INTERNET

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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—SIXTH 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
## Members of the Senate

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(1) Chosen by the Parliament of Queensland to fill a casual vacancy vice Hon. John Joseph Herron, resigned.
(2) Chosen by the Parliament of Victoria to fill a casual vacancy vice Hon. Richard Kenneth Robert Alston, resigned.
(3) Term expires at close of day next preceding the polling day for the general election of members of the House of Representatives.
(4) Chosen by the Parliament of Tasmania to fill a casual vacancy vice Susan Mary Mackay, resigned.
(5) Chosen by the Parliament of South Australia to fill a casual vacancy vice Hon. Robert Murray Hill, 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 House  The Hon. Anthony John Abbott MP
Attorney-General  The Hon. Philip Maxwell Ruddock MP
Minister for Finance and Administration, Leader of the Government in the Senate and Vice-President of the Executive Council  Senator the Hon. Nicholas Hugh Minchin
Minister for Agriculture, Fisheries and Forestry and Deputy Leader of the House  The Hon. Peter John McGauran MP
Minister for Immigration and Multicultural Affairs  Senator the Hon. Amanda Eloise Vanstone
Minister for Education, Science and Training and Minister Assisting the Prime Minister for
Women’s Issues  The Hon. Julie Isabel Bishop MP
Minister for Families, Community Services and Indigenous Affairs  The Hon. Malcolm Thomas Brough MP
Minister Assisting the Prime Minister for Indigenous Affairs  Senator the Hon. Helen Lloyd Coonan
Minister for Industry, Tourism and Resources  The Hon. Ian Elgin Macfarlane MP
Minister for Employment and Workplace Relations and Minister Assisting the Prime Minister for the Public Service  The Hon. Kevin James Andrews MP
Minister for Communications, Information Technology and the Arts and Deputy Leader of the Government in the Senate  Senator the Hon. Ian Gordon Campbell
Minister for the Environment and Heritage  Senator the Hon. Ian Gordon Campbell

(The above ministers constitute the cabinet)
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<td>Minister for the Arts and Sport</td>
<td>Senator the Hon. Charles Roderick Kemp</td>
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<tr>
<td>Minister for Human Services</td>
<td>The Hon. Joseph Benedict Hockey MP</td>
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<tr>
<td>Minister for 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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<tr>
<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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<tr>
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<td>The Hon. Christopher Maurice Pyne MP</td>
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<td>Senator the Hon. John Alexander Lindsay (Sandy) Macdonald</td>
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<td>The Hon. De-Anne Margaret Kelly MP</td>
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<td>The Hon. Gregory Andrew Hunt MP</td>
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<td>Parliamentary Secretary (Foreign Affairs)</td>
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<td>Water and Deputy Manager of Opposition Business in the House</td>
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<tr>
<td>Shadow Minister for Housing, Shadow Minister for Urban Development</td>
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<td>Shadow Minister for Employment and Workforce Participation and</td>
<td>Senator Penelope Ying Yen Wong</td>
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<td>Shadow Minister for Corporate Governance and Responsibility</td>
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(The above are shadow cabinet ministers)
SHADOW MINISTRY—continued

Shadow Minister for Consumer Affairs and      Laurie Donald Thomas Ferguson MP
Shadow Minister for Population Health and
Health Regulation
Shadow Minister for Agriculture and Fisheries  Gavan Michael O’Connor MP
Shadow Assistant Treasurer, Shadow Minister for
Revenue and Shadow Minister for Small
Business and Competition
Joel Andrew Fitzgibbon MP
Shadow Minister for Transport  Senator Kerry Williams Kelso O’Brien
Shadow Minister for Sport and Recreation  Senator Kate Alexandra Lundy
Shadow Minister for Homeland Security and
Shadow Minister for Aviation and Transport
Security
The Hon. Archibald Ronald Bevis MP
Shadow Minister for Veterans’ Affairs and
Shadow Special Minister of State
Alan Peter Griffin MP
Shadow Minister for Defence Industry,
Procurement and Personnel
Senator Thomas Mark Bishop
Shadow Minister for Immigration
Anthony Stephen Burke MP
Shadow Minister for Ageing, Disabilities and
Carers
Senator Jan Elizabeth McLucas
Shadow Minister for Justice and Customs and
Manager of Opposition Business in the Senate
Senator Joseph William Ludwig
Shadow Minister for Overseas Aid and Pacific
Island Affairs
Robert Charles Grant Sercombe MP
Shadow Minister for Citizenship and Multicultural
Affairs
Senator Annette Hurley
Shadow Parliamentary Secretary for
Reconciliation and the Arts
Peter Robert Garrett MP
Shadow Parliamentary Secretary to the Leader of
the Opposition
John Paul Murphy MP
Shadow Parliamentary Secretary for Defence and
Veterans’ Affairs
The Hon. Graham John Edwards MP
Shadow Parliamentary Secretary for Education
Kirsten Fiona Livermore MP
Shadow Parliamentary Secretary for Environment
and Heritage
Jennie George MP
Shadow Parliamentary Secretary for Industry,
Infrastructure and Industrial Relations
Bernard Fernando Ripoll MP
Shadow Parliamentary Secretary for Immigration
Ann Kathleen Corcoran MP
Shadow Parliamentary Secretary for Treasury
Catherine Fiona King MP
Shadow Parliamentary Secretary for Science and
Water
Senator Ursula Mary Stephens
Shadow Parliamentary Secretary for Northern
Australia and Indigenous Affairs
The Hon. Warren Edward Snowdon MP
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The PRESIDENT (Senator the Hon. Paul Calvert) took the chair at 12.30 pm and read prayers.

UNPARLIAMENTARY LANGUAGE

The PRESIDENT (12.31 pm)—Order! Yesterday the temporary chairman was asked to refer to me the expression ‘you are a disgrace’ used of a senator. This terminology when used directly of a senator is out of order under standing order 193.

ELECTORAL AND REFERENDUM AMENDMENT (ELECTORAL INTEGRITY AND OTHER MEASURES) BILL 2006

In Committee

Consideration resumed from 19 June.

The CHAIRMAN—The question is that Schedule 1, item 79, stand as printed.

Senator MILNE (Tasmania) (12.31 pm)—I rise to support the amendment moved by Senator Murray for the Democrats to strike out the disclosure threshold increase to $10,000. I do so because the people of Australia must understand that, by increasing the disclosure threshold to $10,000 and not regulating the capacity to compound this donation by giving it to the same party but different branches, this means we should virtually tear up the disclosure legislation in Australia. I do not think we should continue pretending that we have got political donations disclosure if we take this particular measure, and I will explain why. I would like Senator Abetz, through the chair, to tell me whether I am going to say next is true.

Let us say BHP wants approvals for its expanded uranium mining or that Pangea Resources, however it comes back in a new form, or some of these uranium mining companies want to make sure that their agenda is facilitated by the government, why can’t such companies that are trying to secure an outcome increase their directors’ fees by $10,000 to each director? Let us assume they have got eight directors—that is, $80,000—and those directors each then make a $10,000 donation to the Liberal Party. Because it is $10,000 and it is an individual donation of $10,000 facilitated by additional directors’ fees, let us assume that is $80,000. The company itself can then make a $10,000 donation to each of the Liberal Party branches, therefore making a donation of $170,000 each and every year without having to disclose that they have made any donation at all.

Let us assume that a company like BHP Billiton has at least a dozen subsidiary companies and the corporate strategy of the organisation is to go for it. Even if three or four of the subsidiary companies decide to make the $170,000 donation, that is not discloseable. They could do it simply by increasing their directors’ fees and increasing the amount, so you are looking at many millions of dollars that could flow into the Liberal Party or the Labor Party—or any other party, for that matter—without any disclosure at all. That is the concern I have about these particular donations. I am going to get to third-party donations again in a minute, because that pertains to what I am saying.

Let me give you another example: what about a church that runs a number of businesses that depend on tax deductibility for those businesses? Let us assume there is a church which runs a medical centre that is competing with local GPs but the medical centre does not have to pay payroll tax. None of the GPs in the centre pay payroll tax because it is run by the church. What if that church organisation decides it is in their interests to maintain the tax laws that give tax deductibility for all church businesses regardless of whether they are for profit or not? It is in their interests. So what is to stop
10 or a dozen elders in a church making a donation of $10,000—let us say a total of $100,000—to the Liberal Party, the Labor Party or to whoever they want? They give $100,000 and, if they are each reimbursed to the extent of $10,000, that does not turn up in any disclosure.

This measure is set out so that companies or any group that wants to influence government policy can easily find a way to do so without ever having to comply with an electoral return. I would argue that, by increasing the threshold to $10,000, the government is tearing up the whole notion of disclosure. I think it would be more honest, if you want to tear up the whole notion of disclosure, to just abolish it, not to increase the threshold to $10,000 and allow for cumulative donations across all state branches of up to $90,000 to the Liberal Party in any one year without having to disclose.

I think that is a critical issue when put together with the narrowing of the franchise by stopping about 80,000 young people from getting onto the roll. So you are narrowing the franchise and reducing the number of people who can vote but increasing the ease with which large corporations and the wealthy in the community can influence the outcome of an election. It is clear to me that, whilst you may not be able to steal a ballot box in Australia, you can certainly buy one. You will be able to buy one without disclosure because of this increase to $10,000.

I would like to hear from the minister in regard to the example I have just used with BHP Billiton, or any other company or set of companies, or a church group that has an outcome in mind in terms of maintaining the tax deductibility of all their church businesses and their tax-free status and might have a well and truly good reason to not disclose. Let’s stop pretending that businesses donate to government because they have a view that it is a good thing to do. No business donates to a political party unless it expects an outcome.

As Senator Brown, Senator Murray and others have said in this place in the last 24 hours, the corporate requirement of the board of directors is that they spend money to maximise the profits of a company. If they were to give $100,000 to political parties in elections, and that in no way was associated with maximising profits, then they would actually be accountable and would be breaking the law as it currently stands. They say the reason they do not invest in ecological and social justice outcomes is that their primary responsibility under the law is to maximise their profit. So why do they give to political parties? They do it because they expect access. If you give enough, you can ring up the minister and get access. If you have enough money, you can buy yourself a seat at a table with the minister to whom you want to talk. If you are extremely lucky and can influence the government significantly, you can get what you want in terms of legislative outcomes.

I would be very interested to hear from the government as to why there was a special regulation in the industrial relations legislation that exempted specifically the Exclusive Brethren church from having unions in the workplace. I am interested to know why one particular church group got that exclusion. However, my main point is that business donates because it expects to get outcomes which advantage business, and now with this bill you will not even have the transparency to see which businesses are donating.

I am not naive enough to think that, coming into the next federal election, the nuclear industry in Australia is not going to be a major donor to the Liberal Party, but we will never know that. We will absolutely never be able to know whether the nuclear industry is
a major donor to the Liberal Party because, on my calculations, depending on how many people they have on the board, via the mechanism of directors fees, any company can give up to $200,000 or more to the Liberal or Labor parties without any disclosure or transparency. That is a grossly unfair thing to do in a democracy. It is antidemocratic, and it is why the Canadians have moved to abolish corporate donations. They have been completely abolished in Canada because of the rorting that has gone on in the past and the recognition that, no matter what laws you write, companies and wealthy people will find ways around them. Minister, I would be interested to know whether your disclosure provisions mean you can give that amount of money to the Liberal Party in one year and never be identified.

Senator ABETZ (Tasmania—Minister for Fisheries, Forestry and Conservation) (12.41 pm)—I invite senators to reflect upon the fact—and I remind them—that this is the committee stage. Yesterday, we had a number of people giving quite substantial and lengthy speeches rather than engaging in questions. I do not put Senator Carr in that category. The three of us who have had carriage of the matter—Senator Murray, Senator Carr and me—have tried to keep things as short as possible. We are seeing an ongoing mix of issues that will be debated later on under separate amendments. The current issue that we are dealing with is the threshold.

Senator Milne—That’s right.

Senators ABETZ—Senator Milne agrees, which is good. But when you start spending minutes and minutes talking about the early closure of the electoral roll and other matters and having a bash at the Exclusive Brethren church, which has now become a mantra of the Greens, I just do not think it assists the committee stage debate.

In relation to the disclosure laws, it is well known that some 20-plus years ago a new regime was introduced into this country for public disclosure. I have pointed out, on a number of occasions now, the basis of that. Former senator Graham Richardson bragged in his book as to why he did it, and he even acknowledged that, at the end of the day, you could not even argue that Australia is better off for it. That was his own analysis of what he did. He did it to try to damage the cause of their political opponents—that, of course, being the Liberal and National parties and, indeed, the smaller parties.

Therefore, it is interesting to reflect on the debate back then. At the time, the disclosure threshold was deliberately set by Labor at $1,000. The Australian Democrats more sensibly were of the view that it should be set at $2,000. We believed then, a quarter of a century ago now, that it should have been set at $10,000. If $1,000—or $2,000 for the Democrats—was an appropriate threshold a quarter of a century ago, those involved in this debate have to indicate to the Australian people why the inflation factor should not be applied as an absolute minimum. We know that if you did that—as the Australian Democrats asserted in 1982—in today’s figures, therefore, a sum of $5,376 would in fact be the appropriate disclosure threshold. All of a sudden, we are being told that, in relative terms, this $5,000, which equated to $1,000 a quarter of a century ago, will somehow lead to corruption. If it leads to corruption today, (1) show me the proof of it and (2) explain to me why it was not corrupt when it was originally introduced in 1984. Of course, that is where the arguments fail.

We the Liberal Party have always believed that the threshold should be $10,000. We have not sought to index that to justify an even higher limit, but what we are saying is that we are willing to take into account inflation over those 20-plus years and put down a
threshold. And then, more importantly, let us have a CPI on it so that, as the value of money decreases, we have the same level and we do not have the nonsense of what we are experiencing today, where the monetary value has been substantially eroded.

We have been told about corruption and the potential for corruption. I need only remind those opposite of a particular Labor senator who assisted the now member for Hindmarsh, Steve Georganas. They ran a bogus raffle, a raffle that cost $10,000. Only one person bought the raffle tickets. There was no prize, no declaration. When it leaked out, former Senator Bolkus finally put in a declaration. Those who are minded to manipulate will unfortunately always do that.

In relation to Senator Milne’s proposition about BHP, I simply say that that is just a flight of fancy. Nobody has suggested that that is happening under the current disclosure requirements. We are not changing the disclosure requirements other than the actual threshold figure. Former senator Don Chipp admitted that people should be protected if they gave insignificant amounts, and at the time he put that figure at $2,000.

Senator George Campbell—You said this last night. How many times are you going to make this speech? You’re ridiculing other people, but this is about the sixth time you’ve made this speech. Why don’t you just answer the questions?

Senator ABETZ—If you had been in the chamber last night—

Senator George Campbell—I was.

Senator ABETZ—no, you were not—listening to all the contributions, and I underline ‘all the contributions’—

Senator Carr—Mr Chairman, you should tell him Senator Campbell was here.

Senator ABETZ—you would know that that is a matter that the government was challenged on and which I am seeking to respond to. But, of course, when you respond to the Labor Party’s allegations about this and remind them of what they did with the Steve Georganas raffle, all of a sudden they want the government to shut up—

Senator George Campbell—There are rules against tedious repetition.

Senator ABETZ—and to move on.

Senator George Campbell—There are standing orders against this.

Senator ABETZ—What I say to those opposite is: if you believe—

Senator George Campbell—It’s tedious repetition.

Senator ABETZ—It is even before lunch, Senator Campbell!

The TEMPORARY CHAIRMAN (Senator Watson)—Order!

Senator ABETZ—What I say to those opposite is very simple, and it is this: if you feel so strongly about this, there is nothing stopping the Labor Party from voluntarily disclosing every single red cent they get—as Kelvin Thomson, the shadow minister, suggested, until I indicated the huge cost involved in relation to raffle tickets et cetera.

We as a government have held our view on this figure now for 20-plus years. We support it. Sure, there are going to be disagreements about it. But, coming back to Senator Milne’s proposition, there is nothing stopping a family that has 18 children, for example, if they want to, from each individually donating $1,499.99 under the current regime. If people are so minded, good luck to them. But at the end of the day we have a good, robust democracy in this country, but we have a system of disclosure now that I think is unfairly skewed. We need to balance it up to put us in line with countries such as New Zealand and the United Kingdom, both of which have Labour govern-
ments and both of which think that the equivalent of $10,000 is the correct threshold. The arguments in this debate have been well rehearsed and the arguers well versed, and I suggest that we no longer filibuster but get on with the votes.

Senator MILNE (Tasmania) (12.50 pm)—Mr Temporary Chairman Watson, it is not a filibuster. I asked a specific question, which is a realistic question in the context of Australian business. Currently, with the $1,500 threshold, substantial sums of money donated to any political party are publicly disclosed. The question I asked the minister was: would it be possible for a company with eight directors to pass on a $10,000 increase in directors’ fees to the Liberal Party, plus make a company donation to each state, and achieve a donation of $170,000 without a requirement for disclosure?

The difference between the regime now and the proposition you are putting forward is that, if eight directors in the same company gave $1,500 and the company gave $1,500 to the states, the total they could give would be $25,500. So there is a huge difference in disclosure. At the moment, a company that gives anything more than $25,000—or, under the scenario that I am suggesting, $25,500—escapes disclosure; but, realistically, most of them do end up having to disclose it. Under what you are proposing, under the scenario I have put to you, a company could provide $170,000 and not have to disclose it.

That is a substantial difference, and that is because you are increasing the threshold from $1,500 to $10,000 but not capping it by putting in a provision which prevents a company making a donation to the state branches as well as the federal party. That is the change here. It is the substantial increase in the amount of the threshold plus the failure to cap the number of branches that you can give money to that makes the huge difference. What will happen is that companies that used to be caught by the disclosure provisions and were required to admit or to demonstrate up front what they donated will no longer have to do so; they will be able to give a large sum of money every year over the life of a parliament and nobody will know about it. That is the difference.

Corruption occurs when people do not know what money is being spent because they have no way of knowing what the outcomes are and why. That is why I am putting this to you, and I would like a straight answer as to whether you could donate that every year because of this failure in the legislation. That is why I say it is antidemocratic. The minister is suggesting that this is somehow just recognising the different inflation value for money and so on. The fact is that the Canadians have been in precisely the same situation and they have amended their Canada Elections Act to reduce the role of private money in elections by limiting the amount any individual can contribute to a party or a candidate in a given year to a $1,000 donation. Their amendments also introduce a total ban on contributions by corporations, trade unions or associations, which were previously allowed to contribute up to $1,000.

Canada have recognised that they had disclosure limits previously and they did not work. They have gone for a ban. What you are doing is compounding the problem. That is why I am saying that there are no disclosure laws if this threshold of $10,000 applies, because of the capacity to expand the $10,000 donation to $90,000 around the country for the Liberal Party. Also, if a board really wanted influence, it could get it through its directors fees, and the company would not have to put in a disclosure form because, as a third party, you can reimburse an individual for giving $10,000 without
having to disclose it. That is why I am asking specifically: can what I am saying happen? Yes or no?

Senator ABETZ (Tasmania—Minister for Fisheries, Forestry and Conservation) (12.54 pm)—It is a fanciful proposition that is being put to the Senate. It is hypothetical in the extreme. What would stop a front group such as Doctors for Forests, for example, being used to get money from high-wealth individuals who happen to be from the medical profession to then provide money to the Australian Greens or sending money overseas and having it come back courtesy of the Swedish Greens? What would stop them having high-wealth individuals buying artworks at public auctions from high-wealth artists as some sort of commercial transaction?

I put this question to Senator Milne and the Senate: in the real world, do you honestly think that nine state directors of a political party, with all the directors of the particular company that Senator Milne is talking about, would be involved in this extensive conspiracy which would be of little monetary value at the end of the day? I indicate to the Senate that, with this increased threshold, we are talking about only 12 per cent of the disclosable revenue. On current figures, over 80 per cent would still be fully disclosable as transacted today. The Greens organiser in Tasmania herself came out on the radio lamenting the amount of time it took to deal with the rats and mice of donations to comply with the current laws.

Indeed, it was interesting to see why the Labor Party seemed to be opposing this. Looking at Senator Hutchins’s contribution, I note that he said that he was against this increased threshold not because of the threat of corruption in the major parties but because he thinks that this will advantage the minor parties. We are getting a mishmash of reasons from those opposite. I do not know why you are just trying to latch onto any reason or excuse to oppose this.

As to Senator Milne’s suggestion, it is hypothetical and fanciful. The reality is that those who want to engage in corruption will not be donating through extra moneys being made available to each of the directors, who then make it available individually to each of the state directors through a state party organisation. The unfortunate history is that, when that does occur, it is usually done with a pair of white shoes and a brown paper bag that has cash in it. Even under this legislation, that will not be detected unless somebody blows the whistle. Even in the Canadian situation, with its new guidelines, the brown paper bag and the white shoes will not be detected. Unfortunately, until such time as human nature changes considerably, that sort of behaviour will occur. This regime will not overcome that. I invite senators to consider the very wise words of former senator Don Chipp as to why you do need an appropriate threshold to protect privacy.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (12.58 pm)—A recent Prime Minister of Italy Mr Berlusconi, using the numbers that he had in both houses of parliament, changed the laws to escape charges against him on corruption from his previous activities and also to facilitate him being able to keep going the way he was into the future. He made the corrupt and unlawful legal—ergo, making it no longer corrupt. This legislation is the same. It is saying, ‘It would be corrupt to have a collective of people donating $10,000 to the coalition or to another political party, but that is a good thing for the political party, so let us make it legal so that it is not corrupt.’ That is the process we are looking at here. With that comes all the concern that large amounts of money are going to be able to be fed into political parties. The money is not given
without strings attached. They are always there, visible or invisible.

Senator Abetz—What? That is not the basis you accept, is it?

Senator BOB BROWN—The minister interjects about a very worthy party organiser talking about the amount of time it took to fill in the forms. He is, of course, misrepresenting her by saying that she did not want to do that or that she supported this legislation. Of course she does not. What she was saying is that the Greens are not as rich as some other parties, and that it is a lot of work to employ people—if you do employ them—to make sure that the current requirements are filled out. The simplest way would be to take the Greens’ policy here and take the Canadian route: get rid of these donations and their corrupting influence. But here we have the potential for hundreds of thousands of dollars to be given in the future by a coordinated group of people, off the public record but within the law.

Senator Abetz—That exists now.

Senator BOB BROWN—Senator Abetz says, ‘That exists now.’ He might get up and explain examples of where that has happened.

Senator Abetz—No; the regime exists now and there are no examples, and there won’t be any examples in the future.

Senator BOB BROWN—I beg to differ. I think groups like the Exclusive Brethren have been sailing very close to the wind—and I will be interested to see what inquiries discover there—by advertising for Prime Minister Howard in Bennelong and Parramatta and elsewhere, including in South Australia and statewide in Tasmania, without furnishing a return. It may be that their members somehow, magically and independently, decided to spend the tens of thousands of dollars involved in that, but I will be interested to see whether they put in returns. What we do know is that $1 million was spent by that organisation in New Zealand against the Labour Party and the Greens. It is insidious, as that almost got to an election without being known. If you are going to have large amounts of money like that coming, with very big strings attached, from concerted efforts by organisations, it should be well and truly on the public record. The problem with this legislation is that it is going to allow an enormous increase in the donation potential to political parties, and the government is doing this because it sees it has most to gain from it not being on the public record. That is a formula for corruption. We strenuously oppose it and we think the government should think again.

Senator ABETZ (Tasmania—Minister for Fisheries, Forestry and Conservation) (1.02 pm)—To answer even more specifically: I thought it was a fanciful proposition that Senator Milne was putting to the Senate about a company giving money to its directors so that they could then give that money to political parties. That is specifically disallowed by section 305B(2), which says: If a person makes a gift to any person ... with the intention of benefitting a particular registered political party ... the person is taken for the purposes of subsection (1) to have made that gift directly to that registered political party. So, if a company gives money to each of its directors as a method of laundering that money for the political party, it would be captured by the existing legislation.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (1.03 pm)—I ask the minister: should a company give a donation to a political party if it believes that will give no advantage to its shareholders?

Senator ABETZ (Tasmania—Minister for Fisheries, Forestry and Conservation) (1.03 pm)—That is not for me to answer.
Senator Bob Brown—Yes, it is! That is very much for you to answer.

Senator ABETZ—It is up to each company or trade union—or, indeed, the Wilderness Society or Doctors for Forests—to determine whether or not it is within the interests of its organisation, of its members or of the community at large. On trade union donations, whilst I cannot understand them, I do accept that trade unions honestly, in a warped sort of way, believe that the country would be better off with a Labor government. I accept that they genuinely believe that, and they ought to be entitled to make their donations. I do not seek to look behind those donations and ask whether their purpose for giving them is good, bad or indifferent. That is the great thing in this free society—one that the Greens would of course close down, especially on the Exclusive Brethren. I do not look for why people want to donate or not donate; just as long as it is within the law then that is all that is important.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (1.04 pm)—The minister did not answer the question, for the obvious reason that no company can reasonably make a donation to a political party on its own behalf if it is going to disadvantage shareholders. That would be unethical. Of course there are strings attached when political donations are made. The minister must think that we are in some way or other unaware of how the world works if he thinks we believe that political donations are given without the expectation that they will buy political influence. That is why we oppose the proposals, that is why we think that Canada has gone a much healthier route and that is why we know the government wants to go in this direction, so that it can cover up massive donations flowing into its coffers that have strings attached and that create the potential for quite substantial corruption resulting from the process. This legislation is, as other speakers have said, one of the biggest attacks on democracy in this country since Federation. We are not exaggerating about that; it is very dangerous and insidious legislation, if you believe in a healthy democracy.

Senator ABETZ (Tasmania—Minister for Fisheries, Forestry and Conservation) (1.06 pm)—Very briefly: I think we are now getting into the realm of a great degree of repetition. The Greens were exposed when I read out section 305B(2). The fanciful proposition put by Senator Milne had no wings or feathers to fly with, so Senator Brown has made the bald assertion that every political donation is made with the purpose of buying influence. Can I say that that is a very good insight for the Australian people as to how the Australian Greens leader sees political donations. Can I tell you that a lot of people who donate to the Liberal Party may well be disappointed with our policy in a particular area. As far as the Liberal Party is concerned, we do not accept donations if there are any strings attached to them. That has been the rule for a long time. The fact that the Greens have exposed that they accept donations with strings attached reflects very badly on them.

Question put:
That schedule 1, item 79, stand as printed.

The committee divided. [1.11 pm]

(The Chairman—Senator JJ Hogg)

Ayes………… 32
Noes………… 30
Majority…… 2

AYES

Abetz, E. Barnett, G.
Bernardi, C. Boswell, R.L.D.
Brandis, G.H. Calvert, P.H.
Chapman, H.G.P. Colbeck, R.
Coonan, H.L. Eggleston, A. *
Ferris, J.M. Fieravanti-Wells, C.
We now move to amendment (7) on sheet 4879 revised. I move:

(7) Schedule 1, page 22 (after line 11), after item 79, insert:

79A  After section 306B
Insert:

306C  Foreign donations and loans prohibited
It is unlawful for a political party or a State branch of a political party or a person acting on behalf of a political party or a State branch of a political party to receive a foreign gift, donation, loan or disposition of property originating by whatever means from a foreign source.

306D  Forfeiture of foreign donations and loans
If a foreign gift, donation, loan or disposition of property is made to a political party or a State branch of a political party or a person acting on behalf of a political party or a State branch of a political party, the foreign gift, donation, loan or disposition of property is presumed to be in breach of section 306C and is forfeited to the Commonwealth.

Note: For strict liability, see section 6.1 of the Criminal Code.

306E  Donations and loans by non-citizens resident in Australia lawful
A gift, donation, loan or disposition of property in Australia to a political party by a person who is a non-citizen resident in Australia is not a foreign donation or loan for the purposes of section 306C or 306D.

306F  Donations and loans by Australians living abroad lawful
A gift, donation, loan or disposition of property by a person registered on a Commonwealth Electoral Roll living overseas is not a foreign donation or loan for the purposes of section 306C or 306D.

Before I address the substance of that amendment, I would like to make some brief comments which are general to the debate that preceded this. The minister ascribed a motive to former Senator Richardson. I do not know if it is true or not because I have not read former Senator Richardson’s book, so I pass no opinion. But I would like to say that, if that was the motive of Senator Richardson—it might not have been the motive of the Labor Party—it did not work, be-
cause better funding and disclosure rules did not harm the Labor Party’s opponents the Liberal Party.

There is a lesson there. I saw in the great resistance of many in the corporate world to better corporate governance rules that they thought they would harm their businesses. In fact, they have helped their businesses. Better governance helps businesses and better governance helps political parties. So I argue that stronger and better funding and disclosure laws improve the operation of our system and improve the chances of political parties rather than harming them.

The second brief thing I would say with respect to the previous issue is that issues such as those raised by the Australian Greens and others in this debate can be addressed by other integrity measures. I ask the government to look again at amendments of mine, on behalf of the Australian Democrats, which have previously been rejected. For instance, we put an amendment that would require in Corporations Law shareholders to approve the boards’ political donations policy—not each individual donation, but the policy. The coalition voted against that. That would be an integrity measure which would help prevent corrupt or improper behaviour.

The second amendment I would ask you to look at again, which I moved on behalf of the Australian Democrats and which the coalition also voted against, was an integrity measure built on the precedent established by part 4A of the tax act, which addresses the motives in the tax act to do with trying to construct an arrangement with a specific purpose of avoiding tax. I put an amendment which would prohibit donations being made with strings attached. The coalition voted against that. I would, in passing, offer those two integrity measures for you to look at again.

Turning to the matter at hand: the amendments before you build on and to a considerable degree repeat amendments we have previously put, but I think they have been given particular currency by common democratic opinion and concerns world wide. I refer to the prohibition of political donations or loans from overseas sources. It is our view and the view of many Australians that they represent a level of foreign influence in our domestic politics that is ethically and democratically unacceptable and indeed unwise.

For quite a few years now we have been calling for such donations to be banned outright, but recently we added loans to our perception because both have the same effect. I must stress that the Democrats have absolutely no issue at all with political donations from individual Australian citizens living offshore, and that is reflected in this amendment. If Australians living offshore want to make donations to political parties of their choice, they should be entitled to do so.

However, we believe that evidence has clearly shown that donations to political parties and candidates by foreign individuals and organisations can be used as a means of avoiding disclosure requirements. Even more pertinently, in the experience of the AEC, and they have put evidence to this effect before the Joint Standing Committee on Electoral Matters, it is virtually impossible for them to audit or check on donations from overseas, simply because they are made from overseas and the AEC cannot go overseas to do such a thing. While the recipients of such donations must still disclose details of the donor if the donation exceeds the disclosure threshold, there is no way to ensure that the donor was the real source of the money.

I have done an analysis, and in the last seven years the Australian Electoral Commission disclosure returns show that between 1998 and 2005 Australian political parties
received close on $2 million from overseas sources. Note that this is disclosed amounts; I would not know what undisclosed amounts have been received. Of this amount, $1,557,804 went to the Liberal Party; just on $229,779 went to Labor; $170,564 went to the Australian Greens; $7,711 went to the Citizens Electoral Council—although I must say, without casting unnecessary aspersions, given the kind of expenditure they indulge in I am very wary as to whether they are funded extensively by loans as opposed to donations; they do seem to have a very strong connection with an American businessman—and $2,200 went to the Democrats. The disclosed donations came in from the Channel Islands, a well-known tax haven; New Zealand; Sweden; the Philippines; Great Britain; Liechtenstein, another well-known tax haven; Germany; China; Hong Kong; the United States; Japan; India; Fiji; and Taiwan.

The astonishing exposure, which I seem to recall was referred to in yesterday’s debate by Senator Carr, the shadow minister, of the $1 million donation to the Liberal Party from Lord Michael Ashcroft of Britain must surely serve as a new catalyst for reform in this area. This is believed to be the largest single donation from an individual in our political history, and I think that has been confirmed in evidence by the AEC. No single individual has ever made such a large donation.

Senator Abetz—Don’t forget Centenary House.

Senator MURRAY—I am referring to individuals and, as you know, I was a critic of the Centenary House arrangement. Why did Lord Ashcroft make this donation? In my experience, rich people and $1 million do not part that easily. What we do know is that Lord Ashcroft has a widely criticised history of donating large amounts of money to the Tories in Britain. I understand that they were made from a tax haven called Belize, but perhaps that is not an accurate report. It is also reported that he has a history of political donations that prompted and resulted in the banning of foreign donations in the United Kingdom.

Under British law, a donation of more than £200, or $A470, is allowed only if it comes from a person eligible to enrol to vote in Britain or from a registered corporation operating in Britain. A number of other democracies also ban foreign donations, including the United States, New Zealand and Canada. The Australian government, in this debate and in others, is quick to refer to these countries in comparative terms, and I suggest that the government could look at embracing the laws of those countries to ban any foreign influence on domestic politics in our country.

In the United States, it is unlawful for foreign nationals to make donations; United States citizens living abroad can donate. But the fundamental principle that I think should concern us most is that a principle of our electoral funding law is that the Australian Electoral Commission must be able to verify the nature and source of significant political donations. I think offshore based foundations, trusts, clubs or individuals, funded from tax havens, making political donations to Australian politics are a real danger, because those who are behind those entities are often hidden and beyond the reach of Australian law. With those motivating remarks, I do hope that as an integrity measure this amendment of the Democrats gets cross-party support.

Senator CARR (Victoria) (1.24 pm)—The Australian Labor Party does have very deep concerns about the level of foreign donations to the Australian political system. Labor members of the Joint Standing Committee on Electoral Matters made the point in their minority report that there are currently
no restrictions placed on political parties regarding the source of their donations and that Australia’s current electoral law allows political donations to be received from overseas sources, although it is generally regarded that they are relatively rare. It is a matter of some concern, however, that we saw an individual contribute $1 million to the Liberal Party at the last election.

I am particularly concerned that Australian electoral law at this time effectively allows for no legally enforceable mechanism to check on the source of funding from overseas. We do not know how widespread the practice is. We do not know how many other donations have come through the back door, because there is no way of determining the true donor, nor are there any penalty provisions enforceable against persons who seek to abuse our electoral laws.

We know that at the last election an investment company by the name of Kingston Investments, which I understand is resident in China, donated $50,000 to the New South Wales branch of the Liberal Party and that it did not file an electoral return. As a consequence, the Australian Electoral Commission has no way of ensuring that the group complied with Australian law, given that it is based overseas and was not seeking to contribute by way of an electoral return. The Labor Party members of the committee made the point in their report that this was a matter that required urgent action. We take the view that there ought to have been a thorough inquiry by the government, which should have joined with us in ensuring that these matters were properly investigated.

I think it is fair to acknowledge that at this time there are a number of occasions that could be identified where political parties have received overseas donations. I acknowledge that the Labor Party has received small levels of donations from overseas. I know the Greens have. They are a little bit smaller again but, given their size, they are probably more significant for their financial position. I know that the racist and highly reactionary organisation the Citizens Electoral Council has received considerable support from overseas. I know it is an anti-Semitic organisation that has peddled the politics of hate throughout this country, and it is essentially funded from overseas. It could not possibly sustain its level of political activity based on its contribution from domestic sources. I know that its head office, which is based not far from where I live in Melbourne, could not possibly be maintained on the basis of local contributions only. Its offensive, racist propaganda is spread throughout the length and breadth of this country and it is essentially financed by Jew-hating organisations in the United States. I think it is obscene that organisations such as that are able to function in our political system, and the Australian electoral laws ought to be cleaned up to prevent that from occurring.

I am concerned that there be a proper inquiry. In government, the Labor Party will ensure that a proper inquiry is conducted to establish just how widespread these practices are, who it is that contributes and the circumstances under which they contribute. We need to properly establish how we can define the nature of foreign donations. As has already been indicated, there are various ways in which this matter can be tackled in international law.

It is a tragedy that this government seeks to pick the worst aspects of American political life and not the best aspects of it when it is pursuing its models. The Americans take the view that, if you are a citizen, you are able to contribute even if you live overseas. Prima facie, I cannot see a serious argument against that. But I take the view that they are right when they say, ‘We should not allow
our political system to be subject to the dictates of foreign interests. There is no clearer way that that can occur than through the purse. As you know, Minister, the purse strings carry considerable weight in any political system.

That brings me to a recent example that has highlighted the problem that has emerged in this country. Lord Michael Ashcroft of Belize is a member of the House of Lords. As I understand it, he has been prominently mentioned in recent controversies because of his contribution of loans to the Conservative Party in England. A £3.6 million loan was provided to the Conservative Party in the United Kingdom. He is a man mentioned in recent times as a person of some interest to the Drug Enforcement Agency in the United States. He was subject to their investigations—as I understand from reports I have seen—in regard to money laundering.

Lord Ashcroft is also a man who I understand has attracted considerable honours in the United Kingdom. One knows how much of an honour it is to be a person of such wealth, to take a place in the House of Lords and to collect Victoria Cross medals. I am told he has the largest private collection of Victoria Cross medals in the world. I am also told that he was knighted for public service to the people of Belize. There was some criticism, however, when he was appointed to the House of the Lords, because there was a concern that he did not actually live in the United Kingdom. As I understand it, one of the requirements for him taking a seat in the House of Lords was that he was required to live in the United Kingdom. They are very tough, so extraordinarily tough, the English, aren’t they!

Lord Ashcroft was Treasurer for the Conservative Party between 1998 and 2001 under William Hague. I recall that he ran into some controversy in the last election in United Kingdom because he sought to personally contribute by way of donation some £2 million on the basis that he got to pick the candidates who received the money. That is a measure of the way in which the British Conservative Party undertakes its politics. He is well known as the deputy treasurer of the International Democratic Union, an organisation the Prime Minister enjoys spending a lot of time with.

I understand the basis on which the $1 million donation was contributed to the Liberal Party of Australia was through the International Democratic Union. Shane Stone, the man who told us that this government was mean and tricky, organised for the $1 million donation to be sent by Lord Michael Ashcroft to the Liberal Party. It was on the basis that he had a longstanding admiration for the Tory government of Australia and he felt that providing the largest personal donation in the history of the Commonwealth was an appropriate way to prove this longstanding commitment to Prime Minister John Howard.

We do not know whether or not it complied with all the requirements of the AEC because there is no way the AEC, the Australian Electoral Commission, could effectively investigate the authenticity of the information that was provided on the return, if it wished to, given Lord Ashcroft’s foreign address. There is no way that we could establish what the terms of his $1 million contribution to the Liberal Party were. So this is a clear example of where we see not just the worst aspects of American political life but also the worst aspects of the United Kingdom’s political history being force fed into the Australian political system by this government. Even in England, they are now saying that this sort of behaviour is not acceptable and they are banning these sorts of donations. The Labor Party say we should ban
them as well, and we will be supporting this amendment.

Senator MILNE (Tasmania) (1.36 pm)—The Australian Greens will also be supporting this amendment for the same reasons that the Democrats and the Labor Party have outlined. It would make the Australian electoral process a lot more transparent if we had that particular measure. As other people have indicated, probably all political parties have received donations of various kinds over the years. Certainly, the Australian Greens, when we hosted the global Greens conference in Canberra in 2001, had a donation from the European Greens to help pay for the cost of running the conference that we held. Regardless of that, I still think it would be an important measure for transparency in Australia if we banned all of these foreign donations and loans and if the Australian people had much better disclosure laws or the banning of corporate donations altogether. With regard to this particular amendment, we totally support banning foreign donations and loans as per the amendment, and we support it.

Senator ABETZ (Tasmania—Minister for Fisheries, Forestry and Conservation) (1.37 pm)—Briefly, can I indicate that the government opposes the amendment. In relation to the matters Senator Murray raised, I understand they will be addressed in the government’s response to the report by the Joint Standing Committee on Electoral Matters regarding the last election. I think you raised that in that context. A response will be coming in relation to those matters.

In relation to Senator Carr’s contribution, it was all very interesting but not all that relevant. I could take him back to Benito Salazar, a Filipino middleman who was later charged with murder, who refused to disclose the original donation of $25,000 to the Australian Labor Party. I could talk about Centenary House. At the end of the day, all the sums that we have been talking about are well and truly in excess of $10,000. I do not think that any foreign person seeking to influence Australia’s domestic politics would even consider that a sum less than $10,000 would have any influence.

Much as I hate Senator Murray going back to previous votes and discussions, as he often does, can I quickly commit the same sin to respond to the Greens’ assertion that there was an inclusion in the workplace relations legislation that we recently passed in response to the Exclusive Brethren. If that is what we did then the Greens, in their great conspiracy theory, would have to advise why New Zealand did that in their Employment Relations Act 2000 and still have it on the statute book, why South Australia did it in its Fair Work Act in 1994 and still has it on its statute book and why the Labor government in New South Wales included it in their Industrial Relations Act in 1996. It is a great conspiracy theory but, when you put a bit of light onto it, it just does not stack up. We are in fact following the provision of what is accepted by two state Labor governments in Australia and the government of New Zealand, which also happens to be a labour government.

Senator CARR (Victoria) (1.39 pm)—I am very concerned about this question. I have mentioned the $1 million. I take it the minister does not dispute that the Liberal Party received $1 million from Michael Ashcroft, which is the largest personal donation. You do not dispute that, do you? I ask the minister: can you confirm that the Citizens Electoral Council’s return in recent years has shown that they have had income in excess of well over $1 million and that the bulk of that income has come from the publications and general management of Leesburg, Virginia, in the United States, which I understand is the headquarters of the LaRouche organisation and that, while the Citi-
zens Electoral Council does declare a small percentage of its fundraising, the overwhelming bulk of it—to the tune of well over 80 per cent of their funds—actually cannot be verified because, while their incomes are stated, the sources of their revenue are not in full but there are claims made that debts are owned to foreign corporations and for printing and other general management services?

Senator MURRAY (Western Australia) (1.41 pm)—Just before the minister responds, for the assistance of the committee: I told the committee I had a list of foreign political donations drawn from the AEC site, running for the seven years from 1998-99 to 2004-05. My quick addition shows about 50 entries there. Twenty-nine of those foreign donations were below $10,000. So 29 of those would not be disclosed under the new regime.

Senator ABETZ (Tasmania—Minister for Fisheries, Forestry and Conservation) (1.42 pm)—Very briefly: I am not in a position to either confirm or deny what is in the Citizens Electoral Council’s returns, other than that I am advised that the Australian Electoral Commission does an audit and checks up to ensure that those moneys that are asserted to be received are in fact accounted for. There is a very similar allegation to the one that Senator Carr is making against the Citizens Electoral Council, although not that the money is being received overseas. A similar criticism was made by a columnist in the Hobart Mercury about the Greens. Supposedly they have about $750,000 of undisclosed moneys. What I say to that is that the chances are that they are small donations, small contributors, that do not have to be publicly disclosed. Of course, that is why Senator Hutchins made his comments during the second reading debate. I am advised that the Electoral Commission does undertake audits. If there were the suggestion that all this money was coming from overseas in large lumps then undoubtedly there would be the requirement that they be disclosed.

Question put:
That the amendment (Senator Murray’s) be agreed to.

The committee divided. [1.48 pm]
(The Chairman—Senator JJ Hogg)

Ayes………………… 32
Noes………………… 34
Majority…………… 2

AYES

NOES

Question negatived.

Senator MURRAY (Western Australia) (1.52 pm)—I move Democrats amendment (8) on sheet 4879 revised:

(8) Schedule 1, page 22 (after line 21), after item 83, insert:

83A At the end of section 314AB
Add:
(3) A return which is illegible shall be deemed not to be furnished in accordance with subsection (1).

This is an item which asks that the returns, which all political parties and others have to put in, should be legible. I do not know if the Temporary Chair or the rest of the chamber is aware, but the people who analyse or assess returns have to assess the return that has been provided. The returns are often in handwriting and quite a number of them are illegible. On my website I have an analysis of all the donations in WA for instance, and even if you get scanned or photocopied copies they are impossible to read. It is a simple technical amendment which would assist all who use those returns. It is a common requirement in other law, for instance in Corporations Law and other law of that sort, that returns have to be able to be read. That is why the amendment is there.

Senator ABETZ (Tasmania—Minister for Fisheries, Forestry and Conservation) (1.54 pm)—The government opposes this amendment. It is of the view that it is not necessary to try to define in legal terms that which is legible or not legible. When I go to a doctor every now and then—thank goodness, not very often—I am given this scribble which I cannot read but the chemist or the pharmacist is able to understand without any difficulty whatsoever. I suggest that there is no need for this proposed amendment.

Senator CARR (Victoria) (1.54 pm)—As far as the opposition is concerned there is not a major issue as to whether people put in handwritten returns. There is a major issue that they be legible and we would encourage all action to be taken to encourage people to write in a legible form, but I do not think this requires an amendment to the electoral act.

Question negatived.

Senator MILNE (Tasmania) (1.56 pm)—I move the Australian Greens amendment (1) on sheet 4972:

(1) Schedule 1, page 26 (after line 8), after item 87, insert:

87A After section 328
Insert:
328B Electoral advertisements by third parties
(1) A third party commits an offence if either:
(a) it prints, publishes or distributes an electoral advertisement; or
(b) it causes, permits or authorises an electoral advertisement to be printed, published or distributed; and
the electoral advertisement is intended to affect the casting of a vote in an election.

(2) Subsection (1) does not apply if the following registration requirements prescribed under the regulations are met:
(a) compulsory identification of a third party, including the identification of all persons and in the case of a corporation, directors and other officers of that corporation; and
(b) compulsory disclosure by a third party of any contributions made to it
This is with regard to electoral advertising by third parties. It goes to the heart of what I was saying before. I appreciate Senator Abetz’s explanation that if a company gives money to a board of directors to give on to a political party then they would have to declare it. However, if a company coincidentally increases board fees and at the same time individual board members give the same amount of money then it would not have to be disclosed. So I stand precisely by what I said before about the extent to which these donations can be made to the government, or to any political party for that matter.

The other clarification I would make before question time is that Senator Abetz referred to a Hobart columnist. He was talking about Greg Barns, a disendorsed Liberal Party candidate of the past who writes columns for the *Mercury*. He talked about the Greens having $750,000 between 2001 and 2005 which were not donations. No, that is right. It was money which was paid back in public funding for campaigns, so where that money came from can be very clearly traced. It is certainly wrong to infer that those donations had not been in any way declared. It was very clear that it was public funding and I want to put that on the record.

With regard to third parties, the issue here relates to a specific example during the last election when, in Tasmania, a group called Tasmanians for a Better Future—who were not incorporated, who have no names associated with them, no addresses or anything—suddenly came out of nowhere and started advertising in the campaign. They got a public relations company to act on their behalf. The way that this legislation is currently set out means that corporate Australia, or any business which does not want to be known for what it is doing in influencing elections, can go to a public relations company. The public relations company can then run a half a million dollar or a million dollar campaign if it wants to. The public relations company would have to put in the electoral return that it had spent the money on the election, but the people who donated to the public relations company do not have to be named if the donations they have made under this legislation are less than $10,000.

So 20 or 30 businessmen can get together, put in $10,000 each and then run a campaign, and you can never establish who these people are. This is what occurred in the last election. The level of dishonesty associated with it was appalling to the point where one person—the President of the Chamber of Commerce in Tasmania, Michael Kent—when he was questioned about it denied knowledge of it, saying he thought they were just concerned businesspeople. Later he proved to be one of them.

Progress reported.

**QUESTIONS WITHOUT NOTICE**

**Skilled Migration**

**Senator O’BRIEN** (2.00 pm)—My question is to Senator Vanstone, the Minister representing the Minister for Vocational and Technical Education. Is the minister aware of comments on ABC Radio by Productivity Commissioner Judith Sloan that:

Migration is not a skill formation policy. You really have to think much more broadly in terms of all the incentives for Australian employers and employees to gain skills.

Given these comments, can the minister explain why the government has rebadged the
New Apprenticeships Incentives Program and cut funding in net terms by $41.5 million? Can the minister also confirm that, instead of training more Australian apprentices, the government has imported an extra 270,000 permanent skilled migrants since 1996 and is handing out 100 new temporary skilled worker visas every day? Why has the government given up on training Australians and gone for the quick fix of importing workers to overcome our skills crisis—something which experts like Professor Sloan say will not work?

Senator VANSTONE—I thank the senator for the question. I have not seen the comments made by Professor Sloan but, in the limited context in which they have been repeated here, I think, frankly, everybody in this place would agree with them. This government does not look at immigration as being a skills fix. We look to the training of young Australians, and we certainly remember with some regret the time period of the previous government when the now Leader of the Opposition—who now says, through you, Mr President, ‘I’ll train Australians and I’ll train them now’ or ‘I’ll train them first’—was actually responsible for cutting the funding to the training of apprentices and trainees. That is, people wanting to do traditional trades and new apprenticeships had the spending on those matters cut by the now Leader of the Opposition. It is a problem for the Labor Party that they cannot do one thing in government and then in opposition say: ‘Trust us. We wouldn’t do that again.’

It was like interest rates, wasn’t it? Look what happened when the Australian public looked at the Labor party’s record on economic management, and the same will happen when the Australian public look at the Labor Party’s record on training. You cannot have 13 or 14 years in government during which you give the Australian people a recession which you say will be good for them—a recession we allegedly had to have—and then cut funding to apprenticeships and traineeships and later say: ‘Gee, if you re-elect me, I won’t do that again. Heavens no! I’ll pour money into the training system.’

Senator Chris Evans—I rise on a point of order which goes to relevance: Senator O’Brien asked a question about the government’s program and its rebadging of the New Apprenticeships scheme, and the removal of $40-odd million out of that scheme as incentives for people to train. The minister has made no attempt to answer that question. The general rave about the evils of a government of some 12 years ago is not a satisfactory answer to the question, and I urge you to exert your authority and require ministers to make some attempt at least at answering the questions.

The PRESIDENT—that is a very long point of order. I hear what you say. The minister has two minutes and 11 seconds to return to her answer.

Senator VANSTONE—Thank you. I have said enough, I think, about the well-known fact that the previous Labor government cut funding to apprenticeships and traineeships. Let us move on to this government coming into power and us experiencing some 10 years of economic growth, which of course means that your businesses are not only surviving in the economy at the time, but they have the capacity to be able to grow. For a business to be able to grow, it is not rocket science: most need to take on more skilled people. In order to get skilled people, you have to have them in the pipeline. This is the pipeline that Labor turned off, so what we are doing is using the immigration system to assist Australian businesses to grow and develop.

I was particularly interested to go back and look at a clipping in January this year
where apparently the union movement were discussing with an employment agency whether it would be of interest to the union movement to bring in workers from, for example, the Philippines, and pay them at half the rate Australians are paid. Guess where the other half of the money would go? Into a union training fund! The union movement would have been able to skim some $20 million out of this fund.

As I recall, I have seen a comment by one of the senior union officials saying this was a genuine attempt to address a skills shortage in Australia. We have the union movement looking at bringing in—looking at, not agreeing to—people to work at half the going rate in Australia, and—guess what?—to take the other half into a union training fund. That is what we have the union movement doing: wanting to build a $20 million administrative fund for training to give people like Senator Wong and other union officials jobs.

Senator O’BRIEN—Mr President, I ask a supplementary question. I remind the minister that the pipeline that she was just talking about is the one that this government has been in charge of for the last decade, and so the buck stops with this government. Can the minister now explain how the decision to change the name of the New Apprenticeships scheme to Australian Apprenticeships provides any incentives for employers and employees to gain skills—something that Professor Sloan said was desperately needed? Isn’t the name change just a $24 million re-branding exercise with no benefits to business or apprentices? Wouldn’t this money have been better spent actually training more apprentices rather than printing fancy new letterhead and paying more spin doctors?

Senator VANSTONE—Senator O’Brien invites me to remind him of the arrangements for who pays for what in Australia and to remind him that—

Senator Chris Evans—Mr President, on a point of order. Senator O’Brien did not ask the minister to remind him. Senator O’Brien asked a serious question about a government program. You have let the minister completely avoid the primary question. I ask you to draw her to the question and to require some relevance in responses from ministers, because this has just become a complete farce.

The President—Minister, I remind you of the question, and you have 49 seconds.

Senator VANSTONE—My answer to the question is this: senators will understand—as I am sure the questioner understands—that, basically, apprenticeship and traineeship training is primarily a responsibility of the states. They have not been doing very well at it, which is why, of course, we have had to move in and do some of the work that the states in fact should have done. We have increased the number of Australians in training by 141 per cent to 389,000 since 1996, when it was 161,000. We are doing our own work to get vocational education in schools. We are providing $10.8 billion over the next four years for that and we have, of course, increased New Apprenticeships. There is no doubt we are doing our share. (Time expired)

East Timor

Senator FERGUSON (2.08 pm)—My question is to the Minister for Justice and Customs, Senator Ellison. Will the minister update the Senate on the ongoing efforts of the Australian police in restoring law and order in East Timor?

Senator ELLISON—That is a very important question from Senator Ferguson in relation to a matter which is of great interest to all Australians. Over the weekend, I visited East Timor with the Commissioner of the Australian Federal Police, Mick Keelty. On the ground, we saw first-hand the excel-
lent work that is being done by the men and women of the Australian Federal Police and, indeed, by the Australian defence forces. By the end of this week, we anticipate that we will have up to 80 state and territory police joining our contingent in East Timor, and that will allow us to draw down some of the AFP number there. Of course, we acknowledge the cooperation of the state and territory police in this regard.

It also gave us an opportunity to gauge on-the-ground reaction to the work being done by Australian police in East Timor. I believe that the East Timorese people appreciate our presence there. They have a trust in Australian policing and, of course, they have had experience of that in the past. The Australian government has every confidence in the professionalism of our Australian personnel posted to East Timor in what is a very tense and dangerous situation. There has been some progress made, and we do not underestimate that progress, but life is gradually returning to normal.

I had the opportunity to meet with Minister Baris, the minister for the interior. We discussed a range of operational matters in relation to the issue of law and order and how we will achieve that. Minister Baris indicated the East Timorese government’s appreciation of the work that we are doing and supported our mission in East Timor. He indicated that the East Timorese government was firmly resolved to investigate the crimes that we have seen committed in recent times. We discussed that with him and he also undertook to cooperate with us in our efforts to preserve evidence in relation to the crimes that have been committed. The United Nations will be setting up a commission of investigation. The work that our AFP has done over the past few days, of course, is vital in the preservation of evidence for that investigation. I discussed this very issue with a UN adviser who had visited East Timor to assess this and other issues which face us in establishing a new United Nations mandate.

We cannot underestimate the challenge that lies ahead. Last night, Four Corners aired allegations which were indeed very serious. The Australian government has always said that it is up to the East Timorese government and people to solve those political issues which they face. It is not our job to do that. East Timor is a sovereign nation. Insofar as crimes have been committed and insofar as we need to return that country to a normal situation where people can go about their daily business without interference or assault, we will do everything we can to assist. The Malaysians have indicated they will provide 250 police. We look forward to a multinational police presence and, of course, we would welcome wider participation in that regard. We are fully supportive of a new UN mandate. That is being looked at in detail by the United Nations. In that interim period, Australia has a very important job to do in returning law and order to East Timor, and I believe that is something which has the full support of the East Timorese people.

**Skilled Migration**

Senator MARSHALL (2.12 pm)—My question is to Senator Vanstone, the Minister for Immigration and Multicultural Affairs. Is the minister aware of comments attributed to her in today’s Australian Financial Review about 24 foreign workers employed by ABC Tissue Products at Wetherill Park in Sydney that said that there were some irregularities with the payments they were making to visa holders that required attention? Can the minister explain what the irregularities were? Were the foreign workers being underpaid or overworked, or is it the case that these workers are in fact unskilled? What actions did the department or the minister take to make sure that Australian skilled tradespeople were not available to do the
same work? Is the minister now prepared to table the report prepared by her department after its visit to ABC Tissue on 28 August 2005, as well as the department’s correspondence with the company about guest workers employed at the work site?

Senator VANSTONE—I thank the senator for the question. I did not see the *Lateline* report that I think started this matter in the public arena, but I can say that the allegations are being investigated by my department and any relevant state and federal agencies. On 16 June, departmental officials in Guangzhou met with representatives of the Hunan industrial equipment installation company to discuss the allegations. On 20 June, the department and the Office of Workplace Services will visit ABC Tissue to make further inquiries—so I am expecting that to happen today. On 23 June, the department will meet with the Australian Manufacturing Workers Union to discuss further issues that they have raised. Occupational health and safety concerns have been referred to New South Wales WorkCover. I hope that what I have said to you at this point indicates that, if allegations are made about people misusing these visas, they will be investigated, certainly by federal agencies. I have had no indication to this point that state agencies would not feel exactly the same way because, in some cases, they are involved.

We do take seriously any allegations made about misuse of this visa. Whether it is underpayment, whether it is not being frank about the skill levels—those not being up to what is required—or any other form of exploitation, it is certainly taken very seriously by us. And the reason it is taken seriously is that this visa is a very valuable visa to Australian industry. It allows Australian industry to be able to respond to opportunities in the market by getting in the skills it needs and getting them in quickly and therefore to protect itself and to grow, and therefore to secure the jobs of Australian workers. That is of course why we take these matters very seriously. Much more than that I cannot tell you until these inquiries have been completed.

Senator MARSHALL—Mr President, I ask a supplementary question. My question went to your quote, Minister, in the *Australian Financial Review* today that ‘there were some irregularities with the payments they were making to visa holders that required attention’. I again ask the minister: what were those irregularities? Is the minister completely satisfied that the 24 foreign workers engaged by ABC Tissue are being paid and treated properly? Does the minister know whether these workers are being paid at at least the minimum hourly award rate and working no more than 38 hours a week at the normal rate of pay? If not, doesn’t this mean that the unnamed company executive quoted in the article is right when they say, about the use of guest workers, ‘This is just an attempt to drive down wages’?

Senator VANSTONE—I have advice from the department, in relation to those remarks, that there were some irregularities. But I would not in the normal course of events, when inquiries are still being undertaken by other agencies, seek to become the inquirer myself. The reason we give other agencies these jobs is so that they can do them and do them at arm’s length from the minister, which I think is appropriate. So I have advice that there were some irregularities and I expect the inquiries to be completed by all relevant agencies. At that point, we will know what the truth of the matter is and we will be able to deal with it.

Workplace Relations

Senator LIGHTFOOT (2.17 pm)—My question is addressed to Senator the Hon. Eric Abetz, the Minister representing the
Minister for Employment and Workplace Relations. Is the minister aware of any examples of how the Howard government’s new industrial relations policies have facilitated the creation of new jobs and is the minister aware of any alternative policies?

Senator ABETZ—I thank Senator Lightfoot for his question and note that he comes from the state of Western Australia, which has the highest rate of take-up of Australian workplace agreements and also the greatest public confidence in Australian workplace agreements because they are actually observing them in operation. I am indeed aware of examples of where the Howard government’s new industrial relations system has contributed to the creation of new jobs in this country—78,500 examples, in fact, because 78,500 is the number of new full-time jobs created since Work Choices came into operation.

More specifically, courtesy of the Warwick Daily News in Queensland, it just so happens that I am able to relate to the Senate details of three new jobs created as a result of Work Choices. I know those opposite will not like to hear this, but I invite them to listen. The headline from Saturday was ‘Staff doubles under IR laws—legislation increases confidence’. The article read, in part:

The Ranbuild Warwick co-owner—

Mr Nesbitt—
said the new laws had enabled him to double staff … ‘It’s increased my confidence—we are now more in control of our business in terms of employing,’” he said … “We are a small company and if we happened to be taken to court (by an ex-employee) it would have been very costly,” he said.

That is exactly the reason why the Howard government ended the Labor Party’s job-destroying so-called unfair dismissal laws, laws which Labor would reimpose if they ever won government again.

Speaking of Labor’s policy, I have another newspaper article, from today’s Coffs Coast Advocate, the newspaper that first reported the Spotlight story. Allow me to quote the editor, David Moase, commenting on the offered AWA which Labor falsely claimed would have left a Spotlight employee $90 per week worse off. This is what the editor said:

But rather than see the story die a natural death, ALP leader Kim Beazley, like a drowning man, has grabbed onto it …

And then, tellingly, of Mr Beazley’s repeated claims that the employee would lose $90 a week, the editor says:

Those claims were not made in our story.

Of course, Joe de Bruyn from the union in charge, the shoppies, said that they had never said it. The newspaper never said it. The union never said it. The only person that has ever said it is Mr Beazley. And we now know from both the union movement and the newspaper that broke the story that Mr Beazley’s line is wrong, is false, and he should declare where he got that information from.

Senator Barnett—And apologise.

Senator ABETZ—Of course, as Senator Barnett quite rightly interjects, he should apologise. Whilst the Australian Labor Party is busy creating misinformation and falsehoods, the Howard government is busy creating jobs for Australians and increasing their wages.

Migration Legislation

Senator CARR (2.21 pm)—My question notice is to Senator Vannstone in her capacity as Minister for Immigration and Multicultural Affairs. Can the minister confirm that the Prime Minister has made comments that he is very patient and not hostage to any particular timetable for the Migration Amendment (Designated Unauthorised Arrivals) Bill? Was the minister also correctly quoted
today as saying that there is no particular time frame for this bill? Can the minister therefore explain to the Senate why the bill has been rushed through the National Security Committee of cabinet and urgently introduced into parliament? If the government is not hostage to any particular timetable, why won’t it withdraw the bill to allow proper public debate, especially in light of the scathing Senate committee report which said the bill should be scrapped? Isn’t the only urgency in this matter because the Prime Minister and the government are hostage to the need to appease Indonesia?

**Senator VANSTONE**—I thank the senator for the question. It gives me the opportunity to remind the Senate, yet again, of the remarks Mr Beazley made in 2001 in relation to the policy on border protection. As the member for Brand and the then Leader of the Opposition, as he is now, he said—

**The PRESIDENT**—Minister, I remind you of the question.

**Senator VANSTONE**—I heard the question, Mr President.

**Senator Chris Evans**—Well, answer it!

**Senator VANSTONE**—By my own reckoning, I am some 20 seconds into my answer.

**The PRESIDENT**—You have three and half minutes, and I remind you of the question.

**Senator VANSTONE**—I think the context is important in any debate.

**Senator Chris Evans**—You just said that you were going to abuse the process!

**The PRESIDENT**—Order! I cannot direct the minister how to answer the question; I can remind her of the question, which I have done. I would like the minister to be able to answer that question without being continually harassed across the table.

**Senator VANSTONE**—The question went quite specifically to our border protection policies and our relationship with Indonesia. That is the nub of this question, and it is therefore relevant that the Leader of the Opposition said in 2001:

> Australia can only stop the flood of boats by fixing our relationship with Indonesia. A real solution must be found in Jakarta.

Here is another example of something you said that you now do not want to say. It does not suit Labor now. This is the problem with Mr Beazley. The Australian public know that John Howard says what he means and sticks to what he says and that they can trust what he says. They know that, time and time again, Mr Beazley says one thing and then a few months later or a few years later says another.

**Opposition senators interjecting**—

**The PRESIDENT**—Order! Have you completed your answer, Minister?

**Senator VANSTONE**—No. The specific aspect of the question is: did I understand that Mr Howard had said he was a patient man and not hostage to other agendas? Yes, that is right. Did I say there was no particular time frame? Yes, that is right as well. The question then asked was: why did we immediately respond? It is because we are elected as the government. When 43 people arrived unauthorised on our shores, we dealt with them appropriately according to our limitations and responsibilities under the UN convention. We then went on and said, because of our national interest in border protection and because of Australia’s national interest in good, strong and effective relationships with Indonesia, what are we now going to do? Are we going to sit here and allow this to happen again and again? No.

**Opposition senators interjecting**—

**Senator VANSTONE**—As a government, we very promptly—and thank you for the
acknowledgement that we did it quickly—
decided on what we thought was an appro-
priate response and brought it before parlia-
ment. Do we want to bully the parliament
into passing it more quickly than it chooses?
No.

Opposition senators interjecting—

The PRESIDENT—Order! Those on my
left have been complaining about the minis-
ter not answering the question. I would like
to know how she is expected to answer the
question when you are continually shouting
across the chamber. I ask you to come to or-
der and allow the minister to complete her
answer. She has one and half minutes left.

Senator VANSTONE—In short, of
course we responded very promptly to the
unauthorised arrival of 43 people by boat on
the mainland. Yes, we would like the bill
dealt with promptly, but it is appropriate to
have a Senate committee inquiry. We have
got that. We are looking at what the Senate
committee had to say. I am listening to what
my colleagues had to say, and we will deal
with it in the appropriate time.

Senator CARR—Mr President, I ask a
supplementary question. As the minister does
not wish to bully the parliament, can the
minister now indicate to the Senate whether
or not she still supports the bill in its original
form? Is the minister able to advise the
chamber as to whether or not the Liberal
backbench will allow her to proceed with the
bill this week, or are they hanging out for a
new minister to be appointed over the par-
liamentary break?

The PRESIDENT—Senator Vanstone, I
think the last part of that question may not
quite be in order.

Senator VANSTONE—I am shattered. I
can hardly speak! The simple answer to that
is that the government support this bill. We
have had discussions with colleagues about
what changes we could make to accommo-
date the concerns of colleagues and the con-
cerns of the Senate. What final package we
put before the House of Representatives and
the Senate remains to be seen, because we
are in negotiation. You cannot have it both
ways. You cannot say on the one hand, ‘You
lot don’t listen to us,’ and then, when we do
listen, complain that we are listening. I think
the public understands here that we are listen-
ting to concerns. We are listening to the
Senate report. We are listening to the con-
cerns of colleagues, and that is what we
should be doing.

Communications: Media Reform

Senator RONALDSON (2.28 pm)—My
question is to the Minister for Communica-
tions, Information Technology and the Arts,
Senator Coonan. Will the minister advise the
Senate of progress in the development of the
government’s media reform proposals? Is the
minister aware of any alternative policies?

Senator COONAN—I thank Senator
Ronaldson for his continued interest in me-
dia policy. As senators on this side of the
chamber are aware, the government is well
advanced in canvassing options for reform-
ing Australia’s media. On 14 March 2006,
the government released a discussion paper
on potential media reform which proposed a
number of options and a comprehensive
framework for media reform in Australia.
Over 200 submissions have been received in
response to the discussion paper, and it has
been the subject of some extensive commen-
tary in the media and elsewhere. One factor
that nobody would deny is that traditional
media services are constantly being chal-
lenged by new digital technologies. These
technologies are emerging at a phenomenal
pace, laying the ground for new players, new
content and new delivery platforms.

Consumers are already taking advantage
of a wealth of new sources of information
and entertainment, and most media organisa-
tions are looking at how they can meet these challenges. From the government’s perspective, the impact of digital technologies means that the current regulatory settings, which are largely designed for an analog world, require review. In a new digital world, spectrum is no longer a scarce resource. The discussion paper proposes a range of measures aimed at introducing new and innovative services in the near future and gradually relaxing regulatory restraints on the industry by the end of the analog-digital simulcast period. This package will enhance the benefits for consumers in a digital environment and at the same time provide industry with certainty and stability. I have always said that the interests of consumers are paramount in these reforms, and I am particularly mindful of ensuring that consumers continue to have access to locally relevant news and information programming, regardless of any changes that may take place. There is no doubt that consumers value live and local services.

The government’s settled framework on media reform will be developed very shortly, following completion of my consultations and consideration of the submissions. Interestingly, Labor has set out to be critical of the government’s approach, even though, so far as I can tell, it has no developed policy of its own on media. This is a very broad-ranging and complex policy area, and I make no apology for the consultative approach or for being focused on benefits to consumers. This is in stark contrast, as Minister Vanstone mentioned a moment ago, to Mr Beazley, who it appears does not even consult with his own ministry when deciding to backflip on IR reforms and rip up Australian workplace agreements. On media, Labor is trapped in the past, fighting yesterday’s battles and trying to hold back the tide of technology in an old analog world. The government will continue to work patiently through the issues and deliver a sensible, well-thought-out framework for the future.

**Stem Cell Research**

Senator STOTT DESPOJA (2.32 pm)—My question is addressed to the Minister representing the Minister for Health and Ageing. Why has the government commissioned a legislative consultant to prepare a report on scientific advances in technology involving embryonic stem cells when the Lockhart legislation review committee has already conducted a study of this kind—its literature review? I also ask the minister if the government supports any of the recommendations contained in the Lockhart reviews.

Senator SANTORO—The government is never afraid of seeking additional opinion, particularly in an area that is as specialised as the areas of policy development and implementation that Lockhart considered. The government is still considering its response to Lockhart and will make it available at some time in the near future.

Senator STOTT DESPOJA—Mr President, I ask a supplementary question. I ask the minister to specify for the Senate exactly what ‘the near future’ means. The Lockhart website has stated that the Australian parliament will consider the findings of the reviews in consultation with the state and territory governments. When will the federal parliament get to review any of the recommendations or any legislative form of the Lockhart reviews; will our government consult with the states and territories when it comes to considering the findings of that review; and can we get a better time line, please?

Senator SANTORO—The senator will of course be aware that the federal government is obliged to consult with the states on matters relating to the Lockhart report. That undertaking still exists. As I mentioned in my substantive answer, the government is in the
process of considering a timetable and time lines, which it will make available soon.

Department of Immigration and Multicultural Affairs

Senator McGauran (2.34 pm)—My question is to the Minister for Immigration and Multicultural Affairs, Senator Vanstone. Will the minister update the Senate on the implementation of the largest ever IT systems upgrade at the Department of Immigration and Multicultural Affairs?

Senator Vanstone—I thank Senator McGauran for his question. We have a program called Systems for People, which we expect will completely transform the way DIMA does business through technology. The objectives of this program were formed by some independent reviews that were set up following the Palmer and Comrie reports to give us good and independent advice on the information technology and record management systems that we ran in the department. It is a very important part of the far-reaching reforms that will ensure that DIMA is more open and more accountable, that clients are dealt with fairly and reasonably, and in particular that staff are well trained and—where the IT particularly comes in—properly supported.

DIMA’s people need IT systems that are very easy to use and that support their work, and we are developing IT systems and infrastructure to improve their access to important information. We all remember the difficulties faced by a number of high-profile clients when staff who were trying to do the right thing were given IT systems that made it very difficult for them to access the relevant information across the department. Currently, when staff want to verify identity and see records of someone’s history they need to access a number of different systems and records. Therefore the current technology limits the quality, completeness and accuracy of the data that a staff member is looking at at any one time.

Over this four-year program, we will be able to provide staff and clients with much better systems. Firstly, we will be able to provide a single view of a single client’s interactions with the department. Secondly, we will have comprehensive processing for all DIMA staff based on various business roles. The new IT will establish consistency in work processes and decision making across the department and dramatically improve record keeping and quality assurance. In that way we expect to improve our data quality, ensuring data completeness and accuracy. That is important, because I recall the occasion when a person who, by a failure of record keeping, kept her Australian citizenship and was consequently refused entry into Australia by the previous Labor government and by this government. This was because of poor record keeping within the department.

Senator Ludwig interjecting—

Senator Vanstone—That is record keeping under the previous government, Senator. It will reduce the fragmentation of information, data and systems. It will ensure that all of our systems are responsive to our changing business needs and will therefore improve our decision making by giving clearer operating instructions and appropriate decision support tools. The beneficiaries of this will of course be DIMA’s clients and also the departmental staff, who will be given the tools to enable them to do the job. This will cost $341 million in operating costs over four years and $153 million in capital over four years, coming to nearly $500 million.

The parliamentary secretary announced yesterday that DIMA has selected an IBM led consortium as the preferred partner. We expect that portals in DIMA’s business areas of border security, case management, com-
pliance, working holiday makers and work and holiday visas to be the first to be brought online. They will enable a single view of the full records for someone associated with those areas. This will take some time but, as I indicated when the Palmer report came out, and then when the Comrie-Ombudsman report came out, the government is taking the opportunity to reform the whole department—not simply some areas that have been referred to in those reports. This is an example of our commitment to do that.

**Villawood Immigration Detention Centre**

Senator KIRK (2.38 pm)—My question is to Senator Vanstone, the Minister for Immigration and Multicultural Affairs. Given that it was more than a week ago that the Department of Immigration and Multicultural Affairs commenced its investigations into claims that women detainees at Villawood Immigration Detention Centre were sexually assaulted by guards and male detainees, can the minister update the Senate on progress with the investigation? In particular, when did the immigration department first become aware of the allegation, when did the detention centre service provider become aware of the allegation, and when were the police notified of the allegation? Can the minister also confirm when, according to the memorandum of understanding between New South Wales Police and her department, a crime should be reported?

Senator VANSTONE—I thank the senator for the question. DIMA did engage an independent contractor to look at this matter. I have a report which I am having a look at, and I expect to be able to give the Senate more information on that matter quite soon. The report has now been finalised. It was prepared following an interview with a solicitor on 1 June, and it presents the information currently available to the department on these matters. The department will, if it has not already, refer this matter to the New South Wales Police and to the Australian Federal Police. I strongly urge anyone, at any time, who has any allegations in relation to an assault or illicit drug use at Villawood—or any other facility—to bring them forward.

There was a complication in this matter, because when the matter was first raised verbally by the solicitor with someone in the department, it was clearly indicated that the complainant did not want the matter to proceed; in fact, they did not want to take the matter to the police. That does present something of a dilemma, because people are entitled to choose not to pursue a criminal prosecution. But it is my view—and I have made this clear to the department—that the department should never stand between a potential complainant and either the Australian Federal Police or the state police, because, if the complainant does not want to pursue the matter, the complainant can tell the police that. It is not a satisfactory arrangement for it not to be passed on simply because the complainant says they do not want to. That might seem unfair. Some people might say, ‘If the complainant said they do not want to, you shouldn’t,’ but that does leave people who have heard about the matter within the department open to the accusation that they should have passed it on. My view is that a complainant is entitled to say, ‘I do not want this matter to proceed,’ but the complainant should say that to police, not to the department.

Senator KIRK—Mr President, I ask a supplementary question. Can the minister confirm that the investigation into Villawood, by former Queensland Corrective Services chief, Keith Hamburger, has now been completed? Can the minister also inform the Senate why this matter was not referred to the police—either the New South Wales Police or the AFP—in accordance with the memorandum of understanding be-
between the New South Wales Police and DIMA? As I understand it, that memorandum indicates that a crime should be reported at a particular point in time. Finally, does the minister intend to make the report, when she receives it, available to the public? If so, when?

**Senator VANSTONE—I** have answered your question in terms of my view. That is, as soon as an allegation is raised, the police should be immediately informed, even if the complainant says they do not want to. I heard an interjection from one of your colleagues earlier, asking whether I understood why a complainant might not want the matter proceeded with by the police. My answer to that is, yes, I do. This is a situation where people who hear about these matters are between a rock and a hard place. You cannot have it both ways. You cannot say, ‘DIMA should refer these matters to the police,’ and then say, ‘But do you understand why they do not want to?’ Yes, I understand, but I think they should be.

I have the report, and I am in the process of looking at it. When I have completed considering the report, I will be able to decide what portions—if any, if not all—will be made public. I just remind the Senate that this is an allegation that was addressed to me through the department in writing, but it is an allegation that relates to something that occurred more than two years ago. *(Time expired)*

**Asylum Seekers**

**Senator NETTLE (2.43 pm)—**My question is to Senator Vanstone, the Minister for Immigration and Multicultural Affairs. Can the minister confirm whether the Afghan family who recently arrived by boat in the Torres Strait are still being held incommunicado in Brisbane? Is it true that the 11-year-old boy has a serious medical condition and has just had an operation with serious ongoing medical consequences? Is it also true that the Red Cross has requested access to the family to check on their welfare but has so far not been allowed to have any access? Will the minister grant this family a humanitarian visa or a residence determination so that they can stay in Australia, where their son’s medical condition can be cared for, whilst their asylum claim is assessed?

**Senator VANSTONE—**These people arrived on Saibai Island in the Torres Strait some time late in May—I think it was the 21st. It is true that the family were denied access to visitors while they were in detention—sorry, that people are entitled to decline visitors while they are in detention, and it is true that the nine-year-old boy is unwell. No decision has been made on whether these people will be removed to Nauru, and that is certainly not a short-term proposition. They did arrive at an excised offshore place and therefore, according to the laws that we have in place at the moment—that is, offshore processing—they are precluded from making an application under the Migration Act. As you were here when that legislation was passed, I am sure you will understand that, Senator. The department has facilitated the family’s nine-year-old boy going to the Royal Children’s Hospital in Brisbane because he does have a particular condition, which we are caring for, as you would expect we would.

**Senator NETTLE—**Mr President, I ask a supplementary question. Given that the Department of Immigration and Multicultural Affairs responded to my question on notice last week by saying that persons in Nauru or PNG are not under effective control of Australia in terms of their day-to-day management, how can the government guarantee that refugees like this family, who, under the new immigration laws, would be shipped off to Nauru, will get proper assistance? What guarantees can the government provide that
refugees left to languish in Nauru will have the support of international agencies when even here in Australia the Red Cross is being locked out from visiting these detainees and assessing their welfare?

Senator VANSTONE—First of all, these people are not being dealt with under any new legislation. The new legislation has not passed. Thank you for the opportunity to remind the Senate that these people are being dealt with under existing legislation—it is not new legislation—because they arrived at an excised offshore place. We already have offshore processing. It has been the most successful border protection policy that we have had and it is important. What we are seeking to do in the bill that is now in the other place is simply apply that existing policy that we have had and it is important. What we are seeking to do in the bill that is now in the other place is simply apply that existing policy to those few people who manage to make it from an excised offshore island onto the mainland. I do not have advice as to any refusal of the Red Cross by the department. I have been told that they have declined some visitors, but it has not been indicated to me that they were from the Red Cross, and it is certainly not indicated to me in my brief that the department has declined a visit by the Red Cross. I will investigate that matter and get back to you on that issue.

China-Australia Free Trade Agreement

Senator HOGG (2.47 pm)—My question is to Senator Coonan, the Minister representing the Minister for Trade. Can the minister confirm that the Chinese government has signalled its intention to include greater access for Chinese workers to the Australian labour market as part of the free trade agreement negotiations? Hasn’t China stated an interest in opening up the use of Chinese stevedores on Australian wharves to load and unload Chinese goods, and Chinese construction workers to work on Chinese owned projects in Australia? Can the minister confirm that, far from ruling out any relaxation of current regulations, the government has told China to put up its proposals for discussions in November this year? Why is the government giving the Chinese expectations of a relaxation in the policy? Will the minister now guarantee that relaxing the current regulations on foreign workers will not be part of any agreement with China?

Senator COONAN—Thank you to Senator Hogg for the question. The issues in relation to the free trade agreement, what is to happen with labour and the negotiations are things that are ongoing in the discussions between the government and China. The China-Australia free trade agreement negotiations are still very much in the early stages. I can confirm that China has not made a request for access for unskilled labour in Australia, and both China and Australia are, as part of these negotiations—as you would expect—free to raise any issue of interest to them. No free trade agreement that Australia has made in the past, as Senator Hogg would be aware, has provided for the entry of unskilled workers to Australia. The government will be mindful, of course, during these negotiations, of the interests of Australian workers and the need to prevent exploitation of overseas workers. I am sure you would expect that to be precisely what we would do. There has been no agreement of the kind to which you allude, Senator Hogg, and there is no proposal that we would do so.

Senator HOGG—Mr President, I ask a supplementary question. Is the minister aware of remarks by the vice-president of the China International Contractors Association as reported in the *Australian Financial Review* newspaper today that Australian salary standards would raise Chinese labour costs? Isn’t the real motive behind the attempt to bring in Chinese labour to lower labour costs in Australia? Will the government take a
stand to protect Australian wages from Chinese wage competition?

Senator COONAN—I am not sure that the supplementary question follows logically from the answer I gave, because what I did make clear in my primary answer was that China has not made a request for access for unskilled labour to Australia. However, that is not to say that both China and Australia are not free to raise any issue of interest to them in the negotiations. But, looking at Australia’s record on this matter, no free trade agreement that Australia has made in the past has provided for an agreement or an outcome of the kind to which Senator Hogg alludes. The government is mindful and will continue to be mindful during negotiations of the interests of Australian workers. It is entirely appropriate that we will be mindful of the interests of Australian workers and the need to prevent the exploitation of overseas workers.

Australian Funds Management Industry

Senator WATSON (2.51 pm)—My question is directed to Senator Minchin, the Minister for Finance and Administration. Will the minister inform the Senate of recent indications of the size and the dynamics of the funds management industry in Australia? How is the government contributing to the growth of that industry and is the minister aware of any alternative proposals?

Senator MINCHIN—I thank Senator Watson for that question and acknowledge his very long-term interest and his expertise in funds management and superannuation. Yesterday was quite a significant day because the ABS released figures showing that in the March quarter the total value of funds under management in Australia exceeded $1 trillion for the first time ever in our country’s history. That is $1,000 billion, for the uninitiated. Just four years ago the funds under management were only $649 billion, so there has been a 55 per cent increase since 2002.

It is a fact that Australia, as a result of this, has the fourth largest managed funds industry in the world, which, given that we only have the 15th largest economy and we account for only 1½ per cent of world GDP, is a very significant factor. There are a number of reasons why we are in this position—

Opposition senators interjecting—

Senator MINCHIN—I am happy to acknowledge the interjections from those opposite, who like to claim some credit for this.

Opposition senators—Some? Some!

Senator MINCHIN—Indeed, the Labor government’s introduction of the nine per cent compulsory superannuation payment has made some contribution to this great outcome. We are a generous government; we give credit where it is due. We also attribute blame where it is due. Also, the value of assets under management has risen because of changes in asset values, because of the extraordinary growth in the Australian Stock Exchange, which is a function of the strong economy, for which I think we can take credit, and because of unprecedented corporate profitability. We have assisted this growth in funds under management by bringing in the super co-contribution arrangements and by abolishing the superannuation tax surcharge. We are encouraging savings through superannuation now by abolishing the tax on retirement benefits, which in addition to cutting the tax burden will massively simplify the current complex arrangements. Very significantly, the federal government will be directly adding to the stock of funds under management with the first $18 billion now transferred into our Future Fund to be complemented by further deposits from future surpluses and asset sales. So the prospects for what is now a truly great Australian
industry—the managed funds industry—are very bright.

I was asked about alternative views, and I remind the Senate that, although the Labor Party can take credit for the nine per cent compulsory super levy, the Labor Party went to the last election promising that, if they were now in government, they would by now have scrapped the co-contribution arrangements and restored the super surcharge. They also had a policy of raiding the Future Fund to spend on their pet projects. Just yesterday we saw the CFMEU promoting a plan to raid the Future Fund and team up with other funds to pour money into projects of one kind or another. We are not surprised, of course, that the CFMEU and the Labor Party have a similar view on this. We saw 10 days ago just how close the Labor Party and the union movement really are, but it is outrageous and irresponsible for both the Labor Party and the CFMEU to put forward policies that involve raiding the Future Fund, which will obviously compromise its ability to achieve commercial returns and reinvest them so as to grow and meet this massive unfunded superannuation liability which this country still faces. With $1 trillion under management, there is clearly plenty of capacity in the Australian economy to fund infrastructure without the CFMEU and the Labor Party raiding the Future Fund. That is a dreadful policy and one that we will resist and oppose right through to the next election.

**Media Ownership**

**Senator MOORE** (2.55 pm)—My question is to Senator Coonan, the Minister for Communications, Information Technology and the Arts. Has the minister seen comments by the chair of the coalition’s backbench communications committee, Mr Paul Neville, that her media proposals are ‘the exact opposite of competition’ and would centralise and consolidate regional markets? Can the minister confirm that under this proposal the number of major media owners in Cairns could fall from seven to four and from six to four in Townsville, Rockhampton and Toowoomba? Why does the minister expect her colleagues Senator Boswell and Senator Joyce to support a proposal that will inevitably result in less media diversity and less real local content in regional Queensland? Why is the minister putting the interests of aspiring media moguls, like the Macquarie Bank, ahead of the people of regional Australia?

**Senator COONAN**—Thank you to Senator Moore for the question. I am aware of Mr Neville’s comments. In fact, I have had a very extensive meeting with Mr Neville, and my understanding of his position is that he is very supportive of the media package. He is very supportive indeed, subject to preserving appropriate arrangements for local content and for diversity in regional areas, which is a perfectly reasonable position for him to take. He has raised issues that are being appropriately worked through.

Throughout the process of this whole media reform package, I have said that I am fully committed to comprehensive consultation both with Mr Neville and with others on concerns they might have with options and the best way of securing the ongoing environment for media in this country. We do need a transition to new and innovative ways of doing things; we cannot just sit in the past, block out new technology and assume that Australia will not become some sort of media backwater. The situation is, with the approach to analog, that a lot of proprietors have told me that they have to buy extra analog equipment so they can cannibalise it for spare parts because it is not going to be manufactured much longer. That suggests to me that we do not have forever to sit around and that we have to get our heads around how to do this.
I have said publicly on many occasions that regional issues in media reform are a key consideration in any proposals put forward by the government, and we do remain committed to ensuring that Australians in regional markets will continue to have access to locally relevant news and information programming, regardless of any ownership changes that might take place between media outlets in their market. The package sets out in the discussion paper a range of measures to help ensure that regional diversity and localism are protected, which was precisely Mr Neville’s point. These include diversity measures and a floor of four separate media groups in regional markets, compared to five in mainland state capitals, and the floor in relation to mergers would prevent a significant reduction in media diversity in smaller regional markets.

It is important to remember that, in addition to traditional commercial media, Australians would continue to have access to a large number of other sources of news, opinion and entertainment, including the ever-expanding internet, the wide range of ABC and SBS TV—and of course that is very important in regional areas—radio services, community broadcasters, narrowcasters, national newspapers and, of course, pay television. Of course, there are new digital technologies that also add to the diversity.

In addition to limitations on cross-media mergers provided by the floor that I have just described, the ACCC will continue to have a role in ensuring that potential media transactions are carefully assessed for their impact on competition in regional markets. Neither Mr Neville nor indeed anybody taking an interest in these matters need have any concern that this government is not alive to the issues and concerned to work through the issues. And that is what we will patiently do, because it is terribly important for the future of media in Australia that we get it right and that we formulate a framework for the future.

Senator MOORE—Mr President, I ask a supplementary question. Can the minister confirm reports today that the Seven Network has now joined News Limited in opposing her plan to relax cross-media ownership laws? Does the minister now accept that this proposal does not have broad industry support? Given the minister’s comments yesterday that changes to cross-media laws are not the centrepiece of her media reforms, will the minister now dump her proposal from the government’s media package?

Senator COONAN—The answer to that is no. The media package always had alternatives as to two time frames when media changes might be introduced on cross and foreign. I have consistently said in about every speech that I have made on this matter that the centrepiece of the package is digital, but cross and foreign are important parts of the media package. They certainly will not be dumped, and every media proprietor is very interested in working through these issues, as indeed every consumer should be interested that that is the government’s interest in ensuring that there are new services for consumers and a proper media framework for the future.

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

QUESTIONS WITHOUT NOTICE: ADDITIONAL ANSWERS

Asylum Seekers

Senator VANSTONE (South Australia—Minister for Immigration and Multicultural Affairs) (3.01 pm)—I have some further information for Senator Nettle which may be of interest in relation to her question to me today. I do not have it in a form that I can give to her, but I seek leave to read it into Hansard.
Leave granted.

Senator VANSTONE—Senator, two attempts were made on 27 and 28 May to contact the family at the Royal Children’s Hospital by persons claiming to be from Amnesty International. Ward staff did not provide any information, and reported the inquiry to the hospital security. Security staff searched the area but were unable to locate the persons. Following discussions between DIMA and the security manager, it was agreed that the hospital would provide an additional officer at the entrance to the particular ward as well as outside the patient’s room. At around six o’clock on 28 May, the security manager advised that two males had approached the ward and identified themselves as being from Amnesty International seeking the Afghan family with the sick child. The persons were denied access to the ward. The RCH acting director contacted DIMA later that night, concerned about the disruption to staff, patients and parents such incidents would have. He contacted treating doctors regarding ongoing treatment options and it was suggested that, subject to medical advice, discharge and treatment as an outpatient might be considered.

On 1 June, Amnesty International provided their position on the Afghan case via email to the department. The content of the email as I have been given it—there may be a further part to the email—is as follows: ‘Last weekend, an employee of Amnesty International Australia visited the Royal Children’s Hospital in Brisbane, accompanying a member of the Afghan community in Brisbane. The visit was not an authorised official representation on behalf of Amnesty International Australia. Amnesty International Australia is not commenting further on the case due to the need to protect the claims for asylum and the security of the individuals concerned. Amnesty International Australia is in liaison with the department of immigration and relaying any concerns held through the appropriate channels. I would appreciate if you would convey this to,’—an official in the department who is then mentioned—‘and to’—my office.

Senator, my answer to you stands. I am advised that the family had declined visitors. I have no advice in relation to Red Cross but I do have that advice in relation to Amnesty. It is possible that you have been given some information about someone being denied a visit. That is why I thought it was appropriate to give you that information plus what Amnesty International have said to us about the person alleging to be there on behalf of Amnesty.

Senator Nettle—Did you check about the Red Cross?

Senator VANSTONE—I should put on the record that I have asked for a check to be made to see whether this is the only such incident and, in particular, whether there is anything in relation to Red Cross as well. The same may be the case.

QUESTIONS WITHOUT NOTICE:
TAKE NOTE OF ANSWERS
Skilled Migration

Senator O’BRIEN (Tasmania) (3.04 pm)—I move:

That the Senate take note of the answers given by the Minister for Immigration and Multicultural Affairs (Senator Vanstone) to questions without notice asked by Opposition senators today.

We heard it all today. We are experiencing the worst skills shortage in Australia since just after the Second World War in the context of a minerals boom and a demand for our goods in South-East Asia, in particular. We are seeing problems with the traditional skills. We are seeing problems with transport skills. We are seeing problems in the road construction area. We are seeing problems in manufacturing, even though it is not going all that well, because of the draw of skills
away from manufacturing by some of the resource industries. And this government is still living under the delusion that somehow its last 10 years of government have had no impact on that catastrophe of skills shortage in Australia.

I remind the government, including Minister Vanstone, that in 1996 and 1997 I and other Labor senators were asking questions of the government about what they were doing to improve the engagement of apprentices in traditional trades. Do you know what the government’s response was? In a move which was designed for propaganda rather than nation building purposes, they established a program called the New Apprenticeships program, so that when young people were engaged in traineeship programs in hospitality, in retail or in clerical occupations, they would be able to say that these were new apprenticeships—so they would be able to pretend to the public that they were actually putting people into new apprenticeships in those traditional trades areas.

We are seeing the fruits of that deception now. We are seeing, across this country, massive complaints about the problems that we are experiencing with a lack of skilled trades. We have had the South Australian Freight Council, for example, saying:

A critical shortage of skilled workers over the next decade in Australia’s $60 billion a year transport and logistics industry could threaten the nation’s future economic growth.

That is an industry that is responsible for 3.4 per cent of our gross domestic product. We should also be aware that Australian road freight is predicted to double between now and 2020. Yet that industry now is facing dramatic skills shortages.

What we have heard today on top of all that is that the government has decided not to do something practical to get beyond the problem that we are in but to rebadge the New Apprenticeships scheme as the Australian apprenticeships scheme and at the same time cut funding of the incentives program from that New Apprenticeships scheme by $41½ million in net terms. The minister was not prepared to address that in her answer to the Senate in question time today because it is scandalous that, at this time of crisis when we are facing skills shortages that we have not seen since the end of the Second World War, all this government can think of is playing politics: changing the name of the scheme, trimming some money from employer incentives, perhaps so that they can put them in just before the next election and then pretend what a good job they are doing, and at the same time suggesting that whatever problems we have are due to a government that was in power over a decade ago and that they are not due to anything this government has done or to the fact that the funding for trade training and skills training was cut by this government in 1997 and 1998.

Trying to pretend that that did not happen and saying that this is a problem presented to the Australian economy by the previous Labor government is just a fabrication. This government is the author of this problem. It has been in power for near on a decade. It has done nothing substantial to address this problem, and the Australian economy is now going to pay the price. What is its solution? ‘We will bring in workers from China or the Philippines or South-East Asia generally—anywhere we can get them. But train Australians? No, thanks. That would cost us money and we can better things like fund our political advertising program to try to get across the line at the next election.’ I can tell you: that is going to be a pretty difficult ask for this government, and we will be doing all in our power to make sure the Australian people know that this is the government that is re-
sponsible for the crisis that is dragging the Australian economy down.

Senator EGGLESTON (Western Australia) (3.09 pm)—It is true that Australia faces almost the worst skills shortage that we have faced in our history. But that of course is because the Australian economy is going through a period of unprecedented growth and boom. That has all occurred not under the administration of the Hawke and Keating government but under the administration of the Howard-Costello government. It is a tribute, as perhaps nothing else could be, to the great success in terms of economic management, promotion of business and development of industry and trade which has occurred under the Howard government that we face this skills shortage.

The point Senator O’Brien has sought to make—that this government has somehow been slow in addressing this skills shortage—is quite nonsensical when one looks at some of the statistics involved. The cumulative expenditure for vocational and technical education since the Howard government came into office, up to the last year, is $18.1 billion. The Australian government funding in the years from 2004 to the present time has gone up by a factor of 34 per cent. Over the whole period since the Howard government has been in office, there has been an 88.3 per cent real increase in funding for vocational and technical education. That is hardly a government neglecting this area.

It is very interesting, too, to look at some of the figures of student numbers. Today we have 1,641,300 students, to be fairly exact about it, in new apprenticeships. That is a 220 per cent increase since 1996. Senator Carr might recall that 1996 was a very important year because that was the year that the Howard government came into office. So, far from neglecting apprenticeships and far from neglecting technical training, this government has in fact put an enormous effort into both, spent record amounts of money and greatly increased the number of students undergoing apprenticeships and technical training.

Furthermore, in the last federal election, if you recall, the Howard government announced that there would be 29 new technical colleges placed around Australia to enable more young people to be trained in trades and other technical areas to address the skills shortage which our country is facing. Most recently—only two weeks ago—when we were sitting at the Minerals Council of Australia dinner, the Prime Minister announced that the latest of these technical colleges would be located in the Pilbara in Western Australia and would become the Pilbara technical college, taking under its wing the Karratha and Hedland TAFE colleges, as they are now. That is going to be a very important boost to technical and trade training in the Pilbara, which is where the skills shortage is perhaps more obvious than in many other parts of Australia.

It is a great initiative too because it is going to mean that Indigenous people will be able to access that kind of training. The mining industry’s plan will be to provide trade training and education to Indigenous Australians so that they can not only take their place in the workforce but also take their place in part of the broader Australian community. Needless to say, this has all happened under the Howard government. Far from being deficient in these areas, the Howard government has had very successful policies.

Senator CARR (Victoria) (3.14 pm)—If ever there was a case where the government had difficulties facing up to the fact that the chickens are now coming home to roost, it is with this issue of skills shortages. Every parrot in every pet shop, as they say, across the
land is now announcing we have a skills shortage. It was Judith Sloan, the well-known expert that the Liberal Party called upon to justify their wage-cutting, deskilling policies in the run-up to their first great assault on the labour movement, on workers’ rights and living conditions of working families in this country in 1996, who was called upon to provide advice to this government—and to the cabinet, if I recall rightly from the press reports at the time. She claimed the intellectual basis for assaulting workers’ rights and conditions was the need to reduce wages and conditions in this country and to deregulate the economy, particularly the training regime.

Judith Sloan is now a Productivity Commissioner. She has been rewarded for her dedicated support for the Liberal Party over all these years. However, today she is saying that the real problem is that migration is not a skill formation policy. This is from the same Liberal Party doyen, Professor Judith Sloan. She says:

You really have to think much more broadly in terms of all the incentives for Australian employers and employees to gain skills.

The apprenticeship system we have in this country was essentially created through the work of Dr Kemp. Dr Kemp was the great initiator of the changes in policy the government now applauds. He introduced the New Apprenticeships system, the title of which the government now wants to change to the Australian apprenticeships system.

I am very familiar with these matters. I spent a great deal of time examining the work that was undertaken back in 1996. The truth of the matter is that in that period the first thing the government did was to stop collecting statistics on the traditional trades. It stopped trying to promote the skilling of the traditional trades. It saw the need for employer incentives, which, I understand, is now a program getting close to $570 million per year, to be directed at encouraging employers, particularly in the personal and other services industries—accommodation, cafes and restaurants. We had a grand new scheme costing over $570 million per year—the equivalent in today’s dollars—going to employers to train burger flippers and cappuccino makers.

What do we find? We now cannot find enough boilermakers and engineers and we cannot train enough kids in maths and science in our schools and universities to ensure that we have the underpinnings of a properly educated workforce to cope with the need for innovation in our society. This government thought that the approach to wage cutting and the reduction in working conditions was to train burger flippers and cappuccino makers, and the bulk of their incentives went into those trades.

I am not against the training of people in the hospitality industry. It is extremely important. But the government, as an act of state policy, transferred resources out of the training of workers in the traditional trades—we had to get rid of this description of apprenticeship and get rid of the division between apprenticeships and traineeships—to get this New Apprenticeships model going. As a consequence of that most of the money has gone into the training of people at AQF level III, which of course was not sufficient to provide the training base to pay people decent money to ensure they have the skills base for the opportunities at work, to control the production process, because the government’s policy was about reducing wages and conditions. The government’s whole approach is very simple. It says that, in a free-market capitalist economy when there is a shortage, you put the price up—unless you are a worker. Then only a worker has to be controlled and regulated so that they do not
have the capacity to enjoy a decent standard of living. *(Time expired)*

**Senator PARRY** (Tasmania) (3.19 pm)—I also rise to speak on the motion to take note of the answers from Minister Vanstone. I will say at the outset that we need to clearly state on the record the real wage increase in this country. The 13 years of Labor government, prior to us taking office in 1996, produced 1.3 per cent increase in real wages. What has this government produced? This government, over 10 years, has had real wage increases of 16.7 per cent. What a comparison of figures! And Senator Carr has the cheek to stand up in the chamber and indicate that real wages do not increase under this government. Those are the facts and figures.

I am very pleased that Senator O’Brien has returned to the chamber because he indicated earlier what this government has been doing for skills in this country. This government has recognised emphatically the need to pick up where state Labor governments have not progressed as far as they should have. He should talk to his state Labor colleagues, because we have introduced Australian technical colleges—in our home state, in northern Tasmania, in the electorate that both Senator O’Brien and I come from. We have a technical college up and running. It is in its administrative stages now, working through to full completion. We have started the process. The money is there. What is more, this model is based on two campuses: one in Launceston and one in Burnie. Senator O’Brien knows that we have targeted particular areas.

In north-west Tasmania, like in Senator Eggleston’s home state of Western Australia, there is a resource boom. Tasmania and Western Australia are reaping the benefits of this resource boom, which was brought about by a brilliantly managed economy. When you have a boom, what then happens is that you have a catch-up phase. We have addressed this problem. We are addressing it constantly around the country. There will be skilled workers where needed as and when we develop the processes to get skilled workers back into the workforce. If you have to have a problem of either a shortage of workers or too many workers, I would much rather have the shortage. This economy is running so well that we have the luxury of the low unemployment rate, and we are now going to be picking up in the area of additional workers.

The issue of workers from other countries came up during the debate. Senator Eggleston and I happen to be on the Joint Standing Committee on Migration and our current inquiry is on skilled immigrants. We are looking at processing skilled immigrants. The Department of Immigration and Multicultural Affairs is working very well in getting immigrants to come in who have the skills we need in this country. The assessment processes will take place offshore and that is going to be a great boon for this country.

Another aspect of having a great economy is you end up with a shortage in different places at different times, but the best thing about the economy’s strength is that we have such a low unemployment rate. If we look at the record of the previous government the unemployment rate was extremely high. The Labor Party has never had a skills shortage. They have always had a skills surplus because they have had such a high unemployment rate. Under our government we do not have a skills surplus, we have a skills shortage. We acknowledge that and we are putting in colleges to combat that particular issue.

The migration committee inquiry has heard a lot of evidence about the immigration into this country of migrants who possess skills. We have a list of skills that the
department modifies and updates as and when required to identify and make provision for the shortages and the gaps, so this government is very proactive in relation to skills shortages. But I emphasise again, Mr Deputy President, if you have to have a problem I would much rather the problem of having a skills shortage than having workers sitting at home twiddling their thumbs because of a high unemployment rate. Having workers in the workforce, gainfully employed and looking for further people to come into the workforce is exactly what we want.

Senator O’Brien—Particularly when you haven’t trained the people for the skills.

Senator Parry—Senator O’Brien interjects by saying that we have not trained them. The state governments have the responsibility of training. We fund the state governments to train and they have not taken up the cudgels and run with that training. For 10 years we have been funding state governments to provide training. State governments have let this go. We have introduced additional training by having direct input into technical colleges. (Time expired)

Senator McEwen (South Australia) (3.24 pm)—I also rise to speak on the motion to take note of answers given by Senator Vanstone, representing the Minister for Vocational and Technical Education. I note that Senator Parry has spent five minutes trying to bury the problem of the skills shortages in Australia, a problem that has been exposed by the questions asked today by Senator O’Brien and others on this side of the chamber. It is a problem that has also been brought to our attention by many respected organisations including, as Senator O’Brien said, the South Australian Freight Council, the Reserve Bank, the Australian Industry Group, the Australian Chamber of Commerce and Industry and numerous economists and academics who, for many years, have been ringing the bells about the skills crisis facing the country.

Now we have a government which thinks that spending $24 million of taxpayers’ money on a new logo and a new name for the New Apprenticeship scheme is going to solve the problems we are facing. You have to ask how a $24 million name is change going to do anything except waste more money and line the pockets of the advertisers and consultants that the government likes to fritter away money on. We saw $55 million spent on advertising to try and promote the Work Choices legislation. Well, that fell flat and we can be certain that $24 million to change the name of the New Apprenticeship scheme will also fall flat.

It will fall as flat as the introduction of the Australian technical colleges that Senator Parry was banging on about just then. Let us be clear about this: so far four colleges have been set up and they have enrolments of fewer than 300 people between them. If we are lucky those colleges will deliver 100 extra qualified tradespeople by 2010, when Peter Hendy of the Australian Chamber of Commerce and Industry says that the nation will need 100,000 extra qualified tradespeople. Of the ATC budget of $185 million the government so far has spent a lousy $18 million. Do not come in here and say that it has been a success—it has not been and it will not be.

Neither will the temporary, quick-fix solution that the government is using to try and solve the skills crisis by importing more than a quarter of a million migrants, as Senator O’Brien said, mainly from Asia to do the jobs that should be being done by Australians, who should have been trained by this government to do those jobs be a success. So instead we have 270,000 migrants in this country doing work that needs to be done...
because the government has failed to train Australians to do that work. Every day we read in the paper about how these migrants are being put in terrible situations like the workers in New South Wales we heard about today. They are being put in terrible situations, when they come over here, they can barely speak English, they have to rely on people to interpret for them and as a result they put themselves in a situation where they cannot observe the occupational health and safety rules of the workplace that they are in. What an appalling way to treat people! I will not even go into the situation of them being underpaid, which has been raised many times before.

We could reflect on the other things that the government has not done to fix the skills crisis. We could reflect on the reduction in the number of students commencing university under this government’s watch—down from 284,416 in 2003 to 279,168 last year. We know one of the reasons that people are not going to university is because of the huge disincentive of the HECS debt that they incur when they go there. The HECS fees under this government’s watch have doubled. Medical students are now paying $30,000 more for their degrees than they were under the previous government, and engineering students—we are desperate for engineers—are paying $16,000 extra a year to get a degree. The number of Australians in new apprenticeships is declining. It has declined over the last three years from 393,500 in 2003 to 389,000 in 2005.

What the government is doing is not successful. It has taken its eye off the game. All it has done is spend 10 long years plotting, planning and scheming to implement the tired old industrial relations agenda of a tired old prime minister at the expense of Australia’s youth and Australian industry, because we do not have the people in this country trained to the jobs that need to be done. (Time expired)

Question agreed to.

Stem Cell Research

Senator STOTT DESPOJA (South Australia) (3.30 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 stem cell research.

The question was in relation to the issue of stem cell research generally but, more specifically, the issue of the Lockhart reviews. I am sure honourable senators remember the Lockhart reviews, which reported on the legislation that we passed in this place in 2002 dealing with the prohibition of human cloning and specifically the research involving human embryo legislation.

I was asking the minister today about a number of factors. First of all, I am wondering when the Senate, the federal parliament, the states and territory governments and COAG specifically are going to get an opportunity to examine the recommendations of the Lockhart reviews. We have seen the report. It was due to be tabled on 19 December last year, but is there going to be a legislative form in terms of those recommendations? Will the review’s recommendations come to this place so that we can have a debate about the review? Will we get to see what cabinet has decided in recent days, I believe, in relation to the Lockhart recommendations?

I asked a specific question to the minister today about why the government has taken the step of engaging a legislation consultancy firm, Matthews Pegg Consulting, to review developments in embryonic stem cell research. I do not have a problem with the developments of embryonic stem cell research being examined and regularly so—as you know, I am a big fan of stem cell tech-
nology; in fact, I am a big fan of genetic technology debates in this place, let alone the specifics or the potential benefits, therapeutic or otherwise, of that particular technology—

but why has the government engaged this legislative consultancy firm to do this particular study when the Lockhart reviews have done just that? In fact, they have done a study. Their literature review did exactly the same study.

If the government is arguing—and I gleaned this from the minister’s response today; I understand he was trying to be helpful in his response and he was unable to give me a specific time line, but I have no doubt that we will hear from the government shortly on this issue—that the Lockhart review is somehow outdated already or that there has not been some kind of update in the technology then I am particularly concerned about that. I am particularly concerned because I note that yesterday’s Australian stated:

... Mr Abbott is expected to argue there has been no scientific breakthroughs that warrant lifting the ban.

That is the ban on aspects of therapeutic cloning in particular—somatic cell nuclear transfer, for example. The Age reported that a senior government source said:

There has been no real change in the science which would recommend going forward ...

This appears to be a line coming from aspects of government that there has been no particular advance in the technology and therefore we should not necessarily pursue the Lockhart recommendations.

I put on notice some of the recommendations, including one that was brought about as a result of an amendment that Senator Jan McLucas and I co-sponsored—that was to look into the applicability of a national stem cell bank. The review has come back and said: ‘Yep, good idea. Let’s establish a national stem cell bank.’ I am not quite sure why that would be confronting to anyone in the debate, regardless of our views on adult or embryonic stem cell research or what have you. Other components of the reviews recommend public education so that people understand a bit more about the debates and the technology. Why would that be a confronting recommendation? So I hope that the government, and the cabinet in particular, is going to look at these recommendations and then give us the chance as a parliament to come up with a debate, a legislative form, that is suitable. I do not want that opportunity to pass us by.

It is imperative that we have the debate. As we know, the legislation has been passed in conjunction with the states and territories. This has to go to COAG, so I would hate to see the federal government stamp on this proposal or the review recommendations without debate. No doubt, this is an emotive issue sometimes and there are conflicting stories about what recommendations should be pursued or what technology has potential. I note that the literature review of the Lockhart reviews recommended:

For preclinical (animal) research, the summary ... only provides a superficial outline of the huge literature in the area. The overall picture is one of an extremely active research field involving both embryonic stem cells and adult stem cells, with many potentially promising lines of investigation.

I make a plea to the cabinet and the government to pursue the Lockhart reviews. (Time expired)

Question agreed to.

PETITIONS

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

Asylum Seekers

To the honourable President and members of the Senate in Parliament assembled:
The petition of the undersigned shows:
That the Migration Amendment (Designated Unauthorised Arrivals) Bill 2006 can mean children in detention again. Indefinite detention will return, and case managed mental health care is over.

The Commonwealth Immigration Ombudsman will also lose oversight of asylum seekers when they are sent to a remote foreign island for processing.

Your petitioners request that the Senate:
Vote against the Migration Amendment (Designated Unauthorised Arrivals) Bill 2006.

by The President (from 59 citizens).

by Senator George Campbell (from 25 citizens).

**Human Rights: Falun Gong**

To the Honourable The President and Members of the Senate in Parliament assembled:
The petition of the undersigned shows:
Witnesses, including an investigative journalist and a veteran military doctor have revealed that Falun Gong practitioners are being held in at least 36 concentration camps in China where they are routinely subject to the forced removals of their organs which are then sold for transplants and their bodies are then cremated to destroy all evidence.

Your petitioners therefore request the Senate to initiate a resolution to:

(1) Call for the Australian Government to fully support the International Coalition to Investigate the Persecution of Falun Gong (CIPFG), and demand that the Chinese Communist Party (CCP) immediately open the doors of all concentration camps, forced labour camps, hospitals, prisons and detention centres throughout the People’s Republic of China in order to allow independent teams to investigate the charges of illegal detention, torture and live organ removal for transplants.

(2) Demand that the CCP regime release all detained Falun Gong practitioners immediately.

by Senator Allison (from 487 citizens).

by Senator Patterson (from 308 citizens).

by Senator Payne (from 178 citizens).

Petitions received.

**NOTICES**

**Withdrawal**

Senator WATSON (Tasmania) (3.35 pm)—Pursuant to notice given at the last day of sitting on behalf of the Senate Standing Committee on Regulations and Ordinances, I now withdraw business of the Senate notice of motion No. 1 standing in my name for three sitting days after today.

**Presentation**

Senator Allison to move on the next day of sitting:
That the Senate—
(a) recognises that:

(i) according to a study conducted by Iraq’s Ministry of Planning and Development Cooperation, and also Norway’s Institute for Applied International Studies and the United Nations’ Development Program, the rate of acute malnutrition among children aged 6 months to 5 years has increased to 7.7 per cent in 2006, up from 4 per cent in 2002, and the problem continues to grow,

(ii) this translates into approximately 400,000 Iraqi children suffering from malnutrition,

(iii) one in three children in remote areas suffers problems associated with poor diet such as stunted growth and low weight which can irreversibly hamper the young child’s optimal physical, mental and cognitive development, and

(iv) Iraq’s current food rationing program has not been able to meet many families’ needs, due to Iraq’s continued instability, and the lack of sanitation and clean water; and

(b) calls on the Government to give this matter its urgent attention in Australia’s current deployment in Iraq and in talks with the Administration of the United States of
America, other international agencies and with the new Iraqi Government.

Senator Ellison to move on the next day of sitting:

That the following bill be introduced: A Bill for an Act to amend the Crimes Act 1914, and for related purposes. Crimes Act Amendment (Forensic Procedures) Bill (No. 1) 2006.

Senator Ellison to move on the next day of sitting:

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That the following bill be introduced: A Bill for an Act to amend the Crimes Act 1914, and for related purposes. Crimes Act Amendment (Forensic Procedures) Bill (No. 1) 2006.
LEAVE OF ABSENCE

Senator FERRIS (South Australia) (3.38 pm)—by leave—I move:

That leave of absence be granted to Senator Kemp for the period 19 to 23 June 2006, on account of parliamentary business overseas.

Question agreed to.

COMMITTEES

Treaties Committee

Meeting

Senator FERRIS (South Australia) (3.38 pm)—by leave—I move:

That the Joint Standing Committee on Treaties be authorised to hold a public meeting during the sitting of the Senate today, from 8 pm, to take evidence for the committee’s inquiry into the amendments to the International Organization for Migration Constitution.

Question agreed to.

NOTICES

Postponement

The following items of business were postponed:

Business of the Senate notice of motion no. 1 standing in the name of the Leader of the Australian Greens (Senator Bob Brown) for today, proposing the reference of matters to the Community Affairs References Committee, postponed till 9 August 2006.

Business of the Senate notice of motion no. 2 standing in the name of Senator Siewert for today, proposing the reference of a matter to the Community Affairs Legislation Committee, postponed till 22 June 2006.

MICROCREDIT SUMMIT GOAL

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (3.39 pm)—I move:

That the Senate—

(a) notes that:

(i) microcredit is a particularly effective and sustainable means of eradicating poverty,

(ii) microcredit borrowers, particularly women, generate income that allows them to feed, clothe, educate and care for the health of their children,

(iii) to date, 66.6 million people in the world have been reached with microcredit services,

(iv) Goal 1 of the Millennium Development Goals (MDG) seeks to eradicate poverty, while its 2015 target is to reduce by half the number of people living on less that $1 per day,

(v) if the new Microcredit Summit goal of having 175 million of the world’s poorest families receiving microcredit was reached by 2015, then nearly half the MDG target would be met,

(vi) Australia spent $14.5 million on microcredit in the 2005-06 aid budget which is 0.6 per cent of the aid budget, and

(vii) the United States of America, which has funded microcredit longer than most donor countries has established an international benchmark for microcredit spending, being 1.25 per cent of the aid budget; and

(b) urges the Government to:

(i) agree to support the new Microcredit Summit goal of having 175 million of the world’s poorest receiving microcredit by 2015 as a means of achieving the MDGs, and

(ii) increase the proportion of money it allocates to microcredit to 1.25 per cent of the budget.

Question put.

The Senate divided. [3.44 pm]
(The President—Senator the Hon. Paul Calvert)

Ayes ............ 29
Noes ............ 32
Majority ......... 3

AYES
Allison, L.F.  Brown, B.J.
Brown, C.L.  Campbell, G.
Carr, K.J.  Crossin, P.M.
Faulkner, J.P.  Forshaw, M.G.
Hogg, J.J.  Hurley, A.
Hutchins, S.P.  Kirk, L.
Marshall, G.  McEwen, A.
McLucas, J.E.  Milne, C.
Moore, C.  Murray, A.J.M.
Nettle, K.  O’Brien, K.W.K.
Polley, H.  Ray, R.F.
Siewert, R.  Stephens, U.
Sterle, G.  Stott Despoja, N.
Webber, R. *  Wong, P.
Wortley, D.

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

PAIRS
Bartlett, A.J.J.  Brandis, G.H.
Bishop, T.M.  Minchin, N.H.
Conroy, S.M.  Lightfoot, P.R.
Evans, C.V.  Kemp, C.R.
Ludwig, J.W.  Campbell, I.G.
Lundy, K.A.  Joyce, B.
Sherry, N.J.  Coonan, H.L.

* denotes teller

Question negatived.

COMMITTEES
Finance and Public Administration
References Committee
Reference

Senator FORSHAW (New South Wales) (3.46 pm)—I move:

That the following matter be referred to the Finance and Public Administration References Committee for inquiry and report by 19 October 2006:

The transparency and accountability to Parliament of Commonwealth public funding and expenditure, including:

(a) the impact on the Parliament’s ability to scrutinise, approve and monitor proposed and actual expenditure of:
   (i) outcome budget appropriations and reporting,
   (ii) multiple sources of funding including special appropriations, advances to the Minister for Finance, annual departmental carry-over surpluses, revenue retained under section 31 of the Financial Management and Accountability Act 1997, special accounts and goods and services tax appropriations, and
   (iii) the use of ordinary annual services to fund activities including non-annual services;
   (b) options for improving the transparency and specificity of budget papers and related documents; and
   (c) other measures to improve the Parliament’s oversight of proposed and actual Commonwealth funding and expenditure.

Question agreed to.

URANIUM ENRICHMENT FACILITIES

Senator MILNE (Tasmania) (3.47 pm)—I move:

That the Senate—

(a) notes:
(i) the inherent nuclear weapons proliferation risk associated with uranium enrichment,

(ii) that in 2004 President Bush proposed to cap the group of enriching states and that the United Nations’ Secretary-General Kofi Annan’s High-Level Panel on Threats, Challenges and Change called for the creation of incentives for states to forego the development of uranium enrichment and reprocessing capacity,

(iii) that in 2005 the International Atomic Energy Agency Director, Dr Mohamed ElBaradei proposed a 5-year moratorium on constructing uranium enrichment and nuclear reprocessing facilities, and

(iv) that a domestic enrichment plant would provide Australia with the capacity to produce fissile material in the form of highly-enriched uranium, a development that may destabilise the Asia Pacific region; and

(b) therefore opposes the development of any uranium enrichment facilities on Australian soil.

Question put.

A division having been called and the bells being rung—

Senator Bob Brown—I draw senators’ attention to the fact that this is the motion which opposes the development of any uranium enrichment facilities on Australian soil. I remind senators of all parties that it is a good time for anybody who has shares in uranium mines and has not declared that to do so before this vote.

The DEPUTY PRESIDENT—Not if they are registered in the register; then they are properly before the Senate.

The Senate divided. [3.52 pm]

(The Deputy President—Senator JJ Hogg)

| Ayes | 6 |
| Noes | 40 |
| Majority | 34 |

AYES

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

NOES

Adams, J. Bernardi, C.
Boswell, R.L.D. Brown, C.L.
Chapman, H.G.P. Colbeck, R.
Crossin, P.M. Eggleston, A.
Faulkner, J.P. Ferguson, A.B.
Ferris, J.M. * Fierravanti-Wells, C.
Fifield, M.P. Forshaw, M.G.
Hogg, J.J. Hurley, A.
Hutchins, S.P. Kirk, L.
Macdonald, J.A.L. Marshall, G.
McEwen, A. McGauran, J.J.J.
McLucas, J.E. Moore, C.
Nash, F. O’Brien, K.W.K.
Parry, S. Patterson, K.C.
Polley, H. Ray, R.F.
Ronaldson, M. Santoro, S.
Scullion, N.G. Stephens, U.
Sterle, G. Trood, R.
Watson, J.O.W. Webber, R.
Wong, P. Wortley, D.

* denotes teller

Question negatived.

WEST PAPUA

Senator NETTLE (New South Wales) (3.55 pm)—by leave—I move the motion as amended:

That the Senate—

(a) notes:

(i) the increasing conflict in West Papua and the systematic abuse of the human rights of West Papuans by elements of the Indonesian military and police,

(ii) that many of the same officers that orchestrated the violence during the Indonesian occupation of East Timor are now in West Papua, and
(iii) that, despite the extensive evidence of crimes against humanity in East Timor under Indonesian occupation, no members of the Indonesian military have been prosecuted;

(b) expresses concern at ongoing Australian military cooperation with Indonesia while these human rights abuses by elements of the Indonesian military continue; and

(c) calls on the Government to suspend negotiations on a new security treaty with Indonesia until Indonesian military members involved in human rights abuses are prosecuted.

Question put.

The Senate divided. [3.57 pm]

(The Deputy President—Senator JJ Hogg)

Ayes........... 5
Noes........... 42
Majority........ 37

AYES
Brown, B.J. Milne, C.
Nettle, K. Siewert, R. *
Stott Despoja, N.

NOES
Adams, J. Bernardi, C.
Boswell, R.L.D. Brown, C.L.
Carr, K.J. Chapman, H.G.P.
Colbeck, R. Crossin, P.M.
Eggleston, A. Faulkner, J.P.
Ferguson, A.B. Fifield, M.P.
Fierravanti-Wells, Forshaw, M.G.
Hutchins, S.P.
Hurley, A. Hogg, J.J.
Kirk, L. Macdonald, J.A.L.
Marshall, G. McEwen, A.
McGauran, J.J.J. McLucas, J.E.
Moore, C. Nash, F.
O’Brien, K.W.K. Parry, S.
Patterson, K.C. Payne, M.A.
Polley, H. Ray, R.F.
Ronaldson, M. Santoro, S.
Scullion, N.G. Stephens, U.
Sterle, G. Trood, R.

Watson, J.O.W. Webber, R.
Wong, P. Wortley, D.

* denotes teller

Question negatived.

WORLD REFUGEE DAY

Senator NETTLE (New South Wales) (4.00 pm)—by leave—I move the motion as amended:

That the Senate—

(a) notes that:
(i) 20 June 2006 is World Refugee Day and the day’s theme is ‘keeping the flame of hope alive’,
(ii) there are more than 19 million refugees and 5.5 million internally displaced people in the world looking for protection,
(iii) many countries assist hundreds of thousands of refugees who have no choice but to flee persecution,
(iv) the Government has changed its policy, breaching the Refugee Convention, in response to the arrival of 43 refugees, and
(v) the Government’s new policy will mean many asylum seekers who arrive by boat are exiled to Nauru or Manus Island; and

(b) calls on the Government to:
(i) drop its policy of appeasing Indonesia and ensure Australia’s refugee laws conform fully with the Refugee Convention, and
(ii) consider increasing Australia’s intake of refugees and offer asylum seekers real hope, durable solutions and significantly improved settlement services.

Question put.

The Senate divided. [4.05 pm]
COMMITTEES

Community Affairs Legislation Committee

Meeting

Senator FERRIS (South Australia) (4.07 pm)—I move:

That the Community Affairs Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 22 June 2006, from 3.30 pm, to take evidence for the committee’s inquiry into the Transparent Advertising and Notification of Pregnancy Counselling Services Bill 2005.

Question agreed to.

Community Affairs References Committee

Meeting

Senator MOORE (Queensland) (4.08 pm)—I move:

That the Community Affairs References Committee be authorised to hold a public meeting during the sitting of the Senate on Friday, 23 June 2006, from 9 am, to take evidence for the committee’s inquiry into gynaecological cancer in Australia.

Question agreed to.

Employment, Workplace Relations and Education References Committee

Extension of Time

Senator MARSHALL (Victoria) (4.08 pm)—I move:

That the time for the presentation of the report of the Employment, Workplace Relations and Education References Committee on Pacific region seasonal contract labour be extended to 18 October 2006.

Question agreed to.

Rural and Regional Affairs and Transport References Committee

Extension of Time

Senator SIEWERT (Western Australia) (4.08 pm)—I move:

That the time for the presentation of the report of the Rural and Regional Affairs and Transport

Question negatived.

CHAMBER
References Committee on water policy initiatives be extended to 30 November 2006.

Question agreed to.

NOTICES
Presentation
Senator FAULKNER (New South Wales) (4.09 pm)—by leave—On behalf of all senators, I give notice that, on the next day of sitting, I shall move:

That the Senate—

(a) notes that the former Deputy Clerk of the Senate, Miss Anne Lynch, was made a Member of the Order of Australia (AM) on 12 June 2006 for service to support parliamentary processes, particularly the administration of the practice of the Senate and its committees, to promotion and understanding of the role of the Senate, and to assisting parliaments of Pacific Island states; and

(b) congratulates Miss Lynch on this award which recognises her dedication to the service of the Senate over 32 and a half years.

COMMITTEES
Community Affairs References Committee Report
Senator MOORE (Queensland) (4.10 pm)—I present the report of the Community Affairs References Committee entitled Beyond petrol sniffing: renewing hope for Indigenous communities, together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

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

Leave granted.

Senator MOORE—I move:

That the Senate take note of the report.

In moving this motion I want to restate that this committee was not looking at the evils and the horrors of petrol sniffing. All too sadly, that information is well known to the Australian community, and over more than 20 years a series of reports have itemised the damage that petrol sniffing has done to communities across our country. So, as a community and as a parliament, we were aware of the evils of petrol sniffing. The terms of reference of this committee were quite clear. We were looking at the effectiveness of existing laws and policing; the effectiveness of diversionary initiatives and community level activities; and, most importantly, lessons that can be learned from the success that some communities have had in reducing petrol sniffing. We were also looking specifically at the issues around the impact of non-sniffable Opal petrol.

Our committee was privileged in its deliberations to hear evidence and have submissions from people from across the country, and we are joined this afternoon by a number of those people who gave to our committee of their time, experience, energy and loyalty to their communities so we could learn. But also, by giving those emotions, by giving that strength, they had to acknowledge a sense that in the past there has been betrayal. We have known of the horrors of petrol sniffing for so long. We are also aware that the things that could have been done by a community to react to these issues were there, and we as a community were not effectively working with the people whose knowledge we should value to address these issues and to ensure that the horrors are put to rest.

During the committee process the members of the committee were supported as always by the wonderful work of the Senate Community Affairs References Committee secretariat. Again I put on record this afternoon the support we received from Mr Elton Humphery, Ms Christine McDonald, Ms Kerrie Martain, Ms Jeannette Heycox, Mr Tim Watling, Ms Leonie Peake and Ms Ingrid Zappe. Without their help and support
we could not do the job the parliament has tasked us to do.

Now the message is clear for our community. We cannot rely on words alone. The people of Australia deserve and must have more. Our committee has itemised the response. There needs to be consistent, long-term, effective funding and resourcing in communities so that we can work cooperatively with all levels of government to address petrol sniffing. Petrol sniffing is but a symptom. There must also be acknowledgment that the issues of disadvantage and the lack of hope which is entrenched in some of these communities cause people to turn away. The title of our report, *Beyond petrol sniffing: renewing hope for Indigenous communities*, contains a message for us all. There must be a renewal of hope and energy, and that must include people at all levels of government and the community and look at things like education opportunities, employment opportunities and a renewal of community.

None of that is new, and that, somehow, is the worst message of all. It is not new. We know what we must do as a government, as a parliament and as people who share this pain. As a committee we accepted the challenge. When we were met at one of the communities, someone said clearly to us: ‘Don’t you fellas know how to read?’ There have been so many committees held and so many reports written. We have a responsibility now, which belongs to all of us, to accept that we are beyond reading; we now have to act. We have a sincere responsibility and we all have a role to play.

**Senator HUMPHRIES** (Australian Capital Territory) (4.15 pm)—I believe that I have been able to take part in a very privileged process—that is, a process of hearing stories and witnessing the living conditions of Australians whose lives are a world away from those of the people who live and work in this building. It was a quite extraordinary experience to begin to understand the kinds of problems which petrol sniffing presents to communities like those that the inquiry visited in the course of our work. It is obvious that petrol sniffing is a problem which is tearing the guts out of many Indigenous communities around this country. It is a problem which is endemic. It is a problem which undercuts the capacity of those communities to create a future for themselves by virtue of it diverting young people from opportunities in employment and education. It is a problem that deserves serious, immediate and well-funded attention from the Australian government.

In the time available to me I want to make just a couple of brief points. Firstly, it is clear that there is no single reason for petrol sniffing. The inquiry heard a great range of reasons as to why a person—a young person particularly—might decide to sniff petrol. Those include the cultural, family and social disruptions that have resulted from dispossession and colonisation; boredom and frustration; individual psychosocial factors such as family breakdown and neglect; social isolation; peer group pressure; low self-esteem and the need for identity; lack of employment options; poverty; a statement of non-conformity; and an attraction to excitement and pleasure. We also heard that in many cases hunger was a factor, since sniffing petrol dulls a person’s sensation of hunger. It is obvious that with such a wide range of factors contributing to the phenomenon of petrol sniffing it is very hard to identify a single clear remedy to the problem.

Secondly, it is very clear to me that the phenomenon of petrol sniffing in our community is bound up with the plethora of problems of Indigenous Australia which must at the same time be addressed. Petrol sniffing is a symptom of a broader malaise.
We cannot solve one without addressing the other. The committee heard extensive evidence about the nature of what goes on in these communities. We heard that petrol sniffers are often polydrug users or can switch from one substance to another if petrol becomes unavailable. Limiting access to petrol, therefore, does not entirely solve the problem. Petrol sniffing is a social and in some senses even a seasonal problem. For example, people on Cape York do not sniff by themselves. When sporting activities, youth programs and so on become available, they will often abandon their petrol sniffing and engage in those other activities. This demonstrates that a very complex range of solutions need to be provided to this problem.

The third point I want to make is that the committee believe that Opal needs to be more widely available within Indigenous communities around Australia. We have recommended that the roll-out of Opal fuel be extended to the full extent of the 20 million litre capacity which it is possible to produce in the country at the moment. We recommend identifying critical roadhouses and townships near Opal communities to make them also supply Opal. We recommend promoting a petrol sniffing prevention program to roadhouses and townships and identifying and combating barriers that prevent a complete roll-out of Opal to remote communities, particularly at the Top End. All of these things need to occur.

It is equally important to state that Opal will not solve the problem. We have heard that there are some circumstances where Opal cannot be substituted for other kinds of fuel, particularly high-octane fuels for high-performance vehicles. It is impossible to isolate a community from those kinds of fuels in some cases. Young petrol sniffers are fairly mobile, so it is important to acknowledge that we have to deal with other underlying causes at the same time that we deal with the supply of sniffable petrol.

The problem we identified as well is that government funded programs so often in the past have been of short duration. They have not been evaluated. They have not been re-funded and they have not had the effect, very often, of building resilience in communities. Those matters must be readdressed quite urgently in order to deal with these issues. As the chair of the committee said, we simply cannot afford to make this report another in a litany of those which have added to the sum of knowledge on this subject without action of a tangible and comprehensive kind flowing from it. I strongly urge the Senate to consider this report. I urge all senators to read this report and I urge the government to take very seriously the recommendations unanimously made in this report.

The ACTING DEPUTY PRESIDENT (Senator Watson)—Following agreement reached between the various parties, I have asked the clerks to reset the clocks.

Senator WEBBER (Western Australia) (4.21 pm)—I seek leave to incorporate Senator Bartlett’s speech.

Leave granted.

Senator BARTLETT (Queensland) (4.21 pm)—The incorporated speech read as follows—

I am pleased that this report is being tabled prior to next week’s National Summit on Indigenous Violence—I note that the recommendations emphasise the importance of working in collaboration with Aboriginal communities and yet, as was highlighted by the Democrats last week and at the Parliamentary Forum held here yesterday, there are no Indigenous leaders participating in the National Summit.

I would like to sincerely thank the other committee members for their enthusiasm and for their willingness to avoid, as much as possible, regurgitating what has been said so many times before on this issue.
I thank the secretariat, led by Mr Elton Humphery for their work since last October and the Australian Democrats sincerely thank the many individuals, organisations and service providers who so willingly offered information, comment and insight to the Committee. Unfortunately, not all governments were as forthcoming, as is too often the way with this type of inquiry, which I note is the eighth parliamentary inquiry and comes after five coronial inquiries across three states.

Generally speaking, each of these inquiries, as this inquiry was told, has followed a similar trajectory of uncovering heart-breaking stories, exposing gaps in our collective understanding, chastising governments for inactivity, and celebrating a program (or two) as a local success story, before a series of recommendations is unveiled. A few months later the relevant Department or Minister announces how the government proposes to respond to the recommendations. The matter then fades from public view and very little happens to change anything for the families and communities bearing, almost alone, the burden of dealing with both the causes and effects of substance abuse. Time passes. Then there are more deaths and more media reports. The level of concern about petrol sniffing builds again until—later rather than sooner—another inquiry is announced and the pain and grief of Aboriginal people is trawled through yet again.

To date, this cycle has suited governments—both federal or state—because by the time another inquiry is announced either power has passed to the Opposition (and a newly-appointed government is able to point an accusing finger at the inactivity of its predecessor) or so much time has passed that it is difficult, if not impossible, to build on the findings of the previous inquiry in anything but the most superficial way.

And so we should not be surprised that some of the most damning evidence was not provided to the Committee. We have just learned that Ngnampa (Nanumpa) Health Council has conducted an annual survey of petrol sniffing on the Anangu Pitjantjatjara Yankunytjatjara Lands since 1984. Ngnampa provides health services from nine clinics across 105,000 square kilometres in the north west corner of South Australia and their 2005 survey showed there were 178 sniffers on the APY Lands alone—that is nearly 7% of the total population. Their historical data shows that in 1984 there were between 150 and 170 sniffers. But neither they or the South Australian Government made this information available to the committee. It is exactly this kind of information which proves that governments must not be allowed to get away with more blame-shifting to Aboriginal communities—the call for help was made loud, and clear and often - but was ignored.

As Makinti Minutjukur, a community leader from Pukatja told the South Australian Premier when she wrote to him more than 2 years ago, “We have been asking all governments for 30 years to help us with these problems, to sit down with us for as long as it takes to find the way to fix these problems”.

The Democrats support the inquiry’s recommendations—we do not need more talk, more tub thumping, more reports, more chest beating or more promises—we don’t even need more consultation. What we need is a genuine and lasting commitment to negotiate—and I emphasise the term negotiate - solutions to the problems that lead to petrol sniffing—as recommended by the SA Coroner in 2002. Indigenous communities around Australia want, and deserve, to be treated as equals partners in the identification of both issues and solutions and this report sets out a number of ways that leaders—both black and white, and local, state and federal—can be part of developing both inspirational and aspirational actions. Anything less by any government than a fully funded, energetic response, done with, not to, Aboriginal people will simply repeat the cycle of previous decades and we hope that not one member of this parliament wants that to occur during their watch.

This report is titled ‘Beyond petrol sniffing— renewing hope for Indigenous communities’— and yes—we must renew hope—but we must also ensure that hope is not all we achieve for our first people. As citizens of this nation Aboriginal people want and are entitled to more than just rhetoric and the occasional glossy announcement—and this report makes an important contribution to a changed future.

I commend the report.

I thank the secretariat, led by Mr Elton Humphery for their work since last October and the Australian Democrats sincerely thank the many individuals, organisations and service providers who so willingly offered information, comment and insight to the Committee. Unfortunately, not all governments were as forthcoming, as is too often the way with this type of inquiry, which I note is the eighth parliamentary inquiry and comes after five coronial inquiries across three states.

Generally speaking, each of these inquiries, as this inquiry was told, has followed a similar trajectory of uncovering heart-breaking stories, exposing gaps in our collective understanding, chastising governments for inactivity, and celebrating a program (or two) as a local success story, before a series of recommendations is unveiled. A few months later the relevant Department or Minister announces how the government proposes to respond to the recommendations. The matter then fades from public view and very little happens to change anything for the families and communities bearing, almost alone, the burden of dealing with both the causes and effects of substance abuse. Time passes. Then there are more deaths and more media reports. The level of concern about petrol sniffing builds again until—later rather than sooner—another inquiry is announced and the pain and grief of Aboriginal people is trawled through yet again.

To date, this cycle has suited governments—both federal or state—because by the time another inquiry is announced either power has passed to the Opposition (and a newly-appointed government is able to point an accusing finger at the inactivity of its predecessor) or so much time has passed that it is difficult, if not impossible, to build on the findings of the previous inquiry in anything but the most superficial way.

And so we should not be surprised that some of the most damning evidence was not provided to the Committee. We have just learned that Ngnampa (Nanumpa) Health Council has conducted an annual survey of petrol sniffing on the Anangu Pitjantjatjara Yankunytjatjara Lands since 1984. Ngnampa provides health services from nine clinics across 105,000 square kilometres in the north west corner of South Australia and their 2005 survey showed there were 178 sniffers on the APY Lands alone—that is nearly 7% of the total population. Their historical data shows that in 1984 there were between 150 and 170 sniffers. But neither they or the South Australian Government made this information available to the committee. It is exactly this kind of information which proves that governments must not be allowed to get away with more blameshifting to Aboriginal communities—the call for help was made loud, and clear and often - but was ignored.

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I commend the report.
Senator SIEWERT (Western Australia) (4.21 pm)—I am extremely pleased to be able to speak on this unanimous report, Beyond petrol sniffing: renewing hope for Indigenous communities, by the Senate Community Affairs References Committee. First off, I would like to say that the representatives of Yuendumu and Mount Theo who are listening to this have come a long way to hear this report being presented. I acknowledge the work and the effort that they have put into encouraging us in this report. Five minutes is a very short time for me to speak on the report and go through the extensive detail that we heard during the hearings in this inquiry, but I would like to touch on a few important issues.

There has been a long list of reports looking at petrol sniffing, substance abuse and the impacts of disadvantage and despair. The message has been very clear: we do not want just another report that sits on the shelf, we do not want a badly thought out, knee-jerk reaction that makes things worse and we do not want another short-term or pilot program that only addresses the symptoms and runs out of funding before it starts to have an impact. What we want is for this to be the very last report on petrol sniffing.

There is nothing particularly special about petrol sniffing. It is a cheap and nasty drug that is easy to get hold of and it is the last resort of the most desperate and disadvantaged. It is the last place to go to escape, when any escape is better, no matter what the cost to your health, your family or your life. That is why rolling out unsniffable Opal fuel is absolutely necessary but it is not sufficient.

The report recommends the further roll-out of Opal fuel, and I very strongly support that. I also strongly support the call by CAYLUS—the Central Australian Youth Link-Up Service—for its roll-out into what they call the northern central region, for those remaining Central Australian communities that are affected by petrol sniffing and want government support. This will become one of the two new focus regions for the delivery of Opal fuel and sustained youth services.

Rolling out Opal fuel is necessary to give the communities the breathing space to be able to turn around sniffers’ lives. We need to get the kids off petrol and give communities a break from the trouble and grief that eventuates from it, so we can tackle the underlying causes. We also need to give kids something to do, some source of hope, so they can turn their lives around.

Make no mistake. If we do not treat the underlying causes, we will not break the cycle of abuse and this will not be the last report. This is what the NT coroner meant when he said that youth services should be considered essential services in remote communities. Just yesterday I heard the example of Papunya, where they have been rolling out Opal and have stopped petrol sniffing. Now they are saying: ‘We need a youth worker. We need to give our kids something to do—and something to do beyond football. Football and other sports are great, but we need more than that. We need truly extensive services and things for kids to do—the same as in any other community.’

We need to put time, resources and effort into giving these kids meaningful and worthwhile lives. We need to deal with the underlying causes and deliver services and support. We must provide to Aboriginal communities the basic services the rest of us take for granted. Government agencies have always had this responsibility. We need to encourage them to make sure they are fulfilled. We need to look at and learn from those programs that have been successful. They all combine community engagement, strong agency support, skilled on-the-ground
staff and well thought out intervention, and they work with the strengths and limitations of the community and its culture.

Many top-down programs have failed where they have been unable to communicate and engage effectively with local communities. Many bottom-up programs have failed where there have been poorly trained and poorly resourced community members who have been placed in extremely difficult situations and given positions of responsibility where the level of demand is overwhelming and they feel unable to intervene effectively. However, communities in crisis need even stronger support from us than they have been provided with in the past. We really need to make sure that we are supporting these communities. We need sensible, balanced, long-term partnerships.

In conclusion, I would like to say how pleased and proud I have been to work with this committee in developing our unanimous report. It is now up to government—federal, state and territory—to do the real work to implement these recommendations so that this is truly the last report dealing with petrol sniffing. The Greens are committed to implementing these recommendations and supporting all positive moves that are taken to end petrol sniffing and end Indigenous disadvantage in this country.

Senator ADAMS (Western Australia) (4.26 pm)—I, too, am very proud to have been part of the Senate Community Affairs References Committee. We have worked very well, travelled to some fantastic places, seen the communities and talked to the people first-hand. It has made such a difference to be able to go and sit down and have some time to really talk about the issues that matter.

My fellow committee members have commented on a number of issues. I will talk about some of the basic things that I think can make a difference. Firstly, I would like to acknowledge our friends in the gallery who have travelled from Yuendumu and Papunya to be with us here today and see the report presented. I think that is really good.

I also congratulate our Senate Community Affairs secretariat, led by Mr Elton Humphery. They have had to follow us around, and sometimes the suggestions we have given them of where we wanted to go have quite horrified them. They had the challenge of trying to get charter aircraft and work out which was the best way to attack places like Balgo and Halls Creek while we were up in Darwin and how to go from Alice Springs to Yuendumu and out to Mount Theo. It was a great experience and I think it is so important that we had the opportunity. On the trip to Mount Theo we had a number of the media present, and that was great because at least it gave them an opportunity to see what it was all about. They were the practical issues. We also had people from the Menzies School of Health Research in Darwin travel to Balgo and Halls Creek. These people would never have been able to get there by themselves. Their research is much richer for the opportunity that the committee gave them. We and the communities will certainly benefit from that research later on.

Finding the solution was one of our goals as we travelled around remote areas of Australia. The communities that we visited have obviously had enough of inquiries, meetings, workshops, seminars, reports and committee meetings on sniffing. I feel that real action is necessary now, and Senator Siewert has certainly made a very strong point on that, as I do—it is just so important. We have done enough; there is enough research there. Now we must get on with it. I think Minister Brough is keen to follow up on our recommendations and enhance where we have been and what we have done. We really can
take a step forward for the people sitting in the gallery.

In South Australia, we met Mrs Mona Tur, who has been an interpreter for the past 30 years. She gave us a lot of insight into the communities in the Anangu Pitjantjatjara lands. I spoke about a program last evening that had run out of funding. It was such a great program, but where does it go? Mrs Tur said:

I saw program after program start and then abruptly stop because there was no more funding left, there were no more staff and the community eventually lost interest in trying to keep programs going. They were getting stressed and sick themselves. No-one was there to help.

This is the fundamental thing: we must have that support behind these programs.

When I look at our friends from CAYLUS up there, they are the key to Yuendumu being able to reduce their petrol sniffing. It is so important that you have those people to support the people who live in the communities. Without them, there is no way that the programs will work. We have to keep people in the communities longer. A three-year program is of no use whatsoever. If a program is successful, somehow we must get that program extended and keep the professionals who are there. As a professional person, if you know a program is going to end in three years, after 18 months you are going to be looking for other work because you are not sure as to where you are going to go next. This is the trouble and it has happened time and time again, not just in Aboriginal communities but in all the other areas in which we have great programs.

This is something that I would be working very hard on to see if there is any possible way to continue good programs. Programs must be evaluated to ensure that dollars are being spent the way they should be. If it is evaluated and it is successful, for goodness sake let us not reinvent the wheel. As has been said, there is no short-term fix to petrol sniffing. From my observation, communities need as much outside support as possible to help them find a solution. (Time expired)

Senator CROSSIN (Northern Territory) (4.31 pm)—Professor Chalmers said to us while we were in Darwin that the story of petrol sniffing in Australia—as you are aware—is characterised by a series of inquiries and reports at the national, state and local levels. It would be true to say not only that I endorse the sentiments of my colleagues who were part of this Senate inquiry but also that there is a very sincere feeling among all of us that this should not lead to just another one of those reports. You have heard it said a number of times this afternoon, but for the first time in a long time there is cross-party support in this chamber for ensuring that this report does not sit on the shelf and gather dust. There are comments in the introduction that this ought to be the start of a new beginning for governments in this country.

As we left the Mount Theo program to travel to Yuendumu and then out to Mount Theo, Peggy Brown, the wonderful woman who instigated that program, pulled me aside and said to me: ‘It’s up to you now. You have to take our message back to the rest of the country.’ What is that message? It is this: that Aboriginal people are taking responsibility for petrol sniffing in their communities.

We have some wonderful examples here in the gallery today of such people from my own electorate. Larissa Granites, Louis Watson and Lance Macdonald have made the trip down to Canberra to be here today for the tabling of the report. Why is that? Because they are deeply committed to eradicating this problem in their community and because they have taken responsibility in their community. All too often in this country we do not hear about the successful stories, such as...
the Mount Theos or the Papunya communities. We do not champion the fact that Aboriginal people are doing something about this. But the story is also this: they cannot do it alone. This is a problem that needs the backing of state and territory governments and cross-party support. They need committee work and research to help them achieve this outcome.

The story is also this: for too long, we have funded programs with six months or 12 months of funding, so they start and stop. In the gallery today are also Blair McFarland and Tristan Ray from CAYLUS, along with Brett Badger, who also works out at Mount Theo. These are people who are doing an outstanding job in Central Australia. They are a highly professional, highly committed team of people who spend every waking moment of their day addressing this problem. This is the kind of organisation that needs not one-year funding but five- or 10-year funding. It needs millions of dollars thrown at it so that they can sit back and put a long-term plan in place to address this problem. They need to be reassured that their funding is long term and that they can tackle this problem with a long-term strategy rather than with the stop-start funding that we have heard about right around this country.

There is some fantastic research being done in relation to petrol sniffing, but more is needed. We heard from the Menzies School of Health Research in Darwin that they still need to know exactly what impacts petrol sniffing has on the brain. To what extent can people be rehabilitated? What impact does this substance abuse have on people’s ability to be able to get back on track? The work that they are doing significantly helps that. We need to collect more data. We do not know how many people die, whether directly or subsequently, as a result of petrol sniffing in this country. We need to collect that data.

We need to also spread the stories from Cairns to Perth to Mornington Island to Mount Theo about some of the good stuff that is happening. We heard in Cairns that more people want good stories and good examples spread throughout the country.

I strongly urge governments, particularly Tony Abbott and the people in the Department of Health and Ageing and in FaCS, to read this report and to get together and create a whole-of-government long-term strategy to eradicate this problem. This should see the beginning of a commitment right across the board to addressing this substance abuse issue in our Aboriginal communities. Let us hope that this is the last of the reports and the beginning of a new age and a new hope for Indigenous people.

The ACTING DEPUTY PRESIDENT (Senator Watson)—Before I call Senator Webber, given the interest in this report, may I suggest to Senator Webber that she might like to seek leave to continue her remarks.

Senator WEBBER (Western Australia) (4.37 pm)—Thank you, Mr Acting Deputy President. That is exactly what I was planning on doing, but I will do it at the end rather than right now. In commencing my remarks, I, too, would like to thank the Community Affairs References Committee secretariat and also each and every one of the committee members who participated in this inquiry. I note that, although we all do not get time to speak in this tabling session, nearly all of us are present for this debate. It must say something about the permanent members of the Community Affairs References Committee that it manages to come up with a reasonably cooperative and harmonious approach to tackling some of the major social challenges that face our community, which you would not necessarily expect in a political process. I would also like to particularly thank Senator Adams because, when we
were travelling the country, examining potential solutions to this problem, her constant refrain of ‘I’m interested in practical solutions’ really did help keep a number of us focused on the real challenge ahead—and it is a significant challenge.

The tabling of this report this week is particularly timely, given the government’s proposed summit next week that is looking at addressing some of the ongoing challenges facing our Indigenous communities. I therefore urge the government to have a look at some of the practical solutions that our committee has highlighted in this report and see if they cannot take that as a model for tackling some of the other significant challenges.

The committee, as I said, adopted a cooperative approach. It is only by adopting a cooperative approach to this significant issue that we as an Australian community will be able to come up with real solutions. If we do not come up with real solutions, we as a community and we as the Australian parliament are all diminished. We would have failed in our fundamental job. Real solutions are not just the solutions that our recommendations outline and the remarks that others have made about the need for collaborative approaches between the various levels of government; they are solutions that move away from funding pilot programs. They are solutions that move away from models built around personalities in communities. They are solutions that say that, as the Australian parliament and as the Australian people, we are in this for the long haul and we are going to find a real solution to this problem. But, having said that, I know there will be, of course, like anything else in our community, no one solution. And I can guarantee you that there will not be one single solution if we do not work to find those solutions in coalition with our Indigenous populations. The solution is not to be found in this chamber; the solution is to be found out there, working with those communities.

As a West Australian, I would also like to endorse the remarks of Senator Siewert about the need for the roll-out of Opal. I would particularly like to thank those who work in the BP refinery in Kwinana for the hard work that they have done in developing that fuel and for the time they made available to educate the committee in that process. As I have said, the work of this committee is quite unique in that it does look at having a collaborative approach to things. I would like to thank the committee and the committee secretariat for taking the trouble to come to Western Australia, where we tend to feel a bit overlooked and we all get very parochial. I would like to thank them for taking the trouble to visit two communities: Halls Creek, which is a community facing significant challenges at the moment—I am trying to avoid using the word ‘crisis’—and, of course, Balgo, which has faced significant challenges in the past. It was a good way for the secretariat and committee members to be able to have a look at some ongoing progress.

I, for one, hope that this is the last ever report on petrol sniffing. I hope that we can agree to adopt the recommendations and find the real solution so that none of us here ever again will have to stand up and talk about yet another inquiry and yet another report. If we do, we will have failed what is in the title of this report, which is the need to renew hope for our Indigenous communities. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

**Rural and Regional Affairs and Transport Legislation Committee**

**Report**

Senator HEFFERNAN (New South Wales) (4.42 pm)—I present the report of the Rural and Regional Affairs and Transport
Legislation Committee on the administration by the Department of Agriculture, Fisheries and Forestry of the citrus canker outbreak, together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

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

Leave granted.

Senator HEFFERNAN—I move:

That the Senate take note of the report.

The citrus canker outbreak, which the grows and flows committee—better known as the Rural and Regional Affairs and Transport Legislation Committee—investigated, came to our attention three years after the alleged illegal importation of, among other things, citrus cuttings into Emerald by a farming organisation up there which has refused to cooperate with the inquiry and the principals of which will probably never come back to Australia, and if they do they should get locked up.

This is a great wake-up call for Australia. It is a wake-up call for all the people who were given the supervision of not only the allegations of illegal importation but the consequent outbreak of citrus canker. The committee are pretty concerned about the way this was all handled—and that is not by any particular government but by all governments. Political persuasion should not be an issue in this. This is about protecting Australia’s clean, green and free image. This has been a serious breach of that process. When the first allegations of illegal importation were made, which was a red line call on 12 June 2001—three years before the citrus canker was discovered in Emerald—AQIS took six weeks to obtain a search warrant and to ask the Queensland state agency to be involved. We think that is pathetic.

Witnesses who had not spoken to AQIS—sometimes, we think, because AQIS did not make a concerted effort to speak to them—made information available to this committee. I heard about this and thought, ‘Shivers’—I suppose that would be a better word to use in this chamber—‘we ought to have a look at this.’ There was some resistance to our having a look at what happened in 2001 as opposed to the outbreak in subsequent years. So I thought, ‘What would be the first thing you would do if you wanted to investigate what happened in 2001?’ I thought the first bloke you would ring would be the farm manager, so I rang the farm manager and, lo and behold, he had not been formally interviewed by the investigating authorities. I thought that was pretty peculiar. So I thought perhaps I should talk to the chief compliance officer, who was supposed to do the investigation. I rang him directly and got into a bit of trouble for doing it, because I did not go through the various official channels.

Then the committee raised a few questions in estimates—as I recall, Senator O’Brien—and we pulled on this investigation. The further we went into the investigation the more disappointed the committee became. If ever there was a wake-up call needed for Australia, AQIS and the intergovernmental arrangements it is this. This was a serious Dad-and-Dave operation, and the consequences are the complete devastation of the district.

Perhaps the biggest single failure was that AQIS did not execute the search warrant. AQIS officers failed to investigate what was in a locked room. Everyone could give us evidence about this locked room, and everyone on the farm gave evidence that the dodgy material that was allegedly imported was kept in this room. When the investigators from AQIS got there they were told the door was locked, but instead of doing what I would have done, which is kick the door down—they said there was no key avail-
able—they just left it. They went away. They said, ‘There’s no key; we won’t bother having a look.’ Had something being done at that early stage—and there is no evidence that citrus canker was then present—the disease may never have been brought into Emerald.

The committee is equally concerned that the AQIS plant inspectors were given the task during the period of quarantine of inspecting the property of 20,000 acres. The lady concerned gave evidence to the committee. I think I said to her, ‘You were given a mission impossible,’ and she agreed. How can two people in one day inspect 20,000 acres for citrus canker? Also not helping was the fact that the manager of the property said he did not even know what citrus canker looked like until he was in a plane one day and saw a pamphlet in the pocket of the seat in front of him and thought, ‘Oh my God, that’s what we’ve got back at home on the farm.’

I am pretty unimpressed with all of this. I appreciate the cooperation we have had from the Queensland government et cetera since this all happened, but it is a bit late after the event. The committee has made some recommendations, and I am sure other members of the committee are anxious to speak on this report, so I had better not take too much time. The committee urges AQIS to bring more resources to bear early in the piece, to make sure that quarantine measures can be taken before a disease such as this spreads. For the record, the impact of the citrus canker outbreak was not limited to a few citrus growers in Emerald; 490,000 citrus trees had to be destroyed in the area. Every citrus tree, including every backyard, orchard and local tree, had to go under. An area that was generating revenue of up to $70.8 million per year was virtually wiped out overnight.

In my view, AQIS’s conduct of the investigation was not up to standard, to say the least, and those responsible for importing the disease into Australia have never been identified. We have a better than 90 per cent idea of who we are talking about and how they did it. We took some evidence and there was some influencing of witnesses, but whether it was incorrectly influencing or not we will never know. But it seems pretty certain how it all happened, and what gives me and the committee the heebie-jeebies is that they appear to have gotten away with it. The committee is very concerned that, based on AQIS’s performance, this is a sad episode. We think there are some serious lessons to be learnt from this.

There is also the issue of whistleblowers being protected. Mr Wayne Gillies was one of the people who were poorly handled. There was another witness, who gave evidence in camera, who had a nervous breakdown because he felt that he had to do the right thing by the country and ruin his own career in doing so. There is a lot of pressure in small places to shut your mouth and turn the other way. We think that a lot of work has got to be done to protect whistleblowers so we can protect Australia’s clean, green and free image. The whole thing was a disgrace, and I am very saddened by it.

Senator O’BRIEN (Tasmania) (4.50 pm)—I want to follow on and expand on some of the points that Senator Heffernan made on the Senate Rural and Regional Affairs and Transport Legislation Committee’s inquiry into the citrus canker outbreak. The inquiry was set up in May 2005 to examine in more detail a number of serious issues and allegations relating to the outbreak of citrus canker in the Emerald district of Queensland. Those issues were raised by me, Senator Heffernan and others during the 2004-05 additional estimates and the 2005-06 budget estimates hearings.
These were very serious allegations and issues that go right to the heart of how this government, and especially its quarantine service, AQIS, fulfils its key role of policing our borders to keep out exotic pests and diseases that may threaten important agricultural industries. The issues and allegations also go to how effectively and quickly the government, through AQIS, responds when it is provided with information about possible serious breaches of Australia’s quarantine laws. The terms of reference allowed the committee to examine these important issues and also to look at other areas, such as the cooperation between the Commonwealth and the states in dealing with the canker outbreak, the impact on our citrus industry of the outbreak and how future incursions should be managed.

In June 2004—and I think it is important to put the history on the record—an employee of Evergreen Farms in Emerald sent a sample of material from a mandarin tree that he suspected of being infected with citrus canker to the Queensland Department of Primary Industry for testing. Within four days, the Queensland department had confirmed that the sample was indeed infected with citrus canker and set in motion an emergency response process under the provisions of Plant Plan. The outbreak had a significant impact on citrus growers in the Emerald district and in Queensland generally, as a blanket ban was put on the shipment of Queensland citrus products to interstate markets at the very peak of the 2004 season. And, as Senator Heffernan has said, around half a million citrus trees in the Emerald district were destroyed. The economy of the whole Emerald district suffered, as did the families who rely on the citrus industry for employment.

It was six months after confirmation of the outbreak that both the Commonwealth and the Queensland governments announced assistance packages and then compensation packages. A number of witnesses presented evidence to the committee about the timeliness and effectiveness of the response by governments to this disease emergency. The committee has taken those concerns on board and has recommended that Plant Health Australia reviews the operation of both the national management group and the Consultative Committee on Emergency Plant Pests to improve their performances.

I want to turn to a number of very concerning issues and allegations that were raised at the inquiry and during a number of estimates hearings. The allegations—they have been touched upon by Senator Heffernan—related to a previous incident at Evergreen Farms, the property where citrus canker was discovered in 2004. My concerns go to how the government, through AQIS, dealt with those allegations.

On 12 June 2001, an employee of Evergreen Farms, Mr Wayne Gillies, made a telephone call to the AQIS Redline number alleging that the owners of Evergreen Farms had been involved in smuggling plant cuttings into Australia. Mr Gillies told AQIS that the owners of Evergreen Farms had illegally imported citrus, grape and lychee cuttings, as well as paw-paw and melon seeds, into this country. Over the next few weeks, AQIS officers took a formal statement from Mr Gillies and made a number of routine checks on permits held by Evergreen Farms and on the travel movements of the owners and others associated with the property. However, it was not until the morning of 23 July 2001 that AQIS executed a search warrant on Evergreen Farms. That was, as Senator Heffernan said, a full six weeks after Mr Gillies made his call to the AQIS Redline number.

There is considerable disagreement between the AQIS version of what happened
during that search and the version provided to the committee by other witnesses, who were former employees of Evergreen Farms. While AQIS officers claim to have interviewed all available employees on that day, the employees themselves claim that they were either not interviewed or that any interviews that did occur were cursory at best. However, it is clear that only a small portion of the farm was actually searched and—again, as Senator Heffernan said—that a locked room, believed by AQIS compliance officers to possibly be a repository of illegally imported material, was not searched at all, despite the officers having the power to force entry to that room. Testing of the material taken from the farms during the raid did not show the presence of citrus canker but did show the presence of two other citrus diseases, one of which, importantly, was exotic to Australia. Evidence was given of the lack of cooperation by the owners of the farm with attempts by AQIS to manage the quarantine risks they had identified or suspected existed on the property.

Several witnesses were very critical of aspects of the AQIS investigation, and particularly about a perceived lack of vigour in the pursuit of allegations that in the year 2000 one of the owners on Evergreen Farms, Mr Cea, had directed employees to plant bud wood of very doubtful provenance. Subsequently, AQIS entered into a confidential deed of arrangement with the owners for ongoing monitoring of quarantine risks on the property. Under that agreement, the scope of monitoring of the property was quite limited and, in fact, only four inspections took place. Evidence was given that the confidential deed was a unique arrangement and was used in this case because AQIS was dealing with a particularly uncooperative and litigious property owner. The confidential nature of the agreement was of real concern to other citrus growers and grower organisations as well as other members of the Emerald community.

The 2004 citrus canker outbreak clearly demonstrated the sort of impact an exotic pest or disease can have on an important industry and on a community. There are lessons to be learnt, particularly from how government responded to the outbreak in terms of its performance during incursion emergencies. But it is on the government's response to the 2001 allegations that the most serious concerns are raised. That response should be characterised as slow, timid and lacking rigour. There were concerns about the lack of protection given by governments to quarantine whistleblowers, without whom none of these events would ever have seen the light of day. I strongly urge the government to carefully read the report and to craft a response that deals with the serious issues it raises. I commend the report. I urge the government to carefully consider its recommendations. I thank the committee secretariat and the members of the committee for their work, and I sincerely hope that the work on this matter does not end here.

Senator FERRIS (South Australia) (4.58 pm)—Senator Heffernan and Senator O'Brien have quite eloquently gone through the detail of the report, and I do not propose to do so again. Suffice it to say that we have many debates in this chamber about terrorism and, to me, the canker outbreak was a form of bioterrorism. The citrus canker disease was deliberately brought into a particular region of Queensland. It had the effect of destroying an industry, hundreds of people's livelihoods and families. It even took out people's citrus trees in the backyards of their suburban homes. If this was not bioterrorism by an individual or a group of individuals then I do not know what it was.

I have to say—and I am very sad to say it—that this citrus canker issue was very
poorly handled by AQIS. It is inconceivable to me—and it will come as no surprise when I say it in this chamber, because I said it to AQIS on several occasions—that when AQIS got a call from a very courageous person on their hotline it was six weeks before anything was done to investigate it and, curiously, when the investigation did take place, there were people who already knew that it was going to occur. It was a complete failure of process. It was a failure right from the very start. It was a failure when the man rang the hotline. It was taped, but nothing was done to check it out for six weeks.

We have recommended in our report today that it be three days—and three days is the absolute maximum. If we are going to have an incursion into this country, either of a plant or an animal, it should be a matter of hours, not days, after a hotline call comes before action is taken. We have had discussions about this in this place and in our committee before. This is not the first time. Senator Heffernan has outlined the potential difficulty we had with a possible incursion of foot and mouth when we had some beef come in from Brazil. So this is not the first time that AQIS has miserably failed the Australian community on incursions and on a very expensive structure that is in place to make sure that this country stays clean and green.

AQIS failed the people of Emerald, they failed the families and, most of all, they failed the citrus industry. It will be years before this industry recovers, and many of the significant growers in that region of Emerald will never recover. They will never re-enter the industry. It is a great tragedy to me that through AQIS’s laziness and failure to take adequate action, the incursion got away and, unfortunately, no matter how hard we tried, we were not able to bring any person to justice over this. I think that upsets me more than anything else—that, when all was said and done, we had no opportunity to effectively recommend action through the DPP. That was because a number of witnesses, having given evidence, were then, in some curious way, prevailed upon to change their evidence. We had a situation where conflicting evidence was given by crucial witnesses, to an extent that we were not able to make recommendations to the DPP.

However, we have made five recommendations here. They are very significant recommendations which have been covered by both Senator O’Brien and Senator Heffernan. I will not go over them again now, because I know that Senator Milne wants to make a contribution. However, on this issue we want to stop AQIS from having all the power, because they have shown on this particular occasion—and on several other occasions, I am sorry to say—that the power should not rest only with them. Recommendation 4, which suggests ‘that twice a year, the Commonwealth Ombudsman review all investigations carried out by AQIS to assess whether they have been conducted by appropriately trained staff, in a timely manner, in accordance with all the relevant legislation and according to the rules’, has been undertaken. I for one will be pushing very hard to make sure that the minister accepts that recommendation.

We also want to make sure that in the future, when properties are visited with a warrant, the search warrant is properly executed and locked doors do not remain locked with material perhaps behind them. We have suggested that on those particular occasions when we do require a full inspection of a property there should be outsiders from the state where the incursion may have occurred involved in the execution of that warrant. This is a very important issue. This is bioterrorism in its most basic form. It destroyed an industry, it took out millions of dollars worth of product and it destroyed the livelihoods of
hundreds, perhaps thousands, of Queenslanders.

Senator MILNE (Tasmania) (5.04 pm)—I rise to support the remarks made by my colleagues from the Senate Rural and Regional Affairs and Transport Legislation Committee. I concur that it is a good report and that this committee worked extremely hard to try to get to the bottom of what occurred leading up to the citrus canker outbreak in Queensland and also what occurred subsequent to that. I feel, as my colleagues on the committee feel, that it is extremely disappointing that we were not able to bring recommendations to the DPP that action be taken because, as Senator Ferris and others have said, it is quite clear that there was a calculated breach of quarantine. But saying it and proving it are two different things, and this committee was unable to prove it. As Senator O’Brien, and no doubt Senator Hefner, before him, indicated, the problems go back to 2001, and by the time the committee got to investigating this it was too late. People had forgotten details and, in some cases, were not absolutely sure about what had happened.

Given the Department of Agriculture, Fisheries and Forestry say that even the most stringent quarantine and biosecurity measures will not prevent calculated, deliberate smugglers from breaching quarantine—and that might be the case—I think AQIS needs to double its efforts and get a lot stronger in recognising that there are unscrupulous people who will try this on and will try it on in a calculated manner, because the penalty for doing so is merely a fine, and the advantages of doing so, in terms of avoiding all of the procedures to get plant stock, animals et cetera approved, are such that they are prepared to run the risk. I do not think it is good enough, so I thoroughly endorse the recommendations of this report.

Going to specific details, one of the things I was concerned about throughout this committee inquiry, and I remain concerned about, is the ability or willingness of AQIS to quarantine a property. One of the issues was whether the disease they think is there is on one of the schedules to the act. So I would have liked to have seen in this report a recommendation that AQIS can quarantine a property if they have reasonable doubt about whether whatever disease they see there is present or has been previously present in Australia.

AQIS are saying that they have adequate powers to do that. I hope that is the case. I will expect in future that, if that is the case, they will act on those powers. The reason I say that is that, with climate change, we are finding that habitat ranges for disease are significantly changing. Whereas before you might not expect to find a particular overseas disease in certain parts of Australia, you will now find it because of a significant shift in habitat. If we do not have it on the schedule of prohibited diseases, I want to make sure that AQIS can still quarantine the property. That is a really important issue to me. I think climate change is going to significantly shift the ground and make a whole lot of things a threat to Australia that previously we may not have recognised as such.

The other thing is the changes in and the mobility of populations. One of the allegations that came up in this report was that the owner of a property had brought in workers from another property that he owned in the Philippines. The workers came into Australia on a tourist visa. So they came straight off a farm in the Philippines, landed in Australia and went straight onto a farm in Queensland. That poses huge quarantine threats, unless people admit on the customs form that they have been on a farm in the previous few days and that their shoes et cetera are looked at for
soil and all of the associated identification that AQIS would take if they knew that.

That is why this report says clearly that there should be a closer relationship between AQIS and the Customs Service. I think we should have on the customs form not only ‘Have you been on a farm in the last month or six weeks or whatever?’ but also ‘Do you intend to work in the rural community or on a farm in Australia within a month of your arrival?’ That way, you could have a cross-check between AQIS and the Customs Service in relation to these itinerant workers. I do think that is going to be an increasing problem in Australia with regard to this particular matter.

One of the issues that concerns me around this whole investigation was the failure to have proper police procedures in place. I could not believe the fact that when the whistleblower’s house was broken into the police were not called. Even though the whistleblower rang AQIS and said, ‘The house has been broken into and taken from my computer was material that pertains to where we believe this illegal stock is,’ the police were not called to investigate and there was no fingerprinting done. It beggars belief that that did not occur. Also, when one of the critical witnesses—again the whistleblower—was interviewed again by the AQIS investigator, the whole issue of proof of evidence was not done properly. I cannot believe that. That is why I am strongly supporting the view that officers of the Australian Federal Police be involved in training a special compliance and investigations unit of AQIS so that AQIS do have proper investigative powers and so they know how to conduct these investigations in a way that will stand up in court. It is essential that that occurs.

I think we are being naive as a nation if we do not realise that there are going to be unscrupulous people coming into Australia who either own or work on properties, who want to circumvent increasingly stringent quarantine laws. If they do that, there needs to be an adequate punishment regime, an adequate investigation capacity and a legal framework that gives AQIS the powers they need to deal with these circumstances.

I regret, for the sake of the people in Emerald, that this committee was not able to get to the bottom of this whole issue about not only the citrus canker but also the citrus tristeza virus. Had AQIS quarantined the property because of suspected citrus tristeza virus, we might have found out then the provenance of that virus and whether indeed it came from China. If we had been able to establish that, we would have been a lot further down the track in 2001. I do regret our inability to bring anybody to justice as a result of a recommendation to the DPP, and I want to reassure all of the people in Emerald affected by this that this committee tried as hard as it could to get to the bottom of it and we had as many hearings as were necessary. I am pleased with the report and I hope that the government will implement the findings of this inquiry. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

ABORIGINAL LAND RIGHTS (NORTHERN TERRITORY) 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) (5.13 pm)—I move:

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

Question agreed to.
Bill read a first time.

Second Reading

Senator COONAN (New South Wales—Minister for Communications, Information Technology and the Arts) (5.13 pm)—I table a revised explanatory memorandum relating to the bill and move:

That this bill be now read a second time.

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

Leave granted.

The speech read as follows—

ABORIGINAL LAND RIGHTS (NORTHERN TERRITORY) AMENDMENT BILL 2006

The purpose of the bill is to make changes to the Northern Territory Aboriginal Land Rights Act, which will provide more choices in life for Aboriginal people in the Northern Territory.

It is 30 years since a Coalition Government introduced the bill that became the Land Rights Act. The Second Reading Speech delivered on 4 June 1976 talked about giving full expression to Aboriginal affinity with the land.

The Land Rights Act has been successful in returning land to Aboriginal people. Almost half of the Northern Territory is now Aboriginal land. However, hopes that the simple granting of land would lead to an improvement in the lives of local people have not been realised. The Act has not been successful in facilitating productive use of that land.

The reforms to the Land Rights Act are the result of almost ten years of consultation and three major reviews that have enabled a narrowing of differences among stakeholders. There is widespread recognition that the Act needs to be amended to deliver better economic outcomes.

Many of the proposed amendments come from a joint submission by the Northern Territory Government and Land Councils.

The reforms in this bill are designed to do three things: provide for individual property rights in Aboriginal townships, streamline processes for development of Aboriginal land and improve efficiency and enhance accountability of organisations under the Act.

At the time of the development of the Land Rights Act, the future of townships was a point of debate. Most of the residents are not traditional owners. They have no choice but to live as tenants in these townships. If they want to own a house or start a business, they have to move. They are mostly marooned in unsafe settlements devoid of economic opportunity and hope for the future.

The appalling levels of violence and abuse in many of these communities are a stark reminder of the failed policies of the past. The Government has called for restoration of basic law and order in these townships. The right of safety for women and children is a threshold issue that will be the subject of a Commonwealth, State and Territory Summit in the near future.

But of course law and order is not the only issue. Much more needs to be done to normalise life for these Australian citizens. The reforms to the Land Rights Act will help to create a new environment offering better prospects and hope for the future.

The bill provides for a new tenure system for townships on Aboriginal land that will allow individuals to have property rights. It is individual property rights that drive economic development. The days of the failed collective are over.

Our approach will preserve the fundamentals of the Act such as inalienable Aboriginal land title and will respect the role of traditional owners. Ninety-nine year headleases over townships with individual subleases under the headlease will make it significantly easier for individuals to own their own homes and establish businesses. The bill enables the Northern Territory Government to establish its own legislation to administer the scheme and also enables the Australian Government to administer the scheme if necessary.

To make home ownership a reality, the Government has established the Home Ownership on Indigenous Land Programme to provide low interest loans and other incentives and assistance to prospective home owners. The States are also expected to move to amend their Indigenous land legislation to enable unencumbered long term leasing of Indigenous land. The Australian Government is leading the way.
The Government recently signed a Heads of Agreement, committing the traditional owners of Nguiu on the Tiwi Islands and the Australian Government to settle an agreement by the end of this year for a township headlease. The people in Nguiu know where they are going and we expect other communities to follow their lead.

The proposed amendments to the cumbersome and open ended mining provisions of the Act are based on a package agreed between all parties: Governments, Land Councils and the mining industry. There will be quicker processes for exploration and mining on Aboriginal land and current Ministerial powers will be delegated to the Northern Territory Government.

The changes include a sensible core negotiating period in which the Government expects most exploration applications to be considered. We intend to provide the Northern Territory Mining Minister with a new power to set a deadline to bring negotiations to a conclusion. Importantly, the power of traditional Aboriginal owners to withhold consent to (or veto) exploration is retained.

The bill includes further measures to cut red tape and facilitate economic development on Aboriginal land. The requirement for Ministerial approval of leases and contracts entered into by Land Councils will be significantly relaxed. The Minister will only need to approve leases that are over 40 years’ duration, rather than the current 10 years, and contracts of over $1 million, rather than $100,000 at present. The bill facilitates the mortgaging of leases by confirming that a lease can include agreement to future transfers.

The bill provides for the delegation of decision-making powers from Land Councils to regional groups, including for exploration and mining.

The bill also includes amendments to the provisions for the establishment of new Land Councils. The current provisions are effectively unworkable. The bill specifies that, to establish a new Land Council, a 55 per cent majority vote of Aboriginal people is required.

The performance of Land Councils will be enhanced by the legislation. No longer will Land Council funding from the Aboriginals Benefit Account (ABA) be based on an artificial statutory formula. We are removing the guaranteed 40 per cent of annual ABA revenues for Land Councils. In future, Land Councils will be funded on the basis of workloads and results.

The Government wants to ensure that royalty payments are made in a transparent and accountable way. Payments without a purpose will be prohibited. Oversight of royalty associations will be improved so that all community members benefit, not just a select few.

Through careful management, this Government has built up the ABA reserve to over $100 million, which will enable a more strategic and targeted approach to investment. The ABA Advisory Committee will be strengthened by a provision to include additional members selected by the Minister according to their professional expertise.

Outstanding land claim matters are dealt with by the bill. The legislation disposes of land claims that cannot legally proceed or would be inappropriate to grant. Claims over stock routes that have been unresolved for over 20 years and cannot be heard or finalised will be disposed of. Claims to the intertidal zone and the beds and banks of rivers not contiguous with Aboriginal land or claimed land will be disposed of.

A separate Bill will schedule substantial areas of land, including a series of claims to national parks and reserves settled between the Northern Territory Government and Land Councils.

The Northern Territory Government, the Land Councils and peak industry bodies including the Northern Territory Minerals Council are to be congratulated for their constructive contributions to the reform process. The Land Councils, by proposing, for example, the delegation of powers to regional groups, have demonstrated that they recognise the need for change.

The Government has proposed these amendments for the next 30 years of land rights. The measures contained in this bill are vital to improving the well being of Aboriginal people in the Northern Territory. The measures are long overdue and usher the potential for a new era of opportunity for Aboriginal Territorians.

Debate (on motion by Senator Coonan) adjourned.
COMMITTEES
Environment, Communications, Information Technology and the Arts References Committee

Reference
Senator MILNE (Tasmania) (5.14 pm)—I move:
That the following matter be referred to the Environment, Communications, Information Technology and the Arts References Committee for inquiry and report by 31 March 2007:

Australia’s future sustainable and secure energy supply, with particular reference to:
(a) short-, medium- and long-term greenhouse gas abatement targets and energy emissions intensity goals;
(b) relevant existing and emerging technologies that are likely to make a significant contribution to reducing greenhouse gas emissions following life-cycle analysis and benchmarked against biodiversity, safety and regional security considerations;
(c) the mix of energy supply and energy use efficiency options that could feasibly meet Australia’s energy intensity requirements;
(d) identification of preferred energy options taking into consideration factors including, but not limited to, cost, reliability, safety, security, regional development and sustainability;
(e) identification of policy adjustments required to stimulate energy markets to develop the preferred options at least cost; and
(f) any other related matters.

I move this motion in the hope that the Senate will support this. The reason I believe it essential that we look at this is that we are having the most piecemeal, ad hoc energy debate in Australia and it is not serving the best interests of the country. Last year I moved a motion in the Senate that we have a Senate inquiry into Australia’s future oil supply because, once again, the government had not developed a strategy relating to future energy supplies in terms of transport fuels. Now I am doing exactly the same with regard to the broader mix of energy because the government have somehow decided that they are going to run off down the nuclear path without looking at the broad energy mix in terms of what is available, achievable and relevant for Australia.

The first thing that we need to be looking at is having an energy plan for the country and finding the whole energy mix that might meet that plan. That would be for base load energy, peaking and the whole lot. We need to have a plan for what we need for energy and electricity generation, and we need to look at our whole industry mix. There is a range of policy matters that come into this. What we are seeing is the Prime Minister simply heading off, as I said, down the nuclear energy path.

One has to ask why we are suddenly having this debate on nuclear energy. I think I can put it in a fairly straightforward way by saying that President Bush wants a nuclear fuel supply centre based in Australia to complement others around the world and he spoke to the Prime Minister about it when the Prime Minister was in Washington. The Prime Minister has come back with an agenda of expanded uranium mining, which has always been on the coalition’s agenda; the enrichment of uranium; the supply of fuel rods and enriched uranium overseas; and taking back high-level waste. This inquiry has been dressed up as an inquiry about energy security but it is nothing of the sort. It is much more about enrichment, high-level waste dumping and a subtext of Defence strategy in cooperation, as deputy sheriff, with the US than it is about energy.

So let us talk about energy. Why do we need the energy inquiry: because, if you are
serious about greenhouse gas reduction, you have fewer than 15 years to do something about it. You are not going to get that with a long-term debate about nuclear energy and nuclear reactors. We need this debate and we need support for a broad-scale energy inquiry right now because Australia has the potential to lead the world in renewable energy technologies.

I can give you a couple of examples. One is geothermal energy. Pacific Hydro is currently looking at geothermal energy from the Great Artesian Basin. That is not hot rocks technology; it is traditional geothermal energy. It is using hot water from beneath the Great Artesian Basin to generate energy. They say that, on their estimates, a geothermal operation based on that energy could supply 25 per cent of base load power for the eastern states for 100 years. That potential technology is already out there right now. We also have solar thermal. The CRC for coal sustainability, in its report, came out and said that, from an area of 35 square kilometres of Australia, it could produce enough base load power for the whole country. So we already have these technologies.

Also, we have a significant problem in Australia with our economy because it is based on resources that are just being dug up and shipped overseas. Our whole economy is dependent on ongoing profits from digging up and selling overseas. That is a very vulnerable position to put the country into. The government is bragging about being economic managers, but it has wiped out the manufacturing sector. The tertiary sector is tiny. We are now back to the equivalent of riding on the sheep’s back. We are now a quarry economy.

What we would do if we had a sensible look at energy across the country would be to look at the whole mix. We would be investing in new technologies which would address greenhouse gas reduction. These new energy-efficient renewable energy technologies would also lead to sophisticated job creation in Australia. That would lead, as I said, to greater research and development, commercialisation of those developments and jobs as a result of that. That is the way we should be going in Australia.

The Prime Minister says he is worried about Australia’s energy security. He is right to be worried about our energy security, but not in the context of the Europeans. We are blessed with energy in this country. The Europeans are worried about it because Russia can cut off the gas at any time. That is why they are terrified about energy security. Australia has lots of energy options. But our security is compromised by climate change. We cannot afford to use some of our energy options. For example, we cannot afford to continue to burn coal because of the ramifications for climate change unless a technology is developed that deals with coal emissions.

This is where solar thermal comes in. It is possible with solar thermal to use coal not as a substance that you would burn in a coal-fired power station but as a chemical substance combined with solar. You can turn it into a renewable energy option for Australia. So we have plenty of options. But the government does not seem very interested in pursuing them. I simply do not understand why that is the case. Furthermore, the government is not interested in pursuing the mandatory renewable energy target or extending the time frame and the percentage in relation to that. We know that we have to achieve at least a 60 per cent greenhouse gas reduction by 2050. How are we going to get there if we do not roll out these renewable energies?

In terms of transport fuels, the Prime Minister says that the price of petrol is going up
and therefore we need nuclear energy. That shows how little the Prime Minister understands about this whole debate. The issue is that petrol is a transport fuel—a fossil fuel that generates greenhouse gas emissions. Nuclear energy has nothing to do with petrol, petrol prices or transport fuels. Unless you have nuclear-powered cars—and I have not seen that anywhere—then I cannot see why you would link petrol prices with nuclear energy. It makes no sense at all.

What does make sense is looking at the transport needs of this country and saying, ‘We need to replace fossil fuels and we also need to reduce the amount of transport fuels that we use.’ That requires a mix of investment in public transport and in alternative fuels. That is not just ethanol. There is a range of alternative transport fuels, and natural gas comes into that as well as LPG as a transitional fuel. So we need to look at a whole range of things. As I said, we should not look at an ad hoc policy which has one committee running off and looking at nuclear and one committee focusing on ethanol. We need a whole industry and energy policy that is totally integrated. That is what this country requires and we have not got it.

We also need to start looking at having short-term, medium-term and long-term targets for greenhouse gas emissions and working out the energy mix that will get us to those targets. The government continues to refuse to put targets in place. Our greenhouse gas emissions are spiralling out of control. The constant claim that we are going to come in on our Kyoto target of 108 per cent (a) fails to recognise that that target was such a generous target in the first place and (b) fails to recognise that the only reason that we will come in on that target—that is, if we do come in on that target—is because of the one-off benefit of the avoided emissions as a result of stopping land clearance. It is not because we have actually done anything about our industrial or transport emissions.

We need energy efficiency: renewable energy generated from wind, solar and geothermal sources; renewable biofuels; natural gas—the whole range of technologies. I do not see where we are getting a push for that kind of comprehensive analysis of the greenhouse gas reduction target, breaking down that target into energy generation, fuel and transport emissions, and then looking at the whole mix that could meet targets in those particular sectors within a time frame and in an ecologically sustainable way.

The government’s ad hoc approach means that they will give a green tick to a biofuels factory in Darwin, but that will import palm oil from Malaysia. One of the issues with that is that palm oil plantations—and I am not saying that this is the case in relation to this particular factory—can essentially lead to deforestation in tropical areas. So you have that issue to consider. Look at what soya is doing to the Amazon: it is driving huge amounts of deforestation in the Amazon. Plus there is the issue of food security into the future. Farmers have a right to sell their crop to maximise whatever profit they can get. If it gets to the point where fuel companies are prepared to pay farmers a higher price than people are prepared to pay for food then that is what they will sell their crop for, and that will lead to displacement.

I am really dedicated to the view that what Australia needs is some strategic thinking in energy policy. That is where I would like to see this go, and that is why I am arguing strongly for government and opposition support for this motion. We need to have a good look at the whole range of energy options and not just go down ad hoc little side streets, whether it is on ethanol or nuclear. Let us look at the big picture, let us set the targets, let us work out the appropriate mix
and then we will not find that we are robbing Peter to pay Paul in terms of the particular strategies that we might pursue.

Senator O'BRIEN (Tasmania) (5.27 pm)—The opposition understood that this motion was going to proceed to a vote on formality rather than being the subject of debate, so we are a little surprised that this debate is taking place at this time. Therefore, I will be brief in confirming what we have advised the mover of the motion, Senator Milne—that is, the opposition will not be supporting this motion.

We are currently engaged in an inquiry, chaired by Senator Siewert through the Senate Rural and Regional Affairs and Transport References Committee, into aspects of the fuel chain. It is particularly inquiring into peak oil and alternative fuel sources. So, to an extent, we are already proceeding down paths that one feels would also be dealt with by the proposed inquiry.

An extensive inquiry is proposed. It would address a variety of energy issues: greenhouse gas abatement targets, existing and emerging technologies that might contribute to reducing greenhouse gas emissions, the mix of energy supply, and energy use efficiency options that could feasibly meet Australia’s energy intensity requirements. Of course, some matters have been placed on the record in the inquiry before the Senate Rural and Regional Affairs and Transport References Committee which indicate that Australia is an energy rich nation. Australia is rich in coal and uranium, the solar and wind resources that are available to us are abundant and work is being done on developing technologies for carbon sequestration. That sort of evidence is already before the Senate inquiry and I expect that we will take more evidence.

Labor has of course been in the process of developing its policies in relation Australia’s energy sector and a number of contributions have been made which I would like to place on the record in the context of this debate. It is a fact that in our domestic economy both electricity and gas investor sentiment will be timid until some certainty is delivered on the question of greenhouse gas emissions, and that means signing up to Kyoto and implementing a national emissions trading system.

While it is often said that Australia’s per capita emissions of greenhouse gas are amongst the highest of all industrialised countries, we should not forget there are reasons for that. Australia’s relatively high energy intensity has to be considered in the context of the size of the country and its relatively low population density, its climate, its heavy reliance on coal for power generation and the presence of energy intensive industries which form the backbone of the nation’s productive capacity. For example, the country’s large size increases transport energy use, with the transport sector accounting for 40 per cent of the final energy consumption in Australia—and the last date I can refer to is 2003. Per unit of gross domestic product, our transport consumption is nearly 40 per cent higher than the average of the 26 International Energy Agency countries.

That does not mean there is no room for Australia to reduce its energy intensity and improve its energy efficiency. There is, and doing more to develop efficient public transport systems in urban areas and more to promote efficient vehicles and fuels is essential both economically and environmentally. Our high energy intensity does mean, however, that there are many issues to be resolved in designing a carbon allocation and trading system and particularly how to deal with our energy intensive export industries. But the need to resolve these issues is no reason to bury our heads in the sand and do nothing. The challenges ahead of us will not go away and they will be much higher than...
those facing us in meeting our first Kyoto target. We will simply have to be smarter about how we handle these challenges.

At the moment Mr Howard and Minister Macfarlane are doing what they do worst: they are picking technology winners. The potential cost to the economy of this approach far outweighs the ordered introduction of a market measure with policy makers setting the cost of carbon and the market participants deciding the best way to minimise it. The Kyoto protocol and the Asia-Pacific Partnership are not inconsistent strategies for dealing with global climate change. One involves binding targets for emissions coupled with the initiatives like the clean development mechanism and another involves encouraging the development and adoption of new environmentally friendly technologies and clean energy sources. They are complementary strategies. The last thing we want to do is disadvantage our energy intensive industries, many of which are already operating on a world’s best practice basis with respect to emissions. And to drive them offshore to countries with lower standards is not an end we would seek to achieve.

The reality is that to protect our own economic future we have to be part of the solution to the environmental impact of economic growth in our region dominated by China and India. It is here that the Asia-Pacific Partnership really comes into its own, offering Australia an opportunity for its own economic growth and an opportunity to be part of the solution to the environmental consequences of what is happening in our region—one of the most rapid expansions of economic activity that has occurred in world history. There are many impressive members of the partnership, including the United States and Japan and the world’s two fastest growing economies, China and India. By any measure the six countries in the Asia-Pacific Partnership—Australia, the US, Japan, China, India and South Korea—represent a regional partnership of great significance and even greater opportunity. Together they constitute 45 per cent of the world’s population, 49 per cent of the world’s gross domestic product and 48 per cent of the world’s energy consumption. By the same token, they are responsible for 48 per cent of global greenhouse gas emissions. As growth in energy use and related greenhouse emissions will be far steeper in China and India than anywhere else in the world for the foreseeable future, we need to bear that in mind.

This is a regional grouping of countries that, working in partnership, has within its gift the capacity to make a serious global impact on patterns of energy use and greenhouse emissions, and it is important that Australia is part of it. We are fortunate in having abundant and relatively cheap natural gas, coal seam methane and high-quality clean coal resources to meet domestic power needs today and for decades to come. Many other countries are not so fortunate. This gives Australia an enormous competitive advantage as a trading nation, providing energy resources, energy technology and energy services to the global community, in particular the Asia-Pacific region.

Let us not forget that at least 20 per cent of Australia’s exports come from energy resources, and that statistic is growing. We are already the world’s largest exporter of coal, accounting for 30 per cent of world coal trade; and we are a clean supplier, with Australian coal generally at the higher end of the quality spectrum. Around three-quarters of our coal exports go to countries within the Asia-Pacific Partnership. We supply six per cent of the world’s liquefied natural gas, currently around eight million tonnes, and this is expected to grow to more than 21 million tonnes by the end of the decade. Again, our key markets for LNG are those countries within the Asia-Pacific Partnership.
We supply almost a quarter of the world’s mined uranium and export to three countries within the partnership—Japan, the United States and South Korea. As senators will know, the government recently announced the commencement of negotiations with China towards a bilateral agreement to ensure that any Australian uranium supplied to China will be used exclusively for peaceful purposes. The federal Labor Party welcomes that announcement because if the government is serious in its desire to export uranium to China then a nuclear cooperation agreement is a critical first step. China is of course already a signatory to the Nuclear Non-Proliferation Treaty.

It is important for me to indicate that we are very keen to be involved in the debate about Australia’s future sustainable and secure energy needs. We are also keen to be involved in a debate which does not minimise Australia’s opportunities as a trading nation. We do not believe that this is the time for this inquiry. It is an inquiry which we expected would be the subject of a vote today, and we were not going to vote for it. I do wish that we had been given an indication that the matter would be debated, and so I simply seek to put those matters on the record to give some indication of Labor’s position generally on energy. We will not support this reference at this stage.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (5.37 pm)—I very strongly support Senator Milne’s motion that the Environment, Communications, Information Technology and the Arts References Committee inquires into Australia’s future sustainable and secure energy supply. I am at a loss to understand Labor’s position on this. Senator O’Brien has pointed out that Australia is arguably the biggest polluter of the developed countries in terms of global heating gases, that in our region the amount of gases being put out is increasing enormously, that the Australian coal industry is the biggest supplier of coal burning in the region as well as domestically and that the post-Kyoto program is nowhere on the horizon. But the Labor Party is going to vote against an inquiry to try to move the decision makers of this country to an informed earlier decision about where we should be going, which is what Senator Milne’s motion proposes that we in the Senate do. I think that for the Labor Party, on the day it voted for uranium enrichment, to vote against an inquiry—

Senator O’Brien—That is why we are debating it? Because we voted against it?

Senator BOB BROWN—I do not know whether Senator O’Brien is questioning or stating. The point I make is that on the same day the Labor Party has voted for uranium enrichment in the country it intends to vote against an inquiry into Australia’s future sustainable and secure energy supplies and the options. That is studied head-in-the-sand stuff. We are used to that from the government, but to hear that from the prospective alternative government is woeful politics. And it comes on the day we are notified that the government wants to bomb the Senate committee system—this bastion of inquiry on behalf of the public into the nation’s affairs so that we have informed democracy and review of government decisions—and remove everybody but government chairs and reduce the number of committees from 10 to six.

What an awful attack on the Senate committee system that is and what better reason could there be for voting for this inquiry while we can? Labor is saying that it will leave it for some future date. Let me tell you, the intention of the Prime Minister, Mr Howard, is to have the executive run the committee system. A future committee set up to look at this will have a government appointee ef-
fectively in charge, if Mr Howard has his way. The terms of reference will be determined by the government. And who comes and gives witness on behalf of the Australian people will also be determined by the government.

We have had a breach of trust by the Prime Minister, when he had said to Australian people: ‘This is an unexpected thing—we have control of the Senate. The government will be humble in its use of that control.’ Today he showed how rapidly he can forget commitments about humility to the Australian people with the announcement that, come August, the government will use its numbers to axe the Senate committee system as it has been working for so many years and to instead install a Clayton’s Senate committee system which the government runs from start to finish. The hubris and the arrogance of the government on this day is horrendous—it is thumbing its nose not just to democracy but to the Australian people’s support of the Senate and its great committee system, which is a model for democracy around the world. The Prime Minister is taking an axe to that and is going to use, hopefully, he would think, his numbers to get that through here in the next sitting week, which is in August. What a black day for democracy this is, with this axe wielding against the Senate because the Prime Minister got a windfall majority in here. No doubt the people of Australia will have something to say about that at the next election.

But now we have the opportunity to have a Senate inquiry, with terms of reference set by the Senate, into one of the most important issues facing the nation. Senator Milne is moving that the Environment, Communications, Information Technology and the Arts References Committee inquires into Australia’s future sustainable and secure energy supplies with particular reference to the range of important reasons why we should be doing that.

**Senator Faulkner**—We do not have that opportunity, as you know. Regardless of what the opposition do, the government is voting against it. You know that as well as I do.

**Senator BOB BROWN**—Senator Faulkner says that regardless of what the opposition do the government has the numbers in here. Senator Faulkner, it ain’t necessarily so. There is a revolt in the government against the revolting refugee laws that the executive of the Prime Minister, the Right Hon. John Howard, has brought into this parliament, and that has come through vigorous public debate. The Labor Party needs to understand that we have to take it up to the government in this place. That is what the Senate is here for. We cannot sit back and say, ‘No, it is too hard; we will not have an inquiry into this,’ or ‘The government has the numbers in the Senate; why worry now?’ You cannot do that.

It is really important that we do use the Senate committee system not only to discover where the government is falling short but to get the information and engender the policy that is going to be right for this country into the future. The government might vote that down, because this is a very arrogant government, but now the opposition capitulate and say: ‘Why worry? Why should we bother?’ That is up to the opposition. The Greens are not doing that. That is why Senator Milne has brought forward this motion for an inquiry. She knows the work that is involved in that. She knows what an extraordinarily complex issue is being grasped here, but she also knows how vital this issue is to this nation.

We should be a world leader on this issue, not a quarry of the sort that Senator O’Brien was just talking about. We should stop talk-
ing about being a clean supplier of coal, when we know that coal, like oil, is the generator of global heating, which has enormous financial penalties and which has written into it enormous social dislocation not just for this country but for the whole planet and particularly our region. There is enormous environmental destruction already under way, but it is increasing as we go down the line. How do we hand that to our kids? How do we just say: ‘We can’t inquire into that. That’s a bit hard. That’s too difficult. The government is not going to take any notice. Whatever it might be, we will give up’? Not the Greens.

This country should be leading the world in environmental policy, in energy policy, because the two are interlinked—and so is economic policy. We should be the driving house, the cockpit, of environmental technology which exploits the solar potential of this nation that Senator Milne was talking about. We should be getting behind those fantastic technologists and scientists in this country who are already taking the lead. No; the Howard government has taken away their funding. What comes next? China will come in and buy that technology—or Germany will. It already has a stack of it. Now that the Merkel government has taken over in Germany—and I will be interested to see George Negus’s program on SBS tomorrow night about that—it appears that they are saying ditto to the Howard government proposal.

Senator Faulkner—She is a former environment minister, Angela Merkel.

Senator BOB BROWN—Yes, she is a former environment minister, but—

Senator Faulkner—I’m not saying anything else except that she is a former environment minister.

Senator BOB BROWN—Yes, but she is not of your quality when it comes to being an environment minister, I can tell you.

Senator Faulkner—We are on a unity ticket on that.

Senator BOB BROWN—So what happens over there? Big business says, ‘Let’s get into nuclear,’ even though in Germany it is more expensive than wind power in 2006. Germany, which has led the world in environmental technological innovation and the export of that technology in the last decade, is about to drop the baton. We should be picking it up. What a great opportunity for this wonderful nation of ours. How well placed we are to be the world leaders, to confront this monstrous spectre of global heating—which hangs across the future of our kids, our grandkids and their kids—and to make a profit out of it and be proud of it. That is what Senator Milne’s motion says: let us grasp this; let us get together the best information in Australia, and elsewhere if necessary, as a guide to where Australian governments should be in the next years, if not decades. Let us understand what is the best energy potential that Australia could be taking up at this time.

But the government is going to vote against it, and, guess what? The opposition says, ‘We are, too.’ I am flabbergasted by that. I find it incomprehensible, but there you go. I congratulate Senator Milne on bringing this motion forward. It is not only a good motion; it is an extremely important search for information, solutions, advantage and prosperity for this nation’s future. I appeal to the opposition to think again and I appeal to the government to think again as well.

Senator MURRAY (Western Australia) (5.49 pm)—I seek leave to incorporate Senator Allison’s speech.

Leave granted.

Senator ALLISON (Victoria—Leader of the Australian Democrats) (5.50 pm)—The incorporated speech read as follows—
Climate change and our energy future is a serious economic, social and environmental issue for Australia.

According to leading scientists, a 4°C rise could result in thousands of deaths in Australia each year from heat-related diseases, a 148% increase in bushfires, a rise in the frequency of natural disasters and the loss of our treasured natural icons, such as the great barrier reef, Kakadu wetlands and the upland forests in Australia’s Wet Tropics, as well as our alpine habitats. More than 16,000 species of animals and plants are at risk of disappearing, including one in four mammals and one in eight birds. There will be less rainfall, higher evaporation and increased drought, resulting in more strain on our rivers and dams, reduction in agriculture production and increased food prices.

While the Government have only recently admitted that climate change is happening and has serious consequences for Australia and the planet, the Australian Democrats have been campaigning on this issue for years.

In May 2001, the Senate tabled the Democrat chaired report The Heat is on: Australia’s Greenhouse Future, which reported on the progress and adequacy of Australia’s policies to reduce global warming. This report was critical of the lack of action to date, and made 106 recommendations in areas of transport, emissions trading, carbon and the land, energy use and supply, climate change and Kyoto.

Three years later the Government released its Energy White Paper (EWP) in 2004. The Energy White Paper set out the Government’s strategy for Australia’s future energy development. As with White Papers in general, it was a declaration of intent, or a blueprint, of how future energy goals will be met.


The report found that the Energy White Paper did not contain effective planning for the future needs of the Australian community in energy supply, greenhouse gas emission reductions or alternative renewable energy development.

Specifically the report argued that energy related emissions are increasing at an alarming rate, yet there are no expressed policies in the Energy White Paper that will address this issue and rein in emissions.

The report made a small number of achievable recommendations, none of which have been implemented.

Now fast forward to 4 June 2006.

The Prime Minister proclaims that he will shortly announce a review on nuclear energy. He states and I quote “Concerns about climate change and greenhouse gas emissions, the rising costs of energy and the possible availability of a cheaper source of fuel, will form the basis of our arguments for this debate.”

Nuclear energy was not a consideration in the Government’s energy white paper tabled two years earlier.

Now suddenly after a visit with US President George Bush the Prime Minister is talking about nuclear power.

Now some may say I am being cynical, but it is hard not to be cynical.

Because once we saw the terms of reference for the nuclear inquiry it became obvious that the Prime Minister was not so interested in nuclear power or greenhouse gas abatement. No. Rather the terms of references suggest that the Prime Minister is more interested in making money, and dirty money at that.

This inquiry is about convincing Australians that we should expand uranium mining and enrich uranium.

The Prime Minister told media that and I quote “Australia holds up to 40 of the world’s known low-cost, recoverable uranium reserves and there is significant potential for Australia to increase and add value to our uranium extraction and exports”, and “I’ve always maintained that holding the reserve of uranium that we do, it is foolish to see ourselves as simply an exporter of uranium.”
We also read last Friday that the Government’s Uranium Industry Framework had expanded its terms of reference.

It is clear that expanding uranium mines, enriching the uranium, sending the enriched uranium to China and India for leasing, and then bringing back the waste is the first part of Prime Minister Howard’s plan.

The crucial factor the Prime Minister has conveniently ignored is that uranium mining and enrichment generates significant greenhouse emissions. Uranium enrichment in the US alone (where 20% of electricity is generated from nuclear power) releases 14 million tonnes of CO$_2$ pa.

Uranium enrichment also produces a massive amount of chemical waste. For every tonne of natural uranium mined and enriched for use in a nuclear reactor, gives about 130 kg of enriched fuel, leaving 870 kg of waste. The bulk (96%) of the byproduct from enrichment is depleted uranium (DU), for which there are few applications; the United States Department of Energy alone has 470,000 tonnes in store. There is about 1.2 million tonnes of DU now stored around the world.

The Prime Minister’s plan also includes taking back high-level nuclear waste, possibly including US nuclear weapons waste, and making Australia the nuclear waste dump of the world. So not only will we end up with millions of tonnes of chemical waste from enrichment, but we will have high-level long-lived waste from nuclear power plants around the world. The Government can’t even safely store Australia’s current production of waste from Lucas Heights and from medical uses.

The PM’s suggestion that exporting non-enriched uranium is analogous to exporting wool as a raw product is outrageous to say the least.

Turning wool into knitted garments doesn’t leave a pile of intractable waste behind. In any case, the Government, in ten years has been unable to stem the loss of a textile industry here, or to build markets for wool in the face of synthetics.

The Democrats are not opposed to having the nuclear power debate, primarily because we know that empirical evidence shows that nuclear power is not economically, socially and environmentally acceptable as a means to address climate change.

However, we are opposed to a nuclear power debate in the absence of looking at other energy sources.

The Democrats believe that the Prime Minister is misleading people with his narrow ‘debate’ on nuclear power.

Ignoring other energy sources assumes nuclear power is the only option to address climate change.

The Prime Minister claims that he is interested in a mature debate and not to have and I quote “such a stupidly emotional debate about it”.

Besides the fact that I object to the Prime Minister referring to anyone who puts up facts and figures that opposes his views as “stupidly emotional”, I would argue that the Prime Minister himself has failed to provide the Australian public with a “mature debate”.

The Democrats and others believe that the debate on nuclear power must be within the broader energy debate, or real issue of finding the cleanest and safest way to massively reduce greenhouse gas emissions will be lost.

This is why we support the Greens motion to examine Australia’s future sustainability and secure energy supply.

As outlined in the terms of reference, the Government needs to consider the short, medium, and long-term greenhouse gas abatements targets and goals.

While the Government has finally started recognising that we need to reduce greenhouse gas emissions in Australia by 60% levels by 2050, rather than act now, this Government seems to be deliberately delaying action in the hope that nuclear and or so called clean coal will be our saviour.

It is not possible for a nuclear power industry or clean coal technology to be developed in time to combat climate change.

It would take 10 to 15 years for nuclear power to be generated. US reactors commissioned in the 1970’s took 20 years with ongoing delays.

And it would take equally similar time to establish operational and economically viable clean coal technology.
What are the Government’s plans in the short-term?

The joint ACF and business roundtable for climate change report The Business Case for Early Action showed that if action on climate change is delayed it becomes more expensive for business and the wider Australian economy to reduce greenhouse gas emissions. The report concluded that you need long-term inspirational goals coupled with short-term binding targets as a milestone. That we need to accelerate efforts to manage energy and reduce emissions – not stall them.

The joint WWF and gas industry report Options for Moving Towards a Lower Emissions Future showed that costs can be minimised by immediately setting an emissions target, that results can be achieved with today’s electricity generation technology and knowledge about energy efficiency, and that the cost would be between $0.43 - $2 week per person each year to 2030. The report again emphasised the importance of setting targets.

We also need to look at the mix of energy supply that could feasibly meet Australia’s energy intensity requirements. As I mentioned before nuclear power and clean coal technology would not be viable for another 15 – 20 years.

We need to be looking now at mix of energy options.

Renewable energy already supplies 19% of the world’s electricity, compared to nuclear’s 16%.

Around the world the rate of increase in renewables is nearly 30 percent for wind, 20 percent for solar, and only 0.6 percent for nuclear.

The UN Governmental Panel on Climate change have stated the renewable energy could meet most of the of the world’s energy demand by 2100.

AGL, Frontier Economics and WWF-Australia undertook a pragmatic economic evaluation of how to using low and zero greenhouse gas emission electricity generating technology to achieve a realistic target by 2030 consistent with the greenhouse gas reductions advocated by climate scientists.

Australia has the perfect climate and geography to support a big increase in renewable energy, and combined with gas, could better meet our energy needs in the future than expensive nuclear power with all its serious waste, security and decommissioning problems.

Cost is another key component of the energy renewable debate. Evidence, including the recent report commissioned by ANSTO, shows that a nuclear power industry is expensive, and is not viable without Government subsidies.

We already know nuclear power can be as cheap as coal if the cost of storing the waste or decommissioning the reactor is not taken into account. We also know that coal is currently cheaper than wind and solar but only because the cost of CO2 emissions is ignored.

Research shows that every dollar spent on nuclear power is diverting private and public investment from cheaper and cleaner markets such as renewable sources. A proper inquiry must take into account all the costs.

Issues such as reliability, safety and security must also be taken into account.

Waste storage is still a huge headache for the big nuclear power generators and cannot be said to be either safe or acceptable to the public.

Annually about 12,000 to 14,000 tonnes of spent fuel are produced by power reactors worldwide.

Not a single depository exists anywhere in the world for the disposal of high level waste from nuclear power. This is waste that is radioactive for hundreds and thousands of years.

The recent leaks at Lucas Heights demonstrated the risks of dealing with any part of the nuclear cycle. No worksite or workplace is free from accidents and accidents do happen.

Let’s not forget Chernobyl and its estimated 270,000 cancer and 93,000 fatal cancer cases or the 200,000 deaths in Russia, the Ukraine and Belarus or the billion dollar costs of relocating people and abandoning farmland.

And more modern nuclear power stations are not accident free either.

In the past 6 years nuclear reactor accidents have led to life threatening radioactive exposure in the Tokai-mura facility and Onagawa facility in Japan, and Dounreay and Sellafield in the UK.

This is not scaremonger, these are facts.
The Government also needs to seriously identify policy adjustments required to stimulate clean energy markets.

For example while renewable energy markets are increasing around the rest of the developed world Australia currently gets only 8 percent of its electricity from renewable energy down from 10 percent in 1999 due to increases in coal fired power. This is much lower than the 12 percent promised by the Mandatory Renewable Energy Targets. Investment in renewable energy will now stall from 2007 because the Government refuses to expand the Mandatory Renewable Energy Targets.

In refusing to sign Kyoto Australia has also missed out on being part of a global emissions trading scheme. The Australian Greenhouse Office developed an emission trading system years ago which sat gathering dust while our emissions soared.

Action is needed now. There are immediate solutions in existing renewable technology, gas and energy efficiency. The Democrats believe that renewable energy technologies are more efficient than nuclear, are clean, abundant, generate no toxic waste, no terrorist potential, and are a much more realistic and economic proposition for greenhouse reduction.

If the Prime Minister wants a mature debate then let’s have all the cards on the table, including alternatives to nuclear power. Let’s have a broad energy inquiry so Australians can judge for themselves whether nuclear is the way to go or the debate is yet another Government excuse for failing to tackle greenhouse emissions.

Senator FAULKNER (New South Wales) (5.50 pm)—I rise, very briefly, to address some of the issues that have been canvassed in this debate. I hear what Senator Brown has said. As a backbench Labor senator I am not involved in the key decision-making processes which lead the opposition to determine how it might approach the many and varied committee references that come before the chamber. I can assure the Senate that these issues are thoroughly considered and examined. I know that from my previous experience, having been involved in that sort of consideration over very many years.

What I do know is that no committee reference will succeed in this place, will be agreed to in this place, if the government does not support it. What I also know is that no select committee will be established in this place to inquire into a matter of importance unless the government agrees to such a proposal. That is a fact of life. That has been a fact of life since 1 July 2005. It has been the situation in this chamber now for almost one long, hard year that these references, these proposals, whatever their merits, are not going to be agreed to unless the government decides that it approves of such proposals.

We also understand, from what has been said, that changes to the committee system of this place have been flagged by the government. I do not have the detail of that proposal. I think Senator Bob Brown knows a little more about this than I do, but I will find out about it because I know that the current paired committee system of legislation and references committees was agreed to by this chamber as a result of a proposal that I put—a motion that I moved—and, I would like to think, is strongly supported in this chamber. Of course it was also supported by the opposition of the day. I will examine those issues in greater detail when I am aware of the proposal that Senator Brown has flagged to this committee. Of course, Senator Brown, if what you say is correct and proposals have been flagged to change the committee system and they are as wide-ranging as you are suggesting—

Senator Bob Brown interjecting—

Senator FAULKNER—I accept what you are saying. You are not in the habit of misleading the Senate. I do not always agree with what you say, but you are not in the
habit of deliberately misleading the Senate. But if what you say is the case, the committee that Senator Brown and Senator Milne propose for this reference to go to may not even exist in a few weeks. These are important issues for us to give detailed consideration to in the chamber. I am hoping the information that Senator Brown has reported to us is wrong.

Senator Bob Brown—They are reducing them.

Senator Faulkner—I am hoping that the information you have reported to us is wrong, because if it is right it is a scandalous proposition that will have a massive impact on scrutiny and accountability of federal government in this nation. It will have a massive impact on the capacity of the Senate to scrutinise the actions of government. Frankly, that is what this Senate ought to be all about. That is the core business of the Senate: review, scrutiny, accountability. So I hope what Senator Brown said is wrong—and we will find out about that in due course.

But I cannot let go the suggestion that this matter, like any committee reference, is in the hands of the opposition. It is not. It is in the hands of the government. Every reference proposed here, every inquiry proposed here and every order of the Senate proposed here is in the hands of the government. It is not in the hands of the opposition. We do not like having to say this, but our votes on these sorts of issues actually do not matter. There are 39 votes on the other side of the chamber and they are the ones that are going to deliver or not deliver this particular proposal, like every other that comes before the chair.

Senator Milne (Tasmania) (5.56 pm)—I regret that the government has not even had the courtesy to indicate why it intends to vote against this reference. I regard this as a strategically critical issue for Australia. Those senators who have been aware of my involvement in putting the oil inquiry to the Senate and getting the government to agree to it and then in the conduct of that inquiry will know that the inquiry has been extremely strategic in what it is doing. It attracted more than 150 submissions. Out of that inquiry we will start to get some real understanding of Australia’s future oil supply needs. Even today we have had figures come out that show the appalling shift in Australia’s importing of oil and our failure to have a strategy to move rapidly toward the reduction in transport fuels, the reduction of imported oils and the expansion of biofuels, alternative energies and so on.

My thinking here is not party political; it is strategic. I am trying to say that we have to stop ad hoc policies and we have to start having integrated policies that look at an industry policy, an employment policy, an energy policy and an environment policy that come together. Climate change is the most critical security issue. It is the biggest threat to our way of life. I said on budget night that the government has completely missed the main game in refusing to address either climate change or oil depletion in its budget. They are the two biggest issues facing Australia, and the government completely avoided them—they were not even noted in the budget. It is interesting that the budget has disappeared without a trace and the issues that are on the agenda right now are energy and oil. Pick up any newspaper, and you will see issues of energy security, climate change, sustainable energy sources into the future, oil depletion and associated costs, city planning, congestion and the need for investment in public transport.

We are getting a knee-jerk reaction to all of those issues. This country needs to ask itself this fundamental question: what does Australia consider to be dangerous, anthropogenic climate change? That is first question this country has to answer. If the answer
to that is 1½ or two degrees, which is what
the scientists are telling us that we are facing,
then we have to put in place the strategies
that not only reduce greenhouse gas emis-
sions but, hopefully, generate jobs and a bet-
ter quality of life for people in Australia.
That requires extensive planning and think-
ing about the way our cities operate. It re-
quires moving people onto public transport.
It requires energy efficiency targets. We need
to improve people’s health through increased
access to bicycle ways, walkways et cetera in
cities. We need all of those kinds of things.

We also need to look at the fact that we
are losing jobs overseas. We have had Roar-
ing 40s say that they are going to have to
invest in China and other overseas places.
Why? Because China has a 15 per cent re-
newable energy target and Australia does not
have one. Roaring 40s have gone to China
and will do no further development in Aus-
tralia. Let me take another example: Novera
Energy, which does waste to energy and
landfill gas, moved to the UK. Seapower
Pacific, which was looking at tidal power,
has gone overseas. Let me give you another
example: Dr Shi, Australia’s solar billionaire,
is investing in China and making money and
jobs in China, not in Australia.

Then we go to ANU sliver cell technol-
ogy. They have a technology that reduces the
cost of solar by 75 per cent. That is a mega
breakthrough. We should be commercialising
that and running it out all over Australia. We
do not need nuclear power. The point of set-
ting up a committee with these terms of re-
ference was to look at sustainable and secure
energy supplies. There is nothing more sus-
tainable than the sun. It is the sustainable
energy supply for this planet, and Australia is
blessed with the nature of its solar resource.
We have a secure and sustainable energy
option for this country if we were to go with
renewables, but we need a much more com-
prehensive energy policy.

Senator O’Brien said a moment ago that
Labor would not tolerate energy intensive
industries being driven offshore to places
with lower standards. What he may not real-
ise is that there are very few places with
lower standards. We are getting to the point
of having some of the lowest standards in the
world. China, for example, has now set fuel
efficiency standards for its vehicles that Aus-
tralian cars would not meet. So it is no use
signing an Australia-China trade agreement
and expecting that we might be able to ex-
port cars to China because our fuel efficiency
standards are not as high as theirs. They are
moving rapidly, as are most other countries
in the world. What we have to do is set high
standards and expect our industries to meet
them.

That is why I have moved this motion. We
need to not only require Australia’s energy
intensive industries to have a mandatory au-
dit of energy efficiency opportunities but
require them to implement the findings of
that audit provided there is a payback period
of one to two years. That is not very great—
that is a very easy step for them to take. I put
that point of view with regard to accelerated
depreciation.

That is why I am saying that there needs
to be an integrated industry, energy, em-
ployment and environment strategy. We need
to look at all those things and ask: what is
the energy mix that will be sustainable into
the longer term, that will give us energy se-
curity, that will create the most jobs in Aus-
tralia and that will be ecologically sustain-
able? If you ask those questions, you will
start to get a reasonable mix. By setting
higher standards, you get innovation and
technology improvement, and then you will
get greater opportunities in the manufactur-
ing sector and more high-range jobs in the
R&D sector and in universities. The whole
thing breeds of itself.
That is why I have said previously that we should regard our coal and uranium resources as competitive disadvantages: because they blind us to the opportunities that could be generated by setting a strategic industry policy and asking, ‘Where will Australia’s competitive advantage be in the 21st century in a carbon constrained world?’ Let us develop an energy and transport policy mix—an industry mix—that addresses all of those things. That is what I was seeking to do with this inquiry.

We need to have the debate first about what we consider to be dangerous anthropogenic climate change. When we answer that question, we must ask how we are going to pay for the changes that are necessary and set up the relevant regulatory frameworks and incentives to make that happen. Then we have to ask how we are going to address that challenge locally, regionally, nationally and globally in terms of Asia-Pacific and overseas trade. That is the kind of strategic thinking that we need to be doing. It is no use for the minister to stand up time and time again and say, ‘By 2050, we need a 60 per cent reduction in greenhouse gases,’ when there is no strategy for achieving that. Yes, there are various initiatives. There is the Solar Cities program, for example. But at the same time the rebate for solar hot water has been taken away. There is no comprehensive, integrated strategy.

The government, in observing the work that I and Senator Siewert—who chaired that committee—have done with the oil inquiry, would recognise that we have been dedicated to the task of trying, without politicking, to get some strategic thinking and planning happening with regard to the issues of transport fuels, sustainability, jobs growth and innovation in Australia. That is what I was asking for from the government with this proposal: a Senate inquiry looking at energy efficiency and the capacity for demand side reduction in Australia, along with how we can meet our energy needs into the future—the supply side. It would also look at what the costs are and what the target is that we are trying to meet. We are going to end up at next year’s Australian federal election with the Australian people not knowing what the challenge ahead of us is in terms of greenhouse gas reductions—they are simply not going to know.

The tragedy is that some scientists are saying that it is already too late and that we cannot mitigate dangerous climate change but are now going to have to adapt to it. Others are saying that we have 15 years. That is why I have no patience with the nuclear debate. Nuclear, if used for electricity—which only represents 39 per cent of greenhouse gas emissions anyway—would not come on stream for 10 to 15 years, and that is too late. We need action tomorrow, but there is no point in taking action unless you have a strategic plan and an integrated mix of policies. Climate change should have made every legislator—every parliamentarian—recognise that the environment is not just a side issue; it is an everyday issue.

It is about the quality of life of Australians. It is about Australia’s coastal regions potentially being flooded through extreme storm events or sea level rise. We have extreme droughts. We have all sorts of problems coming down the line in the aquaculture industry because of warming waters and with the natural fisheries industry because of overfishing and changed patterns in where fish are because of changed ocean currents. We have a slowing down of the global ocean conveyor. We have acidification of the Southern Ocean. We already have disease in Australia, with more people dying because of heat related stress. We have the potential for alien invasive species changing their habitat range because of climate change.
In Orange last year, we had for 10 days temperatures of over 45 degrees and they had to evacuate the nursing home. We have infrastructure that cannot cope in the changed circumstances. We have huge challenges. We have Queensland assessing its schools to see if they all need airconditioning because it is too hot now for students to be at school and that means a huge energy requirement. If you are going to put airconditioning in those schools, you need to link it with an energy source. In South Australia we have the Roxby Downs uranium mine, which needs a desalination plant. How are they going to fuel that? There is the potential to use geothermal, but they could just use gas or coal.

These are the kinds of strategic issues Australia has to face. I am really sorry that the government has, once again, failed to grasp the opportunity to have the Senate work as it should—that is, to come together, cross-party, to look at the strategic issues facing Australia and to try to come up with ways of addressing them. Let me tell you that out there in the community people are prepared to make changes because of climate change. The community is way ahead of the government on this whole issue of energy, climate, innovation, environment, and future strategy and policy. That is why I think Australia needs an integrated industry and energy policy that will take us into the 21st century in a sustainable way and in a way that allows for human potential in Australia to be adequately achieved, instead of a way that sees people leaving the country because innovation is occurring offshore. Germany and Japan have built a solar industry. China is moving rapidly towards renewables. We are seeing it all over the world, except here in Australia.

I recognise that the government is going to vote this motion down. I still do not understand why the opposition is going to vote against this inquiry. I understand that at the whips meeting yesterday it was made clear that we were going to debate this today, so I cannot understand how that message did not get to Senator O’Brien but apparently it did not. However, this is an attempt to deal with greenhouse gas emissions in a logical and strategic way. It is an attempt to ask the big picture questions and then start to address the integrated mix of employment, industry, ecology and energy into the future. That is not something that we are currently seeing. It is regrettable that the government will not even stand up and explain itself. The government has no industry policy and no energy policy for Australia. It has no employment policy for Australia, and it most certainly does not have a climate change or integrated environment policy for Australia which recognises the great threat of climate change.

We have Al Gore with his film *An Inconvenient Truth* making a huge impact in the United States and, hopefully, around the world. We are seeing big business shifting. Australian business is begging the government for a carbon signal—to put a price on carbon, to go with an emissions trading system, to look at a carbon tax for transport fuels, in particular, and to look at the mix you might get with those regulatory frameworks and incentives. But the government is turning its back. It seems only interested in digging holes in the ground—that is the industry sector that the government seems intent on staying with. It is a 1788 policy. It is sheep’s back, holes in the ground, quarry policy.

We need a sophisticated energy, industry, environment and employment policy, and that is what the Greens are asking for with this inquiry. It is tragic to see that we are not going to get the support for it, and there is no alternative in place. Neither the government nor the opposition have any propositions in place to have this issue addressed. When people look back on this period of govern-
ment, they are going to see Australia’s failure to recognise that the world had shifted to carbon constraint and that that offered threats and opportunities for Australia. But Australia has completely neglected the opportunities. It has said that it was too hard and that it would do its old industry friends at the big end of town out of business.

The response was not to challenge that, which is a false assumption, but to go with it and leave Australia vulnerable, leave our economy vulnerable and not resilient, and leave our community extremely vulnerable to the impacts of climate change. We have to accept the fact that, when we were asked to rise to the occasion in terms of global responsibility for dealing with the reduction of greenhouse gas emissions, Australia did not have a government in power that was intelligent enough to absorb the extent of the challenge that faces this country right now. I regret the responses from the other parties. I appreciate the fact that the Democrats are supporting this inquiry, and I would ask people to reconsider as the vote is taken.

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

The Senate divided. [6.17 pm]

(The President—Senator the Hon. Paul Calvert)

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Question negatived.

**BUDGET**

Consideration by Legislation Committees

Reports

Senator EGGLESTON (Western Australia) (6.21 pm)—Pursuant to order and at the request of the chairs of the respective committees, I present reports from all the legislation committees on the 2006-07 budget estimates, together with the Hansard record of the committees’ proceedings and documents received by certain committees. I move:

That the reports be printed.

Senator FAULKNER (New South Wales) (6.22 pm)—I want to touch on the report of the Finance and Public Administration Legislation Committee. It has just been handed to me but I can, in fact, say that I am aware of the contents of the report because I am a participating member in the F&PA Legislation Committee.

I particularly want to go to some issues in relation to administration of the parliament. You will note, Mr Acting Deputy President, in paragraphs 2.5, 2.6 and 2.7 of chapter 2 of the report, the sorts of issues that senators at
estimates committee in the budget estimates round were canvassing with the President of the Senate and officials from the Department of Parliamentary Services. As a result of evidence adduced at estimates committees, we know that savings and efficiencies from parliamentary departments were extracted to fund $11.7 million worth of security works and security enhancements around Parliament House.

We also know—again, thanks to the estimates committee process—that included in that expenditure was expenditure of $2,248,606 on bollards.

Senator Forshaw—On what?

Senator FAULKNER—Bollards! And we also know—again, thanks to good work of Senate committees—that the Podger review, which the President of the Senate and the Speaker of the House of Representatives estimated would find $5 million of savings in the parliamentary departments, in fact found only $2 million of savings. Eventually, I think, the Department of Finance and Administration put the cue in the rack on that particular issue. I note that in paragraph 2.6—an important paragraph—the report says:

The departmental secretary, Ms Penfold, informed the Committee that savings from amalgamating the parliamentary service departments, as recommended by the Podger review, stood at just under $2 million. It was noted that this figure was well short of the savings estimated in the Podger review. DPS indicated it had made significant efforts to improve efficiency and reduce costs across the department independently of the review.

As I have said, we know that there have been very substantial works on security around the parliament. We now have 182 bollards—we know that, again, because of good work by the Senate estimates committee—around the perimeter of Parliament House. We also know—again, as a result of questioning at the estimates committee—that there are more than 7,000 photographic passes that allow those bollards to be retracted. I asked a question of Ms Penfold on Monday, 22 May at the budget estimates which I would care to quote. I said:

What was the cost of these bollards, again? So one of 7,000 passes goes astray and basically the whole security plan in relation to the bollards is out the window. I thought the original understanding was that there were going to be very severe limitations—Commonwealth drivers and the like—on who would have the capacity to use passes that could lower the bollards.

Ms Penfold in response said:

That was the initial thought—

Honourable senators interjecting—

Senator FAULKNER—I do not find that funny. Ms Penfold went on to say:

When the Protective Security Coordination Centre undertook its review of the arrangements, it was actually doing a risk assessment. It took account of the competing interests and priorities—

You would think safety was going to be the main one—

One was to secure the areas close to the building, and the other was to do it without making life completely impossible for the people who have to use the building. So there was a balance of convenience ...

Ms Penfold, after answering a number of other rather good, I thought, questions from me, went on to explain to the committee about the issue of the passes retracting the bollards and how the system was designed. She said:

It was designed on the basis of a report that was received in 2003, which referred to ‘authorised people’ being able to access the slip-roads. When we started working on how to implement that we pretty much met a black hole—

Not the ones that the bollards go into—

Frankly, I think that was an easy phrase that had been put in to move the thing along. So we had to start from scratch with the structure pretty much
in place, and get a new set of advice. And the new set of advice was that on a risk management approach we could let pass holders access those slip-roads at certain times.

So, if the advice does not suit, you get a new set of advice and, eventually, you get advice that does suit. That appears to be what happened; that was the evidence, anyway, that was given at the Senate Finance and Public Administration Legislation Committee. It was very interesting evidence that was received by the committee; what was unexpected was the information that more than 7,000 photographic passes are able to retract the bollards. That was never the intention at all in spending $11.7 million on enhancing the security of Parliament House. We should not underestimate the importance of the security of a building like this. We have responsibilities and obligations to make sure of that to those people who work in this building, not just members and senators.

Question agreed to.

Sitting suspended from 6.32 pm to 7.30 pm

NOTICES

Presentation

Senator CHRIS EVANS (Western Australia—Leader of the Opposition in the Senate) (7.30 pm)—by leave—I give notice that, on the next day of sitting, I shall move:

That the proposals to alter the structure of the Senate committee system, announced by the Leader of the Government on 20 June 2006, be referred to the Procedure Committee for inquiry and report by 17 August 2006.

BUDGET

Consideration by Legislation Committees

Reports

Consideration resumed.

Senator FAULKNER (New South Wales) (7.31 pm)—by leave—I move:

That the Senate take note of the reports.

Mr Acting Deputy President Marshall, can I say in speaking to this motion that you would be aware that, prior to the dinner adjournment, I did speak on the question that these reports be printed. In order to assist the Senate at that time, I accepted the offer made by Senator Colbeck, the parliamentary secretary, that this matter be dealt with by putting the question that the reports be printed, which was agreed, and that a motion in this form would be moved. I do not want to delay the Senate too long on these issues, but I do want to complete my remarks in relation to some security issues.

I was pointing out a little earlier that we now have a situation where over 7,000 photographic pass holders are able to use their passes to retract the retractable bollards that surround Parliament House. I was making the point before the break that this was never the original intention when the bollards were proposed. The original idea was that very few pass holders would be able to access the slip-roads at Parliament House by using their photographic passes to retract the bollards. Something happened between the original planning and the putting in place of the current regime.

I want to stress again, as I did before the break, that everybody in this building ought to be concerned about the security of the building and particularly of those who work in the building—and when I say ‘those who work in the building’, a very small proportion of those are senators and members of the House of Representatives. A lot of staff work here, and we have a duty of care towards them. So I think there are real concerns in relation to the number of security passes that can retract the bollards.

I would like this evening to request in these circumstances that the President of the Senate and the Speaker of the House of Representatives engage both the Protective Secu-
Chamber Security Coordination Centre and ASIO, if that is appropriate, for a further security assessment of this situation. I think it is a real worry that we have spent $11.7 million on security works around the building and over $2.2 million on the bollards themselves yet more than 7,000 photographic passes can be used to retract those bollards—and, of course, from time to time these passes go missing.

You have to see this issue in the context of other changes that are occurring around the building. The first and most obvious of those, of course, is the conversion of Parliament Drive to a one-way road around the building. It is going to go anticlockwise around the building. Thanks to evidence extracted at the estimates committee, we now know not only that it will be anticlockwise but also that special arrangements are being put in place for the Prime Minister so he does not have to take the two-kilometre journey around Parliament House that every other Australian has to take. The exit road at the ministerial wing is going to become an entrance road and the entrance road is going to become an exit road so the Prime Minister and the Prime Minister alone will not have to go the whole two kilometres around Parliament House. So much for Mr Howard as a man of the people! He is even starting to behave like a President of the United States of America.

Senator Wong—Emperor Howard!

Senator Faulkner—Like an emperor. He is aping the sort of behaviour that you expect in other countries.

But the key thing I want to speak about today is something that ought to concern every senator in this chamber, and that is the issue of staff safety in this building. It has been an issue for a long time. It has been an issue that I know many senators from all sides have taken a genuine interest in. I believe that we have a massive problem with safety for staffers who work in this building. We really have a developing shambles around the building at the moment, with traffic chaos and what can occur with drop-offs and pick-ups from taxis and the like, as well as the security concerns that I know many people share.

No matter what measures have been put in place by the Department of Parliamentary Services, the reality is that we have still got a situation where staff are standing outside this building, often at 9 pm, 10 pm, 11 pm or midnight, in the dark and wandering deserted underground corridors in sub-zero Canberra temperatures—and it is just not good enough. We in this building, the senators and the members of parliament, have a duty of care for the people who work for us and those people who work in this building more broadly.

It is not good enough to adopt an ‘I’m all right, Jack’ attitude. Senators can either drive themselves, as I do, or be picked up by Commonwealth cars. We are very fortunate to be in that situation. But, because of the bollards on the slip-roads and the new arrangements in relation to traffic, our staff and other staff in this building have to go to pick-up points on either side of the building. There is one outside the Senate door and there is one at the so-called point 1 in the public car park. These are unfamiliar surroundings, where staff tell me they feel very uncomfortable, they do not feel safe and they do not feel secure—and we have to do something about this. We can do a lot better in protecting and defending the interests of the people who work in this building. We have a responsibility to look after them. We do not want to see people sacrificing their personal safety because of these poorly thought out plans around the building. It is simply not good enough.
Senators from both sides of the parliament are particularly driven by a proposal that originally emanated from Senator Ray. He came up with a plan to use the senators car park as a pick-up and drop-off point. I think that would work very well. I am yet to hear a substantive argument against it. I would hope that that is going to be reassessed. I would hope that the Senate Appropriations and Staffing Committee will look at this issue as a matter of urgency. I think the Senate Appropriations and Staffing Committee should meet before the winter recess to discuss this situation, which is still unsatisfactory, in relation to the safety of people who work in this building.

I am concerned particularly for my own personal staff, who face these same issues on a daily basis. It is not unique to my office. It is not unique to senators. It is not unique even to senators and member of parliaments. This is a real concern, and we have to do something about it. We have a responsibility to do something about it. I urge the President of the Senate, Senator Calvert—and the Speaker of the House of Representatives, if he can be convinced to act—to act on these issues. Let us get a newer security assessment of these bollards, which can be retracted with 7,000 passes. We do not want to run the risk of the bollards issue turning to bollocks! We do not want that to occur. We want safety around the building. (Time expired)

Senator WONG (South Australia) (7.41 pm)—I rise to speak on the motion moved by Senator Faulkner in relation to taking note of the various reports of estimates committees. I want to briefly speak about the report tabled in respect of the Senate Employment, Workplace Relations and Education Legislation Committee. I am pleased that Senator Abetz is in the chamber at this time. Perhaps, as the minister responsible for the position of the government before that committee, he might take into account the report from the committee and the advice provided by the Clerk as to the department’s failure to answer questions in that estimates committee.

One of the issues which arose on a number of occasions before this committee was the department’s refusal to answer a range of questions but particularly questions in relation to timing of information being provided to the minister’s office. The position put by the department on a number of occasions was that the answers, if they were given, would contravene section 13(6) of the Public Service Act. This was raised on a number of occasions by a particular person in the department, and that position was not deviated from or qualified by the minister or the departmental secretary, Dr Boxall.

As a result of that, advice was sought from the Clerk on a number of occasions. A more comprehensive advice has been provided, and it appears at appendix A of the committee’s report. What is clear from the Clerk’s advice is that the department’s refusal to answer a number of questions from opposition senators in that estimates hearing is contrary to or inconsistent with the practice and procedures which have been adopted in relation to estimates committees for some time.

I raise this issue because I hope the department and Minister Abetz—as he is in the chamber—might actually have regard to the advice of the Clerk. I will refer to a couple of issues that have been raised by the Clerk of the Senate in the advice. In relation to section 13(6), the Clerk makes the point that that section of the Public Service Act cannot be breached by an officer providing information to a parliamentary committee. This is a matter that was canvassed extensively in the early nineties. In fact, in Senate debates in December 2003, Senator Minchin said:
A general statutory secrecy provision does not apply to disclosure of information in parliament or any of its committees unless the provision is framed to have such an application.

The Clerk goes on in his advice to make the point:

It is most surprising that any officer of any department should still be referring to the possibility of being in breach of a statutory provision by providing information to a parliamentary committee.

In other words, it is quite clear from the Clerk’s advice, I suggest, that the objection, as it was so framed, which was raised by the Department of Employment and Workplace Relations has no basis in the legal position, in the procedures of the Senate and in precedent.

I also want to make the point that a number of questions were related to timing issues—that is, when advice was provided to a minister’s office or when something was considered by cabinet et cetera. Opposition senators took care, because we understand the limits of what has generally been accepted in estimates committee questioning processes, not to ask what the substance of the advice was. The questions were focused primarily on timing—when certain things were considered. These are questions which have been asked and answered in estimates committee processes for many years. Yet again before this committee, the Department of Employment and Workplace Relations, with Senator Abetz present, declined to answer a range of questions as to timing. I want to make this point by repeating the Clerk’s advice:

Mr O’Sullivan and the department contended that information about when answers to questions on notice were provided to ministers’ offices falls within the prohibited area ...

The Clerk goes on to say:

It is to draw an extremely long bow to claim that such information falls within the category of advice to government.

We on this side of the chamber make the point, which the Clerk also refers to, that questions as to timing of provision of answers to questions on notice or other matters have been regularly asked and answered in estimates committees for years. We make the point that in the recent hearings similar questions were answered by the Department of the Prime Minister and Cabinet, the Department of Finance and Administration and the Department of Foreign Affairs and Trade. One wonders why it is that, in the estimates committee in which Senator Abetz is representing the government, all of a sudden this precedent falls away and is not followed. We are in a situation where questions which have been asked and answered are objected to and not answered by the government. I am not sure why Senator Eggleston has his arms wide open over there. Perhaps he agrees with me so much.

Senator Eggleston—in amazement!

Senator WONG—Amazement? He agrees with me so much as to the government’s arrant disregard for precedent in this place. I will finish on this point. Either the department and/or the minister in this committee are blatantly disregarding the procedures of the Senate and the precedent of the Senate or they seriously misapprehend what is appropriate to be asked and answered in estimates committees. I am going to give Senator Abetz the benefit of the doubt rather than suggest that he is blatantly disregarding precedent, and I will say that there obviously was a serious misapprehension on his part and on the part of the officers of the department.

Before the next estimates round, perhaps Senator Abetz might take the time to read the Clerk’s advice, which is fairly lengthy, and
discuss this matter with the secretary of the department to ensure that the Department of Employment and Workplace Relations in estimates provides answers that are consistent with the parameters of the procedures of the Senate and with the approach that most other departments take, and that it does not continue to refuse to answer questions as to timing on grounds which, as the Clerk has set out, are really inappropriate in terms of the basis of the objection put. I do hope that Senator Abetz takes the opportunity to inform himself about the appropriateness of these answers. No doubt this issue will arise again. I hope also that the department will take the opportunity to inform itself of the Clerk’s advice and the appropriate procedures in estimates committees.

Senator McLUCAS (Queensland) (7.49 pm)—I too rise, following from Senator Faulkner’s motion, to take note of the report on estimates of the Senate Community Affairs Legislation Committee. Mr Acting Deputy President, you will note that something a little unusual has occurred in the delivery of the report which was tabled this afternoon. We have had to take the unusual step of providing a set of additional comments. This eventuates from the Senate estimates hearings for the Community Affairs Legislation Committee on 31 May and 1 June, which, I have to say, showed the hubris of this government and the abuse of Senate process that has become the norm. It has just infiltrated into our chamber—the chamber that we have cherished—and we now have a system where the abuse and hubris of this government has become the norm and the reality.

The intent or import of that additional comments section of our report goes to the fact that Senator Santoro, the minister who has been given the responsibility for representing the government at Senate estimates for Health and Ageing, was actually not present for, I would say, most of the hearings. You would know, Mr Acting Deputy President, that it is not possible to be accurate in allocating an absolute time period, but it is our view that for probably more than half of the time in the hearings the minister was not present.

Those listening might say, ‘Isn’t that a blessing in disguise?’ But I have to say that, if one has respect for this place, the operations of scrutiny and the Senate, surely one would understand why it is important to have a minister attend a hearing. As I said, it shows a contempt for Senate processes and a complete lack of understanding of the role of the estimates committee and of the Senate itself. We know that Senator Santoro has in fact never been elected to this place. He is an appointee. In fact, he is the only minister never to be elected. So he goes down in history for that fact. Maybe that is some explanation for why he so completely misunderstood—and maybe that is generous—why you in fact need to have a minister present when you are conducting estimates hearings.

I have to say that, for Senator Santoro, being in this place is not about policy, good governance or Senate scrutiny; it is about numbers. We know that Senator Santoro is the factional heavyweight in one brand of the Liberal Party in Queensland. Tonight I make the suggestion that it might be relevant that there were hearings on 31 May and 1 June. We remember that the reason that Senator Santoro sits on the front bench on that side is because his name is not Brandis or Mason. Given all that, we should not be surprised that he has no understanding of why he should at least attend the estimates hearings. His experience in the Queensland state parliament would not have been much of an education. Budget estimates in that place go for about half a day and they are very tame events. In fact, until the early nineties, we
did not even have them until the Labor government was elected.

What is of concern to us—and we have reflected this in our report—and should also be of concern to the government, is Senator Santoro’s facile attempt to defend himself for why he was not present. If I am verballing you, Senator Santoro, please correct me. He essentially said, ‘There was no point in being there.’ He said that he is the Minister for Ageing and really could not answer questions for the minister for health. In fact, his actual words were:

Yes, I could have been here and maybe I could have given some answer relating to policy direction, but, in reality, that answer really is the prerogative of the minister for health.

I bring Senator Santoro’s attention to the document that sits in the desk in front of every senator who sits in this place. On the back of the page it says: ‘Senator the Hon. Santo Santoro, representing the Minister for Health and Ageing’. That is your job, Minister. That is what you are there for.

We do not expect that you will know all the detail, but when we are asking a question of an official and the official says, ‘I can’t answer that question because that is a policy decision of government,’ it is appropriate to refer the question to the minister to give some indication of what the thinking of the government was in making that policy decision. That is your job. That is why you are there. But maybe that is why you were not there. You do not want to answer those questions and you do not want to be in that place, but, I am sorry, we have a right to ask those questions on behalf of the community and you have a responsibility to be there. In fact, there is a resolution to that effect that says that officials cannot answer questions of policy, and that is read out at the beginning of every Senate budget estimates committee hearing.

The second defence that Senator Santoro raised as to why he was not present for the many hours of the hearings of the Department of Health and Ageing was that the officers had advised him that he did not have to be there. I find that quite extraordinary. The easiest defence for anyone in a position of power is to blame their staff. I was astonished that the minister took that option when I questioned him about why he was not there. He actually said that the advice from the officers was that they thought, ‘If you would like to do so—that is, do some of your work—’in the comfort and with the support of your office, you might be doing yourself a favour from an operational point of view.’ I am astonished and I am quite sure that that was not the advice that he had received from his department.

I know that ministers are very busy people. We are all busy people, but ministers are especially busy people. I also know that Senator Minchin, for example, is a very busy person, but I understand that Senator Minchin sat for two full four-day weeks for the estimate committees at which he represents the government, and he was there for most of the time. We do not demand that you are there for every second of every hour. We have allowed it in the past—you can go out and make an urgent phone call. We have that with Senator Patterson over the years. She would be out in the corridor having a quick chat to somebody and then she would be back in there, just in case a policy question was asked or she needed to show the leadership that, in fact, government is elected to show. But, Senator Santoro, you were not there. You did not even bother. Senator Patterson did not only the two days for Health and Ageing but the two days for FaCS, so she did four days and sat there all the time. If that is good enough for Senator Patterson, surely it is good enough for Senator Santoro to do it for two days.
As I said earlier, Senator Santoro said he was busy in his office, but, remember, that week of the Senate estimates hearings was the week of the demise of The Nationals in Queensland. That was the week of the rise of the New Liberals in Queensland, albeit for only a couple of days. We know that Senator Santoro’s motivation in this place is to be here to be the numbers boy for a faction of the Liberal Party in Queensland. He is not here to worry about policy documents or the care of older Australians; he is here to raise the numbers and he is on the front bench because of that. We know that because of his extraordinary elevation so quickly.

He said he was a busy boy. He then told us that there were 400 pieces of correspondence that he had to sign. He said that he had to review three cabinet submissions. I am sorry—do that in the estimates hearings so that you can at least contribute to the process. The fact that Senator Santoro is a novice minister is no defence. If Mr Howard is going to promote his factional ally, his friend, his numbers boy, a senator who has never been elected, surely it is incumbent upon the Prime Minister to at least train him about the responsibilities of a minister of the Crown.

Senator WEBBER (Western Australia) (7.59 pm)—I rise to make some brief remarks—and I promise other members in the chamber that they will be brief—in support of the remarks made by Senator McLucas. I was there for most of the two days of the health and ageing estimates committees and, having been in this place and participated in estimates committees for almost four years now, I was interested to note the minister’s inability or lack of will to attend the estimates committees. We have all been through arrangements where replacement ministers are offered up. In fact at one point Senator Kemp wandered into the Community Affairs Legislation Committee because he was sent to replace a minister and he wandered into the wrong committee. We invited him to sit down because we had not seen a minister for a while and we did have some matters of policy we wanted to put to the government. But unfortunately he realised that he was in the wrong place and he left, so we were back where we were.

I want to compare what happened in the community affairs estimates with what happened in the environment estimates. At the beginning of every estimates process, as Senator McLucas has said, it is outlined for all of us the questions that are appropriate to put to ministers and the questions that it is appropriate to put to officials. Ministers answer questions on policy, although if you have got a policy question in health you have got to wait now until November before you can get an answer out of the government. But if you have got policy questions on detail of expenditure or administration you have got to put that to departmental officials.

So when we decided to investigate some issues of expenditure and administration in the environment portfolio we had the great misfortune of having to deal with Senator Ian Campbell. Senator Campbell decided that not only was he a policy expert on almost everything—particularly denigrating other members of the committee—but he was also an expert on expenditure and administration, to the point where Senator Campbell seemed to think it was appropriate to take up 26 per cent of the time available in answering senators’ questions in the estimates committee. I can absolutely assure you that the policy questions did not take up 26 per cent of the time. This was Senator Campbell hijacking the debate, denigrating other members of this chamber, going off on some fantasy trip of his own about what he was going to save, when and how, rather than actually allowing the estimates process to be used the way it is meant to be used.
All members of this chamber at some point have got up and described the fact that the Australian estimates system is one of the most open and transparent processes of a democratically elected government anywhere in the world. If we have to put up with behaviour of the likes of Senator Santoro or Senator Ian Campbell, that transparency and accountability and the functioning of the democracy in this place is in grave danger.

Question agreed to.

**ELECTORAL AND REFERENDUM AMENDMENT (ELECTORAL INTEGRITY AND OTHER MEASURES) BILL 2006**

In Committee

Consideration resumed.

Senator MURRAY (Western Australia) (8.03 pm)—Senator Milne was in continuation but, with her permission, I would like to intercede because there was a matter in the earlier debate when the minister inadvertently misled the Senate and I thought I would give him the opportunity to correct it before it went too long—and I have a paper for him. Are you happy with that, Senator Milne?

Senator Milne—Yes.

Senator MURRAY—I want to refer back to the minister informing the Senate that with respect to my earlier amendment, which has been voted on, which asked that annual returns which are illegible should not be accepted, he said it was not a matter capable of being resolved at law—and I knew it was. As the chair knows and as many members of the Senate know, in my portfolios and in my parliamentary work I deal with a great number of acts and regulations and other matters. So I went away and discovered a few examples of the word ‘legible’ being found in Commonwealth acts and regulations both under the previous Labor administration’s laws and under this government’s laws, including some of those for which the minister has had responsibility. I will name those acts I have found without going into the text because that would take up too much time.

‘Legible’ is used as a requirement in the Carriage of Goods by Sea Act 1991; the Commonwealth Electoral Act 1918, which is before us now; the Corporations Act 2001; the Referendum Machinery Provisions Act 1984; the Cheques Act 1986; the Navigation Act 1912; and the Aboriginal Councils and Associations Act 1976. Those are seven acts I have just picked out. On selected Commonwealth regulations, there is Senator Abetz’s and the government’s own favourite Workplace Relations Regulations 2006, which require among other things that records must be in a ‘legible form’ in the English language and be printed in ‘legible type-script’. There is also the Therapeutic Goods Regulations 1990, the Australian Postal Corporation Regulations 1996, the Bankruptcy Regulations 1996, the Commonwealth Inscribed Stock Regulations, the Interstate Road Transport Regulations 1986, the Petroleum (Submerged Lands) (Occupational Health and Safety) Regulations 1993 and the Trademarks Regulations 1995.

The reason I bring this to the attention of the chamber is not because I think the minister would have advertently misled the Senate by claiming that ‘legible’ was not capable of legislative and judicial interpretation, because the government’s very own acts have put that into place, but because I thought it should be corrected. The amendment I moved was not moved for political partisan purposes; it was moved as a technical minor amendment designed to improve the way in which people who use the returns could avail themselves of the fact that those returns had been made. I was a little distressed that the shadow minister easily agreed with the minister’s approach.
Having made my point that my amendment was a very valid one which can be put into law on the basis of precedent and is capable of judicial interpretation, I am not so naive as to think the government will change its mind and support my amendment, so I am not going to ask for a recommittal. But I think that when someone like me who has been dealing with the Commonwealth Electoral Act and the Joint Standing Committee on Electoral Matters for 10 years says that there is a problem, generally speaking it is a genuine attempt to address a real issue and I felt it was dismissed somewhat lightly.

Senator MILNE (Tasmania) (8.08 pm)— I commend Senator Murray for bringing that matter back to the chamber. The Greens supported him in that amendment and we hope the government will reconsider regardless of whether it is recommitted. Before question time today I was speaking to the amendment I have moved with regard to electoral advertisements by third parties. I want to explain to the people of Australia why this is essential and why the government’s changes do not address this issue. I am going to refer to a situation that arose in the Tasmanian election early in 2006. Whilst there are no disclosure laws in Tasmania, so anything goes, exactly the same thing could occur in the federal election in the next year and the same will apply. I would like the minister to respond.

What occurred in the Tasmanian state election was that a mystery TV advertising campaign supporting the return of a stable majority government hit the airways. The two prime time television commercials were followed by press releases, radio campaigns and all sorts of varying manifestations of the same ad, which featured a Tasmanian blue-collar worker and a happy young family relishing their prosperous lifestyle and secure jobs in Tasmania. The end message of the powerful political ads called on Tasmanians to vote for a stable majority government. The ads said: ‘We want the security of knowing that Tasmania will stay this way and it will not return to the bad old days of the mid-90s.’

Clearly, it was not coming from the Liberal Party because in the mid-90s there was a Liberal minority government. A secretive group calling itself Tasmanians for a Better Future funded the commercials. The ads did not disclose who or what organisations were behind the group, or who was paying for the lavish campaign for a majority government. The only authorisation on the end of the ads, as required under the Electoral Act for political advertising during an election, was Tony Harrison, head of Hobart advertising agency Corporate Communications, which made the ads. Mr Harrison, whose business works for some of Tasmania’s largest companies and government organisations including the TTT-Line, TasPorts, PowerCo Tasmania, Gunns and Hobart Airport, said that the provider of the funds was confidential. He said that finance had come from ‘a group of concerned Tasmanian businesses and community people’ with the charter to promote the benefits of a stable majority government but not one party. The TV ads, as I said, were joined by press, radio, billboards et cetera.

The Lennon government in Tasmania were adamant that there was no government money in the secretive majority campaign. The Premier of the day said that they did not have any money in it although they were the only ones who could realistically form a majority government. The Liberal Party, foolishly, of course, came out and said that they supported the message of the ads, that is, majority government, even though they could not win one. It beggars belief that they could be that foolish, but they were.

The only hints of possible sources of funding were in the commercials themselves. One featured Forestry Tasmania’s Tahune air...
walk in the Huon and another a sunlit winery restaurant with a Tamar Ridge wineglass in the foreground. Forestry Tasmania denied it had provided any funding and so did the Tasmanian Chamber of Commerce and Industry, Federal Hotels, Timber Communities Tasmania and Forestry Tasmania. They all denied having any money in it, but timber giant Gunns, which owns Tamar Ridge Winery, was asked if it had helped fund the commercial and it refused to respond. The Tasmanian Chamber of Commerce and Industry chairman, Michael Kent, said he understood that quite a number of small- and medium-sized businesses across the state supported the campaign. He said, ‘They want to see things continue in the vein of the past three or four good years.’

So here we have a group, Tasmanians for a Better Future. They are not registered, we do not know who they are and they have no name or address—nothing. We have people saying they represent 20 or 30 businesspeople who have a certain view, and the ads are authorised by a public relations company, Tony Harrison’s Corporate Communications. Of course, it does not escape my attention that Tony Harrison worked for Robin Gray, the Liberal Premier of Tasmania through the 1990s, as his press secretary. As I indicated when I spoke on this in the debate on the second reading, Concerned Citizens for Tasmania was the bogus group that former Premier Robin Gray set up after the 1989 election. Tony Harrison now says that this group behind the ads is made up of ‘concerned Tasmanians’.

The code of conduct of the Public Relations Institute of Australia requires members to reveal who has funded any PR campaign. Tony Harrison, on behalf of Corporate Communications, utterly refused to do so. And the PR institute just stood by and allowed him to get away with it, which makes a complete mockery of any kind of code of conduct for the public relations industry and confirms what people in the general community think of them.

Here we have a situation which is not addressed by the government’s bill. The government’s bill says that, first of all, a third party that engages in an election campaign has to declare what they are doing if the amount of the expenditure incurred is more than $10,000. In this case it certainly was more than $10,000, so under the Commonwealth’s new legislation you would have a return put in by Corporate Communications, a public relations company, saying that it expended however much. You would have no way of checking, but let us say that it expended a quarterly of a million dollars on a public relations campaign. The government’s legislation says that, in that case, if any one of the donors, any one of the 20 or 30 businesspeople, had put in more than $10,000 then they would have had to name them, but if they had not then they would not. The result is that a group of unknown, unnamed shadowy figures can emerge from somewhere and call themselves anything, such as Tasmanians for a Better Future—and, interestingly, that is a similar slogan to the one that the government ran with—and get away with it. They will never be named and will never be known. You will just have the public relations industry declaring its expenditure.

That is the issue. That is why I have moved this amendment. It says that if a third party wants to be involved in an election campaign, first of all it has to register. It has to register so that it provides compulsory identification of that third party, including the identification of all persons in the case of corporations, including directors and other officers of that corporation. Secondly, there has to be compulsory disclosure by a third party of any contributions made to it by any person or corporation. This is how it would
catch the 20 or 30 businesspeople who tried this in Tasmania—successfully, I might say. Nobody in Tasmania to this day knows who influenced the outcome of the election by paying Corporate Communications in cash. If Senator Abetz knows then I would really appreciate him telling Tasmanians what we all suspect—that Gunns had a considerable amount of money involved in the campaign. If he knows something to the contrary then he should say so. This amendment requires that anyone who donates more than $1,500 to the PR company or the third company has to be captured in this.

Thirdly, I am making it a requirement that, when they register, the third party must disclose their relationship with a registered political party or independent candidate. As Senator Abetz has claimed on many occasions, there are people working on behalf of other entities. I say that, in that case, they should register their relationship. Another example of that is Dean Cocker, of 13 Elphin Road, Launceston, who put full-page advertisements in the Examiner. As we now know, he is the managing director of JAC Group, yet this ad was put in under his name and address. Under the government’s proposed laws, all that would happen would be that he would have to put in a return if he spent $10,000 or more. The fact is that a full-page ad in Tasmania does not cost $10,000. You can take out an ad up to the value of $10,000 and never have to declare it. What is more, earlier Senator Abetz said, in response to a question that I asked, that if somebody provided the money to someone then donate or in this case to advertise, they would have to say so. I do not believe that this captures that. If JAC Group provided Dean Cocker, of 13 Elphin Road, Launceston, with the money to place this ad, that is not captured.

Also, I believe that, looking at this ad, it was most likely written and placed by one of the major parties and more likely than not came straight out of the government’s media office or campaign team office. We know from the last federal election that the Liberal Party wrote and placed ads on behalf of other people. Other people put ads in the paper with their names and authorising addresses on them, but we know that the Liberal Party wrote the ads and placed the ads. Somebody else paid for them and authorised them. That is not captured by the third-party amendments.

I would also like to know from Senator Abetz how the government’s proposals are going to be policed. How will the Electoral Commission know who in the community—which third party or which individual—has spent more than $10,000 and therefore has to put in a return? Are they going to look at an opinion poll that someone conducted? How are they going to find out what you paid to have that done? How are they going to know? Are they going to track down advertising agencies? Are they going to have to have police powers? If they go to a printer is the printer required to say that Dean Cocker spent a certain amount? Is a newspaper going to tell you how much this ad incurred and so on? The legislation talks about an annual return relating to political expenditure and says that if a person who is not a political party or candidate spends more than $10,000 they have to put in a return. How is the Electoral Commission going to identify those people or know who should be putting in a return? There is no possible way of knowing that.

I urge the government to recognise that the only way to do this is to require anybody who wants to advertise in an election campaign to register so that you know who they are and who they represent et cetera. Then they should declare what their relationship is with any candidate or political party in the election. For example, are they going to use the same ad agencies? Is the party going to
provide the ads for them? Are they going to place the ads for them? Do they have any kind of relationship with people in the campaign?

If this third party has donations from a fourth party given to it then who they are must be able to be seen. Otherwise, you have the situation of Tasmanians for a Better Future, where, to this day, Tasmanians do not know who paid for $200,000—probably more—of advertising that influenced the outcome of the state election. If you do not rein this in now it will mean that there will be a blank cheque for public relations agencies going into the federal election, with the full blessing of the Public Relations Institute of Australia, which will be saying: ‘Forget about our code of conduct. It doesn’t operate. It doesn’t matter. We’re completely self-regulated. We’ll just do as we like and you just go right ahead.’

Next year we will have a plethora of public relations agencies behind which any number of people can hide, providing they do not make an individual donation of more than $10,000 to that public relations agency towards a collective campaign. This is a situation where a chamber of commerce can get half a dozen individuals or a rich family to put in. The point is disclosure. We are not going to know who influences the outcome of elections. If we do not know who is actually paying for these advertisements—who these third parties represent—then after the election we are not going to be able to see the relationship between what they put in and what policy outcomes they get out. That is why I think that is the only way you can control this: if you have registered third parties, they are forced to say what their relationship is to any political party and you can track donations to them of less than $10,000, because in a state like Tasmania $10,000 buys you a lot of advertising and there is no disclosure whatsoever.

Senator Murray (Western Australia) (8.23 pm)—As members of the chamber know, I have some considerable experience of the world, having lived on three continents. If I were to think of the issue which exercises the minds of people involved in the democratic process, on any continent in the world, it is that elections should be free and fair. From the riots and the sheer turmoil that accompany the worst examples of elections that are not free and fair, to the countries that have the quietest and most orderly democratic elections, amongst which Australia is numbered, the freeness and fairness of elections is an issue. It is not good enough for us to think that the issue raised by the Australian Greens does not warrant proper attention in Australia.

I think of Senator McCain in the United States who is of such stature that he could be a credible challenger for the very top job in that country. He built much of his campaign platform on the issue of electoral reform and more free and fair elections. One of the key things that he and many American legislators, academics, commentators, media and the community at large have focused on is the issue of improper or corrupt activity by third parties in elections. The issue is not whether third parties should have the opportunity to express an opinion. That is not an issue at all. In our country in the last year there was a businessman—I think he was a Western Australian businessman—who got right up the nose of the government, amongst others, by running a series of expensive television advertisements about East Timor and the negotiations on the oil matters there. But it was very clear who he was, what his program was and where his money came from. It was up front. Whether you agree or disagree with his point of view, it was part of the—

Senator Abetz—Was it clear?
Senator MURRAY—It was clear to me; maybe it was not clear to you. If the minister’s point is that it was not clear enough, then let us have a law that makes it clear enough. That is the point made by the Australian Greens senator. Perhaps the minister is actually agreeing in those circumstances.

My view is that third parties who can be identified, whose program and objectives are known and understood and whose source of money is known and understood have every right to participate in Australia’s great democracy. But as soon as someone is hidden, as soon as it smells of a conspiracy, as soon as it looks as if it is contrived or an improper way to influence an election we have to be on our guard. Even if the minister—when he answers for the government with respect to the issue and the amendment raised by the Greens—is going to end up disagreeing with the amendment, I think he would be unwise to believe that there is not a problem. There is a problem.

As an example, there is another aspect of the bill in which at last a government in this country is addressing a problem that there has always been—that is, the issue of one party passing itself off as another in an election. The Democrats have been victims of that a number of times in our 30-year history. We could have squealed and moaned all we liked but we were a minor party, we were not the government of the day. Until the government of the day was hurt, nothing was going to be done about it. Well, the government of the day have done something about it and we support them doing something about it. Maybe it could have been done in a better or different way, but we support them doing something about it because it is wrong that someone should be able to pass themselves off as something they are not, with the idea of making an election unfair and making a candidate unable to contest a free and fair election and so perhaps losing their seat, their deposit or something else.

I am disturbed when a serious and genuine national political party expresses a concern about a problem with respect to the way in which elections are conducted. I am concerned if the minister who has responsibility for electoral matters does not take it seriously and sneers at it or is aggressive about it. I am not suggesting that the minister at the table is sneering at it or is aggressive about it, but some people, because they disagree with the Australian Greens, are inclined to think that if the Greens put up an issue concerning the way in which they are treated in an election that concern should be dismissed out of hand. I have had some very fierce contests with the Australian Greens in my 10 years here. I once remember Senator Margetts on her knees red-faced screaming at me from her bench. That is part of the hurly-burly of this place—do not misunderstand me.

I am concerned for free and fair elections in Australia. I am concerned that one of these days the Liberal Party or the Labor Party or my own Democrats Party might find itself subject to the sorts of things that the Greens are complaining of here. We need to ensure that third parties who engage in our political process do so under an open, transparent and properly reported system. I personally am not satisfied that we have that, and it is an issue which deserves a serious response from both the parliament and the minister.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (8.31 pm)—I likewise am concerned about the ability of people who do not declare where they are coming from to enter into election campaigns as things stand. Unless this legislation is amended, it will give them a freer hand. I spoke earlier today about the Exclusive Brethren and I draw the committee’s
attention to an advertisement which appeared in the *Eastern Courier* in Adelaide on 6 October 2004. That was during the last federal election campaign. It is in a gay pink colour and it says: ‘John Howard provides strong leadership for Australia. Keep Australia in safe hands.’ Under that, it has a list of issues, including national security, allied relations, inflation and home interest rates. It compares the Liberals favourably with the failed policies of the Labor Party in each case. There is no mention of the Greens here. It is very clearly an advertisement for the government in a key seat of South Australia.

This advertisement was authorised by D Burgess of 363 Swansea Road, Lilydale, Victoria 3140. That led an academic from South Australia, Mr Trainer, to ask who had placed the ad, because he was clearly under the impression that it was a Liberal Party ad. Why wouldn’t you have that impression, as there is a picture of the smiling Prime Minister in the advertisement. He was surprised to find after quite a long and exhaustive investigation that in fact the authoriser of that ad is a member of the Exclusive Brethren. After some confusion at the newspaper, the Liberal Party denied that they had produced that advertisement.

My reckoning is that that advertisement alone is worth more than $1,500. I would be interested to know from the Electoral Commission whether D Burgess of 363 Swansea Road, Lilydale filed a return and put on public record with the Electoral Commission this spending—which was part of a wider Exclusive Brethren input to the election campaign—on advertising against the Labor Party and in favour of the government in Adelaide during the last federal election campaign.

At the same time, a brochure appeared in Tasmania. It was headlined, ‘Beware,’ with a picture of forest behind it. On the back, it says, ‘What policies are you really’—with ‘really’ underlined—‘supporting?’ Then it had a list of the environmental policies of the Howard government headed, ‘Fact: the Howard government is committed to our environment.’ It says: ‘The government spent $1.1 billion in 2004. That is almost triple what the previous government allocated and $400 million more than estimates expenditure in 2003-04.’ It also says that the government spent ‘$300 million for the National Heritage Trust and $463.6 million for climate change programs’, et cetera. It says, ‘This is responsible and balanced, contrary to the Greens’ policies.’ This brochure alleged that the Greens’ policies would ‘ruin Australia’.

The interesting thing about this is that it was authorised by M William Mackenzie of 11 Baden Powell Place, North Rocks, New South Wales, 2151. People who are aware of North Rocks would be aware that it is near Parramatta. It was printed by Woolston Printing, 111 Elisabeth Street, Launceston, Tasmania, 7250. This brochure was letter-boxed widely in Tasmania. I cannot think that there is any way that it would have cost under $1,500. It has come from—on my understanding, and I will be very happy to retract this if there is evidence to the contrary—a printing firm owned by an Exclusive Brethren member and was authorised from faraway Sydney by another member of the Exclusive Brethren who, by the way, did not reside at that address.

On the other side, under the heading ‘The Green delusion’—a heading which was to be used a few months later in a very similar pamphlet produced in New Zealand by Exclusive Brethren businesspeople against the Labour Party and the Greens—it points out that there are a whole lot of things wrong with the Greens’ policies. Among those was an increase in company tax from 30 per cent to 49 per cent. The problem with that is that the Greens have no such policy. We did have
a policy for a 33 per cent company tax, but that is a long way short of 49 per cent.

The old policy of 49 per cent, which I think all parties in this parliament have held at some time, has been abandoned by the Greens, as it has by the other parties, but the Liberal Party in Victoria, along with Business Council of Australia, continued to assert that the Greens had a 49 per cent tax policy. I disavowed that to those groups. In fact, the Sydney *Daily Telegraph*, which followed up that wrong tax policy attributed to the Greens, was good enough to print a retraction the next day, effectively, and to set the record straight. The newspaper wanted to make sure that it was not misinforming readers. That did not stop the Exclusive Brethren’s William Mackenzie, of an unknown address—but certainly not of 11 Baden Powell Road, North Rocks—from continuing to lie to the electorate of Tasmania by putting out this brochure with that information in it.

It is interesting that, along the way, there has been a more generalised attack on the Greens as having failed communist and socialist ideologies. Let me say here at the outset that, if one thing has made me formulate my thinking in the world, it is the horror of Stalin and Mao and what they did to their own people. Here we have an organisation which is secretive, which bans its members from voting and which has a head who can dictate assent to people’s relationships, to where they live, to how they work and to how they move, daring to make such an accusation about the Greens. I think every elector has a right to know who was behind this brochure, but they did not find that out. I hope the electoral office is successful in discovering that, but it will be a difficult job because a real effort has been made here to not let people know that the Exclusive Brethren, who do not allow their members to vote, have got so entangled in promoting the Howard government against other political groups in the community.

More directly, in Mr Howard’s own electorate, there was a colour advertisement saying, ‘Keep Bennelong in safe hands; keep Australia in safe hands’—

**Senator Abetz**—Hear, hear!

**Senator BOB BROWN**—naturally Senator Abetz would say that—’and keep Howard in Bennelong.’ Then it lists what John Howard promises and delivers, including improved water resources. The Prime Minister has supernatural powers there, I guess. It goes on to say: ‘Australia has never had it better. Don’t risk a wrecked economy.’ It extols a bit more the virtue of John Howard after 30 years in parliament and then says: ‘Labor in Bennelong, no experience. And, of course, the Greens in Bennelong, ditto. Who is the liar in Bennelong? Not John Howard. We are happy, John.’ This attack on Labor and the Greens in Sydney is authorised by one S Hales at what is called the MET School, which, from the address, we know to be an Exclusive Brethren school. Stephen Hales is the brother of the Elect Vessel, Mr Bruce Hales, who heads up the Exclusive Brethren around the world. They are not short of cash. A lot of their members contribute a lot of money to this sect. I wonder how many of them know where that money, on the face of it, has gone, unless Mr Hales himself put the money in—and, of course, there is no evidence for or against that. I would be very happy to hear from him and to inform the Senate of that. Certainly a lot more than $1½ thousand went into this advertisement in Bennelong. The question arises: where is the record of that? Where is the return, under Australian law, attributing the Exclusive Brethren or, indeed, the member Stephen Hales as the funder of that advertisement?
The point here is that our current electoral laws seem either to have loopholes or to have been broken by the Exclusive Brethren. It is a matter still under investigation. At the Tasmanian election this year, which Senator Milne was talking about, a brochure with my picture on it appeared—and I cannot blame anybody wanting to win votes from doing that!—and underneath the picture it said, ‘What do they stand for?’ and on the back it said, ‘Do you know the Greens policies?’ It then said, ‘Authorised by T Christian of 5 Gofon Street, Scottsdale,’ and above that it said, ‘This has been funded by a group of concerned Tasmanian families.’

Senator Milne—‘Concerned’ again.

Senator BOB BROWN—There is that word ‘concerned’ again. It turns out that T Christian is Mr Trevor Christian, who lives in Scottsdale but has a pig farm outside Scottsdale. I understand that some decades ago an edict came down from the Elect Vessel that farmers who were in the Exclusive Brethren sect should no longer live on their farms; they should live in town and commute to their farms. I do not know what the scriptural basis for that was, but that is a matter for those who took that edict. Mr Christian, however, lives in Scottsdale and farms just outside the town. This brochure said, ‘The Greens, amongst other things, want to introduce the regulated use of cannabis.’ The policy is to introduce the regulated use of cannabis for medical purposes, to help those people who are dying of cancer where they do not have an alternative. But this brochure deliberately lied to the electors. It breached the ninth commandment, thou shalt not bear false witness, and lied to people on their way to the ballot box—not to the Exclusive Brethren, because they are not allowed to go to the ballot box, but to the voters of Tasmania in general. I will move an amendment, which we will get to shortly, which will help to at least start to address that problem of deliberated and premeditated deception of people about others who are running for parliament.

We need much greater scrutiny of people who would break the trust that a democracy must depend upon if voters are to be properly informed and to go to the ballot box knowing that they have been able to assess the alternatives and make a fair dinkum choice—something being denied by those series of advertisements that I have just quoted from. We should be tightening up on such things, not leaving more leverage for even greater frauding of people’s rights to be properly informed and to know who is behind advertisements at election time.

Senator MILNE (Tasmania) (8.45 pm)—Just to follow up from my colleague on the advertisement ‘Keep Howard in Bennelong’, authorised by S Hales of the Meadowbank Education Trust, are we now going to have a situation where private schools put in electoral returns? Is that what should be expected? Interestingly, it is a private school that gets Commonwealth government funding. So we have the Commonwealth government providing funding to the school, the school then advertises ‘Keep Howard in Bennelong’, and the school continues to get its funding. It is a nicely circuitous route. But the issue here is: will the electoral office now go and ask that school to put in an electoral return? This is the point I got to before. How is the electoral office going to spend its time scouring every newspaper and every advertisement or whatever, asking those people how much they paid and getting them to prove that they paid less than $10,000? It is just not going to happen. So who is going to police this legislation? By increasing the threshold to $10,000 it is certainly going to be able to allow a whole lot of this to occur without people actually having to put in an electoral return.
What it does facilitate is one party contesting the election through a third party that is not contesting the election. It was not even voting in this case. This could apply to either the case I mentioned—Tasmanians for a Better Future or the Exclusive Brethren—where a political party that would benefit from negative advertising against its opposition can have a relationship with a group of people which sees the political party contesting the election writing and placing advertisements, but leaving the third party to authorise and put the addresses on them so the party in question does not incur the dirt of being associated with a negative advertising campaign. It is a clever strategy that is going on, and I cannot see how the government’s proposed changes to the electoral act in any way catch those groups or expose them through disclosure. This is trying to make it easy for people who want to influence elections as a third party not standing for the election, and it is trying to achieve secrecy and anonymity for those people.

The other third party organisations that are involved in election campaigns and that advertise to say who they are, what they stand for and why they are there in the campaign are the ones who will be furnishing the returns. Then there will be a whole lot of others who are just not captured. I can tell you, Mr Temporary Chair Barnett, and you would be aware of this yourself, that if Gunns had authorised the advertisements and had admitted to funding Tasmanians for a Better Future, then it would not have had nearly the same impact in Tasmania as an anonymous group pretending to be a group of small business people. If Gunns did not have any money in the advertisements, why did it refuse to confirm or deny it? Why was it allowed to get away with no response? Gunns will continue to get away with no response, as will all of these other people, because under your legislation there is no way of proving how people are actively involved in the campaign.

There is also the issue of the relationship between a third party and a registered political party. Again, that comes down to this important issue of someone backing one political party and doing a deal with another political party to engage in advertising. By that I am referring to Peter Harris and his companies in South Australia meeting with the Prime Minister on behalf of the Assemblies of God and Family First, and organising a deal whereby they would engage in an advertising campaign to attack the Greens. It was a very expensive TV advertising campaign, and they would get Liberal Party preferences. That was the meeting that occurred, and that is what ensued in the campaign. Yet the community has no way of tracking how all that occurred, except that it appeared on the day that the preferences were announced and it was swallowed up in a whole lot of the media. But tracing the amount of money after the election is impossible.

So first of all I would like—through you, Mr Temporary Chair—to ask the minister how, under his proposed laws, a group like Tasmanians for a Better Future, which does not exist, is going to be captured at all under the legislation. I would also like to ask him whether, under the current electoral law, it is lawful to prohibit a person from voting. Also, have the Exclusive Brethren and other churches got exemptions from the electoral act so that they do not have to vote, and it is lawful to prohibit a person from voting if in fact they are not specifically exempted under the law?

Senator ABETZ (Tasmania—Minister for Fisheries, Forestry and Conservation) (8.51 pm)—The Senate is facing a clear filibuster here by the Australian Greens. There is an old saying in politics that if you win you do not gloat; if you lose you do not moan. In
Tasmania, when the Labor Party lost, as it deserved to, instead of casting around looking for little religious groups as scapegoats, it looked at itself. That is why the Tasmanian Labor Party is now back in government.

As a Liberal Party, it took us a little bit longer. We looked at ourselves; that is why our vote increased at the last state election in Tasmania. However, the humiliation of the Greens, when their vote goes down, as it did in the last Senate election, is that they continually brag as to how they will win a Senate seat outright and then scrape in on preferences. In the Tasmanian context, they bragged how they would win six seats; they were lucky to get four.

They are desperately casting around for scapegoats. Can I just say this: when a political party and a leader of a political party start scapegoating a religious minority for their own political purposes, the alarm bells of history should be ringing loud and clear, because we in this country allow lawful religious minorities to exist which we may well disagree with on quite substantial issues. The Exclusive Brethren have been mentioned time and time again by embittered, nasty Greens who are not willing to look at their own policies as being the architect of their downfall. It was not the Exclusive Brethren. It was a number of individuals, as I understand it, that placed advertisements. The Greens are the architects of their downfall, and what we have heard are vindictive, bitter diatribes from the two Tasmanian Greens senators.

First of all, let me deal with the issue of the address of a Mr S Hales, whoever he may be; I am willing to accept that he may well be an Exclusive Brethren member. Why did he give the address of whatever school it was? I do not know what was in his thinking, but I do know what is in the Commonwealth Electoral Act 1918. Section 328(5) says: the address of a person means an address, including a full street address and suburb or locality, at which the person can usually be contacted during the day.

If Mr S Hales, being aware of that legislation, says: ‘I leave home at eight o’clock in the morning. Chances are I do not get home until after 5.30 of a night. The address at which I can usually be located during the day is my place of employment,’ and therefore that is the place of employment given on the authorisation of his political advertisement. There is nothing wrong or untoward with that. In fact, it is abiding by the provision of the Commonwealth Electoral Act.

But, of course, the Greens do not know that. In their bitterness, in their manic pursuit of a small religious sect, they do not even bother to do the most basic of research. Whether or not Mr Hales has put in a return I do not know. I understand that he and a few other people—not only people that are Exclusive Brethren members—who put in political advertisements are often not aware of the return requirements and the Electoral Commission then looks them up and, in the normal course of events, asks them to put in a return.

We are then asked: is it lawful for this group, the Exclusive Brethren, to tell their people not to vote? I indicate that section 245(14) indicates that being a part of a person’s ‘religious duty to abstain from voting constitutes a valid and sufficient reason for the failure of the elector to vote’. That was in the Commonwealth Electoral Act way before Prime Minister Howard became Prime Minister and was doing all these 'secret deals' with the Exclusive Brethren. And do you know what? In 2004, how many people do you think relied on that provision in the Commonwealth Electoral Act? Would you say it represented about 10,000? I do not know what figure represents the Exclusive Brethren adult numbers in Australia, but was
it 20,000 or 30,000? The Greens do not know. I can tell them: it was in excess of 62,000 of our fellow Australians. It is not only the Exclusive Brethren that hold that religious view. Of course, if the Australian Greens were consistent, they would be saying, ‘What about the Jehovah’s Witnesses and other groups in the community that have that same religious view?’ But, no—Jehovah’s Witnesses are good in not voting because they do not dare to attack the Greens.

The sin of a few Exclusive Brethren members has been to expose the Greens’ policies and to invite people to look up the Greens’ website. That was the real shocker for most of the people—the invitation to look at the Greens website. I can tell you, if someone were to fund advertisements saying, ‘Look up the Liberal Party website,’ I would be saying: ‘Good on you. Thank you very much. You are a mate of mine.’ I would have thought the Greens would have been delighted that people were being encouraged to look at their website. This conspiracy about the Exclusive Brethren just does not exist. Over 62,000 of our fellow Australians have given that reason to the Australian Electoral Commission for not voting; and I doubt there are 62,000 of this secret group, the Exclusive Brethren. Senator Bob Brown seems to know a lot about this group that is allegedly so very secretive.

Allow me to move on to other matters raised by the Australian Greens. The name D Burgess was mentioned; I do not know fully in what regard, other than he or she placed an advertisement. That is being looked at by the Australian Electoral Commission. In relation to the Tasmanian election, can I tell you that that is not covered by the Commonwealth Electoral Act, as you should well know. If the Tasmanian parliament is of the view, then fine—let them deal with it.

However, in relation to the assertion that the Exclusive Brethren or individual members of the Exclusive Brethren community lied to the electorate in relation to advertisements, that is the old hoary chestnut. We remember those advertisements that the Greens and the Wilderness Society ran saying that certain sections of the Franklin River would be inundated, though clearly they would not be inundated. Those ads were clearly misleading and deceptive. We also know, when we hear the Greens saying that old-growth forests in Tasmania are not protected—when over one million hectares are protected—that is nonsense. It is unsustainable by all the objective evidence.

We can go backwards and forwards. We can talk about Tasmanians for a Better Future, or whatever they are called, as a secretive group, and the timber community now being a secretive group. The business sector is a secretive group. What about the Wilderness Society? What about Doctors for Forests? What about the Huon Valley Environment Centre? Interestingly enough, Senator Milne’s advertisement would require compulsory identification of a third party, including the identification of all persons. As a result, if the Wilderness Society were to become involved in an advertisement, every single donor and every single member of the Wilderness Society would need to be exposed publicly. I happen to believe in certain laws of privacy and consideration of that, and I think most of our fellow Australians would agree.

In relation to the public relations firm that Senator Milne spoke so long about—and I hope it was cathartic for her—can I comment on how the law applies to federal elections. At a federal election if a public relations company received funds to conduct a campaign from a person or entity that is not a political party, a candidate or an associated entity, the public relations firm would have a
disclosure obligation under section 305. The PR firm would be required to disclose all gifts, donations or payments for services received at any time that were used by the PR firm for the campaign. The disclosure would have to reveal the amount of money in the gift and provide the names and details of the persons or entities that had made the gift. This is called a third-party disclosure—that is, not from a political party, candidate or associated entity. In other words, if the circumstances described by Senator Milne occurred during a federal election, the PR firm would have to disclose who had paid for the campaign. The bill repeals 305 and replaces it with 314AEC, as it happens, which will require the same sort of disclosure, except on an annual basis. In other words, the information that Senator Milne wants will be disclosed more frequently. Rather than giving political tirades, could I invite honourable senators to in fact look at the provisions of the existing legislation, get their heads around it and ask specific questions.

Senator MILNE (Tasmania) (9.03 pm)—I want to quickly move on, because it is obvious that the government is not going to take this issue of third parties seriously. I heard the minister say that section 305 is to be repealed and replaced with his new clauses. Speaking of getting your head around it, according to my reading of this, the PR company would have to furnish a return but it would only have to name those people who contracted to it or gave amounts to it of more than $10,000. I would like clarity relating to that, because my understanding is that, if 20 or 30 businessmen provide less than $10,000 each to the PR company, the PR company will have to furnish a return but will not have to identify the people who make that donation to it.

You say you are repealing section 305—and I might add that 305 was your defence yesterday in relation to a proposition I put with regard to a board of directors. I make the point again that no company is going to suggest that it increase the fees for a board of directors so that they could make an ongoing donation. It is going to be something that just occurs. Senator Abetz, by his own admission, is saying that a number of individuals gave money and therefore it was not a third entity—in this case, a religious group. That is the point in question. You cannot identify who the third party is by virtue of clauses 314AEB and 314AEC, and that is my point precisely. I am fully aware that Tasmanians for a Better Future are not captured, because there is no Tasmanian law, but under federal law for the next federal election, if you are repealing 305 as you say you are and substituting it with these two clauses, tell me: if those individual businesspeople do not give more than $10,000 to the public relations company, is the public relations company required to name them?

Senator ABETZ (Tasmania—Minister for Fisheries, Forestry and Conservation) (9.05 pm)—I would have thought the most basic lesson of legislative interpretation might tell you that if you repeal section 305 it does not necessarily repeal section 305B. The section I referred to yesterday was section 305B, which is completely different—a separate section—to section 305. This is so typical of the Greens. It sounds alike, so we use it, muddy the waters and pretend as though it is the same. Section 305B remains, as the senator ought to well know—and, if she does not, can I suggest she absent herself from the chamber, acquaint herself with the legislation and come back when she is better informed.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (9.06 pm)—I wonder if the minister could inform the committee what investigations remain incomplete in the wake of the 2004 election? If he cannot do it now, could he commit to bringing that information to the Senate as
soon as possible? I would add that Senator Abetz did not answer with any enlightenment any of the matters that were raised. The Greens have never had a problem with people not voting on a matter of conscience. It is more than passing strange that an individual or a group might not allow the vote but should spend thousands of dollars in trying to influence other people how to vote. Maybe Senator Abetz could explain that.

The TEMPORARY CHAIRMAN (Senator Barnett)—The minister.

Senator BOB BROWN—Yes, he is the minister, Mr Temporary Chairman.

Senator Abetz—Not the minister for the Exclusive Brethren, Senator Brown, just in case you have any doubt about that.

Senator BOB BROWN—Aren’t you? It is also important to note that the point that Senator Milne was making was that the Tasmanian electoral laws are far less than these which are now being wound back by the government, and the process here is to make the limited safeguards for truth, honesty and transparency under the federal election laws less so—to move to a worse set of laws which allow deception and misleading of voters to flourish, like we see in Tasmania. We do not want that.

Senator ABETZ (Tasmania—Minister for Fisheries, Forestry and Conservation) (9.08 pm)—As Senator Brown should also know, the Australian Electoral Commission is a statutory authority. When it undertakes investigations, I would hope everybody—other than the Greens—would be of the mind that the minister should not be involved in those investigations and should not know what stage they are at other than whether one is under way and then when one is completed. That is the proper role of an independent statutory authority. I would not even seek to ask the Australian Electoral Commission what stage a particular ongoing investigation was at. The independent Australian Electoral Commission will determine those matters in due course.

In relation to whether it is passing strange for a group to believe that you should not vote but you can get involved in political advertising, that is not for me to determine. The great thing in a free and democratic society is that we can be as kooky as we like. There are even environmental parties that oppose renewable recyclable biodegradable resource management, namely tree plantations. It is absolutely passing strange, but it is not for the Minister for the Environment and Heritage to pass comment on that in a legal situation—but, sure, we can have a political debate about it.

The thing about the Australian Greens is that, if you agree with them or do not oppose them, you are okay. The Greens would even seek to have—and Senator Brown has put up a press release on this—every Exclusive Brethren business publicly registered and wearing a star. It really is a very sad reflection that that is the view of a political party. But why a certain religious group believes in a certain thing is not for the minister to answer. I am not the minister for religion. The great thing in this country is that we have freedom of religion. No matter how silly, good, bad or indifferent, we allow them as long as they are within the rule of law.

Senator Bernardi interjecting—

Senator ABETZ—As my good friend Senator Cory Bernardi has just interjected, let us celebrate diversity just for once, Senator Brown.

Senator MURRAY (Western Australia) (9.11 pm)—Because we are operating on an amendment that is not on the running sheet, I just want to confirm that we dealing with sheet 4972. Is that correct?

The TEMPORARY CHAIRMAN—Correct.
Senator MURRAY—I think it is time to put our position with respect to this particular amendment. I made it clear in my earlier remarks that the Democrats do think the issue of third-party involvement in electoral contests is problematic in Australia, as it is in other countries. I also drew attention to the fact that the Americans, amongst others—for example, the British—have paid a great deal of attention in recent times to trying to ensure that free and fair elections are guaranteed and that all contestants, including third parties, are properly disclosed and it is all above board. Therefore I have sympathy with the issue at large being addressed, as opposed to the narrow issue of a particular religious group. There are many groups who have been involved in third party activities, and they vary. Some of them are well above board and some of them are below what is known as the Plimsoll line. So I would be concerned about that.

I think it is an extremely complex area to design, having had a look at some of the overseas provisions and laws, and I am concerned that a single amendment of this kind is unlikely to be able to address the complexity of the issue concerned. So I foreshadow that I would be supportive of the later third reading amendment of the Greens to refer the matter to the Joint Standing Committee on Electoral Matters for a proper inquiry and reporting. I am supportive of the general concerns, but I do not want to get embroiled in the specifics of the particular case that has been the subject of much of this debate. Because I take that view, the Democrats will not be supporting this particular Greens amendment. We are concerned about the issue of third parties. We will be supporting the later third reading amendment to refer the matter to the Joint Standing Committee on Electoral Matters.

Question put:

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

The committee divided. [9.18 pm]

(The Chairman—Senator JJ Hogg)

Ayes………….. 4
Noes………….. 52
Majority……….. 48

AYES
Brown, B.J. Milne, C.
Nettle, K. Siewert, R. *

NOES
Abetz, E. Adams, J.
Allison, L.F. Barnett, G.
Bernardi, C. Boswell, R.L.D.
Brandis, G.H. Brown, C.L.
Calvert, P.H. Carr, K.J.
Colbeck, R. Crossin, P.M.
Faulkner, J.P. Ferris, J.M.
Fielding, S. Fierravanti-Wells, C.
Fifield, M.P. Forshaw, M.G.
Heffernan, W. Hogg, J.J.
Humphries, G. Hurley, A.
Hutchins, S.P. Johnston, D.
Joyce, B. Kirk, L.
Lightfoot, P.R. Ludwig, J.W.
Marshall, G. McEwen, A.
McGauran, J.J.J. McLucas, J.E.
Moore, C. Murray, A.J.M.
Nash, F. O’Brien, K.W.K.
Parry, S. Patterson, K.C.
Payne, M.A. Polley, H.
Ray, R.F. Ronaldson, M.
Scullion, N.G. * Stephens, U.
Sterle, G. Stott Despoja, N.
Troeth, J.M. Trood, R.
Watson, J.O.W. Webber, R.
Wong, P. Wortley, D.

* denotes teller

Question negatived.

Senator CARR (Victoria) (9.23 pm)—The opposition oppose schedule 1 in the following terms:

(1) Schedule 1, items 20, 24, 28, 39 to 45, 51, 52, 104 to 108, TO BE OPPOSED.
(2) Schedule 1, items 17 to 19, 21 to 23, 25 to 27, 29 to 35, 100 and 101, **TO BE OPPOSED**.

(3) Schedule 1, items 47 to 49, 71, 72, 90, 91, 112, 113, 131 and 132, **TO BE OPPOSED**.

I will speak to all of those, although I seek to have them voted on separately.

**The CHAIRMAN**—The votes will be run quite separately as the questions will need to be put separately, Senator Carr.

**Senator CARR**—The first area we go to is the question of reducing the enrolment period before the closure of the roll to three days. This proposal is necessary to maintain the status quo. The opposition’s concerns with this legislation go to the fact that, in essence, this is a device by which the government is seeking to restrict the franchise. We say that the bill is aimed at restricting the capacity of Australians to participate in the political system and, as a consequence, it will have the effect of undermining the legitimacy of the electoral system.

We argue that the net effect of the changes that restrict access to the roll, by reducing the period of time in which people can re-enrol, may well have the effect of disadvantaging some 430,000 people. Four hundred and thirty thousand Australians may lose their capacity to vote as a result of the actions of this government. Our concern is that, essentially, those are the people who need government the most: the homeless; people who are poor; people who are moving constantly, particularly renters; people who are migrants; people who live in distressed economic circumstances; people who tend to be least engaged in the political system. As a consequence of this government’s actions, their participation in the political system will be restricted.

We also maintain that they are people who are most likely to vote Labor. That is the core of the government’s concern about this matter: they believe that this is an opportunity to improve their electoral fortunes by disenfranchising the people who actually need the services of this parliament the most. That is why I say that this is a genuinely disgraceful action by this government. This is a device by which the Liberal Party will seek to take advantage in order to advance their political position.

The government try to tell us that this is all about electoral fraud. We have seen no evidence to support that case. We have seen isolated incidents across the length and breadth of this country. Those isolated incidents are one in a million in terms of the proportion of people who actually vote. It is a one in a million circumstance. Every time a million votes are cast in this country, the government will say that this is an example whereby someone has sought to vote improperly. It is a gross distortion and a most fatuous argument to present to try to cover up their gross embarrassment at their attempt to attack the most disadvantaged people in the country.

I know that there are circumstances of electoral fraud. I acknowledge that there have been isolated examples on a couple of occasions. I recall the allegations made against the member for Longman, Mal Brough, who said that he was aware that a member of his own staff had falsely enrolled. There was a situation where his colleague, Mr Christopher Pyne, the duchess of Sturt, simply declared that Mr Brough was entirely innocent, even before the police and the AEC had completed their investigations. That occasion was widely criticised in the media and elsewhere.

I know of members on the Joint Committee on Electoral Matters who refused to allow Liberal MP Jackie Kelly to appear before the committee when matters had been raised about electoral fraud in the Penrith
local government election. So I know that there are isolated cases involving the Liberal Party. I am aware that the government does not care about those particular allegations. It tries to cite evidence to support its draconian actions against the most powerless people in our society in its attempts to disenfranchise up to 430,000 Australians and it uses opportunities that suit its political purpose.

The second area we go to is the question of proof of identity for enrolment. We have a situation where this provision will seek to force a further barrier in the road of people seeking to exercise their valid vote. Of course, if you do not have a drivers licence, for instance, there will be opportunities to provide some other form of identity. The fact that there is a requirement for proof of identity for enrolment will make it more difficult for people to enrol or to update their enrolment. In effect, it increases the number of people who are unable to vote. It is further evidence that the government’s actions are actually aimed at disenfranchising people. Between 10 and 20 per cent of adults do not have a drivers licence. That is one example. The presumption of the government is that everybody drives, but between 10 and 20 per cent of Australians do not have a drivers licence, so they will have to find some other form of prescribed identification.

It is most likely to affect once again the same groups of people—young Australians, Australians from a non-English-speaking background, Indigenous Australians, the homeless. These are the people this government does not like. These are the people that need the services of this parliament the most and these are the people that should be encouraged to participate. Yet what we are seeing from this government is an action aimed at discouraging them from participating in our political system. We strongly oppose these actions. The government is seeking to discriminate against the poor and against people who are thrown out of our political systems. The real reason this government is seeking to put up these changes is that it is seeking to take advantage of the circumstances being created by this new legislative provision.

The AEC says that this is totally unnecessary. The AEC has pointed this out over time, year in and year out. I know that considerable pressure is being placed on the AEC not to express its views on these questions. The government says that it needs to do this because there is so much pressure on the AEC to fulfil its function. Instead of providing the AEC with adequate resources, the government says that it will fix the problems by discouraging people from voting. So we take the view that once again the government really is about undermining the credibility and authority of the universality of the Australian ballot.

The third area that we go to is the question of proof of identity with regard to provisional voting. This amendment may cause serious disadvantage to 100,000 Australians. The 100,000 Australians who, on the figures I have seen, lodged a provisional vote will need to supply additional identification at the time of lodging an application or by the Friday following a polling day. If this happens we will actually see quite a substantial increase in the workload for the AEC, an additional workload on top of that occasioned by other provisions regarding the proof of identity contained in the bill. Labor opposes these provisions. The amendments I am moving tonight provide the Senate with an opportunity to reject these aspects of the bill, to point out that these actions are again aimed at discouraging people and potentially disenfranchising citizens from participating in the electoral system.

These measures seek only to impede and infringe the rights of law-abiding citizens
that should be encouraged and given every possible opportunity to cast a legitimate vote and to participate in the decisions that go to making up a government in this country. Instead of picking up the best elements of the American political system, this government is picking up the worst elements of the American political system and seeking to Americanise the election arrangement in this country. I am afraid the consequences for this country are quite serious should these measures be carried by this chamber.

**Senator LUDWIG** (Queensland) (9.33 pm)—I mentioned the matter of the closure of the rolls during the second reading debate and I want to come back to it because between the time that I spoke and now I have been able to check with the Parliamentary Library and obtain some relevant information that would be helpful for the debate. When you look at the issue of the early closure of the rolls, there is considerable disenfranchisement of voters. This is an extraordinary position for this government to adopt. If you look at any time since the 1993 election, on the figures supplied to me by the Parliamentary Library and the AEC there have been 1,907,587 Australians who would have enrolled during the seven-day grace period. That is the order of numbers that you are seeking to strike off the roll, to not give an opportunity to vote in an election— it is an extraordinary number—and what you are going to do into the future is exactly that.

The government may be interested in the number of people in government-held marginal seats in the last federal election in 2004 who enrolled between the calling of the election and the close of rolls. Save for a couple of exceptions, these figures would be approximate and of course they relate to 2004 so you could look at them in that light. But they show that 2,454 local residents of the Prime Minister’s seat of Bennelong would have missed out on a vote. About 2,647 residents of Eden-Monaro would have had their rights stripped in the Special Minister of State’s own electorate if an election were held tomorrow. The member for Greenway seems happy to discard 2,471 local residents from her electorate, treating their right to vote like an orange peel—just discarding it. The member for Page has ripped away voting rights of at least 2,798 people who enrolled during the grace period last time. In McMillan the sitting member has turned his back on 2,184 local residents from places like Baw Baw to Tidal River, from Pakenham to Moe. The Western Australian seats of Hasluck and Stirling have particularly large numbers of locals who enrolled during the campaign: 3,681 and 4,588 respectively. In Bonner the local member has effectively voted to kick 2,045 bayside residents off the roll, something that would not have happened under the strong local representation of Con Sciacca.

**Senator Abetz interjecting—**

**Senator LUDWIG**—You might laugh, but these are people in your marginal electorates that you are taking off the roll. In Bundaberg and Gladstone the member for Hinkler has abandoned fully 3,112 local residents and I know that Labor’s local candidate, Mr Gary Parr, will be working hard with the local community to overcome this disadvantage. In my local electorate of Moreton the member is too busy living a high lifestyle to care for locals. These changes are particularly savage on the strong local Chinese-speaking community in suburbs like Sunnybank and MacGregor in my local electorate. A jetset lifestyle is something that the member for Makin knows very well. She has chosen to abandon her electorate and in particular the 3,108 who enrolled in the grace period. Meanwhile her fellow South Australian the Liberal member for Kingston has managed to snub 3,498 local residents.
Turning to Tasmania, the new Liberal Party members for Bass and Braddon have shown contempt for the same local people who voted them in by kicking more than 2,000 off the electoral roll in each seat. Finally, in the Northern Territory the member for Solomon appears to have taken up cudgels against the substantial number of members of the Defence Force who would have enrolled during the grace period. In a population as highly mobile as that of Darwin, it is truly bizarre that the local member would back a bill that takes about 3,271 local residents off the roll.

I will seek leave to table the document for the benefit of the government and senators in this debate. These figures from the AEC show that, if the Howard government gets its way, about 423,993 Australians will lose their right to vote at the next election based on the 2004 figures. An analysis from the library shows that this bill disproportionately affects those between the ages 18 and 40. So much for the wacky theory of South Park conservatives—if that theory were true why wouldn’t the government invest a large amount of time and effort in disenfranchising generations X and Y? As the government knows, this bill is a disgrace. It is sponsored by a government that is increasingly becoming more like American Republicans than Australians. I seek leave to table this document.

The TEMPORARY CHAIRMAN (Senator Marshall)—Is leave granted?

Senator Abetz—Have we seen it?

Senator LUDWIG—I am happy to show it to you before you grant leave. It is the table of the total enrolment transactions for the 2004 federal elections. If there is no objection, could you undertake to table it?

Senator Abetz—I will look at it.

Senator FAULKNER (New South Wales) (9.39 pm)—I will make a short contribution to the debate on this very important issue of the early closure of the rolls. I associate myself with the remarks that have been made by Senator Carr, who is leading this debate for the Labor Party, and Senator Ludwig. They have both spoken very eloquently about what I believe is a most important issue. There is a major issue about the closure of the rolls and how that relates to the time of the issue of the writs. There is something even more important than the time between the issue of the writs and the closure of the rolls. What is absolutely crucial is when the election is called and when the rolls are closed. In other words, the key time period is between the date of the announcement of the election and when the rolls are closed. Under the government’s proposals this is concertinaed literally into less than 24 hours. The election is announced, the writs are issued and the rolls are closed, effectively all at the same time. In my brief contribution before this committee, I point out that this is unprecedented in Australian politics except for the one instance I addressed in my speech in the second reading debate on this bill.

I would like to take the committee back through some 60-odd years of Australian political history to show how significant this change is. The time between when an election is announced and the date of the closure of the rolls—the days from announcement to roll closure—is the key issue because people take the opportunity after an election has been announced to go and enrol. Young people do it, people who need to re-enrol do it and of course those people who need to change their electoral enrolment do it. You have heard the figures; they are very substantial figures. In each category there are at least tens of thousands and in some categories there are hundreds of thousands of Australians who will be affected.
What this is about is quite simple—it is about stopping people voting. It is about limiting the franchise, and that is why this committee should not take this decision lightly. This is a provision in relation to closure of the rolls. There has been no provision in electoral law since the establishment of the Commonwealth of Australia 105 years ago that is going to have more impact on limitation of the franchise than what is being proposed by the government in this legislation. Let me go back through some of the history of that key time between the date of the election announcement and the date of the closure of the rolls. Here is the history.

The 1940 election was announced on 20 August and the date of the roll closure was 30 August—10 days. The next election was announced on 24 June 1943 and the rolls closed on 16 July 1943, so there were 22 days between the election announcement and closure of the rolls. In 1946 the election was announced on 30 July and the date of the closure of the rolls was 21 August—22 days. In 1949 the election was announced on 26 October and the date of the roll closure was 31 October—five days. The 1951 election was announced on 16 March and the date the rolls closed was 28 March—12 days. The 1954 election was announced on 6 April and the rolls closed on 23 April—17 days. The 1958 election was announced on 20 August and rolls closed on 22 October—63 days from announcement to roll closure.

The 1961 election was announced on 12 September; the rolls closed on 3 November—52 days. The 1963 election was announced on 15 October; the date of the roll closure was 1 November—17 days from announcement to roll closure. The 1966 election was announced on 12 October; the rolls closed on 31 October—19 days from announcement to roll closure. The 1969 election was announced on 20 August; the rolls closed on 29 September—40 days. The 1972 election was announced on 10 October; the rolls closed on 2 November—23 days. The 1974 election was announced on 10 April; the rolls closed on 20 April—10 days.

The 1975 election was an extraordinary one and there are some changes to the statistics here. There were two roll closures. The election was announced. In fact, the government was sacked and the election was forced by the Governor-General on 11 November 1975. The rolls closed in the ACT, the Northern Territory and all states except Western Australia and South Australia on 17 November, which was six days, but in Western Australia and South Australia the rolls closed on 21 November, which was 10 days. The 1977 election was announced on 27 October; the rolls closed on 10 November—14 days.

The 1980 election was announced on 11 September; the rolls closed on 19 September—eight days. 1983 was the exception to the rule—and I will come back to that. The election was announced on 3 February 1983 by Mr Fraser and the rolls closed on 4 February—one day. There was pandemonium at the polling booths. The 1984 election was announced on 8 October; the rolls closed on 2 November—25 days. The 1987 election was announced on 27 May; the rolls closed on 12 June—16 days.

The 1990 election was announced on 16 February; the rolls closed on 26 February—10 days. The 1993 election was announced on 7 February; the rolls closed on 15 February—eight days. The 1996 election was called on 27 January; the rolls closed on 5 February—nine days. The 1998 election was called on 30 August; the rolls closed on 7 September—eight days. The 2001 election was called on 5 October; the rolls closed on 15 October—10 days from announcement to roll closure. Finally, the 2004 election was
called on 29 August; the rolls closed on 7 September—nine days.

With one exception—1983—there has always been time between the announcement of an election and the closure of the rolls, which is the key thing to maximise the franchise, to allow people to participate in the election process in this country. It is a fundamental responsibility and right of each and every citizen of this country. Each and every Australian has a right to be involved, a right to vote. It should not be a privilege that is afforded to some people by this contemptible government. It should be a right for every eligible Australian. Those people have to be given an opportunity.

What is the exception in that pattern that I have gone through, from the 1940 election to the 2004 election—elections over a period of 64 years? The one exception is 1983, when the former Liberal Prime Minister, Malcolm Fraser, wanted to get into a fix to try to catch the Labor Party with its pants down. Of course, he ought to know—he got caught with his pants down. We all know what happened in that election. One day was given. It was a trick, a fix, a rort and a stunt, but it did not work. It backfired, as those of you who were involved in politics at the time will remember. I certainly was; I was a Labor Party official in those days, and proud of it. Many people in the chamber today were involved in politics then, working on polling booths and being very active in political campaigns for all different parties. That is their absolute right and entitlement. They would know what a fiasco there was at the polling booths. There were queues everywhere. There were people trying to get declaration and provisional votes. It was a shemozzle from early in the morning until after the polls closed at night. There were queues. It was a complete fiasco because people did not have an opportunity to get their enrolment right.

Most Australians are well motivated. They are not contemptible and despicable, like this government; they are actually very well-motivated people. They want to do the right thing. They want to be involved in the democratic process. They want to have an opportunity to cast a vote. They care about it. They care about who the government of their country is. They take it seriously. They want to be involved. Why should they not be involved? It is not a matter of who they are going to vote for or who they do vote for. Whether they vote for the Liberal Party, the Labor Party, the Greens, the Democrats, The Nationals or the Callithumpians, it is their right to vote for whomever they want. That is their democratic right.

All the Labor Party is saying, supported by minor parties in this chamber, is: ‘Give people a chance.’ Here is a fundamental example of the principle of a fair go. Give people a fair go, an opportunity to cast a vote for the candidate or political party of their choice in an election. I happen to believe that each and every one of us in parliament has a very grave responsibility to try to ensure that that occurs. Of course we have to defend the integrity of our electoral system. Of course we have to ensure that our electoral system is independent. Of course we have to ensure that an electoral system that hitherto has been believed to be as good as any, if not better than any other in the world, is protected and defended.

The fundamental principle is a right to cast a vote, to be involved and to participate. Everyone has an equal vote and an equal say in the future of their country. That is what the Labor Party stands for and it is what this parliament ought to stand for, but it is being undermined, diminished and ignored by this contemptible government, which is riding roughshod over the democratic rights of Australian citizens. This is despicable. It is the most disgusting provision that this govern-
ment has ever brought forward into this parliament and it ought to be rolled right out the door.

The TEMPORARY CHAIRMAN (Senator Marshall)—Before I call Senator Forshaw, I ask Minister Abetz: is leave granted for the tabling of the document presented by Senator Ludwig?

Leave granted.

Senator FORSHAW (New South Wales) (9.54 pm)—I want to add a few comments to this discussion. I want to continue in the same vein as the previous speaker, Senator Faulkner. I want to appeal to the good nature of the minister and the government and appeal to them to show a little bit of heart, compassion and understanding.

The minister at the table, Senator Abetz, as I understand it, is legally qualified and would therefore appreciate the legal concept—it is effectively a principle, I would suggest—of a ‘period of grace’. That is where you allow a person a period of time after the expiry of an instrument to comply with a legal requirement. I can think of numerous examples that exist in our society and our law. I am sure that Senator Abetz would be aware of them.

One example comes to mind is the filing of a tax return. There are requirements for taxpayers to file their returns by certain dates; nevertheless, we all know that many Australians do not get their tax return in on time and they file it late. But they are extended a period of grace in order for that to happen. They do not get charged or hauled off to court, nor do they have a penalty imposed automatically. Indeed, substantial periods of grace are granted to people in those situations. But they know that each year on 30 June they will be required to file a tax return. So it is uppermost in their minds each year; nevertheless, many Australians are afforded a period of grace. It also occurs in areas of social security entitlements. I could go on and on with examples, but time does not permit me tonight.

The reason I raise this is that it is at the heart of this issue about the closure of the rolls. What is important here is ensuring the accuracy of the electoral roll by ensuring that all persons who are on or are eligible to be on the roll will regularise their enrolment details, so that you have the most accurate roll possible on election day. Under the government’s proposal, by removing that period of seven days after the calling of the writs you are inevitably going to end up with an electoral roll that is less accurate than it has been in the past. As Senator Faulkner just pointed out, that was the problem in 1983.

The government’s proposal does exactly the opposite of what it says it will do. It does not improve the integrity of the roll at all; it actually will reduce the integrity and accuracy of the electoral roll as it will be on election day. The government’s only response to that is: ‘Well, we are going to run a big advertising campaign and all sorts of other activities.’ But, frankly, you can send people as many letters as you like, show as many ads on TV as you like and do as many door-knocking campaigns as you like, but until you get towards the election period it is not going to be all that effective. Those of us who are deeply involved in politics know how difficult it can be to campaign on a direct basis in periods when there is no imminent election.

As we have discussed, the arguments about potential fraud are the biggest furphy that I have ever heard in this chamber in the years that I have been here. I have heard some big ones, but that is the classic. As I said the other night in my speech on the second reading, here we have a government that has been elected four times—four times they have won elections since 1996. On three of
those occasions, they had a substantial majority. They won in 1998 with a minority of the votes but a majority of the seats. And here they are trying to tell us that there is potential for huge fraud to be perpetrated in an election campaign. Is the government serious? They are arguing against their own history.

Are they trying to tell us that every election that they have won since 1996 has been tampered with through fraudulent electoral roll enrolments? Is that what they are saying—that they are sitting on the government benches as a result of a massive fraud perpetrated on the Australian public? That is essentially what they are saying by putting this proposition up and running those ridiculous and spurious arguments before the Senate committee and the joint committee. ‘We have to do this,’ the government say. ‘We have to remove the seven-day period of grace because there is potential for massive fraud.’ Their own election on four occasions puts the lie to that argument. They should hang their heads in shame for having the temerity and the stupidity to advance such an outrageous and ridiculous proposition.

I also want to point to the double standards that occur here in respect of the use of a period of grace. This government is a classic when it comes to double standards. Let us look at the issue of entitlements that ministers and members of parliament receive and the requirements that apply to them. Firstly, let us look at the register of pecuniary interests. All members and senators are obliged to report on changes that occur to their pecuniary interests or potential conflicts of interest. There is a defined period of time in which to do that. It was 28 days. It is now proposed to give members of parliament an extra seven days in which to comply with the requirement to notify changes to their interests. That has been approved unanimously by the Senate Standing Committee of Senators’ Interests. Government members wanted an extra seven days; they wanted to increase it from 28 days to 35 days. In fact, some of them wanted more; some of them wanted an extra six months. They wanted to have that much time to notify changes to their share register.

It is okay to look after your personal pecuniary interests and give yourselves as much time as possible to comply with the requirements in here, but it is not okay for some voter out there who wants to get on the roll or to correct their enrolment details to have seven days to do it after an election is called. What utter hypocrisy. To give yourselves that extra time is a double standard of the most gross order.

The same thing goes with the government’s responses to committee reports or questions on notice. There are time limits set under the standing orders of this parliament. Governments have to respond to committee reports within six months. That is pretty good—you get six months to respond to a report. There are reports of the committee that I chair that we still have not had a response from the government to, and they go back 12 or 18 months. You cannot ever comply with that requirement. You treat that one with contempt. Senators get up in this chamber and ask when those responses are coming from the government and we are ignored. You treat your responsibility to the parliament to comply with the requirement to respond to a report within six months with the utmost contempt. You take as damn long as you like—it does not matter what the time limit it is.

What about questions on notice? How many of us have had the experience of estimates committees, where you are waiting for weeks or months to get answers to questions on notice—despite the time limits that are set by the Senate committees? Maybe that is going to go by the wayside along with all the
other changes to committees that you are going to make. You ignore those requirements and those time limits. You take as long as you like; you give yourselves as much a period of grace as you like.

This is either stupid or plain sheer bastardry. What is it? Are you saying to the people of Australia that if you do not enrol or correct your enrolment details before the writs are called then you have committed some strict liability offence and are going to lose your right to vote? That is what you are saying. But you are going to give yourselves every single opportunity that you can to ignore some of the basic rules that apply in this place. When your ministers or other members of the government breach those requirements, such as when they have failed to notify changes to their register—and we have had some notable example recently—what happens? Nothing. They are not penalised. They do not lose any rights.

But voters of Australia are going to lose the right that they get every three years: to participate in the election of their government. You are going to take that away from them. Frankly, as Senator Faulkner said, this is the most despicable and outrageous thing that I have seen for a long time. All I can do is plead with you and ask Senator Abetz to consider the concept of a period of grace, which exists right through the law and right through our society and especially in this place. I ask you to think again and withdraw this proposition.

Senator MURRAY (Western Australia) (10.06 pm)—I am down here and up there on Fox Sports England is playing Sri Lanka. I am not sure where I would rather be, but I think I would rather be here.

Senator Abetz—Can I make a suggestion?

Senator MURRAY—I know where the government would like me to be. On balance, I would rather be here, because this is a very important issue that needs to be aired and discussed in full. I have appreciated the contributions that have come so far, and I look forward to the minister’s response. It might seem remarkable that something has not been said, but one of the things that has not been said about this closure of the rolls issue is that we are dealing with a very different frame of mind when it comes to many members of the Liberal Party—and I say ‘members of the Liberal Party’ deliberately, rather than ‘members of the National Party’—because many of them are supporters of voluntary voting.

If you look at the average percentage vote around the world on voluntary voting, it is far lower than our compulsory vote delivers. Therefore, you have a lot of people who really do not mind too much if a couple of million of Australians do not vote, because that is what voluntary voting would result in. It would result in a couple of million of Australians not voting. When we on the non-government side complain so loudly about the likely disenfranchisement of several hundred thousand people, in their scale of things that does not mean that much.

That comes to the second point. People like me and my party who support the compulsory vote do not regard it so much as a right, although it is very much a right, but as a duty. We think it is a fundamental duty. When you impose a duty upon a person as an aspect of citizenship, you have to be as fair and apply as much due process as possible. And that brings us to the third point. Because we do not have fixed terms, it is very unfair, profoundly unfair, to say to Australians who might be more concerned about watching a cricket match or how the kids are doing at school, or all the various things that are going on in their lives, than about updating their enrolment to record the fact that they have moved address: ‘You have a duty to
vote and we expect you to vote. There is no fixed term, so you do not know the date of the election; it’s at the Prime Minister’s discretion. Anyway, we’re going to make it a little tougher for you.’ Those things make this move of the government oppressive.

The problem that I see with the government’s proposals is that, having sat on the Joint Standing Committee on Electoral Matters for 10 years, having gone through all the hearings and having had this portfolio all this time, I still to this day have seen no evidence or grounds to justify the proposal to close the rolls early. I am well aware of the fact that other countries in other parts of the world close them a lot later in the electoral campaign period, and the history of Australia is that it closed them a lot later. The idea that it will address the possibility of electoral fraud and improve the accuracy of the roll will I think be shown, after the event, to be a complete furphy, and the idea that that has been proven in advance of this is just untrue.

In its submission to the parliamentary inquiry into the conduct of the 2004 federal election, the Australian Electoral Commission itself expressed no concern whatsoever about opportunities for electoral fraud in the last minute rush to enrol. I have been around the Electoral Commission for some time. I admire its people. It is a pretty professional outfit. It is not a perfect outfit, but it is a pretty professional outfit. If it thought there was electoral fraud, it would tell us. The AEC also considered this proposal critically. It stated the expected outcome would be:

... in direct conflict with the stated policy intention of the Government to improve the accuracy of the rolls. Further, it will undoubtedly have a negative impact on the franchise, an outcome which the AEC cannot support.

The AEC did not support this proposal when it was put to it. Furthermore, an earlier and comprehensive review of the roll by the Australian National Audit Office in 2002 concluded:

... overall, the Australian electoral roll is one of high integrity, and that it can be relied on ...

The subsequent report of the Joint Standing Committee on Electoral Matters, which examined that ANAO report, did not contradict that opinion. So why change something that does not appear to need fixing and why find fault where little exists? There are three possibilities. The first is that the government is blind to the consequences; the second is that it actually believes its case; and the third is that it thinks its case will result in an advantage to it.

As Senator Faulkner outlined, over 60 years of convention will end with the proposed early closure of the electoral rolls, and it will particularly affect young first-time voters. I might have some sympathy for the idea of tougher enrolment requirements, with more identification, for new enrollees, because I assume that, if you are going to get onto the roll when you should not be on the roll, you have to watch out at that stage. I have very little time for the idea that people who are already on the roll and are simply changing address, or anything else, should be subject to more restrictions or impediments to it happening easily. The Australian Electoral Commission will tell you that they constantly have to be at and at people to update their details. It is not something that Australians pay much attention to, if at all, until they come round to deciding who to vote for in the election.

I note that the government has offered a further three days over and above that which it originally proposed for people to change their details, which is a gesture towards good sense. But I am quite persuaded that the result of this proposal will be to disenfranchise tens of thousands and perhaps hundreds of
thousands of otherwise qualified Australian citizens.

I pointed out the case concerning this in my speech in the second reading debate, but I will close my remarks with the figures. According to the Australian Electoral Commission, during the seven-day period before the rolls closed for the 2004 federal election, 78,000 people enrolled for the first time and 345,000 people updated their details; and after the seven days there were still 150,000 people who attempted to enrol. So we are dealing there, in round figures, with nearly 600,000 people. That is what is affected by these changes. I do not think it is a chance worth taking. I think it is a reckless proposal by the government. I hope that they, and not we, will live to regret it.

Senator ABETZ (Tasmania—Minister for Fisheries, Forestry and Conservation) (10.15 pm) — The government opposes these amendments. We have been told that these are the most despicable amendments ever introduced into this chamber. Well, that is exactly what we were told about the GST, Work Choices, security and the ASIO bill. We were told that there is no proof of electoral fraud. Well, can I respectfully suggest that you talk to Mike Kaiser, Karen Ehrmann or, indeed, the former federal member for McMillan: somebody who got himself into this parliament having gotten himself onto the electoral roll before he became an Australian citizen. Here we have example after example of electoral roll rorting by the Labor Party, yet they gave these speeches this evening living in absolute denial of that which they have engaged in and perpetrated. Indeed, we were told that this is to protect the powerless; the powerless like Mike Kaiser, the former member of the Queensland parliament who had to be drummed out of the parliament for roll rorting! But, of course, what did they do? They parachuted him straight in to be chief of staff for the New South Wales Premier.

Some of the figures that have been quoted this evening are of interest. The total number of roll transactions during the seven-day close of roll period for the 2004 election was about 420,000. This was made up of the following classes: about 138,500 were intra-area transfers, no-change enrolments or address renumbering. There were about 126,000 changes of address and about 157,000 new enrolments and re-enrolments. The 138,518 intra-area transfers, no-change enrolments and address renumbering would not have been affected as they are able to vote regardless. Those opposite know that, but they deliberately inflate the figure by the sum of more than 138,000 people to try to make a point. Under the bill, those who are enrolled but are changing address details will still have three days from the issue of the writ to update their details—something deliberately and mischievously ignored by Senator Ludwig in his contribution. So the 126,799 electors who changed their addresses would not have been adversely impacted by these changes. And so it goes on.

In relation to provisional voting, those opposite know that 27,000 provisional votes were accepted at the last federal election. They were accepted and then, after the election, trying to follow up 27,000 provisional voters, the Australian Electoral Commission could not satisfy itself that they should be put on the roll. And they in fact were not put on the roll.

Senator Boswell—So did they vote?

Senator ABETZ—Yes, they did vote, Senator Boswell. They were 27,000 votes taken into the count, pursuant to the current provisional voting provisions, that the Electoral Commission after the election was unable to put onto the electoral roll. You do not have to be mathematician to work out that,
with some of our seats only being won by about 100 votes, that sort of activity can change an electoral result. The Australian Electoral Commission carried out a full habituation review of the federal electoral division of Isaacs in order to sample the accuracy of the roll. The review found that some 89 per cent of electors were enrolled at the correct address. In other words, over 10 per cent were not. Now, there are problems with the electoral roll. There is no sense living in denial of that, and this is what the government seeks to address.

To have all this sort of hyperbole, and Senator Faulkner frothing at the mouth using the word despicable a hundred times at about 200 decibels, does not really assist the debate. He uses some of the facts like a drunk uses a lamppost—not for illumination but for support. Can I suggest that what he ought to be doing is looking at some of these figures, disaggregating them and being a bit more serious about this debate. I am aware that there are time constraints; I think that we as a government have kept our contributions to a minimum. I think the arguments have been well rehearsed, both in the public arena and in the second reading debates. I will not keep on. I could have made a much longer contribution on these matters, but can I simply say that the government is motivated by the fact that there has been identifiable fraud—a federal member of this parliament having gotten himself onto the electoral roll before he became an Australian citizen. We have had a lady go to jail in Queensland for electoral fraud. We have had example after example, and in a democracy it is vital not only that you have as extensive a participation as possible but also that there be confidence by the people that there is integrity in the electoral roll. That is what is motivating this government—to ensure that the integrity of the roll is maintained.
Question agreed to.

Question put:
That schedule 1 items 17 to 19, 21 to 23, 25 to 27, 29 to 35, 100 and 101 stand as printed.

The committee divided. [10.31 pm]
(The Chairman—Senator JJ Hogg)

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

NOES
Allison, L.F. Brown, B.J.
Brown, C.L. Campbell, G. *
Carr, K.J. Crossin, P.M.
Faulkner, J.P. Forshaw, M.G.
Hogg, J.J. Hurley, A.
Hutcheson, S.P. Kirk, L.
Ludwig, J.W. Marshall, G.
McEwen, A. McLucas, J.E.
Milne, C. Moore, C.
Murray, A.J.M. Nettle, K.

O’Brien, K.W.K. Polley, H.
Ray, R.F. Siewert, R.
Stephens, U. Sterle, G.
Stott Despoja, N. Webber, R.
Wong, P. Wortley, D.

PAIRS
Campbell, I.G. Conroy, S.M.
Ferguson, A.B. Sherry, N.J.
Kemp, C.R. Lundy, K.A.
Lightfoot, P.R. Bartlett, A.J.J.
Macdonald, I. Bishop, T.M.
Vanstone, A.E. Evans, C.V.

* denotes teller

Question agreed to.

Question put:
That schedule 1 items 47 to 49, 71, 72, 90, 91, 112, 113, 131 and 132 stand as printed.

The committee divided. [10.34 pm]
(The Chairman—Senator JJ Hogg)

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

NOES
Allison, L.F. Brown, B.J.
Brown, C.L. Campbell, G. *
Carr, K.J. Crossin, P.M.
Faulkner, J.P. Forshaw, M.G.
Hogg, J.J. Hurley, A.

CHAMBER
Tuesday, 20 June 2006

Hutchins, S.P.                    Kirk, L.
Ludwig, J.W.                     Marshall, G.
McEwen, A.                       McLucas, J.E.
Milne, C.                        Moore, C.
Murray, A.J.M.                   Nettle, K.
O’Brien, K.W.K.                  Polley, H.
Ray, R.F.                        Siewert, R.
Stephens, U.                     Sterle, G.
Stott Despoja, N.                Webber, R.
Wong, P.                         Wortley, D.

PAIRS
Campbell, I.G.                   Conroy, S.M.
Ferguson, A.B.                   Sherry, N.J.
Kemp, C.R.                       Lundy, K.A.
Lightfoot, P.R.                  Bartlett, A.J.J.
Macdonald, I.                   Bishop, T.M.
Vanstone, A.E.                   Evans, C.V.

* denotes teller

Question agreed to.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (10.37 pm)—I move Australian Greens amendment (1) on page 4981:
(1) Schedule 1, page 26 (after line 8), after item 87, insert:

87A Subsection 329(1)
Repeal the subsection, substitute:
(1) A person shall not, during the relevant period in relation to an election under this Act:
(a) print, publish or distribute, or cause, permit or authorise to be printed, published or distributed, any matter or thing that is likely to mislead or deceive an elector in relation to the casting of a vote; or
(b) deliberately or wilfully mislead or deceive an elector.

This amendment effectively says that a person shall not during an election campaign deliberately or wilfully mislead or deceive an elector. It is a very simple but important amendment. It simply says that we should prohibit people from deliberately or wilfully misleading voters through election campaign material.

It is a very narrow prohibition. It does not say ‘mislead or deceive an elector’; it says ‘deliberately or wilfully mislead or deceive an elector’. Anybody who is associated with the law knows how difficult those things are to press. I would be interested to hear any argument as to why we should permit the deliberate or wilful misleading of electors on their way to the ballot box, and I recommend this amendment to the committee.

Question negatived.

Senator Bob Brown—Before we make a decision there—

The TEMPORARY CHAIRMAN—Senator Brown, the motion has been put. Do you have a point of order?

Senator Bob Brown—Yes. I ask if senators would mind if I asked a further question about this. I may need to seek leave.

The TEMPORARY CHAIRMAN—You will need to seek leave, Senator Brown.

Senator Bob Brown—I do seek leave.

Leave not granted.

Senator Bob Brown—I would like it to be noted that Labor denied me leave to put another question. What an unreal—

The TEMPORARY CHAIRMAN—Senator Brown, you are out of order unless you are taking a point of order. What is your point of order?

Senator Bob Brown—I have made the point.

The TEMPORARY CHAIRMAN—It was not a point of order.

Senator MURRAY (Western Australia) (10.39 pm)—I ask for it to be recorded that the Democrats supported that Green amendment.

Senator Bob Brown interjecting—

The TEMPORARY CHAIRMAN—The amendment was put and was lost, Senator Brown. Senator Murray has the call.
Senator Bob Brown—I want it recorded that all the Greens supported that amendment and that there was no other—

The TEMPORARY CHAIRMAN—Senator Brown, that is not a point of order. What is your point of order?

Senator Bob Brown—It is my right to ask that that be recorded.

The TEMPORARY CHAIRMAN—Yes, of course.

Senator Bob Brown—Yes, but it was not—

The TEMPORARY CHAIRMAN—You cannot speak to it, Senator Brown.

Senator Bob Brown—It was supported by the Democrats but by nobody else in this place. What an extraordinary thing.

The TEMPORARY CHAIRMAN—Order! Senator Murray has the call.

Senator Murray—The Australian Democrats oppose items 1 to 26 schedule 2 in the following terms:

(9) Schedule 2, items 1 to 26, page 38 (line 5) to page 41 (line 20), TO BE OPPOSED.

I must apologise for my own amendment. It is faithfully repeated on the running sheet and headed ‘Control of multiple donations’, but this amendment actually relates to the thresholds. If you look at the bill, you will see that note on the amendment does not affect what I intend to do. This proposal is an attempt to be consistent with a view we have taken elsewhere, so I do not need to further motivate it.

The TEMPORARY CHAIRMAN—The question is that items 1 to 26 stand as printed.

Question agreed to.

Senator Murray (Western Australia)

(10.42 pm)—I move Australian Democrats amendment (10) on sheet 4879:

(10) Schedule 2, item 12, page 40 (after line 8), at the end of subsection 306(2), add:

(2AA) For the purposes of this section, the amount or value which exceeds $10,000 is taken to be the total amount of all gifts made by a person for the benefit of a party as a whole whether to National, State or Territory branches of that party.

As opposed to the last item, which I waved through on the voices, I do want to speak to this amendment. The amendment refers to subsection 306(2) and reads:

For the purposes of this section, the amount or value which exceeds $10,000 is taken to be the total amount of all gifts made by a person for the benefit of a party as a whole whether to National, State or Territory branches of that party.

I have understood the government’s clear argument that it wants the disclosure level lifted to $10,000 but that everything above $10,000 should be disclosed. The problem is that the way in which the act is constructed at present—I suspect an unforeseen or unintended consequence from its original construction—is that it is possible to make multiple donations in one year in which you must make your annual return, which could amount to a far greater amount undisclosed than the threshold.

The Australian Democrats seek to amend the regulatory gap that allows the disclosure threshold to be applied separately to each division of a registered political party. In other words, we seek to give effect to the control of multiple donations. Where a political party has national, state and territory branches—and I think all the four participants in this debate, the Liberal Party, the Labor Party, the Democrats and the Greens, are in that situation—it has the cumulative benefit of nine thresholds; that is, donors can write separate cheques of an amount just under the threshold.
Effectively, the current threshold of $1,500 allows donors to make nine donations if a party has nine divisions in Australia, and that will total $13,491 without disclosure. With the proposed increase to $10,000—and I note the point that Senator Brown reminded me of yesterday; that is, that it now means more than $10,000—it will mean that nine multiple donations would then allow a total of $90,000 to be donated without disclosure. That is just unacceptable under any circumstance.

I note that it was reported in the Age newspaper last week that the tobacco giant Philip Morris had adopted this method of donating in the past four years. I am not able to verify the validity of that report, but I do note that it was a report. If the new $10,000 threshold for disclosures were applied, it is calculated that that they could have made up to $200,000 in political donations over the four years, which could have been made in secret. This Democrat amendment will make it an offence to make multiple donations over and above the disclosure level. We think the public has a right to know where the money comes from and, more importantly, why it is coming. We think that the public expects there to be disclosure of significant and material donations.

Senator MILNE (Tasmania) (10.45 pm)—I rise to support this amendment moved by Senator Murray because we need to know what the clear intent of the government is. If the disclosure limit is $10,000 then $10,000 it is, not $90,000. If the government votes against this or indicates that it will not support this amendment then essentially the level of disclosure in Australia becomes $90,000.

I think the example Senator Murray gave was very interesting—that is, political parties taking money from cigarette companies whilst at the same time saying that they are concerned about community health and health funding. They are taking money from cigarette companies but without those companies having to be disclosed. As I said earlier, I suspect the same thing will apply when it comes to any number of uranium mining companies or any other companies as we come into the next election.

I agree with Senator Murray. I think that if the purpose of the disclosure legislation is that the community can be informed about who is giving money to political parties then this is a deliberate loophole. If the government permits multiple donations of $10,000 then the disclosure is not $10,000. That is dishonest and it is misleading the Australian community. I would strongly support this proposal. If the disclosure level at which people have to say that they have given money to a political party is $10,000 as has been agreed, in spite of the opposition of the Democrats and the Greens, the fact of the matter is that we need to have a situation where it is $10,000, otherwise change it to $90,000 and be honest about it.

Question put:
That the amendment (Senator Murray’s) be agreed to.

The committee divided. [10.51 pm]
(The Chairman—Senator JJ Hogg)

Ayes............ 31
Noes............ 33
Majority........ 2

AYES

Allison, L.F. Brown, B.J.
Brown, C.L. Campbell, G.
Carr, K.J. Crossin, P.M.
Faulkner, J.P. Fielding, S.
Forshaw, M.G. Hogg, J.J.
Hurley, A. Hutchins, S.P.
Kirk, L. * Ludwig, J.W.
Marshall, G. McEwen, A.
McLucas, J.E. Milne, C.
Moore, C. Murray, A.J.M.
Question negatived.

Senator Bob Brown—Mr Chairman, I rise on a point of order. On the vote taken on the last Australian Greens amendment, I believe that Temporary Chairman Barnett did not make a determination on the call of the voices. Two of my colleagues were watching that. In fact, he called for the ayes and called for the noes, but there was not a determination because I got to my feet to ask another question. I ask you to check the record and, if that was the case, to resubmit the vote and the call and give a proper determination.

The CHAIRMAN—Senator Brown, I was not in the chamber and I was not watching it on the television at that stage. I will consult the record. In the chamber, I hear voices calling, but not necessarily from their proper places, indicating that there was a proper call. I will check it out for you.

Senator Bob Brown—Just on that point of order, it is a quite urgent matter and very important.

The CHAIRMAN—Specifically for my benefit, was that Australian Greens amendment (1) on sheet—

Senator Bob Brown—On deliberately misleading advertising.

The CHAIRMAN—On sheet 4981?

Senator Bob Brown—that is correct.

The CHAIRMAN—I just wanted to get it straight so that it can be looked up correctly.

Senator Bob Brown—Thank you.

Senator MURRAY (Western Australia) (10.56 pm)—The Democrats oppose schedule 2 in the following terms:

(11) Schedule 2, item 27, page 41 (line 21) to page 43 (line 6), TO BE OPPOSED.

The Democrats oppose the proposed indexation of thresholds, which is in the bill. The Democrats are supporters of indexation in many cases, including, I might say, the indexation of the tax-free threshold, which the coalition oppose. But, since we oppose the threshold itself, it would be odd for us to support the indexation, so we therefore oppose this provision.

The TEMPORARY CHAIRMAN (Senator Barnett)—The question is that schedule 2, item 27, stand as printed.

Question agreed to.

Senator MURRAY (Western Australia) (10.57 pm)—I move Democrat amendment (12) on sheet 4879:

(12) Schedule 2, page 43 (after line 6), after item 27, insert:
27A Subsection 314AG(3)

Repeal the subsection, substitute:

(3) In addition to the requirements of this section, the regulations must require categories within a return which separately identify and classify:

(a) total amounts received; and
(b) individual gifts received which exceed the threshold amount; and
(c) a total aggregate figure of gifts received which are below the threshold amount; and
(d) total public funding received.

This amendment seeks to improve the disclosure which is already provided for in the regulations. I should indicate that we regard this as an important integrity and clarity amendment because it allows for the existing return, which is provided for in existing law, to be better expressed in regulations and to be more clear in the understanding of the returns as presented. This is a fairly minor change, but we think it is a very useful and a fairly important advance on the way in which returns are presented. I hope the government will consider this favourably.

Question negatived.

Senator Murray—Mr Temporary Chairman, my apologies. I did not hear all the voices. Did Labor say no on that one?

Senator Carr—We are supporting your amendment.

Senator Murray—Thank you.

Senator MURRAY (Western Australia) (10.59 pm)—The Democrats oppose schedule 4 in the following terms:

(13) Schedule 4, item 4, page 52 (lines 13 and 14), TO BE OPPOSED.

This amendment opposes the increase of the tax deductible threshold. We regard the present threshold as sufficient. Until such time as a principle is applied to all not-for-profit entities on the same basis and with better justification than the government has advanced, we believe that this policy is not warranted.

Senator Bob Brown—The Greens support this.

The TEMPORARY CHAIRMAN (Senator Barnett)—The question is that schedule 4, item 4, stand as printed.

Question agreed to.

Senator FIELDING (Victoria—Leader of the Family First Party) (10.59 pm)—I am just watching the clock and think it is—

The TEMPORARY CHAIRMAN—Senator Fielding, we have options.

Senator FIELDING—The Family First Party opposes schedule 4 in the following terms:

(1) Schedule 4, page 48 (line 2) to page 55 (line 5), TO BE OPPOSED.

The TEMPORARY CHAIRMAN—Do you wish to speak to this?

Senator FIELDING—I am just conscious of the time. It is 11 o’clock.

The TEMPORARY CHAIRMAN—if you do not wish to speak on that, we can put the question.

Senator FIELDING—I would like to speak on it.

Progress reported.

ADJOURNMENT

The DEPUTY PRESIDENT—Order! It being 11.01 pm, I propose the question: That the Senate do now adjourn.

Mr Daryl Williams QC

Senator BRANDIS (Queensland) (11.01 pm)—Last Tuesday evening, in the course of debate on the ASIO Legislation Amendment Bill 2006, Senator Faulkner made a particularly savage and nasty attack upon the former Member for Tangney, the Hon. Daryl Williams QC. Mr Williams was the Attorney-
General at the time when significant amendments to the ASIO Act were passed in 2002 to deal with the greater threat of domestic terrorism which was perceived to exist as a result of the terrorist attacks in New York and Washington on 11 September 2001. Those amendments, as Senator Faulkner rightly said, were controversial at the time. They were controversial both across party lines and within the government parties themselves.

As a new backbencher, I took an active role in that controversy within the Attorney-General’s backbench committee, so I can speak with personal knowledge of Mr Williams’s handling of the matter. In the end, the government parties agreed on a final draft bill, which was eventually passed by the Senate with the support of the Australian Labor Party, then led by Senator Faulkner. In debating the bill which was before the chamber last week, and which introduced further provisions relating to the questioning and detention powers of ASIO, Senator Faulkner chose to make a venomous attack upon Mr Williams, and in particular upon his role in the earlier legislation.

I want to make four points about Senator Faulkner’s attack. The first thing to say is that it was entirely gratuitous. It was completely unnecessary for the purpose of debating the bill which was before the chamber last week. I can only wonder what possessed Senator Faulkner to make such a savage attack upon the former Attorney-General for no apparent reason.

The second point I want to make is that Mr Williams has, of course, been retired from parliament for almost two years. He is a private citizen, and although as a former Attorney-General he is still, in a sense, a public figure, I would have thought that ordinary fairness and common decency demand that a retired member of parliament should not be the subject of such vicious sledging, under the cover of parliamentary privilege, as Senator Faulkner engaged in at his expense last week. In fact, it is only because Mr Williams is a private citizen that Senator Faulkner was able to get away with it: had Mr Williams still been a member of parliament, Senator Faulkner’s tirade would have been plainly in breach of standing order 193(3). So Senator Faulkner used, about a private citizen, words which he would not have been permitted to use against another parliamentarian. Yet I think all of us would agree that, by the ethics of this place, other politicians are fair game but private citizens who are no longer engaged in politics ordinarily are not.

Senator Faulkner had plenty of opportunities to attack Mr Williams when he was still in parliament, and he did not miss them. Indeed, if one searches the Hansard record, it seems as if Senator Faulkner has an almost morbid obsession with Mr Daryl Williams. He attacked him in this chamber on 10 March 1998. He attacked him again, in connection with the antiterrorism legislation, on 25 June 2002—and not merely on the merits of the legislation but in the most insulting personal terms which I will not repeat. He attacked him once again in offensive personal terms on 12 December 2002, again on 12 June 2003, and again on 4 March 2004, when he made a remark that he was required to withdraw by the Acting Deputy President, Senator McLucas.

Each of these attacks, although in the context of debate on legislation, was characterised by gratuitous, personally offensive and undignified remarks. So it is not as if Senator Faulkner has not had plenty of opportunities to vent his opinions about Mr Williams. He did so repeatedly, almost obsessively, when Mr Williams was in parliament and was fair game. But Mr Williams is not in parliament now, and he has not been an active participant in politics since he retired from parlia-
ment. He is not the holder of any public appointments which might otherwise bring him within the proper scope of parliamentary criticism, as has been the case with other retired ministers from both sides of politics. He has been an uncontroversial private citizen, practising his profession after having devoted almost 12 years, of what would otherwise have been the most productive and lucrative years of his professional career, to the service of the Australian people.

That brings me to the third of the observations I want to make about Mr Daryl Williams, and why Senator Faulkner’s spiteful personal attack on him was just so unfair. I think most people in this place would recognise instinctively that there are some political figures who will always be fair game, even after they have left parliament. In particular, this will be the case with those who, when they were in parliament, were tough, bruising, perhaps divisive politicians who sought no quarter and gave none. I do not intend to mention any particular individual, but we can all think of examples. Perhaps Senator Faulkner himself is such a person—indeed, I daresay he would be flattered to be thought so.

But almost the very last person you can imagine as someone who would for that reason be fair game for attack after their political days were over is Mr Daryl Williams QC. Indeed, the one criticism which was sometimes heard of Mr Williams when he was in parliament—a good-natured criticism, to be sure—was that his political days never began. Sometimes, government members despaired of Mr Daryl Williams that he was just not political enough, that he was a barrister who became a member of parliament but never became a politician. In fact, I do not think Mr Williams would be particularly displeased to be remembered in that way. He embraced a view of the role of the Attorney-General which now seems almost quaint: as a person who, in virtue of his position as the first law officer of the Crown, stands a little apart from partisan politics, a little aloof from the everyday cut and thrust.

As everyone who knew him in this place would unhesitatingly aver, Mr Williams was quietly spoken, unfailingly polite, extremely careful and never given to extravagance, either of language or of conduct—hence his ironical nickname within government circles of ‘Rowdy’. Those of us who knew him in parliament knew him to be the perfect gentleman. How such a quiet, cerebral, gentle soul could provoke the immoderate, vulgar, offensive, churlish, angry language in which Senator Faulkner indulged last Tuesday utterly mystifies me.

Let me make one last point. In his speech last week, Senator Faulkner made an attack upon Mr Williams’s professional competence, in particular in his handling of the ASIO legislation. Allow me to say as one who dealt with Mr Williams at the time, not merely about the policy of the legislation but in detail about the drafting of many clauses of the bill, that that criticism is absolute rubbish. Mr Williams engaged in lengthy dialogue about the minutiae, with all of the command of detail and technical skill which one would have expected of a lawyer of his seniority and which would have been matched by few, if any, other ministers.

When Mr Williams came to this parliament in 1993 he had already risen to the top of his profession, having been appointed a Queen’s Counsel some 11 years earlier at the relatively young age of 39. He had had and has since resumed a successful career at the bar. The esteem in which his peers held him was such that he was elected as the national president of his professional association, the Law Council of Australia, in 1986 and was subsequently made a Member of the Order of Australia for his service to the community.
When he was the Attorney-General he revived the practice which had fallen into desuetude of leading for the Commonwealth in important constitutional cases in the High Court. In short, Mr Williams’s career was one of uninterrupted distinction which anyone here might rightly envy and which very few could hope to rival.

I might add that Senator Faulkner also did not scruple to make the most patronising, offensive and sexist remarks about Mr Williams’s staff, who are not fair game either and who, to my own knowledge of many of them, were exceptionally talented young lawyers—in most cases recruited from the top-tier law firms in Melbourne and Sydney—and had, like Mr Williams, chosen to deviate from lucrative professional careers to spend a period of years in public service.

As many honourable senators know, I actually like Senator Faulkner. In particular, I respect and share his deep sense of history. I have enjoyed our many exchanges in this chamber and in Senate committees and have never felt bruised by them. I know Senator Faulkner to be a champion of this place, its standards, traditions and processes. But I cannot help saying that Senator Faulkner has seriously let himself down and let the best standards of the Senate down by this very indecent attack upon a gentleman who, it must be said, has made a much greater contribution to Australia than he has done and whose public conduct has never given cause for offence.

Mr David Hicks

Mr Des Colquhoun

Senator STOTT DESPOJA (South Australia) (11.11 pm)—I rise tonight to bring to the chamber’s attention the ongoing situation of David Hicks, who is detained in Guantanamo Bay as an enemy combatant. He has been there for more than four years under what can only be described as cruel conditions at that US military detention facility. I want to record my and my party’s ongoing concerns with the conditions under which David Hicks is detained and our concerns over the way that the US authorities seem to be preventing—allegedly—the British Foreign Office from directly contacting David Hicks to ensure that he is granted British citizenship.

A US military commission, a commission which has little credibility among international jurists, has charged Hicks with conspiracy to attack civilians, attempted murder and aiding the enemy while being an unprivileged belligerent. US Defense Secretary Donald Rumsfeld has said Hicks is ‘among the most dangerous, best-trained, vicious killers on the face of the earth’.

But things are changing. Evidence is mounting against the Bush administration’s tough line on Guantanamo detainees, and that includes David Hicks, Australian citizen. The US President, George W Bush, has admitted—only recently, I might add—that he would like to close Guantanamo Bay, saying: I’d like to close Guantanamo, but I also recognize that we’re holding some people there that are darn dangerous and that we better have a plan to deal with them in the courts.

What the President failed to say was that the remaining detainees would be treated within the normal course of American jurisprudence. There was no mention of the President scrapping the flawed military commission process he instigated. But he did recognise—rather surprisingly, I might add, and I am glad to say—that Guantanamo is viewed by some countries as a glaring example of America not living up to its human rights principles. This admission stops short of reversing the injustices that continue to be perpetrated against David Hicks and the rest of the Guantanamo detainees.
As for our government’s response and approach to South Australian citizen David Hicks, I feel that our government has abandoned this man. The Australian government does not seem to be doing anything to prevent David Hicks from standing before the military commission process. Prime Minister John Howard has stated that his preferred option is for US authorities to expedite the military commission process to ensure that it occurs as soon as possible. Even if a military commission were to prove David Hicks innocent of any wrongdoing, he would still have to prove his innocence against the charge of being a so-called enemy combatant. The absurdity of preventing David Hicks from having an open and fair trial in a civilian US court is made all the more acute when one considers some of the evidence emerging about the guilt and innocence of Hicks and other Guantanamo detainees.

A recent report by US attorneys Mark and Joshua Denbeaux, released in April this year, argued that 55 per cent of detainees are determined not to have committed any hostile acts against the US or coalition allies during the war to oust the Taliban in 2001. Of the remainder, only eight per cent were deemed hardcore al-Qaeda fighters while the rest have no definitive connection to either al-Qaeda or the Taliban. What makes the Denbeaux report so compelling is that the information has come from the Pentagon’s own assessments of the Guantanamo detainee profiles. What this report suggests is that most of the detainees could be safely released with the reasonable expectation that they would pose no threat to either US or allied interests. Moreover, even for those who are being questioned or held on suspicion of being hardcore al-Qaeda fighters and possible future terrorist risks upon their release, there is still no compelling argument as to why US civilian courts cannot be trusted to make a final determination on their guilt or innocence.

Of the eight per cent who have some direct connection to al-Qaeda, we need to know how the US authorities have come to their conclusions. American historian Professor Alfred W McCoy from the University of Wisconsin—I believe he has done a number of interviews recently—has stated that the questioning procedures used by the US authorities to extract information from detainees in Guantanamo Bay and generally are less than humane. McCoy argues:

Guantanamo is not a conventional military prison. It’s an ad hoc laboratory for the perfection of the CIA psychological torture.

McCoy goes on to describe the long history of the use of psychological techniques by the CIA. McCoy himself suggests that David Hicks may very well have been subject to such techniques and have been psychologically damaged, when citing Joshua Dratel’s first meeting with David Hicks—Joshua Dratel being David Hicks’s US civilian attorney. Here, McCoy says that Dratel’s observation was that David:

... was in a severely damaged and stressed psychological state, obsessed with himself, unable to grasp reality and unable to focus on the real issues in this case.

The triple suicide at Guantanamo Bay on the weekend—and I will not go into the US authorities’ response to that, calling it an act of war or a PR exercise—says to us that we need to question the treatment and the ongoing detention of these detainees. I am not suggesting that people should not be detained and charged—but indefinitely held? This is extraordinary. Should they be subject to a flawed commission process—one that has been attacked by bodies from the UN through to international jurists to Lord Goldsmith, the UK Attorney-General, to the heads of nations, be it Denmark most recently and many others? Why is Australia a cheerleader
for the military commission process? The Pentagon is the sole arbiter of evidence and, up until recently, evidence obtained by torture could be used. We have to look into these issues.

I am aware that the Minister for Foreign Affairs has said that an Australian consular official has recently visited David Hicks and said that he is ‘fit and well’, although he has complained about a persistent back problem. I am afraid that this is at odds with evidence from Major Michael Mori, who, as we know, is David’s US military attorney. He says that David is suffering from poor health, depression and weight loss. So there are elements of this case that are very disturbing. We are not talking about prisoners of war. We are not talking about the Geneva conventions. We are talking about the complete abrogation of international humanitarian law, or what we know of it. We are talking about ‘illegal combatants’—a terminology that has been employed in order to deal with these detainees.

I do not suggest for a moment that we are talking about not fighting a war on terrorism or al-Qaeda or bringing people to justice for the horror that was September 11. But, for goodness sake, why are we allowing the erosion of the rule of law and all of those things that we fight for when we talk about fighting for democracy and fighting against terrorism? We are sacrificing all those things that make us decent, democratic, civilised and human, and I think the plight of David Hicks is one that we have to start paying attention to. He is an Australian man. He is a citizen. He has been charged, but he will never get a fair trial under the military commission process. I urge our government in these next few days and weeks to support the British Foreign Office and its initiative to grant British citizenship to David Hicks in order to help expedite his repatriation or his release from Guantanamo Bay.

In the time remaining tonight, I want to reflect on the death of one of South Australia’s greats—a great journalist, Des Colquhoun, a former editor in chief and general manager of the Advertiser and a daily columnist for a long period of time. He was much more than a journalist. Certainly he wrote much more than journalism by today’s understanding of the word, although by the standards of his day he was proud to be called just a journalist. He represented for his readers—and they were peculiarly South Australian sorts of readers—a view of the world that was kinder, more tolerant and loving than any other writer of his time.

At the same time, he could be astringent and unsentimental. He confronted bigots and those who wanted him to censor, censure and condemn with a hugely expansive, ‘Fer God’s sake!’ and a torrent of lovely words that reminded even the worst of them that life is for living, enjoyment, embracing and dancing. Words can do that. Words do not only summon us to duty and action. Des’s words were about feelings and not denying them. Puritans hated him, but they were the only ones who did—and even they weakened before his dionysian charm. He once said that he wanted to write a pop song. That sounds pretty ordinary, but what he meant was that he wanted to write a song that would reach everyone and touch their hearts about the beauty he saw in life and love and wine and friendship.

He squeezed uncomfortably into a newspaper executive role for years because stupid people thought he was so clever he could make money for them. But he fled that cage and became a columnist, day after day speaking with ordinary people over their muesli, as he imagined it, urging them away from tight conventional views, urging them to spread their wings and take a kinder, jollier point of view. That was when newspapers could allow a voice like Des’s to be
heard—when they could tolerate his wild song. (Extension of time granted) He was a good, funny and clever man. There are many people who miss him dearly. For me he was a beloved godfather, or ‘The Godfather’ as he called himself. I wish tonight to put on record my love and condolences to his family, especially to Merely and Lachlan. Tonight South Australia has lost a great man.

Burrup Peninsula Rock Art

Senator EGGLESTON (Western Australia) (11.22 pm)—Tonight I would like to say a little about the Burrup rock art: the petroglyphs on the Burrup Peninsula. The Burrup Peninsula has been described as ‘the world’s largest art gallery’. This description applies to the petroglyphs found there. Tomorrow a forum will be held here in Parliament House that follows a forum on the Burrup petroglyphs, or rock art and carvings, that was held in the State Library Theatre in the Alexander Library building in Perth on 5 May and sponsored by the National Trust.

I was first shown these rock carvings by the well-known naturalist Harry Butler in the early 1990s when, after a meeting of the board of the Pilbara Development Commission, which he then chaired, Mr Butler took me down to the Burrup Peninsula from Karratha. We went on a track behind the Woodside gas plant and walked to a rocky area where there were thousands of rock carvings. I was astounded because I had no idea the rock carvings were there. They are obviously very ancient, and it turns out they are very important in terms of the archaeology of Australia.

The point about the nearness of the industrial sites of the Burrup Peninsula is that it is considered that the effluence from the gas plants may endanger the future of the petroglyphs. For that reason there is now great concern to preserve them. As I said, there are thousands of rock carvings and engravings on the Burrup Peninsula. In fact, there are thought to be in excess of 10,000, with more than 500 sites having been recorded. Some authorities believe that some sites may represent human activity over 27,000 years ago. So they are very old indeed.

The Burrup Peninsula is called the Murujuga by the local Indigenous population. They regard it as being of significant spiritual value. According to Wilfred Hicks, who is a Wong-Goo-Tt-Oo elder and who, as it happens, I also knew when I lived in the Pilbara: ‘The ancient rock carvings were put there by our ancestors and they carry a message that ties us to our land and calls out for us to protect it.’ It is very interesting that these ancient carvings exist in WA. It is considered that Australia was one of the last continents to be inhabited by humans. This is believed to have occurred between 40,000 and 60,000 years ago. It is also thought by many that the Dampier rock art precinct may have been settled very early in the settlement of Australia. There is certainly evidence from the surrounding sites in the hinterland and on the Montebello Islands, which were originally part of the mainland and which became famous during the 1950s as the site of the first British atomic test, that this area was inhabited at least 27,000 years ago. There is also evidence of trade being conducted in this period by people living in this area. One must wonder if that was conducted with people from what is now Indonesia.

The carvings that are the cultural landscape on the Burrup and throughout the Dampier rock art precinct may date back many thousands of years, according to the National Trust. Unfortunately, there are no techniques available at this time that can accurately date the symbols and art created by the removal of rock. Estimates of the inhabitation and cultural art range from 3,800 years ago—and this predates many of the civilisations in the Middle East—based on a carving
found beneath a shell midden, to at least 7,000 years ago, from dating of known shellfish at gatherers sites. It is generally accepted that the rock art dates back more than 6,000 years, and it is probably much older.

The engravings on the Dampier Peninsula are mainly on granophyre rocks, although other types of rock are carved. They depict a range of motifs of spiritual beings, humanoids, fish, birds and mammals, including some species which are known to be extinct, like the Tasmanian tiger, which might be of interest to you, Mr President. The scenes are considered to be more complex and animated than any other engravings of a similar kind in Australia, and perhaps in the world. There are many styles of engravings, with a number of different methods of application, giving rise to the view that there were different periods of formation. There are many and varied views on the number of styles and genres of these motifs, but until a quantitative evaluation and inventory of the precinct is carried out we will not grasp the full extent of these variations.

There is no doubt that the Dampier rock art precinct is remarkable in terms of the ancient archaeology of the world. It has been said that the art and Indigenous heritage of the Burrup is significant on a number of levels. It is significant to its local Aboriginal guardians, who have inherited responsibility for maintaining the mythological and ritual traditions of the terrain now called Burrup or, as they know it, Murujuga. Also, it is significant to the local community in Karratha and Dampier who take pride in the landscape and heritage of their region and respect the enormous labour and artistic achievement represented by the activities of their Indigenous predecessors on the Burrup. The actual and potential tourist industry which can be generated from the petroglyphs will continue to be important to the long-term economy of the region long after it is thought the gas reserves in the area are exhausted.

To Western Australia, which takes pride in the Pilbara landscapes and heritage, and particularly in this unique concentration of early art, including many unparalleled and outstanding examples of rock art, the Burrup petroglyphs are regarded as one of Western Australia’s greatest treasures. To Australia and Australian archaeology, the first-footers on the Australian continent would, if they came by the shortest sea crossings, have entered the continent from the north-west. All potential evidence, including art evidence, of when they entered the continent needs to be carefully guarded and investigated. Some components of Burrup art may have a date going back 30,000 years. Others may be older still. If so, they may comprise some of the earliest evidence of the first people to colonise this continent and evidence of the range of their economic, social and ritual—including artistic—activities. Many people think that the evidence must be conserved so that it can be unambiguously dated when agreed and validated methods become available.

The major world significance of Australian prehistoric archaeology lies in its role in elucidating the spread of modern man over the face of the globe. We already know that people had reached Australia using watercraft by around 60,000 years ago—that is, before we have evidence that our own modern type of man, homo sapiens, had established himself in Europe. The routes to Australia which would have involved the shortest sea crossing lead to our north-west shores. We need to know when people arrived and to get a picture of the subsistence patterns and symbolic capacities of our first-footers. For these reasons, many people believe that it is extremely important that the petroglyphs of the Burrup are preserved. Professor Tang Huisheng, of China, said:
Please take urgent measures to save this irreplaceable rock art corpus which is not only important to Australia but also to the world.

I could quote other international experts. These petroglyphs are very important, and I urge people to come to this forum tomorrow. (Time expired)

**World Refugee Day**

**Senator HURLEY** (South Australia) (11.32 pm)—Today is World Refugee Day. Every year on 20 June the UNHCR recognises the plight of refugees through this day and highlights to the global community the tragic and often barbaric circumstances which lead to a person becoming a refugee. Events such as civil wars, ethnic persecution and religious violence have resulted in the UNHCR estimating there are 20.8 million refugees worldwide. Sadly, on this exact day one year ago, that number was approximately 17 million people. There has been an increase, therefore, of over three million people.

International law states that refugees are people who are unable or unwilling to return to their countries because of a well-founded fear of persecution based on their race, religion, nationality, political opinion or social group. Refugees are not illegal immigrants, as many in this place and outside would have us believe, and they are definitely not immigrants who have simply chosen to seek residence in a country of their choice in order to improve their life. The criteria for determining refugees are firm and strict, and Australia is a signatory to the conventions around those criteria. The simple fact is that some refugees have seen and experienced events that none of us here will ever be able to comprehend. They have been persecuted, abused, tortured and forced to be soldiers during their childhood. They have witnessed the killing of family members and neighbours, as well as having other awful atrocities, such as rape, forced upon them.

Australia has chosen to take in another group of immigrants—skilled migrants. It is fortunate that this country is able to attract highly educated and talented people to assist us in our need for highly skilled people and our need for population. It is our privilege to take such skilled migrants, and many people wish to come to our country. But it is also our duty as a prosperous and compassionate country to provide refuge to those who need it most. Australia has done that now and in the past. Those refugees and their family groups have been shown to have contributed strongly to this country, from the new Australians who came in the 1950s to the Vietnamese, the Cambodians and other Asian refugees who came to us 30 years ago. Hopefully, we will continue to take refugees for as long as there are refugees. The sad truth seems to be that there will always be refugees throughout the world.

Other countries also take their share and under very difficult circumstances. Australia is an island a long distance away from those countries. There are countries in Europe and other parts of the world where it is relatively easy for refugees to seek refuge. Many countries have millions of people on their borders seeking to come in. In these circumstances we should be embarrassed at the government’s response to a few West Papuans who seek to come to our country. The proposal is that they be processed offshore and then go to a third country of refuge. The Prime Minister of Papua New Guinea, Sir Michael Somare, was quoted recently in the *Papua New Guinea Post-Courier* as saying:

When they—the West Papuans, that is—go to Australian soil, it’s Australia’s responsibility to deal with them. We don’t set up places where we process refugees who come to our country.
In other words, he is saying that Australia has a responsibility to deal with its own refugees and it is not the responsibility of Papua New Guinea or any other country to take them. Statements like this add another layer of shame to our country as the world now sees that our poorer neighbours are adhering to their global responsibilities yet we seek to evade them.

It is important to note on a day such as this our responsibility to those refugees that the government does choose to accept in accordance with the United Nations convention. Responsibility does not end on their arrival. We in this country make a long-term commitment to them so that they can settle with dignity and then begin contributing to Australian society in the way in which they wish to. The settlement services provided under the International Humanitarian Settlement Service are better in many, if not most, areas than they were for the refugees in the fifties and even for those from Asia 30 years ago. However, there is a lot of room for improvement. The main aspect which needs to be reassessed is the IHSS contract itself. The fact that it is designed around providing a minimum standard is a major failing of this government because the initial settlement period is crucial for new arrivals and to cut corners is a mistake.

Once refugees exit the IHSS program, usually after six months, they still require assistance of a less intensive nature. Migrant resource centres and other migrant resource services, such as the Australian Refugee Association in my own state of South Australia, are crucial in this aspect. They offer assistance ranging from healthy cooking classes to African women’s groups to homework clubs for children needing extra support. Programs such as these, as well as countless others which are offered, alleviate pressure on existing government services and this helps all Australians.

This brings me to my final point and one which relates to today being World Refugee Day. Many of our most recent Australian citizens are from refugee backgrounds and they and their children strive to be upstanding citizens of Australia. They want to work, learn English and contribute in general. Like many of us, they need assistance in areas such as job seeking, schooling and child care, and it is the government’s obligation to provide this assistance. But we have seen more funding cuts in this area. The most recent slashing of funding occurred in Western Australia, where the Ethnic Child Care Resource Unit had its budget slashed from $340,000 to $190,000 a year. Child-care workers and ECCRU provide excellent bilingual support and care for children from non-English-speaking backgrounds. The services provided by ECCRU and other such organisations prepare Aussie kids from migrant backgrounds, many of whom are former refugees, for the rigours of mainstream schooling. By cutting funds, the Howard government will create greater demands on our schools and staff and this will affect all Australian children in the long run due to the strain placed on this service.

It is not just me who feels this way. I have almost 2,000 petition signatures addressed to Minister Brough from people expressing their concern about the impact that this funding cut will have on the ECCRU. They are requesting the minister to review it due to the potential damage to all child-care users. The petitioners, as described in the covering letter, are very concerned about the funding allocation that has been made for the bicultural support pool in the state of Western Australia. The signatures are from a great diversity of people including child-care centres, family day care schemes, ethnic community associations, ethnic members and workers of our community and other concerned community members. They wish to
reiterate that the reduced funding for the service delivery and training of the bicultural support workers is considered totally inadequate for the delivery of quality bicultural support services. I feel it is very appropriate on World Refugee Day to seek leave to table these petitions as documents here today as they are not in accordance with standing orders for presenting petitions. I seek leave to table the petitions.

Leave granted.

Westpoint

Senator WATSON (Tasmania) (11.42 pm)—Mr President, you will be aware that I have had cause to speak about the Westpoint disaster on several occasions in this chamber and to make use of the estimates committee process in an attempt to get to the bottom of this terrible debacle. The recent decision of the Court of Appeal of the Western Australian Supreme Court in ruling that promissory notes issued by Westpoint’s Emu Brewery were not debentures under the control of the Corporations Act 2001 has highlighted the need for immediate—and I emphasise ‘immediate’—legislative action and clarification of the law where public capital raising activities to retail investors are conducted. I note that paragraph (d) of the definition of debenture in section 9 of the Corporations Act does not include ‘an undertaking to pay money under a promissory note that has a face value of at least $50,000’. Clearly, this definition needs to be amended urgently and the threshold brought into line with the current regime of regulation under the Corporations Act for capital raising activities directed at retail investors.

While ASIC has been criticised for not taking action to shut down the Westpoint schemes following the 2004 decision of the West Australian Supreme Court, it does not remove the need for government to ensure that, where funds are raised from the retail investing public, appropriate protections are always in place. As indicated in the 2004 decision of the West Australian Supreme Court, the legislative intention of paragraphs (a) to (f) of the definition of debenture in section 9 of the Corporations Act is:

... to exclude banking and other commercial transactions involving dealings in debt of a sort for which the protective provisions in Chapter 6D—

and they require the disclosure documents—

and Chapter 2L—

requiring a trust deed and a trustee—

are not required.


While the government has made huge advances in ensuring that Australian laws both facilitate business activity and ensure that retail investors are appropriately protected, the exclusion at paragraph (d) of the definition of debenture in section 9 of the Corporations Act appears to be one of those pockets missed in the modernising of our laws. I note that this matter was raised with ASIC in 2002 by the Western Australian government expressing its concerns about the apparent gap in the Corporations Act in relation to promissory notes. What did ASIC do about this information? Who did they pass it on to?

The decision of the Court of Appeal further highlights the need for legislative action to ensure that there are appropriate protections for retail investors. The obvious answer is to bring them within the scope of the law. I note that KPMG, the chartered accountants, has stated that it never approved any of the so-called ‘research house documents’ which allegedly provided a positive financial assessment of Westpoint. I also note that in 2004 KPMG, after extensive and appropriate audit work, issued unqualified audit reports but—and here is the rub—ensured that for
relevant companies, the notes to the accounts properly disclosed going concern issues in respect of those things. Where was ASIC in relation to those concerns raised by the auditors? I think ASIC should have picked up on this—they were asleep at the wheel—whether or not they were strictly required to.

I would like to bring to the attention of the Senate the fact that over the past six months I have been contacted by dozens and dozens of concerned citizens from all over the country, most of whom have been badly hurt in some way by the Westpoint fiasco. But nobody seems to bother. Nobody seems to be concerned. It is my responsibility as a senator to make public excerpts from some of these letters that I have received. One reads:

I am a single woman aged 63 and have lost 40% ($160,000) of my retirement savings as a result of my (now previous) financial adviser putting me into two of the Westpoint companies. As a consequence I am selling my home in order to down-grade and free up some money for income.

How terrible—aged 63. Another person invested in Westpoint on the advice of their adviser, only to have their adviser abandon them seven months before the collapse of the Westpoint scheme. The adviser just walked away—no responsibility, no action taken. Nobody seems concerned. Another writes:

I was bitten by Westpoint for $160,000, through a financial planner in Adelaide who I later found out was not licensed. Obviously he was driven by the high commission he received from Westpoint. He recommended I use the equity in my family home—

How tragic—

and said the investment was safe and capital guaranteed. I would never have invested in anything that was not guaranteed.

What did this person do? The letter goes on:

I also rang ASIC in August 2005 to find out if it was a good investment before I signed.

And here is the tragedy—the irresponsibility of that organisation that we put our trust in. According to this letter writer:

Their response was that they could not comment either way. Being a pensioner I have no way of making this money back and face losing my home in the near future.

ASIC could not comment either way. They did not know. They were not prepared to say. They sat on the fence and allowed people to lose savings of that nature. I will read one more personal account:

We worked hard all our lives. We saved and sacrificed and bingo, our first experience with the financial industry and we lost big time. My husband was near nervous breakdown and is still on medication. I have had to take over everything. The effect on our physical and mental health will leave permanent and damaging side effects. We will never make our $400,000 again.

When the government encouraged Self-Managed Super Funds, I believed the Financial Industry had been tidied up and regulated. I thought there were safeguards put in place for our protection. There are more sharks out there now after our superannuations than ever before. It is big business. My advice to everyone we meet is to leave your money in the bank or under the mattress.

I cannot believe that our SMSF and financial advisor (who later changed her title to ‘product advisor’) was at times (unbeknownst to us) selling products while she was uninsured and unregulated and unattached to any licensed financial industry firm. She encouraged us to further invest in Bayshore on the 7th of November 2005, two weeks before Westpoint collapsed. She had been fired by her employer nearly two months previous, and as far as we know did not work for any financial institution when she sold us Westpoint products.

She knew other clients of hers could not get their money out of Westpoint since March 2005, but in November 2005 encouraged us to further invest another $100,000 and did not warn us. I reported her to ASIC, but she has since been able
to obtain a new financial advisors licence and has set herself up in business again.

How pathetic! No checking! These are but a few examples that display the absolutely abhorrent nature of the Westpoint scheme, and I hope they go some way towards outlining the damage it has done to real people whose lives are now devastated.

I spoke on the evening of 9 March in this place about the decline in values in Australian society, and I point to these examples as a vindication of those statements. That people posing as financial advisers can so cynically lie to people, knowing they are giving their clients’ retirement savings away for a commission, is a dreadful indictment of Australian society, and ought to be stopped. I urge ASIC to take immediate action against these so-called unlicensed advisors. I ask: what were the great numbers of lawyers in ASIC doing to protect the people? The situation is not good enough. It is neglect of duty. (Time expired)

Community Affairs References Committee Report: Petrol Sniffing

Senator MOORE (Queensland) (11.52 pm)—I acknowledge the contribution by Senator Hurley on World Refugee Day. We do need to acknowledge such days and remember the plight of refugees in the world.

I want to say a few words this evening about the Senate Community Affairs References Committee report that was brought down today in this chamber—Beyond petrol sniffing: renewing hope for Indigenous communities. I understand that it will be one of the last references committee reports to be handed down, but it is one that we can learn from. I hope we can fulfil the trust of the people who made contributions to our committee and who made us feel so welcome while we were gathering evidence.

I want to say a few words this evening about the group who came today to share the tabling of the report. They came under the auspices of an organisation called CAYLUS, the Central Australian Youth Link-up Service. I was privileged to meet with the CAYLUS people in person when the committee took evidence in Alice Springs, but I had met Blair McFarland several months earlier on ABC radio. Very soon after the terms of reference for our committee were announced, ABC Central Australia conducted a phone interview with me, Mr McFarland and some other people who were interested in the issue of petrol sniffing.

The impact of petrol sniffing on Indigenous communities has been an ongoing pain for the people of Central Australia. Their radio station—their ABC—took this very seriously. They decided to have an open discussion raising awareness about our committee. Mr McFarland was on the program as an expert in the field. It was a joy to hear his enthusiasm, his passion and his commitment to the issue of the pain of his community, and also his overwhelming frustration that we were unable to cut through and put an end to that pain. The CAYLUS mission statement says:

The CAYLUS mission is to address substance abuse by young people through supporting community in initiatives for young people.

The history of CAYLUS on its website goes back to the 1970s. It talks about previous activities which were operational in the area. It talks about working directly with the community to raise awareness and to help young people, and about having diversionary programs using things that can engage the community so that there is no need to sniff petrol.

CAYLUS was involved in the Healthy Aboriginal Lifestyle Team program, HALT, which ran for a period of time in the 1980s. As the CAYLUS website says, the program’s model was to work with remote communities.
to support Aboriginal initiatives dealing with petrol abuse. It was one of the first programs to actively involve young people in Indigenous art. That model has been used elsewhere in other addiction programs.

Remember that I am talking about something that happened in the eighties. Here we are in 2006 searching for programs that can be put in place to support particularly young people who are caught up in the horrors of petrol sniffing. We had the HALT program in the 1980s. There was a lot of positive feedback about that program and, if it had been effectively funded and in place, we may have saved many young people and many lives in that period.

There was another attempt in the 1990s with a program called Petrol Link-up. It worked on similar community involvement. It worked with the introduction of the avgas program. The avgas program has provided a lot of the models on which we are basing the roll-out of Opal fuel, which is one of the great successes of recent times. The Senate Community Affairs References Committee was looking very seriously at the issue of Opal in the communities.

When our report was being handed down today we were able to look up at the public gallery and see some of the people who gave evidence to the committee and shared their lives with us while we were developing the report. That makes that very important personal link. I made a promise to them that I would name them in Hansard so that their contributions would be retained in our history. I hope I get all their names right—I am going to give it a go.

We were joined this afternoon by Ms Larissa Granites, a Warlpiri woman. She is part of the Mount Theo project, which the committee visited. It has received great public acclaim for its work, which uses the outstation model to have young people working very closely with elders. Those elders have great commitment to them and they work with them to take them away from petrol. Ms Granites was a petrol sniffer. She told us her story. She is a wonderful young woman with a delightful sense of humour, and it was a pleasure to spend time with her and to hear about what she and her community are doing to pass on about her experiences to the next generation.

Larissa was joined by her partner, Mr Louis Watson. I do not know whether it was a pleasure or not, Senator Crossin, but Louis drove us back from Mount Theo to Yuendumu late in the day. They were truly amazing roads that we went across. I was very pleased that he was driving and not me. Louis is a youth worker in his community. He has been very active in the night patrol activities that have been trialled at Yuendumu. We heard a lot about the effect of night patrols and how they keep the community safe. We think the Yuendumu patrol is one that we can learn from, and we hope that those models can be placed elsewhere.

We were also very privileged to have here with us for the last couple of days Mr Lance Macdonald. He is the chairperson of the Papunya Council. He is a Loritja man, with a great deal of personal dedication and commitment to his community. This afternoon he was doing media commentary—and it is not easy for anyone to face the media and talk about their community—and Mr Macdonald was able to talk very confidently about the hope he has for his community at Papunya, where there has been some success. There are very few, if any, sniffers in that community at the moment because of a great deal of community work, particularly using involvement in sport. We cannot allow that to fold back. Mr Macdonald, showing his personal leadership, will be working with his community so that it will not fall back into those horrors.
Ms Gwen Brown, a Warlpiri woman who is the Aboriginal Community Police Officer in her home community of Ali Curung, is a strong elder, and she also joined us in the gallery today. She works with both sets of laws—her own traditional laws and those we know with modern policing. She was the head of the night patrol in her community and she has worked extensively on the issues of domestic violence and grog related programs. Again, she is a strong woman and a strong leader in her community.

Ms Brown was joined by Ms Savannah Long, another Warlpiri elder, who is the current team leader of the Ali Curung night patrol. She and Gwen have worked very closely together for about eight years to establish this link in their community, taking back their community and making it safe so that women, young people and their men can look with hope to their futures and not be caught in that horrible spiral of fear and violence that so works against people having a sense of belonging or a future.

Mr Brett Badger is a Mount Theo youth worker. He was with us when we visited that area. His excitement and commitment were inspirational for all of us. He is very involved in the next step. You actually have young people engaged in their community, but you have to move forward and establish youth development programs as well. His master’s thesis was on Opal fuel. That is the kind of personal research that we must all have, so we can develop more effectively across the whole of Indigenous communities and so we can learn, achieve and regain hope.

Mr Tristan Ray, who works with CAYLUS, has worked in community development in remote central Australian communities for seven years. He was a long-term worker at Yuendumu, and I am not even going to try to pronounce the name of the community radio station. I am sure that Senator Crossin can do it, but I am not going to try. Of course there is also Mr Blair McFarland, whose commitment and passion must be the model for all of us to continue working in this field. He has worked in the area for over 20 years and has a wealth of personal experience, knowledge of models, respect from the Indigenous communities and dedication to continue the work. As we all said, as we present this report today, we hope this will be the last report on petrol sniffing in this place. I think that the experience we now have should be able to give us hope for the future and, beyond petrol sniffing, to renew hope for Indigenous communities.

Community Development Employment Projects

Senator CROSSIN (Northern Territory) (12.02 am)—I rise to talk about Indigenous employment. The Community Development Employment Program, which has been in existence for around 28 years now, has played an important part in many communities over that period. Without the CDEP, many communities would not have developed as much as they have. For example, perhaps more so at homelands or outstations—this government would want to refer to them in a degrading way as cultural museums—many projects are carried out that without the CDEP would never have happened. These have included building, setting up small stores, maintaining the water supplies, creating gardens, doing art work and much more.

Back in the initial stages, in those early years, the emphasis was more on development than getting participants job ready for proper work. The initial request to create the CDEP came from Indigenous people themselves. Long ago they had an idea that they did not actually want to get Centrelink or
welfare payments for nothing. They wanted to do some sort of volunteer work to receive those payments. Let us not forget that, as major changes are about to be made to this program. Training was still done back then in areas such as small engine maintenance to look after outboard motors, windmill or airstrip maintenance, home management skills and so on. All were practically based to teach skills needed to live in these small, very remote places.

Back in those days, though, the CDEP coordinators were often hands-on people who could do a bit of administration and a lot of practical work. Now they are administrators with little or no time for this sort of commitment. Much of this, of course, was in the days of ATSIC, when Indigenous people had a fair chance of a say in the policy and practice of programs. They had their elected voice. They had quite a large degree of control over the CDEP, which did not undergo any radical changes for many years. The result was that the CDEP became seen as a job in itself; not well paid, with no real prospects and without proper pay or conditions. This began to be highlighted when participants started asking when they could take long service leave. Suddenly, some of them looked around and realised they had been on the CDEP for 10 years, but they would not enjoy the same benefits that other people in the working nation would enjoy. In some cases they asked what payment they would get when they retired.

Over the initial years CDEP participant numbers rose only slowly. But, despite these pitfalls for participants, from 1980, when there were around 1,300 participants, to 2002, when there were over 35,000 participants, it grew fast. Now, according to estimates from DEWR, there are more than 37,000 Indigenous Australians in this country receiving CDEP payments.

In 1997 the first review was carried out—it is now known as the Spicer report—in which there was more of a push towards employment outcomes. Still under ATSIC, the Indigenous voice was able to block any such moves and defend the social, cultural and community development side of the program. The program under ATSIC remained flexible across a very wide range of communities and activities. However, with the abolition of ATSIC in 2004 the mainstreaming of the CDEP began, with DEWR getting its fingers in the pie and things starting to change dramatically. Dr Will Sanders, from the Centre for Aboriginal Economic Policy Research, wrote in an October 2004 paper titled ‘Indigenous centres in the policy margins: the CDEP scheme over 30 years’:

I will boldly predict that CDEP will not sit as comfortably and centrally in the Department of Employment and Workplace Relations (DEWR) as it did in ATSIC ... because DEWR has a strong employment and labour market focus and could lose patience and interest in the community development and income support aspects of CDEP.

How right he was only two years ago. This certainly remains a concern for CDEP organisations. There would be the temptation for any government department—and there has been, given DEWR’s record in the last 12 months—when given a new program, especially one so varied as CDEP, to try to mould it into something more easily fitted into established department practices. Certainly DEWR was showing a very rigorous employment approach.

Nobody would deny that the ideal situation would see more Indigenous people in proper jobs and better able to manage financially. The reality is that over 70 per cent of CDEP participants are in remote and very remote regions. They live in areas where the job market is very limited or in fact non-existent. Despite this, figures from CDEP 2005: a new home and new objectives for a
very old program, a seminar paper presented by Altman and Gray from the Centre for Aboriginal Economic Policy Research, show that in these areas, firstly, CDEP provides higher income than being unemployed; and, secondly, a significant number of participants work more than the regulation hours. Indeed, CDEP generated nearly 3,800 full-time jobs in very remote regions as compared to only 1,500 placed by IECs—Indigenous Employment Centres—over two years. So in very remote areas the CDEP outperforms IECs in getting people into full-time jobs.

Altman and Gray also found what those who have lived in very remote areas already know well. CDEP enables participants to have greater access to traditional activities and to attend cultural events—in other words, to keep their culture strong. Unfortunately, some of the more recent statements from the government side can only open the way for more concern—homelands being referred to as cultural museums and the idea of Indigenous culture being removed from school curricula. It looks almost as though, by hook or by crook, this government is going to go back to the old days of the assimilation policy. With no one elected voice to defend themselves against such lines of thought, Indigenous people are certainly feeling very uneasy, as we all should, under the present government.

Changes were made to CDEP in 2005, and the DEWR discussion paper at the time, released in February last year, recognised that change would need to be slow. However, we are just over a year down the track in 2006 and still more changes have been made, to be implemented at the start of July—in a little over a week. It seems that these changes are being made with insufficient consultation or time. I recognise that DEWR have held meetings around the country, but two-hour meetings do not achieve much with Indigenous people in remote areas. They have received a limited number of submissions, but these have not been overly helpful or detailed. Furthermore, there is little mention in DEWR papers of evidence based research being done or used in framing any of these changes, certainly not when it comes to remote areas.

The ATSI Social Justice Commissioner put out a fact sheet dealing with the CDEP reforms. In it he says that his office will be monitoring the moving of Indigenous people into non-CDEP jobs. Let us be very clear about this. Labor supports Indigenous people being able to move off CDEP into real jobs. But I remain yet to be convinced that the government fully understands the real conditions existing for many CDEP participants. They live in remote or very remote areas where alternative employment options are few. Of course, there are some, but if surveys count jobs such as council CEOs or accountants then filling these with Indigenous people is a long way off. Levels of literacy, numeracy and health, for example, all impinge on employment.

I am concerned that the latest changes are more about administration and governance than working on the real problems and getting Indigenous people into real work. The move to strongly encourage young people into education and training could be positive, but if it takes into account the abovementioned factors, among others, it should be resourced accordingly. Forcing CDEP participants to sign on with Job Network ignores the reality of job markets. And then, when there are real jobs in land management, marine management and so on, other government departments will not fund them and rules prevent Indigenous people from doing them. I am concerned that, while DEWR may be pursuing a rigorous employment approach, there is no overall planning or strat-
Mental Health

Senator WEBBER (Western Australia) (12.12 am)—I rise at this late hour to speak about the report recently launched by the Mental Health Council of Australia called Time for service: solving Australia’s mental health crisis. In fact, it was launched in this building earlier this month, on 7 June. This report is in response to an earlier report issued by the Mental Health Council called Not for service: experiences of injustice and despair in mental health care in Australia and also in response to the report from the Senate Select Committee on Mental Health entitled A national approach to mental health—from crisis to community.

This report does not do what the previous two did. It does not describe the problem; it actually lays out the challenge of service delivery facing us all. The report is the culmination of a lot of hard work by the board of the Mental Health Council of Australia, including the previous chair of the council, Keith Wilson, who is not only a carer of an adult sufferer of mental illness but also a former health minister in my home state of Western Australia, and the new chair of the council, Rob Knowles, who was also a compassionate Minister for Health in Victoria when it came to the delivery of mental health services.

The report defines what we all know. It says that this is a critical time for mental health in Australia and that the pending COAG meeting presents an unprecedented opportunity for Australia to at last get it right when dealing with mental health. It defines the main indicators of the crisis currently facing us in the delivery of mental health services as follows. Twenty per cent of the Australian population will experience some form of mental illness. Having 20 per cent of our population experience that has a profound effect on our entire community. Two-thirds of people with a mental illness do not receive any treatment in any 12-month period. There is an unprecedented pressure on all parts of the mental health system, particularly access to acute care beds and access blocks in hospital emergency departments.

There is an increase in homelessness among people with a mental illness, with some reports indicating that up to 85 per cent of homeless people have a mental illness. The rates of suicide for men aged less than 75 have tripled from the 1960s. Seclusion and restraint still feature—and feature quite strongly, in my view—in our mental health system. People with a mental illness are grossly overrepresented in our prisons. Depression alone accounts for six million full work days lost per year. Less than 30 per cent of people with a disability due to mental illness participate in the Australian workforce, and that Australian experience is less than half the rate for comparable OECD countries. That is the extent of the crisis that we face in service delivery.

The other crisis that we all know about in this place—and I have done my best to highlight it because I have had to deal with it in my own community—is that of the stigma associated with people suffering from mental illness. Stigma is still a huge problem in our community because, as those of us in this place should understand more than anyone else, people fear what they do not understand. Until we come up with some solutions to combat and address that stigma, people in the wider community will never understand. We need to look at some innovative community campaigns that can achieve beneficial outcomes in reducing the stigmatisation and discrimination experienced by people with mental illness and by their families.
We need to promote good mental health and prevent the development of mental illness by emphasising strategies to help people stay mentally healthy. I know there is a good campaign to do that in regional Western Australia. We need more early intervention for people with mental illnesses by raising everyone’s awareness of the symptoms and where they can go for help. We need to promote appropriate treatment of mental illness by raising awareness of the various treatment options and how well they work. That is a small synopsis of what we can do to help address the stigma.

What we as a community really need is a commitment to collective action. The report by the Senate Select Committee on Mental Health and the report handed down earlier today by the Senate Community Affairs References Committee talked about the need for a collaborative and collective approach in dealing with some of the most challenging issues facing our society. Petrol sniffing is one of those issues; the delivery of mental health services is another. But a collective approach needs to be a real collective approach. We need to avoid apportionment of blame. The federal government need to avoid the temptation of imposing what they propose to do to address the crisis in the delivery of mental health services on the states and then defining for the states what their responsibilities are. That is not a collective agreement; that is the same old territorial blame game and war by which very little, if anything, is ever achieved.

The select committee handed down a unanimous report. It contained a very good framework for action and, in my view, some innovative recommendations. The challenge is for all governments to pick up on those recommendations and implement them. In order to address that challenge, I will be in contact with the members of the select committee in the next couple of days to hand down a challenge to them. I propose that our committee should reconvene annually, on the anniversary of the handing down of our report, to review the implementation of our recommendations and issue a report card to the nation.

Senate adjourned at 12.20 am

DOCUMENTS

Tabling

The following government documents were tabled:


Australian Sports Commission—Strategic plan 2006-09.

Human Rights and Equal Opportunity Commission—Reports—

No. 33—Report of an inquiry into a complaint made by Ms Tracy Gordon of discrimination in employment on the basis of criminal record.

No. 34—Report of an inquiry into a complaint made by Mr Daniel Clark against the Minister for Foreign Affairs and Trade of a breach of his human right to freedom of expression.

No. 35—Report of an inquiry into a complaint by Mr A V of a breach of his human rights while in immigration detention.


Migration Act 1958—Section 486O—Assessment of appropriateness of detention arrangements—

Government response to the Commonwealth Ombudsman’s reports—Personal identifiers 056/06 to 066/06.
Reports by the Commonwealth Ombudsman—Personal identifiers 056/06 to 066/06.


Treaties—

Bilateral—Text, together with national interest analysis and annexures—


Multilateral—Text, together with national interest analysis and annexures—

Amendments to the Convention on the Physical Protection of Nuclear Material, done at Vienna on 8 July 2005.

Tabling

The following documents were tabled by the Clerk:

Defence Act—Determination under section 58B—Defence Determination 2006/29—Overseas conditions of service – implementation of price review.

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

40.

125.
QUESTIONS ON NOTICE

The following answers to questions were circulated:

Human Services: Consultants
(Question No. 605)

Senator Chris Evans asked the Minister representing the Minister for Human Services, upon notice, on 4 May 2005:

(1) For each financial year from 2000-01 to 2004-05 to date: (a) how many consultants were engaged by the department and/or its agencies to conduct surveys of community attitudes to departmental programs and what was the total cost; and (b) for each consultancy: (i) what was the cost, (ii) who was the consultant, and (iii) was this consultant selected by tender; if so, was the tender select or open; if not, why not.

(2) Were any of the surveys released publicly; if so, in each case, when was the material released; if not, in each case, what was the basis for not releasing the material publicly.

Senator Kemp—The Minister for Human Services has provided the following answer to the honourable senator’s question:

The Department of Human Services was established on 26 October 2004.

Core Department
(1) No.
(2) N/A.

Child Support Agency
(1) No.
(2) N/A.

CRS Australia
(1) (a) Yes.
(b) Please see page 240 of the 2004-2005 Department of Human Services Annual Report.

(2) No. The research is required in the Service Level Agreement with the funding body, Department of Employment and Workplace Relations.

Centrelink
(1) No.
(2) N/A.

Medicare Australia
(1) (a) Yes.
(b) 

<table>
<thead>
<tr>
<th>(i) Cost</th>
<th>(ii) Consultant</th>
<th>(iii) Process</th>
</tr>
</thead>
<tbody>
<tr>
<td>$105,000</td>
<td>Roy Morgan</td>
<td>Select tender – a pass request was approved to use the HIC research panel which expired 31/12/2004</td>
</tr>
<tr>
<td>$79,500</td>
<td>Wendy Bloom and Associates</td>
<td>Select tender</td>
</tr>
<tr>
<td>$109,765</td>
<td>Worthington Di Marzio</td>
<td>Select tender – a pass request was approved to use the HIC research panel which expired 31/12/2004</td>
</tr>
<tr>
<td>$54,550</td>
<td>Tall Poppies</td>
<td>Select tender</td>
</tr>
<tr>
<td>$70,000</td>
<td>Cultural Partners</td>
<td>Select tender</td>
</tr>
</tbody>
</table>

QUESTIONS ON NOTICE
(2) While Medicare Australia does not post completed research on its website or notify of its completion through other public channels such as newspaper public notices, it does make available its research to interested parties, including stakeholders and members of the public (particularly students) who may request such access.

Australian Hearing

(1) (a) Yes.
(b) All individual projects fell under the threshold requiring a formal tender process. The consultant was selected on the basis of a cost-benefit analysis. Quantum Market Research worked in collaboration with Australian Hearing’s branding agency, and had a detailed knowledge of Australian Hearing’s business, which added value to the company’s research activities and outcomes.

(2) An overview of market research conducted is mentioned in Australian Hearing’s Annual Report; however details of the research are commercial-in-confidence as intelligence gained assists in being market driven and competitive in the private market.

Health Services Australia

(1) No.
(2) N/A.

To prepare this answer, it has taken approximately 22 hours and 19 minutes at an estimated cost of $1,043.

Minister for Human Services: Overseas Travel

(Question No. 698)

Senator Chris Evans asked the Minister representing the Minister for Human Services, upon notice, on 4 May 2005:

(1) In relation to all overseas travel where expenses were met by the Minister’s portfolios, for each of the financial years 2000-01 to 2004-05 to date what was the total cost of travel and related expenses in relation to: (a) the Minister; (b) the Minister’s family; and (c) the Minister’s staff.

(2) In relation to all air charters engaged and paid for by the Minister and/or the Minister’s office and/or the department and its agencies, for each of the financial years 2000-01 to 2004-05 to date: (a) on how many occasions did the Minister or his/her office or department and/or agency charter aircraft, and in each case, what was the name of the charter company that provided the service and the related respective costs; and (b) what was the total cost.

Senator Kemp—The Minister for Human Services has provided the following answer to the honourable senator’s question:

The Department of Human Services was established on 26 October 2004.

(1) The Minister did not undertake any overseas travel in the period 26 October 2004 to 30 June 2005.

(2) No overseas air charter travel was undertaken by the Minister, the Minister’s Office or the Department of Human Services and its agencies.
Senator Chris Evans asked the Minister representing the Minister for Human Services, upon notice, on 4 May 2005:

For each financial year since 2000-01 to 2004-05 to date:

1. (a) What overseas travel was undertaken by the Minister;
   (b) What was the purpose of the Minister’s visit;
   (c) When did the Minister depart Australia;
   (d) Who travelled with the Minister; and
   (e) When did the Minister return to Australia.

2. (a) Who did the Minister meet during the visit; and
   (b) What were the times and dates of each meeting.

3. (a) On how many of these trips was the Minister accompanied by a business delegation; and
   (b) Can details be provided of any delegation accompanying the Minister.

4. Who met the cost of travel and other expenses associated with the trip.

5. What total travel and associated expenses, if any, were met by the department in relation to:
   (a) The Minister;
   (b) The Minister’s family;
   (c) The Minister’s staff; and
   (d) Departmental and/or agency staff.

6. What were the costs per expenditure item for:
   (a) The Minister;
   (b) The Minister’s family; and
   (c) The Minister’s staff, including but not necessarily limited to: (i) fares, (ii) allowances, (iii) accommodation, (iv) hospitality, (v) insurance, and (vi) other costs.

7. What were the costs per expenditure item for each departmental and/or agency officer, including but not necessarily limited to: (a) fares; (b) allowances; (c) accommodation; (d) hospitality; (e) insurance; and (f) other costs.

8. (a) What was the total cost of air charters used by the Minister or his/her office or department; and
   (b) how many occasions did the Minister or his/her office or department and/or agency charter aircraft, and in each case, what was the name of the charter company that provided the service and the respective costs.

Senator Kemp—The Minister for Human Services has provided the following answer to the honourable senator’s question:

The Minister for Human Services did not undertake any overseas travel in the period. Senator Abetz will be answering on behalf of all Ministers for parts (1), (4), (6), (7) and (8).

To prepare this answer it has taken approximately 2 hours at an estimated cost of $126.
Military Justice

(Question No. 1355)

Senator Mark Bishop asked the Minister representing the Minister for Defence, upon notice, on 9 November 2005:

(1) Has the Minister received requests for ex-gratia/act of grace payments in respect of the suicide of Mr Jeremy (sic) Hayward, Mr John Satatas, Mr Nicholas Shiels and Mr Jeremy Williams. If so, what actions have been undertaken to expedite these matters in light of the undertaking in the Government’s response to the Foreign Affairs Defence and Trade References Committee’s report, Inquiry into the effectiveness of Australia’s military justice system, “to clear the backlog of grievances ... by the end of 2005”.

(2) Who in the department is responsible for expediting these matters.

(3) Over the past three years (a) how many requests have been received by the Minister or the Department for ex gratia/act of grace payments by Australian Defence Force personnel or their families and (b) in each case: (i) what was the nature of the incident and (ii) what resolution was reached.

(4) Over the past three years (a) what ex gratia/act of grace payments have been made; (b) what were the amounts involved and (c) who received the payments.

Senator Ian Campbell—The Minister Assisting the Minister for Defence has provided the following answer to the honourable senator’s question:

(1) Yes. Claims for ex gratia payments were received from the four families on 13 September 2005. The claims are being considered by the Government. Ex gratia claims are a decision for the Prime Minister and/or Cabinet. The details of the claims cannot be disclosed for privacy reasons.

(2) The Department’s Legal division is dealing with the claims in consultation with the Army.

(3) (a) In relation to ex gratia claims, Defence has no record of any claims being made in the past three years in relation to Australian Defence Force personnel or their families, apart from the claims from the four families.

The table below provides details of Act of Grace claims received in the past three years:

<table>
<thead>
<tr>
<th>Year</th>
<th>Number Received</th>
</tr>
</thead>
<tbody>
<tr>
<td>2004-05</td>
<td>9</td>
</tr>
<tr>
<td>2003-04</td>
<td>10</td>
</tr>
<tr>
<td>2002-03</td>
<td>2</td>
</tr>
</tbody>
</table>

(b) The below table lists the nature of the incident and what resolution was reached in each case.

<table>
<thead>
<tr>
<th>Claimant</th>
<th>Nature of Incident</th>
<th>Resolution</th>
<th>Date resolved</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chief Petty Officer</td>
<td>Claim for payment equivalent to the amount of income tax paid on award payments.</td>
<td>Under review</td>
<td>Under review</td>
</tr>
<tr>
<td>Contractor to Defence (member of public)</td>
<td>Claim for long service leave entitlement. Person was a contractor not an employee. Claimant has sought a review by the Commonwealth Ombudsman.</td>
<td>Claim rejected but under review by the Commonwealth Ombudsman.</td>
<td>18/05/2005</td>
</tr>
<tr>
<td>Former ADF member</td>
<td>Claim for payment for WW2 service. Claimant was a minor at that time.</td>
<td>Under review</td>
<td>Under review</td>
</tr>
<tr>
<td>Claimant</td>
<td>Nature of Incident</td>
<td>Resolution</td>
<td>Date resolved</td>
</tr>
<tr>
<td>----------</td>
<td>-------------------</td>
<td>------------</td>
<td>---------------</td>
</tr>
<tr>
<td>Leading Seaman</td>
<td>A debt incurred as a result of Navy paying a higher rate of salary than was due prior to qualifications being completed. Debt repaid on discharge. Amount recovered was refunded to the member as an Act of Grace payment.</td>
<td>Claim paid</td>
<td>14/12/2004</td>
</tr>
<tr>
<td>Member of public (not a member of the Army at the time but had been invited to join the Citizen Military Force)</td>
<td>Claimant sustained broken leg in 1972. Claim for impairment and operation on ankle.</td>
<td>Claim paid</td>
<td>11/08/2005</td>
</tr>
<tr>
<td>Member of public</td>
<td>Payment to Iraqi citizen for injury arising out of ADF operational duty in Iraq.</td>
<td>Claim paid</td>
<td>24/03/2005</td>
</tr>
<tr>
<td>Spouse of a deceased ADF member</td>
<td>Non-receipt of allotment from husband 1942-1945. Allotment not recorded into Commonwealth Bank account and passbook misplaced.</td>
<td>Department of Finance and Administration referred the matter to Treasury and advised that it would not proceed further with the Act of Grace claim.</td>
<td>Matter transferred to Treasury. Defence not aware of its current status.</td>
</tr>
<tr>
<td>Spouse of ADF member</td>
<td>Beneficiary under Defence Force Retirement and Death Benefits superannuation scheme missing presumed deceased. Spouse requested Act of Grace payment equivalent to reversionary benefit that would have been paid if beneficiary were legally dead.</td>
<td>Paid by ComSuper. Matter resolved without need to consider Act of Grace claim.</td>
<td></td>
</tr>
<tr>
<td>Warrant Officer</td>
<td>Claim for Capital Gains Tax imposed on house bought under the Home Purchase Sale Expense Allowance scheme.</td>
<td>Claim denied</td>
<td>25/01/2005</td>
</tr>
<tr>
<td>2003-04 Cadet Unit (Regional)</td>
<td>Claim by the 37th Regional Cadet unit for the purpose of refunding donations from local clubs and organisations which had been made in support of a trip overseas. The trip was cancelled due to the Bali bombing in 2002.</td>
<td>Claim paid</td>
<td>08/08/2005</td>
</tr>
<tr>
<td>Claimant</td>
<td>Nature of Incident</td>
<td>Resolution</td>
<td>Date resolved</td>
</tr>
<tr>
<td>--------------------------</td>
<td>------------------------------------------------------------------------------------</td>
<td>-------------------------------------</td>
<td>---------------</td>
</tr>
<tr>
<td>Corporal</td>
<td>Claim relating to an ADF member who was overseas on holiday in 1991 and did not receive relevant notification which would have enabled him to elect between subsidised home loan options (War Service Home Loan vs Defence Service Home Loan).</td>
<td>Claim denied</td>
<td>03/09/2004</td>
</tr>
<tr>
<td>Former ADF member</td>
<td>Claim for cost and time spent to prepare High Court challenge against ADF disciplinary proceedings.</td>
<td>Under review</td>
<td>Under review</td>
</tr>
<tr>
<td>Lieutenant Commander</td>
<td>Claimed reimbursement of spouse’s medical costs.</td>
<td>Under review</td>
<td>Under review</td>
</tr>
<tr>
<td>Member of public (High School student participating in engineering school at ADFA)</td>
<td>Injured in an exercise. Claimed medical costs as a result. Covered accepted liability.</td>
<td>Claim resolved without need to consider Act of Grace claim.</td>
<td>25/10/2005</td>
</tr>
<tr>
<td>Member of public (person was on charitable duty with the Army)</td>
<td>Claim for personal injury suffered in a social activity.</td>
<td>Further details requested from claimant’s solicitors March 2006.</td>
<td>Under review</td>
</tr>
<tr>
<td>Member of public (not a member of the ADF but was on military recruitment training)</td>
<td>Claim for costs due to injury.</td>
<td>Under review</td>
<td>Under review</td>
</tr>
<tr>
<td>Member of the public</td>
<td>Dispute over the value of land adjoining a Defence facility. Payment made to landowner.</td>
<td>Claim paid</td>
<td>16/12/2004</td>
</tr>
<tr>
<td>Private</td>
<td>Claimed reimbursement of pay and other monies lost as a result of incorrect disciplinary charges, later found to be unproven.</td>
<td>In August 2004, it was found that the member had been paid all monies owed. No further action required. No need to submit request for Act of Grace payment to Department of Finance and Administration.</td>
<td>11/08/2004</td>
</tr>
</tbody>
</table>
(4) In relation to Act of Grace payments:

(a) and (b) Defence Annual Reports for the past three years contain the following details:

<table>
<thead>
<tr>
<th>Year</th>
<th>Total paid ($)</th>
<th>Number of payments</th>
</tr>
</thead>
<tbody>
<tr>
<td>2004-05</td>
<td>91,350.86</td>
<td>4</td>
</tr>
<tr>
<td>2003-04</td>
<td>5,871.11</td>
<td>1</td>
</tr>
<tr>
<td>2002-03</td>
<td>Nil</td>
<td>0</td>
</tr>
</tbody>
</table>

(c) Claimant  Nature  Value ($)

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>2004-05</td>
<td>Member of public</td>
<td>Dispute over the value of land adjoining a Defence facility. Payment made to landowner.</td>
</tr>
<tr>
<td></td>
<td>Leading Seaman</td>
<td>A debt incurred as a result of Navy paying a higher rate of salary than was due prior to qualifications being completed. Debt repaid on discharge. Amount recovered was refunded to the member as an Act of Grace payment.</td>
</tr>
<tr>
<td></td>
<td>Lieutenant Commander</td>
<td>Promotion delayed due to pending administrative investigation. Amount paid to ADF member.</td>
</tr>
<tr>
<td></td>
<td>Member of public</td>
<td>Payment to Iraq citizen for injury arising out of ADF operational duties in Iraq.</td>
</tr>
<tr>
<td>2003-04</td>
<td>Captain</td>
<td>Losses incurred when recalled from posting. Amount paid to ADF member.</td>
</tr>
</tbody>
</table>

Note: 1. These matters were lodged prior to 2002-03.

Private Health Insurance  
(Question No. 1624)

Senator Allison asked the Minister representing the Minister for Health and Ageing, upon notice, on 16 March 2006:

With reference to the Minister’s comments reported in the Australian Financial Review of 2 March 2006, that ‘conscious of the fact that legislation governing private health insurance was last revised in a period where the parliamentary majority was not especially sympathetic to the concept of private health’: does this indicate an intention to reintroduce legislative changes that would allow private health insurance cover for out of pocket expenses associated with Medicare-rebated consultation; if not, to what was the Minister referring.

Senator Santoro—The Minister for Health and Ageing has provided the following answer to the honourable senator’s question:
On 26 April 2006, the Australian Government announced significant changes to the private health insurance sector, together with the sale of Medibank Private. The changes are designed to improve competition in the industry, provide value to consumers and ensure the sustainability of the private health sector.

From April 2007 under the new arrangement health funds will be able to offer products that cover services that do not require admission to hospital but are either part of; prevent or substitute for hospital care.

Currently, health funds are not permitted to pay benefits for out-of-hospital GP and specialist consultations that attract a Medicare Benefits Schedule rebate. There are no plans to change this.

**Asthma**

*(Question No. 1701)*

**Senator Allison** asked the Minister representing the Minister for Health and Ageing, upon notice, on 21 April 2006:

With reference to the National Institute of Clinical Studies Report Evidence-Practice Gaps, Volume 2, which reported that half of the people with asthma for whom preventers would be beneficial are not taking them regularly and that there is currently an overuse of ipratropium bromide in the management of mild and moderate asthma attacks:

1. What is the Government doing to investigate the reasons for under use of preventers, including costs of medications and consultations.

2. What, if any, education programs has the Government implemented to encourage appropriate use of preventers in the ongoing treatment of asthma.

3. What does the Government intend doing to decrease the inappropriate use of ipratropium bromide.

**Senator Santoro**—The Minister for Health and Ageing has provided the following answer to the honourable senator’s question:

1. Information from Pharmaceutical Benefits Scheme (PBS) subsidised prescriptions indicates that use of preventer medications is steadily increasing. The studies cited by the National Institute of Clinical Studies (NICS) are from 1997, 2000 and 2001 (National Health Survey). Reasons for underuse of preventer medication are multifactorial, as cited in the keypoints of the NICS report.

   Drugs for asthma treatment have been reviewed by the Drug Utilisation Sub-Committee of the Pharmaceutical Benefits Advisory Committee in 2003, 2004 and 2005. The National Asthma Council is involved in this process and is provided with the outcomes of the review.

2. In conjunction with the National Asthma Council and Pharmacy Guild of Australia, the Commonwealth Government has funded a number of education programs for general practitioners and pharmacists aimed at improving health outcomes of people with asthma, including appropriate use of medication. In addition, a national asthma awareness raising strategy is currently being developed and aims to have people with asthma seek a review by a general practitioner to ensure their condition is being appropriately managed.

3. The use of ipratropium bromide subsidised by PBS is low in the general community. The study on which NICS bases its comments was conducted in state public hospitals. Patients attending hospital emergency departments are likely to be severely affected patients and are not representative of all people with asthma. The medications used within a state or territory government public hospital are funded by the relevant government and governed by guidelines provided by the relevant government.

   Current National Asthma Council guidelines (Asthma Management Handbook 2002) state that the use of ipratropium bromide is optional in the treatment of a moderate acute asthma attack.
Exclusive Brethren Workplaces
(Question No. 1715)

Senator Bob Brown asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 26 April 2006:

With reference to the exemption for Exclusive Brethren workplaces from union inspection under the new Workplace Relations regulations on 26 April 2006:

(1) Which person or persons sought the exemption for Exclusive Brethren workplaces, and with whom did they consult.

(2) What were the reasons for the exemption.

(3) What other communication took place and, whether it electronic or hard copy form, is this available; if so, can a copy be provided.

(4) What talks has the minister had with; Exclusive Brethren representatives; union representatives; and others; and in each case, can the following be provided: (a) names; (b) places; and (c) times.

Senator Abetz—The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator’s question:

This exemption is not new, nor is it created by the Workplace Relations Regulations 2006 (WR Regulations). Since 2002 the Workplace Relations Act 1996 (the WR Act) has allowed certain employers to apply for an exemption from its right of entry provisions. Specifically, schedule 4 of the Workplace Relations Legislation Amendment (Registration and Accountability of Organisations) (Consequential Provisions) Act 2002 (the ROA Act) enacted conscientious objection provisions into subsections 285C (3) - (7) of the WR Act. In effect these provisions allowed an employer to seek an exemption from the right of entry provisions where it, amongst other things:

• employed fewer than 20 employees at the premises, none of whom are members of a registered organisation; and

• was a practising member of a religious society or order whose doctrines and beliefs preclude membership of an organisation or body other than one which the employer is a member.

The Workplace Relations Amendment (WorkChoices) Act 2005 (WR Act) included similar provisions to allow certain employees to seek an exemption, currently located in section 762 of the WR Act. There is only one difference between the provisions that the ROA inserted and those currently in the WR Act. The previous provisions required that employees agreed with the employer’s application for an exemption, while the current provisions do not include this requirement. This change makes the WR Act’s provisions consistent with provisions for exempting certain employers, including the Brethren, from right of entry provisions in similar legislation such as, the Industrial Relations Act 1996 (NSW), the Fair Work Act 1994 (SA) and the Employment Relations Act 2000 (NZ).

Regulation 15.7 of the WR Regulations is a machinery provision setting out the contents of the declaration an employer must make when seeking an exemption. It requires an employer to declare that:

• it employs fewer than 20 employees at the premises, none of whom are members of a registered organisations; and

• it is a practising member of a religious society or order whose doctrines and beliefs preclude membership of an organisation or body other than one which it is a member.

The requirement for a declaration ensures that the Criminal Code’s penalties for making a false or misleading declaration apply, thus deterring ineligible employers from falsely seeking an exemption.
Vitamin and Mineral Food Supplements
(Question No. 1721)

Senator Bartlett asked the Minister representing the Minister for Health and Ageing, upon notice, on 8 May 2006:

(1) When the new Australia New Zealand Therapeutic Products Authority (ANZTPA) is finally established, will it automatically enact the Codex Alimentarius Commission (Codex) recommendations on the guidelines for vitamin and mineral supplements; if so, how will this affect access to vitamin and mineral supplements in Australia.

(2) Will Australians continue to have the level of access that they currently have to vitamin and mineral supplements when the new Australia New Zealand Therapeutic Products Authority (ANZTPA) is finally established; if not, why not.

(3) According to the Therapeutic Goods Administration’s fact sheet on Codex, the draft Codex guidelines for vitamin and mineral food supplements specifically state that they apply in countries where vitamin and mineral supplements are regulated as food: does this mean that they will only apply to countries that regulate vitamins and minerals as food; if not, how will they apply in Australia where vitamin and mineral supplements are regulated as therapeutic products.

(4) Is it specifically stated in the Codex guidelines that they will only apply in countries where vitamin and mineral supplements are regulated as therapeutic products.

(5) (a) Can the Minister confirm that minutes of the Codex Committee on Nutrition and Foods for Special Purposes makes reference to jurisdictions that regulate supplements as drugs wanting to be exempt from the recommendations; (b) would this apply to Australia, where supplements are regulated as therapeutic goods; and (c) has Australia been formally exempted from the Codex guidelines on vitamins and mineral supplements.

Senator Santoro—The Minister for Health and Ageing has provided the following answer to the honourable senator’s question:

(1) Currently in Australia, vitamin and mineral supplements making therapeutic claims are regarded as complementary medicines and are regulated under the provisions of the Therapeutic Goods Act 1989 (the Act) as therapeutic goods. As such, they are required to meet the same standards of quality and safety as other types of complementary medicines. These products will continue to be regarded as complementary medicines and regulated as such under the arrangements proposed for ANZTPA. The international standards under CODEX make it clear that they apply only to foods; they do not apply to therapeutic goods.

(2) Under the proposed arrangements for ANZTPA, Australians will continue to have the same level of access to vitamin and mineral supplements making therapeutic claims as they currently have.

(3) The Codex Guidelines for Vitamin and Mineral Food Supplements state that ‘it is left to national authorities whether vitamin and mineral supplements are drugs or foods’. In Australia, and under the proposed arrangements for ANZTPA, vitamin and mineral supplements making therapeutic claims are now and will continue to be regarded as complementary medicines and regulated as such. The international standards under CODEX make it clear that they are intended to apply only to foods; they do not apply to therapeutic goods.

(4) It is specifically stated in paragraph 1.3 of the Codex Guidelines for Vitamin and Mineral Food Supplements that the guidelines apply only in those jurisdictions where these products are regulated as foods.

(5) (a) The final adopted text specifically applies the guidelines only where the vitamins and mineral food supplements are regulated as foods. (b) No, the guidelines do not apply to vitamin and mineral supplements regulated under the Act as therapeutic goods. (c) As Codex guidelines apply only
where vitamin and mineral food supplements are regulated as food and not to vitamin and mineral supplements regulated under the Act as therapeutic goods, no exemption from the guidelines is required.

**Epididymitis**

*(Question No. 1722)*

Senator Allison asked the Minister representing the Minister for Health and Ageing, upon notice, on 8 May 2006:

1. What data is available on the number and/or proportion of males in Australia that suffer from epididymitis.

2. What percentage of epididymitis results from sexually-transmitted infections such as Chlamydia and gonorrhoea.

3. What proportion of epididymitis infection results in male infertility.

4. What data is available on the level of public awareness of the symptomatology of epididymitis and the relationship between sexually transmitted infections, epididymitis and infertility.

5. What data is available on the level of awareness in the medical community of the relationship between sexually transmitted infections, epididymitis and infertility and appropriate treatment options.

6. What action is the Government taking to increase awareness of this condition.

Senator Santoro—The Minister for Health and Ageing has provided the following answer to the honourable senator’s question:

1. Little data exists on the prevalence of epididymitis in men in Australia. Epididymitis is usually an infection secondary to a range of other causes. In young male adults, it is usually caused by a sexually transmissible infection such as chlamydia or gonorrhoea. In older males epididymitis is more likely to be caused by non-sexually transmissible infections such as urinary tract infections.

2. It is not possible to state the percentage of epididymitis resulting from sexually transmissible diseases such as chlamydia or gonorrhoea because national notification data, provided through the National Notifiable Diseases Surveillance System, is for sexually transmissible infections. Data on secondary infections such as epididymitis and other symptoms is not collected nationally.

3. Little data is available on the contribution of epididymitis to male infertility. The medical literature indicates that the risk of infertility from epididymitis is quite low as usually only one side of the male reproductive system is affected.

4. and (5) There is currently no reported Australian data identified by the department on these issues.

6. Due to its apparent low prevalence, epididymitis has not been targeted for specific focus in the Commonwealth Government’s funding of activities to raise the awareness of sexually transmissible diseases. However, the Commonwealth Government also provides funding to increase awareness of men’s sexual and reproductive health issues through the Australian Centre of Excellence in Male Reproductive Health. Specifically, the Centre:
   • develops and implements professional and community education programs;
   • undertakes research on men’s sexual and reproductive health issues; and
   • provides information in the form of publications, newsletters and via their website.
Chlamydia Screening Project
(Question No. 1723)

Senator Allison asked the Minister representing the Minister for Health and Ageing, upon notice, on 8 May 2006:

(1) Can an update be provided on the progress of the pilot Chlamydia screening project that the Government is funding and implementing.

(2) When will the results from this pilot be available.

Senator Santoro—The Minister for Health and Ageing has provided the following answer to the honourable senator’s question:

(1) In June 2005, I launched the first National Sexually Transmissible Infections Strategy 2005-2008 and announced funding of $12.5 million over four years for increased awareness, improved surveillance and a pilot testing program for chlamydia.

The aim of the chlamydia program is to determine if testing for chlamydia in Australia is sufficiently feasible, acceptable and cost effective to warrant the introduction of a national chlamydia testing program.

The chlamydia program will consist of three stages:
Stage 1: Chlamydia testing – Targeted Grants Program.
Stage 2: Chlamydia pilot testing sites in general practice settings.
Stage 3: Monitoring, evaluation and recommendations.

In October 2005, the Chlamydia Program Implementation Committee (CPIC) was established. This committee comprises external experts, stakeholders and government representatives. The committee will oversee and advise on the development of the program, its implementation and evaluation.

In late 2005, the department undertook a call for grant submissions under the Chlamydia Targeted Grants Program (Stage 1). Funding will be provided for a range of innovative projects targeting high risk groups including young people (16-25 years), Aboriginal and Torres Strait Islander people and homosexually active men. Chlamydia projects will commence in May-June 2006.

Testing in general practice settings will commence in December 2006. Three to four chlamydia pilot testing sites will be established. Pilot sites will consist of a number of general practices and Aboriginal Community Controlled Health Organisations.

(2) Evaluation of Stage 1 and Stage 2 of the pilot will take place concurrently. However the evaluation of the whole chlamydia pilot program, to be undertaken by an external consultant, will be finalised by June 2009. The results of the pilot will be available after this time.

Private Health Insurance
(Question No. 1724)

Senator Allison asked the Minister representing the Minister for Health and Ageing, upon notice, on 8 May 2006:

(1) Can the following details be provided, the: (a) range; (b) average; (c) median; and (d) mode, percentage increase in premiums for basic hospital coverage for an individual and family for the past 5 years.

(2) Can the inflation figures for the past 5 years be provided.

(3) (a) How are health care costs taken into account when calculating the Consumer Price Index (CPI); and (b) does this include health insurance premiums; if so, what is the cause of the discrepancy between the annual CPI figure and the annual increases in health insurance premiums.
(4) Can the following details be provided: (a) the total amount of money spent on advertising by the various health funds in the past 6 years; and (b) the breakdown by year and health fund of money spent on advertising by the various health funds.

**Senator Santoro**—The Minister for Health and Ageing has provided the following answer to the honourable senator’s question:

(1) (a) to (d) Health funds notify the Department of Health and Ageing of price changes for over 8,000 different products each year. Detailed analyses of increases in each individual product for the past 5 years is not readily available. To provide such analyses would be very resource intensive and would impact significantly on operational priorities for the Department. The table below provides the industry average percentage increase in private health insurance premiums for the past five years.

<table>
<thead>
<tr>
<th>Year</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
</tr>
</thead>
<tbody>
<tr>
<td>Average increase</td>
<td>6.9%</td>
<td>7.4%</td>
<td>7.58%</td>
<td>7.96%</td>
<td>5.68%</td>
</tr>
</tbody>
</table>

(2) Inflation figures are calculated and published by the Australian Bureau of Statistics (ABS). The table below shows the annual increase in CPI for the past 5 years at each September quarter.

<table>
<thead>
<tr>
<th>Year</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
</tr>
</thead>
<tbody>
<tr>
<td>Percentage increase</td>
<td>3.2%</td>
<td>2.6%</td>
<td>2.3%</td>
<td>3.0%</td>
</tr>
</tbody>
</table>

Source: Australian Consumer Price Index: Concepts, Sources and Methods, ABS publication 6461.0, 2005.

(3) (a) and (b) For an explanation of how CPI is calculated, see section 8.26 – 8.93 of the above cited ABS document, available at:


Annual increases in premiums are higher than increases in CPI as they reflect increased usage of private health services and higher health care costs.

(4) (a) and (b) The Private Health Insurance Administration Council (PHIAC) has collected data regarding advertising costs since September 2001. The table below shows total industry expenditure by financial year:

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Advertising Expenditure ($ millions)</td>
<td>68.8</td>
<td>71.6</td>
<td>74.4</td>
<td>86.7</td>
</tr>
</tbody>
</table>

It should be noted that these figures may be under-reported where staff involved in advertising are attributed to other costs, rather than to advertising.

As data on individual funds is provided to PHIAC for financial monitoring purposes and not for publication, it is not appropriate to release details of expenditure by fund.

**Macquarie Marshes**  
*(Question No. 1762)*

**Senator Bob Brown** asked the Minister for the Environment and Heritage, upon notice, on 10 May 2006:

With reference to the Macquarie Marshes, New South Wales:

(1) (a) What action has the Government taken to reverse the deterioration of the marshes and their wildlife; and / or (b) what action is being contemplated.
(2) Is the Government prepared to purchase or help purchase the estimated 140,000 megalitres of additional water, required to give the marshes the 300,000 megalitres annual supply essential to their environmental health.

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

(1) (a) The Australian Government has provided funding through the Natural Heritage Trust and National Action Plan on Salinity and Water Quality to support the conservation and management of the Macquarie Marshes. For example, Australian Government funding has been provided for ecological character assessments of the Macquarie Marshes Ramsar site; and in 2005/06 $500,000 of regional funding has been provided to the Central West Catchment Management Authority from the Natural Heritage Trust to promote better grazing management practices in the Macquarie Marshes.

(b) The Australian Government will continue to purchase Natural Resource Management outcomes, particularly for the Macquarie Marshes and other Ramsar sites, via funding investments under the Natural Heritage Trust and National Action Plan on Salinity and Water Quality. Other potential sources of investment include the Australian Water Fund.

(2) See answer to (1) (b).

**Kakadu National Park**

(Question No. 1763)

Senator Milne asked the Minister for the Environment and Heritage, upon notice, on 10 May 2006:

(1) Is there any incursion of Buffel Grass or Gamba Grass in the Kakadu World Heritage area.

(2) What action is the Commonwealth taking to prevent the spread of these grasses into the Kakadu World Heritage areas.

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

(1) There is no incursion of Buffel Grass in Kakadu National Park, but Gamba Grass is present. Incursions of Gamba Grass are mainly restricted to old pastoral sites.

(2) Over the last three years Kakadu National Park has had a team of staff dedicated to grassy weeds control. The team surveys remote areas and carries out weed control using herbicides and hand pulling.

**Australian Federal Police: Evaluation Framework**

(Question No. 1766)

Senator Ludwig asked the Minister for Justice and Customs, upon notice, on 10 May 2006:

(1) Can a copy be provided of the evaluation framework mentioned on page 6 of the Australian Federal Police 2004-05 Annual Report that was created in conjunction with Flinders University and the Australian National University.

(2) What were the findings of this research.

**Senator Ellison**—The answer to the honourable senator’s question is as follows:

(1) The document is not publicly available; however I have passed on the relevant information so that Senator Ludwig’s office can obtain a copy from Flinders University.

(2) This research project is not due for completion until 2007, final results will not be known before this time.
Fraud

(Question No. 1768)

Senator Ludwig asked the Minister for Justice and Customs, upon notice, on 10 May 2006:

(1) For the 2004-05 financial year, how many investigations did the Australian Federal Police launch into fraud, specifying both against the Commonwealth and against other parties.

(2) Of those investigations: (a) how many were finalised; and (b) can the source of the allegations that led to the investigations be indicated.

(3) Of those investigations that were finalised: (a) how many resulted in charges; and (b) how many individual people were charged as a result of those investigations.

(4) In relation to those people charged in (3) above: (a) what charges were laid in each instance; (b) how many have proceeded to trial; (c) how many are still before the court; and (d) how many have resulted in: (i) a verdict of not guilty, (ii) a verdict of guilty, (iii) a mistrial, or (iv) charges being withdrawn (specify reason).

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

(1) In the financial year 2004-05, 395 matters were referred to the AFP resulting in 71 investigations into fraud. As reported in Question 147 following a question on 17 February 2006 the functionality of the AFP reporting system (not including AFP reporting in the ACT Policing function) allows for the capture of the referring Commonwealth agency but not the victim of the alleged fraud. However, in the majority of cases this Commonwealth agency is also the victim. The AFP system does not differentiate between referring agency and victim. Any further detailing would require manual extraction requiring diversion of resources from core AFP activities.

(2) (a) Of the 395 matters referred to the AFP, 143 were finalised. Of those cases referred not all of them were necessarily finalised in the financial year 2004-05. (b) Refer Attachment ‘A’ for allegation source information.

(3) (a) Of the matters that were finalised, 31 cases resulted in charges being laid. This figure does not capture all of charges laid following instances where the AFP has provided assistance to other agencies or by way of international cooperation. (b) 18 individuals were charged as a result of those investigations.

(4) The information required to complete a response to this part of the Senator’s question is not retained by the AFP in a format that is easily accessible or would allow a comprehensive reply. Resources and time allocated to providing a response to this would be exhaustive, withdrawing resources from operational tasks. These statistics should be available through prosecuting bodies.

Attachment ‘A’

<table>
<thead>
<tr>
<th>Client name</th>
<th>2004/05 Cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>ABC - AUSTRALIAN BROADCASTING COMMISSION</td>
<td>1</td>
</tr>
<tr>
<td>ACC - AUSTRALIAN CRIME COMMISSION</td>
<td>4</td>
</tr>
<tr>
<td>ACCC - AUSTRALIAN COMPETITION &amp; CONSUMER COMMISSION</td>
<td>2</td>
</tr>
<tr>
<td>ACS - AUSTRALIAN CUSTOMS SERVICE</td>
<td>18</td>
</tr>
<tr>
<td>AEC - AUSTRALIAN ELECTORAL COMMISSION</td>
<td>6</td>
</tr>
<tr>
<td>AFMA - AUSTRALIAN FISHERIES MANAGEMENT AUTHORITY</td>
<td>2</td>
</tr>
<tr>
<td>AFP - INTERNATIONAL</td>
<td>2</td>
</tr>
<tr>
<td>AFP INTERNALLY GENERATED</td>
<td>17</td>
</tr>
<tr>
<td>AG’S - ATTORNEY-GENERAL’S DEPARTMENT</td>
<td>7</td>
</tr>
<tr>
<td>APRA - AUSTRALIAN PROVIDENCE REGULATING AUTHORITY</td>
<td>1</td>
</tr>
<tr>
<td>ASIC - AUSTRALIAN SECURITY &amp; INVESTMENT COMMISSION</td>
<td>6</td>
</tr>
</tbody>
</table>
Community Policing

(Question No. 1769)

Senator Ludwig asked the Minister for Justice and Customs, upon notice, on 10 May 2006:

(1) Does the Australian Federal Police (AFP) conduct surveys of the general public of the jurisdictions in which it conducts community policing to gauge satisfaction with community policing; if so: when are these surveys conducted and can a copy of the results of all surveys conducted since 2001 be provided; if not, why not and what alternative efforts does the AFP undertake to gauge satisfaction in the Australian Capital Territory community.

(2) Were any AFP personnel assigned to the Australian Capital Territory Community Policing Program diverted for any duties under the Protective Services Output in the 2004-05 financial year; if so: (a) how many were diverted; (b) for how long were they diverted; (c) was any reimbursement given to

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the Australian Capital Territory Government for the cost of these personnel; and (d) how was the Community Policing Program affected by this diversion.

(3) (a) What is the total cost of the Australian Capital Territory Community Policing Program; and (b) can a breakdown be provided of the total cost by funding source.

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

(1) The Australasian Centre for Policing Research (ACPR) coordinates the National Survey of Community Satisfaction with Policing (NSCSP). This national telephone-based community survey has been conducted continuously since 1995, initially as a special data service by the Australian Bureau of Statistics. Since July 2000, ACNielsen has been contracted to conduct the survey on behalf of all Australian Police Commissioners, who contribute to the cost of administering the survey.

The NSCSP is recognised as a reliable and impartial survey which presents data of significant value at both the jurisdictional and national levels. It is critical to the current reporting requirements of the Council of Australian Governments (COAG) Report on Government Services and a range of other jurisdictional-level performance reporting. In the ACT, NSCSP results form part of the ACT Policing Statement of Performance, and these results were published in the ACT Policing Annual Report 2004-2005.

Surveys are undertaken on a quarterly basis and as such, it would be a significant task to compile and provide the results of all the surveys conducted since 2001.

In March 2004, ORIMA Research was commissioned by the Australian Federal Police to inform the development of a community awareness campaign in relation to ACT Policing. A five minute telephone survey was conducted on a small sample of households in the Canberra community. While the survey is now dated, nearly half of all respondents indicated that the ACT community had a high or very high opinion of ACT Policing and only 4% of respondents thought that the community had a low or very low opinion of ACT Policing. Detailed results from this survey form part of a lengthy report that can be made available if required.

A number of safety and security surveys of ACT residents were conducted in 2005 and 2006. These surveys represent a component of the Policing in the 21st Century Project. The project is an Australian National University (ANU) research project that is jointly funded by the Australian Federal Police and the Australian Research Council. Although data has been gathered over the survey periods, analysis is still in progress and will not be available until later this year.

The AFP also provides a community policing service to the Commonwealth external territories of Christmas Island, Cocos (Keeling) Islands and Jervis Bay as well as seconding members to Norfolk Island to perform a similar service for the island administration. To date no community surveys have been conducted. The requirement for community surveys is incorporated into the 2005 – 2007 business plans for each territory. At present planning is underway to conduct the surveys prior to the expiration of the business plans.

(2) No.

(3) (a) The total cost of the Australian Capital Territory Community Policing Program in 2005-2006 was $95,042,000

(b) The breakdown is as follows:

<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>ACT Department of Justice and Community Safety (DJACS)</td>
<td>$94,390,000</td>
</tr>
<tr>
<td>New Initiatives (DJACS)</td>
<td>$200,000</td>
</tr>
<tr>
<td>Other Revenue*</td>
<td>$452,000</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$95,042,000</strong></td>
</tr>
</tbody>
</table>

*Other Revenue comes from Cost Recovery (e.g. wide load escorts).
Kuranda Range Highway  
(Question No. 1788)

**Senator Milne** asked the Minister for the Environment and Heritage, upon notice, on 11 May 2006:

(1) Has an assessment report on the proposed Kuranda Range Highway in far-North Queensland been prepared under section 95 (1) of the Environment Protection and Biodiversity Conservation Act 1999; when will the assessment report be publicly available.

(2) (a) Is the Minister aware that the projected population increases for Cairns and the northern tablelands are significantly lower than even the lowest estimates in the FNQ 2010 planning document; and (b) should this plan be reviewed before a decision on environmental approvals is made; if not, why not.

(3) Will those awaiting the assessment report referred to in paragraph (1) wait for the results of the Senate inquiry into Australia’s future oil supply before making a decision about whether the highway should be constructed; if not, why not.

(4) Does the lower than expected population growth and the effect of peak oil make this project redundant and a few extra overtaking lanes a cheaper and sufficient alternative; if not, why not.

(5) (a) Has a rail tunnel option, which uses regenerative breaking and has drive on/off carriages to allow all trucks to go on rail, been considered; and (b) has a cost estimate been provided; if so, what is the cost.

(6) (a) What is the estimated cost of the proposed 4-lane ‘upgrade’; and (b) does this cost estimate include the widening of feeder roads and amelioration work; if not: (i) why not, and (ii) what is the estimated cost of that additional work.

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

(1) Yes. It will be available once a decision is made on whether or not to approve the proposal.

(2) (a) Yes. (b) These matters will be considered.

(3) A decision on the timing of construction will be a matter for the Queensland Government to consider, if the proposal is approved.

(4) Alternatives are considered during the assessment process. The project’s viability is a matter for the Queensland Government.

(5) (a) Rail tunnel options have been considered, although not a regenerative breaking option. (b) The estimated track cost for the rail tunnel option is $2.39 billion.

(6) (a) $500 million dollars (December 2003 figures). (b) The cost includes intersections and ameliorative measures such as rehabilitation of the current road, but not the widening of feeder roads. (i) and (ii) The upgrade is a long-term project (10 to 15 years), therefore the need for widening feeder roads is speculative, and some of the work on feeder roads would be expected to be done by local councils.

Kuranda Range Highway  
(Question No. 1789)

**Senator Milne** asked the Minister for the Environment and Heritage, upon notice, on 11 May 2006:

(1) Does the Wet Tropics World Heritage Management Plan provide for a transport corridor such as that required for the proposed highway.
(2) Will the Kuranda Range Highway, if approved, result in more physical damage to the Wet Tropics World Heritage Area than existed at the time that it was listed.

(3) (a) Does the proposed highway compromise the values for which the area was listed; and (b) does it undermine the physical integrity of the site.

(4) Does this proposal contravene any of the provisions of the World Heritage Convention, in particular Article 6.3.

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

(1) The Wet Tropics World Heritage Management Plan has zoning requirements that provide for transport corridors.

(2) (3) (a), (b) and (4) The Kuranda Range Highway will be approved only if the assessment demonstrates that there will not be unacceptable impacts on the World Heritage values of the Wet Tropics World Heritage Area.

**Tiwi Forestry Operations**

(Question No. 1790)

Senator Milne asked the Minister for the Environment and Heritage, upon notice, on 11 May 2006:

With reference to the answer to question on notice no. 1626 (Senate Hansard, 10 May 2006, p. 109):

(1) Given that the EPBC (Environment Protection and Biodiversity Conservation Act 1999) approval for the APG Ltd/Tiwi Land Council project involving clearing of native forests on Tiwi Islands was signed on 12 August 2001, how is it that clearing operations for that same project carried out in 2003 (as reported in the Tiwi Land Council Annual Report 2002-03) were conducted under ‘previous approvals’ and not under the EPBC.

(2) Can a copy be provided of the actual approvals documents referred to in the answer, as applying to the 2003 operations.

(3) If there are no such ‘previous approvals’ documents, was the 2003 operations referred to above in fact part of the project approved by the Commonwealth under the EPBC in 2001 and subject to the conditions as set out (and amended) under that approval.

(4) What action will the Minister be taking as a result of the breach of the EPBC conditions of approval in relation to this project, specifically conditions 5, 7 and 11 (as amended).

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

(1) Two proposals to establish plantations on Melville Island of 2,700 hectares and 2,500 hectares respectively were assessed under the now repealed Environment Protection (Impact of Proposals) Act 1974 (EPIP Act) during 1999 and 2000. Advice under the EPIP Act was provided in May 2000, prior to the commencement of the EPBC Act, to the action Minister under the EPIP Act, the then Minister for Aboriginal and Torres Strait Islander Affairs. In accordance with the Environmental Reform (Consequential Provisions) Act 1999, the EPBC Act does not apply to these proposals.

(2) and (3) Approval for forestry operations undertaken in 2003 was given by the then Minister for Aboriginal and Torres Strait Islander Affairs.

(4) There has been no known breach of conditions of approval in relation to this project. The documents required by conditions 5 and 7 have been submitted to my Department and approved. The independent audit required by condition 11 is not due until April 2007.
Civil Aviation Safety Authority: Staff
(Question No. 1808)

Senator O’Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 25 May 2006:

(1) For the period 9 February 2006 to 9 May 2006: (a) How many sick leave days have been taken by Civil Aviation Safety Authority (CASA) staff; and (b) how many CASA staff lodged Comcare claims, stating stress as the cause.

(2) For the period 9 February 2005 to 9 May 2005: (a) How many sick leave days have been taken by CASA staff; and (b) how many CASA staff lodged Comcare claims, stating stress as the cause.

Senator Ian Campbell—The Minister for Transport and Regional Services has provided the following answer to the honourable senator’s question:

(1) (a) 924.96 days personal leave* (b) Nil.

(2) (a) 1160.07 days personal leave*. (b) Nil.

* Personal leave allocation of 18 days per year includes sick leave, carer’s leave and bereavement leave. The number of sick leave days cannot be separated from the total personal leave figures.