrive safely when travelling on any commercial flight within Australia. It is disturbing that complete confidence has declined over the past three years.

The survey also reveals that the percentage of Australians who say flying in Australia is safer than flying in countries like the United States has fallen to 53 per cent, from 60 per cent in 2002. That is a worrying fall in confidence, given that the 2002 survey followed the 11 September 2001 terrorist attack in the United States.

CASA did, of course, report the survey results with a big dose of self-congratulation. According to CASA, public confidence is ‘sky high’ and the survey results are ‘good
news for the aviation industry’. That is what they say. At the time the survey was released I urged CASA to reverse the decline in public confidence in flying by concentrating on its core activity: improving safety in Australian skies—that is, a little more action and a little less public relations, please. The reality is that if Australians lack confidence in flying the responsibility rests with the regulator.

It really is no surprise that public confidence in falling, particularly in regional aviation. Australia has experienced a series of disastrous aviation events over recent months and years. The most tragic, of course, was the Lockhart River tragedy. Fifteen Australians lost their lives on 7 May last year when a Fairchild Metroliner operated by Transair crashed and exploded in flames near the Lockhart River airstrip. Like some, but certainly not most, senators in this place, I have landed at that airstrip in recent times. That incident shook me. More importantly, it devastated the families of the people on board that flight. Many months later, these families are still waiting for answers.

Mr Shane Urquhart, the father of Ms Sally Urquhart, a young Queensland policewoman who died in the crash, supports this inquiry. In fact, he has told Australian Associated Press that a move to block the inquiry would show that the government has ‘something to hide’. Mr Urquhart says a decision to block this inquiry would ‘show the government has no compassion, no concern for its citizens getting justice, and lacks the guts to question anything CASA does’. Of all the words spoken in this debate, including my own, none will be more powerfully expressed, more powerfully felt, than those words. A decision to block the inquiry would—I quote Mr Urquhart again—‘show the government has no compassion, no concern for its citizens getting justice, and lacks the guts to question anything CASA does’.

It is not just getting answers from CASA about its performance in the lead-up to the Lockhart River tragedy that motivates Mr Urquhart and other relatives of those killed in May last year. By supporting a public inquiry into CASA’s performance, they want to make sure that something like this will not happen again. I have no doubt that at some time in this debate a government senator will say something like: ‘Well, hang on, you can ask all the questions you like during Senate estimates hearings; you don’t need a references inquiry.’ To that I say: turn to the Hansard of May last year and you will discover that the CEO of CASA, Mr Byron, was too busy to appear to answer questions. He skipped estimates to attend a one-day aviation conference in Europe, the cost of which the government is still refusing to reveal.

Have a close look at that Hansard and you will find CASA evidence that it conducted a full audit of Transair’s operations before the Lockhart River tragedy and gave the airline the all clear. That is evidence the regulator gave again at October and February estimates hearings, despite a finding by the Australian Transport Safety Bureau that there were manifest deficiencies in the airline’s operations, including a failure to lodge load sheets at departure and a failure to ensure pilots had the training mandated in the company’s operations manual. What the Senate estimates committee has heard from CASA are excuses, not answers.

On the question of risk profiling, CASA has refused to reveal whether Transair was clearly identified near the top of its risk profile table in the months leading up to the May 2005 tragedy—the top meaning the biggest risk. That is my understanding, but CASA has obfuscated for months. First, senior officers said they could not remember. Then they told us the risk profiling was unreliable. Recently, they claimed the risk-profiling table was filled with dummy num-
bers just to show what it could do if they ever got it to work. None of that is good enough.

No senator in this place should be satisfied with CASA’s defence of its performance in relation to the Lockhart River disaster. My colleague Senator McLucas has not been satisfied and has battled for months to get answers from CASA on why it gave Transair a clean bill of health when it was demonstrably not deserving of that treatment. A parliamentary inquiry that shines a spotlight on the agency is the very best way to establish whether the agency did the job it was tasked to do by this parliament.

Of course, it is not just the Lockhart River tragedy that has raised serious questions about CASA’s performance. The regulator has been subject to trenchant criticism from a Western Australian coroner in relation to air tragedies in that state. A series of skydiving deaths has raised questions about CASA’s role in the regulation of sports aviation. And then there is the stock-in-trade concern about the performance of the regulator in relation to general aviation.

It is not just this side of the parliament that receives complaints about CASA’s performance, either. Recently we have all heard horror stories about CASA’s handling of pilot photo IDs. We have also heard complaints about CASA’s new cost-recovery based charging regime. Senator Eggleston came into the Senate a couple of months ago and laid out a case against CASA in relation to its dealings with Polar Aviation, a company operating in his home state of Western Australia. He said at that time that the ‘claim that CASA has failed the test of an impartial regulator seems not unreasonable’. He went on:

It seems not unreasonable for Polar Aviation—and, indeed, anyone who heard that speech—to expect Senator Eggleston to join Labor senators in supporting this motion. It is not unreasonable to expect that rural and regionally based senators on the other side would support an inquiry into CASA—for example, Senator Boswell, someone who claims to champion regional Australia, or Senator Joyce, someone who knows a thing or two about flying in regional Queensland.

It is not just past performance that requires scrutiny. The regulator’s recent announcement of wide-ranging changes to its operations, including the so-called ‘acceptable means of compliance’ safety regime, lends weight to the case for a wide-ranging parliamentary inquiry. This restructure has a backdrop that also warrants attention by a parliamentary inquiry, not least the murky market-testing process clouded in claims—well-established claims, in my view—of conflict of interest. In relation to the new arrangements announced by Mr Byron, the Chief Executive Officer of the Civil Aviation Safety Authority, just hours before the last estimates hearing, questions remain about its rationale and its likely efficacy.

I should not need to tell the Senate that mistakes by aviation safety regulators matter. Each element of the new arrangement announced hastily by Mr Byron before the last estimates is deserving of scrutiny by the parliament, scrutiny that is just not possible within the constraints of an estimates hearing. A references inquiry would give stakeholders an opportunity to make submissions on CASA’s performance, an opportunity that is not available in the estimates process. It would also give CASA an opportunity to explain its role and, if necessary, defend its performance from its critics. So it is even handed. It would afford the parliament the opportunity to have a look at our overall aviation safety regime, including the role
played by other agencies. It would give us the chance to look at what we are doing right in aviation safety. Just as importantly, it would give us the chance to look at what we are doing that is not right.

I implore all senators in this place to support this reference. Do not hide behind an excuse that it is not specific to one incident in your own state, as one senator suggested to me was a justification for not supporting this inquiry. If you believe that there are elements in one incident that warrant an inquiry into CASA then why would you withhold scrutiny from CASA in relation to all other matters of concern raised by Australians? Why would you deny Australians with those concerns the opportunity to place before parliament their concerns, to put them on the Hansard, to enable them to be tested by the committee and to ultimately have the report of this committee come to this chamber and go to the minister so that he can be assisted in his administration of his portfolio?

At the end of the day, if the minister wants to hide CASA from scrutiny then it is the minister who will be responsible if the system continues to break down. As Mr Urquhart said, the government needs to have the guts to give the Senate the power to look at CASA because, at the end of the day, Australians want to have confidence in the aviation safety regime. They want to have confidence in the regulator, but every time the government hides the regulator from the scrutiny of parliament, more questions will be raised in the minds of doubters in the Australian community about Australia’s aviation safety regime. More questions will be asked. The numbers in CASA’s survey will probably deteriorate further, indicating a deterioration in confidence in the safety of Australia’s aviation regime, and ultimately that is not good for any operator of an aviation service in this country.

It is certainly not good for the public. It is not good for the parliament generally. And it will not be a good thing for this minister, Mr Warren Truss, because at the end of the day it will be seen that he has obscured an authority over which he has ultimate control from the scrutiny of the parliament. So let us get behind this. Let us see if coalition senators will actually refuse to take direction from the executive, will support the establishment of an inquiry, will allow the parliamentary committee to do its work and will allow accountable scrutiny of the authority that regulates safety in our skies.

Senator McLUCAS (Queensland) (10.45 am)—I must say I am somewhat astonished that the government have not taken the opportunity to put on the record their reasons why they are opposing this reference. This is an appalling situation. I am wondering where Senator Boswell and Senator Joyce are, to tell us why they are going to vote against a reasonable, sensible and timely inquiry into the operation of Australia’s air transport regulator. This is an appalling state of affairs. Where are these senators who walk around and say that they are the people who defend rural and regional Queensland? Why are they opposing an inquiry that will allow my constituents some opportunity to understand what CASA was doing in the lead-up to the Lockhart River tragedy? It is an appalling state of affairs.

On 7 May 2005, a plane travelling from Bamaga to Cairns via Lockhart River crashed when attempting to land at the Lockhart River airstrip. Fifteen people were killed in that tragedy—two pilots and 13 passengers. Most of those people were my constituents—can I say, ‘our constituents’; Senator Boswell’s, Senator Joyce’s and my constituents. Yet those senators are not here to explain why they are not going to allow an inquiry that will give the relatives of those people who died an opportunity to under-
stand what CASA was doing in the lead-up to this appalling tragedy.

We know, through the Australian Transport Safety Bureau interim factual report which was released on 16 December 2005, that a number of deficiencies were found that CASA could have dealt with if they had, in the view of many, been doing their job properly. That interim factual report found that the copilot was not approved to conduct an RNAV (GNSS) approach—the type of approach that was being attempted on that tragic day. This was in contradiction of the company’s operation manual. The interim factual report also found that a load sheet was not left at the aerodrome of departure—the town of Bamaga. It also found, astonishingly, that it was not routine practice for Transair to leave a load sheet at the Bamaga airport. This was also in contravention of the company’s operation manual. The cockpit voice recorder was not functioning, and no data from it was usable. The report also found that it had not been functioning for quite some time.

We may well ask why this is relevant to the inquiry which is the subject of the debate today. Following questioning at estimates, CASA has revealed that in early 2005, prior to the tragedy, it conducted what it called ‘a fulsome audit’—an audit which in the view of many, including me, should have revealed the persistent noncompliance of Transair with the company’s operation manual. That is something that it is obliged to do under air safety regulations. It did an audit, but it did not find out that the copilot was not qualified. CASA actually travelled the same route with the same two pilots—those two pilots who were tragically killed—and did not check to see if that pilot was qualified to do the instrument landing that he was attempting that day. How did that happen? We need answers to these sorts of questions, and this inquiry would allow the families of those people who were killed to ask those questions, to put their views on the record and to ask CASA what it was doing. What did it do during that ‘fulsome audit’ that did not reveal the noncompliance with the company’s operation manual?

Further, in the last estimates CASA explained that, partly as a result of the Lockhart River tragedy, a number of internal procedures are proposed to be changed. Those procedures require scrutiny. We want to know what they intend to do and why we have to wait until 15 people are killed before they change their internal operations. What is wrong with this organisation that watched—it is probably too strong to say allowed—an event happen? We need to understand that. That is why it is timely that this inquiry occur—an inquiry that will allow for scrutiny of CASA’s actions prior to the tragedy. It will also allow the families of those who were killed to provide their evidence to the committee.

Not only North Queenslanders have lost confidence in the regulator of aviation and, particularly, in light aircraft aviation over the last 12 months; as my colleague Senator O’Brien has identified, many Australians have diminished confidence in the ability of this government to monitor the safety and compliance of aviation generally. However, when you go to North Queensland and you see the data on the number of incidents and, unfortunately, the number of deaths that we have had, you know it is absolutely timely that an inquiry of this nature proceed.

You cannot simply stand by and say, ‘CASA had nothing to do with the fact that 15 people died at Lockhart River.’ Surely Senator Boswell and Senator Joyce have a responsibility to allow this inquiry to proceed. What do they have to hide? More importantly, who are they protecting? The bottom line is that Liberal Party and National
Party senators are lining up today to protect Mr Truss and, before him, Mr Anderson rather than allow the proper scrutiny of the actions of CASA in the lead-up to the Lockhart River tragedy. For all of the bluster of Senator Boswell and Senator Joyce, protecting their leader is more important than allowing scrutiny of Australia’s air transport regulator.

This inquiry is important for Queenslanders—in particular, Far North Queenslanders. They were my constituents, and their families need answers. The number of incidents and, in fact, deaths in North Queensland needs explanation. We need a restoration of confidence in the aviation sector in North Queensland. Cape York Peninsula and the Torres Strait rely on general aviation and regular passenger transport systems in order to connect with the rest of the world. It is not a frivolous part of our life. We have to use planes to get where we need to go. Many of the people of the Torres Strait live on islands. They have to use general aviation—it is like the rest of Australia using roads. But we want to have confidence that when we get on a plane it is going to be okay, and we do not have that anymore. This inquiry would allow scrutiny of our air transport regulator to continue, and I demand that Senator Boswell and Senator Joyce come into this chamber and explain why they cannot support an inquiry that would at least give us some understanding of CASA’s role and would potentially restore some confidence in the aviation sector. It is appalling that they are not here.

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

The Senate divided. [10.58 am]
(The President—Senator the Hon. Paul Calvert)
Senator IAN MACDONALD (Queensland) (11.02 am)—by leave—I came down to participate in the debate but came a little too late. I did want to say that I was going to be voting against the motion, but I was impressed by some of the things said by Senator O’Brien and particularly Senator McLu- cas, who comes from an area where I fly a lot in small planes as well. Whilst I voted against the motion because I know it is something that the minister will be pursuing, having heard what was said I simply wanted to associate myself on the public record with the sentiments that were expressed by the two speakers. I would certainly urge the minister to carefully consider the matters that have been raised, and to address them forthwith. I do not think we need the inquiry, but perhaps if they are not properly addressed in the future this is something that could well be considered.

Senator O’BRIEN (Tasmania) (11.03 am)—by leave—I thank Senator Ian Macdonald for confirming that this is purely a decision of the minister and that the executive of the government has called the shots for the Senate chamber. I simply say: this will not be the end of this matter.

Senator BARTLETT (Queensland) (11.04 am)—by leave—I want to speak particularly because a lot of the arguments that were made referred to the tragic accident in North Queensland, my home state, and I also want to have the Democrats’ view clearly on the record. I was intending to speak briefly in the debate and I thought I would wait until after the government speakers so I could respond to their arguments. Unfortunately, there was not a government speaker so the vote was done. But I want to put clearly that the Democrats supported this motion, as indicated by our vote. I think it is very disappointing that the government is so dismissive of the Senate’s desire to inquire into important issues that it could not even be bothered putting a case against it, let alone supporting it.

Legal and Constitutional References Committee
Reference
Senator HURLEY (South Australia) (11.05 am)—I move:
That the following matters be referred to the Legal and Constitutional References Committee for inquiry and report:
(a) all actions carried out by the Government for assisting refugee and special humanitarian visa holders in their country of departure and managing the transition of refugees and humanitarian entrants from their country of departure to their settlement in Australia;
(b) the processes used by the Department of Immigration and Multicultural Affairs to handle the migration of the family of Mr Richard Niyonsaba to Australia and the circumstances surrounding the death of Mr Niyonsaba after his arrival in Australia; and
(c) recommendations for improvement in the processes for assisting refugees and humanitarian entrants in order to protect the health, safety and welfare of all future new arrivals to Australia.

I would like to give a bit of background on the humanitarian settlement services that are the subject of this motion. These tenders started on 1 October last year. Contrary to previous practice, where non-profit organisations such as migrant resource centres—often in conjunction with church groups such as Anglicare—provided these services, the tender last year was marked by the entry of private, for-profit organisations. The organisation ACL won the tender in the largest migrant area, Sydney’s northern and southern zones. Several days after the commencement of those tenders on 1 October 2005, ACL was sold to IBT for around $55 million. This was subsequent to winning those tenders for
five years, and we have now been made aware that each of those tenders was worth about $27½ million.

So we have a private, for-profit organisation that is obviously such an enticing target that it was bought by the larger IBT organisation. Neither of those organisations—neither ACL nor IBT—had any previous experience in dealing with refugee and humanitarian settlement. ACL was a company that had provided English language teaching services, including services to migrants newly arrived in Australia. So the contact that they had had with refugees was only in providing those English language services.

In the early days of this tender we did not hear any complaints from other areas, but there were numerous issues raised by volunteers—particularly in the Newcastle area, which was part of the northern Sydney tender. These people had previously worked with the migrant resource centre in New South Wales and other service providers in that area. They were raising horrendous stories about refugees and humanitarian entrants who had met with appalling treatment, including the case of two young women who had been allowed entry to Australia under a visa which implied that they had been given just appalling treatment.

These young girls were left in an outer suburb of Newcastle in a house with no curtains. They were given inadequate supplies and were left with no method of contacting anyone else. They did not have a phone. After five days they wandered off on their own. They were terrified. They had come from a bush area of Africa where they were under threat. They were finally so hungry and frightened that they left on their own and were picked up by passing motorist, who was, fortunately, a pastor associated with a church. They were taken safely to where the volunteers who had previously provided services gave them some help. The ACL caseworker who was assigned to them had not contacted them in those five days.

This was not an isolated incident. There were many other incidents of this kind. These volunteers drew the attention of ACL and the Department of Immigration and Multicultural Affairs to the problems that these refugees were encountering when they arrived in Australia. They were met with little or no response from either ACL or the department of immigration. This got some publicity in the Newcastle newspapers. Indeed, Ms Sharon Grierson, the local member for that area, pointed out in parliament that there seemed to be some problems arising.

It came to more general public attention late last year after the death in Sydney of Richard Niyonsaba, a two-year-old Burundian boy who died within a couple of days of arriving in Australia. In this instance Richard Niyonsaba had been identified and treated before he came to Australia. He had been treated in Africa—in Nigeria, I understand—by IOM, the International Organisation for Migration. They were aware that this boy had severe chronic illnesses. He had sickle cell anaemia and associated problems, including pneumonia. He was treated in a hospital in Nigeria, but then he and the family were allowed to travel. They arrived in Australia not having eaten or drunk much on the plane. When they arrived in Australia they informed their caseworker that they were tired and hungry. One of the reasons that they were hungry was that the food on the plane was foreign to them. They did not know how to eat it and they did not understand it. They explained this to the caseworker on arrival and he took them to McDonald’s. I doubt that was the most appropriate kind of food for them to have in any case.
Later that night the child became ill again. The father had been given the routine introduction to Australia. The phone in their flat did not dial out except to call 000. The father had had it briefly explained to him that he had to say 'fire', 'ambulance' or 'police' if he called 000. But the family had never encountered a telephone before. They were refugees and they had spent the last few years in a refugee camp. They did not know how to use a telephone. The father was unable to call the emergency services. Eventually, he heard movement downstairs and, even though they did not speak a common language, he was able to get a Sudanese man to come upstairs with him. By that time, unfortunately, Richard Niyonsaba had already died.

As a result of this and other complaints the service provider, ACL, did an internal report by a lawyer who was part of a firm which had been employed by ACL for the previous five years. I have no doubt that that lawyer did the best he could, but many of the volunteers who had been complaining and many of the refugees did not cooperate with that inquiry. So Mr Fiora, the lawyer involved, spent most of his time talking to either departmental officials from DIMA or ACL caseworkers. Nevertheless, that report contained some interesting recommendations—some for ACL regarding their method of treatment of refugees and some for DIMA.

This report, while useful, is inadequate. The Minister for Immigration and Multicultural Affairs, in answer to my question in parliament, got the nationality of the ACL caseworker that was providing services to the family wrong. She said repeatedly that the caseworker was Burundian and understood the family and family customs very well. She had to admit later that she had got it wrong. The caseworker was from Costa Rica and the language he shared with the family of Richard Niyonsaba was a second language for both of them. There is some dispute, indeed, about how much the family understood that language.

So there are still many unanswered questions. I have called several times for an independent inquiry into that. Even though that child died—and a number of other serious incidents have now been admitted by the department and ACL—there has been no independent inquiry. Following that, we now understand that, despite the treatment by IOM in Africa, the caseworker who went to meet the family had not been told of the serious medical condition of Richard Niyonsaba. We are still no clearer as to why and how that happened, whether it was a fault of IOM in Africa, DIMA or ACL. These are serious questions that need to be answered.

If processes are in place that need to be addressed, we need to hear about them. Quite frankly, we have had a series of examples where the department of immigration has just stuck its head in the sand when there are problems. It has refused to address the issues and has refused, until forced, to address the problems within its own department. These problems with humanitarian settlement services I see as an extension of that. This is why I am calling for an examination of all the processes involved and of all the monitoring processes in place so that we can see what is happening with the administration of this contract.

In estimates earlier this year, the department said that they did not have any discussions with the contract providers until late December last year, even though these new contracts had been in place since 1 October. The national office of DIMA also claimed not to have heard of any complaints coming to state offices. For a new contract, a new system, where we had for-profit service providers and people who had not provided these sorts of services before, this is an ap-
palling admission of a lack of proper monitoring of the contract. We have just had the minister saying, regarding the Baxter contract and the Global Solutions Ltd contract, that they have now recognised, after years of complaints, that there are problems and that they are looking at the contract, separating the contract and dealing with it—in some years time, apparently. I think it is appalling that it is possible that this kind of delay will happen in this situation.

We invite refugees into our country, and the Prime Minister keeps referring to us as a ‘generous country’. And it is indeed generous. We have certainly increased our refugee and humanitarian intake, and that is very good. But, having accepted people who we know are suffering great trauma and stress, who are often ill, and who have been in stressful situations and then refugee camps for many years, surely it is important that we look after them when they arrive in this country. It is important that we provide transitional services which allow them to become good citizens of our country and become a part of Australian society, not put them in situations where they are even more stressed, worried and concerned and left hungry and disorientated in our country. It is an appalling way to treat people who come to our country. Even in the fifties, when there were a lot of criticisms of the migrant camps, at least people were given some orientation. They were put with other people from their own country and other people in similar circumstances. But that does not appear to be the case here. We hear about it happening only in Sydney. Again, in estimates, I attempted to find out if there were problems in other states where, by and large, the migrant resource centres or other community groups are providing these services, but I was unable to get answers about this.

I implore the government and the Department of Immigration and Multicultural Affairs to stop and have a good look at their systems in this case and not subject any further entrants into this country under the refugee and humanitarian services programs to the sort of horrible treatment that has been meted out to the people I have described and to others. We recently heard the case of a person who was a double amputee who had to provide for himself and get to doctors himself. He was put in a first floor unit and had to go up the stairs using his hands. That happened within the last month or so, so I am just not convinced that the department are properly addressing these serious issues.

ACL have contacted me, and I happy to meet with them and discuss the issues. I am sure they have made changes to their services, but they did not make them quickly enough. The department did not monitor the contract well enough, and the department seem to refuse to look properly at their own services and systems. It is not a good enough response to the terrible treatment that some refugees have experienced and, more particularly, to the death of a two-year-old child and the subsequent trauma of that family.

Senator BARTLETT (Queensland) (11.21 am)—I hope that on this occasion the government will at least do the Senate the courtesy of putting their case for why they will not support this motion. I understand they are not. This is an important matter. Senator Hurley has outlined well why there are serious concerns that need examination. As somebody that has followed immigration issues for quite a few years now, I think it is very timely to have a broader examination of settlement assistance not just for refugees and humanitarian settlers—although clearly assistance to them is important—but also for other permanent residents coming to Australia.

The wider question that now needs to be considered is whether people here on long-
term temporary residency visas could also benefit from some forms of assistance. Clearly, people living in the Australian community for a number of years, and many people who start on long-term temporary visas, eventually end up transferring to permanent visas and, at the end of it all, citizenship. It is very much in our country’s interest to make sure that when people first arrive help is available to enable them to adjust as quickly and completely as possible to their new life in Australia. We have had a lot of debate and a lot of comments made by senior government figures in recent times about multiculturalism, citizenship, integration and all those sorts of things. It is an important area to debate. But, as I said in the Senate yesterday, it would be nice if there were at least a consistent and coherent line from the government on these issues.

Frankly, regardless of what you think about multiculturalism and how you define it or other words like ‘integration’ and ‘assimilation’, which do have their baggage, as Mr Abbott has said, I do not think anybody could dispute that it is in our country’s interest to assist people that come here to settle as quickly as possible. That applies especially to refugees and humanitarian entrants, who are most likely to have come from a very disadvantaged situation. In the case of the refugees that are coming from Africa, it is very commendable that the government is bringing a number of refugees and humanitarian entrants from Somalia, Sudan and other countries.

That is very much to be commended, but it is against our country’s interests, and only doing half the job as far as the refugees are concerned, if we bring people here and then do not provide them with the assistance they need to adjust, as with the example of the family of Richard Niyonsaba, the young child who died that Senator Hurley was referring to. You could accurately call it an alien existence for them, to have come from somewhere where they had never seen a telephone, electricity, washing machines, fridges and all those sorts of things to a completely foreign environment. Clearly, it is beneficial to bring them to somewhere like Australia when they have been living in desert refugee camps for years and always at risk of violence or death, but we have to do more than just bring them here. We have to assist them to settle. As I said, that is very much in our self-interest as well as, of course, completing the humanitarian assistance that we are providing.

There is a bit of a habit, perhaps understandable, that occurs in political debate in Australia around these sorts of issues: people just make the statement that Australia has very good settlement services by world standards. I have made that statement many times myself. It is the same as the way we often make the statement that Australia has a proud history of assisting refugees. Because we keep repeating it, we just assume it is true. As perhaps should not be surprising, the reality is not always as simple as that. We actually do not as a country have an unblemished history with regard to refugees, even before the recent and harsh politicisation of that issue in the last decade. We have a mixed history. And the same has to be said about settlement services. We do have some good practices and some good aspects to our record, but we cannot just keep making the bland statement that we do settlement well without actually examining it to see whether we are kidding ourselves. I think we are kidding ourselves to some extent. We do some things well; we do some things better than many other countries. But we do not do them well enough. And there are some things that we do badly and some things that are at risk of deteriorating.

That is why the broader issues in this reference are important. The specific case of
what happened to Richard Niyonsaba in that tragedy is something worthy of investigation. But, even if we do not single out that case, the wider issues of settlement assistance, and indeed the information that is provided before refugee and humanitarian visa holders come here, are things that need examining. Often there are changes that can be made at very little or even no cost that can provide great benefit. I believe that by virtue of having just repeated this mantra of ‘we do really well with settlement services’ we have blindfolded ourselves to the fact that these areas need examination and there are some areas where things are in decline.

Those are the sorts of things that need examining. It is imperative to the future strength of this country. It is not just about a humanitarian gesture of making sure we are being as nice as we can to refugees. It is in our country’s self-interest to have the most effective settlement assistance possible, not just for refugees but for anybody that comes to this country for a prolonged period of time. Unless we look at what it means in application, all of the debate and the words that are being thrown around about citizenship, people’s obligations to Australia, Australian values, integration with the Australian community and the role and impact of multiculturalism are a lot of hot air and rhetoric thrown around the ether.

One of the fundamental areas of application of those sorts of issues is in settlement assistance. It cuts across all the philosophical debates about multiculturalism, integration, citizenship and Australian values because, whatever your view on the nuances of those issues, everybody would agree that it is in our country’s interest to assist and help people, when they migrate and settle here, to settle quickly and effectively. There is growing evidence that we are not doing that anywhere near as well as we could and should be. The time is very much right for an examination of this matter. I would be very disappointed if the government could not at least put its position about these issues on the record, because they are crucial to our country.

Immigration issues are not just a political football. I have become more and more aware the longer I have delved into immigration that it is perhaps one of the most fundamental issues for the future of our country. It has played an indescribably huge role in Australia becoming what it is today, and it can continue to play an absolutely pivotal role in where Australia goes in the future. It plays a positive role, I believe. I think it is as important as all of the debates we are having about our tax system, our economy and those sorts of things. We are talking about people, rather than just dollars and cents. Obviously there are links there, as there are with every issue, but it is as important as those debates. We really need to have much more mature debate on these issues and we need to have the government contributing to that in a responsible way.

It is slightly off the topic, but I think it is appropriate to point out that yesterday we heard the Minister for Immigration and Multicultural Affairs making further announcements about changes in the Department of Immigration and Multicultural Affairs and the way they are doing things in response to more reports from the Ombudsman. The minister did not come into this chamber to present that information; she held a press conference outside. She did not speak to any of the reports that the Ombudsman has provided. The minister is not contributing to this debate. That sort of thing indicates that there is not a sufficient degree of seriousness and willingness to engage with these issues. Sure, there is point scoring in the immigration debate, as there is in every other debate in politics, but there are fundamental issues here that need to be properly examined. They
are not being properly examined. This inquiry, I believe, would be a good opportunity to do that. It is the right time.

Today the committee—if it gets a chance to get to it—is presenting a report on the Migration Act and the administration of that act, relevant to some of the issues I have just described. It has nothing else on its plate. It has no reference before it. We have Senate committees now sitting in this parliament with no references because the government is consistently blocking reference after reference. We have already seen one on aviation safety blocked this morning. We will probably have another motion after this, on disability services, which is also going to be opposed. If the government is going to block this one as well, we will have a committee sitting there without a reference. Frankly, I think that starts to bring the Senate as a whole into disrepute. Maybe that is the government’s agenda. Maybe it wants to bring the Senate into disrepute. But it certainly does not serve the community well to have committees sitting here without valuable work to do.

As I have said, this is a valuable area. It is an important area of public policy. A lot of it is beyond and above ideology and political positioning. It is about the fundamentals: good delivery of public policy, good delivery of public resources and providing proper assistance to people who we have welcomed into our country and who we expect to make a contribution to our community. They are people who quite clearly want to do that. History shows us how enormous the contribution is that refugees have made to our country. So we know that the potential is there. This is simply about making sure that that potential is maximised. A little bit of investment at the start can produce enormous benefits for all of us, not least of all, the people who are assisted. It is time that we look at how well we are doing that and at ways that we can do it better.

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

The Senate divided. [11.37 am]
(The President—Senator the Hon. Paul Calvert)

Ayesss---------- 33
Noes---------- 35

Majority------- 2

AYES

NOES


Thursday, 2 March 2006

Senator McLUCAS (Queensland) (11.41 am)—Today we have seen some very interesting events in this chamber, and we have seen, on a number of occasions, the government not bothering to turn up to explain why.

However, I am happy to move my motion. I move:

That the following matter be referred to the Community Affairs References Committee for inquiry and report by 17 August 2006:

An examination of the funding and operation of the Commonwealth-State/Territory Disability Agreement (CSTDA), including:

(a) an examination of the intent and effect of the three CSTDAs to date;

(b) the appropriateness or otherwise of current Commonwealth/state/territory joint funding arrangements, including an analysis of levels of unmet needs and, in particular, the unmet need for accommodation services and support;

(c) an examination of the ageing/disability interface with respect to health, aged care and other services, including the problems of jurisdictional overlap and inefficiency; and

(d) an examination of alternative funding, jurisdiction and administrative arrangements, including relevant examples from overseas.

It is a timely reference for a number of reasons. As we know, the Commonwealth State/ Territory Disability Agreement is in its third iteration and we are now leading into negotiations for the fourth agreement. However, the CSTDA has, over time, been subject to a range of criticisms.

It has been criticised, and I think quite rightly, by people with disabilities. They regularly advise parliamentarians—some on the other side, I am sure—of the lack of clarity in the intent of the agreement and that it has changed over time. Because of those changes, people with disabilities and their advocacy organisations and services are unsure and unclear about what the detail of the agreement actually entails. People with disabilities say there is a lack of consistency in the application of the agreement, not only state to state but within states and territories. That needs scrutiny. That needs to be unravelled so we know why that is occurring.

Given the passage of the so-called Welfare to Work legislation last year, we are aware of the potential impact on the services delivered by the states and territories to people with disabilities. That needs clarification and understanding. We also know that people with disabilities are not involved in the negotiations between the states and territories and the Commonwealth. That has been the case for some time, but people with disabilities and their advocacy groups have much to say about what they think should occur through this agreement process. We also know that there is no portability of disability funding and support between the states and territories if people with disabilities want to move.

The big issue that is starting to get some understanding nationally is the interface between the ageing portfolio and the disability portfolio. People with disabilities are ageing. That is fantastic; that is wonderful. But what happens to a person with a disability as they age? We always end up with this dispute between the states and the Commonwealth: is the person a person with a disability and therefore should be state funded or is the person ageing and therefore should be sup-

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ported through the federal government’s funding processes? Those are just some of the criticisms that I am sure the government has heard from people with disabilities, and that surely supports the idea that this inquiry is timely.

We have also received criticisms of the agreement from the states and territories. It has been said to me that the agreement has changed from its original intent. We can all remember back to the so-called negotiations for the third agreement when the minister at the time eventually got to an absolute stalemate with the states and territories and basically said, ‘There you go: take it or leave it.’ That was the state of negotiations at the time. This inquiry will give clarity to the way the Commonwealth and the states negotiate about people with disabilities and their services. This inquiry will give clarity to people with disability about what the intent is of both parties so that they can understand what will be delivered.

We have also seen criticism from the Commonwealth itself. The Australian National Audit Office recently undertook a performance audit of the Commonwealth State Territory Disability Agreement. The report was, in my view, quite damning. They said that there was no monitoring of the effect of the expenditure that was delivered through the agreement. They said there were no systems available to collect data. There was no analysis of the unmet need—the need that was not being delivered through the CSTDA. They also said that there was a lack of coordination within Commonwealth departments about policy for people with disability. They said that the disability section of the Department of Family and Community Services had no ongoing relationship with the section that is devoted to housing. They had no ongoing relationship with the people in the transport department or in Health. And they particularly identified a lack of negotiation and coordination between the Department of Family and Community Services—even the disability part of the department—and Indigenous affairs. In fact they noted that back in the nineties there was some sort of notion that we would have a committee between Indigenous affairs and the disability sector, and that committee has never met.

So we have had criticisms of this agreement from all sources. That is why having this inquiry at this time is particularly timely. The Community Affairs References Committee is very close to completing the inquiry into toxic dust. There are no more hearings required for that inquiry and so, to all intents and purposes, that inquiry has completed its task and it is simply a matter of writing up the report. They have another ongoing inquiry into petrol sniffing. There are some hearings but, by and large, that inquiry is well and truly on track and will report in the middle of the year. There is no expectation from the committee of a heavy hearing schedule for any other inquiry. There is no further reference on the agenda. The committee cannot say that they have got too much work to do—as we have heard in the past, quite legitimately. There are times when the Senate provides references to committees that have too much to do, but that certainly is not the case in this instance.

This reference is supported by many agencies and many advocacy services. It is actually supported by people with disabilities themselves. In the correspondence I received from those sorts of people and organisations following the government’s refusal to adopt this reference late last year, they expressed their astonishment. They support the idea of this inquiry in the lead-up to the fourth negotiations. They support the idea that it is timely.

I am not going to speculate as to why the government is not going to support this ref-
ference. It is up to the government senators to explain why this reference cannot be supported. But I will be very interested to hear what they have to say. Going on what happened here earlier today, they may not come and tell us what is wrong with this inquiry. We did not get any government response to why they did not support the inquiry into aviation. The government did not bother telling us why they could not support an inquiry into immigration. But let us get them to change their pattern. Let us see whether someone from the government has something to say about why this inquiry cannot be supported today. I will wait for that explanation and I will have a listen to it. I will finish my remarks during my right of reply.

Senator BARTLETT (Queensland) (11.50 am)—The Democrats also strongly support this inquiry. I will not go into our views in detail about the way the Commonwealth State/Territory Disability Agreement is operating, beyond saying that I believe it is timely to examine how that agreement is operating, how effective it has been to date and, as the terms of reference show, to examine not just the effect of the three agreements to date dealing with disability but also the other current joint funding arrangements including analysis of levels of unmet needs, including the unmet need for accommodation, services and support—an area I have spoken about in this chamber a few times. I believe it is also timely to examine the ageing-disability interface and possible alternative funding for jurisdictional and administrative arrangements.

I would have thought that that is a highly relevant area for the Senate committee to examine. It is obviously an issue of significance, of major public importance and of major impact on the lives of many Australians—not just those with disabilities but also their families, their friends and their carers. So there would be millions of Australians affected by the issues that this inquiry seeks to cover.

There is also the wider issue of the Commonwealth and state interface, who has responsibility for what and how effective the funding mechanisms are. These issues have been in the public domain and have been the subject of debate for some time. Indeed, the health minister, Mr Abbott, has regularly mused aloud about whether we need to look at restructuring the way health works in this country—who has responsibility for what and how it is funded. Disabilities is clearly another area that is linked to that where we would all benefit from a re-examination. Again, it is an issue that goes much further than political positioning and ideological views. It is a basic issue of the adequacy of how public funds are spent that is under consideration and, clearly, this is a timely moment to endeavour to do that.

I would be extremely disappointed—mortified might be a slightly strong word—if the government again fail to justify their position on this, particularly as the relevant minister in this case is actually in the chamber. I would be appalled if he did not at least give an indication as to why the government believe there is no value in the Senate inquiring into this matter, either now or at a later date. If there is some view that it should be put off for a little while then let us hear it, but surely they could not seriously suggest that this would not be a valuable inquiry.

One of the downsides, as the Democrats have noted from time to time, with the various COAG arrangements that have developed in Australia is the way that they can tend to lock out parliaments and the public. It is good to have state and federal governments meeting together and coming to agreements and arrangements, but the problem can be and has been in the past that the governments get together and come to an
agreement that suits them. The parliaments are pretty much stuck with having to then pass legislation which they may be concerned about or may just think could be improved in some particular way, but, because the agreement has already been locked up by all the state, territory and federal governments, that becomes very difficult.

Oftentimes complementary legislation needs to be passed through all parliaments, and if you change it in one parliament then it can affect the operation of it at a state level. That puts the parliament in a position where it is much more difficult for us to change agreements after they have been reached, even if there are clear areas where there would be major public benefit in doing so. Of course, it not only locks out the parliament but the public, because the meetings are secret. They are not public debates like this one in the chamber; they are not committee hearings; they consult who they feel like consulting, they ignore everybody else, and they come out the other end and say, ‘Here’s what we’re doing.’ It is a less than perfect process.

One way of reducing the problems with that approach is to have these sorts of inquiries into the issue beforehand. That is exactly what is proposed in the area of the Commonwealth State Territory Disability Agreement: to examine some of the issues that are around now, how things are developed, where things could go, and inform the development and finalisation of the next agreement. It would be not only disappointing but even negligent for the government to frustrate an attempt to do that, and to do that without even putting a justification on the record would be a clear sign of monumental contempt for the Senate.

The Prime Minister has been making lots of noises around the country in the last week as he has moved towards the 10th anniversary since he was elected, which is today. He has talked about how he is not arrogant, how the government is not drunk on power and how it is very important that he and his government colleagues make clear to the public that they are remaining humble and not being arrogant. Yet, if you look at the actions rather than the words, there could not be a clearer example of total arrogance and total contempt for the Senate, the parliament and the public. They have not only knocked back three important inquiries—inquiries that are clearly not just political point-scoring exercises but important opportunities to explore areas of major public interest and significance—but they have knocked them back without even opening their mouths and saying why, certainly in the first two cases. I hope Minister Santoro proves me wrong in this case at least and puts some case on the record, because it is monumental contempt for the Senate and the public to simply dismiss genuine attempts to have valuable inquiries without even bothering to make a statement.

We saw some of that on a few occasions towards the end of last year, and it is a very bad way to start the new year. It is bad enough that we are barely sitting: the parliament is sitting for only one more week before the May budget. There are three sitting weeks, 11 sitting days in total, from the first part of the year through to the second week of May, and then there are only another three days until mid-June—that is, 14 sitting days until we get to mid-June. Not only is the parliament barely sitting in the first half of the year, but the government is even preventing Senate committees from doing work in that period of time by frustrating committee reference after committee reference. I quoted some figures at the end of last year in debate on another reference that was knocked back. Twelve references were knocked back and only six were agreed to. I am not sure
whether others have been agreed to since we started this year—I have not looked at that—but if we add the three that have been knocked back today then 15 have been knocked back and only six have been agreed to. That is a pretty poor record.

I am not saying that every reference has to be agreed to—senators knocked back references in the past as well, prior to when the government had control—but the ratio has gone through the roof. We have more than double the number being knocked back compared with the number being agreed to. I think it sends a very clear signal that this government just wants to neutralise the Senate in every way possible, not only by dramatically reducing the number of sitting days but also by preventing us from having committees doing work and having inquiries. We have seen examples in Senate estimates hearings where, even when we have inquiries, the government prevents answers from being given in areas of significant public importance.

The attempts to avoid scrutiny are growing day after day. The performance by the government this morning, in refusing to even speak and put their cases as to why they are knocking back these inquiries, I think is contemptible. It is a clear sign of contempt. Whatever the Prime Minister might say about his government not being arrogant after 10 years in power, let us look at the record, rather than the rhetoric. The record shows 15 Senate committee inquiry references being knocked back, including important ones this morning. No-one could say that the disability agreement is not important; no-one could say that air safety is not important; no-one could say that settlement assistance for migrants is not important. They are all important. They are all areas that involve significant public expenditure, they are all areas that affect millions of Australians directly in important ways, and they are all areas in which we can do better. If the government are so scared of scrutiny that they will just knock back inquiry after inquiry then, seriously, I do not think they can credibly suggest that they are not anything other than filled with total arrogance and contempt for the parliament and the Australian people in the way that they are conducting business in this parliament.

The PRESIDENT—Order! It being 12 o'clock, pursuant to order of the Senate agreed to earlier today, the debate is now interrupted and I call on Senator Hill to make a valedictory statement.

VALEDICTORY

Senator HILL (South Australia) (12.00 pm)—This is an historic day—not, of course, because I am retiring but because we are celebrating the 10th anniversary of good coalition government. I decided it was time to move on and allow regeneration. It is something I felt I owed my party and colleagues who deserved a chance to rise a rung on the ladder of opportunity. No other senator for South Australia has served for 25 years, so I have been extremely well treated.

In that vein, I want first to thank my family, Diana and my now adult children. They have generously supported me, and without their support the job would have been impossible. I have also had personal friends who have been encouraging and supportive over a long time. They have maintained their confidence in me and I am very appreciative.

The Liberal Party of Australia first endorsed me in 1980 and has continued to do so. I remember my first preselection: I offered comparative youth. I was, in fact, the youngest Liberal when I entered this chamber at the age of 35. Some things have changed! I am grateful for the opportunities my party has given me. I have also been lucky to have good staff over that period of nearly 25 years. They have given me great
loyalty and support and I hope they have been enriched by the experience of working in politics at this level. I thank them all.

I also want to thank those whose job it is to support the political process: the clerks and other officials of the Senate, the staff of the Department of Parliamentary Services, the staff of ministerial and parliamentary services in DOFA, the security staff, the catering staff, the travel staff, the Comcar staff and drivers, and so many others. They have all treated me well. Most of these people receive little recognition for their work, but they are all important in a parliamentary structure which is as good as and better than most.

I want to say a few words about the state of the Liberal Party. It was the fact that the Liberal Party was the party that encouraged individuals to reach their full potential, to take risks, to have a go, to grow and to accept individual responsibility that attracted me some 40 years ago. I thought the distinction between the parties was still there in this last round of first speeches. With respect to my colleagues, one side preached challenge and opportunity; the other, protection and support. Both remain valid political streams of the centre but, for me, I found the former more exciting and stimulating.

I have served some 24 years on the state executive of my party, including a period as state president, and 18 years on its federal executive. I have been a member of the leadership group of the federal parliamentary party for 16 years. So, whether at the organisational level or the parliamentary level, there is a considerable dose of Hill in the modern Liberal Party.

In terms of beliefs, I do not think the Liberal Party has changed a great deal over the years. It has always comprised those who are more conservative and those who are more liberal—socially and economically—and this has contributed to healthy debate in policy development. For the Liberal Party, with its emphasis on an individual’s freedoms rather than collective responsibility, the right to be guided by conscience remains vital. I am proof that in the Liberal Party you can take a different view on certain issues and still succeed—although I would not encourage it too often.

Maybe because I was brought up in South Australia, which boasts many firsts in social and political reform, maybe because my parents, although personally conservative, were always tolerant of the choices of others, maybe because I spent too much time at the London School of Economics or maybe because of the pervasive influence of such as Alan Missen, Peter Baume or Ian Macphee, or for whatever reason, I always leant to the liberal side of the party. Conservatives of course say liberals cannot make up their minds; liberals say it is easy for conservatives because they are not challenged by ideas. I think it is important for both streams to be well represented if the Liberal Party is to remain strong and relevant.

This leads me to where we are as a nation. We are economically stronger than ever, which is an endorsement of the economic reforms we have implemented. Clearly, a less regulated labour market has helped, and I have supported these changes. But, in getting the balance right, it is important to remember that not everyone is confident and competitive yet all have a contribution to make to our society and an entitlement to grow in their lives. John Howard has always said that we do not want to replicate the American labour market; we will do it in a way that accepts the core responsibility of government to protect those less able to protect themselves. I think this is very important, and against the background of a declining trade union movement becomes even more important.
Socially, our society is more complex. Children, more than ever, are being brought up by other than their two natural parents. Families do not have the same cohesion as they once had, which in turn is making it financially and emotionally hard for the aged. In government, we have put an emphasis on support for families and children and for the aged and the disadvantaged. I think it remains fundamental. And in giving back the surplus—if that is what is to occur—I would give it back to families. Despite the powerful vested interests pushing in other directions, that is where my vote would lie.

Culturally, I have always supported a multicultural society. I am not going to change because of a small number of, albeit ugly, incidents. I suspect fault lies on all sides. A fusion of cultures makes for a dynamic and rich society, but it does require tolerance and accommodation. Multiculturalism, Australian style, is not inconsistent with a requirement that those who aspire to be Australian accept the basic values of our society. In fact, the chance to live under the values of freedom, tolerance, pluralism and respect for the rule of law is why so many have made Australia home. So generally it is not a problem. They respect basic Australian values, to which they aspire in any event, but do not need to sacrifice their cultural backgrounds which, in turn, add value to our society. For some, I concede, it will be more difficult and will require education, patience and support.

Some commentators say that we are a mean and unwelcoming society. I recently visited Sudan, which has suffered from decades of horrible civil war. I learnt that in the last two years we have accepted some 13,000 Sudanese into Australia. I think this is a demonstration of a generous and humane society, and I congratulate the minister and the government. I am also pleased to see that not all places are taken by those who enter illegally.

In this, my final parliamentary speech, I also want to say something about our national responsibility to conserve our extraordinary natural heritage. It was not until I came to the Environment portfolio that I really appreciated the unique richness and diversity of the natural assets of which we are custodians. As a nation we have made many mistakes in the management of our natural resources, but we now have a better understanding of the issues, improved science and education, national environment laws which are the best in the world and a respected environment department.

Most importantly, the mainstream of society is taking control of the debate, is starting to accept responsibility to use natural resources sustainably and is being supported by government to do so. Conserving native vegetation and the marine environment, protecting the health of our rivers and streams and ensuring adequate environmental flows and conservation of our fragile soils—these challenges are immense. But these natural systems are the source of life and essential to its nourishment and wellbeing. Caring for these systems is a fundamental responsibility we owe to future generations.

Not surprisingly, I also want to mention Defence and security, the second of my portfolio responsibilities. Having a statutory responsibility for governance of the ADF is a special privilege, and I have admired the loyalty, sense of service and duty and professional capability of Australia’s armed forces. They are a great national asset and deserve to be treated as such. To work in the National Security Committee of cabinet to meet the first responsibility of government—that of providing security for the Australian people—has been particularly rewarding.
I am pleased that we now have a more active defence posture. Getting out and helping to resolve issues of security and stability is in our national interest. Certainly our contribution has been appreciated by the people of East Timor, of Bougainville, of the Solomon Islands, of Afghanistan and even of Iraq, where most Iraqis were pleased to get rid of the brutal dictator Saddam Hussein. We were also entitled to resolve the issue of WMDs, which the UN Security Council had failed to do.

Ensuring the forces are equipped to meet the tasks we ask of them is also important, and the procurement plan we are now implementing will ensure the capability to protect Australia and Australian interests in an uncertain strategic environment. I am also pleased that we are now giving Army the recognition and support it deserves. And finally on the issue of the ADF, we must remember and respond to the unique challenges and requirements of service families. The changing demands yet reasonable expectations of families will provide major challenges to recruitment and particularly retention. We are making progress in this area but the task will be ongoing.

On the issue of the state of the nation, I would like to make two further comments. The first will not surprise some of my colleagues. I hope it will not be too long before Australia has an Australian as its head of state. As we mature as a nation, as we become more confident of our place in the world as a successful, dynamic, independent and active global contributor, it looks increasingly odd that our constitutional structure has failed to keep pace. This requires those who share my view, which according to recent surveys is now a clear majority, to actively engage and agree on the best model for Australia. Republicans cannot expect those who oppose a republic to lead that debate.

Secondly, I note that the challenge for Indigenous Australians in our rapidly changing society is as daunting as ever. Whilst it is primarily a challenge for the Indigenous people themselves, they are entitled to and deserve our support. This was their land for at least 30,000 years, and their heritage, which we now share, is another of our great national assets. My experience, particularly in the Environment portfolio, of the special knowledge and skills of Aboriginal people had a great effect upon me. I am pleased to see that, in relation to tackling the disadvantage of Aboriginal people, new ideas are being argued and tested. In a generally prosperous and successful nation, how we address these issues will be an important part of our national legacy.

I came here in 1981. My experience in government was to be fleeting, but I watched, listened and learnt from such as Fraser, Anthony, Peacock, Guilfoyle, Nixon, Carrick, Withers, Street, Sinclair and others. Then I experienced 13 years of opposition. Effective opposition is critical to the strength of our democracy, and thus very important work, but it can be frustrating—particularly if it lasts 13 years. It does, however, encourage new ideas and give a new generation opportunities and responsibilities. It certainly gave that to me when I chaired the opposition’s foreign affairs committee and in shadow ministries, including status of women, the ACT, justice, foreign affairs for four years, defence, science and technology, public administration and then, finally, higher education. It gave me opportunities to write policies and ultimately to chair the opposition’s policy review committee between 1993 and 1996. It gave me the opportunity to serve on the council of the National Library.

It also gave me new responsibilities in the Senate, particularly when my colleagues elected me their leader in 1990—responsibilities not only in parliamentary
business and tactics but also in managing a group of ambitious and challenging yet frustrated personalities and in moulding an effective parliamentary team. There were deep lows, such as the 1993 election defeat, after which the rebuilding of morale was very demanding. There were also relative highs, such as the taking of a high-profile ministerial scalp. But, overall, the going was tough.

But it was also an opportunity for other challenges. One I took on through the International Democratic Union, of which I am still a deputy chair, was democracy building around the world—particularly through the development of sustainable political parties. It was extraordinarily rewarding. Whether in the Pacific or at the end of the Marcos era in the Philippines or in the first elections of the new democracies of Eastern Europe or even in helping after the revolutions of Latin America, I found the skills of politicians from a democracy to be transferable and useful. One meeting which had a particular effect on me was in about 1991 and was with representatives of new political parties of Europe. Many of the participants had been in jail for extensive periods, some had been tortured and they told horrific stories of the past, but all were excited and positive about the chance for democracy and respect for human rights. It was very uplifting.

There are some who argue that particular countries, because of their underdevelopment, political history or religious creed, are not ready for democracy. All people yearn for freedom. They might also want jobs, education, health care, stability, security and many other things, but they do want to be free. It has been vividly illustrated in both Iraq and Afghanistan in recent times. What has also been demonstrated is that these people need a lot of help, and ongoing help, to achieve their goals. I am extremely proud that Australia is making a contribution in support of the freedom of both the Iraqi and Afghan people, and I am particularly grateful to our service personnel and officials who are daily risking their lives on our behalf.

But, returning to my theme, there is only so much you can do in opposition, and politicians are primarily driven by the goal of getting into government to make decisions and implement change—and on this 10th anniversary of the Howard government I can say it was worth the wait and the effort. If you are into politics, the federal cabinet is about as good as it gets. It is even better to be part of a reformist government which has achieved so much. John Howard has provided wonderful leadership for Australia, and I am very appreciative of the opportunities he has given me. Through my 10 years as chair of cabinet’s parliamentary business committee and through my leadership in the Senate, I have played a part in the very considerable legislative achievement of the Howard government—but so have all my colleagues in the Senate, who worked patiently, cooperatively and with determination during the nine years we lacked a majority to achieve so much of the government’s mandate.

I will soon retire from the Senate and as a representative of South Australia. I want to say a few words about each. The Senate is not really doing what it was set up to do, but it has evolved for itself a place in our democracy which is very important. In terms of the detail of legislation, this is where it is addressed. In terms of the scrutiny of subordinate legislation and provisions that might affect the rights of individuals, it is again the Senate which does the work. There is a lot more ministerial scrutiny in the Senate; and in terms of financial accountability to the parliament, again the Senate is the principal player. I am for maintaining all of the Senate powers and its discrete parliamentary terms. I think a strong Senate and some independence from prime ministerial power is in the
best interests of our democracy. When a Prime Minister calls the Senate ‘unrepresentative swill’, I think the Senate must be doing something worth while.

I would also never underestimate the importance of the Senate committee system. I might have enjoyed my work on the Joint Standing Committee on Foreign Affairs and Defence, but the work I did on the Senate committee on constitutional and legal affairs, the National Crime Authority committee, the scrutiny of bills committee—which I helped to set up—and the estimates committees was actually more important. The Senate also provides a unique forum for public debate on the more controversial and challenging issues of our time. I hope senators of the future will not shy away from that traditional role.

I have also been a proud representative for the state of South Australia. In the case of South Australia, my state remains attractive in every aspect of life people regard as important except economic opportunity. I was born in Adelaide and will always call Adelaide home, but it is a pity my children do not. I would like South Australia, and Adelaide in particular, to be economically stronger and more sustainable, but I think this will only occur through strong leadership and intervention. If I were running the state, I would be picking and backing winners—so it is a good thing I am not, as I know this view has gone out of fashion. Otherwise, South Australia is a wonderful place to live, and the South Australian community has been very good to me. I hope I have given a bit back.

Before concluding, I want to say something about the major threat we currently face—that of international terrorism. Terrorism is not an end in itself. Rather, terrorism is the weapon of choice of those seeking to extend the influence of a particular brand of extremist Islam. Its goal is to undermine the morale and confidence of opponents—primarily moderate Muslims but including Western society. Whilst I have always said that this threat must be taken head-on in some instances, I have also argued that to win we need to sell the benefits of Western civilisation, we need to demonstrate commitment in practice to the values we hold and we need to dramatically extend economic opportunity across the world. The recruitment pool is those who have been left behind, and in the Muslim world that pool is huge. To me, this is a battle more complicated and difficult to win than the Cold War and a battle to which the West has not yet really begun to engage.

Finally, I want to thank my colleagues past and present, particularly my mate Ron Boswell, who has tried to help me understand the National Party; my successive deputies—I was probably closest to Richard Alston; my former frontbench colleagues; and, in fact, the whole parliamentary team. It is extraordinary that I never lost a moment’s sleep from the need to protect my back in the 16 years I was leader of the coalition in this place. I have made many friends and lost very few. I would never dissuade someone from a political life. It is important work. It can be rough, but it has its rewards as a profession of service, and for a rare breed it can actually be a lot of fun. I wish all honourable senators well, and to those on my side I also wish continued electoral success. I thank the Senate.

The PRESIDENT (12.21 pm)—I know I speak on behalf of all senators in this place and on behalf of our distinguished guests from the other place when I say to you, Robert, that you have been a very significant contributor to this place over the last 25 years. You are very highly regarded by all of us. We wish you and Diana all the best in your future.
Honourable senators—Hear, hear!

Senator STEPHENS (New South Wales) (12.22 pm)—by leave—To mark the departure from the Senate of Senator Hill, and in the style of Wordsworth’s ode to Milton:

Canberra 2006

Robert! Thou should’st be leaving at this hour
America hath need of thee: she is a fen of stagnant waters: pellet gun and pen,
both indicate how life there has gone sour,
their ancient wealth is crumbling (like a Tower)
they know unhappiness. They are selfish men;
Oh! Raise them up (they all watch CNN!):
and give them manners, virtue, freedom, power:
Here in the Senate, thou wast quite a Star
Thou hadst a voice whose sound was like the sea:
“Fortune favours the brave” thou cried, and we
Admired thee making waves here and afar.
Thou possessed more political artillery
Than Dubya, Condi Rice or even Hillary
So now, as we smile and bid thee fond adieu,
Dame fortune’s favour surely goes with you.
We hope for future exploits quite sublime
Oh who can tell how high this Hill will climb!

The PRESIDENT—I am sure Senator Hill will review that in the Hansard!

COMMITTEES

Community Affairs References Committee Reference

Debate resumed.

Senator SIEWERT (Western Australia) (12.24 pm)—I would like to add the Greens’ support for this motion. It has been clear for quite some time that the Commonwealth State/Territory Disability Agreement needs some review. When I came new to this portfolio I very quickly became aware that there were significant problems in this sector. In Western Australia alone there is still a vast amount of unmet need for carers in this sector. In fact, we do not really have an understanding of the unmet need in Western Australia because people have actually given up asking. They are so sick of filling in complicated forms that they do not apply anymore. Many carers have said to me that they feel like it is a race to compare how bad your situation is before you can get attention. People are so demoralised by this.

I have heard many disappointing and distressing stories. Just recently I was in Albany and met with a well-known person in Albany who told me the story of what had happened with her husband who suffered from dementia and how hard it was for her to get respite care. They found that what was happening in Albany was that places that should have been reserved for people for short-term respite—to give carers of people some respite—were being filled by long-term patients because it was more economically viable for the centres to fill their places with long-term patients. While that of course is good for the long-term patients and meets a need there, unfortunately there are many people who are missing out because all they need is respite for short periods of time—and they are not getting that.

I have also learned of a change in service provider. While I am not in any way disparaging the service provider it was changed to, what was explained to me was the complicated nature of trying to get service there now and that people are confused about where to go for service. There was not a seamless changeover. I understand that is happening in other regional centres—that there have not been seamless changeovers of care providers who have contracts to provide some of the services. I also understand that there is very little idea of the unmet need for care providers in other states.

I have looked at the first, second and third agreements between the states, and I think there has been a definite shift of Common-
wealth responsibility onto the states. To tell you the truth, I am absolutely sick of hearing issues being batted between the Commonwealth and the states: ‘Oh, that is not a Commonwealth responsibility; that is a state responsibility’ or ‘That is not a state responsibility; it is a Commonwealth responsibility.’ Carers and people in need are the ones who suffer. Access Economics produced a report late last year that showed the benefit of carers in the community. Millions and millions of dollars worth of care is provided by carers for people in need of care. The report highlighted the absolute value of the care that is provided for people in the home and the work that carers do.

The report also highlighted the fact that if we as a nation do not get our act together and look at what is happening, long term and into the future, we are going to have an even bigger problem than we have now with the needs of carers and the needs of people who require care. It is absolutely essential that we look not only at how we can meet the needs of carers right here and now but also at what our long-term problems could be. As I have highlighted in this place on a number of occasions, I believe there are a number of clauses in the agreement that give the Commonwealth clear leadership responsibilities and provide the mechanism for the Commonwealth to provide leadership and show the way in trying to get to the bottom of this issue.

There are ongoing issues with people who are on carer payments or carer allowances and the discrepancies between the two and how hard it is to access one and the other. These are all unnecessary burdens on people who are only doing good for our community. Even if you do not want to pay attention to the fact that they are supporting our community, on an economic basis alone, one can see that they are making this country a better place. I absolutely endorse this referral motion. I think it is high time that we looked at this agreement. It is clearly not working in a number of areas. We need to look at what is working and what is not working, learn the lessons and fix this area—because it is the people in the community and the carers, who unselfishly give hundreds and hundreds of hours to this community, who are suffering. So let’s get our act together, let’s review it and let’s move forward into the future instead of backwards.

Senator HUMPHRIES (Australian Capital Territory) (12.29 pm)—I rise to indicate that I do not support this motion and to indicate the reasons for that. Let me say at the outset that I do not necessarily disagree with the comments that have been made in this debate about problems with the Commonwealth State/Territory Disability Agreement. Various manifestations of this agreement have been long standing, but there is still some dysfunction in the way territories, states and the Commonwealth share the load of determining an appropriate response to the needs of those in our community with disabilities. For example, in the inquiry that the Senate Community Affairs References Committee conducted into the needs of disabled people lodged in Australian nursing homes, we saw very clear evidence of that dysfunction.

Having said that, however, I do not believe that the process that is at work here is appropriate to deal with this question at this time. Looking through the Notice Paper, I note that there is no other committee of the Senate—standing or select; references or legislation—which appears to have as many matters currently before it as do the community affairs committees, in either the references or legislation manifestations. On my reckoning, there are something like eight separate matters before the community affairs committee at the moment. They include the inquiry into toxic dust, which was to
have reported today but is now reporting in May. Only yesterday, I think, another bill was referred to the committee. That was on top of an inquiry to be conducted today into aged care bond bills. There is a report to be produced on the additional estimates hearings last month; budget estimates are also coming up very soon. A major inquiry into petrol sniffing is presently in train, and members of the committee travelled only last week to the Northern Territory for that inquiry and will travel to Queensland next week. Tomorrow there is a further hearing—a roundtable discussion—on gynaecological health issues, and there is also an annual reports report to be prepared. That does not provide for a number of other matters which I know or suspect are in the pipeline.

The committee had informally discussed a process for dealing with the workload, and there was some informal discussion about having a meeting where the committee would assess what issues were pressing on it for consideration in the course of this 12-month period. Members of the committee and participating members may be aware of other issues that are being considered or will be considered by the committee, and I think those issues deserve some consideration as well. However, I think that a proper process should see these issues examined in a different process from the one that has been proposed by Senator McLucas, and for that reason I do not support the motion before the Senate.

Senator McLucas (Queensland) (12.33 pm)—I have got to say that I appreciate Senator Humphries having the courage to come into this chamber and at least express a view on why the government will not support this reference. I think some of his reasons are fairly hollow, and I will go to those in a moment. But I do acknowledge that Senator Humphries at least tried to give some sort of reason why this reference would not be supported—unlike for the previous two references, which have gone through completely on the numbers, without any expression from the government as to why they would not be supported.

Senator Humphries said that he did not disagree with the expressions of complaint. Certainly the whole community is aware of the complaints that have been levelled at the problems in the Commonwealth State/Territory Disability Agreement. That is why an inquiry is appropriate. That is why it is timely, at this point, to investigate why the level of complaint is so high, why there is misunderstanding or lack of clarity of the intent of the agreement and why there is a continual rub between the Commonwealth and states about their levels of responsibility. This is why there is a continual problem that affects older people with disabilities, and why there is a fight between the Commonwealth and the states over who is responsible for the provision of their care. That is the sort of meat that this inquiry would get into. But this government is going to stop it occurring.

Senator Humphries said that he acknowledged that the agreement was dysfunctional. Surely that is an argument in support of an inquiry, rather than an argument against. He then said that on his cursory examination—and I am glad he used that adjective, because it was a fairly cursory examination of the Notice Paper—he saw eight pieces of work that the community affairs committees had to do. That is somewhat misleading. There are three pieces of work that the Senate Community Affairs References Committee has to undertake, and I talked about them in my initial address. The toxic dust inquiry has completed its hearings. It simply has to write a report. I say ‘simply’; that is an understatement. It is a piece of work that has to be done, but it is possible to begin a new inquiry while the conclusion of another inquiry is occurring. The inquiry into petrol sniffing
has done a lot of its work. It has a very organised plan for the rest of its hearings, and it too can be completed while we call for submissions for this new proposed inquiry. That would mean that we would complete the first inquiry and move into the second. That is normal practice in this place. To say that the community affairs committee is overloaded is an absolute furphy.

Senator Humphries said there were eight pieces of work that the committee had to do. No, there are three; and on Friday there will be a roundtable into gynaecological issues affecting women in Australia. That is a one-off event. I commend the committee for doing something so creative, but it is a one-off event that will take one day and then there will be a report to be done. It is wrong to say that this committee is overloaded.

Senator Humphries said that this committee has more work to do than other committees. You can well understand why that is the case when you see the number of inquiries that people who sit on the other side of the chamber have not allowed this Senate to undertake. I am very sorry that I have to follow Senator Hill’s excellent address, because he described the value of this place and the Senate committee system beautifully. But that is being undermined very significantly and we have had absolute evidence of that today.

This Senate’s agenda is not being set by the people who sit in this room. This Senate’s committee inquiry agenda is being set by the executive of the government. That is an undermining of what I think is one of the powerful roles of this chamber. We now know that any decision about any inquiry that is going to occur in this place has to go through the Liberal and National party room. We have never done that before—not in the six and a bit years that I have been here. We have been able to control our own agenda and determine the important pieces of work that need to be inquired into—not the leadership of the Liberal and National parties. That is a real shame.

I commend this motion to the chamber. It is a timely reference and one which is supported by the sector. That is the most important thing. This is not a political inquiry; this is an inquiry that people with disabilities, their service organisations and their advocates want. They want to be part of the discussions that will lead up to the fourth agreement. Otherwise, we will be here in three years time saying that the CSTDA is dysfunctional. We will say that it is not working and there is lack of clarity in the intent of the agreement. Let us take the opportunity to help people with disabilities to navigate the difficult and complex bureaucratic processes that they have to go through. Let us use this opportunity to peel back the complexity of service provision for people with disabilities. But I am afraid that the people on the other side of the chamber are saying, ‘No, we just want to leave it like it is.’ They are saying, ‘Let’s not use the Senate processes to assist people with disabilities in getting the services and assistance they in fact need.’ This is a sad day for this Senate. At least Senator Humphries had the courage to tell us why he thinks it is not timely. But, as I said, I think his arguments are pretty weak. I commend the motion to the chamber.

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

The Senate divided. [12.44 pm]
(The President—Senator the Hon. Paul Calvert)

Ayes.......... 33
Noes.......... 34
Majority........ 1
AYES

Allison, L.F. 
Brown, B.J. 
Carr, K.J. 
Crossin, P.M. 
Faulkner, J.P. 
Forshaw, M.G. 
Hutchins, S.P. 
Ludwig, J.W. 
Marshall, G. 
McLucas, J.E. 
Moore, C. 
Nettle, K. 
Polley, H. 
Sherry, N.J. 
Stephens, U. 
Stott Despoja, N. 
Wortley, D. 

Bartlett, A.J.J. 
Brown, C.L. 
Conroy, S.M. 
Crossin, P.M. 
Fielding, S. 
Hurley, A. 
Kirk, L. * 
Lundy, K.A. 
McEwen, A. 
Milne, C. 
Murray, A.J.M. 
O’Brien, K.W.K. 
Ray, R.F. 
Siewert, R. 
Sterle, G. 
Webber, R. 

NOES

Adams, J. 
Boswell, R.L.D. 
Calvert, P.H. 
Colbeck, R. 
Eggleston, A. * 
Ferris, J.M. 
Fifield, M.P. 
Hill, R.M. 
Johnston, D. 
Kemp, C.R. 
Macdonald, I. 
Mason, B.J. 
Minchin, N.H. 
Parry, S. 
Payne, M.A. 
Santoro, S. 
Troeth, J.M. 

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

PAIRS

Bishop, T.M. 
Campbell, G. 
Hogg, J.J. 
Wong, P. 

Abetz, E. 
Vanstone, A.E. 
Campbell, I.G. 
Ellison, C.M. 

* denotes teller

Question negatived.

BUSINESS

Rearrangement

Senator CROSSIN (Northern Territory) (12.47 pm)—by leave—I move:

That business of the Senate order of the day no. 2, relating to the presentation of the final report of the Legal and Constitutional References Committee on the administration of the Migration Act, be postponed till a later hour.

Question agreed to.

AUSTRALIAN SPORTS ANTI-DOPING AUTHORITY BILL 2005

AUSTRALIAN SPORTS ANTI-DOPING AUTHORITY (CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 2005

Second Reading

Debate resumed from 9 February, on motion by Senator Ellison:

That these bills be now read a second time.

Senator LUNDY (Australian Capital Territory) (12.48 pm)—The Australian Labor Party was proud to recognise the need for a coordinated approach to sports antidoping very early on. In fact, the Labor government’s creation of the Australian Sports Drug Agency, or ASDA, in 1990 placed Australia at the forefront of the international fight against drugs in sport. Labor’s goal in establishing ASDA was to ensure that Australian athletes were able to perform and compete in an environment untainted by banned substances, and this goal needs to be met with ongoing revision and adaptation of our antidoping legislation. Only then is it possible to continue the great tradition of excellent sporting performance that has motivated so many people of all ages to strive to do their best in their chosen sport. Sport, after all, is an essential part of Australian culture, and it needs to be drug free to be fair for the athletes and to be the source of inspiration for, and enjoyment of, children and adults alike.

Labor is supporting the Australian Sports Anti-Doping Authority Bill 2005 and the Australian Sports Anti-Doping Authority (Consequential and Transitional Provisions) Bill 2005 because they represent the next
crucial step in strengthening the antidoping regime in Australia. It has been the Labor Party that has pressured the Howard government to continue improving the doping regulation in Australia, something that we believe they have been somewhat slack and slow in doing over the years. I think it is appropriate to make comments as to this slackness and slowness in the context of this legislation.

The slackness is evidenced by the fact that, if it were not for Labor, the bungled investigations into allegations surrounding Mark French and other Australian cyclists would never have been exposed. Just to recap: following the preliminary investigation into this matter, the Australian Sports Commission and Cycling Australia instigated a so-called independent investigation of the incident. Allegations were made of drug use by other then unnamed members of the AIS cycling team and of there being a culture of permissiveness with respect to doping at the Del Monte facility. In May 2004, in evidence to the court, Mr French named five other cyclists who allegedly participated in injecting sessions at the Del Monte facility. It is important to note that, while the court found Mr French guilty of antidoping offences, there was no further investigation into the allegations surrounding the five other named cyclists. There was simply a cover-up, and it was shameful that the Howard government did not do anything about it.

On 18 June 2004, it was the Labor opposition who raised this issue in parliament. Senator John Faulkner criticised the government for the mismanagement of the investigations into these allegations of antidoping violations. Senator Faulkner called for the establishment of an investigation and determination process, independent of the Australian Sports Commission. He also expressed concern that no further investigation had taken place of the other alleged offenders involved in the case. It is noted that at the time it was of the utmost sensitivity because it involved potential team members for the upcoming Athens Olympics.

After Labor raised these concerns, the Minister for the Arts and Sport acted, finally. The Hon. Robert Anderson QC was appointed to investigate the claims of doping within the cycling program and to assess the effectiveness of actions taken by the Australian Sports Commission and Cycling Australia. The key recommendation Justice Anderson made from the inquiry mirrored Senator Faulkner’s concerns. Anderson said:

... there should be a body which is quite independent of AIS and of the Australian Sports Commission and of the sporting bodies themselves with the power and duty to investigate suspected infractions such as substance abuse and to carry the prosecution of persons against whom evidence is obtained.

It is important to note that while the ASDA Act was amended in 2004 in order to comply with the WADA code, and the responsibilities mapped out for sporting bodies and athletes in it, ASDA does not currently have the power to examine all the antidoping rule violations in the code or, indeed, to prosecute cases. That is what this legislation does: it enacts that Anderson recommendation, which was only made as a result of Labor’s intervention in the first place.

I would now like to turn to the issue of timing and slowness that I mentioned earlier. The sad thing is that the rush that we are now experiencing with this legislation is because we are only debating these bills some 13 days out from the Commonwealth Games. I note that the bills reflect the view of the government for quite some time now and, in fact, were mooted mid last year. So it is concerning that it has taken till now—as I said, 13 days out from the Commonwealth Games—to finally debate the legislation in this place. We certainly do not want to hold it
up any further and we think that it is good that the government has finally brought it before us.

But, that said, it is still important to note that it would have been far better for stakeholders to have more time and to have had a longer lead time in to the Senate inquiry—and it was very important that the government allowed a Senate inquiry, given they have the numbers in this place. We heard during the evidence to the Senate inquiry that a number of stakeholders were concerned that not enough time was provided to them. Because of that condensed time frame the other issues relating to the NAD Scheme, the National Anti-Doping Scheme, which is a critical part of the new operation of ASDA under this act, have not been fully fleshed out. I will speak more to that in a minute.

So they are my criticisms about timing and the slackness evidenced by the Howard government over the years. There is generally a bipartisan policy commitment to wanting Australia to be the best in the world and, as I said, this legislation takes the next step. It is worth noting in my comments, incidentally, that it does provide Australia’s antidoping body with two specific additional powers: the power to investigate doping allegations and to present antidoping violation cases at hearings of CAS or other sports tribunals. Sporting bodies who made submissions to the Senate inquiry concurred that that type of body was required, and the Labor Party also supports it. The additional powers will enable the new ASADA to examine all eight antidoping violations contained in the WADA code—a sensible measure for a government which has required all NSOs to sign on to WADA so that all is consistent in setting up the regime.

ASADA will maintain the existing drug testing, education and advocacy functions of the current ASDA, and will also carry out additional functions in relation to investigation of potential additional sports doping violations; presentation at hearings conducted by the international Court of Arbitration for Sport, CAS, and other tribunals, of cases against an athlete or support person alleged to have committed an antidoping rule violation; determining mandatory antidoping rules to be included in the ASC funding agreements with sports; and advising the ASC of the performance of sports in observing these requirements—all crucial improvements.

ASADA will carry out these functions within the context of the National Anti-Doping Scheme, or NAD Scheme, the framework of which is created by these bills. The detailed protocols and procedures for the exercise of ASADA’s functions will be contained in this scheme, which is a legislative instrument to be developed alongside the bill. Ultimately, it will be tabled in parliament as a disallowable instrument. The National Anti-Doping Scheme will be consistent with the mandatory provisions of the World Anti-Doping Code and will implement the UNESCO convention once it is ratified. The bill acts as a broad legislative umbrella for ASADA, and the NAD Scheme will contain much of the detail that will directly affect athletes and sporting bodies.

We have been advised that the NAD Scheme will contain the antidoping rules applicable to athletes and support personnel, including details of antidoping rule violations and the consequences of infractions; protocols for ASADA drug testing procedures, protocols and procedures governing ASADA investigations, protocols for ASADA to establish a register of its findings and to advise sporting organisations and athletes of its findings and the protocols for ASADA’s presentation of doping cases at sports tribunal hearings.
Labor is satisfied with the government’s, and certainly the department’s, insistence, through the Senate committee process, that national sporting bodies and players associations were to be consulted with the content of this National Anti-Doping Scheme. During the inquiry process sporting bodies did raise a number of valid concerns regarding implementation, such as not being able to see the detail of the NAD Scheme. Certainly, we are taking it on good faith that the government will adhere to its commitments and that, if there is any transfer of current powers as described in the existing ASDA legislation to the regulation, the disallowable instrument, they will not be weakened or undermined in any way, and that it will be a direct reflection of existing powers along with the improvements as provided for as part of these bills.

Some of the questions that sporting bodies were asking were, ‘Would ASADA be conducting raids in the middle of the night or any other time? Would ASADA provide legal support for athletes? Could the major professional sports run hearings at their own tribunals?’ et cetera. The bottom line is that Australian sport has a lot riding on the proper establishment of effective antidoping regulations, and this process of consultation will be invaluable to the pending smoothness of the implementation of the new regime.

During the Senate inquiry, the Australian Olympic Committee also raised some concerns in relation to the bill, in particular that it does not separate the ASADA functions and powers relating to policy making with administration, investigation and prosecution, and this is a valid concern. We heard at the inquiry that ASDA management gave the guarantee that these powers will be separated through good management practices. Time will tell. However, we are satisfied with those assurances. Labor will continue to hold the government to account on their commitment to the national sporting bodies and athletes that this legislation will offer positive benefits, clarify many issues for sports and not incur any additional cost or risk associated with the NAD scheme. Stability, certainty and education are critical elements of an effective regime, and we are assured that all of these will be addressed effectively.

Labor are committed to ensuring that Australia continues to lead the world in the push against drugs in sport. Labor created ASDA in 1990, and we hold dear this proud legacy. Labor will support the passage of these bills. As I said, the concerns we had have generally been allayed through the Senate inquiry process, and we take in good faith that the government will act on their commitments in relation to the development of the NAD scheme. And we hopefully look forward to a drug-free Commonwealth Games in just a few weeks time.

**Senator KEMP** (Victoria—Minister for the Arts and Sport) (1.00 pm)—Senator Lundy, we fully endorse your hopes and expectations about the Commonwealth Games. All of us would certainly hope that, but we are all comforted that the antidoping regime which is now in place is far more rigorous and thorough than any on previous major sporting occasions in this country. I think that it was a big step forward. Senator Lundy indicated in her speech that the Labor Party was very supportive of the Australian Sports Anti-Doping Authority Bill 2005. We welcome that very strong support.

For the record, the bill was tabled in parliament at the end of the last session to give time for some public scrutiny, which did occur. There was a Senate hearing and the submissions were considered by a Senate committee. A number of questions were raised and those questions, I think, were comprehensively answered. Clearly, the Labor Party would not support this legislation if
they felt that those questions had not been answered in a satisfactory fashion. Senator Lundy was very keen that the national sporting system and the regulations be subject to consultation with key sporting bodies. The advice I have is that that has occurred. A number of issues have been raised but they are not major issues, and we are very comfortable in making sure that Senator Lundy and her officers are fully briefed on these developments.

I think this is a very important day for the fight against doping in sport in Australia. Senator Lundy spoke about the delays, and I will speak briefly on that. There has probably been a delay, and if former Senator Black were here he would say there had been a delay of 16 years. In the investigation that was carried out in the Senate in 1990, headed by Senator Black, there was a proposal not only to set up an antidoping body but to give that body investigatory functions. The truth is that successive ministers for sport did not accept that proposal, and I take considerable pride, as the minister for sport, that it has now been done. Senator Lundy is right to draw the Senate’s attention to the delays, but I think the delays go back further than was perhaps indicated. The Labor Party from 1990 to 1996 was certainly not prepared to proceed down this track. It has happened now and I think that is a good thing. We welcome Labor’s support.

The only unfortunate aspect of Senator Lundy’s speech was the mention of the Anderson inquiry. I invite Senator Lundy to very carefully read the results of that inquiry. Very briefly: Mr Anderson indicated that there was no need for these matters to be raised in parliament, that investigations were under way. The fact that these things were raised in parliament caused a great deal of hurt and pain to many people. There were allegations which were very damaging to the Australian Institute of Sport. It is appropriate to note that the allegations that were made were found to be false. There were allegations about a shooting gallery at the AIS which received worldwide press. I think it is beholden on those people who made those allegations about our sporting system which have been shown to be wrong—and they have been subject to an independent inquiry and shown to be wrong—to withdraw those statements and apologise to the people who were involved. That is a debate for another day, if Senator Lundy would like to have it. But I do invite Senator Lundy and her advisers to carefully reread the Anderson report. I urge those people who read Senator Lundy’s comments today to read the findings of that Anderson report and find out what the genuine facts were.

Putting that aside, this is an absolutely historic day in terms of the fight against doping in sport. As the minister for sport, I am very proud to be associated with this legislation. I am pleased to acknowledge the strong support that we have received from Senator Lundy on this matter. The timetables are tight; Senator Lundy was quite right to mention that the timetables are tight. Regrettably these things take time. The fact is that we would not be this far if, at this last stage, we did not have the support and cooperation of Senator Lundy. I am happy to acknowledge that. We wish the legislation a speedy journey, which it looks as though it is about to have. I assure the Senate that every effort will be made to ensure that ASADA is up and running before the Commonwealth Games.

Question agreed to.

Bills read a second time.

Third Reading

Bills passed through their remaining stages without amendment or debate.
JURISDICTION OF COURTS (FAMILY LAW) BILL 2005 [2006]

Second Reading

Debate resumed from 7 December 2005, on motion by Senator Ellison:

That this bill be now read a second time.

Senator COLBECK (Tasmania—Parliamentary Secretary to the Minister for Finance and Administration) (1.06 pm)—I commend the bill to the Senate.

Question agreed to.

Bill read a second time.

Third Reading

Bill passed through its remaining stages without amendment or debate.

Sitting suspended from 1.07 pm to 2.00 pm

QUESTIONS WITHOUT NOTICE

Telstra

Senator LUNDY (2.00 pm)—My question is to Senator Coonan, the Minister for Communications, Information Technology and the Arts. I refer the minister to Telstra’s plans to dramatically increase the prices charged for home phone connections from $209 to $299 from 1 April this year. Isn’t it true that this price rise makes a laughing stock of the government’s promise to freeze the prices of Telstra’s fixed line costs? Does the minister accept that Telstra is able to drive a truck through the holes in the government’s price control regime? Hasn’t this price rise, along with the payphone debacle last week, demonstrated the inadequacy of both the universal service obligation and the Telstra price controls, and shown the government’s complete inability to effectively regulate Telstra?

Senator COONAN—Thank you to Senator Lundy for the question. I am aware of Telstra’s recent proposal to increase the cost of new installations, fixed line connections, that actually require a technician to carry out cabling work. This charge will affect only people who require a technician to undertake manual work when they request a new phone connection. The vast majority of phone connections do not require a technician to carry out cabling work and will not be affected by these changes. Instead, most phone connections are made via auto-activation when you call Telstra’s customer service number to connect your phone. This is because there is existing infrastructure in place in most Australian premises.

Importantly, Telstra’s standard line activation cost, which applies to the majority of connections, will remain at the existing price of $59. It is worth noting that this is only the second increase in the cost of new line installations in more than 16 years. In developing this proposal, Telstra did consult with the Low-Income Measures Assessment Committee, or LIMAC, which comprises representatives from welfare agencies and has put in place a number of arrangements to ensure that this increase does not unduly or adversely affect low-income customers.

The government regulates to ensure that the costs of important services are both capped and protected. This includes price caps on telephone line rental and local call costs. The government’s price controls on Telstra constrain its ability to adjust line rental charges and require Telstra to have approved packages to protect low-income consumers. Under the current price control arrangements, Telstra is required to reduce the average price of a basket of local, domestic, long-distance, fixed to mobile and international call services by at least 4.5 per cent in real terms each year. The government also requires Telstra, as part of its carrier licence conditions, to have in place a package of products and arrangements for low-income consumers to protect them from the effects of line rental increases.
The low-income package developed by Telstra contains measures especially targeted at holders of pensioner concession cards, health care cards and low-income health care cards. It enables all those in need of assistance and benefits to claim them. Telstra’s low-income package has been endorsed, as I said, by LIMAC. The representatives of LIMAC are people who know what they are talking about when it comes to looking at people who are disadvantaged in the community—namely, representatives from the Smith Family, the Salvation Army and Anglicare.

So, in response to Senator Lundy’s question, I am satisfied that the price control arrangements do properly regulate essential services for all consumers and that the low-income measures effectively address the special needs of those with requirements that otherwise might be impacted or not met by the normal commercial arrangements that Telstra follows. I am also satisfied that the universal service guarantee does what it says, which is to ensure that basic services and consumers are looked after when it comes to regulating Telstra and, indeed, all other telecommunications providers.

Senator LUNDY—I note Senator Coonan’s attempt to use spin and rhetoric to conceal the facts. Isn’t it actually true that the recent payphone debacle and Telstra’s 1 April home phone price increases are the direct result of the Howard government’s extreme privatisation agenda? Isn’t it also true that the minister was not aware of these skyrocketing prices or these plans to slash services before they were reported in the media? Given that the minister has been completely unable to effectively regulate Telstra or even keep herself informed of its activities, isn’t it true that the past two weeks have left the minister looking like an April fool?

Senator COONAN—I will not attempt to deal with Senator Lundy’s rhetoric.

Senator Conroy—You haven’t got a clue!

Senator COONAN—What I will say is that it is extremely misleading to highlight a rare price increase on call connection charges—the second in 16 years—

Senator Conroy—Forty-three per cent.

Senator COONAN—that is limited to connections that really do not apply to most people in any event.

Senator Conroy interjecting—

The PRESIDENT—Order!

Senator COONAN—I have given a very comprehensive answer about the range of price controls that apply and also the benefits for low-income earners.

Senator Conroy—Who did they make the $3 million off?

Senator COONAN—It was a very comprehensive response, and I do not really feel, Mr President, that I need to respond to Senator Lundy’s blandishments.

Opportunities for Women

Senator TROETH (2.06 pm)—My question is to the Minister for Communications, Information Technology and the Arts, Senator Helen Coonan, representing the Minister Assisting the Prime Minister for Women’s Issues. Will the minister update the Senate on the opportunities available to women in Australia and the significant strides made by women since the coalition came to government? Further, is the minister aware of any impending milestones for women in public life?

Senator COONAN—I am representing Senator Julie Bishop, the Minister Assisting the Prime Minister for Women’s Issues. I thank Senator Troeth for her question and acknowledge her longstanding interest in the status of women in Australia. All women in
this parliament have some commitment to the interests and the status of women in Australia. It is just that this government has made very big strides towards making sure that there are significant gains for women in a number of areas of great importance.

First of all, in the workplace, in both jobs growth and wages, women have benefited more than men from strong economic growth in recent years. Since 1996, 909,500 new jobs have been created for women—53.3 per cent of the more than 1.7 million new jobs generated under the Howard government. Women’s earnings have increased as a proportion of men’s, from 83.2 per cent in February 1996 to 85 per cent in November 2005. As an important indicator for the future, young women continue to perform very well in education. The apparent retention rate for girls finishing year 12 has risen four per cent from 77 per cent in 1996 to 81 per cent in 2005.

Importantly, support for families with children has enabled many women to choose to combine both employment and the care of their children. Making this option available to women who choose it is vital to allowing the advancement of women in the workforce. More than 60 per cent of Australian mothers with children aged less than 15 years are now employed. The number of child-care places has almost doubled in 10 years. As at 1 January 2006, around 600,000 places were available, representing a quite dramatic increase in support for women who choose to enter the workforce. Since coming to office, the government has increased total assistance to families by more than $6 billion a year. The base rate of family assistance has increased from less than $600 per child in January 1996 to $1,770 per child. This is a real increase of more than 100 per cent.

In 2005, 58.6 per cent of aged pensioners were women. We have now indexed the pension to male total average weekly earnings, delivering better real increases than under the old CPI arrangement, providing more financial security for women. Women’s superannuation balances have also been increasing from an average of $17,000 in 1994 to $43,000 in 2002.

Women have also been prominent in determining the political direction of this government. The Australian government has the largest number of women in cabinet since Federation and the largest number of women heading up government departments. I acknowledge the good work being done by Patricia Scott, Joanna Hewitt, Lisa Paul, Lyndelle Briggs, Jane Halton and, of course, the secretary of my own department, Helen Williams.

I was asked whether there were any impending milestones for women in public life. It is my great pleasure to inform the Senate that this Sunday Senator Vanstone will strike a record mark as the longest serving woman cabinet minister since Federation. Indeed, the three longest serving woman cabinet ministers are all Liberal women—Dame Margaret Guilfoyle, Senator Vanstone and former Senator Jocelyn Newman. All three have achieved their advancement and political longevity solely on merit and without any quotas. Senator Vanstone’s achievement cannot be overstated. She has dealt with some of the most difficult assignments in government and argued the coalition’s case in a uniquely forthright and vigorous manner. I commend her. The government has backed the promotion of women on merit right across a wide range of other government appointments and women from all walks of life have enjoyed increased success and opportunities over the last decade. I certainly look forward to working hard to continue this record. (Time expired)
Telstra

Senator POLLEY (2.11 pm)—My question is to Senator Coonan, Minister for Communications, Information Technology and the Arts. I refer the Minister to Telstra’s extreme 43 per cent home phone connection price increase. I did note your previous answer, but as usual you tried to gloss over the issue. Is the minister aware that these plans will result in price increases for pensioners installing new home phone connections of from $135.30 to $194? Does the minister believe that a $60 increase for the price of a home phone for pensioners is justified? Isn’t the Australian Consumers Association right when it says that this price rise ‘is going to hit people at the lower end of the income scale disproportionately’? Will the minister now act to stop these price rises to protect Australian pensioners from the impact of these extreme price increases?

Senator COONAN—I thank Senator Polley for that question and for the opportunity to continue to provide information in relation to the arrangements made to both look after people on low incomes and reinforce the retail price arrangements that this government has put in place.

Senator Conroy—You’ve been rolled. Cabinet rolled you again.

Senator COONAN—In addition to the information I provided in relation to Senator Lundy’s question, I announced this week that Telstra will now be required to offer a basic retail line rental service at the same price across Australia following an amendment to the Telstra price controls.

Senator Conroy—Twice in a week. How do you get away with it?

Senator COONAN—The government announced that the price controls would be amended in December last year.

Senator Conroy—How embarrassing.

Senator COONAN—The Telstra carrier charge was in fact amended formally yesterday. The price controls that apply to Telstra are a key telecommunications safeguard. They do make sure that the efficiency gains Telstra makes are passed through to customers in the form of lower prices—

Senator Conroy interjecting—

The PRESIDENT—Order!

Senator COONAN—in markets where competition is not yet fully developed. Under the amended price controls, Telstra will not be permitted to charge more than 22c for local calls offered with this service. The determination also makes it clear that the price for the basic line rental service—

Senator Conroy interjecting—

The PRESIDENT—Order, Senator!

Senator COONAN—to residential customers, whether they are pensioners or otherwise, will remain frozen at its level on 31 December 2005—the price is $31.95—until 30 June 2007 and thereafter only increase at the rate of inflation.

Senator Conroy—What about phone connection prices?

Senator COONAN—in addition, customers also select the basic line rental service from Telstra and will be able to select other carriers for their trunk and international calls if they choose. So they get a choice as well as the capped rate and the capped bundle.

Opposition senators interjecting—

The PRESIDENT—Order!

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

Senator Ellison—What is wrong? It is a good answer.

Senator COONAN—He does not like it.

Senator Chris Evans—My point of order goes to relevance.
Senator COONAN—Of course it is relevant.

Senator Chris Evans—The minister and her colleagues may think that it is a good answer; it is just not the answer to the question asked of her. If she wants to read out her brief, maybe she would like to do that on the adjournment. The question asked was about the increase in the home phone connections—the 43 per cent. Mr President, I would ask you to draw her attention to the question.

The PRESIDENT—I believe that the minister was being relevant. I would remind her of the fact that she has two minutes left to go. I would also remind the Senate that in the first two minutes Senator Conroy interjected some 24 times.

Opposition senators interjecting—

Senator COONAN—Unfortunately, I know that this information, which is relevant information to provide to those listening to question time, is constantly interrupted by those on the other side. They do not like the fact that this is the government that has put in place safeguards for people and for consumers and for pensioners with respect to telecommunications and the way in which the regulatory environment regulates not just Telstra but also all other providers. The price control arrangements that will apply and which were introduced on 1 January will remain. We have untimed local calls which remain capped at 22c, and Telstra is still required to continue to offer a package of services and support targets for low-income consumers.

Opposition senators interjecting—

Senator COONAN—I was providing additional information about the price controls because that is relevant information—

Senator Conroy interjecting—

Senator COONAN—In the previous question I attempted, probably for about two minutes—I was timing myself—to provide information about targeted assistance to low-income earners. In four minutes you can only deal with the question, which I have done, and I specifically dealt not only with low-income earners but also the broader package of price controls which delivers benefits to consumers right across Australia and for consumers who were completely neglected by the Labor Party, which did not even have a customer service guarantee.

Senator POLLEY—Mr President, I ask a supplementary question. I have to say that the minister is consistent in avoiding answering any questions. Is the minister aware of recent comments by independent telecommunications analyst Paul Budde who said that, when it comes to a fully privatised Telstra, the prices of ‘everything that is not regulated will be increased’? Since the price caps have been proven completely inadequate in protecting pensioners, doesn’t this mean that these home phone price increases will just be the first of many Telstra increases for Australian pensioners?

Senator COONAN—The reality is that the overall telecommunication prices have dropped by nearly 20 per cent since the Howard government was elected in 1996. What is the senator going to say to that? The incontrovertible proof is that this government’s record stands as having delivered real benefits for consumers in telecommunications, together with the fact that there is targeted information and assistance for low-income earners and an overall price regime that, of course, the Labor Party did not have the wit or forethought to introduce when they were in government. Now they resent the fact—

Senator Conroy interjecting—

Senator COONAN—that this government is delivering real benefits for consum-
ers. We will continue to do so even though the others shout about it.

Opposition senators interjecting—

The PRESIDENT—Order! There is far too much noise on my left. Continual interjecting is disorderly.

Law Enforcement: Child Sex Exploitation

Senator PAYNE (2.18 pm)—My question is to the Minister for Justice and Customs, Senator Ellison. Will the minister update the Senate on the Australian government’s efforts to combat online child sex exploitation?

Senator ELLISON—I thank Senator Payne for what is a very important question on a subject which is of great concern in the Australian community. There is no worse crime that can be committed than the sexual exploitation of a child. A year ago, almost to the day, the Australian Federal Police Commissioner and I launched a team in the Australian Federal Police to crack down on online child sex exploitation. Indeed, at that time our tough new laws came into effect, and in the last year there has been a great deal of activity and a lot of good work done by the Australian Federal Police in cracking down on paedophilia on the net.

To give you an idea: there have been nine arrests in relation to 35 charges that are currently before the courts. These matters included seizures of tens of thousands of items of child pornography and child abuse images and in excess of a thousand video clips, as well as the closure of Australia’s first web-hosted child pornography internet site in Perth. A further 20 suspects have had child pornography or child abuse images located at their premises during the execution of Australian Federal Police search warrants and are having briefs of evidence prepared for prosecution. One hundred and eleven packages of evidence involving overseas suspects have been forwarded to foreign law enforcement agencies, ensuring the global nature of this crime is addressed. Five hundred and thirty-five packages of evidence involving offences committed prior to the introduction of the Commonwealth legislation were referred to state and territory police for action in their jurisdictions.

This is a very serious issue and one which the Australian Federal Police are working internationally to combat. The Australian Federal Police, I am pleased to say, have given in-country training in relation to this issue in countries such as Indonesia, Thailand, the Philippines, Myanmar, China, Hong Kong, Brunei, Malaysia and Singapore. Further training is scheduled in the Philippines later this month. It is fair to say that Australia is a world leader in the fight against child pornography and especially the abuse of children online. Our tough new laws crack down on the downloading of child pornography on the net and accessing it. They also target those paedophiles who use the internet to groom their victims and who hide behind the internet to target young children in order to carry out serious child sex crimes.

As well as the developments I have outlined and the good work that is being done by the Australian Federal Police, I am pleased to say that Australia is a partner with other countries in what is a virtual global task force in which officers are continually penetrating the internet, targeting internet chat rooms to track down those child sex predators who use the internet to carry out child sex crimes. Of course, country borders are irrelevant when you are using the internet, and we are targeting both domestically, with the cooperation of state and territory police, and internationally, with overseas law enforcement. This is a very serious crime indeed and one which we all roundly condemn. I certainly want to place on record the government’s appreciation of the great work being done by the Australian Federal Police.
and law enforcement in targeting what is an abominable crime.

**Australia Post**

**Senator CONROY** (2.22 pm)—My question is to Senator Coonan, the Minister for Communications, Information Technology and the Arts. I again refer the minister to Australia Post’s plans to hit pensioners with new fees for mail redirection services. Can the minister confirm the advice given to concession card holders by Australia Post’s Customer Network and Liaison Manager, Mr Doug Hawkins, that all relevant federal government departments were advised of the decision? Why did the minister fail to stand up for pensioners and veterans when she was informed of Australia Post’s plan? Does the minister think that it is fair that Australia’s pensioners should be hit with fees worth up to $5.7 million to have their mail redirected when Australia Post has just achieved a record profit of $374 million?

**Senator COONAN**—Had I not been drowned out yesterday, I could have provided all of this information to the Senate. It got to the point where nobody was interested in listening. Hopefully, if today they are, I will provide the information. The situation, as I started to say yesterday, is that Australia Post is a government business enterprise and is responsible for its own commercial and management decisions and, of course, it is required to operate in a commercial manner. The government’s role is to set postal policy, as it is in telecommunications, including in relation to setting regulations and community service obligations and ensuring that Australia Post adheres to its legislated requirements. And, historically, as I also started to say yesterday, Australia Post has absorbed the cost of providing mail redirection and mail-holding services to pensioners.

**Senator CONROY**—Why have you allowed them to change the policy?

**The PRESIDENT**—Order, Senator Conroy!

**Senator COONAN**—These services were intended to provide a temporary solution for customers who may be moving from one address to another or who are absent from their homes for a short period. Australia Post reports that, over time, the usage of these services has grown significantly. In turn, the costs incurred by Australia Post in providing these free services have increased to approximately $5.7 million a year. Australia Post has also noted that there are many instances where the mail redirection service is not being used as the temporary measure it was designed to be, with some customers continuously using the service for two to five years.

Under the new arrangements, for all applications lodged by eligible concession holders from 22 May 2006, pensioners will be charged a concessional rate for mail redirection and mail-holding services. The concessional rate will be a 50 per cent discount off the current private household charge. This is equivalent to a charge for pensioners of less than 20c a day to have their mail redirected by Australia Post for a month. The new concession rate of 50 per cent is a substantial discount on normal rates and is consistent with pensioner concession arrangements for many other organisations. Australia Post has advised that it will continue to honour, at no charge, existing mail redirection—

**Senator Ludwig**—How much are you slugging the pensioners?

**The PRESIDENT**—Order, Senator Ludwig!

**Senator COONAN**—...or mail-holding services until the end of the current active period of service. Existing concession users of the mail redirection service have been notified.
Senator Conroy interjecting—

Senator COONAN—Mr President, could I take a point of order, please? Senator Conroy has asked me a question. I am providing relevant evidence of the fact that the premises in his question are wrong.

Opposition senator interjecting—

Senator COONAN—That is my job in question time. It would certainly well behove Senator Conroy to listen to the answer.

Senator Chris Evans—Mr President, I rise on a point of order. This is the first time, that I know of, of a minister taking a point of order on her own contribution, so I am not sure of the standing orders governing that. I think the point of order should have been on relevance, because clearly she has again failed to answer the question. If she wants to read her briefs, she can do it in the privacy of her own office, but coming into the Senate and reading whatever brief she finds first is not answering the question.

The PRESIDENT—Order! There is no point of order. The minister has over a minute left to answer the question. As to what happened yesterday, if any senator is going to ask a question, the least they could do is give the minister an opportunity to answer it.

Opposition senator interjecting—

The PRESIDENT—Yes, but there have been too many interjections. I have said today that there are too many interjections from my left and I ask you to come to order.

Senator COONAN—I was saying—and this is relevant information for those wanting to know this—that existing concession users of the mail redirection service were notified in February 2006, three months in advance of the changes to the fee structure. In addition, existing users are being invited to renew for up to a further 12 months free of charge so that they have time to update their address details with their correspondents before choosing to incur any charge on a redirection service. Customers who in future prefer not to pay for a mail redirection or a mail-holding service still have a number of options. I am sure I will get a supplementary question, and I will be very pleased to go into those options when Senator Conroy asks a supplementary question.

Senator CONROY—Mr President, I ask a supplementary question. In light of the government’s decision to allow Telstra to increase phone connection charges by 43 per cent and Australia Post to gouge millions of dollars in new fees, can the minister explain why the Howard government has decided to abandon pensioners? Will the minister now accept that the government’s communications regulations have failed to protect low-income Australians? Why is the minister allowing the two biggest companies in her portfolio to bolster their profits by targeting Australian pensioners?

Senator COONAN—I think it is very important to be able to outline for those who do have an interest in this question the fact that there were some further options for customers who in future would prefer not to pay for a mail redirection: they can simply update their address details with their correspondents before they move, arrange to have their mail collected or, indeed, have it sent on by the occupants of previous addresses. The important thing to understand about this—

Opposition senators interjecting—

The PRESIDENT—Order!

Senator COONAN—Thank you, Mr President. There is really not much point in me trying to provide any further information. The Labor Party are not interested because they do not care about telecommunication services or postal services. They do not care about anything other than branch stacking. Senator Conroy, of course, is the absolute
prime offender. He should go back to his day job of branch stacking and leave telecommunications to someone who is interested in it. (Time expired)

Melbourne Commonwealth Games

Senator FIFIELD (2.30 pm)—My question is to the Minister for the Arts and Sport, Senator Kemp. Minister, as you know, the 2006 Commonwealth Games are only 13 days away. Will you outline to the Senate how the Australian government has assisted the organising committee to prepare Melbourne to host the 18th Commonwealth Games? Is Melbourne ready and are our athletes ready?

Senator KEMP—Thank you, Senator Fifield, for that very important question. The short answer to Senator Fifield’s question—‘Is Melbourne ready and are our athletes ready?’—is yes, they are. However, I will now give a longer answer to you, Senator Fifield, and I thank you particularly for your interest. As many senators and members will know, the Commonwealth Games provide Australia, and particularly Melbourne, with a chance to show once and for all why Melbourne is regarded as the world’s sporting capital—although, of course, as a Melbourne boy I may be a little bit biased.

Senator Conroy—It’s your swan song!

Senator KEMP—Senator Conroy agrees with that, too, I am delighted to hear.

Senator Robert Ray—Where’s the $80 million for the MCG?

Senator KEMP—As it was during the 1956 Melbourne Olympic Games, the MCG will be the centrepiece of the games, where much of the sporting drama will unfold, Senator Ray. During the games, the G will transform from a theatre for art and culture to a theatre for sport. There was no surprise when the Treasurer, Peter Costello—Senator Ray, this will be of interest to you—announced that the G would be added to the national heritage register late last year, given its iconic status on the world sporting stage.

Senator Robert Ray—You didn’t put in a cent! You took the credit and didn’t pay up!

Senator KEMP—Mr President, I do not know whether anything can be done to control Senator Ray. He rarely comes to question time, and when he comes he behaves like this. The Docklands precinct, the Melbourne Exhibition Centre—

Senator Conroy—He is going to be here longer than you!

The PRESIDENT—Order! Senator Conroy, you are a continual interjector today. If you do it again I am going to name you.

Senator KEMP—Thank you, Mr President. I have been joining the count too. Senator Conroy has interjected 48 times during question time, and I think that that is almost a record for anyone.

The PRESIDENT—Order, Minister! I remind you to return to the question.

Senator KEMP—As I was saying before I was so rudely interrupted, the Docklands precinct, the Melbourne Exhibition Centre, the Melbourne Sport and Aquatics Centre, the Rod Laver Arena, Melbourne Park and many other world-class sporting venues will help deliver a world-class sporting event. The 18th Commonwealth Games will bring together around 4½ thousand sportsmen and sportswomen from 71 Commonwealth nations and territories. There is no doubt that the international competition will be fierce, but our team is very well prepared. The Australian team will be the largest ever for the Commonwealth Games, with 426 athletes vying for a place on the podium. As many senators and members would know, there has been fierce competition in qualifying for these games and we know that our athletes
are looking forward to the chance to compete.

The Melbourne 2006 Commonwealth Games also feature a fully integrated competition for elite athletes with a disability, with 12 gold medals on offer in athletics, swimming, table tennis and weightlifting, all of which will count in the official medal tallies. No doubt all athletes will be hoping for gold, and I am sure that all senators and members wish our sportsmen and sportswomen all the best in their endeavours.

From assisting the volunteers in their roles throughout the games to supporting the Australian Sports Drug Agency in its job of stamping out drug cheats, the Australian government is providing some $290 million towards the running of a very successful games. I know Senator Ray would be very interested in that. I would like to acknowledge the efforts of Ron Walker and John Harden, both of whom have worked very hard on these games and very closely with the Bracks Labor government in Victoria to help ensure that the games are a great success, which I am sure they will be.

Pregnancy Counselling Services

Senator FIELDING (2.35 pm)—My question is to the Minister representing the Minister for Health and Ageing, Senator Santoro. I refer to the recent media comments that the government does not fund any dedicated pro-choice pregnancy counselling services. I ask the minister: is that true? If it is not, how much money does the government give each year to pro-choice organisations that provide counselling services? And how much money each year does it give pro-life organisations that provide counselling services?

Senator SANTORO—I thank Senator Fielding for his question and can confirm with him that the Minister for Health and Ageing and I have noticed recent media reports that the government does not fund dedicated pro-choice pregnancy counselling services. In fact, it is simply untrue. The Howard government supports services through funding to states and territories—and I stress ‘states and territories’—through the public health outcome funding agreements, PHOFA. PHOFA funding is broadbanded and linked to nationally agreed outcomes in a number of public health areas, including family planning services. Currently, under PHOFA, $15 million every year goes to family planning organisations, which includes pro-choice pregnancy counselling services. In contrast, the Commonwealth directly contributes the modest sum of $400,000 every year to pro-life organisations that provide pregnancy counselling.

The Senate would be aware that Australia has one of the highest abortion rates in the Western world, with approximately 90,000 abortions every year. While there is already a range of pregnancy counselling services available to women and their partners, it can still be difficult for women to access pregnancy counselling services. They may be unaware of available services or services may be difficult to access, particularly in rural and regional areas. The Howard government has been very conscious of the need to increase support for women and their partners faced with an unintended pregnancy.

Senators might be aware that the Prime Minister and the Minister for Health and Ageing today announced the introduction of a new Medicare payment for pregnancy support counselling by general practitioners and on referral to other health professionals. This will provide additional support and information to women who are anxious about their pregnancy. Women who have had a pregnancy in the preceding 12 months will also benefit by being able to access pregnancy support counselling under Medicare.
The government will also fund a national pregnancy support telephone help line which will provide professional and non-directive advice 24 hours a day, seven days a week. The help line will provide assistance to women, their partners and family members who wish to explore pregnancy options. The help line will provide information on a full range of services and organisations available to support pregnant women. It will be for women seeking assistance to decide which particular organisation or service they wish to get further information from.

These new measures are expected to cost $51 million over four years. The help line is expected to cost $15.5 million over four years. Medicare funded counselling is expected to cost $35.6 million over four years. The MBS item will commence on 1 November 2006 and the help line will commence within nine months. I wish to stress that these measures are above and beyond the amount that the Commonwealth government already contributes via the various states through the PHOFAs.

Senator FIELDING—Mr President, I ask a supplementary question. Minister, would you please explain why there is such a large difference between the millions of dollars given each year to pro-choice organisations that provide counselling services and the only hundreds of thousands of dollars given to the others?

Senator SANTORO—The senator raises a very valid point but I again want to inform the Senate that the family planning organisations are funded by states and territories and indirectly by the Australian government through the PHOFAs to build the capacity of the health care sector by providing specialist sexual and reproductive health education and clinical training to health and other professionals. It is the responsibility of state and territory governments to allocate funds to meet the agreed outcomes under the terms of the PHOFAs. These arrangements have historically always been handled by the states, and I think that is a point that needs to be stressed.

In 2003-04, prior to funding being allocated through the PHOFAs, the Australian government provided $50 million per annum to family planning organisations. As I have just mentioned to Senator Fielding, the new measures announced by the Prime Minister today are expected to cost $51 million over the four years. I again stress that that is very good news for counselling services because that is above and beyond what has already been allocated. (Time expired)

Immigration: Commonwealth Games

Senator JOYCE (2.40 pm)—My question is to the Minister for Immigration and Multicultural Affairs, Senator Vanstone. By the way, I congratulate the minister on being the longest-serving minister in both houses and in both parties as of Monday. That is very well done. Will the minister inform the Senate of the important border security initiatives being taken by the Department of Immigration and Multicultural Affairs in support of the Melbourne 2006 Commonwealth Games?

Senator VANSTONE—I thank the senator for his question and for his good wishes. I remind senators that I never open birthday presents until the day of my birthday. It is not a good idea to jump the gun, but I am not expecting to get run over before next week. In any event, the question was about the preparation for the Commonwealth Games. DIMA staff have been working very hard with officials and volunteers in Victoria and around Australia to help with the games hosting. What we have tried to do is ensure seamless and efficient processing of the huge number of games family members and visitors that are coming in while ensuring at the
same time our ability to detect overstayers and visa irregularities.

DIMA has been working with the games organising committee over the last year and a half to ensure that smooth and efficient arrival happens. Nine and a half thousand Commonwealth Games family members will be coming to Australia for the games. That includes the athletes, their coaches and officials of the 71 nations of the Commonwealth, and obviously there are coaches and officials who are not necessarily members of the Commonwealth but citizens of other countries. Already over 700 family members have arrived. DIMA staff are processing a very diverse group of games entrants. For example, there is a Botswana boxing coach from Belarus born in the Russian Federation, a United States doctor with the Canadian team and IOC officials from Hungary with the games organising committee.

We have been using electronic visas—state-of-the-art technology—so that most of the entrants will simply pass over their passports which, when scanned, will show a Commonwealth Games travel authority inside. Some countries do not have the technology which allows that to be done in their country, and we will obviously have visa labels in those. Overseas, we have been working hard. We have an officer currently based in Africa covering a diverse range of countries, from Mauritius to Sierra Leone, to ensure that those Commonwealth Games teams have as smooth an entry into Australia as possible. Another DIMA officer—who must have got the world’s best gig!—has been meeting with many Caribbean nations taking part in the games to ensure awareness of Australia’s requirements for entry. Before members opposite note that down for a Senate estimates question, I just say that I will have the answers on that—who got that gig, how they got it, how much it cost and whether it was really worth it. I certainly hope it was. DIMA also have an officer based in Los Angeles providing support to the many Caribbean nations who apparently come to Australia through Los Angeles.

Overseas staff have been working very hard to get the travel data of teams before they go and be there at the airport to make sure they have all their documentation in order and therefore have a smooth entry into Australia. We have our airline liaison officer network overseas that is playing a crucial role. The efforts are of course going to be redoubled, with staff working pretty much around the clock in places like Dubai, Singapore, Bangkok, Kuala Lumpur and Johannesburg to ensure a smooth arrival for these teams. We have extra staff in the Victorian state office. They obviously have a tremendous role. We have created a games response team ready to assist at any hour with any problems that relate to migration issues. Counter staff numbers have been boosted as well.

In addition to all the athletes and everyone else coming, there are performers coming for the cultural festival—for example, a children’s choir from Tanzania, a brass band from India, traditional musicians from Ghana and a steel drum player from Trinidad and Tobago who is hailed as the Paganini of the Pans. I can assure you that DIMA has been doing everything it can to make sure anybody who comes to Australia has a very seamless entry into Australia, and we will be doing our best to ensure that they all have a seamless exit as well.

Aged Care

Senator McLUCAS (2.45 pm)—My question is to Senator Santoro, the Minister for Ageing. Isn’t it now 10 days since allegations of the sexual abuse of four women at the George Vowell aged care facility were made public? In those 10 days, haven’t we heard about three other cases of sexual abuse
of elderly women in aged care facilities? Other than call a meeting of an established committee—a meeting that has now been delayed—can the minister explain precisely what he has actually done as the person responsible for protecting residents of aged care facilities? Given that there are now four aged care facilities that are the subject of police investigations for sexual abuse, can the minister now indicate whether any other facilities are the subject of similar investigations?

Senator SANTORO—I do not know why Senator McLucas continues on this crusade. I do not know why Senator McLucas does not wish to acknowledge the size of the industry. There are over 3,000 aged care facilities funded by the federal government, and there are over 150,000 residents being cared for in these facilities and at home, but Senator McLucas continues to build a case on the very unfortunate, small number of cases in relation to this.

Senator Wong—She asked what you have done about it.

Senator SANTORO—I will tell Senator McLucas what I have done. During the last week, since these allegations became known, I have been speaking to the relatives of the people who have been abused, I have been speaking to some of the people who have been abused, I have been speaking to their carers, I have been speaking to the professionals and I have been seeking advice from my department and from the complaints resolution scheme. Last night, I had the opportunity to have a long discussion with Professor Warren Hogan about his perspective on these issues, and I can assure you that Professor Hogan and the other experts I have been talking to have opinions. This morning, I received a delegation from one of the peak organisations within the aged care industry, and they presented me with their thoughts as to what should be happening in relation to mandatory reporting and police checks.

I will continue to consult the people who are most affected, the people who care for them and the people who can give me advice. Meanwhile, Senator McLucas and the Labor Party can defame the industry and besmirch the reputation of providers. During the next three weeks, I will be addressing at least six of the peak organisations, and I will be quoting to them precisely what Senator McLucas and the Labor Party have been saying about the industry, about carers and about the providers, who, as I have said here so often, regard their duty of care towards vulnerable Australians in their care as sacrosanct and who perform a wonderful job on behalf of the vast majority of people in their care.

Senator McLucas—Mr President, I ask a supplementary question. How could any Australian who has a family member in an aged care facility have any confidence at all that the government’s system will fully protect their relatives from the shocking abuse that has been reported over the last 10 days, given that the minister has done nothing effective since the events first came to light? Given that there are now four aged care facilities that are the subject of these investigations, can the minister indicate whether any other facilities are the subject of similar investigations?

Senator SANTORO—Many Australian families who have relatives in care within aged care facilities have written to me and made contact with me. In fact, a representative of a family placed a letter in the Courier-Mail this morning expressing great and sincere satisfaction with the way in which their relatives are being cared for within the aged care facilities of the state. Many families, including the families of the victims, have spoken to me, and they recognise that
the vast majority of aged care facilities in this country provide the very best of care for their loved ones. So I can say to Senator McLucas that Australian families are overwhelmingly satisfied with the way that the people in aged care facilities are cared for, and they have let me know so.

Pregnancy Counselling Services

Senator STOTT DESPOJA (2.50 pm)—My question is addressed to the Minister representing the Minister for Health and Ageing, Senator Santoro. It relates to pregnancy counselling and, specifically, today’s announcement and the claim by government that the hotline and pregnancy counselling services will be non-directive, as they should be. Is the minister aware of a number of claims that current government funded pregnancy counselling services have provided misleading information or have failed to provide—in fact, refused to provide—referrals for terminations? Will the government now move to regulate pregnancy counselling by making these pregnancy counselling services subject to laws that are similar to the Trade Practices Act so that the services are actually prohibited from engaging in any deceptive conduct or misleading advertising? Given today’s announcement, will the government also ensure the regulation of these services?

Senator SANTORO—I thank Senator Stott Despoja for her question. I can assure her that the MBS item will require the service to be non-directive. Practitioners and allied health professionals claiming the item will not be associated with clinics that provide termination services. That will be a requirement under that MBS item. Also, practitioners cannot provide termination services for the periods that they are claiming the counselling item. As is usual practice, a specific MBS item descriptor will be finalised in consultation with the profession.

In relation to the suggestion that at the moment some of the counselling services are in fact providing misleading and wrong information, I simply ask Senator Stott Despoja if she would provide whatever information she has. If she already has done that, I am sure that the Minister for Health and Ageing will be looking very seriously into any suggestions or allegations to that effect and I am sure that he will act properly and promptly on them.

Senator STOTT DESPOJA—Mr President, I ask a supplementary question. I thank the minister for his answer. I note that the minister referred to the MBS item. What about the hotline? How does the government intend to ensure that the services provided through the hotline are non-directive? I note from the minister’s answer that one of the arguments the government has put forward is the exclusion of those health professionals who just happen to work in abortion clinics who already provide pregnancy counselling services. Apart from excluding those professionals—psychologists, social workers and clinical psychologists—what is the government’s plan to ensure that this process is accredited and regulated and that non-directive services are actually genuinely provided, given that the government claims that the services are non-directive already but yet we have complaints that the government is indeed well aware of?

Senator SANTORO—I can understand Senator Stott Despoja’s concern. The government has given serious thought to the issue that she has raised. Two training modules will be developed in relation to pregnancy counselling and advice. One module will be developed for general practitioners and allied health professionals and the other for telephone counsellors. The modules will be focused on skills in non-directive pregnancy counselling and will ensure providers are able to deliver to clients authoritative, evi-
dence based information which has been developed in consultation with appropriate professional bodies. This will include up-to-date information on available government family support payments and entitlements. The tender process for the development of the training modules will comply with Commonwealth procurement guidelines and involve an open tender supported by an advisory committee from the relevant professional bodies.

**Environment**

Senator CARR (2.54 pm)—My question without notice is to Senator Campbell, the Minister for the Environment and Heritage. Is the minister aware that after 26 months of operation only one of Australia’s 16 World Heritage sites has made it onto the government’s new National Heritage List? Can the minister confirm that none of Australia’s greatest environmental treasures—such as the Great Barrier Reef, Uluru, Kakadu National Park, Ningaloo Reef and the Blue Mountains—have made it onto the new National Heritage List? Can the minister explain why he is taking so long to properly recognise sites that are already acclaimed as World Heritage areas by putting them on the new National Heritage List?

Senator IAN CAMPBELL—It is very good to get what I think is the annual question on the environment and heritage from the Australian Labor Party. They do not tend to ask too many questions.

Senator Robert Ray interjecting—

Senator IAN CAMPBELL—You would never accuse Senator Ray of being a lightweight, would you? If we could just focus for a moment on the question, Senator Carr asks about Australia’s World Heritage sites. Of course, the government have been very diligent in ensuring that we do have a process of nominating sites for World Heritage listing that—

Senator Carr—So why aren’t they on your own list?

Senator IAN CAMPBELL—I have actually heard the question and I am trying to answer it. It is very hard when you have a windbag sitting opposite you. Senator Carr asks about the World Heritage List.

Opposition senators interjecting—

Senator IAN CAMPBELL—Can we just reflect for a moment on the question and reflect on Senator Carr, who I believe is the shadow spokesman in this area or at least has some interest in this area. He named a series of properties that he says are actually on the World Heritage List. He named the Ningaloo Reef as a property that is on the World Heritage List. I suggest that, before Senator Carr gets up and asks a question, he goes to the World Heritage website, searches the World Heritage List and tries to find where Ningaloo Reef appears on it. It is not on the list, Senator Carr. So get your facts right, Senator, before you ask a question.

The very serious question was: why haven’t the World Heritage properties been placed on the National Heritage List? The reality is that some of them have but many have not. The new federal environmental law—otherwise known as the Environment Protection and Biodiversity Conservation Act—which Senator Hill referred to in his eloquent speech at midday as the world’s leading environmental law, created a provision to automatically transfer all of the World Heritage properties onto the National Heritage List, which is something that should have occurred. In fact, as you would know, Mr President, this was canvassed at great length in the estimates process, which Senator Carr did not attend. I presume he was not on that committee at the time. I refer anyone who is interested, including Senator Carr, to the extensive questioning in this area by his colleagues through the previous environment
estimates committee processes. It is a legitimate question.

Senator Carr—So what’s the answer?

Senator IAN CAMPBELL—We gave Senator Carr the answer time after time in the estimates. The answer is on the record. We actually told Senator Carr at estimates about a week ago that what is required is a change to the legislation to ensure that all of those properties can be put on the National Heritage List, and we told Senator Carr when the legislation was coming into the parliament.

But I think the very important issue to focus on here is: what are we trying to achieve with World Heritage listing and what are we trying to achieve with National Heritage listing? We are trying to achieve a level of protection and a further way of promoting the properties for their heritage values and trying to help Australians to understand the importance of these properties, these icons, and their values and the importance of building an understanding of Australian history. So what do you achieve, for example, in shifting a property that is already listed on the World Heritage List—(Time expired)

Senator CARR—Mr President, I ask a supplementary question. I ask the minister: why has it taken 26 months to fix this problem? Is the minister aware that the Prime Minister promised on 18 December 2003 that Anzac Cove would be the first place to go onto the National Heritage List? Can the minister now confirm that, two years after the Prime Minister made that commitment, Anzac Cove still has not been put onto the list? Does this mean that the complacency which marked the government’s approach to Anzac Cove roadworks is now the hallmark of its approach to heritage protection more generally?

Senator IAN CAMPBELL—As I was saying, what we are trying to achieve with World Heritage listing or national heritage listing—and we are putting forward the Sydney Opera House this year for World Heritage listing; we are looking at Norfolk Island’s Kingston and Arthur’s Vale district for World Heritage listing next year—is protection and promotion. What Senator Carr is saying is, ‘Let’s take a property that is protected under World Heritage legislation and put it onto the National Heritage List.’ And he wonders why we have not done it. We have said we are going to do it. He then asks what is really a new question about Anzac Cove, and he knows very well that the Australian government—through my department, other relevant departments and at a prime minister-to-prime minister level—is talking to the Turkish government on an appropriate regime for the recognition and protection of those important sites at Anzac Cove. I suggest to Senator Carr that, rather than being lazy, he actually look back through the records, do a little bit of research, take the issue seriously and not try to politicise something like Anzac Cove.

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

QUESTIONS WITHOUT NOTICE: ADDITIONAL ANSWERS

Oil for Food Program

Senator COONAN (New South Wales—Deputy Leader of the Government in the Senate) (3.01 pm)—Yesterday, Senator Siewert wanted to know the OECD number of the development assistance code under which the $937,000 payment by AusAID to Mr Trevor Flugge was made. The answer is: agricultural development subcode 31120. I also said that I would check my answer in relation to Mr Downer having signed off on the $100 million AusAID package for Iraq. I said I assumed he had, which is correct. It was to cover two shipments of wheat and
included $45 million for handling and distribution costs as the delegate under the Financial Management and Accountability Act. The minister adds that appropriate risk management procedures were taken in relation to the two wheat shipments and milling, bagging and distribution to be undertaken by the World Food Program. However, Mr Downer reminds the senator that with the reinstatement of the oil for food program, the two wheat shipments reverted to the United Nations and Australian aid moneys were not required for these purposes.

QUESTIONS WITHOUT NOTICE:
TAKE NOTE OF ANSWERS

Answers to Questions

Senator CONROY (Victoria—Deputy Leader of the Opposition in the Senate) (3.02 pm)—I move:

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

If anything demonstrates what an arrogant, out-of-touch government this is, hung over on the excesses of its partying last night, it was there to be witnessed today in question time.

Senator Joyce—It wasn’t that good!

Senator CONROY—Oh dear! Senator Joyce, I am sorry that you did not have as good a time. Wouldn’t they let you sit at a table with anybody? Did they make you sit by yourself, Senator Joyce? What we saw today reminded me of Animal Farm. It was Orwellian in its approach to the English language. Today we rejoiced: Senator Coonan was able to explain to the Australian public how good it was for pensioners to get a $60 increase in their fees. How good it was for them! It was unbelievable. They were better off under this government because they had to pay $60 extra! It is Orwellian. You belong in Animal Farm. We have a 43 per cent increase in the cost of putting on a phone, and the Minister for Communications, Information Technology and the Arts wants to tell us that we are better off under this government. We have a $60 increase for pensioners and we are better off under the government’s USO, CSG and price caps! Well, we saw today, yesterday and last week that Australia Post and Telstra are driving a truck through the regulations that this government touts as consumer protections. It is a farce that a minister in this chamber stands up and tries to tell people they are better off because they are paying more.

Australia Post is going to reap $5.7 million from pensioners and veterans. Australia Post is going to be better off by $5.7 million. Yet last year the reported profit of Australia Post was $374 million. And they need to rip out of the pockets of pensioners and veterans an extra $5.7 million! Yet again we saw the mock outrage; yet again we saw the minister crying crocodile tears. It is just like last week, when she stood up and said, ‘This is terrible; I haven’t been consulted’—about all these 5,000 payphones that are to be ripped out. We saw crocodile tears last week and crocodile tears this week.

This minister is continually rolled by Telstra. She called them in to give them a piece of her mind last week, and what happened? She came out and said, ‘Well, actually, they can if they want.’ It was pathetic to watch. But what was truly pathetic was watching the minister put on the mock indignation. She held a press conference before I did, to express her outrage. She had the first breath; she beat Barnaby out the door.

Senator Joyce—That’s hard!

Senator CONROY—that is hard, Barnaby, you are dead right. She beat you and me out the door on this one, and then she beat the retreat even faster. That is the hypocrisy of this government—
Senator Ferguson—Just turn it down a little bit.

Senator CONROY—I know you all have hangovers—you especially, Fergie; I hear it was a big night for you!

The DEPUTY PRESIDENT—Senator—

Senator CONROY—Sorry, I am being provoked, Mr Deputy President.

The DEPUTY PRESIDENT—That should be withdrawn.

Senator CONROY—Sorry, which part?

The DEPUTY PRESIDENT—The comment you made. Just withdraw it.

Senator CONROY—that they are hung over?

The DEPUTY PRESIDENT—Yes.

Senator CONROY—I withdraw it. But I make the point that I am not going to speak quieter or tone it down simply because there are a few headaches on the other side of the chamber. Let us be clear—

Senator Joyce—Mr Deputy President, I rise on a point of order. I think Senator Conroy’s statement is impinging on the character of the people on the government benches. To suggest that they did not have control of themselves is completely out of order.

The DEPUTY PRESIDENT—There is no point of order. Senator Conroy, continue your contribution. You have 32 seconds left.

Senator CONROY—So what has happened here is that, for the third time in five days, the Minister for Communications, Information Technology and the Arts, Senator Helen Coonan, has been rolled. She was rolled by Sol Trujillo last week. We saw the kissing and cuddling exercise from Senator Ronaldson and Senator Joyce. There was all of the tough talk and then they just rolled over and Sol tickled their tummies. That is what happened last week. He made a laughing stock out of Senator Joyce and Senator Ronaldson. He is playing them on a break. (Time expired)

Senator EGGLESTON (Western Australia) (3.08 pm)—Senator Conroy is right—the coalition did have a big celebration last night. They had a big celebration for very big reasons. The coalition after 10 years in government have achieved an awful lot for Australia and changed things for the better for this country in many areas. If you quickly look through what has been done, you will see that we have record low interest rates. I remember buying a house in south Perth in 1989 under the Hawke and Keating government and paying 19 per cent interest rates. Nobody would even think about that sort of thing now. Now they are down to five per cent. We have record low unemployment. Under the Hawke and Keating government, unemployment was around 10 per cent. Under the Howard government it is down to five per cent. We have record growth rates. In fact, the demand for people with skills is so great in places like the Pilbara and Queensland that we have a skills shortage. That is again a reflection, if you like, of the size of the Australian economy and the way it has grown under the Howard government. Most importantly—and Senator Conroy should not be leaving the chamber so quickly—we have paid off the Commonwealth government’s debt of something like $96 billion left by the Hawke and Keating government. So, yes, the coalition did have a lot to celebrate last night. We are very pleased to have been able to do that.

When it comes to telecommunications, which is really what Senator Conroy was focusing on, the government’s deregulation of the telecommunications industry has been enormously beneficial to the Australian population. If you go back 10 years and think about the prices which applied then and the limited range of services and if you look today at the deregulated telecommunications
market, where there are over 100 different telecommunications companies, you will see that prices have dropped and the range of services has greatly increased. In particular, telecommunications services in regional Australia are certainly a lot better than they were 10 years ago. In the most remote areas of Australia this government had a special contract of something like $150 million, I think it was, for services to 40,000 people living in the most remote areas of Australia. That was a competitive contract. Telstra and Optus competed for it and Telstra won. These people in the most remote areas of Australia are now getting access to the internet and to much improved telecommunications services compared to where they were 10 years ago.

This government has a wonderful record which we are very proud of and which has brought great benefit across many fronts to the people of Australia. Today Labor has plucked out one individual example of a price increase in telecommunications, but Senator Conroy just ignored all of the examples of price decreases over the past 10 years. The reality is that, overall, telecommunications prices have dropped by some 20 per cent since the Howard government was elected in 1996. That is an enormous drop. I think we all remember quite well how expensive telecommunications services were under the previous Labor government and how long it took to have phone services connected under Labor when there was no universal service obligation or community service guarantee. Labor come in here today and complain about a single price increase. They are really trying to divert people’s attention from their own dismal record. To talk about the great party that the coalition had last night surely must be envy at its most poignant.

Senator LUNDY (Australian Capital Territory) (3.13 pm)—How interesting it is that the government tries to point to minuscule issues such as the changes that Senator Eggleston pointed out that have somehow been of benefit to consumers when the whole character of the treatment of Telstra under the Howard government for the last 10 years has been completely and utterly dictated by the privatisation agenda. In fact, the proposal back in 1996 to sell Telstra in tranches eventually, when they could not get the full sale through the Senate, has resulted in the privatisation agenda ensuring that Australian customers and telecommunications users have been put at a perpetual disadvantage. This is because the primary political and policy interest of the Howard government has always been to maximise the return on the Telstra asset when they sell it.

With that in mind, the Howard government had no interest in doing anything other than making sure Telstra made a lot of money. What is the obvious and direct impact of that? The obvious and direct impact of that is that customers of Telstra would be delivered a short straw. They would be ripped off. They would be delivered substandard services. There would be cost savings made on Telstra's services, in the effort to maintain the fattest bottom line in profits as was possible for the company. If that profit margin were not maintained and grown, the share price would not prove to be satisfactory to entice people to buy the shares upon the next tranche sale.

Let us have a look at how this has manifested itself over the last 10 years. I and many other Labor senators have participated in endless inquiries, which have shown up a number of very salient facts, like the existing Telstra copper network being, as described by their own people, ‘five minutes to midnight’ in terms of it being obsolete. So over the last 10 years—and one of these inquiries was only a few years ago—the government and Telstra have admitted that they have un-
derinvested in the network to the point of its obsolescence almost. That is an absolute disgrace, particularly in the context that we all know, that every local government in this country knows and that every state government knows that it is through broadband that we will maximise economic growth particularly in our regions. Yet all these policies have worked in the opposite direction.

Let me make a point about broadband. Up until a few short years ago, the Howard government was talking down the need for broadband in this country. I saw the minister in this place, at world forums around this country and in other places saying, ‘We don’t need broadband.’ This is absolutely true. It was only a few years ago under immense pressure not just from the Labor opposition but from businesses, local councils and community organisations demanding that this government wrap its small mind around the fact that this country needs broadband did we start to see some policy attention, as opposed to permission by the Howard government to allow Telstra to continually underinvest in the network. It is quite rich for this arrogant government to come in here and say, ‘Look what we’ve delivered to Australian consumers.’ It has not delivered anything in terms of improvements.

There is a raft of statistics showing what has worsened in a period of a telecommunications boom in the world, a dot com era which saw a massive increase in the use of the internet. What has happened here? The character of this privatisation driven agenda in telecommunications policy has resulted in minimal investment in the network. Telstra are doing everything they can to prevent other companies investing in broadband networks. The ACCC has experienced incredible frustration regarding the regulations surrounding accessing Telstra’s network, as though that would somehow help, given the blockages to broadband within that network anyway. I will not even go into the pricing of access. You need only to look at the retention of the monopoly of the fixed line and how that has been singularly exploited by Telstra with price increases all the way through. Every time that goes up, everyone has to pay—(Time expired)

Senator McGauran (Victoria) (3.18 pm)—I too rise on this matter of taking note of answers. As has been mentioned by several other speakers, last night the government had its celebration of 10 years in government. It should be noted too that that would also be 10 years in opposition for the Labor Party. As far as our Great Hall dinner went, it was a modest affair. It acknowledged the absolute privilege of being in government and how grateful we are to the Australian people that at four elections they have given us their confidence. We have, in many respects, been proud to live up to their confidence.

The Prime Minister in his address to the hall said many things about politics. I recommend that the other side get copies of the speech. He spoke of the unpredictability of politics, the ever-changing nature of politics. He finished his address by saying—and I think it was a line out of Gone with the Wind—‘There is still much to do and tomorrow is another day.’ The Prime Minister, I should add, was in this chamber to listen to Senator Hill’s address—a rare visit by the Prime Minister. If he had also been in here at question time, I think he would change that line by saying, ‘Tomorrow is not another day; what we’ve experienced today is Groundhog Day.’ For the 10 years we have been in government, you have been bleating and complaining about a policy that has gone to the people of Australia on three occasions. This government’s policy to sell Telstra has gone to three elections and has been endorsed at three elections. Yet, just like Groundhog Day, you whip up the same old
arguments and complaints, and it boils down to one thing: you do not support the privatisation of Telstra at all.

This issue of Telstra epitomises our 10 years in government and your 10 years in opposition. In our 10 years in government, on each occasion we have tested this policy with the Australian people. It has a philosophical and policy base to it, and that is competition and choice. We have been transparent, honest and driven by the benefits of privatisation, none less, of course, than the economic benefits of being able to reduce the government debt to zero. And the Australian people know where we have always stood. It also epitomises your 10 years of opposition to this issue, and you are still raising it. After T1, T2 and T3, you still get up here and whip up the same old arguments. You will not accept the judgment of the Australian people, just as you have not accepted the judgment of the Australian people with regard to the government gaining the majority here in the Senate.

Also, the one thing the Australian people know about us is that we are a reformist government—we believe in our reforms and we stick to what we mean; we say what we mean and we do what we mean—whereas they know only too well that you are confused, inconsistent or downright opportunistic when it comes to the policy of privatisation. They have very keen memories of what you did in government. Of course, when you were in government you privatised everything that you could get your hands on, with, I might add, our opposition support. There were Qantas and the Commonwealth Bank just to name a few. And you squandered the funds on top of it. You had no plan and no philosophical base in regard to privatisation; it was just a grab for money to try to fill that deficit gap in your budget, in contrast to this government’s plan of privatisation to reduce debt and to spend the money wisely. So, in many respects, with this issue 10 years on, there are still the same old arguments and the same old basic policy differences. But it epitomises our 10 years of reform government and your 10 years of no policy and picking the wrong issues.

Senator POLLEY (Tasmania) (3.23 pm)—I rise to take note of the answers, or lack of, given by Senator Coonan with regard to Australia Post’s intention to charge pensioners and veterans fees for the use of mail redirection and holding services. I have to say that today it was a gold medal performance by the senator of not answering any questions, as were the comments of Senator Eggleston in trying to defend the indefensible. And what can I say about Senator McGauran? It was obviously a very late night last night.

As Mr Howard celebrates 10 long years as Prime Minister, our pensioners and veterans will be commiserating on 10 long years of an arrogant government that has continued to attack the most disadvantaged in our community. On a daily basis, I hear of pensioners and veterans who are struggling—I repeat: struggling—to make ends meet. And yet we hear that the Howard government is quite happy for Australia Post to slug an impost on 400,000 Australians. Australia Post believe they are striking a balance by offering a 50 per cent reduction of fees to eligible concession card holders. With a dividend of over $286 million, they are not so much striking a balance as ensuring that the pockets of the Howard government will continue to be overflowing.

This government is more interested in self-congratulations than it is in the average Australian. This government continues to ignore the cries of pensioners and veterans as they struggle to make ends meet. This government has turned a blind eye to Australia Post’s decision and is quite happy to skirt
around the issue and advise us in this chamber that Australia Post are an independent corporation and, basically, can do what they darn well please.

Australia is daily becoming a profit driven nation rather than one that looks after its own. Isn’t Australia Post making enough money? Last year, Australia Post reported a record net profit in excess of $374 million, and yet they still find it reasonable to target our pensioners as cash cows. I challenge Australia Post to really be serious about what they call ‘striking a balance’. Did they bother to consider other options? Or did they only bother to think of the easiest and most selfish option, which is the option that benefits only Australia Post and the Howard government?

Australia Post has suggested that if people prefer not to pay—or, to add my own words to that statement, cannot afford to pay—for mail redirection or holding services these people could, to quote from an article in the Australian:

... simply update their address details with all their correspondents before they move, arrange to have their mail picked up or have it sent on by the new occupants of their old address.

Be fair! In other words, if people do not want to pay the fee for a service that was free, they should go ahead and make many expensive telephone calls, pay postage for additional letters of advice or, worse still, inconvenience the occupants of their old address. That does not sound like a solution to me. That sounds like a major inconvenience and expense—an impost, again, on those who can least afford it.

If the Howard government are serious about congratulating themselves on what they describe as ‘a great 10 years’, then perhaps today, yesterday and right now they could take the time to make a difference to the disadvantaged in our community and tell Australia Post that the new policy for mail redirection and holding services stinks. Do not hide behind the excuse of Australia Post being a government business enterprise. The Howard government have a responsibility to protect and enhance the quality of life enjoyed by pensioners and veterans through minimising policy that is an impost on the trivial fortnightly pension.

The Howard government are focused on bottom-line profit, espousing good financial management and gloating about a buoyant economy at the expense of the people who can least afford it. They should demonstrate some strength and compassion and stand up for those who cannot defend themselves. Do not rob our pensioners—reward them. Stick up for the people who elected you and trusted that you would do the right thing by them. The right thing is to tell Australia Post to go back to the drawing board with their fee policy, to have a good hard look at their profits and to think about operating smarter, but not at the expense of 400,000 Australians who struggle each week just to get by.

We have had Welfare to Work and Work Choices, and now we have more complacency. In fact, this one takes the cake because there is no way that the government can stand up here, hold their hands over their hearts and confirm that this fee from Australia Post will not—and I repeat, will not—affect our pensioners and our veterans. And our veterans, despite the many years of commitment— (Time expired)

Question agreed to.

Pregnancy Counselling Services

Senator STOTT DESPOJA (South Australia) (3.28 pm)—I move:

That the Senate take note of the answer given by the Minister for Ageing (Senator Santoro) to a question without notice asked by Senator Stott Despoja today relating to pregnancy counselling services.
In light of the government’s announcement today—and it is quite a considerable funding announcement—of a hotline and for Medicare item numbers for pregnancy counselling, I asked the minister if that meant, finally, that the government would move to regulate pregnancy counselling services in this country. In his answer, it was clear that the government has no intention of doing that. I acknowledge his comments about training modules and training processes that are attached to this new policy, but I want to make it very clear that we have a problem.

Before the government allocated millions and millions of additional dollars to pregnancy counselling services in this nation, it needed to fix up the problems that currently exist. The problems are real problems. I will get to the issue of what is being funded, because I note that Senator Fielding, in a question to Senator Santoro today, asked about so-called discrepancies in funding between pro-choice pregnancy counselling services and those that are anti-choice. I will get to that if there is time.

But the real issue that some of us in this place have been concerned about—and I suggest that it is along cross-party lines and involves men and women—is the fact that pregnancy counselling is not subject to any regulation to prohibit any kind of misleading or deceptive advertising. Because pregnancy counselling services are not for profit or do not operate necessarily in the same way as a business, for obvious reasons, they are not subject to the Trade Practices Act. This is a problem, because we actually have examples of deceptive conduct. I know that the minister was quite happy to take on board any examples I was willing to provide. I have done so previously. I have been following this issue for a number of years now. A look at any of my questions on notice on this topic will reveal some of the problems associated with pregnancy counselling in this country. But we do have examples of where these services have engaged in misleading advertising and deceptive conduct—that is, they have not been up front about the services they provide. It is time that the government ensured that they are up front, especially when taxpayer dollars are involved. If, as a taxpayer, my money is going towards pregnancy counselling services, that is a good thing. I acknowledge that. A diverse range should be available. I do not have a problem with that, but I want them to be accountable, I want them to be transparent and I want them, preferably, to be nondirective.

In the press conference today the Prime Minister and the Minister for Health and Ageing said that these services should be non-directive. Woo-hoo! That is good. Most people agree with that. But how do you ensure that these services are genuinely non-directive? How do you ensure that for the new hotline? How do you ensure that for the rebate process? How do you ensure that when current government pregnancy counselling services, we know, have been involved in so-called directive activities, have been involved in misleading advertising and have been involved in deception that has involved women being pressured or fronting up to a service believing that it provides all options? There are three options. I do not know if I need to outline them, but I will, just in case. They are: keeping the baby, referral for a termination, or adoption. If a service provides those three options, they should be up front about it. More importantly, if they do not then they should be up front about it as well, especially if they are getting taxpayer dollars and especially if they imply that they are providing all three services.

The Democrats welcome any additional support for pregnancy counselling. In fact, we welcome any additional support for pregnant women. For women with unwanted
pregnancies in particular, we welcome any support for them to make decisions. But the difference is that we are not talking about advice; we are talking about non-directive pregnancy counselling. Women need a safe, secure environment in which to make a decision. They need advice and information—unbiased, objective information—so that they can reach a decision on their own.

In the chamber today Senator Fielding asked Minister Santoro about the issue of funding between pro-choice and anti-choice services. I want to make it very clear that this government funds directly only services that are anti-choice—that is, those that are associated with the Australian Federation of Pregnancy Support Services. That organisation gets direct funding from the Commonwealth and is directly linked to anti-choice services. There are only two dedicated pro-choice pregnancy counselling services in this nation. They receive no federal funding. How dare the impression be given in this chamber today that they receive it! They do not. The Family Planning Association indeed provides a range of activities and is funded through a mix of Commonwealth and state funding, but it is not a dedicated pregnancy counselling service. (Time expired)

Question agreed to.

COMMITTEES

Reports: Government Responses

Senator MINCHIN (South Australia—Minister for Finance and Administration) (3.34 pm)—I present three government responses to committee reports as follows:

Joint Committee of Public Accounts and Audit—403rd report—Access of Indigenous Australians to law and justice services

In accordance with the usual practice, I seek leave to incorporate the documents in Hansard.

Leave granted.

The documents read as follows—

Joint Standing Committee on Foreign Affairs, Defence and Trade

Government response to the report of the Trade Subcommittee on Australia’s engagements with the World Trade Organisation tabled on 3 August 2004

The Government continues to look at new ways of providing trade-related technical assistance in developing countries. In doing so, one of our objectives is to support the capacity of such countries to undertake credible analysis of trade issues and the impact of trade liberalisation.

A recent example of such a project, which started in September 2005, is the Trade and Analysis Reform Project (TARP) for Cambodia, Laos, Vietnam and Thailand. This project, which is funded by the Australian Agency for International Development (AusAID), aims to raise the quality of analysis going into trade policy development and assist these countries to engage more fully with the World Trade Organisation.

AUSTRALIAN GOVERNMENT RESPONSE TO THE REPORT OF THE JOINT STANDING COMMITTEE ON FOREIGN AFFAIRS DEFENCE AND TRADE “AUSTRALIA’S HUMAN RIGHTS DIALOGUE PROCESS”

RECOMMENDATION 1

The Committee recommends that the Government encourage dialogue partners to include parliamentary representatives from their own countries to participate in future rounds of the bilateral human rights dialogues.

The Government acknowledges that the inclusion of parliamentary representatives in the bilateral human rights dialogues has the potential to enhance the dialogues. The Government, therefore,
agrees to make a case-by-case decision based on the state of the bilateral relationship and the maturity of the dialogue whether to suggest to partners they include parliamentary representatives.

RECOMMENDATION 2
The Committee recommends that the participation in and oversight of the bilateral human rights dialogues by Australian parliamentarians be fully supported and formalised by:

(a) party leaders or the Minister for Foreign Affairs nominating one or more parliamentarians from the Government and non-Government parties to attend each dialogue

(b) conferring official delegation status on the nominated parliamentarians; and

(c) the Department of Foreign Affairs and Trade providing regular private briefings to the Human Rights Sub-Committee on the status of each of Australia’s dialogues with China, Vietnam and Iran.

(a) Accepted, provided that it is acceptable to the dialogue partner. The Government notes that in the past the Minister for Foreign Affairs has directly invited Government Parliamentarians to participate and has written to the Leader of the Opposition/Opposition Spokesperson for Foreign Affairs to invite them to nominate representatives. The Government considers that the human rights dialogues have benefited from the participation of Australian Parliamentary representations and is keen to enhance that participation.

(b) Accepted.

(c) Accepted. The Government notes that officials have already provided briefings to the Human Rights Sub-Committee upon request.

RECOMMENDATION 3
The Committee recommends that the Government consider preceding each of the bilateral human rights dialogues hosted in Australia with a forum, at which Australian NGOs have the opportunity to brief members of the Australian delegation on human rights issues of particular concern.

The Government has established a number of effective mechanisms through which NGOs are able to convey their concerns about upcoming dialogues. These include written invitations to provide input which are then distributed to all members of the Australian delegation in advance of the dialogue. Points raised by NGOs are frequently included in the brief and are raised during the formal talks. NGOs also have the opportunity to raise particular concerns about human rights in dialogue partner countries during DFAT’s biannual consultations with them on human rights issues. DFAT also uses these forums to brief NGOs on the outcomes of dialogue including, where appropriate, any responses to points NGOs raised prior to the dialogue. The Government has also facilitated NGO involvement in the dialogue with China through invitations to a cocktail reception with the Chinese delegation and arranging the parallel discussions that take place at the time of the eighth round of the dialogue in 2004. The Government is happy to brief NGOs at their request in advance of dialogue rounds, as we have done in the past.

RECOMMENDATION 4
The Committee recommends that the Minister for Foreign Affairs table an annual statement in Parliament on the status and proceedings of Australia’s bilateral human rights dialogues with China, Vietnam and Iran.

Not accepted. The Government considers that formally tabling a report in Parliament would compromise the guarantees of confidentiality that have been so important in ensuring that the dialogues feature frank discussions of sometimes quite sensitive issues. The Human Rights Dialogues are conducted at an officials-to-officials level and it is not customary to make publicly available extensive detail of such discussions, nor to table reports in Parliament. Nevertheless, the Government recognises the special nature of its human rights dialogues and, through its interaction with NGOs and Parliamentarians and websites, makes publicly available as much information as possible while respecting the confidence and trust our partners have placed in us. The Government is prepared to provide in camera briefings to Parliamentarians at their request.
RECOMMENDATION 5
The Committee recommends that the Department of Foreign Affairs and Trade, the Australian Agency for International Development and the Human Rights and Equal Opportunity Commission, make more effective and regular use of their websites to convey up-to-date information on those aspects of Australia’s bilateral human rights dialogues with China, Vietnam and Iran, for which they have responsibility.

Accepted. The Department of Foreign Affairs and Trade, the Australian Agency for International Development and the Human Rights and Equal Opportunity Commission have taken steps to ensure that their websites are up-to-date and are discussing ways to make better use of the websites to disseminate information about the dialogues.

Australian Government response to Report 403 of the Joint Committee of Public Accounts and Audit: Access of Indigenous Australians to Law and Justice Services

Introduction

Recommendation 1
That the Attorney-General’s Department put in place measures to ensure that questions taken on notice to the Joint Committee of Public Accounts and Audit are either responded to within requested timeframes or that reasons are provided showing why responses will be delayed together with a proposed alternative date by which responses will be received by the Committee.

Agreed.

The Attorney-General’s Department takes very seriously its responsibilities to the Committee and to the Parliament. At a private briefing of the Committee on 17 March 2005, officers of the Department undertook to answer by 30 April the questions tabled at that briefing. Several of those 51 questions related to issues that were then under consideration as part of the Budget process. To ensure that the Committee was provided with the most relevant information, the answers to those questions were provided on 11 May 2005: the day after the Budget was announced.

If a similar situation arises in the future, the Department will answer the question by the due date.

Funding and distribution of resources in Aboriginal and Torres Strait Islander Legal Services by case type

Recommendation 2
That based on available data and need, all future contracts between the Attorney-General’s Department and providers of services that are currently delivered by Aboriginal and Torres Strait Islander Legal Services designate specific requirements of family, civil and criminal case loadings and provide adequate funding to meet these requirements.

Agreed. 1 July 2005 marked the commencement of the new administrative arrangements for the provision of legal services for Indigenous people in Victoria, Queensland and Western Australia. The requests for tender for the provision of Indigenous legal services to Northern Territory and South Australia were released on 2 August 2005 with contracts commencing on 1 February 2006. For New South Wales (including the ACT) and Tasmania, the requests for tender were released on 28 January 2006 with contracts commencing on 1 July 2006.

The new providers of legal services to Indigenous Australians have been, or will be, selected through a competitive tendering process. Multi-year performance based contracts will replace the annual grant funding structure under which Aboriginal and Torres Strait Islander Legal Services (ATSILS) have been operating.

The publicly released Request for Tender, Legal Aid Services to Indigenous Australians provides the draft legal services contract under which all Indigenous legal services will ultimately operate. Clause 3(1)(b) of this contract refers the successful tenderer to tables at Schedule 1 which stipulate annual service delivery targets in the areas of civil, family and criminal law.

The Government recognises that Aboriginal and Torres Strait Islander people have significant civil and family law requirements and has made formal provision to meet these needs. The Government’s priority for Indigenous legal aid is to provide
legal representation for clients where there is a risk of incarceration or where there is a real risk to a person’s physical safety. Priority assistance is also given to Indigenous persons where cultural or personal well being is at risk. An additional priority is where a family member of a person who died in custody seeks representation at an inquiry into the death. Particular emphasis is placed on meeting the needs of women and children. These priorities are shaped by the extremity of need identified within Indigenous communities and prior investigations such as the Royal Commission into Aboriginal Deaths in Custody and the Council of Australian Governments (COAG) National Framework for Preventing Family Violence and Child Abuse in Indigenous Communities.

Indigenous legal aid is a specialist program within a larger network of available services. Community legal centres, legal aid commissions, Family Violence Prevention Legal Services (FVPLSs), community crisis centres, women’s legal service offices and Indigenous women’s projects all offer varied services which augment the capabilities and stipulated service targets of Indigenous legal aid providers.

Indigenous women and access to legal services

Recommendation 3

That the Attorney-General’s Department ensure that Family Violence Prevention Legal Services focus on the provision of family and civil law services to Indigenous Australians, particularly through the legal representation of clients.

Agreed in part.

FVPLS units provide professional legal representation and assistance to Indigenous Australians for a range of legal needs including family and civil law. FVPLSs play a key role in combating family violence in Indigenous communities.

FVPLS units are required to comply with the Family Violence Prevention Legal Services Operational Framework. This specifies ‘legal advice and casework assistance’ as the first service delivery priority, followed by counselling, support, protection, referral and information services. The Operational Framework specifically stipulates that each ‘FVPLS must employ a full time solicitor, that is independent of, and separate from, the position of unit Coordinator’. A solicitor is now based with every FVPLS unit and there are supplementary legal practitioners employed in smaller units to ensure maximum service outputs and service availability.

However, to receive civil law assistance within a FVPLS unit, an Indigenous client must also be affected by family violence considerations. In circumstances where family violence is not a component, a person with need for legal aid will be referred to another legal service provider capable of delivering culturally sensitive assistance.

In this context, ‘family violence’ is broadly interpreted to reflect both the extended nature of Indigenous families and the contexts in which various forms of violence may occur between kinspeople in Indigenous communities. The Operational Framework defines family violence as including ‘all forms of violence in intimate relationships.’ A ‘family’ is defined to cover ‘a diverse range of reciprocal ties of obligation and mutual support’ which can include, for example, aunts, uncles, cousins and children of previous relationships’. This definition ensures broad access to the legal representation services available at FVPLS units, to women, men and children.

Recommendation 4

That the Attorney-General’s Department acknowledge that urban Indigenous populations also require family violence, family and civil law services and locate Family Violence Prevention Legal Services accordingly.

Agreed in part.

Urban Indigenous communities have a need for family and civil law services. Family violence was identified in the COAG Reconciliation Framework as a key issue in Indigenous affairs.

On 24 June 2004, COAG agreed to a National Framework for Preventing Family Violence and Child Abuse in Indigenous Communities. The Australian Government made a $22.7 million commitment over four years to double the number of FVPLS units, from 13 to 26 around Australia.

The Government contracted the Crime Research Centre at the University of Western Australia to identify high-need regions to support the establishment of new FVPLS units. The research took
into account rates of family violence; the needs of individuals in particular locations; identification of existing national infrastructure; and the particular need to provide services to rural and remote areas of Australia. The 13 new FVPLS units were established in areas identified by the Crime Research Centre and from stakeholder feedback. They are primarily in remote or regional areas.

The Government will continue to give priority assistance to those areas with the most acute requirements for service. The FVPLS units themselves will also make similar determinations with regards to their own allocation of resources as required by the Operational Framework:

In determining the locations of their service outlets, units must also have regard to the locations of related services, courts and prisons within the geographic area being serviced.

Indigenous communities based in major urban centres have greater access (than do those in remote or regional areas) to other legal service providers such as community legal centres, legal aid commission offices, Indigenous legal aid office or ATSILS, other Indigenous support and referral services, solicitors undertaking pro bono work and Indigenous women’s legal service units.

Recommendation 5
That the Attorney-General’s Department ensure that Indigenous men are provided full access to all Family Violence Prevention Legal Services.

Agreed.

The Operational Framework requires that all services provided by FVPLS units are available to men, women and children. The units are required to ‘provide culturally sensitive assistance to Aboriginal and Torres Strait Islander adults and children who are the victims of family violence, including sexual abuse.’ Victims and perpetrators are defined as including ‘aunts, uncles, cousins and children of previous relationships’ and the definition of family is similarly broad in order to capture all the potential nuances of kinship ties seen in Indigenous communities. There is no restriction based on gender.

FVPLS units have been encouraged to employ male field officers, and men are working in unit management. FVPLS units are also encouraged, as part of their community awareness programs, to publicise the fact that men and women are welcome to use their services.

Retention of expert staff

Recommendation 6
That the Attorney-General’s Department, in consultation with National Legal Aid and the National Aboriginal and Torres Strait Islander Legal Services Secretariat, develop a comparative scale of remuneration between Aboriginal and Torres Strait Islander Legal Services (ATSILSs) and Legal Aid Commissions and review funding of providers of services currently delivered by ATSILSs as appropriate.

Not agreed.

The issue of relative remuneration rates has been addressed through the tendering of Indigenous legal services.

The tender is an open and competitive process that identifies service providers who can provide professional and culturally sensitive services. Service contracts require service providers to meet specified service levels across various law types (criminal, civil, family) and in specified geographic locations.

The service contracts require Indigenous legal aid providers to manage their staff with a view to delivering a professional legal service of sufficient quality and capability to meet the contract requirements. Accordingly, it is expected that service providers will attract and retain skilled and committed professionals through appropriate remuneration.

Recommendation 7
That the Department of Treasury grant Fringe Benefit Tax supplementation to Family Violence Prevention Legal Services.

Not agreed.

Following amendments made to the Charities Act in 2001, fringe benefit tax supplementation was introduced to assist a range of Indigenous organisations to meet the cost of FBT changes implemented in 2000. Various Indigenous organisations (including some ATSILSs) applied for supplementation in 2001. In the 2005–06 Budget, the Government announced that this supplementation would be extended.
The level of funding of FVPLS units takes into account the expenses and exigencies associated with rural and remote service delivery, including the need to attract and retain people who would be required to work in isolated locations. The Government does not believe that FVPLS units are in need of FBT supplementation, and the Committee’s report does not give any reasons why the supplementation should be extended.

Recommendation 8

That the Attorney-General’s Department, in consultation with the National Aboriginal and Torres Strait Islander Legal Services Secretariat and National Legal Aid, develop and implement a formal exchange program whereby solicitors from providers of services that are currently delivered by Aboriginal and Torres Strait Islander Legal Services and Legal Aid Commissions are afforded opportunities to work, for a specified period, within the other organisation.

Agreed.

On 27 July 2005, the Attorney-General wrote to the Chair of National Legal Aid (NLA) asking the legal aid commissions to consider this recommendation.

NLA replied on 9 August 2005, indicating that it is ‘supportive of the general intent’ behind this recommendation and noting that it was made ‘in the context of maintaining expertise within Aboriginal and Torres Strait Islander Legal Services.’ However, NLA has ‘significant reservations’ about the viability of establishing exchanges in some locations.

NLA has agreed to work with the Attorney-General’s Department and providers of legal aid to Indigenous persons to assist in developing and implementing exchange programs as appropriate. ‘NLA’s strong view is that the programs themselves should be developed and implemented between Indigenous legal services providers and the Commission in each jurisdiction. This will ensure that programs are suited to local conditions such as the capacities of the providers and any community/cultural issues.’

NLA also provided examples of successful exchanges:

- the secondment of a family law solicitor from the Victorian Legal Aid Commission to the Victorian Aboriginal Legal Service
- the provision of a family law solicitor by ACT Legal Aid to the South East Aboriginal Legal Service, and
- the provision of one of WA Legal Aid’s restricted practitioners to the Aboriginal Legal Service of WA to assist with a murder trial.

The NLA also noted that there have been other arrangements in the past between legal aid commissions and Indigenous legal aid services—not ‘exchanges as such’ but a result of the Commissions’ recognition of the needs of certain Indigenous legal services offices and the capacity of Commissions to provide assistance at a given time.

Recommendation 9

That the Department of Education, Science and Training, in consultation with the Attorney-General’s Department, the National Aboriginal and Torres Strait Islander Service Secretariat and the National Network of Indigenous Women’s Legal Services, explore the feasibility of implementing a system of bonded scholarships where successful applicants on being accepted to the bar are required to provide a specified period of service to a designated provider of services currently delivered by Aboriginal and Torres Strait Islander Legal Services or Family Violence Prevention Legal Services.

Not agreed.

Under the Higher Education Support Act 2003, organisations such as the ATSILS and the FVPLSs can offer bonded scholarships to students through employer reserved arrangements. Under these provisions, the organisations would enter into arrangements directly with higher education providers to provide particular courses or study programs that meet their professional or training requirements. The organisations would contribute to the costs of their students’ education.

While the terms of these arrangements are matters for employers and universities to determine, the Department of Education, Science and Training could provide advice and general information relating to relevant higher education studies, such
as performance statistics and student destination survey data, which may assist organisations in brokering arrangements and implementing such a scheme.

Recommendation 10
That the Department of Education, Science and Training ensure that places are available for the training and development of paralegal community support workers who are employed with providers of services that are currently delivered by Aboriginal and Torres Strait Islander Legal Services and Family Violence Prevention Legal Services.

States and Territories have responsibility for determining training places.

Through the 2005–2008 Commonwealth-State Agreement for Skilling Australia’s Workforce, the Australian Government requires States and Territories over the life of the Agreement to increase participation of Indigenous Australians at higher qualification levels, specifically at Certificate III and above, and also to create additional training places in regional and remote locations for Indigenous Australians. Additional training places for Indigenous Australians will also be available through the Joint Indigenous Funding Pool which has been established to improve outcomes for Indigenous Australians. The Commonwealth–State Agreement for Skilling Australia’s Workforce requires that States and Territories match the Australian Government’s contribution to the Joint Indigenous Funding Pool which will result in approximately $23 million over 2006–2008 for Indigenous training.

The National Training Information Service shows three qualifications, a number of courses and a large number of units of competency in specific training packages that deal with legal issues. The Community Services competency standard has a number of units that could be used to train community support workers in paralegal work (ie ‘working within a legal and ethical framework’ and ‘operating in a legal context’). There are also legal units of competency in the Health, Local Government, Financial Services, Business Services and Administration competency standards—all of which could be relevant to the work performed by the community support workers employed by the ATSILS and the FVPLSs.

Coordination of legal aid services to Indigenous Australians

Recommendation 11
That the Attorney-General raise the matter of Commonwealth and State/Territory funding for providers of services currently delivered by Aboriginal and Torres Strait Islander Legal Services and Family Violence Prevention Legal Services with his state and territory counterparts with a view to gaining some level of state/territory contribution for these services.

Agreed.

The Attorney-General brought this recommendation to the attention of his state and territory counterparts in preparation for a meeting of the Standing Committee of Attorneys-General in Sydney on 4 November 2005. The Attorney-General will continue to encourage state/territory contribution for these services.

Recommendation 12
That the Attorney-General’s Department, in consultation with National Legal Aid and the National Aboriginal and Torres Strait Islander Legal Services Secretariat, develop and require providers of services currently delivered by Aboriginal and Torres Strait Islander Legal Services (ATSILSs) to implement a memorandum of understanding between them and Legal Aid Commissions (LACs) that includes:

- sharing each others duty solicitors;
- the provision of representation and advice by one organisation to the other’s clients;
- the use of office space and facilities in ATSILSs by LAC solicitors for Indigenous clients when these clients are referred from ATSILSs to LACs;
- protocols requiring ATSILSs solicitors to introduce clients to LAC solicitors in the event that clients are referred from ATSILSs to LACs;
- access of ATSILSs solicitors to LAC technology, such as video-conferencing, in order to facilitate remote client contact;
- access of LAC solicitors to Aboriginal Field Officers employed with ATSILSs when required to communicate with clients;
• mutual sharing of vehicles for remote travel; and
• access of ATSILSs and LAC staff to in-house training programs run by the other organisation.

Agreed.

These issues have been addressed through the new administrative arrangements for the provision of legal services to Indigenous Australians.

The terms of the requests for tender (those already released, and those yet to be released) and the contracts that have been entered into (in those states where tendering has been completed) include a standard for co-operation and relationships with other relevant service providers. These cover the cooperative arrangements between community legal service providers, listed in the recommendation.

Service providers are required to ‘establish a sound working relationship with all other legal aid service providers operating in the same geographical area’ through, for example, formal agreements making provision for (specified) arrangements.

Recommendation 13

That the Attorney-General’s Department rationalise funding of Indigenous legal services by incorporating Indigenous Women’s Projects, that are currently administered through mainstream Community Legal Centres, into the Family Violence Prevention Legal Services program.

Not agreed.

On 1 July 2004, four Indigenous law and justice programs previously administered by the Indigenous Law and Justice Branch of ATSIS became the responsibility of the Attorney-General’s Department.

To optimise the delivery of these programs, former ATSIS staff were grouped together in the newly-created Indigenous Law and Justice Branch within the Department. The benefits of mainstreaming were maximised by locating this Branch within the same division as the Legal Assistance Branch. The Legal Assistance Branch is responsible for programs and policy relating to mainstream legal aid, financial assistance, community legal centres and the operation of the National Pro Bono Resource Centre.

These two branches now form the Indigenous Justice and Legal Assistance Division. Co-location creates many synergies and injects significant experience and a holistic perspective into the development and administration of Indigenous justice policies and programs. The Attorney-General’s Department is well placed to harness mainstream law and justice services for the benefit of Indigenous Australians.

The Indigenous Women’s Projects were established to provide broadly based legal aid and community support to women in need. FVPLSs were established with very specific guidelines and goals. There is no obvious advantage to be had by subsuming one program within the other, apart from the administrative synergies that have already been achieved.

Tendering out of Aboriginal and Torres Strait Islander Legal Services

Recommendation 14

That in centralising providers of services that are currently delivered by Aboriginal and Torres Strait Islander Legal Services, the Attorney-General’s Department ensures that these services establish and maintain governance mechanisms that allow representation of and responsiveness to the views of the communities in their service area.

Agreed in part.

This issue has been addressed through the new administrative arrangements for the provision of legal services to Indigenous Australians. Under those arrangements, service providers are required to provide culturally sensitive services. This inevitably requires engagement with the Indigenous community in order to meet its distinct needs and expectations.

Recommendation 15

That in awarding tender bids, the Attorney-General’s Department ensure that the current levels of paralegal community legal workers employed by Aboriginal and Torres Strait Islander Legal Services is not diminished.

Agreed in part.
This issue has been addressed through the new administrative arrangements for the provision of legal services to Indigenous Australians. Although the hiring of staff is a matter for service providers, under the new arrangements those providers are required to meet the standards of accessibility and cultural sensitivity specified in the contract. Service providers must have documented policies and procedures in place and evidence of training that ensures staff are sufficiently aware of cultural sensitivities when dealing with local communities. Recruitment of new staff must be undertaken with regard to the importance of cultural understanding. Training at induction, and on an ongoing basis, is also stipulated.

Recommendation 16
That the Australian National Audit Office conduct a performance audit of those areas of the Attorney-General Department’s responsible for funding of Family Violence Prevention Legal Services and Community Legal Centres with regard to the same matters covered in the Audit Report No. 13, 2003–2004.

This recommendation is a matter for the Australian National Audit Office.

The Office of Evaluation and Audit (OEA), within the Department of Finance and Administration, has completed an audit of the FVPLS program administered by the Attorney-General’s Department.

Recommendation 17
That the Australian National Audit Office conduct a performance audit of the Indigenous Law and Justice Branch of the Attorney-General’s Department at the mid way point of the tender contracts in each jurisdiction with a view to identifying difficulties and recommending improvements in administration and service delivery.

This recommendation is a matter for the Australian National Audit Office.

A reserve topic for 2006–07 in the OEA’s evaluation and work program is an evaluation of the extent to which Indigenous legal aid providers are delivering better outcomes for the Indigenous client communities and better value for money for the Government since the tenders were released.
from day one. As a consequence, it has con-
tinued not to bother to oversee the detention
centre arrangements, not to ensure that it is
getting value for money in the contracts and
not to ensure that it is in fact doing the right
thing by people who end up in the detention
centres. The worst atrocity is not to ensure
that people are not locked up unlawfully.

One of the sad things is that, even after the
case of Cornelia Rau has been ventilated in
this chamber, even after the sad story of her
plight has been brought to the attention of
the minister, we are still now, many months
later, in a position where Cornelia Rau has
not been able to secure a reasonable compen-
sation package from this government. It
really offends me, I have to say, and it should
offend every senator in here, that this gov-
ernment is unable to recognise this, move
forward and leave the family and Ms Rau in
a position where they can have these matters
finalised so that their lives can move on.

Turning to the contract itself, what is
really surprising is that the minister an-
nounced yesterday that the contract would be
terminated, but not as of today or tomor-
row—she will let the contract run. We also
found out, a little earlier in the week, that
Minister Vanstone will not oversight the de-
tention centres. We will have a parliamentary
secretary oversighting the detention centres.
We now have a minister who, back in 2002,
outsourced the management contract for de-
tention centres and left them in a terrible
state—and you can go back and read the
Palmer inquiry to see how they failed people.
The minister outsourced that—she did not
want to take responsibility and failed to
competently ensure that there was oversight
of the contracts.

The next position the minister has adopted
is not only to outsource the contract itself but
to then outsource the oversight of the con-
tract. Having failed to manage the outsourc-
ing of the contract, we now have a situation
where the minister has failed to oversight
that contract and, rather than try to rectify it,
rather than try to look at the issues and fix
them, she has decided to outsource it com-
pletely—take it off her plate—and say: ‘I
give up; I can’t do it. Here, Mr Robb, you
deal with the oversight of the management
contract for detention centres.’

What does that leave? That leaves a minis-
ter with very little left to do. Most of her
portfolio has now been outsourced. Indige-
nous affairs is no longer dealt with by her.
The contract for and management of deten-
tion centres is no longer to be dealt with by
Minister Vanstone. Multicultural affairs is a
matter that she has not turned her mind to for
some time, I suspect. It is certainly not a
matter that she would oversight; it has been
outsourced. We now have a situation where
the minister should take a good hard look at
what she does do. I cannot work out what is
left. There is not too much left. She has
really become, I suspect, a time server rather
than anything else in this portfolio. Mr How-
ard should bite the bullet and recognise that
the minister should be removed from this
area. He is doing it, though, one piece at a
time. It is not going unnoticed. It certainly is
noticed that her portfolio is now being sliced
off because of the way she has managed it,
because of the failures that have been at-
ttracted to this area and because of her inabil-
ity to ensure proper management and over-
sight of these matters. I have sought leave to
talk about this issue but I will not take up the
full time that is available.

It is worth turning to some of the issues
highlighted in the report by the Australian
National Audit Office, ANAO. Item 93 refers
to:

ambiguity in DIMIA’s management of the
roles and responsibilities of key advisors and
personnel;
deficient recordkeeping, impacting DIMIA’s ability to demonstrate accountability and transparency in this procurement;

weaknesses in the conduct and documentation of contract negotiations; and

deficiencies in the assessment of tender bids against the value for money criteria.

Value for money criteria should be the first thing you want to get out of a contract if you are going to properly oversight it, given that you have outsourced it in the first place. As indicated in the report, the agency’s response to that is: ‘The department is implementing a wide range of measures to improve administration.’ Of course, that is going to be done not by the minister responsible, not by the minister who should take responsibility, but by being outsourced to Mr Robb to take responsibility. Let us hope that Mr Robb can do a much better job—in fact, he would not have to do much to do a much better job—than the present minister in this area. I seek leave to continue my remarks.

Leave granted; debate adjourned.

COMMITTEES

Legal and Constitutional References Committee

Report

Senator CROSSIN (Northern Territory) (3.42 pm)—I present the final report of the Legal and Constitutional References Committee on the administration and operation of the Migration Act, together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

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

Leave granted.

Senator CROSSIN—I move:

That the Senate take note of the report.

I rise to speak to the tabling of the Senate Legal and Constitutional References Committee report on the administration and operation of the Migration Act 1958. Australia’s immigration policy has been the subject of a good deal of analysis and commentary over the last few years, particularly issues related to the treatment of refugees and more recently the cases of Cornelia Rau and Vivian Solon. This has been accompanied by severe and justified criticism of the Department of Immigration and Multicultural Affairs and the failures of successive ministers.

The references committee was given the task of reviewing the Migration Act. However, it became obvious from the substantial evidence we received that there was public disquiet related to Australia’s humanitarian program, particularly aspects of the onshore refugee program such as ministerial discretion, temporary protection visas, detention and removal policies and practices, the cumbersome nature of the act and the culture of the department. Our report obviously focuses on the issues about which we received most evidence. In consequence, there is limited coverage in this report of the non-humanitarian aspects of the act, although issues related to student visas are the subject of a chapter in this report.

The inquiry was advertised nationally on 29 June 2005 and we received 234 submissions. Public hearings were held in Adelaide, Melbourne, Sydney and Canberra at which the committee heard from 93 witnesses. Members of the committee were also able to visit Villawood detention centre. I want to place on record the committee’s thanks to all those who took the time to provide considered submissions and who appeared as witnesses. I also want to acknowledge the assistance provided to us by officers of the department throughout the inquiry and with our visit to Villawood.

At this early stage of my presentation of this report I would like to thank the commit-
committee secretariat for its assistance with the inquiry and the report. In particular, I want to thank the committee secretary, Owen Walsh, who has recently left the Senate and has been replaced by Jonathan Curtis. I think that the work that Owen undertook needs to be particularly mentioned. The secretariat staff who have supported and assisted Owen and more recently Jonathan and the committee as a whole deserve a mention for their diligent and meticulous work in relation not only to the inquiry, which produced the report tabled today, but also in relation to the overall and ongoing work of the committee.

This comprehensive report makes 61 recommendations covering a wide range of regulatory, legislative, accountability and operational issues. Let us remember that this inquiry was initiated because of the gross mistreatment and significant failings of the department in the exposure of the treatment of two Australian citizens and the failure of this government to recognise that instead of having a thorough and efficient immigration system we have had a turnstile of incompetence under the last two ministers.

Let me start with a comment on the state of the Migration Act itself. The committee agrees with the evidence we received that the Migration Act has become a complex and unwieldy monster. Recommendation 7 says: ... that the Migration Act and Regulations be reviewed as a matter of priority, with a view to establishing an immigration regime that is fair, transparent and legally defensible as well as more concise and comprehensible.

We believe that this task should be undertaken by the Australian Law Reform Commission.

There is no doubt that the majority of changes in the immigration system in recent years have occurred by changing regulations rather than legislation. This has led to a minister that is now at arms length from the responsibility of the operation of the department and this has provided a shield and an excuse for a succession of ministers that have maintained that any problems lie within the department when they should be stepping up to the plate and taking ministerial responsibility. The roles, powers and corresponding accountabilities of ministers in relation to their departments have changed considerably over the past decade. In the context of the Migration Act there seems to have been a simultaneous growth in ministerial discretion and a decline in ministerial responsibility for the actions and administration of either their staff or the department.

We acknowledge that the complexity of public administration and the wide-ranging scope of departmental decision making do impact on the minister’s role. Nevertheless, the committee considers it important that accountability measures keep pace with these developments and that not only the department but in particular the minister—especially the minister—be held to account for actions and decisions that are made. Therefore it is not appropriate that terms of reference for inquiries, such as those given to Mr Comrie, would exclude the minister and his or her staff. If they are excluded, effective parliamentary scrutiny of public administration is severely curtailed, and we saw that in the Comrie report, which did not have in its terms of reference the authority to inquire into the related matters in the minister’s office.

That is the rationale behind recommendation No. 1 in the report, which reads:

The committee recommends that the terms of reference for any future independent inquiries into the administration of the Migration Act provide the authority for the investigation to include both the Minister and the Minister’s office.

The report reviews mandatory detention from a policy perspective and examines the operation of that policy in practice. The
committee has made 14 recommendations for specific changes to the current policy and practice of detention which we believe would greatly improve the present system.

While there have been some changes recently, particularly in relation to women and children, the law still permits indefinite detention. There is a significant body of evidence that prolonged indefinite detention causes detainees an unacceptable level of mental distress and, in some cases, permanent mental illness, and many witnesses provided that evidence to us. This violates one of the most fundamental rights of all human beings: to be treated with respect and to be protected from mental and physical violation.

One of our key recommendations is that the policy of indefinite mandatory detention should cease. We make this recommendation with the full awareness that it was an ALP government that introduced the mandatory detention policy. However the committee believes that circumstances have now changed. It is time this policy changed too. The committee fully understands that there is a need to detain an unlawful arrival while security and health checks are undertaken, but we believe that 90 days should be more than sufficient for that purpose. Any further deprivation of liberty should be subject to judicial supervision and only permitted on specific identifiable grounds such as where the person poses a danger to the community.

I also draw attention to the way in which Australia manages claims for asylum that go outside the definitions under the refugee convention. Australia has human rights obligations not to return a person to a country where there is a serious risk of a violation of human rights or substantial grounds for believing that the individual will be subject to torture. However, under the current system, the only way this protection is available is by a non-reviewable ministerial discretion to grant protection. This only happens after a person has pursued their claims for asylum under the refugee convention. This approach causes significant delays and results in unnecessary and lengthy periods of detention for people with legitimate protection claims who do not fall within the strict definition of the refugee convention. The discretionary approach to this issue also lacks the elements of transparency and accountability. Recommendation 33 therefore recommends that ‘complementary protection’ be put on a proper statutory footing so that all claims can be dealt with simultaneously.

A related issue is management of immigration detention centres. We received evidence on many aspects of the management of detention centres, but for me the bottom line is an abiding belief that there is a fundamental conflict in a private company, whose prime consideration is profit, managing such establishments. Recommendation 48 therefore suggests:

... that, as a fundamental overarching principle, direct responsibility for the management and provision of services at immigration detention centres in Australia should revert to the Commonwealth.

In concluding my comments, I say that it is only today that I have seen the dissenting report from the government members on this committee and I want to make a few comments very quickly. For the government members on this committee this has been a missed opportunity to provide some meaningful and practical changes to the management of the immigration system. There is only one witness who can actually defend the department, and if you look at the government senators’ contribution to their report you will see that DIMIA says, ‘Everything’s okay.’ So if you want to know that everything happening is all right in the immigration department, ask the department them-
selves. It is a classic case of *Yes Minister*. The government’s dissenting report fails to quote any of the 233 other witnesses that we heard from; they only quote from the department to defend their stance. It is unfortunate that most of the members of the committee missed the hearings in Adelaide and Sydney and, of course, the trip to Villawood. *(Time expired)*

**Senator Fierravanti-Wells** (New South Wales) (3.53 pm)—The majority report of the Senate Legal and Constitutional References Committee on the operation of the Migration Act was, in our view, substantially flawed. It suffers from a biased and highly selective use of the evidence presented during the inquiry. The dissenting report sets out criticisms of the majority report, but four stand out. Firstly, the majority report consistently fails to see the Department of Immigration and Multicultural Affairs in its wider context. DIMA is a department which makes in excess of four million decisions a year—yes, four million decisions. It administers large and complex migration and refugee programs.

In addition to the 43 per cent of Australians who were either born overseas or have at least one parent who was born overseas, Australia is host to a very large number of temporary entrants. In December 2005, for example, there were around three-quarters of a million people in the country on a temporary visa. In the 10 minutes or so that I speak today, the department has considered and granted around 90 visas and around 550 people have entered or left our country. That is almost one every second. This is a department with a very wide portfolio responsibility, which includes migration and settlement, multicultural issues, community harmony and citizenship objectives. As a consequence of these wide-ranging responsibilities, the department necessarily engages in legal activities. The costs of litigation to the Commonwealth in the immigration sphere are quite significant and have been significant for a number of years.

During my years of employment with the Australian Government Solicitor, I saw first-hand the nature of the legal work undertaken by the department. Indeed, my representation of the department has spanned across 20 years, from the time of judicial review of matters in the 1980s under Labor administrations to the more recent cases of alleged damage claims arising out of detention. Just in response to Senator Crossin, I have seen what this department has done, not just recently but over the last 20 years. The department’s litigation costs are due largely to the number of cases which are undertaken in any year.

I think it is important to note some telling statistics. Currently, the department has a litigation caseload of around 3,500 active cases before the courts and the Administrative Appeals Tribunal. It receives approximately 5,000 new cases each year, and this has been the trend in recent years. It resolves just over 5,000 cases each year. These are significant figures. For the last financial year, 2004-05, the department’s spending on litigation external to the department was in the order of $36.8 million and the internal cost of managing that litigation was somewhere in the order of $5½ million.

The department’s success rate in litigation is very high. The department takes great care to seek to defend only those cases where it has reasonable grounds for success. This indeed was my experience also, and I think that is reflected in its success rates before the courts and tribunals. In the financial year 2002-03 the department was successful in 92.5 per cent of the cases it defended; in 2003-04 that improved to 94 per cent; and in 2004-05 it was 95 per cent. Inevitably, in managing such a large number of matters,
any agency will make a certain number of mistakes. While it is quite proper to examine these mistakes and take measures to address them, the majority report makes no attempt to see the department’s decision making in a wider context. Indeed, it arrives at general conclusions based on isolated specific examples.

The second major defect of the report is its resolute fixation on the past. Large tracts of text are devoted to a detailed rehashing of information and allegations contained in previous inquiries, blind to the quite extensive changes announced by the minister as a result of, among other things, the recent Palmer and Comrie inquiries. Consequently, many of the issues and criticisms presented in the report are out of date and no longer relevant. Thirdly, the majority report is characterised by what can only be described as a biased and uncritical approach to evidence. In particular, many allegations are passed off as evidence of fact without any attempt to test the accuracy of the claims being made or the motives of the individuals making them. This error is compounded by those allegations then being used to justify sweeping generalisations and recommendations. Fourthly, the majority report seems largely concerned with the management of asylum seekers and immigration detention to the exclusion of the wider operation of the act.

I remind those opposite that the system of mandatory detention was introduced in 1992 by the Keating Labor government. In one of the many classic examples of partisan myopia, the majority report fails to mention, much less objectively examine, detention statistics prior to 1996. The period 1992-1996 is conveniently left absent from discussion in the majority report—four years when the foundation of detention was established. I refer senators to the annual reports of the department—for example, the 1992-93 annual report, which reflected the increases in compliance activity then and the increase in the number of people passing through immigration detention centres.

The majority report contains paragraph upon paragraph of assertions and allegations on a range of matters and then little of the material provided in response. This gives an unbalanced and distorted view, as it does not put the evidence into proper context.

The majority report is written in an accusatory and negative tone, using over-the-top language rather than giving an unembellished account of the facts. It fails to give proper weight to the reasons why people stay in detention, often for lengthy periods, due to—for example—litigation commenced by them or delays due to applicants seeking adjournments. Indeed, in my years of representing the department, I saw matters prolonged for these very reasons, especially in relation to information the department was seeking to have verified by overseas sources. Another failing of the majority report is that, given that migration agents play an important role, it should have included information about the problems with unscrupulous agents and their impact on cases, as well as the exorbitant fees they charge.

One of the majority report’s main failings is its failure to highlight the key elements of the government’s reform program announced
since the Palmer and Comrie inquiries. Indeed, yesterday we saw further announcements by the minister. An important starting point in this process was the minister’s referral to the Commonwealth Ombudsman of all cases of detention that might be in any way doubtful. In light of the Rau and Alvarez cases, this was a justifiable precaution. Supported by a commitment of $231 million, the department has implemented a road map for change which includes the creation of an open and accountable organisation with obligations to government and the community; fair and reasonable dealings with clients; and well-trained and supported staff.

I would remind the Senate of a series of changes, including a restructure of the national office of the department. There are improved and stronger governance arrangements, including a new values and standards committee working with the Ombudsman, the Privacy Commissioner and others. The Audit and Evaluation Committee has now been expanded, with an external chairman.

In addition to the staff training initiatives mentioned in the majority report, substantial improvements have been initiated for the immigration detention centres. These go well beyond the recommendations made in the Palmer report. There is an active case management framework and a community care pilot is also being developed for clients in exceptional circumstances. All detainees are now screened for mental health problems, and mental health plans are developed where appropriate. Vast physical improvements have also been made at Baxter and other immigration detention centres.

Independent reviews of the department’s information technology systems have been implemented, examining business information needs, governance and records management. To these should be added the wider groundbreaking work that the department is doing in developing computerised systems for visa applications. The department has also expressed an ongoing commitment to building on all its reforms, progressing projects and continuing to engage, listen and respond to community concerns.

In combination, these amount to a substantial and systematic response by the government to the flaws identified by the inquiry. The failure of the majority report to properly consider these changes casts serious doubts on the accuracy and relevance of the recommendations it makes. The majority report ignores the wider context of the essential, complex and difficult work that the department does in controlling Australia’s borders. This task is essential to Australia’s security. The dissenting report points out the many flaws in the majority report. Consequently, government senators are unable to agree with the analysis or findings of the majority report.

Senator NETTLE (New South Wales) (4.03 pm)—The scandalous treatment of Cornelia Rau and the discovery that Vivian Solon had been detained and deported continue to raise serious questions in the minds of the public about the competence and the humanity of Australia’s immigration system. The almost universal call for a royal commission to investigate a department that has been described as being out of control and that seriously damages the lives of so many Australians was ignored by the government. Instead, two private inquiries with limited terms of reference were set up. But even these two inquiries, the Palmer inquiry and the Comrie inquiry, indicated there were ‘systemic failures’ and ‘cultural problems’ within the department of immigration.

Due to the government’s refusal to establish a royal commission, the Senate inquiry was set up. The evidence that came before the Senate inquiry, including over 200 sub-
missions, was a litany of disasters—disasters and tragedies where lives were significantly impacted on or destroyed by the actions of this government and this department. The evidence indicated that the cases of Cornelia Rau and Vivian Solon were not isolated incidents. Throughout the inquiry, we heard of widespread instances where such behaviour had gone almost unnoticed and unreported because it was occurring in remote or offshore detention centres. The evidence indicated that the department of immigration was failing to administer the Migration Act in a way that afforded people fairness, justice and proper process. More disturbingly, it was failing in its duty of care to the people in its custody. Indeed, there was compelling evidence that the department and the private companies administering the immigration detention centres were administering the act in a way that was hostile to people and that in some instances led to their abuse.

The evidence also indicated that parts of the Migration Act itself contribute to the failures of the department, particularly the failure of some sections of the department to ensure that officials can use appropriate discretion and commonsense in making the decisions that they make. Parts of the Migration Act that contribute to these failures by the department are section 189, which deals with reasonable suspicion in requiring people to be detained; section 501, which requires people to be deported; and the provisions in the act that deal with temporary protection visas. A further failure of the act is that there is no proper complementary protection scheme in place.

The evidence to the Senate inquiry came under two broad themes. The first relates to the cultural attitudes within the department. We were told of the culture of suspicion and hostility towards asylum seekers—of attempts by department officials to try to catch people out, to look and probe for inconsistencies and to search for reasons to reject applications.

The second theme in the evidence brought before the inquiry was the failure of the policy of mandatory detention and the impact that it has on people’s lives, particularly on their mental health. What was meant to be detention for purely administrative purposes has turned into a system of punitive detention without any of the same safeguards that exist within the criminal justice system. The power to detain unlawful noncitizens has meant that cultural hostility towards asylum seekers has manifested itself in cruel behaviour toward detainees behind razor wire in remote immigration detention centres. Instead of the department making impartial, unbiased and well-considered decisions and treating the individuals in its care with dignity and respect, the policies of this government have led to a virtual criminalisation of asylum seekers.

The Australian Greens lay the blame for the criminalisation of asylum seekers directly on this government. The Prime Minister, the former minister, Mr Ruddock, and the current minister, Minister Vanstone, all bear responsibility for the current cultural and policy problems of the department of immigration. The trials from Cornelia Rau suffering untreated schizophrenia in the Baxter isolation cell and Vivian Solon enduring her injuries in a hospice in the Philippines lead directly to the Prime Minister’s door.

The exploitation of xenophobia by this government and the demonisation of asylum seekers and refugees has led to the culture of hostility that exists within the department of immigration. Continual public comments, some of which have been found to be untrue, from the Prime Minister and the ministers about the security threat posed by boat people and the need to repel and deter asylum seekers, and the discrediting of asylum seek-
ers as non-genuine or queue jumpers, have directly led to the culture problems evident in the recent actions of departmental officials in the department of immigration. It should be no surprise that the bureaucracy have taken on cultural attitudes that have been so vehemently and stridently expressed through government ministers and have subsequently administered the act in the way in which they thought the government desired.

Senator BARTLETT (Queensland) (4.09 pm)—I welcome the tabling of this report. The inquiry was the result of a motion that I moved on behalf of the Democrats, and it is an inquiry that almost certainly would not have been established under the current Senate arrangements. It was initiated in June, before the government took control of the Senate. Judging by the government’s record since then, it is precisely the sort of inquiry that would have been blocked.

I am a bit disappointed in the final results. I think the government senators’ approach from day one has been quite defensive, and that is disappointing with all of the talk from the government about culture change, acknowledging past problems and the reforms that are under way. I would have thought it would be a good opportunity to be more open to examining the problems that still exist.

One comment of Senator Fierravanti-Wells that I do agree with a little bit was that there was a very heavy focus on the asylum seeker and refugee area. Despite that being the area of biggest public controversy, it is actually one of the smaller areas in the operations of the immigration department. That focus in large part was because that is an area a lot of the submissions went to and where the biggest injustices occur. But it is not the only area where there are problems, and it is certainly not the only area where people suffer as a result of the department’s administration of the Migration Act and, indeed, the content of the Migration Act.

Some of those other matters did come up. The inquiry examined issues like the deportation of long-term Australian residents to countries overseas on character grounds and some of the terrible human situations that occur as part of that. We examined and heard some useful evidence about student visa cancellations, the way those are being run and the impact that has on people, and about a few other matters as well.

I think we have to continually make the point that, if we are genuinely going to change the culture of the department, we have to look at the act and the policies that the department has to administer. It is simply not possible and not credible to suggest that a culture is not heavily influenced by the laws and policies that a department has to administer. We have had continual complaints about the number of people that appeal to the courts and the tying up of resources in court action. The fact is that there have been many pieces of legislation put through this chamber supposedly aimed at reducing court action in the migration area and none of them have worked. In fact, I think they have had the opposite effect.

If you make the law deliver unjust outcomes, people will appeal them, because people have an underlying assumption that the law and the system will produce justice and fairness. I know that is a nice, utopian sounding concept, and we all recognise that there are limitations in the justice you can get from the law. But, when you have situations that are clearly fundamentally unfair, unreasonable and unjust, of course people are going to appeal them. The attempts to try and narrow the grounds of appeal to restrict the opportunities for appeal have all failed because the outcomes the government is try-
There have been warnings time after time. As the Ombudsman himself made clear, there has been report after report, year after year, into all sorts of problems and injustices in the migration area that have been ignored. That has changed with the Cornelia Rau incident, but clearly not enough. We are seeing through this that there is still no recognition from the government. It is time to go back and look at all of the changes that were made over the last 15 years or so and see which ones were really counterproductive. They were all, of course, supported by the Labor Party. They would not have passed into law otherwise, because the Democrats certainly did not support them. There is valuable information from this inquiry that builds on work that has been done before. Unfortunately the government has ignored a lot of that work. I hope they do not ignore this work. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

BUDGET

Consideration by Legislation Committees

Additional Information

Senator SCULLION (Northern Territory) (4.14 pm)—On behalf of the Chair of the Employment, Workplace Relations and Education Legislation Committee, I present additional information received from the committee relating to supplementary hearings on the 2005-06 budget estimates.

COMMITTEES

Membership

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

Senator SANDY MACDONALD (New South Wales—Parliamentary Secretary to the Minister for Defence) (4.15 pm)—by leave—I move:

That senators be appointed to committees as follows:

Community Affairs Legislation Committee—

   Appointed—Senator Nettle

Parliamentary Library—Joint Standing Committee—

   Appointed—Senators Brandis, Nash and Trood.

Question agreed to.

GOVERNMENT ACCOUNTABILITY

Senator O’BRIEN (Tasmania) (4.15 pm)—I move:

That the Senate notes that:

(a) over a decade in office the Howard Government has established a new low for government integrity and accountability; and

(b) the Howard Government’s record is littered with scandals involving rorts, waste and incompetence.

Today the Senate is debating the proposition that the Howard government has grown arrogant over its 10 long years in office and has established a new low in government integrity and accountability. This is a timely debate—and not just as a counter to the orgy of government self-congratulation to which the nation has been subjected over the past couple of weeks. A new low in arrogance was established just this morning, when government senators voted down a proposed inquiry without debate. The proposed inquiry concerned Australia’s aviation safety regime and the role of the Civil Aviation Safety Authority in particular.

It is appalling that government senators put the interests of the government ahead of the travelling public, but what makes their behaviour contemptible is that not one government senator spoke in the debate before
voting the inquiry down. What we saw this morning was a gross abuse of the parliament. It is behaviour we have seen the government build up to over the eight months it has had an iron grip on this chamber. It is just staggering arrogance.

Abuses of other kinds, including the abuse of public trust, have been part of this government’s stock in trade over the 10 long years it has held office. In this week of so-called restrained celebration of the government’s decade in office, it is useful to reflect on the government’s real record—not the record celebrated at the coalition booze-up in the Great Hall last night, not the record which has been subjected to the soft-focus treatment by most of the national media, but the real record of this government: a record characterised by incompetence and littered with scandal and waste.

Let me first turn to the funding fiasco known by the Australian public as regional rorts. This was rorting of hundreds of millions of dollars through Regional Partnerships and the Sustainable Regions Program. This was rorting directed to the extraction of maximum partisan political advantage from the expenditure of public money. Labor vigorously pursued this issue through an inquiry by the Senate Finance and Public Administration References Committee—an inquiry this government would not have allowed had it had the numbers in the Senate, as it has now. Last year’s committee report conclusively demonstrated that the Howard government will do whatever it takes to maintain its grasp on power.

In a pattern we have seen time and time again, the government’s abuse of these funding programs gathered pace in the lead-up to the 2004 election. Grants were approved against departmental and local advisory committee advice. Grants were approved even though they did not go within a bull’s roar of qualifying under published program guidelines. In relation to the Regional Partnerships program, the Australian people learned that the government had operated a set of shadow guidelines that meant that any grant could be approved, no matter what. The Australian people were genuinely surprised. I think, by the abuse of the Regional Partnerships program in the three months leading up to the calling of the 2004 federal election.

In June, July and August 2004, Regional Partnerships grants worth more than $71 million were approved—more than one-half of all the approved funding since the commencement of the program on 1 July 2003. The committee’s analysis of approved Regional Partnerships grants to 31 December 2004 showed that in rural seats the average amount of funding approved for government held seats was $1.5 million; for Labor seats, $1.1 million; and for Independent seats targeted by the National Party, $4.9 million. In metropolitan seats, the average amount of funding allocated to government held seats was $180,000, while Labor seats were allocated just half that amount.

A whole swag of Regional Partnerships projects have become bywords for rorting. Who could forget the grants to fund: a steam train that would not go, a creek that dredged itself, a milk company that folded before the ink on the funding announcement was dry, an ethanol company worth $1 that is still yet to produce a drop of fuel, and a hotel funded to run ‘Wacky Wednesdays’ and ‘Stump Bikini Babes’ while, just down the road in the same community on the Atherton Tableland, a community was crying out for potable drinking water.

Beaudesert Rail, the train that would not go, has received millions of dollars from the government but has not steamed a kilometre of track in years. Tumbi Creek is the New
South Wales Central Coast creek that dredged itself. A2 Dairy Marketers is the dodgy company that got a dodgy grant at the insistence of disgraced parliamentary secretary De-Anne Kelly. Primary Energy is the ethanol company based in John Anderson’s electorate that got more than $1 million to do everything except produce a drop of ethanol. And who can forget the Atherton Hotel—the world famous home of ‘Wacky Wednesdays’ and ‘Stump Bikini Babes’ and recipient of a $500,000 Sustainable Regions grant courtesy of the government. As I noted earlier, the recipient of that grant was favoured over a community nearby that does not have access to potable drinking water and was convinced not to apply.

The Senate’s detailed examination of Regional Partnerships and the Sustainable Regions Program has exposed the Howard government’s lack of commitment to the development of Australia’s regions. The only commitment it has, the only commitment it has ever had, is to maintain office, whatever the cost to the nation.

Of course, Regional Partnerships and the Sustainable Regions Program were not the first regional funding vehicles this government has rorted. The Dairy Regional Assistance Program was used by the government to buttress the coalition’s political fortunes in electorates right across the country. Two of the biggest recipients were, not coincidentally, the electorates held by the current Leader and Deputy Leader of the National Party.

Just as with Regional Partnerships and the Sustainable Regions Program, there were some real beauties funded under Dairy RAP. These included the Beaudesert polocrosse field, just a short drive from an existing world-class polocrosse field. Despite being fully funded, it consisted of no more than a paddock with a toolshed and a locked gate. Other projects this government funded under Dairy RAP included a wine appreciation course at a Brisbane private school, construction of duck igloos and the expansion by a boomerang company into parquetry flooring. Many of those, of course, have boomeranged on the government over recent times. Dairy RAP was a national program, but this government has never hesitated to target its rorting more narrowly.

The Eden Region Adjustment Package is a good example. It was designed to deliver a political outcome for the coalition, not a sustainable economic or social outcome for regional Australia. One of the notorious projects funded under the Eden RAP is Matilda’s Bakery. This project was granted $967,000 in December 2000 and promised to create 46 new local jobs by 2005. It closed in June 2005 after 3½ years of unsuccessful trading. Before it closed it was subject to legal action by the Australian tax office for failing to pay GST and group tax. Minutes of creditors meetings show that the bakery did not own its part Commonwealth funded building when it fell into financial difficulty—that is, the money provided to set it up went to another entity. The member for Eden-Monaro and newly appointed Special Minister of State, Mr Gary Nairn, has conceded the bakery was a financial risk and could not have obtained a bank loan at the time the Commonwealth made its grant. Certainly a bank would have made sure it secured its investment with a mortgage.

I understand workers’ entitlements, including superannuation, remain outstanding. No-one in the government, least of all Mr Nairn, has been moved to assist the workers who have been so badly done by. It is noteworthy that none of the workers at Matilda’s Bakery have received the sort of assistance directed to National Textiles—this is the Prime Minister’s brother’s company that failed, leaving a $4 million shortfall in enti-
tlemens owed to some 340 workers. The National Textiles company failed and the Howard government directed funds from the Regional Assistance Program to pay the shortfall and approved $2 million worth of retraining funds for retrenched workers. That is the sort of assistance that has been denied to the workers at Matilda’s Bakery. Why? I guess the only reason that is apparent is that they did not work for the Prime Minister’s brother.

A second notorious project in the Eden Region Adjustment Package is the Sea Horse Inn at Boydtown. This project was granted $451,000 for refurbishment in December 2000, promising 43 new local jobs by 2005. The inn closed for refurbishment but, five years later, half the term of the government’s period in office, it has not reopened. There is a promise of Easter, but I think we are more likely to see the Easter Bunny than to see that open this Easter. In a failed third project under the Eden package, the vessel the Spirit of Eden was awarded $190,000 in June 2000 and promised three local jobs by 2005. The vessel is no longer moored at Eden—it is moored up the coast—and generates no local jobs.

Not one of these projects, valued at more than $1½ million, can point to a single local job just four years after taxpayers’ funds were granted. At the time the Howard government announced the Eden RAP, it pledged that it would ‘only fund projects which have evidence of generating real and permanent jobs’. There is nothing real or permanent about the jobs that were promised under those programs. The only real and permanent job that interested the government was the job of the member for Eden-Monaro, Mr Nairn. It is only the jobs on the benches opposite that motivate the Howard government when it comes to regional development. It is the one characteristic that all the government’s regional programs share.

I want to broaden my focus and have a look at the issue of the integrity of those who hold office in the government. Senators will remember names like Woods, Sharp, Jull and McGauran, not in connection with good public policy, but in connection with travel rorts. The senior member of this government to fall under the travel rorts cloud was Bob Woods, then Parliamentary Secretary to the Minister for Health and Family Services. He resigned from parliament in February 1997 for ‘family reasons’. It only later emerged that he was under police investigation for travel rorts. But Woods was not alone in rorting travel entitlements. Three Howard ministers—Sharp, Jull and McGauran—were forced to resign in September 1997 over claims that they had lodged false travel claims, mismanagement and cover-ups. The Prime Minister came to office promising to raise the standards of parliamentary life. His 1996 A guide on key elements of ministerial responsibility emphasised ‘the necessity of adherence to high standards by people occupying positions of public trust’ and said, ‘The Australian people have this as their entitlement.’ This turned out to be, of course, another ‘non-core’ promise.

A decade after the election of his government, there is no behaviour which the Prime Minister will not tolerate in preference to requiring a ministerial resignation. Exhibit A is Senator Amanda Vanstone’s continuing tenure in the Immigration portfolio. There is no other minister in the history of this Federation who would have survived as she has under any other Prime Minister. If you cannot get the sack for locking up mentally ill Australians in immigration detention or deporting physically ill Australians due to the colour of their skin, then no minimum standard of conduct can be breached.

In fairness to Mr Howard, while he will not sack anyone for incompetence, he does not mind moving them on when their use to
him expires. The old Commonwealth Employment Service had a motto: the right person for the job. The Prime Minister has his own motto when it comes to jobs: the right mate for the job. Over the past 10 years he has appointed over 120 mates, colleagues, supporters and former flatmates to publicly funded positions. These appointments include plum overseas postings and to the boards of organisations like the ABC, the National Museum and Telstra. A good number of them have, however, backfired spectacularly. Robert Gerard’s appointment to the Reserve Bank board comes to mind as does Bob Mansfield’s job on the Telstra board—and, perhaps most memorable of all, David Flint’s stewardship of the Australian Broadcasting Authority.

Let me now turn to the rorting of public money through government advertising. In 1995, the then opposition leader, Mr Howard, committed a future coalition government to introducing guidelines for government advertising. He said:

We will ask the Auditor-General to establish a set of guidelines and we will run our advertisements past the Auditor-General and they will need to satisfy those guidelines.

But, once in government, another non-core promise was a commitment that was quickly abandoned. Prior to the 1998 election, the Howard government spent $15 million of public money promoting the Liberal Party’s proposed goods and services tax. This was just a warm-up for the 2004 election, where the pre-election spending rose to $78 million. Since the election, we have seen advertising campaigns for such things as the government’s extreme industrial relations agenda. The likely bill for that is $55 million.

No area of waste for which this government is responsible is greater than the waste of our nation’s human capital. The simple fact is that 10 long years of Howard government inaction on education and training has resulted in a national skills crisis. The government’s incompetence is reflected in the number of young Australians that are turned away from TAFE: 34,200 Australians were unable to gain a place at TAFE in 2005, which is an increase from the 34,100 of 2004. The number of Australians turned away from TAFE is growing at the same time as our skills shortage is growing.

Since 1997, the proportion of young Australians who complete year 12 and go on to university has dropped by 20 per cent. There has also been a drop in Australian students at universities for only the second time in 50 years. To top it off, Australia is the only developed country to reduce investment in tertiary education over the past decade—an eight per cent cut compared to the OECD average increase of 38 per cent since 1995. This legacy will long outlive this government, just as the legacy of the government’s attack on workers will outlast it.

The first wave was the 1996 changes to workplace relations legislation. The second was the 1997 war on the waterfront. Not having to fight a war offshore in that year, the Howard government decided to declare war on the waterfront workers. Mr Howard established his version of a coalition of the willing with Patrick Corporation to take on waterfront workers. The Howard government said that they wanted to improve waterfront productivity, but the truth is that they wanted to replace the workforce with non-union labour. Taxpayer funded consultants engaged by the government devised a strategy that saw Patrick’s Stevedores training military commandos in Dubai and the expulsion of dock workers from their jobs. I clearly remember the shocking television images of workers being menaced by armed security guards, clad in balaclavas, protected by Rottweiler guard dogs.
How necessary was this Howard government devised strategy, which was probably illegal in its planning and conduct? It seems to me that it was not necessary at all. Productivity on the waterfront has increased in recent years. That is not due to the political and industrial thuggery of the government but to the willingness of the Maritime Union of Australia, waterside workers and waterfront employers to work together, as they had been doing in the lead-up to that campaign.

It is telling, but those are not matters that the government will dwell on when it seeks to bask in the glow of its generated image of 10 years in office. We have a Prime Minister who started campaigning for office by making a number of promises. This is a Prime Minister who promised there would never, ever be a GST—a promise which he decided was a non-core promise. This is a new and sinister type of politics that we are experiencing in Australia.

Senator Brandis—Are you still fighting the GST wars, Kerry?

Senator O’BRIEN—No, I am fighting the issue of government integrity. If you do not believe in it, Senator, then I invite you to tell us why you do not believe in government integrity.

Senator Brandis—I wonder if you are being honest about why you did not mention the 1998 election. Don’t you think that would make a difference?

Senator O’BRIEN—I wonder whether you will be honest, Senator, in dealing with matters that you are well aware of. I am aware of your statutory declaration, but perhaps you can tell us what you really said about rodents—

The ACTING DEPUTY PRESIDENT (Senator Murray)—Address your remarks through the chair, please, Senator O’Brien.

Senator O’BRIEN—Thank you, Mr Acting Deputy President. I am reminded of comments about lying little rodents et cetera. I am not sure what words were used, and I know there was a statutory declaration, but I would like Senator Brandis to tell us what the words were that were used in the context of his remarks about a rodent that have been so publicly noted.

There are other rorts, scandals and outrages that I could detail, but the sad truth is that after 10 years of Howard government there have been so many that 20 minutes is just not enough to cover them all. The whole time allotted to this debate could be expended on the current wheat-for-weapons scandal alone. But, notwithstanding the attention the AWB scandal has received this year, it is important to remember that the whole period of this government’s office has been characterised by standards that do not befit a modern democratic nation like Australia. It is a legacy that we will make sure the Australian public are well aware of in the lead-up to the next federal election.

Senator BRANDIS (Queensland) (4.35 pm)—I welcome the opportunity to raise, on behalf of the government, the question of the accountability of the government to this parliament and to reflect upon the achievements in setting new and higher standards in the last decade. In doing so, Mr Acting Deputy President Murray, it is appropriate for me to begin by acknowledging your role as a senator, your role as a member of the Joint Parliamentary Committee of Public Accounts and Audit and your other committee work, and your being a very active and, with respect, intelligent participant in the debate on accountability and on the mechanisms of accountability of government to parliament. This is not a purely party political issue. Nevertheless, since this is the 10th anniversary of the election of the Howard government, it inevitably invites com-
parison between the standards of accountability then and the standards of accountability now.

I want to begin by reminding honourable senators and anyone else who might be listening to the broadcast of how low standards of accountability had sunk by the time of the end of the last Labor government 10 years ago today. Because it is 10 years ago, it is easy to forget the pass which Australia had arrived at under the prime ministership of Mr Paul Keating. Mr Acting Deputy President, I am sure you would agree with me on this: the most profound obligation of a government to be accountable is the obligation to be accountable to the parliament—in question time, in parliamentary committees and through the parliament’s other processes—and in particular at the real point of political conflict and accountability, question time, both here and in the other place.

It is instructive to remember the attitude of the last Labor Prime Minister to that central, solemn obligation of accountability. You might remember what Mr Paul Keating said to the House of Representatives about question time. He said:

‘Question Time is a courtesy extended to the House by the Executive branch of the government...

Mr Keating’s imperial delusions did not end with clocks and other pretentious Louis Quatorze artefacts; they extended to the entire style in which he ran his government. Nowhere was that imperial arrogant attitude more manifestly on display than in Mr Keating’s attitude to the core obligation of a Prime Minister as leader of the government to account to the parliament at the most critical stage of the parliamentary process for scrutiny of the executive government. ‘Question time is a courtesy extended to the House by the executive government.’ What a disgraceful attitude! Yet in that one remark there was captured everything you needed to know about the attitude to parliamentary accountability and parliamentary scrutiny of the last Labor government. The Australian people were wise to it, and that government suffered its long-deserved quietus 10 years ago today.

Mr Keating was the man who also for the first and, I hope, the last time in Australian history actually edited the number of occasions on which he appeared for question time. For the only time in Australian history, we had a Prime Minister who said: ‘I won’t even condescend to come into the House of Representatives for question time every day. I’ll appear twice a week. I will vouchsafe to you, I will extend you the courtesy of my presence, twice a week.’ For half the days of the parliamentary year there was no capacity to hold that Prime Minister to account. That was the attitude that had come to pass in Australian politics by the time of the last Labor government, which mercifully expired 10 years ago today.

We heard a lot of wild claims from Senator O’Brien. Like me and most of the senators present in the chamber, Senator O’Brien was not a member of parliament 10 years ago, at the time of the 1996 election. But I would encourage him and others who may be listening to this debate to reflect upon what happened 10 years ago in another of the core areas of accountability—not to the parliament but to the public. That is a question I know you, Mr Acting Deputy President Murray, are very interested in. It is the question of accountability for fiscal management, accountability for financial management. Although today we mark the 10th anniversary of the election of the Howard government, tomorrow we mark another anniversary: the 10th anniversary of the exposure of one of the greatest deceptions in the history of Australian politics—the fraudulent concealment of the budget position by the then...
Minister for Finance, Mr Kim Beazley. Let me remind you lest you have forgotten what happened.

In 1995, at the time of the 1995 budget, the budget papers projected a budget surplus of some $3.4 billion. But as early as September 1995, as we now know, the Treasury was warning the Keating government, and warning Mr Kim Beazley in particular, that that estimate was awry; the budget would not be in surplus; it was likely to be in deficit. Yet Mr Keating and Mr Kim Beazley went through the 1996 election campaign well knowing the Treasury’s advice and lied to the Australian people about it. On 1 February 1996, during the course of the election campaign, Mr Beazley said this at a press conference:

We’re operating in surplus and our projections are for surpluses in the future.

Notwithstanding that, five months earlier he had been warned by Treasury officials that that was not so.

But, in any event, let me come back to the exposure of that fraud 10 years ago tomorrow. On 3 March 1996, Mr Howard, newly elected as Prime Minister, fresh to office, was briefed by officers of the Department of the Prime Minister and Cabinet. At the time, Mr Howard told the story and I will read what he said:

... the day after the election I walked up from the Intercontinental Hotel to the Commonwealth office in Phillip Street—I think all Australians and particularly members of this House—because this was said in the course of an answer in the House of Representatives—should understand this sequence of events—and I was handed by the Secretary to the Department of the Prime Minister and Cabinet a booklet of documents, the blue book, that had been prepared for the incoming government. As he knows better than most on the other side, a like book had been prepared for him—

he was addressing Mr Beazley—and for the former Prime Minister if he had been successful. That book clearly spelt out the fiscal reality. It was available to me the day after the election and yet you—

addressing Mr Beazley—and your former leader told the Australian public that it was too hard to assemble.

Mr Costello, the new Treasurer, takes up the story. He was briefed in turn by the Secretary to the Treasury on Monday, 4 March 1996—another 10-year anniversary we celebrate two days hence. Mr Costello said:

Let me make it entirely clear that on the day after the election and on the Monday thereafter the Secretary to the Treasury disclosed to the Prime Minister and to me the state of the accounts as forecast by Treasury for 1996-97. They were put out not in a press release from the government. They were put out in a press release from the Treasury, signed off by the Treasury itself.

Let me make it entirely clear ... that, as early as September in the previous year, the joint economic forecasting group was warning the government that its budget would not be as bottom line as was said in the budget papers and there was a blow-out on the cards for 1996-97.

On 12 March 1996, the economic and fiscal outlook was released by Treasury on the instructions of the new government. That revealed what the Treasury had been warning Mr Beazley and Mr Keating about as early as September the previous year: that, far from there being a surplus of $3.4 billion, there was a projected deficit of $4.9 billion representing a shortfall in the budget projections of $8.3 billion—the so-called $8 billion black hole.

How is that for accountability? The Prime Minister and the finance minister—now the Leader of the Opposition—with ministerial responsibility, well knowing that the budget would be in deficit, run an election campaign asserting that, on the basis of the projections they had from Treasury, the budget would be
in surplus. How is that for accountability? Those were the standards practised by the Australian Labor Party then.

So what did the incoming coalition government do? In conformity with an election promise, this government introduced for the first time in Australian history—and I know it is something that you, Mr Acting Deputy President Murray, have congratulated the government for its initiative in doing—a charter of budget honesty, not a piece of political rhetoric but an act of parliament imposing statutory obligations. Among those statutory obligations is a statutory obligation on the secretaries of the departments of the Treasury and finance to publicly release a pre-election fiscal and economic outlook report if a general election is called. Under the act, the Charter of Budget Honesty Act, that must be done within 10 days of the issue of the writs. And at every election since the 1998 statute was passed, before the 1998 election, the 2001 election and the 2004 election, that statutory obligation has been performed to the letter so that never again can we have the disgrace of the Prime Minister and the finance minister lying to the Australian public about the state of the budget. How is that for accountability?

We did not hear that from Senator O’Brien. Perhaps Senator O’Brien was ignorant of the Charter of Budget Honesty—I should not be surprised. But that more than anything else is not a token, not a rhetorical gesture but a statutory obligation, which this government imposed upon itself and has faithfully observed ever since to ensure that in government’s most fundamental obligation—its obligation to be honest with the Australian people about how it manages their money—both sides of politics and whichever party is in government at any given time are held to neutral, objective scrutiny and accountability by the departments of Treasury and of finance. I have dwelt at some length upon the 1996 deceit—because, as you know, Mr Acting Deputy President, I have something of a taste for history and I like anniversaries—and of the exposure of the great budget fraud of 1996. This was not merely to demonstrate the pass which we had reached by the time the last Labor government was ignominiously thrown out of power by a long-suffering public but also to show that, once you descend from the level of rhetoric, which is the only level at which Senator O’Brien seems to be capable of operating, into the hard language of the law and statutory obligation about core government functions and, in particular, about the obligation of a government to be honest about the budget position—

Senator Lundy interjecting—

Senator BRANDIS—Senator Lundy, you would not know a budget if one jumped out of a tree and bit you, if the relevance of your questions at estimates is any indication. When it comes to the core government functions, this government has set not only a benchmark for itself unmatched in Australian political history but a new benchmark for all other governments.

In the time left to me, let me turn to other things because, although accountability to the parliament and accountability to the public by being honest during election campaigns are among the core elements of accountability, there are other mechanisms, as you know well, Mr Acting Deputy President. Senator O’Brien touched on Senator Vanstone and the Cornelia Rau and Vivian Solon affairs and he chastised Senator Vanstone. Why? Because Senator Vanstone participated in the establishment of an independent commission of inquiry which collected all the evidence and made some findings adverse to departmental officers and that report was published.
Senator O’Brien mentioned the AWB affair. How did this government respond to the AWB affair? By constituting Mr Cole, a respected lawyer whose objectivity is not in question, as a royal commissioner, giving him the widest terms of reference and instructing that all material that was relevant in the hands of any government department or agency should be offered to the Cole inquiry, which of course is proper.

If this government were a government seeking to avoid scrutiny—and I interpolate to say that nobody is suggesting that mistakes were not made—or if this were a government seeking to avoid its obligations of accountability, why would it have set up the Cole royal commission? Why would it have set up the Palmer inquiry? Why would it have set up other public inquiries or inquiries the reports of which were published and which, in the case of the Rau inquiry, contained criticisms of the government? If it had followed the precedents of the last Labor government, either there would not have been an inquiry or the report containing criticism of the government would have been suppressed.

I commissioned some research from the Parliamentary Library. I asked them to look and tell me how many commissions of inquiry had been established during the 13 years of the previous Labor government. Do you know how many there were? There were 12. Those 12 royal commissions were in general, subject to an exception I will mention in a moment, directed to issues which were not a source of political embarrassment for the government of the day or a source of political controversy, like the royal commission into the Nugan Hand Bank. That was nothing to do with the government of the day. There was a commission of inquiry into the use of chemical agents in Vietnam, which had nothing to do with the government of the day; the royal commission by former Senator McClelland into British nuclear tests in Australia—a royal commission into events that happened in the 1950s; the royal commission by Justice Morling into the Chamberlain case, which was not a matter of political controversy—at least not in federal politics—and not a matter of sensitivity to the government of the day; and the Royal Commission into Aboriginal Deaths in Custody, which was not a matter of political sensitivity to the government of the day because no allegations of misconduct by any minister of the government of the day had been made.

The only inquiry that the government established in that 13 years that might be thought to relate to a matter of contemporary, present political controversy was the inquiry into the leasing of Centenary House. Before you of all people, Mr Acting Deputy President Murray, we do not need to rehearse the sorry story of Centenary House.

So that is the difference. It is the difference in the standards of accountability to parliament, both through question time and through parliamentary committees. It is the difference in the accountability to the Australian public—in particular about the core function of the government, the management of their finances—between the deceit of Mr Beazley, Australia’s worst finance minister, and the transparent honesty of this government, which actually imposed upon itself and future governments statutory obligations of transparency that had not been there before. It is the willingness of the government to take on the chin and expose criticisms that are politically embarrassing—for example, as during the Palmer inquiry or as perhaps we will see during the Cole inquiry—rather than sweep it under the carpet. Nobody says that governments or ministers do not make mistakes; the test is whether they own up to them, whether they come into this chamber and whether they go before public inquiries,
wear the political pain and answer to the people.

Senator MILNE (Tasmania) (4.55 pm)—When the Prime Minister, John Howard, was re-elected at the federal election in 2004 and gained control of both houses of this parliament—an absolute majority—he undertook to the Australian people that he would not abuse his control of both houses of parliament. Yet what has occurred since has demonstrated that that commitment to government integrity and accountability was indeed a false one. It reflects what has gone on in the decade of the Howard government.

Whilst people can argue about the specifics of various scandals and rorts which have gone on—and I will refer to some of those—the things for which Prime Minister John Howard will be remembered in history are his failures in accountability in terms of where Australia sits in the world. He will be remembered for taking Australia to the war in Iraq because of alleged weapons of mass destruction. It was a false claim based on false intelligence and it has contributed to misery in Iraq. It is unjustified. What we have had since is the Wheat Board scandal finding that, when the Prime Minister was sending Australian troops to Iraq supporting President Bush and Prime Minister Blair, at the same time the Australian Wheat Board was abusing the UN sanctions regime and giving kickbacks. So, whilst at the time condemning Saddam Hussein, the Prime Minister was running a government overseeing the Australian Wheat Board, which was involved in what will be the greatest scandal of this government.

But, to go on, there is now sufficient evidence in the public arena to show absolutely that government ministers knew. They knew what was going on. Just this week in relation to Minister Downer, the Minister for Foreign Affairs, every document coming in for up to five years clearly showed that they knew what was going on with the Wheat Board in Iraq. Where is the Prime Minister’s code of conduct for his ministers? He brought in a code of conduct with much flair, but of course the code of conduct has disappeared as his ministers continue to be exposed, one after the other. Up to five of them are implicated at the moment in the Wheat Board scandal. We went to war on a lie. We have profited from that war via the Wheat Board scandal, and it is something for which Prime Minister Howard will be remembered.

But, even more profoundly than that, he will be remembered for the ‘children overboard’ affair. He will be remembered because it was the most disgraceful manipulation and exploitation of an appalling situation, in which people were trying to leave the persecution that they had suffered in their own countries and come to Australia to seek asylum. In a politically opportunistic way, the Prime Minister exploited the xenophobia and racism that were evident in the Australian community at the time, increased the levels of fear and announced that people were indeed throwing their children overboard.

It was an appalling scandal and, in the investigation into it, there was a lot of pressure brought to bear on a number of people with regard to that investigation. Nevertheless, the Australian people now know that there were no children thrown overboard and that it was in the context of an election campaign. Something Australians will be extremely ashamed of, as they look back on it over the years, is that a prime minister won an election on the back of a lie about asylum seekers throwing their children overboard. I want to return to that in a moment or two, in relation to suspected illegal entry vessel X, the SIEVX, but before I do I want to refer to a couple of other areas in which this government will be seen to be totally lacking in accountability and integrity.
One area is climate change. We, as a globe, are facing the greatest security threat of our time with climate change. A report released yesterday gave a peek into what the Intergovernmental Panel on Climate Change will say when they release their report in April. It says that the top limit of how high temperatures are likely to rise by 2100 has now been taken away. Earlier, a top limit had been set of between two to 4½ degrees being the likely temperature rise. Now some scientists say and some models show it could go as high as 11 degrees. There is talk of possible major climate accidents, including the possible disintegration of the west Antarctic ice shelf. If this were to occur, we would see a sea level rise of five metres.

Australia and the United States have refused to ratify the Kyoto protocol and, worse than that, have gone out of their way to frustrate and undermine efforts in every global negotiation for more stringent activity to be taken on climate change. Currently, both countries have policies which will take us nowhere near achieving the minimum of a 60 per cent reduction in greenhouse gas emissions by 2050. As people look back on this decade of the Howard government they will say that it was a complete decade of lost opportunity to address the greatest security issue of our time.

In terms of integrity and accountability, what is even worse is that we now find that the Howard government has used its influence to delete significant sections of scientific reports and has lent on the CSIRO, which is Australia’s premier research institution, to influence its research directions, such that we now find the CSIRO increasingly focused on coal and the fossil fuel economy rather than on renewable energy. We see it falling behind in climate modelling. We see the models that were being developed in Australia completely underfunded, to the point where scientists cannot do the public interest research which may lead to the breakthroughs that we need on a range of issues facing us at this time. Public interest research is essential, yet the head of the CSIRO has said, ‘It is partnerships or perish.’ In other words, science has to go to business with cap in hand and take what it can get, and the public interest research is not being done in Australia. I put that straight to the Howard government as a complete lack of accountability to the Australian people on climate change.

I now want to talk about political donations. We are about to see a new low standard in accountability in politics. At the moment, if a company gives more than $1,500 to a political party, it has to declare that donation. Declaring political donations is one of the best ways of being able to show where political parties are funded from and to being able to see if undue influences are being brought to bear on policy. What do we find? We find the Howard government proposes to lift that limit to $10,000 for companies, so that if you give up to $10,000 you do not have to declare that the company has given that amount of money. That will lead to corruption in the Australian political process and in our democracy. I would argue that it demonstrates a complete lack of government integrity and accountability.

That comes on the back of the government in the Senate refusing to provide papers that were asked for by opposition members, most recently in the house this week when we asked for the correspondence between the Prime Minister and Gunns. Gunns, the timber company in Tasmania, gave the Liberal Party $50,000 as a donation at the last federal election. The government has just given them $5 million in return. That is about the best return on an investment that you could get anywhere in the country at the moment, and it signals a very poor level of accountability. I say that because the Prime Minister
said that the $5 million would be for a feasibility study if Gunns proceeded with a chlorine-free pulp mill. They have not. They have proceeded with a native forest based pulp mill, which will use chlorine dioxide. It is absolutely not what the Prime Minister said he would give them the money for, yet Senator Eric Abetz could not wait—he was falling over himself—to give Gunns the first instalment of $2½ million even though this pulp mill is not economically viable. Even if you take out the issues about the environment, the economic viability is not there. The global price of chemical pulp is collapsing and has been collapsing over the last 30 years. If you look at that, you ask yourself: why would anyone bother investing in something when the price of the commodity is on a downward trend?

What I want to specifically raise today, in the context of the 10th anniversary, is the sinking of the SIEVX. I begin with a quote from one of the SIEVX survivors, who said, ‘Wherever you look you see the dead children like birds floating on the water.’ I do not think many people in the Australian community realise that on or about 18 October 2001, a small overloaded fishing boat left the Indonesian port of Bandar Lampung in Sumatra carrying 421 people. The next afternoon, the boat sank. The following day, after about 20 hours in the water, 45 survivors were rescued at sea by Indonesian fishermen off West Java. One hundred and forty-six children, 142 women and 65 men died in the sinking of the boat which later become known as the SIEVX.

The sinking of the SIEVX occurred during the 2001 federal election campaign in which issues about refugees figured in a very divisive way. The earlier rescue at sea by the Norwegian vessel, the *Tampa*, of a group of refugees whose boat had foundered prompted the federal government to set up Operation Relex, a military operation which aimed to prevent any boats carrying possible refugees from reaching Australian territorial waters. In November 2001 alleged people smuggler Abu Quassey was arrested in Bandung, West Java. On 13 February 2002 the Senate voted to set up a select committee to inquire into A Certain Maritime Incident—that was the alleged throwing of children overboard, and it also inquired into events surrounding the sinking of the SIEVX.

On 23 October 2002 the Senate inquiry report *A Certain Maritime Incident* was tabled. The committee found it extraordinary that a major human disaster could occur, and remain undetected, in an area where Operation Relex, a major theatre of Australian military and civilian operations, was taking place. The report found no negligence or dereliction of duty in relation to the relevant Australian authorities but found it disturbing that none of the relevant authorities carried out any review despite the public furore surrounding the tragedy. Further information about aspects of the SIEVX tragedy continue to emerge and the matter is being pursued every time we hold a Senate estimates hearing and as we move more motions in the Senate.

On 7 November 2003 the alleged people smuggler Khaled Daoed was extradited from Sweden to Australia to face charges over the SIEVX, and on 27 December 2003 Abu Quassey was sentenced to five years imprisonment in Egypt for homicide through negligence in relation to the SIEVX and to two years on charges related to assisting illegal immigration. On 14 July 2005 Khaleed Daoed was sentenced by a Brisbane court to nine years in prison for people-smuggling.

But what we want to know—and this is where the accountability of the Howard government comes in—is: why will they not release the names of the 353 people who
died? The community and the families of those people want to know. They want the certainty and they want the names. At least three lists have been circulated at various times to various people but the government still will not provide the 353 names. There is a move to build a memorial to the SIEVX here in Canberra in line of sight of Parliament House so that forever the federal government and the people in this house of parliament can look down on that monument which is to be called A Landmark of Conscience. I think that is an absolutely apt name for it because people want to know what actually happened with the SIEVX. What level of accountability do the government have in relation to this? What we want to know is: why do the government continue to deny that the SIEVX sank in the Operation Relex area of operation despite clear evidence that it did so? If the government set up Operation Relex, why were they not following this particular boat and why did they not come in and rescue the people? Did they know the people were there and did they let them drown?

Why will the government not come clean on what its disruption activities were in Indonesia? Why will it not release the protocol related to the memorandum of understanding with the Indonesian National Police? Because the protocol enabled the Australian government to oversee the disruption activities that were carried out. We want to know what those disruption activities were, and whether they included allowing those boats to be sabotaged before they left Indonesia. As the government admits, it has identified two organisers of the SIEVX disaster and both have been prosecuted and convicted, so why cannot the Australian Federal Police now answer all of the outstanding questions to enable the survivors to finally understand what happened? Why does the government continue to ignore three years of Senate demands for a full independent judicial inquiry into the SIEVX and into people-smuggling activities?

I have met some of the survivors of the SIEVX and I cannot understand to this day why they have not all been interviewed by the Federal Police about what they know and what they saw. They were in the water for that period of time; they were in the water for 20 hours. Many of them say that they heard noises in the area. Others say that there were substantial lights in the area and, as I indicated previously, the federal government had set up Operation Relex to look for illegal entry vessels coming to Australia—that is the Navy and the Air Force. Let us have the records from the Navy and the Air Force as to where they all were at the time that this vessel sank because until we get to the bottom of this we have a situation where 146 children, 142 women and 65 men died trying to come to Australia, and the suspicion is that somehow the government knew that they were there.

It is in the government’s interest, and it is in the whole community’s interest, to get to the bottom of this because the survivors need to know what happened and the Australian government ought to tell the Australian people what it knows about what happened. As long as the government refuses to answer the questions, refuses to release the lists of names, refuses to release the protocol it had with the Indonesian National Police about disruption activities in Indonesia, we are never going to know what actually happened.

I can assure the government that it does not matter whether John Howard stays another five years or whether the Prime Minister is replaced by somebody else as leader of this government, the scandals that have hit Australia in this decade of the Howard government will stay and the Howard government will be remembered ultimately for
Guantanamo Bay and the failure to stand up for an Australian citizen, David Hicks; for the kowtowing to President Bush over Guantanamo Bay; for taking Australia to an absolutely unjustified war in Iraq against the better judgment of the United Nations; for the SIEVX; for the ‘children overboard’; for a grossly unfair system of welfare and support in this country; and for leaving a generation of university students with such a debt that they have to delay getting on with their lives because they have to pay back those debts. An indebted future generation of young Australians will remember John Howard for the decade in which they have to try to pay back the fees that they have had to pay because of your policies. I think you are going to find that the Howard government is rapidly going to disappear into history as one that set a new and lower standard of government integrity and accountability in Australian politics.

Senator MURRAY (Western Australia) (5.15 pm)—Senator O’Brien’s motion before us reads:

That the Senate notes that:
(a) over a decade in office the Howard Government has established a new low for government integrity and accountability; and
(b) the Howard Government’s record is littered with scandals involving rorts, waste and incompetence.

The key words that we are asked to react to are ‘low’, ‘integrity’, ‘accountability’, ‘rorts’, ‘waste’, ‘incompetence’ and ‘scandals’. The issue of evaluating a government such as that of John Howard, the Prime Minister, is difficult at this time because it is a work in progress. It is 10 years on its way, and more years are to come. I think you need to separate a judgment of such things into a number of areas but, for the purposes of my remarks, I will separate my judgment into the areas of politics and policy.

If you look at the Prime Minister from the perspective of politics, you will see that he deserves to be admired. I find that there is a churlish inability of many people who are opposed to the ideas and political positioning of the Prime Minister to recognise his political competence. It is no accident that there have only been two prime ministers who have reached double figures in time serving the Australian people in 105 years of our country’s history. It requires good health, luck and all those sorts of things but, most of all, it requires a great deal of political skill and ability. For my own part, I want to acknowledge that I recognise and respect that ability and the way in which he has been able to overcome both his critics and opponents to apply his view of how Australia should be governed.

I am also affected in my remarks by a natural respect I have as a small ‘d’ democrat for the institutions of democracy and for our Constitution. Therefore, I have a natural respect for the prime minister of the day. It is a respect I accord to those prime ministers I have known, Mr Gough—I am sorry, I mean Mr Whitlam.

Senator Kemp—That is very familiar.

Senator MURRAY—I often call him Gough. I am giving away my contacts. Mr Whitlam, Mr Fraser, Mr Hawke, Mr Keating and now Mr Howard are all remarkable men in their own ways. However, the motion before us requires us to address the negatives. That is where I would move away from an assessment of political skill and ability to an assessment of policy and outcomes, of process and practice. In evaluating that, you cannot throw out a political judgment. One of the strong issues that is emerging is that, if the slogan once used to be ‘It is the economy, stupid’, it is now increasingly becoming ‘It is the society, stupid’.

CHAMBER
Throughout the Western world, there is a divorce—a separation—between economic trust and political trust. It was notable that, when the last election was underway, the Prime Minister came out and said, ‘Who do you trust?’ He played to his strengths. When I looked at an interesting assessment today, I saw that there was a clear division: much higher marks for economic trust as opposed to what I would describe as political trust. If you are going to leave a good assessment behind you, you need to have the ability to have people say, ‘You deserved my political trust as well as my economic trust.’

Before moving on, I indicate that today is my own anniversary. Ten years ago, I was elected for the first time. Being a senator, I only discovered that after a few weeks of the churning of machines and the counting of papers. Nevertheless, I was elected 10 years ago but, being a senator, you take your position from 1 July. I think that, in a number of respects, I have carried the same portfolio for 10 years, which is quite a record in itself. In this Senate, I can think of only one office holder who has continually held the same office for 10 years—that is, Senator Grant Chapman, who has been a very able chairman of the Parliamentary Joint Committee on Corporations and Financial Services. It is not easy to stay holding onto something and holding your own either. I move away from my own anniversary of election and back to the topic at hand.

The assessment I saw today which caught my eye was by crikey.com.au. In case they are listening, I do not need another subscription; I am already paying for one. They had about 18 members of the commentariat in a table of opinions. By the way, I do love the word ‘commentariat’. It has those overtones of fear and monolithic politburo sort of attributes. They had 18 distinguished members of the commentariat assessing the government and Mr Howard for things like economic competence, social cohesion, honesty and fairness. The large gap between those was very notable. The economic management was nearly at seven, averaged across the 18, whereas the honesty measure was just above four. One should take note of that.

The government emphasises money so much that, in their relationship with the Australian people, they sometimes remind me of a couple that stays married because he has money and therefore she stays with him. If there were economic hard times, one wonders whether the Australian people would still vote for the coalition government. I once said, some years ago, that I thought that if the conservatives—and I refer to conservatives, not liberals—had a heart, they could govern forever.

That is probably why, one of these days, you will lose government: because of the areas in which you have lost trust; because of your assault on civil liberties; because of the lying and mendacity that are attached to things like children overboard; because of a kind of wilful, blind ignoring of social atrocities, such as have occurred in our mental health system and detention centres and such as the detention of people without trial; because you are snooping on phones, increasing the powers of the police and increasing the authoritarian aspects of our state; and because you are doing things to our society that lessen our rights and our freedoms, such as refusing to conduct a royal commission into child abuse and allowing sex trafficking to be openly conducted in this country for many years until pressure caused you to react. I am glad you have done something about it. But there is too much concentration on the economy. Too little concentration on society and rights counts against you in the end.

One of the things I like about this government is that it reflects, overall, a good
aspect of Australian society—that is, a low level of corruption. Given that governments—and even parliamentarians—and people in public office have the ability to make decisions that can profit others, there is an extremely low level of corruption of people in our system. I am glad of that and I admire that in our system. Of course, at certain local government levels you find some sleazy practices—and, please God, one of these days they will be wiped out. But we do not have a corrupt system when it comes to people. What has developed instead over the last 10 years worries the pants off me—that is, the corruption of process. I think that is a real problem for us.

One of the areas where the government can rightly claim great advances, I think, is in the expression of financial statements and in the accumulation and availability of financial data, although I must admit that some of the budgetary processes and portfolio budget statements are extremely opaque. But I think that is a result of a culture and an ideology that have been supported by all sides, including my own, as we have moved to accrual accounting and a devolution of financial matters and responsibility. By and large, I have seen a significant improvement in the Department of Finance and Administration over the time I have been in this place.

I acknowledge that the Charter of Budget Honesty was a significant step forward. I had hoped that it would have been done better, but it certainly was a significant step forward. So, too, might I say, was the Intergenerational report—a great initiative of the Treasurer. I think he should be given credit for having the determination to take a long-term view. Generally speaking, short-termism—whether it is in your business, your family, your home or anything else—is short-sighted. I think a longer-sighted approach to government is desirable and it is one of the reasons, incidentally, that I support four-year fixed terms for the House of Representatives: it might make them slightly less short-term in approach.

I also believe that overall the government has remained accountable to parliament and, in fact, has improved its accountability to parliament in the lower house. I am a bit disrespectful of the House of Representatives because I always regard it as the house of the executive. But, nevertheless, the Prime Minister and his ministers do front up and take on the opposition and vice versa, and it is a fairly vigorous interaction.

Having said all that, I think accountability to parliament could be much improved. I am one of those who argue that parliament should set its own budgets and all the executive should have is the right of veto, not the right of setting it. The parliament represents the people in a far broader sense than does the government. There is dishonesty in financial matters. There is the dishonesty of calling the GST a state tax. The Auditor-General, the opposition and we Democrats all believe it should be properly counted in the Commonwealth figures. A lack of accounting has been exposed. I note that the shadow minister who has responsibility in this area, Senator Sherry, is in the chamber. He and I have been trying to gee up the government in terms of the special accounts area and all that sort of thing.

There have been awful failures of the government, resulting from ideology. Ideology, like extreme faith or fundamentalism, is always profoundly flawed. The sale of the properties that belonged to the Commonwealth has just been a grotesque loss of public assets. What they have done is flog off properties cheaply and then lease them back at enormous profit to the new owners of those properties. It has been a great loss to the people of Australia.
I often note, in my interactions with government senators, that they have far higher standards than the government itself. If you are dealing with a government senator on a committee on accountability or honesty matters, pretty well all of them have good instincts and values. But their government does not necessarily reflect that. I would say that if you look carefully at the record of this government in terms of accountability you will find that most things it has done have been forced on it by the Senate, and then afterwards it says, ‘That wasn’t so hard; that actually worked out pretty well for us and it sort of soothed matters.’

I can think of no better instance than the row about parliamentarians’ entitlements that went on for the first half of the government’s term and culminated in a wonderful report—and I publicly thank Senator Faulkner for the strength of his support on that—by the Auditor-General, who did the first audit of parliamentarians’ entitlements in 100 years. The result of that is that we have a markedly improved system of reporting, exposure and commentary by the government in that regard. That was because the Senate made them do it; then they realised it was good kit and they have actually done a very good job in improving all that.

There are areas on which the government just has not responded to the Senate. For instance, government advertising is an appallingly corrupt process. It is a rort and a scandal at its extremes. At its normal levels, it is perfectly acceptable. Once again, the Senate Finance and Public Administration References Committee, ably chaired by Senator Forshaw, has produced some outstanding reports, one of them on government advertising and another on staff employed under the Members of Parliament (Staff) Act. They go right to the heart of what I was talking about earlier, and that is corruption of process.

One thing that worries me about Labor is that, if Labor are going to claim higher levels of integrity and virtue in this area, you have to show your ability to do that in the states. And, in the states, there is no better government than the Commonwealth; they have the same practices. If you are going to go for the higher ground, which I would like you to do and I know some members of Labor would like to happen, you have to start showing that you can do it in the states and territories as well. But the Labor senators’ contribution to these committee reports—because mostly these are non-government party reports, with minority reports from the government—have been absolutely terrific in terms of basic principles, which the government is not observing.

Appointments are often not on merit and they are subject to patronage. That is a scandal which needs to be resolved. Freedom of information has become just a skirt over the body of secrecy and hidden matters which are increasingly kept from parliamentarians. Whistleblowing is discouraged. The Senate order for contracts has been a great success, in my view. The areas of electoral matters and political donations remain, I think, really corrupt processes, and they need to be resolved.

The question is of course: is it worse than it was under the 13 years of Labor that came before this government? Well, yes and no: yes, perhaps, in the sheer scale and effrontery of some of the abuses—far worse than Labor ever was on government advertising, for instance—but no in some other respects, where standards have been lifted because of pressure from the Senate.

If I were to summarise my attitude to this motion it would be this: I think government integrity and accountability is nowhere near the level it should be. I do not think it is so appalling that we should be ashamed, but it
probably rates, at best, five out of 10 and it really could be massively improved. I think there are scandals which involve rorts, waste and incompetence, but I do not see any corruption of individuals; what I see is a corruption of process. My own prediction is that, eventually, the Howard government will come undone because of the honesty issue, because of a lack of trust in politics, and not because of economic issues, which is what they have hung their hats on so far.

Senator FAULKNER (New South Wales) (5.34 pm)—As we know, today marks the 10th anniversary of the election of the Howard government. And what have we seen in those 10 years? We have seen 10 years of ministerial failure. We had the Prime Minister’s code of conduct, first released with great fanfare in 1996, hastily watered down once and then twice and finally junked. Let us recall a sample of those ministerial disasters—I only have 20 minutes so I cannot go through them all.

Minister Jim Short was forced to resign for failing to divest himself of financial interests in his area of ministerial responsibility. Industry minister John Moore was exposed for his shareholdings in technology investment and share-trading companies. Parliamentary secretary Brian Gibson lost his job because of a conflict of interest. Small business minister Geoff Prosser had massive share interests in a coalmine and in other resource companies; he stayed, in breach of the ministerial code. Acting minister for communications Peter McGauran forgot that he owned 70 poker machines. Employment services minister Mal Brough promoted training courses which were actually Liberal Party fundraisers. Industry minister Ian Macfarlane was involved in a complex scam to rort GST rebates from Liberal Party fundraisers. Aboriginal affairs minister John Herron kept up his practice as a surgeon, in breach of the code.

Mr Howard himself was found to be in breach of his own code when he failed to resign as a director of the Menzies Research Centre. Mr Howard misled the parliament over meetings he had held with ethanol producer Manildra’s boss—massive Liberal Party donor Dick Honan. It was eventually proved that the meetings did occur, and three weeks later the government increased trade penalties against a Brazilian ethanol producer. Parliamentary secretary Warren Entsch’s concrete company won a massive government contract in breach of the code. Peter Reith was appointed as a consultant to defence contractor Tenix immediately after resigning as defence minister. Health minister Michael Wooldridge signed a $5 million building deal for the Royal Australian College of General Practitioners and days later, after resigning as health minister, was employed by the college as a consultant. Senator Coonan, as Minister for Revenue, avoided paying a land tax. She was then exposed and forced to resign as a registered director of an insurance dispute resolution company operating from her own home.

Wilson Tuckey, then Minister for Regional Services, Territories and Local Government, heaved a state police minister on behalf of a family member. Parliamentary secretary Bob Woods retired from politics when he was under police investigation for travel rorts. Communication minister Richard Alston’s family trust held Telstra shares. Peter Costello, the Treasurer, appointed Liberal Party megadonor Robert Gerard to the Reserve Bank board despite being told by Mr Gerard that he was involved in a 14-year-long tax evasion dispute with the Australian Taxation Office. Three ministers—John Sharp, David Jull and Peter McGauran—were forced to resign as a result of travel rorts, waste and incompetence.
rorts involving false claims, mismanagement or cover-ups. Parliamentary secretary Bill Heffernan was forced to resign over fabricated claims against a High Court judge. We had all that and much, much more.

What else have we had over the past 10 years? Ten years of public policy failure. A partial—very partial—list would include the massive pork-barrelling of the $1 billion Federation Fund program; the scandal over the budget leak about MRI machines; the development of a culture of assumption and denial in DIMIA while Mr Ruddock was minister for immigration, which the Comrie report called failed, catastrophic and dehumanised; the wrongful and scandalous deportation of Australian citizen Vivian Alvarez Solon; the wrongful and scandalous detention of Cornelia Rau at Baxter detention centre; the utter incompetence of veterans’ affairs minister Danna Vale over roadworks at Anzac Cove; the rorting of the $500 million Regional Partnerships program, with massively disproportionate grants being allocated to coalition seats—not to mention the Tumbi Creek and Beaudesert Rail scandals under the same program; support for the training of scab labour in Dubai to work on the waterfront; and the use of dogs and security guards in balaclavas during the waterfront dispute, as waterside workers were sacked under the cover of darkness with the loss of all entitlements and, in some cases, personal possessions.

The Prime Minister introduced the GST after promising he never, ever would. The Howard government have sponsored many attacks on the independence of the judiciary and the courts, including repeated slurs by Senator Heffernan in this chamber and in Senate estimates. They scrapped the free Commonwealth dental health scheme for low-income people. They put back the cause of reconciliation irrevocably by refusing to say sorry to the stolen generations. They blurred the line between church and state by the disastrous appointment of Archbishop Hollingworth as Governor-General of Australia. Within days of coming to office the Howard government sacked six departmental secretaries and have since politicised the Public Service so that officials will never offer frank and fearless advice. In fact, the government have encouraged a culture where advice of any kind from a public servant is not welcome. They have increased government staffing of ministers and parliamentary secretaries from 293 when they came to office to 430 now, many paid above the salary range.

They cynically manipulated public sentiment about asylum seekers for political advantage. They refused to sign the Kyoto protocol to deal with our greatest global environmental challenge: climate change. They sponsored attacks from the former communications minister Richard Alston and from government backbenchers over alleged ABC bias while making partisan appointments to the ABC board. They introduced draconian industrial legislation to strip away the hard-won rights of Australian workers. They introduced the flawed Pacific solution, which has seen detention centres on Nauru and Manus Island remain open without any detainees. They have allowed an Australian citizen, David Hicks, to be held overseas without charge or trial for more than four years and left him to face a highly flawed tribunal process without making any efforts to ensure he will have a fair trial. Then there was the dithering over preferences to One Nation, giving succour, as a result, to Pauline Hanson and tacit approval of her racist views.

There was the billion dollar bungling of major defence upgrade and acquisition projects. There was the massive blow-out of $2 billion in the Commonwealth’s consultancies bill. There was the complete fiasco of the family tax benefit debt trap, which has
slugged millions of Australian families with over $1.5 billion in debts. There is the fiasco of child-care shortages and the broken promise of the government on the child-care rebate. And of course we have had the Minister for Health and Ageing, Tony Abbott, presiding over private health insurance premium hikes, which have totally absorbed the government rebate. We have also had the plunge in bulk-billing rates and the breaking of the health minister’s promise not to increase the Medicare safety net threshold. We really have seen 10 years of sleaze, deception and manipulation.

We would be here all night if I had time to list every sorry exploit of the Howard government, but I do not. A mere sample includes: National Textiles, the company headed by the Prime Minister’s brother, Stan Howard, which was bailed out by the government to the tune of $4 million; the infamous Peter Reith telecard affair; the lies and deceit of ‘children overboard’; and then this nation being committed to war in Iraq on the basis of faulty intelligence about weapons of mass destruction while the government claimed that they were not aiming for regime change in Iraq. But when the government’s claims about weapons of mass destruction proved false, of course regime change became the justification for the war in Iraq. Never before has an Australian government sent our troops to war and lied to the Australian people about the reason for doing so.

We had Federal Police Commissioner Mick Keelty heavied for doing no more than stating the obvious about the increased terrorist threat in Australia after our involvement in Iraq. We have had public servants and senior defence officers forced to take the blame over the government’s denials about their knowledge of the abuses at the Abu Ghraib prison. We have had an unprecedented amount of public money splurged in advertising campaigns—as the Auditor-General has reported—to promote Liberal Party policies in the lead-up to the last three federal elections when the Howard government was in office. We have even had the government write the name of the Federal Liberal Party into electoral legislation on 33 occasions to strip the Liberal state divisions of public funding. They even now use the parliament for their own dirty factional work.

Despite the farcical denials that we have heard about Senator Hill’s appointment, he is about to become the 18th former Liberal Party politician to be appointed by the Howard government to a plum diplomatic post. Mr Howard perverted the accepted definition of an election promise. He broke promises willy-nilly but just redefined those broken promises as ‘non-core’ promises.

What about the Nixonian leaking of a classified document to Andrew Bolt in order to politically assassinate its author, Andrew Wilkie, while not vetoing the leaker from contesting a Liberal Party preselection ballot? We also had a situation where Mr Howard’s government engineered the sleaziest of deals with a former Labor senator, Mal Colston, to promote Colston to the deputy presidency of the Senate in return for Colston’s vote on crucial legislation. How low can you go?

We had the unprecedented gagging of public servants before estimates committees just a week or so ago. Mr Howard himself, his senior minister, and his entire government have turned a blind eye to kickbacks paid to Saddam Hussein’s regime to ensure wheat sales. At the same time, we had Mr Howard self-righteously proclaiming that Saddam Hussein is a ‘loathsome dictator’. They turned a blind eye to our single-desk wheat exporter, who practically became the banker of the Baath Party in Iraq. They turned a blind eye. Who knows where that money ended up? Who knows what it paid
for? What we do know is that under the government’s own terrorist legislation, if someone acts recklessly and funds turn up in the hands of terrorists, the guilty party is subject to life imprisonment. You go to jail and they throw away the keys if you recklessly engage in an action under our terrorism laws where financial resources end up in the hands of a terrorist. Let us see what happens in relation to the Howard government, which has acted as Saddam Hussein’s banker.

Of course, all these sins mean nothing to the Howard government. After all, how can it repent what it cannot recall? This government, and its hand-picked sycophants, suffers from the worst case of collective amnesia in medical and political history. What are the bywords of the Howard government? ‘I cannot recall,’ ‘I don’t recollect,’ ‘I wasn’t informed,’ ‘I can’t remember,’ ‘I have no recollection of that.’ Best of all, we had Trevor Flugge of AWB fame claiming, as his defence, that he is hard of hearing. It seems to me the whole of this government is hard of hearing. It is certainly deaf to the cries of conscience.

Senator RONALDSON (Victoria) (5.53 pm)—What a sad day for Her Majesty’s opposition. February was going to be the month of the smoking gun and it has just petered out. We now have a clapped-out popgun to show for the ALP’s activities over the last month. The smoking gun became the clapped-out popgun. Clearly, what we have seen today is an opposition that is incapable of fulfilling its responsibilities to the Australian people. It is an opposition that in 10 years has not learned one lesson. Don’t you think that at the end of 10 years of a government you might have seen those opposite walk in here and talk about what their plan was for Australia for the next 10 years—a plan to get themselves out of opposition and into government? All we had was a pathetic group of speeches that showed the decline that the Australian Labor Party is now in.

Even the once great John Faulkner, who is clearly getting towards the end of his time, the man who was responsible for Cheryl Kernot, the man who nearly—and thank God he failed—had Mark Latham as Prime Minister of this country, was talking to us about government accountability. I will go back to one particular incident—I could talk all day about this—as I was there. Some said that I was actively involved, and it is not a comment that I will rapidly deny. It is the sports rorts affair with Ros Kelly. Senator Faulkner and others have got a gall to come into this place and talk about government accountability. How dare you talk about this subject. This is the party that with the backing of a Labor Party Prime Minister, for five months, tried to con the Australian people into believing that this was a minister who had done nothing wrong. At the end of five months, when Ros Kelly finally resigned, what did we find out about government accountability ALP style? We found out that Minister Kelly had gone down to the basement and, with four or five people, trundled out four or five blackboards and had written down on the blackboards the names of Labor marginal seats and beside them had written, ‘grants for sports facilities funding’.

That was the most obscene abrogation of ministerial and parliamentary responsibilities we have ever seen in this country. As was said at the time, Mr Squiggle must have written them up there because the minister apparently knew nothing about them. I vividly remember the look on Ralph Willis’s face when I produced a fax sent to him by Minister Kelly suggesting that he might want to get in touch with her very quickly because she noticed that he had some applications in for funding. How you have got the gall to talk about government accountability is absolutely beyond me.
I am sure others on this side have talked about it, but in the time left to me let us have a little discussion about Centenary House.

Opposition senators interjecting—

Senator RONALDSON—You pack of absolute con men! You are public con men, and you dare come in here today clothed in this large veil of decency. You are totally indecent in relation to Centenary House. Not once have I heard you apologise for ripping off the Australian people. This was the biggest heist in this country’s political history by a political party. Centenary House is going to shame you all until you go to your political graves. The interesting part is that you are slowly but surely all going to your political graves—Senator Ray is going, Senator Faulkner is going. The turnover of the ALP in the Senate is quite remarkable. You are not deserving of the title ‘Her Majesty’s opposition’. You are an absolute farce. To come in here today and talk about government accountability is a bit like the tooth fairy putting out a press release saying that Father Christmas is a farce. You need to have a good, long, hard look at yourselves and actually have a plan for this country rather than the sort of sniping that we have seen today. I actually feel a bit sorry for you because I think at this stage you are pathetic.

The ACTING DEPUTY PRESIDENT (Senator Brandis)—Order! The time allocated for this debate has expired.

DOCUMENTS

Commonwealth Ombudsman:
Department of Immigration and Multicultural and Indigenous Affairs

Debate resumed from 9 February, on motion by Senator Bartlett:

That the Senate take note of the document.

Senator BARTLETT (Queensland) (6.00 pm)—I would like to speak briefly to document No. 1, which deals with the inquiry into the Vivian Alvarez matter, the report by Mr Comrie and reports to the Minister for Immigration and Multicultural and Indigenous Affairs from the secretary of the department on the implementation of the recommendations of the Palmer report. There is a whole range of documents further down the list dealing with the Commonwealth Ombudsman’s reports into individual cases, and I might speak on a few of those later, but I think the opportunity needs to be grasped whenever possible to highlight just how appalling this case was.

I note the comments made by the Ombudsman to the Senate Legal and Constitutional Committee in its hearings examining this case. He said this was one of the more damning reports that the Ombudsman has produced about a Commonwealth department. He said it is about the most damning report that has been prepared. Some of the reports that he has produced about other individual cases are certainly not as comprehensive—they are only a few pages long—but they also provide some very horrifying stories. It is worth emphasising that sometimes there were suggestions in statements made by members of the government that the Cornelia Rau and Vivian Alvarez cases were oddities, rarities and exceptions that prove the rule. There are continual references to the huge number of visa decisions the department has to make each year and that, obviously, you will get a few of those wrong.

That is all true, but there is a difference between getting a decision wrong, inflicting monumental injustice on people, and having no regard for the suffering that that has caused. That is probably the worst aspect of this report. Beyond the incompetence, beyond the flawed interpretation of the act, the worst aspect was the total disregard for this person’s wellbeing and the appalling actions of a few departmental officials who, when they found out what had happened—that this
woman, an extremely ill Australian citizen, had been wrongfully deported from Australia and left on her own—ignored it and looked the other way. An extra two years of suffering occurred that would not otherwise have occurred.

That has to be emphasised as often as possible, because that is the absolute nadir of the culture of the immigration department at that time. I am ashamed to say that at least a couple of those people were from the DIMIA office in my home town of Brisbane. We have to ensure that such an attitude is completely and utterly eradicated. My concern, as I have said a number of times, is that until we change the act and some of the underpinnings of the government's policy we will not be able to change that culture and completely eradicate mind-sets like that.

I also emphasise another comment the Ombudsman made at that time when he said:

Nearly all of the problems of administration that are highlighted in the Alvarez ..., [report] have been raised in the past. The Ombudsman’s office, prior to my time, did an own-motion investigation, for example, on the conditions in detention centres. The human rights commission did a report a year or so ago on children in detention.

As our annual report indicates every year, there are problem areas such as record keeping; lack of clarity in memoranda of understanding ... issues about the adequacy of medical and health diagnoses in detention centres ... the regularity of visits by mental health professionals ...

He went on to say that there were problems with compliance and missing notebooks, problems with people not being fully cognisant of the legislation and privacy being used as an inappropriate obstacle to the circulation of information. They are all quotes from the Ombudsman about issues that have been raised, as he said, in their annual reports every year, and many other reports as well, including Senate committee reports. The real problem is not that the government did not know what was happening; the real problem is that, like those public servants, they were told what was happening but they ignored it. These sorts of injustices are the consequence.

Question agreed to.

Northern Territory Fisheries Joint Authority

Debate resumed from 9 February, on motion by Senator Siewert:

That the Senate take note of the document.

Senator STERLE (Western Australia) (6.05 pm)—I rise to take note of government document No. 4 listed in the Notice Paper, titled Northern Territory Fisheries Joint Authority: report for 2002–03. On 17 February, I spent the day with the Bardi community of One Arm Point in the Kimberley region of Western Australia. I went to One Arm Point with a delegation of my colleagues. The task force was in the Kimberley the week before Minister Abetz, and we met with many of the same people Minister Abetz did.

The reason I want to share my experience is that, although the minister was able to find 45 minutes to meet with representatives from One Arm Point while he was in Broome, he did not find time to visit the community itself. In the newfound spirit of friendship and cooperation that Minister Abetz called for in question time on Tuesday, when he kindly asked for the opposition’s assistance to help him do his job, I will share with the Senate what I learnt to help Senator Abetz as he attempts to fix the mess left by his two predecessors.

I was truly inspired by the people I met, who are the traditional owners of what would have to be one of the most beautiful parts of the world. The Bardi are a proud and industrious people. Through their spokesman, Mr Andrew Carter, the Bardi people told us that they do not want sit-down money or to have to rely on the CDEP. The Bardi people want
economic independence, real industries and real jobs. And, to their credit, they are getting on with the job of creating these industries, albeit without the assistance of the Howard government.

While I was there I was taken on a tour of the trochus hatchery that the Bardi people have installed adjacent to the township. This aquaculture project is run by members of the community employed through CDEP. A young man by the name of Michael Hunter, who is employed to work on the project, gave us the tour. Michael was proud of the work he was doing and shared in great detail the success he and his community are having at spawning trochus and breeding various species of fish in the hatchery.

As traditional owners and protectors of the trochus fisheries on Brue Reef, the Bardi people collect around 15 tonnes of trochus a year. The community’s licensed pickers are careful to leave small and large trochus to ensure the sustainability of the fishery and they reseed the reef with the trochus they farm in their hatchery. Just to give you an idea of the hard work that is involved in picking trochus, it takes 40 people a whole day to collect around 500 kilograms of legal sized shell. This yearly catch is cleaned and polished by the Bardi people in a workshop on the community. As their highest quality product comes from one of only three trochus fisheries in the whole world, the Bardi have a strong export market for the polished shells, which are sold to the fashion industry in Italy for the manufacture of buttons. This harvest earns the community an income of around $85,000 a year. The money they earn is set aside to pay the next year’s wages for the trochus pickers and the remainder is reinvested back into the community.

The tragedy for the Bardi people is that Brue Reef has been raided a number of times by Indonesian illegal fishermen, which has had a devastating effect on the Bardi’s trochus fishery. To put these raids into context, just one three-tonne raid from an Indonesian illegal fishing boat takes one-fifth of the entire community’s take for a year. And, because the Indonesian illegal fishermen strip the reef bare by taking everything that moves, the reef must be reseeded and allowed to rehabilitate before the Bardi can recommence their harvest. When a reef is stripped bare it takes at least three years to rehabilitate, which represents three years of lost income to the community.

The tragedy is that here is an Indigenous community that is working hard and trying to become economically self-sufficient and create sustainable industries and real jobs for their community so they can get off sit-down money and the CDEP, but they have been let down by the Howard government’s inability to police Commonwealth waters. Luckily for the Bardi people, Jon Ford, the Western Australian fisheries minister, did not sit idle in the face of this onslaught like Senator Abetz’s predecessors did. Minister Ford directed the Western Australian Department of Fisheries to reallocate resources and officers to make the eight-metre patrol vessel, FD10, available to the Bardi community to conduct marine patrols off the reef platforms of King Sound and Brue Reef. This has been necessary because, despite the repeated requests by the Western Australian government for the Howard government to do its job, wave upon wave of illegal fishermen—

Senator Ian Macdonald—I raise a point of order, Mr Acting Deputy President. This is a very interesting speech, but the document that we are talking about is the report of the Northern Territory Fisheries Joint Authority. This senator is talking about something that is happening in Western Australia and I am not sure of the relevance of this particular issue.
The ACTING DEPUTY PRESIDENT (Senator Brandis)—Senator Macdonald, I think the speech is probably on the border line and I will direct Senator Sterle’s attention to the document.

Senator STERLE—Thank you. I was fortunate enough to go out on the patrol in the FD10 with a Western Australian Fisheries officer and a member of the Bardi Sea Rangers by the name of Robert Chulong, who is employed by the Bardi community to work on the vessel. I can understand Senator Macdonald’s interest in this part of the world. I was able to see first-hand the knowledge Robert had of navigating the shallow tidal waters and rocky outcrops off the northern coast of One Arm Point. (Time expired)

Senator IAN MACDONALD (Queensland) (6.11 pm)—I actually came into the chamber to speak about the Northern Territory Fisheries Joint Authority and I have been delayed five minutes by someone talking about a Western Australian matter. Interesting though it was, it was completely inaccurate—as most of Senator’s Sterle’s contributions are when they relate to fisheries matters. What Senator Sterle clearly indicated in his presentation is that this particular fishery is a Western Australian fishery. If the Hon. Jon Ford, the minister whom he so highly regards, is doing such a great job, why isn’t he out there policing a Western Australian state fishery? Why isn’t he doing that?

But I am distracted from the issue before the Senate by the previous speaker, who did not refer to it once—that is, the *Northern Territory Fisheries Joint Authority: report for 2002-03*. That report does make interesting reading, but it highlights some of the problems to which Senator Sterle was advertising—that is, the illegal Indonesian fishermen. It raises with me the thought of the Indigenous rangers in the Northern Territory who have for some time been seeking some assistance from the government to join in the fight against the illegal fishing by Indonesian fishermen. That is a very worthwhile offer by the Indigenous people, and it is one which the government will be seriously considering. We have for some time been waiting for a submission from the Northern Territory minister. I understand that subsequent to my departure from the portfolio that submission has arrived. Of course, at the moment it is nothing that I will be able to directly have an influence on, but it is certainly something that I would urge the government to seriously consider.

I think the Indigenous rangers do have an ability to help in the fight against the illegal fishing. The Howard government has put massive resources into the fight against illegal fishing. I made a prediction a few months ago that we would win that fight within a couple of years—the same as we have won the fight in the Southern Ocean against the pirates of the Patagonian toothfish. It will take time and a lot of effort and we will need some more resources—and I will speak about that at some other opportune time. But the groundwork and the framework are there to win that battle. Most importantly, the work that has been done with Indonesia, I think, will be very useful in winning that battle in the months and years ahead.

I was delighted to read in the newspaper that Mr Downer has again been to Indonesia—that is twice in as many months or perhaps twice in three months—to talk to the Indonesian government about getting them on board to help resolve this issue. People like Jon Ford and Senator Sterle get up and make political points about these issues but never have any real solutions. The real solutions are being put in place by the Howard government, and the most prominent and most important amongst them is the cooperation of the Indonesian government.
It is a problem for Indonesia. Senator Sterle and Mr Ford would not have a clue about international diplomacy or the way international matters work, nor would they realise the difficulties the Indonesian central government has in addressing this particular problem. It involves provincial governments and local governments and it is a problem which in the past the central government, with whom the Australian government deals, has not focused upon. I have to say that has now changed, and both the foreign minister and the fisheries minister, a Papuan, are very focused on this issue. Their joint work with the Australian government will see us win that battle—and I have predicted within two years. I am very confident that we will do that. People laughed at us when I predicted that we could win the battle against the Patagonian toothfish pirates: that has now been achieved. Within two years, we will achieve the same success in the north of Australia.

Senator O’BRIEN (Tasmania) (6.16 pm)—I know this is about the Northern Territory fisheries but I wanted to share some material that I received in an answer to a question on notice. It talks about identification of fish types intercepted on illegal foreign fishing vessels fishing in the Australian fishing zone along the coasts of Western Australia, the Northern Territory and Queensland. I think they demonstrate the magnitude of the problem. In 2002-03, according to the answer that I have just received from the minister, there were 60,471 kilograms of fish and 290 sharks identified in the vessels which had been intercepted. It is interesting to wonder how many kilograms or tonnes of fish were on the vessels that were not intercepted and how many sharks were captured by those vessels.

In 2003-04, there is a significant decline in the amount of fish found on intercepted vessels: 1,929 kilograms, a dramatic reduction—a 30th of the amount discovered the year before; but the number of sharks found to have been taken by those vessels rose from 290 to 1,415. When we come to 2004-05—and remember that it has been estimated that we were intercepting only one vessel in 10 that was spotted by Coastwatch in the Australian fishing zone in that time—the fish intercepted rose back up to 52,953 kilograms, that is, nearly 53 tonnes of fish; and the number of shark had risen to 1,789. It does not take much imagination to extrapolate that, if we are intercepting only one vessel in 10, then statistically it is probable that 500 tonnes plus of fish were being taken from the Australian fishing zone in those northern Australian waters and nearly 18,000 sharks were being taken from that fishing zone in that year alone.

They are very alarming figures. The department could not make that extrapolation and they gave me a lengthy answer as to the work they are attempting to do to put in place measures which will allow them to make the extrapolation. Looking at the material they have provided, I would be surprised if they could make an accurate extrapolation any time soon. I wonder, given Senator Macdonald’s intervention, whether the diplomatic efforts that he spoke about will be of any greater assistance in discovering the magnitude of the catch landed in Indonesia, for example, taken from Australian waters. If the figures are anywhere near the numbers that I extrapolated from those given to me in the answer provided by the minister, something in excess of 500 tonnes of fish and somewhere in the vicinity of 18,000 sharks were taken from the Australian fishing zone in those northern waters in the year 2004-05 alone.

We are seeing, on all of the evidence, an increase in effort and the discovery of larger vessels which are almost mother ships for smaller fishing operations, indicating a dramatic increase in the level of the catch taken.
We see those figures bounce around, but 500 tonnes of fish and 18,000 sharks taken from those waters, I suggest, will have a dramatic effect on the fishery. It is no surprise that the fishing industry in northern Australian waters is so alarmed by the predation on the fishery and that it has taken this government so long to do anything about it. It is time not to project that we are going to have a result in two years but to talk about getting a result sooner. If these figures continue, there will not be much to take from the fishery in the future. I seek leave to continue my remarks.

Leave granted; debate adjourned.

National Water Commission

Debate resumed from 9 February, on motion by Senator Siewert:

That the Senate take note of the document.

Senator IAN MACDONALD (Queensland) (6.21 pm)—I wish to take note of document No. 3, the National Water Commission report. In doing so, I want to highlight again to listeners and readers of these very enthralling debates the Australian government’s water fund, which involves some $2 billion that the Australian government will be investing in water infrastructure to improve water management and practices in the stewardship of the country’s scarce water resources—a very creditable initiative of the Howard government, another initiative which will not only help in saving that scarce commodity but also be very important to Australia’s continued growth, particularly in rural and regional parts of Australia.

During the week, I had the opportunity of meeting with a delegation from the Hughenden area of Northern Queensland. For those senators who are not familiar with the geography of Queensland, Hughenden is roughly halfway between Townsville and Mount Isa. It is important cattle-producing country—it also produces goats and sheep—and could produce a great deal of agriculture were water permanently and readily available. The Hughenden council and the community there have had an application in for a water storage facility for many years now, but they simply cannot get through the red tape of the Queensland government’s water allocation management plan. These management plans have been under consideration now for years. I cannot recall how long they have been going but it is many years, and nothing seems to happen within Queensland. It is pretty much the same as the health situation in Queensland, only not quite as dangerous to human life. But it is one of these things where inertia just seems to set into the Queensland government. They are incapable of making any sort of decision. This proposal by the Hughenden council—and there has been a similar one by the Richmond Shire Council a bit further west for the same thing—has been held up by the inability of the Queensland government to make a decision on this or indeed, as I say, anything else.

Those communities do have carefully thought through plans for water storage—plans that would result in a real backing for the industries in those areas and for the communities that are supported by those particular industries. These communities would like to be part of the federal government’s National Water Initiative. They would dearly like to access some of the funds that might be available. But they cannot get past first base, because of the Queensland government. I would urge the Queensland government to start making some decisions.

The only decision the Queensland government has made up in that part of the world as it relates to water is to absolutely ban any activity on a lot of the rivers that run into the gulf—rivers that for most of the wet season are absolutely chock-a-block with water. The Queensland government has passed wild rivers legislation in an attempt to garner the second preferences of the latte
greenies in Brisbane’s leafy suburbs. They have introduced and passed this legislation that affects only those people right up in the gulf. It will have a disastrous effect on those people. But there are only a couple of hundred that it affects and it is out of sight, out of mind for the George Street, Brisbane government that we have in Queensland, a government that is interested only in the politics of any situation and not interested in the lives of those people who live in more remote parts of the state whose wealth and economic future depend upon sensible management of our natural resources. I would certainly urge the Queensland government to start making some serious decisions on their water management plans so that communities like Hughenden, Richmond and many others in the north can actually get going and get to work on the very sensible and sustainable water management proposals they have in hand.

Senator BARTLETT (Queensland) (6.26 pm)—I rise to speak on the report from the National Water Commission from December 2004 to 30 June 2005. I was going to make a few comments in praise of statements by the federal government with regard to water issues but, before I get too positive, I will disagree with a bit of what Senator Ian Macdonald has just said with regard to the wild rivers policy of the Queensland government. I am as comfortable being critical of the Queensland government as he is but I think that is actually a quite beneficial policy, not just environmentally but long term for ensuring sustainability for the Far North of Queensland.

Having voiced that contradiction, let me turn to praising something someone from the government said. Mr Turnbull, the new parliamentary secretary who has responsibility for water policy, was reported as saying that he believed that towns and cities would be forced to use recycled water for drinking in the future because of shortages, whether they were brought on by climate change or by other things. He gave his support to the use of recycled water and the introduction of it into the drinking stream—with proper safeguards, of course. I think this is a very welcome sign from the minister.

I also note that the chairman of the National Water Commission, who was speaking at a water conference in Brisbane, which I think was earlier this week, also made a comment that recycling of water, including into the drinking stream, is workable and something that needs to be considered much more strongly. That is something that I also agree with. I think we need to be putting much more effort into this. There is no one single solution to addressing water issues, whether they be urban water shortages or water use in rural industries, but certainly in the context of urban water usage I believe recycling of water is something we could do much more, not just for drinking but also for industry and for plenty of other uses as well where the water does not necessarily need to be treated back up to such a high standard.

I have spoken before in this chamber about the vision and the political strength of the Mayor of Toowoomba, Di Thorley, and the Toowoomba City Council in their determination to look long term and to recognise that that city will simply not be able to function in a couple of decades time because of serious water shortages—they already have serious water shortages—unless they do something significant. They are planning to build a very high-quality water retreatment plant. Ironically, after cleaning the water up to a quality not just high enough to drink but high enough to use in dialysis machines, they will then put it back in the dam which will make it much dirtier again. But I guess that is part of addressing the public perception issues that are still there.
It is important that we have political leadership on these issues. I point to the very poor leadership shown by the New South Wales government in refusing to accept and examine options for recycling water purely, according to statements by people like Minister Sartor, on the grounds that people would not accept it, so they should not do it. That has to be the weakest excuse I have heard. It is worth noting, as has been pointed out, that in many respects parts of Sydney’s drinking water system already involves people consuming recycled effluent. To quote from a report from last year, when a washing machine is:

… drained in Katoomba the water eventually—after being treated—makes its way to taps in Richmond and Windsor...

This is because it is treated and put back into the rivers, it flows down the rivers and goes into another catchment from which it is taken for people to drink after it has been treated again. So, in effect, it already happens and it is something that we should be doing a lot more of.

It is an area in which the Queensland government could do a lot more as well. The Brisbane City Council, instead of wasting its money on stupid road tunnels, should do something about repairing that city’s crumbling water infrastructure, which wastes enormous amounts in leakages each day. That is an area where there is a lot more to be done. Brisbane and south-east Queensland are areas that could benefit from significant investment in recycling of water, and we need to see some leadership shown at local council and state level, hopefully with the federal government kicking in support.

Senator HOGG (Queensland) (6.32 pm)—I did not intend to participate in this section of the debate but I think it raises a very important issue, as Senator Bartlett has said. Whilst it was quite providential for Senator Ian Macdonald to have a go at the latte greenies, I did not know that the greenies were on latte. That is something new. I reject the notion that the Labor government in Queensland is a George Street government. The Beattie government has shown that it is prepared to get out into the rural and regional areas. It has cabinet meetings in rural and regional Queensland. Only recently, it had a meeting in the Bundaberg area. I think anyone would take their hats off to the Beattie government for the initiatives it has in its civic cabinet meetings, in which it involves the local people.

It has been rightly identified that there is a water problem in the state of Queensland. I do not think there is any doubt about that at all. But the one thing that no government, regardless of its persuasion, can do is make it rain. There has been a critical shortage of water in Queensland over a number of years, brought about in part by the distinct lack of rain in the south-east corner in particular. Mr Acting Deputy President Brandis, you are probably only too well aware that whilst the rain is falling on the coastal regions, it is not necessarily falling in the catchment areas. That is the real nub of the problem.

Servicing the Brisbane area alone, there are two major dams, Somerset and Wivenhoe. The problem that the Brisbane area is experiencing has come about purely and simply because there has been insufficient fall in the catchment area to raise the level of those dams. But that does not mean that initiatives should not be taken and do not need to be taken to look at the proper recycling and reuse of water. I believe that will take some time to come to fruition, but it will also take some time for the public to accept that the need is there.

I think, and I am sure Senator Bartlett would agree, that it has taken some time for
the people in Brisbane to become used to the restrictions that we face at this time. Having come to grips with that, they are modifying their behaviour in such a way that the resource is being used more frugally. Even in my own home, from the water rates that we get on a quarterly basis, we can see the diminished use that we have over the previous year at any one point in time.

I believe Australians, and particularly those in south-east Queensland, are becoming water conscious. I think there has to be a cooperative attack on the water shortage problem in the future even if it does rain substantially—as I understand it has this week in Queensland—at the local, the state and the federal government levels to ensure that the resources are put into water management such that the population explosion that we are experiencing in south-east Queensland will be able to live there in reasonable peace, comfort and style. Unless there is a concerted and coordinated approach there we will have different tiers of government fighting each other about who owns the problem, what the problem is and how the problem is to be resolved. I look forward to a cooperative spirit in this area to ensure that the standard of living expected by many people in the populous area of south-east Queensland can be maintained over a long period of time.

Question agreed to.

Employment Advocate

Debate resumed from 9 February, on motion by Senator Siewert:

That the Senate take note of the document.

Senator WORTLEY (South Australia) (6.36 pm)—The Office of the Employment Advocate annual report 2004-05 states that small business employers agreed that the introduction of AWAs had improved the flexibility of their business and had improved competitiveness. What the report does not say, however, is how these so-called Australian workplace agreements impact on Australian workers and their families. In the past two weeks in my home state of South Australia we have had an example of where this government’s extreme changes to industrial relations legislation are really taking us and, unfortunately for many working Australians and their families, the future is not secure, nor is it bright.

Workers at a Naracoorte meatworks in the state’s south-east wanted to negotiate an enterprise agreement to replace the Australian workplace agreement that they had been on—a workplace agreement that many of the workers were not happy with. But the company liked the agreement and they did not want to make the changes, so they refused to meet with the workers and their nominated representative, the Australian Meat Industry Union, to discuss the changes to the existing arrangements—the existing AWAs. Instead, the workers were given a deadline to sign a new AWA without the employer listening to their concerns, without changes and without the conditions outlined in the report. Many of the workers signed the AWAs for fear of losing their jobs or of being locked out. They had mortgages to pay and they had families to feed. But approximately 20 of these workers stood their ground and they refused to sign, and so their fears were met—they were locked out.

The dispute was further complicated by the presence of approximately 30 Chinese workers believed to be working under the visa 457. These visas are supposed to be issued when the labour supply has been exhausted in a region and only to workers for designated skilled jobs. The problem is that these workers are allegedly doing packing and other labouring jobs—not the designated skilled jobs the company says they have been employed to do. If they are not carrying out work for which they gained their visas, one would have to ask the question as to whether
these workers, brought out to do a designated skilled job, are in fact being paid the proper rate in accordance with the issuing of the visa. The abuse of visa 457 is seeing skilled people in Australia being overlooked for work because the visa’s abuses allow working conditions to be undercut.

Approximately 260 kilometres down the road we have the meatworks at Murray Bridge, a town where recently 150 local workers lost their jobs when a local factory closed down. Again at this meatworks we have workers employed on AWAs and again there are nearly 200 workers from overseas, allegedly working on visa 457 for designated skilled jobs. The changes to the industrial relations laws that this government has forced through mean workers in my state and in the rest of Australia are being forced onto Australian workplace agreements.

The Howard government spent millions of dollars of taxpayers’ money on trying to convince the people of Australia that the Work Choices bill was a good thing. I am hearing from workplaces that there is no choice: sign the Australian workplace agreement or you are locked out; sign the AWA if you want the job. The Howard government has let Australian workers down. AWAs—thrust upon workers without negotiation, without proper representation, without choice—are hurting Australian families. Their freedom of choice has been removed. The current situation in South Australia, and I understand at other sites elsewhere in Australia, is a sad reflection on this government and is one that the workers and their families will not quickly forget because the impact and the effects may well prove to be generational.

Question agreed to.

Department of Immigration and Multicultural and Indigenous Affairs
Debate resumed from 9 February, on motion by Senator Crossin:

That the Senate take note of the document.

Senator FORSHAW (New South Wales) (6.41 pm)—I rise to take note of the Department of Immigration and Multicultural and Indigenous Affairs Report for 2004-05, and in doing so I want to particularly refer to a recent debate in the media regarding immigration issues. I particularly want to refer to the comments that were made on 13 February this year by the member for Hughes, the Hon. Danna Vale. Those comments were made in relation to the debate that was then ensuing on RU486. I think everybody in the chamber—and just about everybody in the country—saw those comments that were made at a news conference by Mrs Vale and shown on TV footage later in the day and subsequently. I remind senators of the comments that were made by Mrs Vale:

I’ve actually read ... comments where a certain imam from the Lakemba mosque actually said that Australia’s going to be a Muslim nation in 50 years’ time. I didn’t believe him at the time, but you know when you actually look at the birth rates and when you look at the fact that we are aborting ourselves almost out of existence by 100,000 abortions every year ... You multiply that by 50 years, that’s five million potential Australians we won’t have here. I found those remarks totally outrageous and offensive. Also, factually they were just completely wrong. I put out a media release and was also interviewed by the local newspaper that circulates in the electorate of Hughes and in the surrounding areas. I happen to live in that area. The newspaper is the St George and Sutherland Shire Leader. In my comments I described those claims as factually wrong, as offensive and disgraceful, and I stand by those comments.

In my media release, I said:
The claims are factually wrong. According to the most recent census only 1.5% of the Australian population are Muslim. Further, the overwhelming majority (85%) of new settler arrivals continue to come from non-Muslim countries with the United Kingdom and New Zealand providing the largest intake each year.

What is particularly disturbing about the comments that were made by Mrs Vale at the time is that they introduced the issue of race and religion into a debate which was a conscience vote in this chamber about the availability of RU486. That in itself was totally inappropriate. Frankly, we are all amazed as to why that happened. Indeed, the member for Lindsay, Miss Jackie Kelly, was totally amazed and commented, ‘Danna’s on her own on this one.’ I want to deal with the facts of the issue. I was very pleased when a day or two after those comments were made I received correspondence from the Minister for Immigration and Multicultural Affairs, the Hon. Amanda Vanstone—

The ACTING DEPUTY PRESIDENT (Senator Brandis)—Order! The time for this debate has now expired.

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

Leave granted; debate adjourned.

Consideration

The following order of the day relating to government documents was considered:

Department of Foreign Affairs and Trade—Report—Weapons of mass destruction: Australia’s role in fighting proliferation: Practical responses to new challenges. Motion of Senator Siewert to take note of document agreed to.

COMMITTEES

Finance and Public Administration References Committee

Additional Information

Debate resumed from 1 March, on motion by Senator Forshaw.
much of an interest in trying to ensure that those works were being carried out in an appropriate manner. It all spilled out when some bone fragments were found. That led to media publicity and claims that they were human remains. That in turn led to a cessation of the works whilst hurried talks were arranged between the Australian and Turkish authorities to try to sort the issue out.

One of the myths that is put about here is that, because Gallipoli is part of Turkey, this work falls under Turkish sovereignty and, as such, we really do not have any influence or power at the end of the day. I cannot deny that this is Turkish sovereign land. We are in many respects treated as guests of the Turkish government. They certainly go to great lengths to ensure that the Anzac Day ceremonies that take place there—and I have been honoured to have attended and participated in those ceremonies—are conducted with the greatest of respect and honour being paid to all the fallen on that peninsula, whether they be Turkish, Australian or from whichever other nations fought at the time.

What is also true is that there is a treaty called the Treaty of Lausanne, which was entered into after the end of World War I and which Turkey is bound by. It contains provisions that require the nation where the battlefields and war graves are located—in this case, Turkey—to meet certain obligations with the maintenance of those war graves. In that respect, countries such as Australia, the United Kingdom and New Zealand, us through the Commonwealth War Graves Commission, have a major role to play in what work is ultimately done on that peninsula and how those memorials, grave sites and other facilities are maintained.

So you simply cannot dismiss this issue by saying, ‘Well, at the end of the day, Australia really couldn’t do anything to solve the problem.’ That is just fallacious nonsense. Unfortunately that was put forward. I might say—and I have spoken about this before—that when we tried, during this hearing, to get some detail from the Department of Foreign Affairs and Trade as to the application of this treaty, we were denied that information. Firstly it was denied to us because it was said that it is legal advice and we were not entitled to ask for it. And, when we pointed out to the department that that was an erroneous argument and that we were entitled to ask for it, the next response was: ‘Well, there is a longstanding practice that we don’t provide this advice; therefore we are not going to give it to you.’ So they changed the reason for not giving us the advice but they still declined to give it to us.

Of course the real point here is that the second reason is nonsense as well because there is no longstanding practice. In fact, there is a joint committee of this parliament, the Joint Standing Committee on Treaties, which does this very sort of work. It looks at the provisions of international treaties that Australia may enter into. It follows that we as a parliament are entitled to be given advice on the intended application of treaties.

The other point I wanted to make, which has come about subsequent to the publication of this report but is very relevant to it, was that a committee of the UK parliament also has considered this matter. I want to read into the Hansard a letter from the Chairman of the All Party War Graves and Battlefield Heritage Group, which consists of members of both houses of the UK parliament. The chairman of that committee is Lord Faulkner of Worcester. He writes to the secretary of our committee, and this has now been made public as a document of the committee:

I am writing to you in my capacity as chairman of the All Party War Graves and Battlefield Heritage Group (APWGBHG), which consists of Members from both Houses of the UK Parliament. The Group exists to support the Common-
wealth War Graves Commission, and to further educational programmes aimed at increasing knowledge of battlefield heritage, to support the conservation and promotion of such heritage, and to encourage best practice in multi-disciplinary battlefield archaeology.

My All Party Group has taken a strong interest in the recent developments at Anzac Cove and associated areas on the Gallipoli Peninsula. On behalf of the Group I have made at least three enquiries of both the Australian and New Zealand High Commissions in order to obtain a clearer view of the potential risks and damage to the archaeological and cultural heritage of the Gallipoli battlefields. I have also sought the views of the Commonwealth War Graves Commission. Having taken advice from experts in the UK, Australia, and on the ground in Gallipoli, my Group had been concerned that the construction works were of a scale likely to damage the integrity of this most sensitive of all battlefields.

I am gratified that an inquiry into the matter of the road construction at Anzac Cove has been carried out promptly, and note its comments regarding the damage to the Anzac battlefield. The results of your inquiry were discussed at the last meeting of the APWGBHG. These results confirmed the advice we had received regarding damage, and are therefore of some concern to my Group.

However, I am convinced that the summary recommendations achieved by your inquiry are highly appropriate in order to safeguard the Anzac, and indeed other battlefields of the Gallipoli Peninsula. As such I write to offer the continued support of the APWGBHG in the furtherance of the conservation of these most historically significant battlefields.

Yours sincerely, Richard Faulkner

I think that says it all. The joint committee of the UK parliament has supported the recommendations of this Senate committee.

Senator BARTLETT (Queensland) (6:57 pm)—I will try not to take up my full 10 minutes, but I think that this is an important matter and that the extra information that was tabled contains further worthwhile material for people to examine. There are a few aspects of this issue of roadworks at Gallipoli peninsula, specifically at Anzac Cove. Firstly, there is no doubt that it is significantly noticeable. I had the great fortune and privilege to be able to visit Gallipoli towards the end of last year—in a delegation headed by the current Acting Deputy President, Senator Ferguson—and get a very good look at parts of the Gallipoli battlefields. It is quite a large area, so we did not get to look at all of it, but we certainly looked around the Anzac section. There is no doubt that the roadworks make a significant and fairly noticeable cut into the slope of the hill.

I suppose the most important aspect from here on is to recognise that what has been done has been done. Also, I think that it should be said that some degree of roadworks was probably necessary for public safety, given the way the park operates at the moment. I think the big problems with what occurred were that the work was not done as sensitively as it could have been done—it was a bit crude—and also the refusal of the relevant ministers in the federal government to acknowledge that they were involved in it. So we had this continuing obfuscation and running out of the line: ‘Oh, well, it is all up to the Turks. We can’t do anything about it.’ Obviously, at the end of everything, it is up to Turkey what they do with their own land. But we as a nation, as a government, do have input into what happens there and the Turks, quite laudably, enable Australia to have input into what happens in that area.

Clearly, we were involved in requesting the roadworks and were aware they were going to happen. It was the refusal to acknowledge that, and the continual red herrings to distract attention from that, that I found most frustrating. I think the roadworks were less than ideal and the process was less than ideal. As Senator Forshaw just said, that is an opinion shared by others from the UK,
who we could suggest have perhaps a bit more of an impartial view than any of us in this chamber.

The big issue is where we go from here with the whole Anzac Cove area and, indeed, the Gallipoli peninsula itself. That is something that I think more attention needs to be paid to, rather than having a continuing political controversy about the roadworks and doing a lot of finger pointing about that and ignoring the whole future of the Gallipoli peninsula and the Anzac Cove area. There are significant issues that really do need to be tackled. And there is work being done on those; I am not suggesting that there is not. But I think there needs to be more acknowledgement of and greater priority given to what needs to be done, greater recognition of some of the challenges that are coming and less sensitivity about the concerns that people rightly have about whether the area is being properly protected.

While it is not always acknowledged in Australia, it has to be emphasised that the Gallipoli peninsula is immensely significant to the Turkish people as well. It is not so much Anzac Cove; they are more interested in the top of the ridge line where all the Turks were, repelling the Australians, rather than where the Australians ran onto the beach and up the hills. Nonetheless, the whole area was the site of the slaughter of many Turks, over 100,000 from memory—enormous carnage. The site is also very significant in the development of what one might call the mystique surrounding the modern Turkish republic’s founder, Kemal Ataturk. So it is not as though Turkey does not care what happens there.

It has to be said that the battlefield in many ways has been significantly altered—it has been over 90 years now—and not just because of the passage of time. Sadly, that includes cemeteries, monuments and roads all across the battlefield. It is simply not realistic to suggest that the whole place can be kept in some sort of time capsule, the same as it was in 1915. The beach itself of Anzac Cove has changed dramatically. It is much shallower now than it was 90 years ago. A bit of erosion from the roadworks may have contributed to that, but it was certainly already the case anyway. So we have to acknowledge that and recognise that we cannot keep it in a time capsule.

Another aspect of this issue, a point that I like to emphasise whenever I get the opportunity, is the future management of the area. The numbers of visitors to the Gallipoli peninsula have skyrocketed in recent years. The high numbers of Australian visitors are well noted and there are growing numbers of Turks visiting. Those sorts of visitor numbers put enormous pressure on the site, particularly around Anzac Day, of course, when there are hordes of people all over the place for the dawn service and the like.

What I believe we need to look at is shifting it away from a place that people can drive all over, where buses drive in and out and all over the place, and moving towards setting up a visitors centre at the entrance to the park. Perhaps people could be ferried around on shuttle buses with commentary and interpreting services and those sorts of things. Some of these things have been suggested in the past and adopted up to a point, but for various reasons the infrastructure has not advanced as far as is desirable. I think that is where the effort needs to be from here.

I think it is important to recognise that our relationship with Turkey should be about a lot more than Gallipoli, but it does present a unique bonding opportunity for us and that very significant country. It is a good platform for Turkish attitudes towards Australians; we can start a little bit ahead of people from other nations because we already have that
positive appreciation of Australia from many of the Turks. Turkey is going through a very important period, including its potential entry into the European Union, a goal in which I hope very much it succeeds. It has an absolutely critical geopolitical role in the region as the bridge between Asia and Europe. It has a very significant role as a heavily Islamic country but one that is a secular democracy. It certainly has difficulties and issues that it has to work through; it could probably do with being a little less sensitive to criticism as well—in fact, it definitely could.

But it is in our interests as a country to make use of the advantages we have in our relationship with Turkey. Whilst that relationship has to be about more than just Gallipoli, Gallipoli is always going to be a key part of it. We should make sure for the sake of our future relationship, as well as out of respect for the memory of the many Australians who died there and the role that Gallipoli has in our nation’s psyche and history, that we do more to protect the Gallipoli peninsula into the future—not just Anzac Cove but the whole area surrounding it. I think we should also make it more accessible and presentable, so people can be more aware of the story and the facts surrounding the events there. As an aside, I take the opportunity to recommend Les Carlyon’s book Gallipoli, a history of Gallipoli. It is very insightful. Getting the truth out about what happens in war is not always easy, but I think we need to do that as well—not just the legends and the myths but also some of the facts, because they are very useful for us to learn from.

So I hope that in amongst all the political finger-pointing around this issue, some of it justified, we do not lose sight of the main game, which is the future protection of the entire Gallipoli peninsula and the opportunity to present it positively to future generations of Australians and, indeed, to future generations of Turkish people.

Question agreed to.

Foreign Affairs, Defence and Trade References Committee Report
Debate resumed from 9 February, on motion by Senator Hutchins:
That the Senate take note of the report.

Senator BARTLETT (Queensland) (7.07 pm)—This report was tabled towards the end of last year. This was the committee’s report into, in particular, Mr Chen Yonglin’s request for political asylum in Australia. I think it is important to ensure, once again, that we do not just look at the political controversy surrounding that incident but learn from the incident as well and look at ways to handle similar situations much better in the future.

One of the key aspects of this report was that it highlighted the problems with culture, not just within the immigration department but in some ways even more so in the foreign affairs department. I think that is very worrying. There is an understandable desire at government level in Australia to have a good relationship with China. That is obviously in our nation’s interests, and I support that. But it should not be at the expense of human rights. That is the concern that I have and it clearly came through in examining how this case was treated by the foreign affairs department—basically, very dismissively, without even an attempt to examine the facts behind the situation.

I think that is unacceptable, and it reinforces some of the problems with the wider government and Foreign Affairs attitude towards Chinese democracy activists in Australia—groups like Falun Gong, whom many senators would have seen out the back of Parliament House, on the road in, a number of mornings this week, not doing their usual
silent demonstration but doing a performance art demonstration of some of the torture and serious mistreatment that Falun Gong practitioners are subjected to in China. It is worth noting that because, although it might not be as high profile as the case of Chen Yonglin, it is an issue that is going to continue to come up. The Chen Yonglin case is relatively unusual, but there is no reason to suggest that people in his sort of position might not do something similar in the future. If so, we should certainly react better to them, as well as to other Chinese asylum seekers and dissidents, than we did this time.

It is worth noting that the statistics show that the largest nationality group of asylum seekers—people seeking protection visas and lodging refugee claims—in Australia, is Chinese people. Most of them come here on other visas—student visas, business visas or whatever—and then seek protection after they arrive, sometimes a while after they arrive. A proportion of those, not all, are people who claim to be Falun Gong practitioners, and some of those have been granted visas to date.

We cannot allow those sorts of decisions to be influenced by sensitivities about how the Chinese government might react to those sorts of claims. I have a real concern that those sensitivities do creep into some decisions, more so in the ones that are somewhat borderline. The problem can come through, with other political factors, when things are borderline. When you are wondering whether to give somebody the benefit of the doubt on an issue, factors such as those sensitivities can weigh in.

That is where the political culture coming down from government level can have an influence. Some of these cases are difficult; I accept that. I am not saying that everyone who lodges a claim should get a visa. They do need to be examined. Falun Gong practitioners themselves are concerned that some people might falsely claim to be practitioners as an easy route to a visa. Due to the way those practitioners structure themselves, it is not always easy to verify these sorts of things categorically. I recognise that they are not always black-and-white, clear-cut decisions, but we do need to make sure that wider political sensitivities do not enter into them. Given that Chinese people are now the largest group of refugee claimants in Australia, that is an issue we are going to have to continue to wrestle with.

I draw attention to a book, Refuge Australia: Australia’s Humanitarian Record, by Australian historian Klaus Neumann, who gave evidence to this inquiry. He has done a lot of work looking at the history of how Australia has handled refugee claimants since the lead-up to the Second World War, when it became an issue that Australia had to address. We had not seriously had to before. That history clearly shows, with regard to government officials defecting—the Petrov case being the most obvious example of that, but there are others as well—that politics has heavily influenced outcomes in a lot of cases. That is why we have had so few people accepted as defectors in Australia. We have probably had more claimants than people realise, although not for quite some time. Many of them were accepted but not specifically on the grounds of being a defector. We found other ways around the situation to give them other visas so that it was not seen as accepting defectors. In some cases, that was because of political sensitivities.

Frankly, I do not particularly mind, if somebody is seeking protection from persecution, what the name of the visa is, as long as we give them protection, as long as the visa gives them security, safety and access to the same entitlements as everybody else. In that sense, I am not being purist about it. But there are also cases, as that book demon-
strated, where politics influenced asylum claims and had a role in people being rejected, including, to use another contemporary parallel, people fleeing from West Papua into Australian territory in the 1960s.

Governments of all persuasions have done it before, and it is partly understandable, because relationships with foreign governments are part of what is important to Australia and our national interest. I am not suggesting they should not be, but we must make sure that basic human rights standards are not sacrificed. That is the risk, and I think this inquiry showed that it is a risk that is still very much current in the present day. Even with some of the changes that have happened in the immigration department, there are still significant problems. That is because the act itself and a lot of government policy approaches have not been changed. Until we change those, I do not think we will ever fully overhaul the culture in the way that is needed.

Question agreed to.

Consideration

The following order of the day relating to committee reports and government responses was considered:


AUDITOR-GENERAL’S REPORTS

Report No. 22 of 2005-06

Debate resumed from 9 February, on motion by Senator Siewert:

That the Senate take note of the document.

Senator SIEWERT (Western Australia) (7.15 pm)—I would like to continue my remarks on this report. I am very pleased that the ANAO has done this very important report. Leading by example and using purchasing policy is a very good way of not only setting an example about environmental practice but also practising what you preach. I am pleased that, as outlined in the report, ‘the Australian government has indicated that it aims to be at the forefront of environmental purchasing practice’, and the report goes on to list some measures.

I was grossly disappointed, when I read the audit report, to see that the government are actually not practising what their policy has in place. The report points out that Australian government agencies purchased goods and services to the value of $17 billion in 2003-04. That is a lot of money, and that is a lot of purchasing power that could be used to set a very good example by leading the way in environmental practices.

The report goes on to look at some of the key findings. It explains that chief executive instructions and internal policies, as you could imagine, are critical for ensuring that government officers practise environmental purchasing. Unfortunately, the report points out that half of the respondents indicated they did not have instructions or internal policies in relation to whole of life cycle costing. The report found:

In addition, less than half of respondents had references to minimising environmental impacts and compliance with government policies and targets. That is absolutely shameful. Here we have a government that claims that it aims to be at the forefront of environmental purchasing practices, and half the respondents do not have any references in their policies to minimising environmental impacts or compliance. The report goes on to say:
... 25 per cent of respondents commented that green procurement policy was not sufficiently clear or precise in terms of what is required ...
In other words, of those respondents that do have policies, 25 per cent of them are inadequate. That is extremely disappointing. When you go on through the report to look at environmental management systems—which are another key requirement for ensuring environmental purchasing and environmental practice—you see that only 45 per cent have an environmental management system in place. In other words, less than half have these practices in place.

If you look at some of the big areas that can deliver environmental outcomes—for example, motor vehicles—not only had government services not improved, they had got worse. Environmentally sensitive vehicles had decreased from 17.9 per cent to 12.5 per cent.

If you look at energy efficiency, another key area where we could practise what we preach, protect the environment and lead by example, only 21 per cent of office tenancies had energy efficient lighting installed. That is one of the simplest things to do. You just have to go down to the supermarket to buy energy efficient bulbs. Let us start there. Of course, you should have an energy audit done, but you can start the process just by going out and buying energy efficient bulbs. There are other things you can do to ensure an energy efficient office, but you could go down to the supermarket to start this process. With only 21 per cent having energy efficient lighting, it scares me to think what they do with their computer monitors, leaving things on standby—those basic things you can do to establish a green office.

This report is extremely disappointing in that it does not go any stretch of the way to ensuring that the Australian government is at the forefront in environmental purchasing practice. I am hoping that after the next audit the ANAO will have a much more positive report and that the government will have taken a much stronger, more proactive approach to ensure that, across portfolios, all agencies are striving to meet that aim and that they are truly putting in place a green office and green office procurement practices. I hope that each agency head will, as a requirement, meet green office procurement policies, have a demonstrable practice in place, and have targets that each of their agencies is required to meet. I think it is disgraceful that this report could be so bad when the government had 10 years to get this process right. It is disappointing that we could have such a negative outcome. I encourage the government to take a more proactive approach to green office procurement.

Question agreed to.

Consideration

The following orders of the day relating to reports of the Auditor-General were considered:

Auditor-General—Audit report no. 30 of 2005-06—Performance audit—the ATO’s strategies to address the cash economy: Australian Taxation Office. Motion of Senator Sherry to take note of document agreed to.

Auditor-General—Audit report no. 31 of 2005-06—Performance audit—Roads to Recovery: Department of Transport and Regional Services. Motion of Senator O’Brien to take note of document called on. On the motion of Senator Kirk debate was adjourned till the next day of sitting.

Order of the day no. 2 relating to reports of the Auditor-General was called on but no motion was moved.

ADJOURNMENT

The ACTING DEPUTY PRESIDENT (Senator Ferguson)—Order! There being no further consideration of committee reports,
government responses and Auditor-General’s reports, I propose the question:

That the Senate do now adjourn.

Senator Robert Hill

Senator WATSON (Tasmania) (7.22 pm)—I wish to take this opportunity to acknowledge the outstanding contribution of Senator Hill and to add my sincere personal best wishes to Robert on his departure from this place today after what can be described as nothing less than a quite remarkable parliamentary career. Few people leave this place having occupied as high an office for as long as Robert did not scarred by political misadventure or involvement in covert political acts.

Robert and I have known each other, and shared challenges and successes as colleagues, for many, many years. Robert has a very lively, intelligent mind and a great sense of humour. But as you probably know personally, Mr Acting Deputy President Ferguson, he always sought to be in control of all situations through thorough preparation. In this parliament it is not easy to develop close friendships but I can genuinely say that Robert and I were close friends. I value this fact and will continue to do so after he leaves parliament to pursue the next phase of his life. Because of this, I am saddened to see him leave, as I believe he has always been one of the most valuable and constructive contributors to the operation of the Liberal Party and this parliament for so many years.

Robert has occupied one of the most challenging roles in this parliament, that of Senate leader of the coalition, both in opposition and, then, for a decade, in government. For most of that decade, he has had the job of facilitating the smooth operation of a coalition government which did not always have a controlling majority in the Senate. I believe it is a compliment to his skills as a negotiator and diplomat that he was able to carry out this role so successfully. He will take these valuable skills to his next role and will hopefully find them to be of equal use in New York, although in a very different environment.

Senator Hill first arrived in Canberra with a level of enthusiasm and reforming zeal seldom seen in new senators. He had an enlightening, lively and questioning approach to many of the tasks he confronted. It is most satisfying to be able to acknowledge that he maintained this refreshing approach throughout his time here. It is not surprising he was so popular. Robert and his wife, Diana, honoured me with their presence at a dinner to note my own 25 years in the Senate, an occasion facilitated and hosted by the President of the Senate, the Hon. Paul Calvert. It was an occasion at which I was able to personally express my appreciation for his personal and professional friendship and the meaningful relationship we had developed sharing long-term roles as senators in this place and, earlier, at Old Parliament House.

I said it was sad to see Robert depart from the Senate because I know that he has always been a positive and active contributor to so many areas of debate and, more importantly, to the development of policy issues. He has always had a particular expertise and interest in foreign affairs, and he has put this interest to good in many of the roles that he has been given in parliament. He has occupied an extraordinary number of offices in this place. I believe that he will also put his interests and skills to good use in his new role, hopefully reforming and rejuvenating the United Nations. That will certainly be a great challenge. I am sure that the outcome will be just as positive as his achievements in this place.

Robert, in your absence, I wish you every success in your new role and in your life after politics. I know that you will continue to serve the Australian nation and people with
verve, dignity and honour. Thank you for your friendship, your immense contribution to the work of this Senate and your uniquely refreshing positive outlook on life. I wish you all the very best.

**Papua New Guinea: Police Brutality**

*Senator Kirk (South Australia) (7.26 pm)*—I rise to speak on quite a different matter, but I would also like to add my best wishes to Senator Hill upon his departure from this place and in whatever role he might take up in the future. This evening I will speak on the shocking and disturbing incidence of police beatings, rape and torture of children in Papua New Guinea. I am the convenor of the cross-party group Parliamentarians Against Child Abuse, and I have spoken in this place on a number of occasions about child neglect and abuse in that country.

This issue I am speaking about tonight was brought to my attention during my recent visit to the headquarters of Human Rights Watch, which is located in New York City. Human Rights Watch is the largest human rights organisation based in the United States. It investigates human rights abuses in all regions of the world. When I was there I met with Jo Becker, who is the advocacy director of the Children’s Rights Division, and she gave me a briefing on a recent Human Rights Watch report, namely *Making their own rules: police beatings, rape and torture of children in Papua New Guinea*.

According to this report, brutal beatings, rape and torture are routine practices of the Papua New Guinea police force. Children are especially targeted. Boys and girls report being shot, knifed and kicked; beaten by gun butts, iron bars, wooden batons, fists, rubber hoses and chairs; and being forced to chew and swallow condoms. Children are routinely detained with adults in sordid police lockups. Human rights abuses, such as police rape, targeting sex workers and men and boys engaged in homosexual conduct, and the harassment of people carrying condoms, are not only problems in themselves; they may also fuel Papua New Guinea’s burgeoning AIDS epidemic, which is becoming a very significant problem in that country and in the region more generally.

Although the PNG government has recently established juvenile courts and policies designed to decrease the detention of children, police are not being held accountable for violence against children. This is the point that I want to make here today, particularly the role that Australia has in this regard. The police are unwilling or unable to discipline their own members, and outside accountability mechanisms have not been effective.

In conducting their investigations, Human Rights Watch interviewed dozens of children. Almost all of the children who were interviewed had been beaten. At every stage of the process, from first contact with police to the police station, severe beatings and other forms of violence are common. NGOs and medical professionals confirmed that they had attended cases of children badly injured by police. This is what one doctor, with long-term experience treating detainees, told Human Rights Watch:

I’ve seen evidence of people allegedly assaulted with gun butts, wooden batons, chairs ... Head injuries were often from gun butts, usually the butt of the rifle or shotgun. If they’re using an assault rifle, it has a metal butt and makes a contused laceration. It takes a long time to heal ... it’s not just the skin that’s broken—you go through layers right through to the skull ... if it’s a sharp cut, clean, that you can suture—it takes a week to get a good union. But a bash, when the cut is pulverised, it takes weeks because you can’t suture ... It leaves a significant scar, and in the tropics things are likely to get infected.
The Human Rights Watch report also contains children’s testimonies. There are dozens of examples where children, some as young as 12, describe their experiences. It does not make for pleasant reading.

One of the reasons I am raising this issue today is that I believe the Australian government is in a position to do something about this terrible situation. Australia is Papua New Guinea’s largest foreign donor, and much of our aid is directed to the police force. Australia gave a total of $492.3 million to Papua New Guinea in development aid in the 2005-06 financial year. A large proportion of the money we send to Papua New Guinea in aid goes to its police force, which has received funding and technical assistance, including training, through AusAID for more than 15 years. In 2004, Australia drastically increased its aid for the PNG police by $805 million over five years under the Enhanced Cooperation Program, which originated in part as a response to the growing instability in PNG and also out of concern that the country was a weak link in Australia’s antiterrorism strategy. My concern is that we do not place any conditions on the receipt of police aid.

Papua New Guinea’s international legal obligations, like ours, prohibit torture; cruel, inhuman or degrading treatment or punishment; and rape and sexual assault. International law also requires that children be detained only as a measure of last resort and for the shortest appropriate time. Some authorities in PNG are aware of the problems in how the state treats children and have started to introduce policy changes to reduce the rate of child detention. However, they have not addressed the issue of police violence that I have highlighted here tonight. Police violence is so endemic, so institutionally ingrained, that efforts to reduce it will not succeed unless they are made part of widespread reforms and demanded from the highest levels of government.

According to Human Rights Watch, any serious effort to stop police violence, including the beatings, rape and torture of children that I have referred to, should include three key components: firstly, public repudiation of police violence by officials; secondly, criminal prosecution of the perpetrators; and, thirdly, ongoing, independent monitoring of police violence.

Human Rights Watch also has recommendations for the Australian government. It recommends that the Australian government should: firstly, raise with the government of Papua New Guinea, in all official meetings and at the highest level, concerns over police violence, including violence against children; secondly, prioritise accountability for police violence against children in continued and expanded support for mechanisms internal and external to the police force; and, thirdly, provide assistance for the development of local human rights groups in PNG with the capacity for independent monitoring of police violence and the development of agencies that can provide services for victims of these appalling crimes.

This year, 2006, will mark the 16th year of the entry into force of the Convention on the Rights of the Child. This landmark treaty guarantees children the right to be free from discrimination, to be protected in armed conflicts, to be protected from torture and cruel, inhuman or degrading treatment or punishment, to be free from arbitrary deprivation of liberty, to receive age appropriate treatment in the justice system and to be free from economic exploitation and other abuses, amongst other rights.

There is no doubt that Papua New Guinea can be a dangerous place. Its police force faces a serious violent crime problem, including gang crime, armed highway robbery,
tribal fighting in the Highlands, conflicts related to resource development, such as mining, and election related conflict. In Papua New Guinea, an unusually high proportion of people live in fear of and are victims of crime. However, it is completely unacceptable that people, particularly children, who are arrested or taken in for questioning should be subject to abuse and violence by police officers. This must stop, and the Australian government must act urgently in the way that I have described to take the action recommended in the Human Rights Watch report and raise at the highest levels of the Papua New Guinea government these appalling crimes that are taking place in that country.

Senator Robert Hill

Senator BARTLETT (Queensland) (7.36 pm)—I would like to say a few words regarding the retiring Senator Robert Hill, following on from the contribution of Senator Watson. Senator Watson, of course, is the father of the Senate as the longest serving senator in this place. He made comments about Senator Hill, who was the second longest serving senator, along with Robert Ray, who both came in here in 1981. If I count correctly, that leaves only eight senators serving in this chamber who have experience of serving in the Old Parliament House, which ceased operating in 1988.

I think the terms for all but two of those will expire at the next election or in 2008. Some of them have already signalled they will not continue on. It certainly will not be too long before we will be down to just one or two who have memory and practical experience of serving in the Old Parliament House. That in itself is a sign of how long Senator Hill’s career as a senator has been. Of course a very large proportion of that has been in senior positions within his party, including quite an extraordinarily long term as leader of the Liberal Party in the Senate and Leader of the Government in the Senate for almost exactly 10 years.

I want to make some comments about a few aspects of his contribution. I have had some experience working with him in some of the portfolios that I have covered on behalf of the Democrats. I noticed a lot of the coverage and commentary following Senator Hill’s announcement that he was retiring focused on his work as Minister for Defence. That is understandable given that was his final ministry. However, I would like to concentrate on a few of his achievements in the environment portfolio. I think it is a very reasonable call to say that Senator Hill has been the best of the environment ministers from the current coalition government over the 10 years. In some respects, that probably is not saying that much because it is certainly an area where the overall performance of the government leaves a lot to be desired. But I think he made some quite significant achievements in that area that really should not be underrecognised. Senator Ian Campbell has not been in the portfolio long, so perhaps he might rise to the challenge.

Some of the reforms that Senator Hill pushed through as environment minister were significant ones. They have made a mark and will continue to make a mark for quite some period to come. That is not to say that there were not significant failings, of course. I think the biggest black mark, by a long way, was his failure as environment minister—and the failure of the government as a whole—to do very much of significance in the area of climate change and greenhouse. Indeed, it was Senator Hill as environment minister at the time who played a key role in undermining the development of a strong Kyoto protocol. He worked hard for Australia to get exemptions or special treatment in the way the Kyoto protocol was structured, and then, after that, the govern-
ment went ahead and would not even ratify it. That area is certainly one that will not reflect well.

However, I want to point to some of Senator Hill’s other actions, particularly the passage of the Environment Protection and Biodiversity Conservation Act in 1999. That was quite a significant achievement. From where I sit in the political spectrum, you are always thinking that a minister might be doing something right in the environment if he is being criticised by many of his colleagues and by many in the National Party. Certainly some in the farming communities were apprehensive and remain apprehensive about the environment protection act. Having said that, I think the act in its final form was a great achievement. What is not such a good achievement is how the act has been administered since then. That is quite disappointing and there is a lot of room for improvement. It is a good reminder—and it is an example I often use—of how you can have very good laws but, unless you have a government or a minister with the will to implement them and administer them effectively, they are far less than they should be.

One of the key aspects of the act, which means it can still be used despite the negligence or reluctance on the part of the government of the day, is the fact that it allows others to have standing to take cases before the court. That was not able to be done before and it has been effective in a few areas. It is a shame that environment groups have not used the legislation as much as they could, because they have seen it is a negative. Even though it does have flaws, it is a significant advance on the law that was in place before. That negativity is slowing started to change.

During the passage of that legislation in 1999, I think it is fair to say that it was very heavily amended, in effect by the Democrats. Although government amendments were tabled, they had been negotiated with the Democrats and, of course that was something that was controversial from the environment movement side of things. There were many in the environment groups who opposed it and some who quite strongly supported it and have sought to use it effectively since then. Indeed, one of the disappointing aspects was the very strong and, I believe, extremely unfair and unfounded attacks on the legislation at the time, and for quite a long period afterwards, by some in the environment movement. This has meant that some environment groups have not used the legislation as much as they could, because they have seen it is a negative. Even though it does have flaws, it is a significant advance on the law that was in place before. That negativity is slowing started to change.

One of the things I remember from the debate around the federal environment protection legislation in 1999—and I posted this on the internet recently—was that Senator Brown was sitting or standing virtually right beside me throughout the debate, and he was extremely unhappy and flinging all sorts of insults at the Democrats: we were the destroyers of the forests and the ones who were bringing in the chainsaws and the bulldozers and unleashing destruction on the environment on a scale that has never been seen before. He said this legislation was the death knell for the forests. The fact that there was never any legislative protection for the forests before did not seem to matter—the fact that it was not in this legislation was going to mean the death knell for the forests. It is ironic to see the same Senator Brown now, seven years later, using that legislation, un-
dertaking a court case, to try and protect some forests in Tasmania. Let me say, I hope he is successful, in case people think I am being too critical. For legislation that was the death knell for the forests, with the Democrats being a bunch of pathetic poodles and all the other descriptions that we got at the time for allowing that legislation to pass, for that legislation now to be used to try and protect the forests, I think, must mean there has been a shift in attitude along the way. I hope that shift in attitude occurs with other environment groups.

Another of Senator Hill’s achievements that I was involved in, and that I would like to point out, which will definitely leave its mark for a long period of time—it might seem like a small thing, but I believe it was significant—was the establishment of the Sydney Harbour Federation Trust. This involved former Defence Force lands—some beautiful sights—Cockatoo Island amongst them, Chowder Bay and Georges Heights around Mosman, which are very historically significant, particularly Cockatoo Island. The original proposal put forward in that legislation was very poorly set up. It was an area where in working with Senator Hill over quite a long period—I think it was over a year from when it first started to when we finally reached agreement—we got legislation passed that was good legislation. It set out and ensured that what was meant to happen would happen.

The trust, I am very pleased to say, is working very well. I think it provides a model for how similar sorts of things could go in the future, including community involvement. Those lands will be available for the foreseeable future for generations to come—restored, available and accessible—which is a significant achievement. He was from Adelaide and I am from Brisbane, so helping Sydney Harbour is not something we always focused on. It is one thing that I had not heard anyone else mention and it deserves a specific mention as a key achievement of his.

**Senator Robert Hill**

**Organ Donation**

Senator EGGLESTON (Western Australia) (7.46 pm)—I, too, would like to join those who have praised Robert Hill during the time that he was Leader of the Government in the Senate and as Minister for the Environment and Heritage. I am one of those people who came here in 1996, and so have no experience of what it was like to be in opposition or to have seen people like Robert Hill or, for that matter, John Howard working in opposition. I always found Robert Hill to be a person who was very approachable. He had a very good style of leadership in that he gently nudged people towards what he regarded as a good outcome. He was always somebody I found who thought through issues and had a considered opinion, which one could find reasons for.

I also endorse the remarks that Senator Bartlett has made about Robert Hill during his period as environment minister. I thought the Natural Heritage Trust, which the government set up when it first came into power, transformed the environment in Australia. The role of the federal government in the environment was transformed not only by the Natural Heritage Trust but also by the passing of the Environment Protection and Biodiversity Conservation Act. As Chairman of the Senate Environment, Communications, Information Technology and the Arts Legislation Committee, I travelled around Australia chairing the inquiry into that act. As we travelled around the country, we found that different people had different opinions. Robert Hill was prepared to develop amendments to the act, which took account of those varying opinions around the country. I think he was probably the best
environment minister this country has had to date, and it was an area which he had a very great interest in and a commitment to.

What I rose to speak about tonight was organ donation. Last week was Organ Donor Awareness Week, and this evening I would like to use the opportunity of the adjournment debate to urge all Australians to consider becoming organ donors. All of us have the potential to save lives as organ donors. From the tragedy and trauma of death can come renewed life. In short, organ donation represents a tremendous act of generosity on the part of donors and their families to enhance the life expectancy and transform the quality of life of recipients. It is not widely known that one donor’s organs can be used to save the lives of up to 10 people. Organ donation truly is the gift of life and, for this reason alone, it is something that every Australian should give thoughtful consideration to.

We are fortunate in this country to have one of the highest transplant success rates in the world but not so fortunate to have one of the lowest donation rates in the developed world. An Australian is 10 times more likely to be on the organ transplant waiting list than to become an organ donor. In 2005, there were just 204 deceased donors. This is equivalent to 9.9 donors per million population—as I said previously, one of the lowest rates in the developed world. Conversely, in 2002, Spain had a rate of 34 donors per million population, the United States had a rate of 21.5 donors per million population and the UK had a rate of 12.9 donors per million population.

Given that only one in every 100 deaths in Australia occurs in circumstances which allow for organ donation, it is crucial that we maximise the number of people that are willing to donate their organs in the event of an untimely death. The Senate might be interested to learn that stroke is the leading cause of all deaths leading to organ donations—in fact, representing some 48 per cent. This is followed by road accidents, which are the cause of death in about 26 per cent of organ donation cases.

Last year, the federal, state and territory governments agreed to the establishment of a national donor consent register. Since June, over 710,000 Australians have registered their legal consent to become organ donors. Another 4.8 million Australians previously recorded their intent to become a donor, but the consent of their families will still be required at the relevant time. In January this year, there were more than 1,700 people on the national organ transplant waiting list, with 82 per cent of them requiring a kidney transplant. The average waiting period for a kidney transplant is almost four years, which, sadly, is often too long. Consequently, more people urgently need to sign up to the national organ donor consent register.

There are desperately ill people dying needlessly because there are not enough donors in this country. It is a sobering statistic that, in 2004, 20 per cent of the people on the organ transplant waiting list died before a suitable donor organ could be found. It is easy to get lost in these statistics, but at the end of the day we have to remember that each of these people is leaving behind loved ones who are affected by their death—parents, spouses and children—and that their grief could have been alleviated with the use of donated organs.

From April this year, each and every household in Australia will be sent an organ donation consent form in an effort to increase organ donation rates. I would like to hope that people will not throw these forms away as if they were just another bit of junk mail. Instead, I hope that they will give full consideration to the question of becoming an
organ donor and discuss it with their family. I will certainly be filling out an organ donor consent form, and it is something that I will be encouraging my relatives and friends to do as well. In the event that Australia’s low rate of organ donation does not improve, something that might be considered is a national opt-out scheme of organ donation, whereby consent is presumed unless the person has expressed a clear wish not to donate his or her organs by electing to opt out of the scheme.

Finally, I would like to leave the Senate with the words of Geoff, a heart transplant recipient. His words speak volumes about the importance of organ donation. He said:

Thanks to my amazing donor family for the gracious gift of life because without them my life as I know it now would not have happened and I would not be here today. Their unselfish act not only gives you life but enables you to see your own family grow up. I’ve been able to watch my children grow from youngsters to adults. Without my heart transplant I would not have been able to witness my children’s successes and help them along the way.

Lockhart River Air Disaster

Senator JOYCE (Queensland) (7.55 pm)—I rise tonight to talk about a matter that was raised today by Senator O’Brien when he moved to refer a matter to the Rural and Regional Affairs and Transport References Committee. On 17 May last year, 15 people died in the Lockhart River air disaster. It was the largest civil aviation air disaster in about 40 years. The fatalities included Brett Hotchkins, Tim Downs, Mardie Bowie, Fred Bowie, Helena Woosup, Gordan Kris, Frank Billy, Captain Paul Norris, Rob Brady, Kenneth Hurst, Arden Sonter and others.

One of the casualties was Constable Sally Urquhart. This having happened in my state, I find this issue of some pertinence. Constable Sally Urquhart’s father, Shane, contacted me yesterday with regard to assistance with the progression of this matter through the Senate. Due to the lateness of this issue, I felt it was important to tell Mr Urquhart that I needed to do a bit of research into the issue before I could make a substantial statement on it in the Senate.

I approached the Labor Party and I also spoke to Senator O’Brien today about delaying this issue so that we could have more time to look into it and hopefully narrow down the scope of it to deal with the Lockhart River disaster, if that was what was truly interesting him. On further investigation, I find that it possibly could be deemed that the intent of the Labor Party was more to have a wide-ranging inquiry into CASA than to have a directed inquiry into the Lockhart River disaster. I do not think it is a good thing for the Senate to be seen or perceived as using that as a mechanism for attacking CASA, something we have been over again and again in the Senate.

Furthermore, there are already currently two inquiries dealing with the Lockhart River disaster. There is the Australian Transport Safety Bureau investigation which is currently under way and there is also a coronial inquiry. There being two such inquiries under way, I think it would be better if we waited until the processes of these inquiries came to a conclusion so that we had some further information to work on. I do not see at this stage why we should have senators without the information that is obviously in front of these inquiries and the resources that are currently split between these inquiries, as well as the witnesses and the evidence that is stacked before these inquiries also being bottlenecked with another inquiry here. Nonetheless, after these inquiries come to their conclusion, I am only too happy on behalf of Mr Urquhart and the other families associated with the Lockhart River accident to look at what it is possible for the Senate to achieve in this regard.
Currently there is no evidence of a failure of the aviation safety regime, despite claims by some, and there is no clear public interest justification at this stage for an inquiry. However, this may change after the aforementioned inquiries. It is very important that these people be given the dignity and respect due to the interest that this issue has in their lives, given the loss of their family members. I wanted to have on the record that today I did not vote for the inquiry, nor did I vote against it. Like everything else, the jury is out until we get further information. At the time of obtaining that information, I will be able to make a more valued and more reasonable judgment and truly try to help the families of those crash victims.

Senate adjourned at 7.59 pm

DOCUMENTS

Tabling

The following documents were tabled by the Clerk:

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

Australian National University Act—

Discipline Rules 2006 [F2006L00632]*.

Programs and Awards Statute 2006 [F2006L00629]*.

Civil Aviation Act—Civil Aviation Regulations—Instruments Nos—

CASA 79/06—Approval—operations without an approved digital flight data recorder [F2006L00634]*.

CASA EX08/06—Exemption—Qantas operations at Auckland aerodrome [F2006L00637]*.

Customs Act—Tariff Concession Revocation Instruments—

10/2006 [F2006L00638]*.

11/2006 [F2006L00639]*.

12/2006 [F2006L00640]*.

13/2006 [F2006L00641]*.

14/2006 [F2006L00642]*.

Environment Protection and Biodiversity Conservation Act—Amendments of lists of exempt native specimens, dated 24 February 2006—

[F2006L00647]*.

[F2006L00649]*.

[F2006L00650]*.

[F2006L00651]*.

Higher Education Funding Act—Declaration under section 4—Australian College of Theology Council Incorporated, Australian Lutheran College, Christian Heritage College, Harvest Bible College Inc, Moore Theological College Council, Perth Bible College, Tabor College Incorporated (trading as Tabor Adelaide), Tabor College (NSW) Incorporated, and Wesley Institute [F2006L00628]*.

Migration Act—Migration Regulations—Instruments—

IMM06/002—Tourist Visa Applications from Citizens of the People’s Republic of China [F2006L00658]*.

IMM06/013—Travel Agents for PRC Citizens applying for Tourist Visas [F2006L00646]*.

Telecommunications (Consumer Protection and Service Standards) Act—Telstra Carrier Charges—Price Control Arrangements, Notification and Disallowance Determination No. 1 of 2005 (Amendment No. 1 of 2006) [F2006L00645]*.


* Explanatory statement tabled with legislative instrument.

Indexed Lists of Files

The following documents were tabled pursuant to the order of the Senate of 30 May 1996, as amended:
Indexed lists of departmental and agency files for the period 1 January to 30 June 2005—Statements of compliance—
Australian Institute of Family Studies [nil return].
Australian Trade Commission.
Department of Families, Community Services and Indigenous Affairs.
Department of Transport and Regional Services.
Social Security Appeals Tribunal [nil return].

**Departmental and Agency Contracts**

The following document was tabled pursuant to the order of the Senate of 20 June 2001, as amended:

Departmental and agency contracts for 2005—Letters of advice—Health and Ageing portfolio agencies.
QUESTIONS ON NOTICE

The following answers to questions were circulated:

Civil Aviation Safety Authority
(Question No. 1335)

Senator O’Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 24 October 2005:

With reference to the answer to question CASA 18 provided to the Rural and Regional Affairs and Transport Legislation Committee following the estimate hearings in May 2005:

(1) Can a detailed program be provided of the travel undertaken by the Civil Aviation Safety Authority’s Chief Executive Officer, Mr Bruce Byron, including: (a) the total cost of the travel; (b) the cost of travel undertaken while in Europe; (c) the number of meetings planned and the actual number of meetings that took place, including the names and organisations of the people Mr Byron met; (d) the cost of accommodation and the names of the hotels used by Mr Byron; (e) details of any private accommodation arranged by Mr Byron during his trip; and (f) the cost of meals and other expenses, including details of those other expenses, incurred by Mr Byron.

(2) Did Mr Byron provide any reports or briefing papers to the Minister or his office following this overseas travel; if so, what was the form of the material provided by Mr Byron and can a copy of the material be provided; if not, why not.

Senator Ian Campbell—The Minister for Transport and Regional Services has provided the following answer to the honourable senator’s question:

(1) (a) The total cost of Mr Byron’s trip to Europe from 16 May to 15 June 2005 (including accompanying spouse costs) was $47,646.11.

(b) The total cost of travel undertaken whilst in Europe was $8,443.92.

(c) A total of sixteen meetings were planned, and all were conducted. The meetings and visits with industry were organised after discussions with the relevant regulatory authorities, and agreed and scheduled before Mr Byron left Australia. Details of the meetings and attendees are as follows:

1. United Kingdom Civil Aviation Authority (UK CAA) Safety Regulation Group.
   Attendees: Tom Hamilton, Head of External Relations; Graham Forbes, Head of Personnel Licensing; Ron Elder, Head of Aerodrome and Air Traffic Control Standards; and Mike Vivian, Head of Flight Operations.

2. Follow up meeting with UK CAA Safety Regulation Group.


   Attendees: Michael Wachenheim, Michel Guyard and Elizabeth Dallo.

5. Airbus A380 production.
   Attendees: Wolfgang Engler, VP Product Integrity; Jean-Michel Govaere, Chief Airworthiness Engineer A380; and Captain Xavier Lescue, Director Training Policy.

6. Follow up meeting with Olivier Lenoir regarding A380 production.

7. Goodwood Airport UK, discussions with local pilots.

Attendees: Guy Gratton, Chief Technical Officer, and Chris Finnigan.

   Attendee: John Arscott, Director of Airspace Policy.

10. Insurers London.
    Attendees: John Lowry and Rob Turner, JLT Risk Solutions; Robert Chapman, Brian Wheeler and Chris Jones, Global Aerospace.

    Attendee: Patrick Goudou, Director, EASA.

12. EASA Conference.
    Attendee: Nicolas Sabatini US FAA Associate Administrator.

13. EASA Conference.
    Attendee: Jean-Francis Suquet.


    Attendees: Steve Green, Director Flight Training and Operations; Neil McMillan Chief Flight Instructor.

16. Gliding Operations, discussions with participants.

(d) The total cost of accommodation at the following locations was $7,533.10:
    1. Champes-Elysees Plaza, Paris ($2,681.66)
    2. Hostellerie St Antoine, Siren ($372.08)
    3. Grand Hotel de L’Opera, Toulouse ($1,092.80)
    4. The Stafford Hotel, London ($1,948.24)
    5. Hyatt Regency, Cologne ($1,438.32)

(e) Mr Byron arranged and paid for 17 nights of private overnight accommodation on 17-22 May (inclusive), 28-31 May (inclusive), 3-4 June (inclusive), 8-12 June (inclusive).

(f) The cost of meals and other expenses (conference fees, road maps, internet, fax, phone and tax) incurred by Mr Byron was $2,418.79.

(2) The Minister was verbally debriefed on the full extent of Mr Byron’s overseas travel on 22 June 2005. A summary of the visit was also included in the June CASA monthly report (Attachment A).

Attachment A

CEO Meetings with industry
The CEO attended the Europe-US International Aviation Conference in Cologne, as well as meeting with the Executive Director of EASA prior to the conference. He also met with the Director General of the DGAC of France, and met with a number of officials of the UK CM in London. He also visited the Airbus facility at Toulouse. Meetings were held with officials from a number of UK and European aviation organizations.

- Meetings/visits included:
  - Director General DGAC France
  - Inspector General (Safety Oversight) DGAC France
  - Head of Personnel Licensing UK CAA
  - Head Flight Operations UK CAA
QUESTIONS ON NOTICE

Thursday, 2 March 2006

Executive Director EASA
Deputy Director Certification EASA
Vice President Product Integrity Airbus
Chief Airworthiness Engineer A380 Airbus
Director Flight Crew Training Airbus (including A380 training modules demonstration for both pilots and engineers)
Associate Director Aviation Safety FAA
Eurocopter Quality Director
Easyjet Operations
British Microlight Association
Oxford Airline Pilot College
French General Aviation/Regional operations Albi
British Microlight operations at two locations
British Gliding operations at two locations
UK General Aviation operations at Oxford and Cheltenham/Glocester
Cologne Airport Operations Germany
Jardine Lloyd Thompson—insurance brokers London
Global Aerospace—principal underwriter London

Legal Services

(Proposed No. 1349)

Senator Bob Brown asked the Minister representing the Minister for Defence, 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 Ian Campbell—The Minister for Defence has provided the following answer to the honourable senator’s question:

(1) No.

(2) Legal assistance at Commonwealth expense has been offered to Captain Toohey only in respect of matters arising from his military service. That offer has not been responded to, but remains open.

Illegal Fishing

(Proposed No. 1449)

Senator O’Brien asked the Minister for Fisheries, Forestry and Conservation, on notice, on 12 December 2005:

(1) (a) For each of the financial years 2002-03, 2003-04 and 2004-05, by year, what species of shark and finfish have been identified on foreign vessels illegally fishing off the coasts of Western Aus-
Australia, the Northern Territory and Queensland; and (b) if the department does not collect this information, why not.

(2) (a) For each species mentioned in (1), what was: (i) the quantity, and (ii) the range of sizes, of shark and finfish identified and/or confiscated; and (b) if the department does not collect this information, why not.

(3) (a) For each of the financial years 2002-03, 2003-04 and 2004-05, by year, what estimate has been made of the total quantity of each species of shark and finfish taken by foreign fishers illegally fishing in Australian waters off the coasts of Western Australia, the Northern Territory and Queensland, including shark and finfish taken by vessels that have not been apprehended; and (b) if the department cannot provide this estimate, why not.

(4) (a) For each of the financial years 2002-03, 2003-04 and 2004-05, by year, what quantity of turtles, dolphins and other marine mammals have been identified on vessels illegally fishing in Australian waters off the coasts of Western Australia, the Northern Territory and Queensland; and (b) if the department does not collect this information, why not.

(5) (a) For each of the financial years 2002-03, 2003-04 and 2004-05, by year, what estimate has been made of the total quantity of turtles, dolphins and other marine mammals taken by foreign fishers illegally fishing in Australian waters off the coasts of Western Australia, the Northern Territory and Queensland, including turtles, dolphins and other marine mammals taken by vessels that have not been apprehended; and (b) if the department cannot provide this estimate, why not.

(6) (a) What action has the Government taken to improve data collection relating to the illegal catch of sharks, finfish, turtles, dolphins and other marine mammals off the coasts of Western Australia, the Northern Territory and Queensland; and (b) if the department has taken no action, why not.

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

(1) (a) Table 1 lists catches of shark and finfish by known taxa from intercepted illegal foreign vessels fishing in the Australian Fishing Zone (AFZ) around Western Australia, the Northern Territory and Queensland. Catches are from apprehensions and also legislative forfeitures.

(b) There is considerable difficulty identifying processed fish and shark catches to species level at sea. While whole fish species are often readily identified by external characteristics, many fish species are processed at sea, where fish are “trunked” and the head, guts, and fins are removed.

Visual identification of individual shark species is also problematic. Most sharks caught by illegal foreign fishers are finned, whereby the fins are removed from the carcass and the carcass is discarded. With only the fins remaining, it is virtually impossible to visually identify shark species reliably at sea based on fin characteristics and size, as fins from different shark species appear similar. Extensive laboratory testing is required to differentiate between species. In addition shark fins from foreign fishing vessels are at varying stages of decomposition and desiccation.

Naval, fisheries and customs officers attempt, where possible, to identify fish and shark species forfeited from illegal foreign vessels, however there is no reliable field based method available to identify sharks solely from their fins.

(2) (a) (i) (ii) See Table 1.

(b) No reliable data on the range of sizes of shark and finfish identified and confiscated is available, primarily due to the limited number of fish and shark species retained whole by illegal foreign fishers, the difficulty collecting this information at sea (due to size and condition of catch) and quarantine issues concerning bringing catches back to Australian ports.
(3) The types of shark and finfish species taken by illegal fishers in Australia’s northern waters by vessels not apprehended are unknown, and therefore estimates of total catches cannot be reliably made.

(4) (a) See Table 2.

(b) N/A.

(5) (a) Very few turtles, dolphins and other marine mammals have been observed in apprehended foreign fishers illegally fishing in the AFZ. As mentioned in the response to question three, estimating catches on vessels not apprehended is not practical or reliable, and as a result estimates of total catch are not available.

(b) N/A.

(6) (a) In 2004, Australia released its National Plan of Action for the Conservation and Management of Sharks (NPOA-Sharks) in line with recommendations from the Food and Agriculture Organisation’s International Plan of Action for the Conservation and Management of Sharks. The NPOA-Sharks contains a number of actions, including those relating to enhanced data collection and stock assessments for shark and ray species.

AFMA in conjunction with CSIRO Marine and Atmospheric Research and the Fisheries Research and Development Corporation, developed A Field Guide to Australian Sharks and Rays. The book is a significant step in improving the accuracy of shark and ray species identification.

AFMA has commenced a research project to help identify shark species from confiscated illegal catches of dried shark fin. AFMA has engaged CSIRO Marine and Atmospheric Research, the Australian Institute of Marine Science and the Queensland Department of Primary industries and Fisheries to conduct the research. The project is looking to easily and accurately identify shark species based on fins using three different identification methods; a) physical characteristics, b) dermal denticle (shark scale) patterns and c) DNA strands.

AFMA has commenced a second project to improve understanding of the impact of illegal foreign fishing in northern Australian waters for stock assessment and intelligence purposes. The project involves developing a detailed strategy to improve the collection of data from illegal fishing. AFMA invited scientists from State fisheries research centres, the CSIRO and the Australian Institute of Marine Science, data analysts from the Australian National University, the Bureau of Rural Sciences and Coastwatch and data collectors from the Royal Australian Navy, Coastwatch and Customs to attend a workshop in August 2005 to promote improved data collections. The outcomes of the workshop, including the development of a shark species identification field kit, are currently being implemented.

AFMA believes both these programs will help estimate the impact of illegal fishing on our fish stocks, further develop our knowledge of illegal shark finning and assist in gaining a greater understanding into the species catch composition of illegal foreign fishing in the AFZ.

(b) N/A.

Table 1: Quantities of shark and finfish identified on intercepted illegal foreign vessels fishing in the AFZ along the coasts of Western Australia, the Northern Territory and Queensland

<table>
<thead>
<tr>
<th>Catch Type</th>
<th>Data Unit</th>
<th>Total</th>
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</thead>
<tbody>
<tr>
<td>Fish:</td>
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<td></td>
</tr>
<tr>
<td>Bait</td>
<td>Kilograms</td>
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</tr>
<tr>
<td>Fish</td>
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<tr>
<td>Red Emperor</td>
<td>Kilograms</td>
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### 2002-2003

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<tr>
<td>Reef fish</td>
<td>Numbers</td>
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<tr>
<td>Total fish</td>
<td>(kilograms)</td>
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<tr>
<td>Total fish</td>
<td>(numbers)</td>
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**Shark:**

<table>
<thead>
<tr>
<th>Catch Type</th>
<th>Data Unit</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Whole shark</td>
<td>Numbers</td>
<td>12</td>
</tr>
<tr>
<td>Shark meat</td>
<td>Kilograms</td>
<td>156</td>
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<tr>
<td>Shark fin</td>
<td>Kilograms</td>
<td>245</td>
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<tr>
<td>Shark tails</td>
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</tr>
<tr>
<td>Total shark</td>
<td>(kilograms)</td>
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### 2003-2004

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</tr>
</thead>
<tbody>
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<td>Fish:</td>
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<td></td>
</tr>
<tr>
<td>Bait</td>
<td>Kilograms</td>
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</tr>
<tr>
<td>Bonito</td>
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</tr>
<tr>
<td></td>
<td>Numbers</td>
<td>31</td>
</tr>
<tr>
<td>Mackerel</td>
<td>Kilograms</td>
<td>10</td>
</tr>
<tr>
<td>Red Emperor</td>
<td>Kilograms</td>
<td>500</td>
</tr>
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<td>Numbers</td>
<td>19</td>
</tr>
<tr>
<td>Tuna</td>
<td>Numbers</td>
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<tr>
<td>Total fish</td>
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**Shark:**

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<tr>
<th>Catch Type</th>
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</tr>
</thead>
<tbody>
<tr>
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<td>Numbers</td>
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</tr>
<tr>
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<td>Kilograms</td>
<td>926</td>
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<tr>
<td>Shark jaws</td>
<td>Numbers</td>
<td>1365</td>
</tr>
<tr>
<td></td>
<td>Kilograms</td>
<td>52</td>
</tr>
<tr>
<td>Total shark</td>
<td>(kilograms)</td>
<td>978</td>
</tr>
<tr>
<td>Total shark</td>
<td>(numbers)</td>
<td>1415</td>
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### 2004-2005

<table>
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<th>Catch Type</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Bait</td>
<td>Kilograms</td>
<td>4204</td>
</tr>
<tr>
<td>Fish</td>
<td>Kilograms</td>
<td>36156</td>
</tr>
<tr>
<td></td>
<td>Numbers</td>
<td>94</td>
</tr>
<tr>
<td>Mackerel</td>
<td>Kilograms</td>
<td>10</td>
</tr>
<tr>
<td>Mullet</td>
<td>Numbers</td>
<td>50</td>
</tr>
<tr>
<td>Red fish</td>
<td>Kilograms</td>
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</tr>
<tr>
<td>Reef fish</td>
<td>Kilograms</td>
<td>4045</td>
</tr>
<tr>
<td>Tuna</td>
<td>Kilograms</td>
<td>38</td>
</tr>
<tr>
<td></td>
<td>Numbers</td>
<td>47</td>
</tr>
<tr>
<td>Total fish</td>
<td>(kilograms)</td>
<td>52953</td>
</tr>
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</table>

### QUESTIONS ON NOTICE
### Questions on Notice 2004-2005

<table>
<thead>
<tr>
<th>Catch Type</th>
<th>Data Unit</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
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<td>(numbers)</td>
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</tr>
<tr>
<td>Shark:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Whole shark</td>
<td>Kilograms</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Numbers</td>
<td>92</td>
</tr>
<tr>
<td>Shark meat</td>
<td>Kilograms</td>
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<tr>
<td>Shark fin</td>
<td>Kilograms</td>
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</tr>
<tr>
<td></td>
<td>Numbers</td>
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</tr>
<tr>
<td>Shark jaws</td>
<td>Numbers</td>
<td>8</td>
</tr>
<tr>
<td>Shark cartilage</td>
<td>Numbers</td>
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<tr>
<td>Total shark (kilograms)</td>
<td></td>
<td>1969.7</td>
</tr>
<tr>
<td>Total shark (numbers)</td>
<td></td>
<td>1789</td>
</tr>
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</table>

**Caveats:**
1. Number and amounts are exclusive, catch is reported either by number or by kilogram weight.
2. Numbers are estimates only. As the catch is often decomposed and does not pass quarantine standards, it is usually disposed of at sea before an accurate weight can be obtained.
3. These figures do not include any catches reported as ‘small amount’ or ‘small quantity’.
4. Catches are from apprehensions and also legislative forfeitures from March 2004.
5. Some species detailed in the above table may have been caught outside the AFZ and subsequently brought into the AFZ.

### Table 2: Quantities of turtles, dolphins and other marine organisms identified on intercepted illegal foreign vessels fishing in the AFZ along the coasts of Western Australia, the Northern Territory and Queensland.

<table>
<thead>
<tr>
<th>Catch Type</th>
<th>Data Unit</th>
<th>Total</th>
</tr>
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<tr>
<td>2002-2003</td>
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<tr>
<td>Dolphin</td>
<td>Kilograms</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>Numbers</td>
<td>2</td>
</tr>
<tr>
<td>Trepang</td>
<td>Kilograms</td>
<td>2273</td>
</tr>
<tr>
<td>Total</td>
<td>(kilograms)</td>
<td>2277</td>
</tr>
<tr>
<td>Total</td>
<td>(numbers)</td>
<td>2</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Catch Type</th>
<th>Data Unit</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2003-2004</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dolphin</td>
<td>Numbers</td>
<td>3</td>
</tr>
<tr>
<td>Dugong</td>
<td>Numbers</td>
<td>0</td>
</tr>
<tr>
<td>Trepang</td>
<td>Kilograms</td>
<td>110</td>
</tr>
<tr>
<td></td>
<td>Numbers</td>
<td>624</td>
</tr>
<tr>
<td>Trochus</td>
<td>Numbers</td>
<td>100</td>
</tr>
<tr>
<td>Turtle</td>
<td>Numbers</td>
<td>1</td>
</tr>
<tr>
<td>Total</td>
<td>(kilograms)</td>
<td>110</td>
</tr>
<tr>
<td>Total</td>
<td>(numbers)</td>
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</tr>
</tbody>
</table>
### 2004-2005

<table>
<thead>
<tr>
<th>Catch Type</th>
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<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eel</td>
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</tr>
<tr>
<td>Crayfish</td>
<td>Kilograms</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Numbers</td>
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</tr>
<tr>
<td>Dolphin</td>
<td>Kilograms</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>Numbers</td>
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</tr>
<tr>
<td>Trepang</td>
<td>Kilograms</td>
<td>845</td>
</tr>
<tr>
<td></td>
<td>Numbers</td>
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<td><strong>Total</strong></td>
<td>(kilograms)</td>
<td>6</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>(numbers)</td>
<td>1047</td>
</tr>
</tbody>
</table>

**CAVEATS:**

1. Number and amounts are exclusive, catch is reported either by number or by kilogram weight.
2. Numbers are estimates only. As the catch is often decomposed and does not pass quarantine standards, it is usually disposed of at sea before an accurate weight can be obtained.
3. These figures do not include any catches reported as ‘small amount’ or ‘small quantity’.
4. Catches are from apprehensions and also legislative forfeitures from March 2004.
5. Some species detailed in the above table may have been caught outside the AFZ and subsequently brought into the AFZ.