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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.

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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
Nations Whip—Senator Nigel Gregory Scullion
Opposition Whips—Senators George Campbell, Linda Jean Kirk and Ruth Stephanie Webber
Australian Democrats Whip—Senator Andrew John Julian Bartlett
Australian Greens Whip—Senator Rachel Siewert

Printed by authority of the Senate
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<th>Senator</th>
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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  The Hon. Ian Elgin Macfarlane MP
Minister for Industry, Tourism and Resources  The Hon. Kevin James Andrews MP
Minister for Employment and Workplace Relations and Minister Assisting the Prime Minister for the Public Service  Senator the Hon. Helen Lloyd Coonan
Minister for Communications, Information Technology and the Arts and Deputy Leader of the Government in the Senate  Senator the Hon. Ian Gordon Campbell

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

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<td>Senator the Hon. Christopher Martin Ellison</td>
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<td>Minister for Fisheries, Forestry and Conservation</td>
<td>Senator the Hon. Eric Abetz</td>
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<td>Minister for the Arts and Sport</td>
<td>Senator the Hon. Charles Roderick Kemp</td>
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<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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<td>Minister for Ageing</td>
<td>Senator the Hon. Santo Santoro</td>
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<td>Minister for Small Business and Tourism</td>
<td>The Hon. Frances Esther Bailey MP</td>
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<tr>
<td>Minister for Local Government, Territories and Roads</td>
<td>The Hon. James Eric Lloyd MP</td>
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<tr>
<td>Minister for Veterans’ Affairs and Minister Assisting the Minister for Defence</td>
<td>The Hon. Bruce Frederick Billson MP</td>
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<tr>
<td>Minister for Workforce Participation</td>
<td>The Hon. Dr Sharman Nancy Stone MP</td>
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<tr>
<td>Parliamentary Secretary to the Minister for Finance and Administration</td>
<td>Senator the Hon. Richard Mansell Colbeck</td>
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<td>The Hon. De-Anne Margaret Kelly MP</td>
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<td>Parliamentary Secretary to the Treasurer</td>
<td>The Hon. Christopher John Pearce MP</td>
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<td>Parliamentary Secretary to the Minister for the Environment and Heritage</td>
<td>The Hon. Gregory Andrew Hunt MP</td>
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<tr>
<td>Parliamentary Secretary (Foreign Affairs)</td>
<td>The Hon. Teresa Gambaro MP</td>
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SHADOW MINISTRY

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

(The above are shadow cabinet ministers)
SHADOW MINISTRY—continued

Laurie Donald Thomas Ferguson MP
Shadow Minister for Consumer Affairs and
Shadow Minister for Population Health and
Health Regulation

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

Joel Andrew Fitzgibbon MP
Shadow Minister for Transport
Shadow Minister for Sport and Recreation
Shadow Minister for Homeland Security and
Shadow Minister for Aviation and Transport Security

Senator Kerry Williams Kelso O’Brien
Senator Kate Alexandra Lundy
The Hon. Archibald Ronald Bevis MP

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

Senator Thomas Mark Bishop
Shadow Minister for Defence Industry,
Procurement and Personnel

Anthony Stephen Burke MP
Shadow Minister for Immigration
Shadow Minister for Ageing, Disabilities and Carers

Senator Jan Elizabeth McLucases
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 9.30 am and read prayers.

COMMITTEES
Economics Legislation Committee
Meeting

Senator ABETZ (Tasmania—Minister for Fisheries, Forestry and Conservation) (9.31 am)—by leave—On behalf of the chair of the Economics Legislation Committee, Senator Brandis, I move:

That the Economics Legislation Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate today.

Question agreed to.

CRIMES ACT AMENDMENT (FORENSIC PROCEDURES) BILL (No. 1) 2006
CUSTOMS LEGISLATION AMENDMENT (MODERNISING IMPORT CONTROLS AND OTHER MEASURES) BILL 2006
FINANCIAL TRANSACTION REPORTS AMENDMENT BILL 2006
MIGRATION AMENDMENT (VISA INTEGRITY) BILL 2006
PUBLIC WORKS COMMITTEE AMENDMENT BILL 2006
TRADE MARKS AMENDMENT BILL 2006

First Reading

Senator ABETZ (Tasmania—Minister for Fisheries, Forestry and Conservation) (9.31 am)—I move:

That the following bills be introduced: A Bill for an Act to amend the Crimes Act 1914, and for related purposes; a bill for an Act to amend the law relating to customs, and for related purposes; a Bill for an Act to amend the Financial Transaction Reports Act 1988, and for related purposes; a Bill for an Act to amend the Migration Act 1958, and for related purposes; a Bill for an Act to amend the Public Works Committee Act 1969, and for related purposes; and a Bill for an Act to amend the Trade Marks Act 1995, and for related purposes.

Question agreed to.

Senator ABETZ (Tasmania—Minister for Fisheries, Forestry and Conservation) (9.32 am)—I move:

That these bills may proceed without formalities, may be taken together and be now read a first time.

Question agreed to.

Bills read a first time.

Second Reading

Senator ABETZ (Tasmania—Minister for Fisheries, Forestry and Conservation) (9.33 am)—I table the explanatory memoranda relating to the bills and move:

That these bills be now read a second time.

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

Leave granted.

The speeches read as follows—

CRIMES ACT AMENDMENT (FORENSIC PROCEDURES) BILL (No. 1) 2006

The Government recognises that the creation of a national DNA profile matching system will greatly assist Australia’s law enforcement officers in their fight against crime.

This bill will ensure that inter-jurisdictional DNA profile matching, using the National Criminal Investigation DNA Database (NCIDD), may be implemented by all corresponding law jurisdictions within Australia.

The States and Territories have expressed concern that under current legislation it is unclear if they can lawfully transfer DNA profiles from their DNA databases to the Commonwealth. There is also concern that it is unclear that the Commonwealth can disclose DNA profile information that it holds to the States and Territories. The Com-
monwealth never held these concerns, however, this bill will clarify, for the States and Territories, that the transfer of information, so that inter-jurisdictional DNA matching can occur, is lawful and thus there can be national DNA profile matching.

The bill will also allow prison officers to present, subject of course to the relevant State or Territory law, while a forensic procedure is carried out on a suspect. This amendment is being made simply to ensure the safety and security of those who carry out forensic procedures by allowing a prison(s) officer to be present.

The opportunity is also being taken to have the bill correct drafting errors currently existing in the Crimes Act.

CUSTOMS LEGISLATION AMENDMENT (MODERNISING IMPORT CONTROLS AND OTHER MEASURES) BILL 2006

This bill, the Customs Legislation Amendment (Modernising Import Controls and Other Measures) Bill 2006, contains amendments to the Customs Act 1901 that deal with a range of matters.

These amendments relate to:

- allowing a person to surrender certain prohibited imports that have not been concealed;
- allowing infringement notices to be served for certain offences including importing certain prohibited imports and border security related offences;
- allowing the granting of post-importation permissions for certain prohibited imports;
- amending the Customs Act to reflect the new Certificate of Origin requirements for the Singapore-Australia Free Trade Agreement.

This bill provides Customs officers with additional powers to deal efficiently with prescribed prohibited imports that are low value and low risk. Presently, Customs only has the power to seize prohibited imports – a time-consuming and resource intensive process.

This bill will enable Customs to establish a tiered response to sanctions for dealing with prohibited imports. The process will allow for the possible voluntary surrender of the goods, payment of a penalty under an infringement notice, or the seeking of a post-importation permission, rather than automatic seizure of the goods.

This bill also gives effect to recommendations of the first Ministerial Review of the Agreement by Australia and Singapore in July 2004. They would allow importers to provide less documentation to Customs when claiming preferential rates of duty on imported goods.

FINANCIAL TRANSACTION REPORTS AMENDMENT BILL 2006

The primary purpose of the bill is to vary the amendments to the Financial Transaction Reports Act 1988 (the FTR Act) made by Schedule 9 of the Anti-Terrorism (No.2) Act 2005 (the ATA). Schedule 9 comes into force on 14 December 2006. The bill needs to come into operation by that date. The need for variation has arisen during the consultation on the Anti-Money Laundering and Counter Terrorism Financing Bill 2006. The amendments are to the new Division 3A which Schedule 9 of the ATA inserted at Part II of the FTR Act.

The bill amends the definition of ‘account’ for the purposes of Division 3A of Part II of the FTR Act. This amendment is to assist industry by reducing the number of systems changes required at an institutional level to meet the requirements of Financial Action Task Force Special Recommendation VII. It is intended that the new definition of ‘account’ should only be applicable to and confined to Division 3A of Part II of the FTR Act.

The bill clarifies the definition of ‘customer information’ in section 17FA of the FTR Act. The amendment is to make it clear that either an account number or an identification code can be used. Some customers sending money by an IFTI will not be an account holder with a financial institution and clearly in this instance an identification code should be able to be used.

The bill amends the definition of ‘customer information’ for incoming international funds transfers under section 17FB of the FTR Act. The effect of this amendment is that the customer’s account number or the identification code is now given equal standing for incoming IFTIs received
by Australian authorised deposit taking institutions (ADIs) under section 17FB of the FTR Act. The bill restricts the application of Division 3A of Part II of the FTR Act to ADIs. The reason for this restriction is due to problems that have arisen with the current application of Division 3A of Part II to non-bank money remittance businesses. Presently, the FTR Act does not distinguish between non-bank international funds transfer instructions (IFTIs) which are ‘same-institution’ funds transfer instructions and non-bank IFTIs involving ‘multiple’ institutions. It is impracticable to require IFTIs sent from one institution in one country to the same institution in another country to include originator information because in effect this would require the institution to ‘pass on’ the information to itself. In these situations, funds transfer requests are registered on a single internal system of the institution, while the actual transfer of funds is effected through net settlements between the institution’s various accounts around the world.

Presently, non-bank money remitters report IFTIs to AUSTRAC. This means that ordering customer information is currently available to law enforcement authorities. The amendment to restrict Division 3A of Part II of the FTR Act to ADIs will not alter this position.

Immigration clearance status of non-citizen children born in Australia
It is important to clarify the immigration status of non-citizen children born in Australia because it has significant implications for a person’s entitlements under the Act. As an example, whether or not a person is immigration cleared will impact on the person’s ability to access bridging visas.

Currently, there is no express provision in the legislation which covers a non-citizen child being ‘immigration cleared’ by virtue of their birth in Australia. The amendment provides that these non-citizen children are immigration cleared in these circumstances.

A second complementary amendment is also made to clarify that any visas taken to have been granted to non-citizen children at the time of their birth, do not cease to be in effect because these children do not technically ‘enter Australia’ through a port or on a pre-cleared flight.

Criminal code harmonisation amendments
In 2001, the offence provisions under the Migration Act 1958 were “harmonised” to accord with the Commonwealth Criminal Code. Although the intention was to preserve the ‘status quo’ in relation to the operation of these migration offences, it became apparent that a number of offences were altered so that they did not operate as they had done previously. This was an unintended consequence of the harmonisation process. These technical amendments ensure that the provisions now operate as originally intended, whilst remaining consistent with the Criminal Code in their structural framework.

The taking of securities
The bill also seeks to clarify procedures where an authorised officer requires a security from an applicant on the grant of a visa. Securities are sometimes required to promote compliance with the conditions that will be attached to the visa.

The amendments will clearly authorise an officer to exercise the power to require a security before a visa is granted. Where the visa is subsequently not granted, the security will be returned.

Minor amendments relating to bridging visas
Finally, minor amendments have been made in relation to bridging visas to ensure that the integ-
rity of various provisions of the Act is not compromised.

The amendments will ensure that the statutory restrictions on certain persons making further visa applications in Australia will apply to all non-citizens holding a bridging visa. Non-citizens who have been refused a visa or had their visa cancelled after last entering Australia may only apply for prescribed classes of visas. However, some bridging visa holders who have had their substantive visa refused are presently able to circumvent these restrictions by leaving and re-entering Australia on a bridging visa. It was never intended that bridging visa holders would be able to avoid this statutory restriction on making further visa applications.

An amendment is also proposed to clarify that where a bridging visa ceases on the occurrence of a specified event, it will cease the moment that event occurs. For example, a bridging visa which ceases when a substantive visa is cancelled will cease as soon as the cancellation occurs, rather than at the end of day.

In summary, the bill will clarify current procedures and maintain the integrity of various provisions of the Act.

I commend the bill to the chamber.

PUBLIC WORKS COMMITTEE AMENDMENT BILL 2006

This bill is to amend the Public Works Committee Act 1969 (the Act) to alter the value and definition of a public work that requires referral to the Parliamentary Standing Committee on Public Works (the Committee).

The amendments in the bill reflect the changes in the Commonwealth public works environment since the Act was last amended in 1989. This was based on feedback from the Committee and other sources on the practical operation of the Act.

The amendments particularly take into account new methods of procurement and the increase in construction prices since the threshold was last amended in 1985.

The bill updates the threshold value at which projects must be referred to the Committee from $6 million to $15 million. This reflects the increase in the cost of construction since the value was last amended in 1985.

The proposed legislation also allows for the value to be otherwise set by regulation. This provides for greater flexibility for future updates of the threshold value to accommodate future changes in the value. A regulatory regime will help avoid freezing the threshold at inappropriate levels, allowing for more regular adjustment.

The change to the definition of a ‘public work’ firstly clarifies that works funded by way of public private partnerships, or PPPs, must be referred to the Committee. This reflects the current understanding that works funded through PPPs are implicitly covered by the Act.

The amended definition of a ‘public work’ specifically includes those public works funded through leasing or other similar arrangements. These are often fit-outs of leased accommodation, which are included in the Act. However, their funding arrangements caused them to fall outside the definition of a ‘public work’.

The revised definition does not refer to the specific funding methods. Instead, the characteristics of a public work have been amended so as to include these works. Two amendments have been made to achieve this end.

The first allows for indirect funding of the work. This covers, but is not limited to, deferred payment, payment through a PPP vehicle, or payment through leasing or similar arrangements.

The second removes the requirement that the Commonwealth or Commonwealth authority is proposed to become the owner of the work. Under either funding method, the Commonwealth or Commonwealth authority may not necessarily become the owner of the work.

The revised definition does not extend to cover works that are not “for the Commonwealth”, or “for a Commonwealth authority”. An example of this is a pre-commitment lease, where the private sector constructs a building that is subsequently occupied by a Commonwealth (or a Commonwealth authority) tenant.

No other changes are made to the definition of a ‘public work’.

The amendment to the definition of a public work removes the requirement that the Commonwealth
must become the owner of the work. However, in order for it to be a public work, the reason for undertaking the work must be that it is for the Commonwealth or a Commonwealth authority.

For example, a PPP will be undertaken for a Commonwealth purpose and simply represents an alternative procurement method. A pre-commitment lease on the other hand, implies that the Commonwealth, or a Commonwealth authority, will be the first tenant in a facility that is not custom designed for it. Pre-commitment leases differ from PPPs in that the construction of the facility is not predicated on the Commonwealth or a Commonwealth authority being a party to the contract.

Any works currently under scrutiny by the Committee still require a report to the Parliament, even if the amendments to the Act would otherwise cause that work to no longer be covered by the Act.

Finally, the language of the Act is updated to reflect the modern approach of using non-gender specific terminology. References to the Minister for Housing and Construction have also been updated.

TRADE MARKS AMENDMENT BILL 2006

This bill will amend the Trade Marks Act 1995. The current Act was introduced as the result of a working party set up to review and streamline trade marks legislation. The Act replaced legislation that had been in place since 1955.

The Act has now been in force for ten years. The Government has carried out a review of trade marks legislation in keeping with our policy to keep legislation relevant and up-to-date.

The review sought comment from interest groups. The Government released three issues papers and received comments from interested parties, including intellectual property professionals and small businesses. An industry reference group consisting of intellectual property professionals and industry representatives was set up to help in the consultations. The review found that the trade marks system was working effectively, but there were some changes that could be made to enhance the system. This bill implements changes to the trade mark system arising out of that review.

A strong trade mark right is a valuable asset that can help increase recognition of a brand. Registered owners have the exclusive right to use their registered trade mark on their goods and services. They can sell or license the trade mark. They can also ask Customs to seize goods coming into Australia if the goods infringe their trade mark, to prevent the flow of counterfeit goods.

A strong trade mark system provides a benefit to the public. It provides members of the public assurance that when they buy something, they are buying genuine goods that have the quality they have come to expect from that brand.

The changes made by the bill will improve the trade marks system in a number of ways. The bill will strengthen trade mark rights, providing greater certainty to trade mark owners and the general public. The bill includes provisions that will reduce the regulatory and administrative burden on the users of the system. It will also increase the transparency of the trade mark system, and increase alignment of the trade mark system with other intellectual property rights.

The Government is committed to encouraging innovation and to providing Australia with a strong trade mark system that meets the needs of all Australians. We are also committed to reducing the regulatory burden on Australian businesses in registering trade marks. This bill reflects those commitments.

Amendments in this bill strengthen trade mark rights by enabling trade mark owners to more effectively protect their trade mark. For example, owners of trade marks with a reputation in Australia can now more readily protect their trade marks against registration of other trade marks whose use is likely to lead to confusion in the marketplace.

A trade mark can be opposed by members of the public if it will affect their business or they believe the trade mark should not be registered. Amendments in this bill will clarify the basis on which an opposition may be taken, and allow a trade mark to be opposed because it was made in bad faith. This will increase the strength of registered trade marks and help weed out bad ones.

Over half of the trade mark applications are filed directly by the owner of the business. Many of
these are small and medium sized enterprises. These smaller businesses can be greatly affected by the burden of regulation and administration in the trade mark system. It is our policy to reduce this burden wherever possible.

Amendments in this bill reduce the administrative and regulatory burden on trade mark owners in a number of ways. Some of the changes reduce complexity in the system while other changes make it easier for trade mark owners to correct their application if they do make a mistake.

Trade mark owners will also find it easier to request Customs to seize goods that might infringe their trade mark. Notices requesting seizure will stay in effect for longer and trade mark owners will be able to provide a written undertaking to repay any expenses incurred by the Commonwealth, instead of paying a cash security up-front as is currently required. Small business owners, in particular, will find it easier to use the trade mark system to prevent importation of counterfeit goods.

A trade mark is a valuable right and certainty of ownership is necessary for both the owner and also for anyone who may have an interest in the trade mark. Amendments set out in this bill increase certainty of ownership of a trade mark and increase the public’s certainty that the information on the Trade Marks Register is correct and up to date.

Amendments in this bill also clarify parts of the trade marks Act that have confused trade mark owners in the past. By clarifying these requirements, it will make it easier for people to apply for a trade mark.

The amendments set out in the bill also increase transparency and alignment with other intellectual property Acts. Many businesses hold a number of intellectual property rights. For example they may own a patent for an invention and a trade mark for the invention’s proprietary name. It is more convenient for the owner of these rights if there is consistency when seeking patent and trade mark protection. The amendments in this bill bring some of the administrative aspects of the trade mark system into line with the patents and designs systems.

The bill will result in stronger registered trade mark rights and improve the administration of the trade mark system.

Ordered that further consideration of the second reading of these bills be adjourned to the first day of the next period of sittings, in accordance with standing order 111.

Ordered that the bills be listed on the Notice Paper as separate orders of the day.

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

In Committee

Consideration resumed from 20 June.

Senator Bob Brown—Mr Chairman, I rise on a point of order. Last night, I asked you to see whether or not a vote had been properly called—because I do not believe it was—on an amendment in the committee proceedings. I wonder if you could report back to the committee on the outcome of your investigations.

The CHAIRMAN—The tape has been reviewed, and the advice that I have been given is that the chair did declare the vote on that particular issue. I remind the committee that the question is that schedule 4 stand as printed.

Senator Fielding (Victoria—Leader of the Family First Party) (9.35 am)—The amendment that Family First are putting forward is about making sure that there is not one rule for political parties or politicians and another one for everybody else. It is about abolishing tax deductibility for political parties. The question is: why should politicians and political parties get special treatment? It looks like we will be increasing the tax deductibility from $100 to $1,500. That is a 1,500 per cent increase. We are talking about abolishing the tax deductibility for political parties.
Charities, quite rightly, enjoy tax deductibility. So they should, and Australians support that. But political parties are not charities. They are self-interested groups pushing their own agendas. Community groups like lobby groups or community groups that push political agendas are not eligible for tax deductibility—to the extent that environmental groups have been warned not to push political agendas to the extent of maybe losing their eligibility—but political parties are. This is all about filling the coffers of political parties. This is not about increasing participation. Family First believes there is hypocrisy here, and that political parties should not be treated like charities. They are self-interested groups pushing their own agendas, so Family First wants to see that political parties do not get special treatment. I urge senators to reconsider abolishing tax deductibility for political parties.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (9.37 am)—I am glad Family First has taken up the Greens’ position on this. We have always been opposed to tax deductability for political parties. That goes back to the concessions earlier on. But what is happening is that the government and the opposition want to support tax deductability going from $100 in any given year from a donor for a donation to $1,500 a year. Senator Fielding is quite right. Community groups have been warned that they must not get involved in political partisanship or it will threaten their tax deductability. That warning needs to go to church groups like the Exclusive Brethren, which has become blatantly involved in partisan politics, and Family First itself, which became part of the Howard government’s election machine at the last election. I think Senator Fielding is dealing with the potential hypocrisy there by saying, ‘We don’t expect tax deductability for that effort.’ It is a consistent and credible position that donors to political parties should do so because they want to support that political party and because they do not expect taxpayers to effectively fund it as well through the tax deductability process. The Greens support this amendment.

Senator MURRAY (Western Australia) (9.39 am)—The Democrats have noted the support of the Family First Party for a number of our amendments previously, and that should be on the record. They put up a series of amendments that paralleled our own. This one parallels our previous amendment and therefore we obviously support it.

I should say, in arguing with respect to the threshold of tax deductability for political donations—which is to be extended from $100 to $1,500 and will now allow corporates to claim that as well, which they were not able to do in the past—we believe that this proposal is questionable on three grounds. Firstly, there is no evidence that this tax concession is needed and its net effect will be just the loss of general revenue to the government. Secondly, it is a matter of principle that needs to be established, and the policy should be whether political parties should be able to access the same tax concession regime as charities. There is the whole question of not-for-profits, which I do not believe has been properly examined. Political parties fall into the not-for-profit category, as do churches, charities, environmental activists, business think tanks and anybody else who is constituted for a not-for-profit purpose.

So what needs to be thought through is what tax concessions should apply across that whole category. Dealing with these in isolation is a problem, particularly if such concessions do not apply simultaneously to perhaps more-deserving or other deserving community organisations. I am concerned from a tax policy point of view that this is
dealt with in isolation of general tax principles. The Liberal case has been that this is justified to reflect community standards and expectations. I am not aware of any surveys, research or anything else to determine what community standards and expectations are with respect to this issue. We agree that tax relief can encourage people to play a role by contributing to the democratic process, whether it is through environmental groups, forestry promotion groups or anything of any sort. But again I make the point that it should operate to general tax principles across the sector and that special interests should only be isolated for good cause. I am pretty sure it has not been done in this case.

In concluding my remarks I want to refer to an email which I received today. I will read the email but I will not give the name, because I have not asked for permission to do so. The email reads:

Dear Senator Murray,

Your speech in the Senate today was quite disappointing. It is no use telling the people that electoral fraud is not taking place in Australia, because after the Hawke Labor Government began changing the electoral laws the loopholes were exploited.

There is even an organisation exposing it, and Dr Amy McGrath has published a book or two on it. Check the H.S. Chapman Society.

When Senator Abetz answered, there was a fact there I had not thought I knew. Anyway, why not click on this link, found on Metacrawler today, and find out what was known to the National Observer way back then?

… … … …

Senator Abetz also spoke of the imprisonment of a lady, and how an MP left the Queensland parliament but popped up as a Labor apparatchnik in NSW!!! Let’s be dinkum.

Anyone who wants to be a CITIZEN will register to vote, as well as get his/her vehicle licenced, pay his/her telephone bill and other accounts, and generally behave as a good citizen should.

The Electoral staff CAN NOT check as well as process THOUSANDS of last-minute applications by people who do not want to be RESPONSIBLE voters. Hundreds are FAKE applications, sent in by mail, and almost impossible to lead to the culprits.

However, it is WRONG for the Liberals to raise the donations figure. Please, if the next election cleans out the warmongers, please try to get the donations rules back to something like what it was, allowing for cost-of-living increases.

There is an issue that arises there. Firstly, that person does not like raising donations or the tax deductability or anything else, from the last paragraph. But, secondly, I am concerned that, in the heat and passion of the debate yesterday, the minister in my view added fuel to a fire which should not be encouraged—that is, that a section of the community believes, and wishes to believe, that the electoral roll of Australia is open to systemic abuse. I think it is very dangerous to foster that view, and it is a view that has not been previously promoted by the government. I think the minister should take the opportunity to put it to rest.

I answered that email today as follows:

I have sat through every hearing and every Report of every committee examining this area in the last ten years. I know Dr McGrath and her organisation well. I sat on the inquiry into the circumstances in Queensland, which largely concerned the Queensland State (not federal) electoral system. The federal system was pronounced clean by the Government dominated committee.

The fact that fraud occasionally occurs in the federal system is freely acknowledged by everyone, including me. That does not mean it is systemic or endemic. The present law is sufficient to deal with it. Read the Hansard record, Reports, Submissions, Findings into the fraud allegations. I frequently find that allegations of fraud are bedded in the events and stories that occurred decades ago. The law and its administration has
moved on from those days and has long been tightened up.

The idea that the Prime Minister’s Coalition did not win the last four elections fairly because of electoral fraud is fanciful. Fraud did not affect his wins.

Individual cases of fraud do occur. Mass organised fraud does not occur. It has never been accepted by any Committee, by this Government, by the AEC or any Party that fraud has affected any general election or any by-election in any seat or for any candidate.

You obviously don’t agree with me or the AEC but I do suggest you write separately to the Chair of the Joint Standing Committee on Electoral Matters, the Minister of State, the Prime Minister and the AEC Commissioner—ask each of them just two questions. Has any electoral fraud occurred which has affected any general election or any by-election in any seat or for any candidate in any federal election over the last ten years? And secondly ask—in all those elections over the last ten years how many instances of fraud have there been?—you will find it is less than one hundred individual cases in well over 40 million votes cast in the last ten years.

You alleged that there are hundreds of fake applications. If it were that easy, and if the fraud were all by Labor voters, then why isn’t Labor in power? Or are you suggesting Liberal fraud occurs on the same scale and cancels Labor fraud out? Allegations are easy—but where is the evidence? If you have any evidence you should give it to the Police.

We Democrats do not oppose (and have in fact proposed) tighter sensible anti-fraud measures. What we object to are measures disguised as anti-fraud but designed to disadvantage particular voting demographics.

Thank you for letting me know your views.

I have read that into the transcript deliberately because I was concerned that, in the minister’s remarks yesterday, he might have given large sectors of the public the impression that large-scale systemic fraud has altered or affected any election in this country. He might have given the impression that the Prime Minister and this coalition have achieved power illegitimately. I do not accept that. I think they legitimately won the election. I do not think fraud affected any of their results. Neither do I think it affected the results of any other person who has won election in this parliament. I say so based on the evidence offered to me consistently as a member of the Joint Standing Committee on Electoral Matters by the AEC and substantial numbers of witnesses. I did want to make those remarks, and I support Senator Fielding’s amendment.

Senator CARR (Victoria) (9.48 am)—

The opposition will be opposing this amendment. There has been no case made for it. There has been no evidence presented to support this amendment. The Labor Party supported a previous amendment seeking to oppose an increase in the level of tax deductibility. We do not, however, object to the question of tax deductibility for political parties in this country. One of the great things about our system of government is that minority parties—microparties and individual MPs—are never short of getting a headline by abusing politicians. There is never a shortage of opportunities in public life to say that members of parliament effectively should not be paid at all, should not get any resources and should not be provided with any support to undertake their legislative work. There is a mood in the community that we should actually be paying to be here. I take the view that that is a totally inappropriate approach. I know that short-term opportunist methods of attracting public attention might have some short-term appeal. The consequences for the political system, however, are not quite so beneficial.

As I said, you are never short of getting a headline by abusing politicians and politicians’ entitlements. The fact remains that the question of tax deductibility for contributions to political parties—as for churches and a
number of other charity organisations in this country—is always open to attack, if you are so inclined. But you have to put a case for it rather than try to run some cheap populist line, which will get you a run on the ABC—or in the Murdoch press, because there is plenty of scope in the Murdoch press to attack politicians. It will not necessarily improve your standing because people in the public at large actually understand these questions and understand what cheap politics is involved.

Senator MILNE (Tasmania) (9.50 am)—I rise to support the amendment in relation to tax deductibility and stopping this proposal the government has put forward. I want to respond to Senator Carr’s accusations about cheap politics, grabbing the headlines and the consequences for the political system of short-term opportunism. I agree with that. But it was Labor in Tasmania who made an art form of it, with their short-term opportunism and abuse of politicians—saying that we had too many politicians in Tasmania, that they cost too much, that we should get rid of them and that there were too many of them who had their snouts in the trough.

It was Labor in Tasmania under the late Premier Jim Bacon, who was Leader of the Opposition at the time, who drove day in, day out a cynical, short-term politically opportunist message that we needed to reduce the numbers and get rid of the parliamentarians. It was a cynical manipulation of the electoral system to reduce the numbers in the parliament to try to get rid of the Greens. If ever a political party used short-term opportunism with dire consequences for the political process, it was Labor in Tasmania.

The government, which was a Liberal minority government, clapped their hands, cheered and went with them. Together they suspended the standing orders of the Tasmanian parliament. They then changed the Constitution without going to a referendum by using a two-thirds majority—a ganging up of the two major parties. They pushed through and changed the Tasmanian Constitution to reduce the numbers in the House of Assembly from 35 to 25, destroying the committee system and destroying all the reforms that we had put in place over a period of years. They turned the Tasmanian parliament into a dysfunctional parliament where now almost all the members acknowledge that 25 is not a critical mass capable of running the state.

So if ever there was a case of using ‘snouts in the trough’, of arguing that politicians cost too much and they are a waste of space, then it was Labor in Tasmania in order to achieve—the only way they ever could—a majority government because they knew, we knew and the Liberal Party knew that as long as the Greens were in the Tasmanian parliament Labor could never achieve a majority. That is how it happened and it was precisely for the reason that Senator Carr just outlined: it was short-term opportunism of the most cynical and despicable kind. The people of Tasmania are still suffering under a dysfunctional parliament because of it.

I am absolutely persuaded that it is only a matter of time before some of those ministers in Tasmania, who voted for the reduction and went along with this short-termism, will be the ones saying: ‘There is too much of a workload. We have to expand the ministry. We have to expand the numbers again.’ Because they knew all along that 25 was not enough of a critical mass to run a parliament. I reject the notion that the minor parties are engaged in some sort of political opportunism and grab for a cheap headline. What the minor parties here are trying to do is restore some integrity and transparency to the political process. I support Family First’s pro-
posed amendment. It is Greens policy. It was supported initially by Senator Christabel Chamarette many years ago, and we will be supporting this amendment.

Senator ABETZ (Tasmania—Minister for Fisheries, Forestry and Conservation) (9.54 am)—The government opposes the Family First amendment. I am disappointed to hear that my good friend Senator Fielding repeated what he said in the second reading debate: that political parties are self-interested groups. That might be a reflection on those involved in Family First but, from my experience in the Liberal Party, those involved in the Liberal Party are civic minded. They have aspirations for the nation. They seek to serve the nation. They want to make Australia a better place because they believe in a particular world view: they believe liberalism is the way to go. I would have thought that Family First would also be full of people who are absolutely committed to this nation and believe that families ought to be put first in the conduct of the nation’s affairs. To say that they have just joined Family First out of self-interest I think does them a great disservice.

Similarly, I would imagine that there are people in the Greens who would say that certain policies ought to be pursued for the betterment of the country. Sure, we will disagree and fight passionately about those different beliefs, but just to say that people who are involved in political parties are self-interested is not a view I can share. In fact in my experience, even with Labor colleagues when we fight across the chamber, I think they are misguided but I do accept that they have more at heart than just their own short-term political self-interest as a motivating factor.

In relation to donations to political parties, we are in an interesting environment where, let us say a trade union might be able to charge—I do not know how much trade union fees are; they vary—easily $300 per annum fully tax-deductible. If you are a professional—let us say a doctor, lawyer or accountant—your fees to that professional body are completely tax deductible. You can make a contribution to the Tasmanian Chamber of Commerce and Industry, for example, or the forest industries association, or indeed to the Wilderness Society or to the Huon Valley Environment Centre and so the list goes on. Or indeed to the RSPCA who then use that money for a political campaign. In a free and democratic country all those organisations should be allowed to actively engage.

Unlike the Greens, I happen to believe that even minority religious groups ought be allowed to be actively engaged, albeit the churches as such—I am not sure that they actually get tax deductibility otherwise people would be wanting receipts when the plate is passed around of a Sunday morning.

Senator Carr—They are all so honest that they do not need receipts.

Senator ABETZ—For tax deductibility you would need receipts, Senator Carr. So the proposition that the government is putting forward is sure, we are not making it unlimited. It is unlimited for donations, let us say, to the Wilderness Society or to the RSPCA—unlimited tax deductibility. We are saying for a political party it stops at $1,500. We believe, in general terms, it is good and proper to encourage people to make a contribution to the political party of their choice and, as a result, help stimulate the activities of a diverse range of political parties. I know that Senator Hutchins, in his contribution as a Labor Senator, said that some of these reforms are in fact going to assist the small and minor parties. I, personally, do not want to do that because I think that a mainstream party, such as the Liberal Party, ought to be in government. Having said that, as a matter
of principle, if that does stimulate small and minor parties, I say so be it. That of itself should not be a reason why one would oppose tax deductibility. I think those points have been made.

Once again, I want to complain bitterly about Senator Murray revisiting previous debates. He always does that.

Senator Murray—Not always; sometimes.

Senator ABETZ—All right, not always—that is an exaggeration, and I withdraw it. On occasion, my good friend Senator Murray seeks to revisit debates. Chances are because the good thoughts come to him after the debate, and I think that happens to all of us, Senator Murray. We think: if only I had said that during the course of the debate. I thought it was interesting that Senator Murray said: if you ask the Australian Electoral Commission has any election result ever been impacted by fraud or changed by fraud—

Senator Murray interjecting—

Senator ABETZ—All right, just the last election.

Senator Murray—In the last 10 years.

Senator ABETZ—Sorry, in the last 10 years—I could not quite hear that; I take that interjection. The answer would be no. If the test is to ask the Australian Electoral Commission if any election has been impacted by the electoral funding thresholds by being allowed to donate around the nine different divisions et cetera or by overseas donations—all the sorts of things the Democrats have been trying knock out—I think we know what the answer would be: exactly the same answer that Senator Murray got to his question. That of itself does not sustain Senator Murray’s arguments in relation to making the roll more robust.

I will have to check the Hansard but, when I gave my speech to the Sydney Institute, I started off by making, I think—it is always dangerous to try to quote yourself—very strong comments about the fact that we have a very good, robust electoral system. I said that in my concluding remarks of the second reading debate as well. What I have said consistently is: just because we have got a good system does not mean that it cannot be made more robust. The example I used last night of the former member for McMillan, Christian Zahra, who got himself onto the electoral roll before he became an Australian citizen, exposed the weaknesses of the current method of enrolment in this country. It is easier to get onto the electoral roll—

Senator Carr—He was British—is that the problem? You do not like the British, do you?

Senator ABETZ—It was illegal, Senator Carr—that is the point. It was a fraud on the electoral roll. When you point these things out to the Labor Party, who had members of the Labor Party going to jail for electoral fraud, they come into this place and assert there is no such thing as electoral fraud taking place. We say: talk to Karen Ehrmann. She appeared before the Joint Standing Committee on Electoral Matters in prison clothing, and Senator Faulkner had the audacity to question her. I think she made comments to the effect: ‘It’s all very well for you, Senator Faulkner, dressed in your suit. I’m here dressed in prison clothing.’

Senator Murray—She wasn’t in prison clothing; I was there.

Senator ABETZ—She wasn’t in prison clothing? That is what—

The TEMPORARY CHAIRMAN (Senator Lightfoot)—Senator Abetz, may I suggest that you address your remarks through the chair.
Senator ABETZ—Thank you, Chair. ‘That I have to wear prison clothing because of electoral fraud.’ It does occur. Once again, we have the debate about whether or not she was in prison clothing. The issue is: was there electoral fraud? Senator Murray, the Greens and Labor cannot say that there was electoral fraud. They will always seek to duck and weasel their way out of that very point.

Senator Murray—A point of order, through the chair: the minister cannot claim his memory would be deficient, because not a quarter of an hour ago I actually read into the transcript what I said.

The TEMPORARY CHAIRMAN—What is your point of order, Senator Murray?

Senator Murray—My point of order is that the minister is deliberately misleading the Senate. This is what I read into the Hansard:

Individual cases of fraud do occur. Mass organised fraud does not occur.

I and my party and every party here have acknowledged that individual fraud does occur.

The TEMPORARY CHAIRMAN—Senator Murray, you are debating the issue. That is not the point of order.

Senator ABETZ—If I did not quite quote Senator Murray faithfully, so be it. When Senator Murray tried to verbal me before, I did not get all antsy and get up on a point of order.

Senator Murray interjecting—

Senator ABETZ—You did by suggesting that there was widespread—

The TEMPORARY CHAIRMAN—Senator Abetz, address your remarks through the chair.

Senator ABETZ—fraud. I have never made that assertion, and I think Senator Murray acknowledges that. From time to time in the debate that goes on in this place, there will be occasions where we misinterpret each other or do not get the detail absolutely right. But when you have got somebody sentenced to a period of imprisonment for electoral fraud, you have to acknowledge and accept that there is electoral fraud.

When a former federal member of this parliament is exposed as having gotten himself onto the electoral roll before he was made an Australian citizen, you have to acknowledge that there is a problem with the robustness of people getting onto the electoral roll—I note that Family First in fact voted for those increases in integrity measures because Family First shares those views. But I did not want Senator Murray’s comments this morning to go uncontested.

In relation to Senator Milne’s comment, I can say that, once again, it is the Greens blaming everybody else other than themselves for their political misfortune. The simple fact is that when Christine Milne was the leader, as she then was, the Greens lost ground and a lot of seats in Tasmania. Under different leadership in Tasmania with a reduced parliament, the Greens increased their representations.

Senator Milne—Mr Temporary Chairman, on a point of order: the record stands that the Tasmanian constitution was changed by the Liberal and Labor parties. It has absolutely nothing to do with what Senator Abetz is saying.

The TEMPORARY CHAIRMAN—There is no point of order.

Senator Bob Brown—It is disorderly!

The TEMPORARY CHAIRMAN—Senator Abetz has the call.

Senator ABETZ—It is interesting that Senator Brown is allowed to interject and say that other people interjecting are disorderly, when he is in fact interjecting at the same
time. I just love the double standard, and the
Greens have made it into an absolute art
form. What Senator Milne was saying before
was that—and she even went to speak ill of
the dead—in relation to some conspiracy to
reduce the size of the parliament and get rid
of the Greens out of the House of Assembly,
yes, the Greens did suffer a huge electoral
backlash at that time. Who was the leader of
Greens at the time? I think Senator Milne has
forgotten. Allow me to remind her: it was
her, the now Senator Milne. She oversaw the
demise of the Green vote in Tasmania, when
they had one representative left. Now, in that
smaller parliament that was allegedly de-
signed to get rid of the Greens forever, they
have four Greens. What I am suggesting—
and as I said last night, I do not know why I
am giving them this gratuitous advice—
is that when you have electoral defeat, do not
try to scapegoat a religious minority like the
Exclusive Brethren, do not try to scapegoat
certain businesspeople and do not try to
scapegoat a now deceased Premier of Tas-
mania: look at yourselves and ask the ques-
tion, ‘Why didn’t as many people put a No. 1
next to the Green candidates as they did be-
fore?’

Senator Milne—They did.
Senator Bob Brown—They did.

Senator ABETZ—This is just unbeliev-
able! If exactly the same number of people
voted Green, how could they lose seats and
then pick up seats under exactly the same
sized parliament with exactly the same
number of votes?

The TEMPORARY CHAIRMAN—
Senator Abetz, could I suggest that you re-
turn to the amendment before the chamber.

Senator ABETZ—It was very kind that
that was suggested to you because I am of
course responding to matters raised by Sena-
tor Milne. I note that the suggestion was not
made to you that Senator Milne should be
brought to order, but I do take the point. I
think it is a very valid point and I will con-
clude my remarks.

Senator CARR (Victoria) (10.10 am)—
This bill is grossly inaccurately entitled as an
‘integrity measures’ bill, and of course the
government seeks to use it as justification for
measures which are essentially about limit-
ing the franchise. The Committee of the
Whole has before it an amendment that goes
to the question of tax deductibility. There is
an inference in the way in which this argu-
ment has been put that there is something
improper about the taxation arrangements
that have been made for political parties, and
from that the government has launched yet
another assault on the Labor Party by sug-
gest ing that there have been occasions on
which people have misused office. In fact, all
the examples the minister spoke of in this
discussion about individuals misusing office
have been about the Labor Party. Of course,
he ignores the fact that of the 40 million or
so votes that have been cast in the last 10
years there have been very few examples put
to justify the government’s attacks upon the
electoral system which are contained within
this legislation.

In fact, you could put forward the ratio of
the number of occasions on which it has
been demonstrated that people have broken
the law and that ratio is one in a million.
There is a one in a million chance. To sug-
gest that it is all on one side of politics,
which is an inference the government makes,
of course is to ignore the facts. We have had
clear examples—for instance, the member
for Longman, Mal Brough, had members of
his staff incorrectly and falsely enrolled. In
those circumstances, we had the situation
where Mr Christopher Pyne declared that Mr
Brough and his office were entirely innocent
before the police or the AEC had investi-
gated the matter. There was a clear case in
which the government was only too happy to
present the proposition that fault lies entirely on one side of politics, even though I think it is universally acknowledged that the examples of misbehaviour are one in a million. I could argue the case similarly on the basis of the fact that, over the last 100 years, I think there has been in excess of 1,000 people elected to the House of Representatives—over 1,000 people have been elected—and on how many occasions have there been—

Senator Ferguson interjecting—

Senator CARR—This is about the question of integrity. On how many occasions have there been examples in which members of parliament have been required to spend time in one of Her Majesty’s prisons? Of course, the number is minuscule. The government’s logic is that because there has been one case in 1,000 that should justify action against parliamentary democracy. That is the logic that the other side are presenting here: that there have been occasions where this has occurred, despite the fact that no evidence has ever been presented that an electoral outcome was affected. No evidence has been suggested to justify the government’s proposition that, in reality, because they find a one in a million opportunity where people have done the wrong thing with the electoral laws, 432,000 Australians should be disenfranchised. The government says, ‘There is a one in a million chance that people might do the wrong thing with the electoral laws.’ Of course the government knows that of the 432,000 Australians who will be disadvantaged most of them vote Labor.

Senator Abetz—Mr Temporary Chairman, I rise on a point of order. You quite rightly chastised me, saying that, as we were debating an amendment dealing with tax deductibility, I should bring myself to that. I in fact concluded my remarks and sat down, accepting your chastisement. You have just accepted about four minutes worth from this speaker without any attempt being made to relate his comments to the Family First amendment that deals with tax deductibility.

The TEMPORARY CHAIRMAN (Senator Lightfoot)—Thank you, Senator Abetz. I was about to advise Senator Carr that, if he wished to debate the issue that he was speaking about before he sat down, we should put the question with respect to schedule 4. He could then debate that on the question that the bill stand as printed.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (10.15 am)—On the matter of the Greens support for this amendment to not have tax deductibility for every $1,500 that is donated to political parties: when you look at the taxation system, what happens when a person donates $1,500 to whichever political party is that they save roughly $600 in taxes. That is, the rest of the unsuspecting public puts in $600, because that is what is forgone in taxes. That is why we oppose that provision. It is, as Senator Fielding said, a different matter for charitable groups, for church groups, for unions and for business. I might say that, as far back as 1996, the last inventory I saw—by Lauren Van Dyke—showed that the corporate sector was advantaged by more than $10 billion a year in tax deductibility and in government grants and support out of the public purse.

Senator Ferguson—That was from the Labor Party in 1996.

Senator BOB BROWN—Well, it has gone up way beyond that since then, Senator—thank you for drawing our attention to that. It is up around $15 billion a year now, and that is something that needs to be looked at. The debate always comes back to charitable groups, environmental groups or church groups, but the real advantage goes to the big end of town. The real advantage in this legis-
lation will also go to the big end of town—the Liberal Party donors. You cannot tell me that this legislation is not putting the advantage of the existing government at the forefront. It comes out of the Prime Minister’s office, this legislation. All of it is written—

Senator Ferguson—that seems to be your favourite phrase.

Senator BOB BROWN—I’m sorry?

The TEMPORARY CHAIRMAN—Just ignore the interjection, Senator Brown.

Senator BOB BROWN—Yes, it might stop them, Chair. The fact is that the government members opposite are baying because I am on the money here. They not only want to cut young people’s ability to make late enrolments because, more and more, they are voting for the Greens; they also want to ensure that, when it comes to their support base and the money that rolls in to the Liberal Party, maximum tax deductibility will apply and—worse than that, I think—that secrecy will prevail. We debated that issue last night: $90,000 can come from an organisation under this insidious system without there being any public record of it. It is our job to try to sensibly ensure that our democratic system is more open and accountable than that.

I also want to respond to Senator Abetz’s rabbiting on about the Greens opposing small church groups being involved in the election process. Of course we do not; we support it. But we need it to be an open and identifiable involvement, not a covert matter or a matter of collusion or deception—lying to the Australian public, which is what the Exclusive Brethren engage in.

The TEMPORARY CHAIRMAN—The question is that schedule 4 stand as printed.

A division having been called and the bells being rung—

The TEMPORARY CHAIRMAN—Order! Could I confirm that there were two voices calling for a division?

Senator Murray interjecting—

The TEMPORARY CHAIRMAN—There was just one voice?

Senator Murray—There was just one voice.

The TEMPORARY CHAIRMAN—I retract that call for a division.

Question agreed to.

Senator Fielding interjecting—

The TEMPORARY CHAIRMAN—You can have it recorded that you opposed it.

Senator Murray—That is very inaccurate, Senator Fielding. That is a sign that Senator Fielding has not understood our clear statement of support for his amendment and our clear voice of no. But we do not support a division; we support the no on the voices. What he said is inaccurate and a poor reflection of what occurred.

Senator Fielding interjecting—

The TEMPORARY CHAIRMAN—Senator Fielding, you did not have the call, and your request has been met.

Senator Bob Brown—I think it is necessary under those circumstances to just repeat the obvious—that is, the Greens support that amendment to oppose the clause.

The TEMPORARY CHAIRMAN—The question now is that the bill stand as printed.

Bill agreed to.

Bill reported without amendment.

Adoption of Report

Senator ABETZ (Tasmania—Minister for Fisheries, Forestry and Conservation) (10.21 am)—I move:
That the report from the committee be adopted.

Senator MILNE (Tasmania) (10.21 am)—I move:
At the end of the motion, add:

“and the Senate refers the following matter to the Joint Standing Committee on Electoral Matters: all aspects of the involvement of third parties in electoral advertising.”

I hope that I can get the support of the Senate for this motion, because it is critical that we have this issue of third-party disclosure and involvement in elections much more transparently covered than is currently the case.

In the course of the debate yesterday, it became clear that this issue is even more important, because the government has conceded and supported the fact that it is now possible to give $90,000 to a political party without having to go through any disclosure or any transparency mechanisms. We have that on the record. You might ask why they would bother to go through a circuitous route of a third party if they can give that amount of money to a political party straight up. I answered that yesterday in relation to negative advertising. Sometimes it is beneficial for one of the parties to use a third group, a front group, to do the negative advertising whilst the political party can go ahead and do the positive advertising for themselves. It is an electoral strategy. We heard the government saying, ‘It won’t happen,’ but we heard Senator Murray saying quite clearly that the tobacco industry is already doing it for themselves. It is already making donations and going under the limit by doing it through all the particular states.

You might ask why a political party would be involved in front groups and where the evidence that they have been is. The evidence that they have been is from Tasmania where, as I indicated previously, in 1989 a front group called Concerned Citizens for Tasmania was set up by the then Liberal Premier, Robin Gray, with the sole purpose of deceiving the electorate. Money came in for that front group that was never disclosed, because there are no disclosure laws in Tasmania. You might ask why that would happen now, because that was 15 years ago. I would argue that it might happen because the same people are still involved. As I indicated, Tasmanians for a Better Future was a front group that used a public relations company in order to avoid ever declaring who they were. I have alleged in the Senate—and I believe it to this day—that Gunns Ltd significantly donated to Tasmanians for a Better Future. If they did not, I would be very happy for them to put it on the record that Gunns Ltd and no director or associate of Gunns Ltd donated that money to Tasmanians for a Better Future.

Why would I identify Gunns Ltd? Because Corporate Communications is the public relations company used by Gunns Ltd. Who is on the board of Gunns Ltd? Robin Gray, the former Premier who used Concerned Citizens for Tasmania. Tony Harrison, who was his media person at the time, is now the chief executive of Corporate Communications. Now, 15 years later, one is on the board of Gunns Ltd and one runs the public relations company, so we have exactly the same people involved. I heard the minister say, ‘You can’t stop people using brown paper bags and white shoes.’ No, you cannot. In Tasmania, I do not think there were the white shoes, but there were certainly the brown paper bags when the chairman of the board of Gunns Ltd, Edmund Rouse, met with Robin Gray on the steps of the Launceston post office and handed over a brown paper bag containing $10,000 worth of notes. The Premier did not disclose that until after the royal commission investigation occurred, because it had not occurred to him at the time that it was a donation to the Lib-
eral Party. He then remembered it was and declared it as a donation to the Liberal Party.

David McQueston, who was associated with Examiner-Northern Television and is now on the board of Gunns Ltd, was charged with corporate crime at the time and found guilty, because he managed the secret cash box in an organisation where unmarked notes were kept for the purposes of making donations to people. He was found guilty of corporate crime, and he would not have been able to serve on a board for five years except that he appealed it. The guilty verdict was maintained and the conviction was then not recorded. The result of that was that he could go back to serve on the board of Gunns Ltd and has continued to serve there ever since. I am arguing that the same people who were around and involved at the time of Concerned Citizens for Tasmania—a deliberate deception—are now, in my view, behind Tasmanians for a Better Future, advertising through Corporate Communications and never having to be named, because there is no disclosure in Tasmania. I am asking that the federal disclosure laws be written in such a way as to capture that.

The minister said yesterday that this would be captured under section 305B as it currently stands. My reading of section 305B is that it says $1,500 or more. I assume that will be changed consistent with the $10,000 threshold that has been changed for the rest of the legislation. As I read 305 in connection with new section 314AE(b) and 314AE(c), it says that the situation is as I said it was—that, if a public relations company runs an advertising campaign for a sum of money that is over $10,000, the public relations company will have to furnish an electoral return. That is appropriate, but the point I was making is: do the people who donate or give the money who will enter into a contractual arrangement with that company have to be named? Yesterday the minister said that they did have to be named because of section 305B. If they make a donation or an arrangement that is less than the $10,000 threshold—if I am right in assuming the new threshold applies, otherwise the same point stands with $1,500 or less—and if there are several of them but not one of them is over $10,000, there will be no need for any of those people to furnish an electoral return, so I believe the point I make stands. I know Senator Abetz has been advised by people in the advisers’ box. If that is their advice, it will ultimately be determined by other interpretations than the ones in here.

My understanding is that, if the new threshold of $10,000 applies to section 305, a group of 20 or 30 business people behind a front organisation could put in less than $10,000 each and there would not have to be an electoral return which identified those people. That is why I believe it is absolutely essential that a joint committee looks at the issue of third party involvement in election campaigns and election advertising. It is incredibly complicated. I appreciated Senator Murray’s remarks last night. He did not support my particular amendment in relation to this, because he felt that the issue was more complicated than I had been able to capture in my amendment. But he strongly supported the notion of a committee looking at the involvement of third parties or front groups—the whole issue of third parties—so that it can be looked at in a really comprehensive way.

The United States has tried to grapple with this. Canada has tried to grapple with it. All over the world, people who are interested in having free, fair and transparent elections that cannot be bought are keen to say, ‘If we are going to allow third party involvement in elections then those third parties have to be identifiable, and there has to be transparency.’ I think that most people would see that process as an appropriate way to behave. I do
not claim to have it right, and I did not claim that in my amendment last night. It is an attempt to get to this issue. What I would like is a much more considered appraisal of third party involvement in elections, because this is not a hypothetical situation.

It has occurred. In 1989 it led to people going to jail. In the last state election in Tasmania, a certain group of people got away with deception of the Tasmanian community by virtue of not having to say who they were. And let me tell you: if the people of Tasmania knew that the companies behind Tasmanians for a Better Future were the woodchipping companies—the people destroying their forests—it would have been a very different thing. That is why they use nice-sounding names, like Tasmanians for a Better Future or Concerned Citizens of Tasmania. But that is not what they are at all. It is another agenda, and the community deserves to know what that agenda is. So I urge the Senate to support this reference to the appropriate committee—the Joint Standing Committee on Electoral Matters.

If you read about the way this has troubled legislators in the United States, Canada and the UK, it is a much more difficult and complex problem than is being attested to by the amendments. Contrary to the minister’s assertion that people who give money to be used in a campaign will be named in the course of transparency, I do not believe they will, provided they give less than the threshold amount of $10,000. But I would like some clarity. If it is $1,500, that is fine; let’s keep it at $1,500. I still believe there has got to be a way of having transparency.

If you have 100 people giving $1,500, you get the same outcome in terms of being able to hide the involvement and influence on elections. That is what is being done here. It is about buying influence. And if you influence the outcome of an election, people in the community have a right to know where that influence is coming from and what the policy positions are. That is where there is a difference with organisations such as the Wilderness Society or the Huon Valley Environment Centre. Everybody knows who they are and what they stand for. You can go to their websites, you can look up who their principal people are, you can look up their policies and you know exactly where they are coming from. But when it is a front group which is not registered and does not exist, you cannot do that. Concerned Citizens of Tasmania did not exist, and neither does an organisation called Tasmanians for a Better Future. It was a vehicle only.

I believe that an inquiry needs to look at all the issues around the involvement of third parties in working with political parties: issues to do with negative advertising, with advertising on behalf of those parties by writing and placing advertisements and having other people pay for them. All of those issues need to be comprehensively looked at in an inquiry before a much more considered set of amendments to the Electoral Act can be made which actually allow all of the matters that I have canvassed to be covered. That is why I urge the Senate to support this amendment.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (10.34 am)—I also support the amendment. It would be an inquiry into the insidious process of people secretly being able to put large amounts of money into partisan politics without the public being aware of who they are. That is not the spirit of the Electoral Act. It is not the spirit of the development of that act by everybody who has gone before us in developing electoral law in this country. It is not the spirit of the Australian Constitution.

We are an open and liberal democracy. Senator Abetz has talked about the word
‘liberal’ in the 24 hours during which the
government has moved to axe the Senate
system as we know it and, through this pro-
cess, is moving to disenfranchise thousands of
Australians and to increase the secrecy of the
donation system by a quantum leap. This
motion should be supported. All it says is: let
us have a look at third party donations by
secrecy and make sure that we stop undue
influence coming through money being chan-
neled into political parties in secret.

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

The Senate divided. [10.40 am]
(The Acting Deputy President—Senator C
Moore)

Ayes............ 9
Noes............ 47
Majority......... 38

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

NOES
Abetz, E. Bernardi, C.
Barnett, G. Brown, C.L.
Boswell, R.L.D. Carr, K.J.
Campbell, G. Crossin, P.M.
Colbeck, R. Ellison, C.M.
Eggerstone, A.* Ferguson, A.B.
Faulkner, I.P. Fifield, M.P.
FERRAVANTI-WELLS, C. Hogg, J.J.
Forshaw, M.G. Hurley, A.
Humphries, G. Johnston, D.
Hutchins, S.P. Kirk, L.
Joyce, B. Ludwig, J.W.
Lightfoot, P.R. Marshall, G.
Macdonald, J.A.L. McGauran, J.J.J.
McEwen, A. Moore, C.
McLucas, J.E. O’Brien, K.W.K.
Nash, F. Patterson, K.C.
Parry, S. Payne, M.A.
Ray, R.F. Polley, H.
Scullion, N.G. Ronaldson, M.
Sterle, G. Stephens, U.
Watson, J.O.W. Troeth, J.M.
Wortley, D. Webber, R.

* denotes teller
Question negatived.
Original question agreed to.
Report adopted.

Third Reading

Senator ABETZ (Tasmania—Minister for
Fisheries, Forestry and Conservation) (10.44
am)—I move:
That this bill be now read a third time.
Question put.
The Senate divided. [10.48 am]
(The President—Senator the Hon. Paul
Calvert)

Ayes............ 33
Noes............ 31
Majority......... 2

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

NOES
Allison, L.F. Bartlett, A.J.J.
Brown, B.J. Brown, C.L.
Campbell, G. Carr, K.J.
Crossin, P.M. Faulkner, J.P.

CHAMBER
Debate resumed from 19 June, on motion by Senator Abetz:

That these bills be now read a second time.

Senator WONG (South Australia) (10.51 am)—I rise to speak in support of the Do Not Call Register Bill 2006 and the Do Not Call Register (Consequential Amendments) Bill 2006. The purpose of the bills is to establish a list upon which Australians can register their details and opt out of receiving unwanted telemarketing calls. Telemarketing calls made to the telephone numbers of Australians who have registered their details on the Do Not Call Register will be prohibited.

For those Australians who do not choose to register their details on the Do Not Call List, protections will be introduced governing a range of issues, including the permitted calling times for telemarketing calls. Labor supports the introduction of these bills and the government’s belated recognition of the need for action to put an end to the scourge of unwanted telemarketing.

Under the bills before the chamber, the Australian Communications and Media Authority, ACMA, will be entrusted with the operation and oversight of the Do Not Call List. ACMA will also be given a range of enforcement powers to ensure that the Do Not Call List is respected, with breaches of the provisions associated with the list ranging from formal warnings and infringement notices to court imposed fines, ranging from $1,100 to $1.1 million.

Unwanted telemarketing calls have been a growing problem in Australia for a number of years. Falling international call charges and the proliferation of low-cost offshore call centres have combined to create a business case for large-scale, indiscriminate international telemarketing campaigns. Unfortunately, Australians have been popular targets for those campaigns. In 2005, Australians received more than one billion unwanted telemarketing calls, a six per cent increase on the previous year. That is around 53 calls per person per year, or 2.7 calls per household per week. It is easy to understand why Australians have become sick and tired of this kind of marketing. For every one of those billion telemarketing calls, an Australian family was interrupted by an unwanted intrusion into their family home. That is one billion occasions in this time-poor era when middle Australia’s ever-shrinking family time was eaten into by unwelcome strangers trying to flog their products.

Australian families already have enough on their plates juggling work and family, and trying to find a balance between earning enough to keep up the mortgage repayments and still having some time to spend with the
children. They do not need their precious time wasted by unwanted telemarketing calls. They do not need to try to juggle the phone while they are trying to bath the kids. They do not need to be sold mobile phone plans while they are trying to spend some quality time with one another. And they do not need to be constantly disturbed while they are trying to relax together. Middle Australia deserves a break; they do not deserve to be hassled in this way.

Telemarketing can go beyond being a mere annoyance. When telemarketers go beyond simply being rude and also become unscrupulous, the more vulnerable members of our community are at risk. Many telemarketers are not satisfied with merely intruding on the family home, but also employ aggressive, high-pressure sales techniques. The most vulnerable in our community, such as the elderly and the disadvantaged, are especially at risk from those tactics. There have been many reports in recent times of elderly Australians being pressured into sales by telemarketers who will not take no for an answer.

Unwanted telemarketing calls were the biggest source of complaints to the New South Wales Office of Fair Trading in 2005. Victoria and my state of South Australia also experienced significant surges in the number of complaints received by their fair-trading regulators about unscrupulous telemarketing practices. Labor MPs and senators have received many letters from Australians who tell us they have felt threatened by receiving aggressive phone calls at their homes from people they do not know. Many elderly Australians are understandably uncomfortable rebuffing the aggressive advances of unknown telemarketers who know their names and contact details.

In summary, unwanted telemarketing calls are a nuisance, an invasion of privacy and a threat to the most vulnerable in our community. To its credit, the Australian telemarketing industry recognised that the industry had an obligation to try to curb the excesses of telemarketing in this country. To that end, the Australian Direct Marketing Association developed a self-regulatory Do Not Call List that was signed on to by more than 300,000 Australians. The enthusiasm of Australians to participate in that self-regulatory Do Not Call List is a clear indicator of how fed up middle Australia has become with this issue. However, despite good intentions, this attempt at self-regulation has been almost entirely ineffectual. The self-regulatory list applies only to members of the ADMA and does not include sanctions for breaches of its provisions. The explosion in the volume of telemarketing calls experienced by Australians in recent times is a testament to the failure of the self-regulatory approach.

Given the size of the problem posed by unwanted telemarketing and the failure of the industry to effectively ameliorate these issues itself, it has been clear for a long time that government action was needed to hang up on telemarketers. However, unfortunately it has taken more than two years for the Howard government to be dragged kicking and screaming to the floor of the Senate today to put a stop to these practices.

The Labor Party can claim a significant amount of credit for finally forcing the government’s hand on this issue. It has been our policy to establish a national Do Not Call List since 2004; that is Labor listening to middle Australia and developing a sensible response to a rapidly worsening problem. Our policy was based on the highly successful national Do Not Call List administered by the Federal Communications Commission in the United States that has been signed on to by more than one hundred million households. Labor campaigned on the establishment of the list at the last federal election...
and has continued to campaign on this issue for the past two years; however, it appeared that the Howard government was not interested in what Australian families want.

The Howard government refused to adopt this policy even after the last election; in fact, it refused to even reconsider it. Last year, the member for Chisholm, Anna Burke, introduced a private member’s bill reflecting Labor’s policy to establish a Do Not Call Register to be administered by the ACCC. The bill was designed to make it illegal for telemarketers to contact Australians who had registered their telephone number with a Do Not Call List. Under Labor’s private member’s bill, telemarketers who contacted numbers on the list would be subject to fines of up to $10,000. In addition, Labor’s bill also banned telemarketing calls to people who chose not to register on the Do Not Call List on public holidays, on Sundays and on any other day between midnight and 9 am or 8 pm and midnight.

When you examine the provisions of Labor’s private member’s bill and the Do Not Call Register Bill before the chamber today, it is clear there is very little substantive difference between the two. Given this, one might ask why the government did not simply support Labor’s private member’s bill in 2005 or enter into discussions with the opposition with an eye to amending provisions in the bill that the government did not support. The government chose not to do that. Instead, the government put cheap political points and cheap political point scoring ahead of the interests of middle Australia.

The Prime Minister and Senator Coonan were happy to play nuisance politics on nuisance calls for more than six months, consigning Australian families to hundreds of millions of unnecessary telemarketing calls. Instead of simply supporting or seeking to amend Labor’s sensible private member’s bill when it was introduced, the government refused to even allow a vote on it. Then, in an arrogant and cynical stunt of the kind that has come to characterise the Howard government, the minister released a discussion paper canvassing the introduction of a Do Not Call Register on the day before Labor’s bill was scheduled to be debated. So we had a bill to be debated in the House on one day. The minister obviously thought, ‘I had better put something out there, because this is probably an issue people care about, so I will put a discussion paper out the day before.’

Sacrificing the interests of middle Australia for a cheap stunt like that is surely the hallmark of a government that has grown arrogant and out of touch. Australian families did not want political game playing on this; they wanted action. That is more than clear from the response to the government’s discussion paper. There were almost 500 submissions, the vast majority being from ordinary Australians, begging for the government to take action to put an end to these calls. However, even this overwhelming support for the introduction of a Do Not Call list appeared to not be enough to spur the complacent and out of touch Howard government into action. Even after the flood of responses to its Do Not Call discussion paper, the government still wasted more than six months before it formed an official response to the issue.

If you compare that to the speed at which this chamber was required to consider—well, barely consider—and at which the government rammed through legislation such as the sale of Telstra, the industrial relations changes and the Welfare to Work changes, the priority—or the lack of priority—afforded to this issue by the government is patent. As a final testament to the government’s inaction, even today, when the government finally appears to be belatedly responding to this problem, we are told by the
minister that the list will not be operational until 2007. After two years of dilly-dallying, it will still take the Howard government more than six months to actually establish the register. Meanwhile, phones keep ringing, causing completely unnecessary aggravation for middle Australia.

Why didn’t the government simply support Labor’s private member’s bill last year? Why didn’t the government adopt Labor’s policy for a national Do Not Call list earlier? If it had done so, middle Australia could have been spared at least a year’s worth of telemarketing calls. But instead of playing a constructive game and listening to these people, the Howard government chose to play a childish political game. Instead of taking action in the best interests of middle Australia, the government tried to create a hall of mirrors through which it could claim credit for this policy. Frankly, this kind of behaviour is not good enough. Perhaps the minister and the rest of the Howard government should explain to Australian families why it has delayed on this issue for so long.

Backflip No. 1 came when the government recognised the need for a national Do Not Call Register and adopted Labor’s policy on this issue. Backflip No. 2 has come now. Despite the minister promising small business respite from unwanted telemarketing just a few months ago, the minister is today putting before the chamber a bill that offers no protection for small business. Under the terms of this bill, small business owners will be prevented from being able to register their details with the Do Not Call list and protect themselves from unwanted telemarketing. We believe exempting small business from the operation of this register is the wrong decision from government. Small business owners are currently under just as much pressure as Australian families.

Small businesses, whose limited resources are already pushed to the maximum by their core business, do not need the added burden of constantly fending off telemarketing calls. As the deputy chair of COSBOA, the Council of Small Business Organisations of Australia, Tony Steven, said: ‘Constant calls from telemarketers are a time imposition for small businesses. We don’t want to restrict business-to-business marketing, but we should be protected from mass market telemarketing campaigns run by call centres in India.’ Labor believes that participation in the Do Not Call Register should be an issue of choice for small business. If a small business decides they want protection from mass market telemarketing campaigns, they should have the right to turn to the Do Not Call Register for assistance.

However, when it comes to the fight to lift the burden of unwanted telemarketing calls from the shoulders of small business, it appears that this government is in the telemarketers’ corner. That much is clear from the minister’s statement, in which she indicated that rights of small business to protection from harassment by telemarketers must be
balanced against ‘the needs for businesses to promote their products and services’. In Labor’s view, the government’s defence of call centre telemarketers in this context is both misguided and unnecessary. The government should not be putting the business interests of an industry that is engaged, at least in part, in undesirable practices ahead of the interests of Australian small businesses. We do not oppose the need for businesses to promote their products and services. However, this promotion must occur in a way that is not offensive to the community.

It is not uncommon for governments to place restrictions on the marketing practices that we permit within our society. Governments do not permit unrestricted advertising in public places and they restrict the content that can be included in advertising. Those restrictions have not prevented businesses from promoting their products or services—far from it. Instead, these public interest restrictions have redirected business’s marketing efforts towards more socially acceptable methods. One would think that the same results could be expected from the introduction of a national Do Not Call Register of which small business can be a part. Instead of being the end of businesses marketing their products, companies will have to stop engaging in annoying telemarketing and find new and hopefully more customer friendly ways to market their services and products.

It is instructive in this regard to examine the outcome of industry predictions of large-scale job losses resulting from the introduction of a national do not call list in the United States. An article in Advertising Age on the US experience after the introduction of the list in the United States said:

Early indications are that the industry is evolving, rather than facing extinction: Many telemarketers appear to have survived by broadening their businesses ...

Similarly, Manpower Inc, a major employer in the US telemarketing sector noted:

... the ‘Do Not Call’ registry didn’t decrease the demand for personnel; it just shifted the work employees had to do.

For these reasons, a Beazley Labor government would not afford the telemarketing industry this kind of misguided and unnecessary protection, and we would ensure that small businesses had the right to register on the Do Not Call List and obtain protection, if they so wished, from unwanted telemarketing calls.

In the final analysis, Labor supports the bills before the chamber and welcomes the introduction of the Do Not Call Register. It is better late than never. After two years of campaigning on this issue on behalf of middle Australia, it is heartening to see that there is some relief in sight. We can only hope that it will not take the minister two years to perform another backflip on her opposition to Labor’s Cleanfeed policy to protect Australian children from internet pornography. Such a backflip would be warmly welcomed by Labor, as I am sure it would be welcomed by those sitting on the government benches. Labor is relieved that, after two years, the government has finally seen the light on the Do Not Call Register Bill 2006. I commend the bill to the chamber.

Senator STOTT DESPOJA (South Australia) (11.09 am)—I rise in my capacity as the Australian Democrats privacy spokesperson to address the Do Not Call Register Bill 2006. Like other parties in this place, the Democrats will be supporting this piece of legislation. Indeed, we have also long supported this idea and welcome the legislation before us. Certainly well before the 2004 campaign the Democrats made clear our support for a register of this kind, being very conscious, as we are, of any invasion of the privacy rights of Australia and indeed of, as
Senator Wong has pointed out before us, the irritation factor of telemarketing calls—or the perception of that—among the community.

As the Senate inquiry into this legislation points out, many people have complained that unsolicited phone calls are an inconvenience and an invasion of their privacy. A recent phone-in that was organised by the Australian Law Reform Commission regarding citizens’ privacy issues reported around three-quarters of the 1,300 calls they received related to telemarketing calls. The President of the ALRC, David Weisbrot, remarked that an overwhelming majority of callers were unhappy with the number and the timing of calls they received from telemarketers. Clearly, there is no doubt that it is a significant nuisance and it has been important that the government respond in a comprehensive and sophisticated way to the need for some kind of register.

Essentially, as you have heard, the proposed register places a prohibition on unsolicited telemarketing calls to an Australian number which is registered on the Do Not Call Register. This essentially allows consumers to ‘opt out’ of approaches made by telemarketers. There are of course penalty provisions in the bill, including civil penalties and injunctions for breaches of the act. We believe that the legislation is a definite improvement on the disparate federal, state and voluntary codes of conduct currently governing telemarketing in our country.

It is particularly welcome at a time when so-called privacy rights in this country are increasingly under threat. There are very strong arguments—and certainly a Democrat initiated Senate inquiry into the Privacy Act bore this out—for a tightening of the current loopholes in the Privacy Act. The Privacy Act, which is a light-touch regulatory regime, does require updating, particularly in light of technological advances that have taken place over at least the last six years. The sad truth is that, for every advance in technology, there is a massive increase in a government’s, business’s or any organisation’s ability to directly and indirectly pry into the private affairs of the public. The key to legislation is to at least attempt to stay ahead of the more obvious technological impacts on the lives of Australian citizens.

I would argue that the greatest threat to Australians citizens’ privacy is ahead of us with the so-called smart card that you would be aware of: $1.1 billion over the next four years has been allocated in the federal budget to allow for the establishment of what is effectively a national identity card by stealth. At the same time, what do we give our Privacy Commissioner? I think it was $6.5 million over the next four years in this year’s budget papers—I will double-check that. That kind of increase to the Office of the Privacy Commissioner does little to enable her or the commission generally to keep pace with some of the invasions into privacy in the lives of Australians.

There are some issues with this bill. I know some of them were canvassed during the Senate committee process, and there is a series of three recommendations, which I think are fairly non-controversial, arising out of that report—recommendations with which we agree. I see that the government, at least in one amendment before us, has attempted to address one of the issues in relation to nominations in writing. But there are a number of exemptions in this legislation. The legislation has exemptions that operate under this bill for charities, registered political parties, Independent members of parliament and candidates, religious organisations, educational institutions, government bodies, businesses with an existing business relationship with customers, and calls conducting opinion polls or carrying out questionnaire based
research. These are such extensive exemp-
tions that consumers are still going to receive
a relatively high number of calls. I am not
denying that this will see a reduction in the
number of those nuisance or invasive calls
that consumers and citizens have made very
clear that they are sick of, but I do think that
there is a broad-ranging list of exemptions
here, and that needs to be addressed. I will
seek to address that broad issue in a second
reading amendment which I will circulate
shortly.

As members would have seen over the last
few days, I have circulated an amendment
which I gave notice of many weeks ago and
which is perhaps not an amendment that will
surprise anyone in this place, given my
views on the issues of exemptions for politi-
cal acts and practices from privacy law. I
have circulated an amendment that will seek
to remove the exemption that exists for poli-
ticians, candidates and, obviously, political
acts and practices. As I said, that is not going
to be a surprise to anyone who knows my
interest in this area. When I was responsible
for debating on behalf of the Democrats the
Privacy Act changes back in 2000, I think
initially we had some success with moving a
Democrat amendment to remove the exemp-
tion that existed for political acts and prac-
tices. That was short lived.

Unfortunately since that time, and due to
the opposition of both the Labor Party and
the coalition, the exemption, which has ex-
isted for political acts and practices and thus
for politicians and political parties, has re-
mained. We are exempt from the Privacy
Act. It is utterly hypocritical that we expect
businesses and members of the community
to comply with certain privacy regulatory
frameworks when we do not adhere to those
practices ourselves. We do not adhere to that
regulatory framework; we are not respecting
the privacy rights of individuals in the same
way that we expect others to.

I hope the coalition and, in particular, the
opposition will support the amendment
which I will move during the committee
stage. The issue of politicians being exempt
from the Do Not Call Register Bill 2006 is
just one part of a larger problem, one part of
a privacy exemption that we enjoy. It is a
luxury that we enjoy and it is completely
inappropriate. I will continue to fight against
that luxury and privilege because we do not
deserve it and we should not have it. I am not
saying that we are not entitled to collect in-
formation, be it about consumers, constitu-
ents or what have you, but the basis of the
privacy principles and the premise of our
Privacy Act and law—whether it applies to
the private or public sector—is the right to
be able to challenge, view and correct infor-
mation that is held about you.

As politicians, surely we should be among
the most accountable when it comes to col-
lecting, storing or analysing that information.
I am going to elaborate for the Senate on
some of the privacy breaches for which poli-
ticians are responsible. We hail the secret
ballot as a vital component of a healthy de-
mocracy, but while we maintain the right to
vote anonymously, political opinions and
sympathies of citizens are being recorded on
mass databases operated by the major politi-
cal parties. When the privacy law was ex-
tended to the private sector, this exemption
was put in place with the support of both
major parties. This exemption enables the
major parties to disregard the privacy of Aus-
tralian citizens in the pursuit of votes. As a
consequence, politicians are now among the
worst violators of privacy rights in Australia.

We know that both major parties have ex-
tensive databases—Feedback, I think, in the
case of the coalition, and Electrac in the case
of the Australian Labor Party—which record
the political leaning of voters. That is not a
secret. Starting with the basic contact infor-
mation obtained from the electoral roll and
the phone book, these databases are supplemented with sensitive information about the political views of individuals obtained, for example, when constituents ring talkback radio, write a letter to the newspaper or simply contact their local member of parliament. Office staff are often trained to log the details of all telephone conversations, correspondence and face-to-face meetings and to put it into the database. Further information is of course gathered from telephone polling by so-called independent organisations which sometimes fail to disclose that the polling has been commissioned by a political party.

All political parties commission polling, so all of this can apply to any political party, political organisation or indeed any political individual. Of particular concern, though, is the way in which parties handle postal vote applications from their constituents after requesting that such applications be returned to them rather than sent directly to the Australian Electoral Commission. I understand that in the case of at least one party they assume the voting intention of an individual based on the party to which they return that postal vote application. This information is then recorded on the party’s database. For example, if a person returns their postal application to a Liberal member of parliament, they are assumed to be a ‘leaning’ voter in favour of the Liberal Party and tagged accordingly. If they return their application to a non-incumbent Liberal candidate, then they are tagged as a likely Liberal voter.

This practice raises serious concerns regarding the right to vote anonymously and the complete absence of any consent relating to the collection and storage of such information. Another concern, the key concern for privacy and privacy principles, is that constituents do not have the right to access information that is held about them or to correct that information if it is inaccurate. This is the basis of the privacy principles. Why would we shy away from those principles? It is particularly problematic given the sensitive nature of information that is contained on some databases and the theoretically potentially dubious accuracy of that information, not to mention that political views or votes can be fluid and are susceptible to change over time. People might want to correct the record.

With these concerns in mind, the stated justification for exemption from the Privacy Act—in this case, exemption from the Do Not Call Register Bill—namely, that it is intended to encourage freedom of political communication and to enhance the political process, rings rather hollow. Why are we afraid of accountability and transparency in this regard? The unregulated operation of political databases has the potential to diminish public confidence in the democratic process, to discourage constituents from contacting their local members of parliament and to potentially distort the political process by skewing it in favour of swinging voters.

I think this hypocrisy has to end. It is hypocritical for us to expect industry groups, community groups and other groups to comply with the privacy legislation that exists in this country when we are not willing to comply with it ourselves. As I have said, I have repeatedly moved to try to remove this exemption and to get rid of this double standard. I will be doing that again with a private member’s bill, which will be introduced tomorrow. In the meantime, the amendments that I will move today, not just the committee stage amendment but the second reading amendment, will deal specifically with this bill.

So this is ‘line in the sand’ time. This is a chance for political parties to indicate where they stand on the Do Not Call Register Bill and whether politicians should be exempt
from that legislation. It applies to politicians, candidates and Independent members of parliament—all of us—and therefore we should be removing that exemption. I acknowledge some of the other concerns that have been raised in the Senate committee—some of those are technological—given that this legislation is based largely on the Spam Act 2003. Probably the best way of proceeding with the definition of consent and some of those issues is to ask the government how it is dealing them in the committee stage.

Again, on the issue of exemptions, the Democrats’ concerns are strongly backed up by the submission provided to the Senate committee by the Australian Privacy Foundation. I want to put this on record very clearly. When they talk about the exemptions in their very comprehensive submission they say:

The rules regulating exemptions are of the greatest importance as they risk seriously undermining the value of the Do Not Call Register. The starting point must be that the rights to opt-out should be no less than those which are currently provided under NPP2.1(c) of the Privacy Act 1988. There are no reasons for, or legitimacy in, providing exemptions that go beyond what is catered for in that instrument.

They go on to say, and I think this is a pivotal point:

In our view, provided that the Register is sophisticated enough to allow selective registration, there is no need for exemptions at all. In other words, as long as a registrant can choose to register to avoid calls from e.g. religious organisations, charities and political parties and candidates, and still allow for calls from e.g. existing business contacts, government bodies and market researchers, there is no reason to provide for exemptions to the Do Not Call Register.

In other words, it is saying that if you come up with a register that is sophisticated enough so people can have that ‘opt out of’ process—they can specify who they do and do not want to receive calls from—then why do you need these broad-ranging exemptions in the legislation before us?

In point 26 of their submission to the committee, the Privacy Foundations say:

In addition to the above, there are several other reasons why exemptions are not necessary. First, as is stressed in the Discussion Paper, there are other less intrusive means by which businesses and organisations can approach people. Second, people always have the right to say ‘no thanks’ once the call is made anyhow. Thus, the Register simply constitutes a means for people to say ‘no thanks’ before the harm is done. This observation is perhaps particularly relevant in relation to research calls (which is the call type that may be most heavily supported by a ‘public interest’ argument)—people have the right to decline taking part in the research, and the option of exercising that right through a specific choice on a Do Not Call Register cannot be said to be against the ‘public interest’.

They conclude the exemptions aspect of their submission by stating:

If, contrary to our preference, an exemption is granted for social/market research, it should be linked to clear criteria/definitions, such as the Association of Market and Survey Research Organisations (AMSRO) Market and Social Research Privacy Principles ... which require that no personal information is disclosed to the client.

So, while we are supportive of this legislation, there are still some loopholes.

In relation to other concerns that have been raised publicly and through the committee process, we understand that there may be some costs to local small business communities, especially in terms of the cold canvassing which for many years has been a useful marketing tool. There are also potential costs to small businesses associated with having to search the register to see who is part of it. Nevertheless, those concerns side, we are still satisfied that the greater public good is being served by this legislation and the privacy provisions that are afforded by this bill.
Perhaps the only other issue that may need further clarification is that the government should release the estimates for the register’s access fees as soon as is possible. I do not know if the government have some views on that that they may want to share during the committee stage so that the public is aware of costs, if any, associated with using this service. I will also ask during the committee stage if there are any comments from the government on the recommendations contained in the Senate committee report.

I note in the submission from the Privacy Commissioner that her suggestion was that there be a public awareness and education campaign associated with the introduction of the Do Not Call Register. I am hoping that the government will allocate sufficient resources to ensure such a campaign is able to be established. Having said that, given the miserly amount that was allocated to the Privacy Commissioner—$6.5 million—in the federal budget, I am not holding my breath to ensure that that is done, but it is a worthy recommendation by the Privacy Commissioner, and I hope it will be acted upon.

I move the second reading amendment standing in my name:

At the end of the motion add:

“but the Senate notes that:

(a) the bill does not apply to registered political parties, independent members of parliament, candidates, government departments, religious organisations, charities and educational institutions. Those exemptions could actually be dealt with in another way based on the sophistication and the selectivity processes of the register, so those broad-ranging exemptions potentially do undermine the value of the Do Not Call Register Bill. During the committee stage I will seek to remove the exemption that applies to politicians.

Senator EGGLESTON (Western Australia) (11.28 am)—Telemarketing calls are very much one of the scourges of the modern world and, in recent years, they have grown at an alarming rate. The Commercial Economic Advisory Service of Australia has estimated that in 2004 there were over one billion telemarketing calls made from Australian call centres.

The government, in responding to community concern, has introduced this legislation to establish a national Do Not Call Register. I think Senator Wong’s remarks in her contribution earlier about the government’s position in addressing this problem were rather gratuitous and unnecessarily self-serving. There is similar legislation in other countries such as Canada, the United States and United Kingdom. The issue of telemarketing is one which is widely recognised as a problem, and the Howard government has moved to deal with it in Australia with this legislation.

The Do Not Call Register Bill 2006 and the Do Not Call Register (Consequential Amendments) Bill 2006 were referred to the Senate Environment, Communications, Information Technology and the Arts Legislation Committee for inquiry and report, as Senator Stott Despoja stated. I chaired that inquiry. No public hearings were held but the inquiry was conducted on the basis of submissions received, and more than 200 submissions were received.
Under the legislation, account holders and their nominees will be accorded the right to opt out from receiving telemarketing approaches by placing their fixed line and mobile phone numbers on a do not call register. Once a telephone number is registered, telemarketers, except those who are exempt, will be prohibited from contacting a registered number unless they have prior consent. In order to be included on the register, a telephone number must be used or maintained primarily for private or domestic purposes. This effectively precludes small businesses from including their numbers on the Do Not Call Register. This has been done on the basis that many small businesses advertise their telephone numbers for the purpose of attracting additional businesses, and businesses commonly contact other businesses for a myriad of purposes during the course of their day-to-day operations. Accordingly, the government decided that it was better not to potentially expose organisations to fines and penalties for ordinary business to business contact.

The advantage of the opt-out model proposed in this legislation is that it will create efficiency gains for telemarketers in that it will allow them to better target people who are receptive to their calls. It is expected that there will be one million registrations in the first week of the Do Not Call Register’s operation and four million more during the first year. Importantly, given the increasing utilisation of overseas call centres, especially in India, the Do Not Call Register will also apply to calls made from overseas telecentres to an Australian number. Where calls are made from an overseas number on behalf of an Australian company to a telephone number on the register without consent, the Australian Communications and Media Authority can pursue the local organisation that the telemarketer is calling on behalf of. The Do Not Call Register Bill will not have the effect of completely eliminating telemarketing calls but it will substantially eliminate the most annoying unsolicited calls received by consumers.

Submissions to the committee’s inquiry were generally supportive of the concept of a national do not call register, but a number of issues were raised. The issue raised most consistently in submissions was that around consent. Telemarketers will be able to call numbers on the Do Not Call Register if the relevant account holder or their nominee has consented to the call either expressly or by inferred consent. The committee heard concerns that calls made to people with whom a caller has an existing business relationship are not adequately protected under the bill.

Arguments were put to the committee that the concept of inferred consent in the context of an existing business relationship is too narrow and uncertain. On this basis, there were calls for existing business relationships to be given an express exemption from the register, as applies in the USA, the UK and Canada. The committee, however, did not believe that such an exemption was appropriate, because it would significantly curtail the effectiveness of the register. Simply because an organisation can establish an existing business relationship does not mean that it would be reasonable to infer that a person has consented to receiving all telemarketing related calls from that organisation. In particular, there is a fundamental difference between a customer that has accounts or contracts with an organisation and a one-off casual purchase from that organisation.

As the department told the committee: Under the proposed Australian model, businesses would be able to call individuals on the Do Not Call Register with whom they have a relationship as long as it would be reasonable for them to infer that the individual has consented to the call.
The explanatory memorandum explains this further:
The extent of the consent will be a matter of fact to be determined on the particular factual circumstances.

The committee was of the view that this approach provides sufficient protection to both businesses and registrants. Businesses may continue to contact their clients, but only when it would be reasonable. Moreover, if a registrant wanted to receive telemarketing calls from a particular organisation, there is nothing to stop that registrant from expressly consenting to receive calls from that particular organisation. On this note, some submitters outlined their concern that express consent would be valid for a period of only three months. This appears to arise from a misreading of the bill. Three months is effectively the default period. Schedule 2 of the Do Not Call Register Bill clearly states that express consent is taken to be granted for three months only if a different time period is not agreed to by the consumer. This means that consent could be agreed to indefinitely until such time as the registrant revokes it.

Another concern raised was that the register will be a register of phone numbers rather than of individuals. The primary reason for this is to protect the privacy of individuals on the register. As the department told the committee:
A register based on numbers ensures that the only consumer information that telemarketers will be able to receive from the Register will be the telephone number of the registrant. No corresponding name or address will be released.

It is also worth noting that this is the approach taken in both the United States and the United Kingdom.

The bill places the decision of whether or not to be on the Do Not Call Register in the hands of telephone account holder, rather than individuals. Concerns were raised that, in the context of households, the decision of an account holder to place their telephone number on the register will prevent other people in the household from consenting to receive telephone calls. On the basis that it is the telephone account holder that is responsible for paying the bill, the committee felt this was a reasonable outcome. Even though one person living in the household might consent to receiving calls, others may still end up answering the phone. After all, when a phone rings, it does not identify who in the household the call is for. Moreover, the committee did not receive any complaints from individuals opposed to the Do Not Call Register on the basis that they would not be able to receive telemarketing calls.

The Australian Direct Marketing Association expressed concern that a telemarketer would not be able to verify whether an individual is a nominee or not. However, the committee felt that there are a range of ways in fact that they will be able to verify this—for example, they could ask the person consenting to receive telemarketing calls if they are the account holder or the nominee; they could contact the account holder and ask if the person is a nominee; or they could request a copy of a written nomination. Moreover, where a person claims to be the account holder or nominee and turns out not to be, telemarketers will be able to avail themselves of the defence of using reasonable precautions and exercising due diligence.
Another provision of the bill allows a nominee to apply on behalf of the account holder to place a number on the register. Under the bill, consent for nomination can be provided either orally or in writing. The committee was concerned that this might be open to abuse and, accordingly, it has made a recommendation that, in order to ensure appropriate and legally certifiable authorisation, consent should be given in writing only.

Under the terms of the legislation, unless they are removed earlier, numbers will remain on the register for a period of three years before they will have to be reregistered. Some concern was expressed about this requirement during the course of the inquiry. However, the committee was convinced that it is an unavoidable nuisance in order to ensure that the register remains relatively up to date. With approximately 17 per cent of the Australian population moving home each year, three years is considered an appropriate time frame to strike a balance between the need for accuracy of information and the need to require registrants to reregister each year.

Nonetheless, the committee is concerned that people need to be reminded of the requirement to reregister every three years and has, accordingly, recommended that the government examine options to ensure that telephone account holders receive an effective reminder prior to the expiry of their registration on the Do Not Call Register.

The legislation includes a limited number of exemptions for organisations that operate in the public interest. These include charities, religious organisations, educational institutions, registered political parties and nominated political candidates, as well as government bodies. This is in line with the successful do not call regimes used in both the United States of America and the United Kingdom.

The government considered that it is especially important that charities be exempted from the register. Telemarketing is an important means of raising funds and assists charities to provide worthy and much needed services and support to the community. The Royal Institute for Deaf and Blind Children, for example, said in its submission that in 2005 it raised $2.1 million from its telemarketed lottery sales.

The government considers market research and social research to have a genuine public interest benefit, and those calls that do not have a commercial type purpose within the meaning of the bill will not be subject to the Do Not Call Register.

It is important to recognise that individuals will still be able to make use of the private sector provisions of the Privacy Act, which means that they will still be able to ask many exempt organisations not to call them should they strongly object to such calls.

Optus made a submission to the committee which raised some concerns in relation to the penalties contained in the bill, including the provisions relating to compensation and the recovery of a financial benefit. In relation to single errors that result in contraventions over multiple days, Optus advocated:

- that penalties should be imposed on a per incident basis rather than on a per call, per day (contravention) basis.

The committee has drawn these concerns to the attention of the minister and suggested that they be given due consideration.

Because consumers, regardless of whether or not their telephone number is on the register, will still continue to receive telemarketing calls, the legislation will enable the establishment of minimum contact standards to which all telemarketers must adhere, including all of those organisations that are exempted from the register. The standards will
cover matters such as permitted calling hours, minimum information to be provided to recipients of calls and minimum requirements around the termination of calls.

The committee and the government believe these bills represent an appropriate response to the undoubted scourge of unsolicited telemarketing calls and I commend them to the Senate.

Senator WORTLEY (South Australia) (11.44 am)—I rise today to speak on the Do Not Call Register Bill 2006 and the Do Not Call Register (Consequential Amendments) Bill 2006. Labor welcome this legislation and hope that its outcomes will reduce the burdens on Australian phone subscribers and prevent unwelcome and unwarranted solicitation. While we support this bill and subsequent amendments, I would like to recognise, as some of my colleagues have already, Labor’s pressure on the government in bringing this issue into legislative consideration. I wish simply to say that we on this side did campaign heavily on this during the last federal election, and Kim Beazley has been pushing this issue for some time now, as has my colleague Senator Conroy. I also acknowledge the member for Chisholm, Anna Burke, for her very strong work in this area. She introduced a private member’s bill in the House of Representatives which was very similar to this bill, and she should feel some satisfaction in the outcome, knowing the very positive role that she as a Labor member has played.

I do, however, question the actions of the Minister for Communications, Information Technology and the Arts, Senator Coonan, in that the public has been forced to wait six months for this debate just so that we could allow a bit of water to run under the bridge before adopting Labor’s policy. As a result, the Do Not Call Register will effectively not be in place now until 2007. It is interesting to note that the United States implemented this type of law in 2003, and the United Kingdom in 1995.

As recently as this year, Telstra released some figures from its unwelcome calls unit. These figures were a confronting insight into how big a problem this is in the community. They said that, of the 1,500 unwelcome calls each day, no fewer than 700 related to telemarketing. I am not sure what the figures were in 2004, but they could well be slightly higher, as it was in 2004 that the Liberal Party made pre-recorded unsolicited calls to citizens as they were sitting down to have dinner. As the member for Cunningham said, at least they employed Australian workers, including some notable ones! I would simply say that this bill is long overdue and, to the many constituents who have contacted my office over the past 12 months, will be most welcome.

The real winners here, as they should be, are the people of Australia. In looking at my own encounters with telemarketers over the years, I have considered all of the aspects, including the fact that the poor person working for the telemarketing company must endure a fairly tough working life. One would no doubt need a very thick skin to absorb some of the verbal abuse that they are prone to receive in that industry. Unfortunately, the majority of these calls are very annoying and occur at the most inopportune times. So the fact that these people are only following a company directive cannot be considered before privacy and respect and, for those who desire it, the right to live in what is essentially a telemarketing-free household.

There are some, I know, who believe that advertising is the greatest art form of the 20th century. Whether or not you subscribe to this view, I would argue that we live in a world that is inundated by commercial advertising. Although it plays an important role
in the economy. Australian home life already involves a great deal of exposure to it via electronic and print media, and it is the view of many that they do not need any more.

Yet it is not all bad for those involved in the telemarketing industry, and in many ways this bill will make their procedures more structured and organised. Perhaps the most positive aspect that comes to mind is that the workers—in this case, the call operators—will be able to expect far less abuse as a result of knowing in advance that they are calling a person who has not registered to be exempt from such calls. Let me also say that some in the industry have also endeavoured to address this problem of intrusion and, over the years, there have been attempts to develop a code of conduct. Unfortunately, however, there has not been enough effort or commitment across the board to stem the problem and hence this legislation that is about to be put in place.

This bill is about giving power back to consumers. It is about giving citizens the legal right to prevent the intrusion of unwanted and unsolicited telephone calls into their homes. I know the bill is eagerly awaited by many people in the community, particularly the elderly and disadvantaged. It can be very confronting for the elderly to have a person propose the sale of a product or service and then require them to hand over their personal details. Through my constituents, I have heard of cases where people have become confused by the confrontation of the telemarketing process and have ended up saying yes and signing up for products and services without really knowing the full consequences of their actions.

The nuts and bolts of this bill are to significantly curb the number of unsolicited phone calls from telemarketing companies to people’s homes, should those people wish. It is important to note this: people must request registration on the Do Not Call Register. It will not be automatic. There are of course some exemptions, such as certain charity groups and a number of other public interest organisations, which I will touch on shortly. The request to be put on the register can apply to home phones and mobile phones, which is important considering that many people today have their mobile phone as their main point of contact.

The bill allows for civil sanctions for any breach of the provisions and outlines the potential for substantial monetary penalties for such breaches. As the explanatory memorandum states, the enforcement and oversight related to this bill will be carried out by the Australian Communications and Media Authority, ACMA. ACMA will have the power to formally caution those in breach and will have the ultimate power to apply to the Federal Court for an injunction if it is required. The bill also allows for the victims of a breach to be eligible for compensation. This legislation essentially strengthens the position of ACMA, enabling it to carry out its enforcement role more effectively. The parameters of this include a requirement for ACMA to develop an industry standard setting out various minimum contract standards. This will provide times during which telemarketers are permitted to call and state what information they must provide in relation to their organisation.

The Environment, Communications, Information Technology and the Arts Legislation Committee report on this bill, tabled on Monday, made several recommendations. I encourage senators to view these recommendations. They are not suggestions by the committee that seek to change this bill’s structure, the way it has been drafted, yet they do have strong validity in the overall debate.
The first recommendation of the committee suggests that the government examine options to ensure that telephone account holders receive an effective reminder prior to the expiry of their registration to the register. The rationale behind this is due to the register not being a permanent request. A reminder would serve to prevent any conflict with individuals suddenly finding themselves back on the radar of telemarketers. The committee also recommends that, in order to ensure appropriate and legally certain authorisation, consent to register should only be given by means of written consent. The reason for this recommendation is essentially due to the bill not actually saying that the nomination to register has to be made to the body administering the register. The written aspect of a request would allow the telemarketing companies to request a copy to distinguish in black and white from whom and from where the request came.

This bill does not restrict all organisations from making calls to people’s homes. The rationale behind this is that some organisations require access to people in their homes to further benefit the general community. These include charities, registered political parties, independent members of parliament and candidates, religious organisations, educational institutions and government bodies. The exemptions are important. As we have noted, the submissions from charities stated that this method of encouraging people to give generally is the most effective method. The work of charities is something that is valued and should be encouraged. I am sure that it is the unanimous feeling of senators on both sides of the chamber.

Financially, the bill’s implementation was covered in the 2006-07 budget, which sets aside $33.1 million that will be applied over four years. Approximately $15.9 million will be recovered from the telemarketing industry. This recovery will essentially occur through payment of fees to access the register, so the balance left is an investment by the taxpayers to rid themselves of this problem.

As a member of the Senate Environment, Communications, Information Technology and the Arts Legislation Committee that conducted the inquiry, I would like to place on record my thanks to the 33 organisations and individuals who made submissions to the committee. Some were very good submissions, and they proved valuable to those serving on the committee. Finally, we support the bill and we are glad to see the coalition listening to the Labor Party on policy. Along with thousands of Australians, I too look forward to the first day of the implementation of the Do Not Call Register.

Senator WEBBER (Western Australia) (11.54 am)—The Do Not Call Register Bill 2006 and Do Not Call Register (Consequential Amendments) Bill 2006 are long overdue. Unsolicited telemarketing calls are like that other intrusive element of the electronic age, spam—that is, neither desired nor desirable. I am yet to meet an Australian who thinks that having someone ring you up to offer you aluminium cladding is a good thing, and I am yet to discover an Australian who wants to swap their telephone company each time that someone contacts them with some unbeatable deal. From personal experience, I have seen the same telemarketing company ring day after day offering the exact same deal to swap telephone companies. What is it about the people running these operations that they think that the answer is going to change from yesterday, two days ago, last week, last month or, in fact, anytime in the last year? The one thing they do have going for them, however, is persistence. They persist even after you hang up on them. They persist even if you are rude to them. They persist even if you do not answer the
That is the essential problem with unwanted phone calls.

Where once most of us saw the telephone as a means of keeping in contact with friends and family, as a means of requesting assistance in the event of an emergency and as a means of doing business, we are increasingly seeing it as a necessary evil. Of course we still want to keep in touch with friends and family, and having that ability to reach out for assistance when required is vital. However, we balance that now with the risk that, each time we pick up the phone to answer it—especially around meal time—there is a very good chance that it will be some faceless person trying to flog us some product that we do not want.

Where once it was limited to your home phone, you cannot even escape it in the workplace now. My office is often rung by telemarketers trying to sell us some product or other, usually mobile phones. Even after they are informed that they have contacted the office of an Australian parliamentarian they still attempt to sell us something. In fact, it got to the point that I raised the issue with Senator Abetz when he was Special Minister of State. At that point, he informed me that the only thing we could do to get rid of these calls was change our phone number. I do not know any parliamentarian—particularly those who like to espouse the fact that they are constantly available and in touch—who would want to constantly change their phone number to avoid phone calls from India. I understand that the people who work in these organisations have quotas to meet. I understand that they are under pressure to perform. However, that does not grant them the right to intrude on the private lives of our fellow Australians and to disrupt places of work and family homes to flog products that no-one wants.

It used to be relatively easy to avoid spruikers and snake-oil salesmen. If you were walking down the street and saw someone flogging off something, you could avoid them. Most of us cannot take that approach to a phone ringing in our home. We are not sure who is on the other end so we answer it, often to our regret and only to be frustrated time and time again by telemarketers. It has become like logging onto email. Again, something that was designed as an efficient way to communicate with people and to do business is swamped by offers of products and services that no-one wants. How much time that we could be putting to better use are we wasting dealing with unsolicited phone calls and emails?

The proposition is straightforward. As we become time poor both as individuals and as a society, of course we are frustrated more and more by having to waste our time on unwanted promotional material. One of the problems is that it is like junk mail: you can put as many signs as you like on your letterbox, but you cannot always be guaranteed that someone will not put something unsolicited into your letterbox. And of course they do, because the stuff they are trying to give you is not junk. Yes, they accept that all the other stuff is junk, just not theirs.

I do not think I am alone in this. In many households, sorting the mail is now done over the garbage bin. Eighty per cent or more of what is put into my letterbox goes straight into the bin, and the figure is probably the same for telemarketing calls and spam. About 80 per cent of the intrusions into our lives are from unsolicited sources, and all of them waste our time. The reason why spruikers are doing this is because they think that we are missing out on the benefits of what they are offering.

Let us be clear on this. We are bombarded with messages from advertisers. They are on
our televisions, on our radios, in newspapers, in brochures, on billboards, on neon signs, in our emails, on the internet and on our telephones. Enough, surely, is enough. When will all this spruiking come to an end? I understand that one of the latest versions is to embed advertising within computer games. So now, even if you choose to avoid mainstream media, it cannot be guaranteed that you will avoid the spruikers.

Let me say this to the spruikers: we are actually getting your messages. We hear them and we see them. They bombard us constantly—so constantly that they are no doubt in our subconscious. The reason we do not want your product is not that your message is not getting through; rather, it is because we do not want your product—full stop, end of argument. Make no mistake about it, the reason that we are flooded with spam and telemarketing calls is because it is cheap. It is cheap to make phone calls when trying to flog a product or service—much cheaper than any other form of communication except spam. The reason it is preferred is that some fool has convinced companies that we respond better to a human voice than we do to printed material. Somewhere, some marketing genius has peddled the line to company executives that we like talking to people. So they take it too far. They take to ringing us up to suit themselves in order to flog their products.

The other strong selling point—excuse the pathetic pun!—is that there is an immediate pay-off for the company. If someone buys a product or signs up for a service, they know immediately. It is much easier for them to track their dollar spend on marketing—in this case the cost of the call—to the return on that spend. They can see in one no doubt easy-to-read computer print-out how many calls to sales were made. It is simpler than trying to track down how much return you get from a newspaper ad, for example. So, for the telemarketer, it is simple. They have a low-cost method of attracting sales, they can measure the success at the end of each phone call, and they do not care how many of the rest of us they intrude upon.

I have seen figures that suggest the take-up rate from spam. Something like one in 40,000 people opens the spam email. Of those, fewer than four in every 1,000 go to the website. Fewer than one in every 100 who goes to the website buys the product. It sounds like lousy odds to the rest of us, but if you send out tens of millions of spam emails, it is worth it. They are cheap to send, and obviously there is money in it. I have not seen comparable figures for telemarketing, but I am sure they cannot be too dissimilar.

That brings me to the great scandal of this bill and the consequential amendments. That scandal is why it took until 2006 to introduce this legislation into the parliament. It is completely unacceptable that the government and successive ministers for communications have taken so long to do something about this ridiculous situation. In 2004, the Australian Labor Party had a policy for a Do Not Call Register run by the ACCC. The then Minister for Communications, Information Technology and the Arts accused the ALP of a knee-jerk, populist reaction. He claimed that thousands of people would lose their jobs, that we had not consulted with stakeholders, and that it was unreasonable to allow our fellow Australians to opt out of receiving telemarketing calls.

The current minister said that we needed a review—and we have heard that all too frequently in this portfolio—and consultation to ensure that we understood all the issues. Even while the current minister dithered while the phone lines burned with lots of unsolicited phone calls, the ALP would not give up on an issue that was important to the overwhelming majority of our fellow Austra-
lians. As recently as last year, this government would not even allow a private member’s bill on this to be debated in the other place.

In a piece of myth making of Oliver Stone proportions, the government will run the line that they are the best friends that Australians who want protection from unsolicited phone calls ever had. Contrary to their self-praise, the reality is that they have subjected the rest of us to years of phone calls we did not want. It is estimated that each Australian household receives, on average, 53 unsolicited phone calls from telemarketing companies each week. That means that in one year we are each copping nearly 2,800 calls. In the time since Labor first called for a Do Not Call Register, the Australian people have put up with about 5,600 phone calls they did not want. Given that we are told that, even after the passage of this bill, it will be next year before the register will be set up, we can add another 2,800 calls courtesy of the inaction of this government.

I say to the Australian people: the next time, and the next time, and the time after that your life is interrupted by an unsolicited phone call, consider writing to Minister Coonan and telling her how much you appreciate the inaction of her government. Just to keep the costs down, send an email. There is no justification for the amount of time that it has taken to get this Do Not Call Register legislation into this place. It is clear that it would have been supported by all parties and would have been assured a relatively quick passage.

The failure here is not a failure of the parliament or of the Senate; it is a failure of the government. It is a failure to appreciate that, no matter how prosperous some in the community have become, time has become our greatest asset. To have our time stripped away dealing with unsolicited phone calls is something that must be laid fairly and squarely at the door of this minister and this government. In the United States, more than 90 million Americans registered with the Federal Trade Commission’s National Do Not Call Registry by 2005. I will watch with interest to see how many Australians choose to do the same thing. I think that we will all be surprised by how many Australians sign up for the Do Not Call Register.

Upon reflection, I believe that one of the main issues that is highlighted by unsolicited phone calls, and also by spam, is the failure of companies to self-regulate. When it is cheap and easy to do something, when they do not care how many people they have to offend to get a sale, and in the absence of decent regulation, we are asking for what we have currently got. If you have the task of selling a product and you have a cheap and simple means of doing it then you will push it as far as you possibly can. Each time you make a call you are only one call away from making your next sale. You do not care that you have already rung that person each day for a week. You do not care that the person may be just sitting down to read to their children or to share a family dinner. All you care about is your next sale. Without regulation from government, who is going to stop you? It does not bother you that a person knocked you back in the past; you just keep making the calls.

The best hope that the Australian people had to fix this problem—that is, the Australian government—has been missing for years on this issue. There have been years of pretending that it was not a problem, years of conducting reviews to determine that it was a problem, and time spent on drafting these laws. Now there is the final cruel blow: an acknowledgment that we are still going to have to wait yet another year. The first person who should be on the Do Not Call Regis-
Senator POLLEY (Tasmania) (12.09 pm)—I rise to speak on the Do Not Call Register Bill 2006 and Do Not Call Register (Consequential Amendments) Bill 2006. Labor has been pushing for the establishment of a Do Not Call Register for quite some time now to prevent, and to protect the public from, unsolicited and nuisance calls. In fact, Labor took this policy to the 2004 election. At that time the Howard government dismissed the policy, saying it could not work in Australia. This is despite the fact that Do Not Call lists have existed in the UK since 1999, in the US since 2003 and in Canada since 2004. However, the Australian government has so far failed to do anything about the problem. It released a discussion paper only in late 2005 when the problem reached proportions that were unacceptable to the Australian community.

Each and every one of us knows the feeling. You finally sit down to dinner with the family, the phone rings and it is a telemarketer. The situation is replayed across the country as people everywhere try to go about their daily lives. The problem with these types of nuisance calls is that the companies behind them make them at times of the day when they know that people are going to be at home. In Tasmania, I have had a very large number of constituents contact me in desperation after receiving numerous calls from organisations attempting to get them to buy a product, switch to another product or submit to a survey or the like. This problem is not a new one. In fact, it has probably been around for as long as telecommunications. Most people would be familiar with the problem of junk mail; however, printed material such as catalogues can be much more easily ignored than irritating telephone calls. Some of us have even grown to enjoy receiving catalogues informing us of the latest sales, but I do not think that anyone would say the same of telemarketing phone calls.

The public consultation period on a discussion paper outlining various models of a Do Not Call Register received 495 submissions, with 90 per cent supporting the establishment of such a register. It is interesting to note that the majority of submissions that did not support the establishment of a register were from companies or businesses who would be adversely affected by such a database. In detail, this register would allow individuals who have an Australian telephone number to register to opt out of receiving unsolicited telemarketing calls. The bills would oblige the Australian Communications and Media Authority to establish a Do Not Call Register which would prohibit telemarketers from calling any number which is on that register. However, there would be some exemptions for specific organisations that would be deemed to be carrying out activities in the public interest and providing services to the community. These would include charities, registered political parties, independent members of parliament and candidates, religious organisations, educational institutions and government bodies.

I know that Tasmanians are not alone in their consternation at continuous disruptions to their lives by annoying phone calls from companies trying to make a buck. As this type of harassment has been going on for years, I believe that the government is way behind the eight ball in introducing suitable legislation to combat the problem. If the demand from constituents in my office for ALP produced fact sheets on how to stop unwelcome telephone calls is any indication, there are many people with this problem in Tasmania and in Michael Ferguson’s electorate of Bass whom the government, in their arrogance, have continued to ignore over the last few years as the problem has worsened.
There are a number of problems with this legislation, not the least of which is exactly what penalty will be dealt out to a call centre which contacts someone on the Do Not Call List. The minister herself has said that, if the person contacted was to report an offending call centre, the centre would receive a fine of anywhere up to $200,000. The problem, of course, is that to report the call centre at all the person must know who the company is that has called, and quite often, and frustratingly for the person being called, these telephone calls are anonymous.

However, this bill does include requirements on the ACMA to implement mandatory industry standard rules on telemarketers relating to the hours during which telemarketing calls may be made, the disclosure of information a telemarketer must make during a call and the termination of calls. My concern with this legislation is that several loopholes may still exist through which telemarketers could continue their dubious practice of contacting people at all times of the day and night, regardless of whether they are on the Do Not Call List. The government must make clear the full extent of what these bills will or will not cover and the penalties to those businesses and organisations which ignore the Do Not Call Register.

Labor, however, is pleased that the arrogant Howard government has finally listened to Labor and adopted a plan to combat the problem—a problem which Labor has now recognised for many years. Australian families have the right to enjoy the privacy of their own homes without worrying about who is on the other end of the phone when it rings. Labor has long recognised this right and supports these long overdue bills.

Senator FIELDING (Victoria—Leader of the Family First Party) (12.15 pm)—Everyone hates unwanted calls, whether they be from someone trying to sell a new connection to a telco, flog a so-called trip to the Bahamas or do a survey, which we are always told will only take a few minutes. But surely the most annoying calls of all would be from politicians or political parties. Who wants to be preparing the dinner or getting the kids off to bed and then be harassed by politicians chasing votes or pollsters chasing opinions? It is enough to make you want to disconnect the phone. Who can forget the 2004 election campaign when families across the nation received prerecorded phone messages from the Prime Minister and the Treasurer? Family First says family life stalls when a politician calls.

Family First supports the overall objective of the Do Not Call Register Bill 2006 and the Do Not Call Register (Consequential Amendments) Bill 2006, which is to enable families to declare their homes nuisance call free zones. However, Family First strongly opposes the special exemption for politicians and political parties. What a joke that politicians and political parties have given themselves a green light to bombard Australian families with their annoying calls. Family First believes that the exemption is just another example of hypocrisy—one rule for politicians and another one for everybody else. Why do we politicians think we are so special that we should be above the law? Receiving a phone call at home used to be a happy event, when you could chat with family or friends; these days our homes are like bunkers, with answering machines to filter unwanted calls.

Family First has seen a number of media releases from government MPs spruiking this bill, but not one has mentioned that politicians and political parties get special treatment. Instead, they refer to exemptions for organisations with 'public interest objectives', but who would know what that means? Not even the minister's second read-
ing speech mentioned the exemption for politicians and political parties.

If you told any ordinary Australian that the government was setting up a Do Not Call Register but exempting politicians and political parties, I think I know what their reaction would be. They would probably say two things. One would be, ‘Typical!’ The other would be, ‘What a bunch of hypocrites.’ Perhaps, instead of being called the Do Not Call Register Bill, this legislation should be called the Do Not Call Unless You Are a Politician Bill. I understand that in Britain, where a similar scheme operates, political parties are not given an exemption. Family First will move an amendment to overturn the special treatment for politicians and political parties, because family life stalls when politicians call. I am pleased that the Democrats support Family First on that.

Family First is also concerned that registrations will only be valid for three years, so Australians will have to reregister after three years, even if their phone number has not changed. That does not seem to make sense, and I would appreciate it if the minister could provide some information about why that is the case. Surely it is reasonable to expect that registrations would remain current unless a person’s details changed.

Family First will support the bills because Australian families do not want nuisance calls. However, Family First is disappointed that this legislation is yet another example of one rule for politicians and another rule for everybody else. It is a real shame that, unless Family First’s amendments are supported by the major parties, which I doubt will happen, Australians will still be subjected to the worst nuisance calls of all—those from politicians and political parties.

Senator Bob Brown (Tasmania—Leader of the Australian Greens) (12.19 pm)—The Greens support the Do Not Call Register Bill 2006 and the Do Not Call Register (Consequential Amendments) Bill 2006. This legislation is groundbreaking legislation and it deserves support. As other speakers have said, the harassment that people get, particularly at mealtimes, from people making unwanted calls—many of them coming from outside the country—to try to get them to sign up to some scheme or other or to buy some product or other goes beyond the pale. The disadvantage is that the people who are most at home are most affected. The people who are out and about the most miss a lot of those calls. I guess I have just discovered an ameliorating factor for failing to get home very often—but I know where I would rather be.

We will be supporting the legislation. We will also be supporting the amendments, insofar as they would prevent political calls being made to canvass people at election time or between election times and to try to gain political favour. We do not support legislation that allows that. There are conventional ways of advertising to people on their way to the ballot box, and the harassment of getting highly technologically charged and impersonal calls from political parties or politicians is not a good thing. However, we part company with Family First when it comes to polling. If Family First has the means to fractionate polling, we would look at it more seriously. But Australia is a democracy, and opinion making is very often led by asking a sample of people how they think about what the politicians are doing.

Those opinion polls often come up with surprising results. They show trends. They showed the trend, for example, against the government in the Iraq war; mind you, there was majority opinion against the war before the government supported the Bush administration in going to Iraq. They show the favour or disfavour of the government and political parties, that is for sure, but that is not
so important as the issues. For example, some remarkable polling quite recently showed that Australians believe that West Papuans have a right to self-determination. Going back to the East Timor issue, it is the same: both the big parties were in favour of the Indonesian dominance of East Timor but the polls showed that Australians felt differently about that.

It is important that we know when representative democracy is failing to be representative, because democracy is also under the power of influence of big money. That means that politicians, particularly the executive, can get it very wrong. How can you put a ban on opinion pollsters ringing people at home to find out what Australians think? How can Family First argue that that is a healthy thing for democracy?

Senator Stott Despoja—It is not. Bob, the amendment is specific to political parties.

Senator BOB BROWN—But I am not talking about yours, Senator.

The ACTING DEPUTY PRESIDENT (Senator Lightfoot)—Order! Don’t discuss the matter amongst yourselves. I am sure the Senate would rather you addressed the chair, Senator Brown.

Senator BOB BROWN—I will show Senator Stott Despoja that she need have no worry. Senator Fielding just argued that political polling should be effectively blocked. You cannot have some of the Australian community ringing up and saying, ‘Put a bar against my name and do not allow people to ring me,’ and then think that you will still get a good representative sample when polling by phone—it would effectively skew that polling. My advice, Senator Stott Despoja, is that your motion does not do that, and the Greens will be supporting it. My advice, contrary to Senator Fielding’s, is that his motion does not do it either—

The ACTING DEPUTY PRESIDENT—Order! Senator Brown, my advice would be that if you could address the chair that would be very much appreciated.

Senator Stott Despoja interjecting—

Senator BOB BROWN—Yes—

The ACTING DEPUTY PRESIDENT—Senator Brown, I have asked you to address the chair on a three occasions now.

Senator Heffernan—Mr Acting Deputy President, I rise on a point of order. If Senator Stott Despoja has some problem with Senator Brown addressing the chamber, she should deal with it in another place, not here now.

The ACTING DEPUTY PRESIDENT—I have already given that direction, Senator Heffernan. I thank you for drawing my attention to it again, but there is no point of order.

Senator BOB BROWN—You are quite right, Mr Acting Deputy President: on this occasion there is no point of order. But let me repeat to you what I thought you could hear: Senator Stott Despoja need have no worry; and I think Senator Fielding is wrong, because I do not think his motion will have the impact of cutting off pollsters, and we would not be supporting it if it did. But, sure, stop politicians and big money.

We have just had legislation go through the chamber which allows an enormous increase in secret donations going to the party machines. The Greens voted against it, but the government got it through. We have just opposed provisions which cut tens of thousands of young people out of voting on polling day. We think this is a black day for democracy. It is a day on which the debate is also on about the government taking over the Senate committee system. I want to make it clear that the Greens would not support another indirect attack on democracy by supporting any motion that would prevent poll-
sters from doing phone polling on the big issues of the day to gauge whatustralians think, and to feed that into the political firmament.

Senator COONAN (New South Wales—Minister for Communications, Information Technology and the Arts) (12.26 pm)—I thank all senators for their contributions to the debate on what, I think we all agree, are very important bills—that is, the Do Not Call Register Bill 2006 and the Do Not Call Register (Consequential Amendments) Bill 2006. I am pleased to note that there is broad support for the legislation in this chamber.

Telemarketing is generally considered to be the most intrusive form of direct marketing and there is considerable public demand for a Do Not Call Register. Today, the government moves to take action against nuisance calls. We will give peace of mind to those who dislike and, indeed, resent the intrusion and disruption caused by unsolicited telemarketing calls. The Do Not Call Register Bill and consequential amendments bill provide a direct response to growing community concerns about unwanted telemarketing calls. Before announcing the creation of a register, the government has consulted widely through the discussion paper process to ensure that there is an appropriate balance between the right of an individual to privacy and the need for businesses to promote their products and services. As with most things we deal with in this chamber, it is that elusive balance that is difficult to achieve.

The telemarketing industry has also called for action, as there are a multitude of differing rules that govern telemarketing practices, including voluntary codes, state and territory legislation and Commonwealth law. None of these regulate the industry in its entirety, and the most annoying callers have been operating with impunity. There is a need to provide telemarketers with more operational certainty and individuals with certainty that they can stop annoying calls. The government is addressing these concerns by giving Australian phone users the right to opt out of receiving unsolicited telemarketing calls and by creating a more consistent and efficient operating environment for the telemarketing industry. The telemarketing industry will also benefit through the introduction of nationally consistent standards covering issues such as permitted calling hours. The register will mean that telemarketers can better target their calls by removing from their contact lists details of individuals who do not want to receive calls.

Under the arrangements set out in the bills, a national Do Not Call Register and telemarketing conduct standards will be established. People who do not wish to receive telemarketing calls would have the option of applying for their fixed and mobile numbers to be recorded on the register. There will be no charge to individuals to put their number on the register. Once a number is recorded, it will be prohibited for telemarketers to contact the number except in specified circumstances. The Australian Communications and Media Authority, ACMA, will be the responsible regulator for the implementation of the register. It will operate the register itself, or it may arrange for a third party to do that.

The scheme will be backed by a range of enforcement options including warnings, fines, formal directions and financial penalties. The scheme will apply to telemarketing calls made within Australia and to calls originating from overseas. The scheme also includes regulation making powers which provide flexibility to respond to any unexpected consequences. For example, if the exemption or consent arrangements are abused or operational difficulties arise, these can be addressed through regulations. Some exemptions are provided for organisations
that act in the public interest, such as charities, religious organisations, education institutions and government. Those exemptions have been built into the legislation to ensure that organisations acting in the public interest can continue to contact people. Exempted callers must comply with the national standards established by ACMA. Those standards will include permitted calling hours, information that callers must provide about their organisations and termination of calls.

I note that there has been some discussion in the chamber about political parties and the proposal to exempt them. I note that Family First and the Democrats have concerns with the exemption for political parties, Independent members of parliament and candidates. The government’s decision to exempt political parties from the register is consistent with the other exemptions in the bill, which seek to balance the ability of organisations to undertake socially important work. Political parties, Independent MPs and nominated candidates play a vital role in a democratic society, and it is important that they be able to continue to make a range of calls, including calls seeking donations, to enable them to continue in this role.

The Labor Party has also raised concerns that small businesses are not able to put their numbers on the register. Although I was not in the chamber, I understand that Labor suggested that small businesses should be able to opt out of mass marketing calls from Indian based call centres while continuing to receive business-to-business calls. If I have Labor’s position correct, that is clearly an impossible suggestion from a practical point of view, as both types of calls are still telemarketing calls. After further consultation with the telemarketing industry, practical issues arose that made it problematic to include small businesses on the register. It is not possible for a telemarketer to easily determine the size of the business they wish to call. This would mean that any telemarketer undertaking business-to-business telemarketing would be required to wash their lists against the register.

In addition, businesses change size over time, which makes it difficult to determine whether a particular business is eligible to register and could result in businesses with over 20 people being listed on the register as the business grows over time. Many small businesses advertise their telephone numbers for the purpose of gaining additional business. Businesses contact each other for a multitude of reasons in the ordinary course of day-to-day operations, and the government was concerned not to potentially expose organisations to fines and penalties for what could only be regarded as ordinary business-to-business contact. For those reasons, and in order to keep the scheme focused on the rights of individuals to privacy, small businesses will not be able to place their numbers on the register.

The government has allowed calls to be made where there is express or inferred consent. I want to say a few things about that. Inferred consent is likely to exist where there is a pre-existing business relationship. This will allow businesses to contact individuals for the purpose of offering or selling new products—even if they are registered on the Do Not Call Register—where they have a pre-existing relationship, such as a bank account or a contract phone service, unless the individual has expressed a desire not to be called. For example, if a person has provided their telephone number to their bank, with whom they have a mortgage transaction account and credit card, it would be reasonable for the person to expect to receive marketing calls about the bank’s available mortgage products or credit card arrangements, subject to any contrary intention expressed by the individual. However, if the bank, for example, happened to own a car dealership and
called about the purchase of a car, this call would not fall within the notion of inferred consent.

With either express or inferred consent, the business will need to satisfy itself that the consent was validly provided by the relevant telephone account holder or their nominee. That reflects the reality that the account holder should be able to control the calls on their telephone. If a consumer does not wish to receive telemarketing calls from an organisation with which they have an existing business relationship, they can withdraw their consent at any time. I note that a number of submissions to the committee raised concerns about the definition of an organisation under the consent provisions for a pre-existing business relationship. Many of the submissions considered that the definition of an organisation should include bodies corporate or related entities. It appears that there has been a great deal of misunderstanding on this issue, which I would like to now clarify.

For organisations that might choose to structure themselves, for operational reasons, into various entities, the consent provisions do not restrict a telemarketing call in situations in which it could reasonably be inferred that an individual had consented to solicitations from a related company. For example, if a telecommunications company has three operational subsidiaries—networks, mobile and internet—it may be reasonable to infer that an individual with a pre-existing business relationship has consented to receive calls from the various related subsidiaries or networks, subject to any contrary intention expressed.

I note that Senator Fielding raised an issue about the logical rationale for three-year renewal requirements. I want to place on record a response to that. Numbers will remain on the register for a period of three years before they will have to be re-registered.

With approximately 17 per cent of the Australian population moving house each year, three years is considered to strike an appropriate balance between the need for accuracy of registration and the need not to require registrants to re-register each year. A number can be withdrawn prior to that time. The process for removing numbers from the register is to be determined by ACMA once the legislation commences.

Just to conclude my summing up remarks, I note that some contributors to this discussion have been critical of the time it has taken to bring forward this legislation. But I do want to put on record that developing what I think is a good public policy approach takes time and careful development. I certainly make no apology for ensuring that a robust and effective register is implemented. The government’s strategy in developing legislation has always been to ensure that we have listened to the views of industry and the community and to design something that appropriately meets the interests of all stakeholders in this matter. In the process, I believe we have managed to develop a package that is an effective response to an identified problem. Those who were worried about any delay can now support this bill in its entirety. I thank all those who have contributed to the debate.

Question put:

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

The Senate divided. [12.42 pm]

(The Acting Deputy President—Senator C Moore)

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<th>Ayes</th>
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<td>Noes</td>
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AYES

Allison, L.F.  Bartlett, A.J.J. *
Brown, B.J.    Milne, C.
Wednesday, 21 June 2006

Murray, A.J.M.
Siewert, R.

NOES
Adams, J.*
Brandis, G.H.
Chapman, H.G.P.
Coonan, H.L.
Eggleston, A.
Ferguson, A.B.
Fielding, S.
Fifield, M.P.
Hogg, J.J.
Hurley, A.
Joyce, B.
Ludwig, J.W.
Macdonald, J.A.L.
Mason, B.J.
McGauran, J.J.J.
Moore, C.
O’Brien, K.W.K.
Patterson, K.C.
Polley, H.
Ronaldson, M.
Stephens, U.
Troeth, J.M.
Watson, J.O.W.
Wong, P.

Nettle, K.
Stott Despoja, N.
Bernardi, C.
Brown, C.L.
Colbeck, R.
Crossin, P.M.
Faulkner, J.P.
Ferris, J.M.
Fierravanti-Wells, C.
Forshaw, M.G.
Humphries, G.
Hutchesons, S.P.
Kirk, L.
Macdonald, I.
Marshall, G.
McEwen, A.
McLucas, J.E.
Nash, F.
Parry, S.
Payne, M.A.
Ray, R.F.
Scullion, N.G.
Sterle, G.
Trood, R.
Webber, R.
Wortley, D.

* denotes teller

Question negatived.

Original question agreed to.

Bills read a second time.

MATTERS OF PUBLIC INTEREST

The ACTING DEPUTY PRESIDENT (Senator Moore)—Order! It being after 12.45 pm, I call on matters of public interest.

Uni-Capitol Washington Internship Program

Senator FIERRAVANTI-WELLS (New South Wales) (12.47 pm)—I rise today to speak about a very interesting and important program for young Australians. University students from across Australia are being given an opportunity to intern in the United States Congress in Washington, DC through a program now known as the Uni-Capitol Washington Internship Program. Each year, young Australian university students are spending eight weeks gaining a valuable working understanding of the political process in America by interning in congressional offices in Washington, DC.

The first group of five young women from South Australia completed their internships in January and February 2000. Since then the program has grown, with the 2007 program expected to see around 12 students matched exclusively from a selection of 17 congressional offices. Students are selected from seven to eight universities from across Australia, including the University of Wollongong in the Illawarra, where my electorate office is based, the University of Canberra and the University of Western Australia, to name a few.

The success and growth of the program has been in large part due to the manner in which these young Australians have acquitted themselves in the US Congress. We should be proud of the way these students have served as ambassadors for themselves, for their universities and for Australia. I would like to share with senators some of the glowing testimonials from just a few congressmen and congresswomen who have hosted our students. Congressman Sam Farr of California on 13 February 2002 said:

They have done this nation and the Australian people numerous proud acts of public service, which I hope will continue for many years to come.

Congressman Michael Castle of Delaware, from the congressional record of 15 February 2005, said:

I am grateful to our Australian friends for their unbridled enthusiasm, tireless work ethic, and friendship over these past two months. The relationships we have forged here will last a lifetime, and it is my sincere hope that every congressional office partake in a similar endeavour.
Congressman Alcee Hastings of Florida, from the congressional record of 15 February 2006, said:

I am proud that my office is part of this program, as I believe it provides a unique and important bridge between the United States of America and Australia.

The interns are accorded unique access to the US political system and institutions across their eight-week, full-time internships. In-office experiences and training vary widely according to the needs of the congressional hosts. Administrative functions, constituent liaison and legislative research and support have been among the touchstones of past internships. Offices typically encourage interns to attend hearings, briefings and press conferences both on and off Capitol Hill, plus briefings at the US Department of State and the Australian embassy. Recent groups have also participated in activities such as: a roundtable with the senior congressional reporter of the National Journal; access to political dinners; a day trip to Gettysburg National Military Park in Pennsylvania; and a day trip on the origins of the American republic in Independence Hall, Congress Hall and the National Constitution Centre in Philadelphia.

The program was created in Washington, DC by Eric Federing, who directs the program pro bono. During the 1990s Mr Federing made extensive visits to Australian universities where he lectured on government, politics and news media. These visits developed in Mr Federing an admiration of our nation and people, which provided the impetus for the successful program that it is today. Mr Federing was a senior congressional adviser for several years and is now Director, Business Public Policy, Government Affairs for KPMG LLP, the global audit, tax and advisory services firm.

In 2004 Mr Federing received a KPMG Chairman’s Award for Excellence in Volunteerism in Washington, DC in recognition of the internship program. Former interns have said that Mr Federing and his wife, Daphne, have been mentors and friends to them. Many are very grateful for their hospitality and constant support. Many of the students who have completed this program say that they have returned to Australia inspired to become involved in the Australian political process, with former interns now working and volunteering in numerous political offices, including the Prime Minister’s office, and various government departments.

There are so many common values between our two countries and yet there is such a huge physical distance between us which means that contacts between individuals can be very difficult to achieve. We see in our Prime Minister and President Bush the value of a solid professional and personal relationship. The relationships these students are developing are important, particularly because the future strength of the alliance between our two countries is not going to be just about economic and military relationships but is going to very much depend on the people to people strengths that will develop in us an understanding of each other. I congratulate the students who have already acted as ambassadors for our country and ensured the growth of this program. I would encourage future university students to utilise opportunities like this when they are made available to them.

Rt Hon. John Curtin

Senator FORSHAW (New South Wales) (12.53 pm)—On 2 May this year the Minister for Foreign Affairs Mr Downer had an article published in the Australian newspaper, entitled: ‘Labor has a history of blind pacifism’. The article claimed that new evidence revealed in a book by Bob Wurth
showed that John Curtin, the former Prime Minister, was an appeaser. I quote from Mr Downer’s article:

Bob Wurth’s new book, Saving Australia: Curtin’s Secret Peace with Japan, confirms what some of us have argued for some time: that until he became prime minister in 1941, John Curtin was not prepared to confront tyrannical regimes. This has been the pattern of Labor leaders since World War I.

Wurth reveals previously unpublished documents from Japan that show Curtin negotiated a secret peace deal with the Japanese in April 1941, just before the outbreak of war in the Pacific. Under the deal, Australia would give Japan access to iron ore mines in exchange for a guarantee that Japan would not attack us. At the time of the deal, Curtin was Opposition leader but was only months from becoming prime minister. The war in Europe was already advanced, with Australia a full participant.

It is quite clear from reading this article that the minister has grossly misrepresented Bob Wurth’s excellent book. In his obsessive campaign to denigrate the reputation of Australia’s heroic wartime leader, and probably greatest ever prime minister, the foreign minister Mr Downer distorts facts and history, draws erroneous conclusions and ignores the substantial evidence that contradicts his biased analysis.

As the quote says, the basis of Mr Downer’s argument is the revelations by Bob Wurth about a supposed secret peace deal negotiated by John Curtin with Japan in April 1941. It should be noted that at this stage John Curtin was not the Prime Minister and he was the opposition leader. John Curtin did not become Prime Minister until October 1941, yet this deal was supposedly negotiated in secret in April 1941.

I also note Mr Downer says that this happened ‘just before the outbreak of war in the Pacific’. It may seem a pedantic point but it is important to note that this was in fact seven months before the attack on Pearl Harbor in December 1941, which was when war with Japan commenced. That is important to note because up until the attack many countries, in particular the United States and the United Kingdom, were still trying to prevent an outbreak of war with Japan. Diplomatic negotiations were still occurring and Australia was involved in those negotiations under the then prime ministership of Mr Menzies.

It was clearly in the allies’ interest to avoid a war in Asia and the Pacific given that the war was already raging in Europe, the Mediterranean, North Africa and Russia. Moreover, the United States was still pursuing its policy of isolationism and was not involved in the conflict. This may well be labelled ‘appeasement’ with the benefit of hindsight, but at the time it was the reality. Yet the implication of Mr Downer’s comment is that Curtin, as opposition leader, was selling out Australia’s future whilst the bombs were dropping on Pearl Harbor. As I said, Mr Curtin was not the Prime Minister at the time. In fact, he became Prime Minister somewhat later than April 1941. Mr Downer deliberately coalesces the dates to misrepresent the events of the time.

What is also quite revealing is that there is no mention in Mr Downer’s article of Prime Minister Menzies’ support for ongoing trade with Japan and how he acquired the infamous nickname of ‘Pig Iron Bob’. Perhaps the most objectionable of Mr Downer’s comments—and there are quite a few in his article—is the following, referring to Mr Curtin:

Most telling are his comments in parliament in response to Germany’s invasion of Russia in June 1941. While Robert Menzies quoted Winston Churchill’s stirring words resolving “to destroy Hitler and every vestige of the Nazi regime”, Curtin condemned the invasion but went on to say “the Labor Party has no objection whatever to the Germans practising Nazism in Germany”.

Once again Mr Downer’s statements and selective quotation of John Curtin’s com-
ments are an outrageous distortion of the facts and of Mr Curtin’s speeches during those dark days leading up to the war. Let me quote from John Curtin’s actual speech to the parliament on 24 June 1941. It is a lengthy quote but it is important to have it read in full to get the context. Mr Curtin said:

This war commenced as the violation of the agreement made at Munich. Had the Treaty of Munich been kept by Germany the world would have been spared all the horrors it has suffered, and the possibly worse horrors that are to come. Thus, the violation of treaties by Germany is no new thing. The whole course of recent world events has been founded upon the utter disregard by Germany of treaties made with any other nation. Therefore, it must be clear that negotiations of any sort with the present German regime are futile. To attempt to negotiate is merely to accept a situation which will stand only so long as the arrangement is satisfactory to Germany.

He went on, after an interjection:

I hold no brief for any country other than Australia, and I do not feel called upon to offer criticism of any country except Germany because we are at war with Germany, and we are at war because Germany failed to keep the Treaty of Munich. Since Germany broke that treaty it has repeatedly demonstrated its unwillingness to keep other treaties made subsequently to that one.

He then said:

I do not hesitate to take a realistic and, I hope, a truly civilized view, namely, that peoples other than ourselves who are resisting Germany are, like ourselves, servants of civilization ... The dominions are quite free not to accept the statement that Mr. Churchill made, but the Commonwealth Government has to-day indicated its acceptance of the statement on behalf of the Commonwealth, and, for my part, I acquiesce in that decision.

The Labour party has no objection whatever to the Germans practising nazi-ism in Germany; that is their concern. We do not engage in any philosophic discussions with them about that system so long as they make no endeavour to foist it by force upon people outside their country. We stand for self-government. In the same way, we offer no opinions regarding the justification or non-justification of bolshevism in Russia; that is the concern of the Russian people. Their form of government is their own affair, just as our form of government is our affair.

It is interesting to note that, on that same day, Mr Menzies also made a statement referring to the attack by Germany on Russia. He was speaking about how the Allies would support Russia in its conflict with Germany and how Russia would become part of the Allied cause of defeating Nazism. He said this:

That does not mean that we are able to see at present any concrete methods by which we in Australia can directly assist Russian resistance to Germany, but, while we attack the German forces wherever we may encounter them, we welcome the fact that the Russians will attack the German forces wherever they may encounter them. The overthrow of German military power is the thing that will lead to the winning of this war, and all Russian activity towards that end will be welcomed, I believe, by every British citizen all over the world.

Mr Menzies went on to say:

I want to make quite clear that, when any British country welcomes, as British countries do, any aid that can be given by Russia in the way of destroying German military power, it is not equivalent to saying that we identify our political views with those of Russia. Those are matters which Russia will determine inside its own borders, as we hope to be at liberty to determine them within ours.

They are not dissimilar statements to the ones made by Mr Curtin that Mr Downer has so atrociously labelled as somehow a support for totalitarianism.

Mr Downer seeks to compare John Curtin to Menzies, implying that Menzies was a strong opponent of Nazism and an advocate of force against Germany. Yet prior to the war the opposite was true. There are many recorded instances of Mr Menzies using the language of appeasement and acceptance of totalitarian regimes. For instance, in March
1938, Mr Menzies travelled to Rome hoping to meet the Italian fascist leader Mussolini. He was not successful, and he went on to Berlin. Shortly after his visit to Berlin, he did an interview with the Yorkshire Post in England. He is reported as saying:

It is surely a truism to say that nobody in Germany wants war.

He went on to say this:

The principles of the totalitarian State, as Germans freely admitted to me in Berlin, are not suited to the British genius, but I hope that we British people will not too easily accept the idea that because personal liberties have been curtailed in Germany the result is necessarily a base materialism. There is a good deal of really spiritual quality in the willingness of young Germans to devote themselves to the service and well-being of the State.

Further, on 3 March, Mr Menzies made a speech in London after the announcement that Japan was joining the German-Italian Axis. He said this:

Don’t let us become victims of the very pernicious habit of believing that a possible conflict becomes inevitable. I do not believe in the inevitability of conflict except in the case of Europe, where the burglar is being thrown out of the house. We aimed, and are aiming, at getting nearer to Japan. We are not aiming at sitting suspiciously in our corner.

This is Mr Menzies speaking of our relationship with Japan, and yet Mr Downer has the hide to write in his article that Menzies was a great and noble person who stood up to the forces of fascism and Nazism and that Mr Curtin was an appeaser.

In fact, the opposite was true. It is well recorded that John Curtin was one of the first political leaders to take seriously the threat from Japan and to take steps to prepare for it. This is indeed very clear from Bob Wurth’s book. Mr Wurth responded to Mr Downer’s attack on Curtin by writing an article in the Australian on 27 April, entitled, ‘Curtin: a hero or appeaser?’ Let me quote from Mr Wurth’s article:

To be sure, Curtin, firstly as Opposition leader, had a big influence on the Menzies government during 1941. It was Curtin who began warning the advisory war council of the threat from Japan. As Japan’s belligerency mounted, Curtin constantly changed his stance about Japan and began sounding the alarm.

In February 1941 Curtin told the war council that if and when the situation favoured, ‘Japan would make war against Australia tomorrow’.

Curtin led the council on defence issues. With Menzies overseas, Curtin and acting prime minister Arthur Fadden took the unusual step of meeting the press together, dramatically declaring that Australia’s very existence was at stake.

Curtin girded the government to prepare for the possibility of war with Japan at a time when Australia’s attention was firmly fixed on helping Britain. On February 14, 1941, the advisory war council heard reports that raised the spectre of Australia being abandoned by the great powers and being forced to fight a holding war with Japan.

The British believed that the capacity of the Japanese ‘should not be over-stated’. But Curtin demanded that Australia be put on a war footing.

‘Even if America intervened in a war with Japan, Australia initially would have to stand alone,’ he said. At Curtin’s urging he and acting prime minister Fadden issued yet another joint warning, declaring that the war had moved to ‘a new stage involving the utmost gravity’.

Prime minister Menzies was, of course, the worst appeaser of all. The warnings about Australia’s danger issued by Fadden and Curtin were undermined by Menzies in London.

Menzies said:

I do not believe in the inevitability of a conflict in the Pacific ...

John Curtin’s reputation will survive the attempts by historical revisionists and puffed-up popinjays masquerading as statesmen. He put the defence of Australia first and foremost. He promoted the alliance with the US,
which was crucial to the war in the Pacific and to repelling the Japanese threat of invasion. He stood up to Churchill and General MacArthur to ensure that Australia was directly involved in the planning and leadership of war strategy. This is borne out by the eulogies delivered by his political opponents, particularly Artie Fadden, a former Prime Minister and Leader of the Country Party, on the occasion of John Curtin’s untimely death. The words Mr Fadden and others spoke on that day attest to John Curtin’s greatness. I will finish by quoting Mr Fadden:

The strain under which he laboured ultimately and finally led to his death.

Although he was not in the fighting services or in the front line, it can be said, truthfully and sincerely, that he died fighting for Australia ...

Whilst it is fundamental to democracy to disagree and dispute on political matters and policy, let us do it with dignity and decency, as did John Curtin during the whole time that I knew him.

That is an example that the foreign minister could well follow. (Time expired)

Nuclear Energy

Senator MILNE (Tasmania) (1.09 pm)—I rise today to address the issue of the Prime Minister’s ongoing agenda on nuclear because there needs to be, very quickly, some clarity in Australia about what the Prime Minister and the government are up to with regard to this new push for nuclear. On the public record the Prime Minister is saying that he wants a discussion about nuclear energy for civilian power uses. We know that is a complete sham, so today I intend to talk about what is really going on, and that is essentially a push by Australia to expand uranium mining and the export of uranium to China. It is about a plan to enrich uranium and a plan to be part of a global fuel-leasing arrangement whereby Australia enriches uranium, sends it overseas and takes back high-level waste.

I moved in the Senate last week to rule out Australia developing such a high-level nuclear waste dump, because Australians do not want it. Australians overwhelmingly do not support the expansion of uranium mining and the proliferation risks that go with it. We are seeing some interesting politics from the Labor opposition. Last week they voted against the establishment of a high-level waste dump, and quite rightly so. But, unfortunately, they do support expanded uranium mining. Then the question comes to enrichment. Yesterday I put a very clear motion to the Senate opposing the construction of an enrichment facility in Australia, and Labor voted with the government to vote it down. We now have the ground set for a change of position at the ALP national conference next year or before. The shadow spokesman for environment, Anthony Albanese, will be sidelined in favour of expanded mining, uranium enrichment and engaging in the fuel cycle but not taking back the high-level waste—that will be Labor’s position; the government will want to take it back.

Why do I say that this is the government’s agenda and not nuclear power? We all know that if you want to address climate change it has got to be done in the next 15 years and nuclear power is not the answer. We also know that it is too expensive and it is not viable in Australia compared with much better, safer and quicker energy options in the renewables. No, this is about the Prime Minister being party to George Bush’s grand plan. This is about Australia, the deputy sheriff, acting for the United States as part of George Bush’s vision.

What is George Bush’s vision? He outlined it in February this year in his State of the Union address when he announced a global nuclear energy partnership that would
build a reliable international fuel services consortium under which trusted nuclear fuel supplier nations would choose to operate nuclear power plants, fuel production and handling facilities, provide reliable fuel services to user nations that choose to operate nuclear power plants and take back the high-level waste. It is central to the global energy partnership of President Bush to find a way of getting a high-level nuclear waste dump built that will take waste from the consortium. So it is not just the countries that you might export to; the whole consortium could negotiate to send the waste back here to Australia.

At the same time as the Prime Minister’s inquiry into nuclear, we have on the side—and people seem to have forgotten about this—the fact that the Minister for Industry, Tourism and Resources, Mr Macfarlane, is going to receive a report very shortly from a group that the government has set up called the Uranium Industry Framework. When this was announced by the government it was announced as having an independent chair and having as its task the identification of opportunities for and impediments to the sustainable development of the Australian uranium mining industry over the short, medium and longer term. It was stated that the chair of the Uranium Industry Framework would be independent. Who do you find the government has appointed? Dr John White, one of the four members of the nuclear fuel leasing group which developed the business plan behind George Bush’s global nuclear energy partnership. That is a beautiful thing—the independent chair is not independent at all. He is the CEO of Global Renewables Ltd and part of the consortium of associated companies that would make a fortune out of the construction of a global nuclear waste dump.

Who else is on this supposedly independent uranium industry framework? We have got John Borshoff, from Paladin Resources. Remember Paladin Resources? It has just got a uranium mine going in Malawi. We have got Mark Chalmers from Uranium Equities and we have got Roger Higgins from BHP Billiton, which is set for a triple expansion at Roxby Downs in South Australia. We have got someone from Energy Resources Australia—surprise, surprise—the people who wanted to develop the Jabiluka uranium mine in Kakadu. We have got Cogema, Heathcote Resources and Cameco Australia represented. All of these are proactive uranium miners. So much for any report that is going to identify impediments! The only impediment they will find is the Australian people. The Australian people are the impediment to this group, and what it is going to come out with is a PR spin document which was leaked to the *Australian Financial Review*, quite clearly. Anyone who is interested in knowing what this group is going to say to the federal government need only read the *Financial Review* from last Friday, in which we find that the group is going to come back to government and say that Australia should adopt a stewardship approach.

And who used the word stewardship at the weekend? Martin Ferguson, the Labor Party member, did. Stewardship is being co-opted. The notion of stewardship has very positive environmental connotations. It is also part of the religious lexicon. It is now being stolen by the pro-nuclear lobby to rush out and suggest that stewardship of the earth has got something to do with expanded uranium mining, enrichment and dumping waste on Indigenous communities. That is what we are talking about here. Former Prime Minister Bob Hawke said that Australia has got a great responsibility and a great opportunity to be the world’s nuclear waste dump. He said we will compensate Indigenous communities for putting the waste there, and we
have got this tremendous opportunity to make money. What about health and the environment, and what about the cultural consequences to Indigenous people?

We are already seeing the federal government being prepared to overrule the Northern Territory in order to place a nuclear waste dump in the Territory. It is arguing that it is just for the small level of reprocessed waste from Lucas Heights. How do we know that? There is a multinational approach here to developing a high-level waste dump as part of a US grand plan, and that is what is being talked about here. There is absolutely no guarantee that any waste dump that is developed is not the thin end of the wedge to this huge, multinational waste dump for high-level waste. That is what I am concerned about, and that is why I think people need to look very carefully, first of all, at this group that was set up by the government that is going to make a report to the government. We already know what it is going to find; the most controversial thing is that their goal is to ‘shape public perceptions, building community confidence and taking a whole-of-value chain approach’.

The group is telling the government that the main impediment to going ahead with George Bush’s grand plan and to Australia being the deputy sheriff, dumping this waste on Indigenous communities who do not want it, is the Australian people. Now it is going to adopt a whole PR campaign based around the notion of stewardship and based around shaping public perception so that it will break down that resistance, soften people up and get people ready for expanded uranium mining, enrichment, leasing those fuel rods overseas and taking back the high-level waste.

Here we have a bonanza happening for the uranium industry. We have got government signed up to an export contract to China for uranium as yellowcake, and the safeguards are weak. We are encouraging nuclear proliferation, not non-proliferation as we are bound to do under the nuclear non-proliferation treaty. We have got a problem with our good friend the United States, because people in the United States do not like the US-India agreement to send nuclear technology to India outside the non-proliferation treaty. Australian companies are desperate to get hold of that Indian market, and now they have found a way around it. They have found a way around the nuclear non-proliferation treaty; they are trying to find a way around the Nuclear Suppliers Group by going with the George Bush model of setting up this nuclear fuel suppliers group. Let me tell you, the Greens do not support expanded uranium mining. We do not support mining uranium and exporting it overseas; we do not support enrichment; we do not support waste dumps. We are going to be campaigning strongly against them.

But I am extremely disturbed by the fact that we have an absolutely transparent agenda from the government. You only have to go to Washington to see what is going on, and you only have to go and ask Dr John White, from Global Renewables—the supposedly independent chair of the uranium industry framework. Frankly, he should step down. If Ziggy Switkowski had to step down then so too should this person, because he is not independent. He is up to his neck in the uranium industry, and he is up to his neck in trying to establish a high-level waste dump in Australia. How can the government suggest he is in any way independent? This particular uranium industry framework is a joke, and the government’s agenda is transparent. But unfortunately the opposition’s agenda is not transparent. I think Indigenous communities in the Territory, and communities all over Australia, have a right to know what Labor’s agenda is on enrichment and this
fuel leasing proposition. That is clearly what is coming down the line here for Australians to vote on.

The Greens have got a very clear position on this. We are not fiddling around with it; we do not support what is going on with this expanded uranium agenda. We have a very clear agenda to move wholeheartedly to renewables. That is why I moved yesterday for an inquiry into this whole area of renewable energy and meeting Australia’s future energy needs in a sustainable, secure and safe way. And what happened? The government and Labor voted it down. They do not want to have an inquiry into the broader issues of energy security. Instead they are blinded by the dollar signs from the uranium industry, and by the prospect of dollar signs from taking on the whole world’s high-level nuclear waste and how much money they can generate from that, without thinking about the regional and geopolitical consequences and the destabilisation of the region that will occur.

If you do not think Indonesia is watching, have another look at it. It is intently watching what Australia is doing. By becoming a deputy sheriff to the US we are actually fuelling a situation where Indonesia is going to push even harder for an expanded nuclear industry and part of the nuclear fuel cycle. Australia is doing that as well. We should abandon that altogether and use the fact that we have 40 per cent of the world’s supply of uranium to keep it in the ground, and take a leadership position in helping the world move beyond it—not entrench the world in a nuclear fuel cycle that has as its only justification the production of nuclear weapons.

We do not support that. We do not think that nuclear weapons make the world a better place, and that is the only reason you would be involved in the nuclear fuel cycle. For all the other talk and dressing it up in all sorts of ways, this is not about energy security; this is about being part of a Bush plan. The Greens reject it and call on Dr John White to step down and the industry minister, Mr Macfarlane, to ask him to step down and explain to the Australian people why the government tried to dress up the uranium industry framework as having any sort of independence. When the word ‘stewardship’ is coming out of the mouths of the uranium industry, people need to reject it absolutely. Language is a powerful tool. Do not let the uranium industry steal the notion of stewardship of the earth for the purposes of long-term pollution and destruction of the culture, environment and health of Indigenous communities anywhere in Australia.

Nuclear Non-proliferation

Senator TROOD (Queensland) (1.23 pm)—This is an interesting situation because, entirely coincidentally, I had decided that I would make my contribution to the MPI discussion on the subject of nuclear non-proliferation. Whereas Senator Milne and the Greens in general have taken what I regard as an entirely narrow-minded, conspiracy-theory-ridden approach to the problem, saying that nothing good can come of it and there will be nothing of value—a ‘we’ll all be rooned’ approach—I think I can take a more constructive approach. I must say that I think that is the intention of the government in opening the inquiry.

Unsurprisingly, I support this inquiry. I support it because I think it is timely. It is timely in the context of a renewed worldwide interest in nuclear energy as a means of addressing the problem of global warming. It will serve to provide us with valuable data and information regarding the economics of nuclear energy in Australia. It will help us to better understand the risks, potential dangers and opportunities for safety of nuclear power. Of course it will also examine the
proliferation issue, which is the matter I particularly want to address today.

The last of these issues, the matter of proliferation, is particularly significant because as we develop our own uranium resources—40 per cent of the world’s resources, as Senator Milne has mentioned—however we participate in the nuclear fuel cycle, we always have to be conscious of, and I think the government is always conscious of, the awesome potential of nuclear power and the consequent need to safeguard against any misuse or application of nuclear technology or materials to weapons production. It is in the context of these kinds of concerns—such as the concern of nuclear power returning to the international agenda in the context of Australia having a potentially important role to play in the nuclear fuel cycle and in the context of the age of terror, where of course there is a danger of nuclear capabilities falling into the hands of terrorists—that we ought to concentrate on the matter of nuclear energy.

During the Cold War the international community was entirely conscious of this issue. Most of us—and I include myself—who were involved in strategic studies during that time were well aware of the way populations were held host to nuclear deterrence. We are also aware of the danger of strategic miscalculation, as nearly occurred during the Cuban missile crisis in 1962. Conscious of those dangers, when the Cold War came to an end it was a relief that we all seemed to have been delivered from the potential horror. One of the more unfortunate consequences of the end of the Cold War is that we have tended to take our eye off the nuclear ball. As we have been preoccupied with terrorism for the last five years or so, we have tended to pass over the dangers still inherent in nuclear power. One of the strong virtues of the Prime Minister’s inquiry is that it will remind us of the need to focus our attention once again on those issues.

I remind the Senate of the consequences of our inattention and lack of vigilance in relation to nuclear power. Over the last few years there has been an impression in the international community that important elements of the non-proliferation regime are beginning to unravel. The indicators of this unravelling are things like North Korea’s defection from the NPT and its alleged acquisition of nuclear capability, the failure to secure the ratification of the comprehensive test ban treaty, India and Pakistan going nuclear in 1998, the Khan technology scandal in Pakistan, the Iran nuclear crisis and the failure of the non-proliferation conference in May 2002 and the New York negotiations last year. Sadly, there are many issues that cause us concern—or ought to cause us concern—about the non-proliferation regime.

It is important to get this matter in perspective. This is what the Greens consistently fail to do. They fail to get matters in perspective and they fail to acknowledge the realities of the situation. Part of this perspective is to recognise that not everything is bad. Not everything that has happened in relation to nuclear proliferation over the last few years is bad. For example, since the non-proliferation treaty came into force, more countries have given up a potential weapons capability than have gone on to acquire it. That is an important reality. The United States and Russia continue to dismantle and secure weapons and materials that were left over from the Cold War. Libya has renounced nuclear weapons and Iraq is no longer a danger. Of course we now have the Proliferation Security Initiative, which is a creative solution to the problem of containing proliferation by rogue regimes. There is a great deal more we could talk about.

The Director General of the IAEA, Dr El-Baradei, noted: ‘We are at a crossroads.’ I think that is true. We have reached a point in this debate on nuclear non-proliferation
where we have to begin to face up to the challenges of reinforcing the nuclear regime. Unlike the Greens, unlike Senator Milne, I think Australia has a very constructive role to play in this enterprise. It is useful to outline the strength of that particular commitment.

We share with many other countries an interest in the safe management of nuclear materials and technologies. There is no conspiracy in that. We are focusing on what we can do to safeguard those materials and technologies. We have an economic interest because we possess 40 per cent of the world’s uranium reserves. We have a strong economic interest in developing those reserves safely for the international community. It is in that context, and I have said this in this chamber previously, that the ALP’s ‘no new mines’ policy is as foolish as it is entirely irrational—no more so than in my own state of Queensland, where it is retarding mineral development, regional growth and, of course, the generation of jobs.

Putting economics to one side, our interest is underwritten by our exemplary—and I emphasise that—and longstanding record of support for a strong non-proliferation regime. This is something that the Greens fail to recognise on a very regular basis. We have a strong safeguards policy, active membership of the International Atomic Energy Agency, the Nuclear Suppliers Group and all the important agencies in relation to the non-proliferation regime. We have active participation in the PSI and, of course, a very extensive network of diplomatic contacts which puts us in contact with all the countries that are involved in the non-proliferation regime. So we have credentials. We have a national interest, credibility and a standing within the non-proliferation community which provides us with the foundation to encourage a fresh look at the non-proliferation order.

What are the challenges to that order? I see that we and the international community can take a constructive role, whereas the Greens see nothing but danger, challenge and futility in the whole exercise. It is clear that most members of the international community take a positive view of things that can be done. Indeed, in the United States the Carnegie Endowment for International Peace recognises this.

First, it is obvious that we need to be relevant and realistic—something that the Greens do not seem to be able to do. Many within the non-proliferation community want the existing nuclear weapons states to move towards some kind of disarmament. It is true that that is an obligation that they have undertaken in the non-proliferation treaty. This is a worthy aspiration, but it is an entirely unrealistic one in the present climate. We would waste an awful lot of energy and time in encouraging compliance with that particular undertaking. We should concentrate on more modest measures, such as encouraging the five nuclear weapons states, especially the United States and Russia, to continue reducing their strategic reserves and encouraging them to ease the hair-trigger status of their weapons.

Second, we should also seek ways to bring India, Pakistan and Israel into the non-proliferation regime. That would hardly be an easy activity, given the fact that Israel does not admit to the possession of nuclear weapons, but I am encouraged by the attitude of New Delhi to this possibility. I think we can make progress on that particular agenda. Third, we need to stop the illegal transfer of nuclear materials and technologies. There are many constructive suggestions as to how we might address that particular issue. Fourth, we need to strengthen and enforce the existing NPT regime. We need to encourage the IAEA to have stronger rules regarding compliance with the norms.
Fifth, we need to restrict the supply of nuclear weapons. Of course, that involves protecting weapons-usable fissile material and developing rules to enforce that degree of protection. Senator Milne alluded to this matter: it is more controversial that we should seek an international ban on the further production of highly enriched uranium. Indeed, President Bush has proposed the Global Nuclear Energy Partnership, which would attain that kind of objective. Australia should be careful about this. It is not obvious that that proposal necessarily includes Australia, because, at the moment, we do not enrich uranium, but if it were to pass and we were not part of it then our own capacity to be able to enrich to add value to our own uranium reserves would be affected. The Prime Minister alluded to that danger in Ottawa during his recent visit overseas.

Sixth, we need to abate demand. Logically, the most reliable and long-term solution to the dangers of nuclear proliferation is to devalue the status and prestige of nuclear arsenals. We must believe in fairies at the bottom of the garden if we think that this will happen in the near future. If anything, the prestige of nuclear weapons is growing rather than declining, but this remains an aspiration. Perhaps the number of states that have renounced nuclear capabilities might encourage us to think that it is not an entirely impossible dream.

I will say a few words in relation to American policy, which featured fulsomely in Senator Milne’s contribution to the debate. It is demonstrably evident that we need strong and sustained political leadership to make any progress on the non-proliferation regime. It is in that context that I strongly encourage Australia to take a greatly enhanced role. As I said, we have the credibility, diplomatic resources and compelling national interests that would justify that as a natural aim of our foreign policy. We should not do it alone but in conjunction with the other countries that share our interests: Canada, Japan, South Korea, Brazil et cetera. But that is not enough. It is self-evident that we require the support of the US for any initiative to succeed.

It was the United States that exploded the first atomic bomb, in the New Mexico desert in 1945. Since that time, every American president has been aware of the awesome power unleashed by that event. Not surprisingly, they have all used it to advance American security interests. It is also true that every United States president has been seized of the need to contain the dangers of nuclear power consistent with US security. They have done so on a bipartisan basis. That includes President Truman, President Kennedy, President Nixon and President Reagan, who actually took the incredible step in the context of the Cold War of abolishing a generation of intermediate nuclear weapons from the European theatre. He would have gone further had his generals not precluded him from doing so.

Every United States president in the nuclear age has been an arms control and non-proliferation president, conscious of the dangers of nuclear power. Questions have been raised, however, about the commitment of this current president, President Bush, to that end. Senators will be aware that in the United States and internationally there has been criticism of the Bush policy. Some of it I think has been entirely ill-conceived. But it is fair to say that in the Bush administration there is a stronger interest in security self-interest, less of an inclination to use multilateral structures and a reluctance to engage in arms control. 

Indigenous Communities

Senator CROSSIN (Northern Territory) (1.38 pm)—Issues facing Indigenous Australians have received much focus and national
attention in recent weeks. These are matters concerning disorder, violence and dysfunction in Aboriginal communities. But the issues we have read about and watched on television are not news to people in this country. The statistics tell the story that Aboriginal people can expect to live 20 years less than other Australians. They have the highest rates of chronic diseases, many of which have their origins in early childhood or even before birth. They have the lowest educational outcomes of any group in Australia and the highest levels of unemployment. But it is not news. It has not happened overnight. Declining standards have been a reality for years—in fact, for decades.

I was heartened to hear the comments of John Hartigan, the News Limited chief executive, last week. He said that forcing people from communities into cities and towns does not work. He argued that what is needed is a long-term investment in infrastructure, education and employment. Nothing could be closer to the truth. He is on the money—he is spot-on. On Monday in this chamber a number of us had an opportunity to support Senator Bartlett’s motion in respect of Indigenous disadvantage. Today I want to build on some of the comments that I made on Monday. I particularly want to focus on the role of public figures—people elected to government office—including the role of this government and state and territory governments.

We have a new minister who has discovered the plight of Indigenous people. I would hope that he is genuine in his endeavour to improve their lot rather than using these people for his own political purpose. In the Northern Territory Legislative Assembly last week, Clare Martin moved a motion about an idea for a 20-year plan. I will come to more of that in a minute. During the debate in the Legislative Assembly, Syd Stirling of the Northern Territory government said that in fact decisions made by governments in the Territory in the seventies, eighties and nineties had laid the groundwork for the difficulties and problems we face today.

He went on to say that probably the watershed for Territory Aboriginal people as a whole came with the Ayers Rock campaign and the subsequent election of 1983. It was in that campaign that the pretext of the return to traditional owners of Uluru was used to divide the white urban vote from the largely Indigenous rural and remote voters by then CLP Chief Minister, Paul Everingham. I have spoken about this election to my former colleague Bob Collins, who was Leader of the Opposition at the time. He said to me that he had a choice of either supporting the hand-back of Uluru to traditional owners and risking losing the election or not supporting that and going on to probably be the first Labor Party Chief Minister of the Northern Territory. Bob did what he believed and knew was right. He risked the winning of that election for the good outcome of Indigenous people at Uluru.

That election began what became a morally bankrupt procession, lasting for more than 20 years, of subsequent elections in the Northern Territory, said Syd Stirling last week. He was right. Unfortunately, we now have the same people running the show down here in Canberra, assisting in running the office of the Prime Minister and cabinet. It is a shame that such divisions still exist when it comes to public comment about Indigenous people. It is a shame that Indigenous people are still used to score political points.

I want to go to some comments that my colleague David Tollner made in the House on Monday when he spoke about the Aboriginal Land Rights (Northern Territory) Act and the amendments to that act. There is a very good reason why David Tollner is the
member for Solomon, which takes in Darwin and Palmerston. These comments will show why. He stood up and said this:

... when you travel around community after community on Aboriginal land in the Northern Territory nowhere do you see a market garden that grows fresh vegetables ...

You are wrong, David. There are plenty of market gardens on out-stations at Elcho Island. I have visited them myself. No doubt Senator Scullion has seen them as well. In fact, after the last time I went to some of those out-stations along the road to the barge landing, I sent them back some seeds for cucumbers and zucchinis, because they were interested in trying to grow a few more different sorts of vegetables. David Tollner went on to say:

... nowhere do you see a butcher shop ...

Dave, take a trip out to Wadeye, because there is in fact a butcher shop in the rural transaction centre that your government actually built. It is a butcher shop that is owned, run and operated by Indigenous people. Every now and then they take a head of cattle from the pastoral stations nearby, chop it up and sell it on to the people in the community. What I am trying to highlight here is that often comments about Indigenous people are made out of pure ignorance, for political gain and political purposes. If we want to see real changes in Indigenous communities, we need to look at the causes of the problems. There is not just one solution for one problem, nor will it be the same in each and every place.

Figures regarding Indigenous outcomes in health, education, violence and incarceration have been documented extensively and in fact are printed year after year. While there may be some improvements in the gap between Indigenous and non-Indigenous outcomes, the gap is still great and as wide as ever, with no real progress ever really being made. The scale of the problem needs a national approach and a national commitment based upon research and not politics. This national approach should be based not on compassion or emotion but on some of the really terrific work that is being done out there by researchers and academics.

Minister Brough has chosen to sensationalise the problems in communities. While I do not deny that there is something that needs attention, his focus on law and order alone is simply not the answer. He purposely focuses on one of the symptoms of these problems rather than the cause. Let us focus on what Marion Scrymgour had to say last week in the Northern Territory Legislative Assembly. She said:

The shock, the hysteria, the grandstanding, the useless responses and the further erosion of traditional culture and respect for Aboriginal people. It is a cycle that keeps repeating itself. The same mistakes keep being made. The federal government and the dominant culture generally always manage to avoid accepting responsibility. The debate becomes hijacked with an agenda of cultural dismantling and assimilation.

The Chief Minister of the Northern Territory said last week in the assembly:

It is also important to remember that not all Aboriginal communities are in disarray. And she is right. There are many Aboriginal communities that are as safe as any small country town in Australia—and sometimes the first priority for these communities is not to tackle law and order or to have a police station or a lock-up in the heart of their town. The climate of blaming, bullying and shaming only highlights the negative aspects of life in Aboriginal communities. A spotlight on law and order will not deliver a long-term, healthy, sustainable future; nor will that be achieved by ignoring Indigenous people and not engaging them in finding a way forward on how to resolve and improve these conditions.
Let us have a look at some success stories. One success story is Anangu Tours, which is an Aboriginal owned and operated touring company that operates out of Uluru. Another success story is the Titjikala community, who are working with Sydney based Gunya tourism to establish a five-star camp site. Progress is being made. Secondary education in remote communities in the Northern Territory was nonexistent up to 2001. In 2001 no Indigenous student in a remote community had ever graduated from year 12. But in 2001 there was a breakthrough. Rhonda Rankin, Lianna Brown and Mershach Paddy were the first to get their year 12 certificates at Kalkaringi. In 2004 we had another six and in 2005 we had 25, including seven from Wadeye, I might add. You do not see that reported in the news anywhere. Hopefully this year there will be at least 30 Indigenous students from remote communities who get their year 12 certificates. Secondary programs now operate at Maningrida, Kalkarindji, Papunya, Minyerri and Yirrkala.

Last week, Clare Martin gave an account of a meeting she had at Wadeye:

When I was at Wadeye last week, the community was talking about the national debate and how the focus had been, for a lot of that time, on Wadeye, about the gang warfare. A number of key members of the community said to me, 'You know we are not like this most of the time. You know that we are fairly peaceful. We get on with things. Have we got challenges? Yes. But could you not explain better in the national media what it is like here?'

Clare simply replied that she has tried. Certainly there are public figures and members of this government who could also try to spread a better story in a better way.

Territory police are forming Territory-wide task forces to respond to the increased rates of child abuse—for example, in Katherine through the Peace at Home initiative—and a larger police presence is occurring in communities like Numbulwar, Kintore and Mutitjulu. But it is not going to happen over night—and it costs money. Paul Henderson tells me that it will cost $1.5 million to put a police presence in each of those remote communities, and that does not include the houses that those police officers will live in. The tri-state policing role that we heard about during the petrol-sniffing inquiry is a success story. Cooperation between the Northern Territory, Western Australian and South Australian police is working and needs to be encouraged, supported and rolled out further.

Today I want to support Clare Martin’s call last week for a 20-year plan. The Northern Territory government already has a five-year plan that outlines six priority areas. It is called ‘An agenda for action’. I will seek leave at the end of my speech to table the document. The agenda sets out a five-year plan to attempt to tackle a lot of the problems in health, education, law and order, employment and capacity building in communities. But this is one effort by one Territory government. We need the federal government to pick up Clare Martin’s idea and to lay down a 20-year plan. There are precedents for long-term plans—competition policy was a 10-year plan and the Living Murray initiative was an eight-year plan. Regardless of what political party wins the next election or subsequent federal elections, that plan should be there for this nation to sign up to. Liberal or Labor should sign on the dotted line and decide they are going to go ahead and do it.

I want to provide some comments made by an Indigenous member of the Northern Territory assembly last week. Alison Anderson said:

I remember sitting at the summit with the Prime Minister only three years ago in 2003. There were people like Jackie Huggins there, Professor Bonnie Robertson, and lots of other people. To stand here and try to remember some of the stories that
were told to the Prime Minister of the nation that day at the summit hurts me. If the Prime Minister of the nation cannot take any notice of what people were saying three years ago, what is going to change?

Next week, this government will hold a summit on domestic violence. Let us throw down the shackles of politics and get some Indigenous people there. Let us get some really good people—for example, Barbara McCarthy, Alison Anderson, Carol Martin and Linda Burney—who can represent, stand for and speak to the minister on behalf of their people. Let us forget the fact that they are from the Labor Party. Let us decide to move the Indigenous disadvantage agenda forward and resolve the issues through a bipartisan approach.

Today I would like to call on this government to set up a 20-year plan. Clare Martin has asked this government to commit to $50 million extra per year to address the housing issue in remote communities in the Territory. The World Health Organisation has identified overcrowded living conditions, the resultant high stress levels, and poverty as key risk factors associated with child abuse. We know at Port Keats there is an immediate shortfall of 206 dwellings—and that is just at Port Keats. So let us have a 20-year plan to tackle housing, even if it means getting business on board. Let us pick up Tom Calma’s idea and implement his 25-year plan to combat Indigenous health problems. The ideas are there. It now just has to be done.

The other thing I think we should do is monitor that with a joint standing committee of the federal parliament. I am calling on Mal Brough today to include people like Senator Scullion, me, Warren Snowdon, David Tollner, Senator McLucas and Barry Haase—those of us in this federal parliament who have an interest in Indigenous affairs. Get us together. Establish a joint standing committee of this federal parliament so we can have a look at Indigenous disadvantage and work together. Give us a 25-year plan. Give us the tools with which we can actually have a look at the good things the federal government are doing and at the areas in which they need to improve so we can spread some good stories about Indigenous communities and have an oversight from this federal parliament. I seek leave to table the Northern Territory government’s five-year plan, ‘An agenda for action’.

Leave granted.

(Time expired)

Matters of Public Interest Speeches

Senator IAN MACDONALD (Queensland) (1.53 pm)—One of the pleasures of speaking last in the matters of public interest debate is that you can reflect on the speeches other contributors have made. In all the speeches made by the Labor Party members and their fellow travellers in the Greens, a common theme comes through, and that is the theme of: let us use a few nuances and give an impression so that we can create a situation that is far removed from the truth of any matter. Let me demonstrate by reference to some of the speeches today.

Senator Forshaw gave his version of history about the beginning of the Second World War and who supported whom in those days. What Senator Forshaw forgot to mention, of course, was that when communist Russia was closely aligned with Nazi Germany, the Labor and union movement in Australia in those years said very little about the Nazis and, of course, nothing about communist Russia. They were pretty good when they went and, between them, raped Poland and divided it up. It was only when the Nazis turned against the communists and Russia a year or so into the war that suddenly there was a huge outcry against not only the Nazis but also all of their fellow travellers and in support of the communist Russian
government at that time, which then became an ally of the Western powers as opposed to an ally of Nazi Germany, as they were at the beginning of the war. Senator Forshaw forgot to mention those sorts of things.

Then we had Senator Milne from the Greens. The Greens are anti uranium, anti nuclear fuel. We were told that today by Senator Milne, and she is going to do everything in her power to stop it. They are also anti fossil fuel, anti coal, against all the jobs in Queensland and elsewhere throughout Australia that rely on the coal industry, anti hydro power and anti renewables. Remember, they do not want to use forest off-takes to support renewable energy, as most of the green parties in Europe actually do. The green parties in Europe support renewable energy and forest off-takes to create fuel. So it seems that the Greens are against all forms of fuel in Australia. They are of course some of the people in Australia who always use the power and never turn off their lights. They always have homes with lovely wooden floors while at the same time trying to destroy the Australian forestry industry.

Senator McLucas—Have you been to—

Senator IAN MACDONALD—You just hang on a bit, Senator McLucas—I am getting to you. Then we had Senator Crossin making these veiled comments about the best member for the Northern Territory in the House of Representatives that we have had for some time—and that is, of course, David Tollner.

Senator Crossin interjecting—

Senator IAN MACDONALD—I say to you, Senator Crossin: David Tollner, because he is a member of a government that has actually done something—

The ACTING DEPUTY PRESIDENT (Senator Murray)—Order! Senator Macdonald, please address your remarks through the chair and ignore the interjections.

Senator IAN MACDONALD—There was criticism of Mr Tollner, when Mr Tollner has done more for Indigenous people because of his association with the Howard government than other speakers would ever have achieved in their lifetime of talking. We have got beyond the political correctness era of 13 years of Labor governments, when all of the problems that Senator Crossin identified could have been addressed but never were. And now we have this marvellous Clare Martin government in the Northern Territory. It has been there for four or five years and still has not done anything about it. I want to make a very brief reference to the Mount Low Parkway in the Townsville area.

Opposition senators interjecting—

Senator IAN MACDONALD—You can see, Mr Acting Deputy President, that the truth hurts and they do not like it to be heard, and they will do what they can to shout me out of the two minutes I have here. They are obviously protecting Senator McLucas. Thanks to your colleagues, Senator McLucas, who protected you very well and protected Mr Craig Wallace, the state Labor member for Thuringowa, I am not able to get around to some of the porkies he has been telling about the Mount Low Parkway. Obviously, I need a lot more time to highlight some of these misconceptions—these nuances from members of the Labor Party that, as I said, tell a story that is far from the truth.

Senator McLucas, in a fairly untoward, almost contemptible address, accused both Mr Lindsay, the excellent member for Herbert, and me of being anti nurses. Both Mr Lindsay and I have more reason to understand and be grateful for nurses than Senator McLucas—and that is because we were both inmates at the Mater Hospital when we had heart operations many years ago. We understand what a great job nurses do. What my and Mr Lindsay’s point was was that the
Queensland government is so absolutely hopeless in the way it has run its health system that it has to resort to measures which skew the whole health system in Queensland. They skew it for a little while by giving huge wage increases. There is no denying that nurses deserve very good pay, but why has Mr Beattie not increased wages before? Why has this only happened on the eve of a state election? If Mr Beattie were so interested in the nurses, why didn’t he do this in any one of the last eight years when he has ignored nurses and doctors and destroyed the Queensland health system?

The PRESIDENT—Order! The time for the debate has expired.

QUESTIONS WITHOUT NOTICE

Indonesia

Senator CHRIS EVANS (2.00 pm)—I address my question to one of the few frontbenchers here, Senator Coonan, in her capacity—

Government senators interjecting—

Senator CHRIS EVANS—No, it is a shared issue; I agree. My question is to Senator Coonan in her capacity representing the Minister for Foreign Affairs. Is the minister aware of reports today that the chair of Indonesia’s parliamentary foreign relations committee, Mr Theo Sambuaga, has said that Australia should pass changes to its immigration laws before the Prime Minister meets with the Indonesian President next week? Can the minister indicate whether Mr Sambuaga is speaking on behalf of the Indonesian government, and whether those views have been directly communicated to the Australian government? Isn’t it the case that the Prime Minister advised Indonesia that changes to Australia’s immigration laws would be passed before his meeting with the Mr Yudhoyono? Will that meeting still go ahead even if the Prime Minister is so comprehensively embarrassed by his failure to get his party’s support to deliver on his promise to Indonesia?

Senator COONAN—Thank you to Senator Evans for the question. My understanding of this matter is that the proposed meeting between the Prime Minister and the President will take place. There has certainly been nothing conveyed to say that the meeting won’t take place. As far as the legislation is concerned, what the Prime Minister has said—and it is well known; it is well and truly a matter for public comment—is that he is working through the issues, as is my colleague Senator Vanstone, with a number of our colleagues who have concerns.

This is the democratic process, and it is something that we in fact not only welcome but subscribe to. Quite frankly, I would not have thought that whether or not the legislation to give effect to the changes in the immigration laws is passed is the issue. The issue is that we understand, as we have said over the last couple of days, that the legislation is being passed having some regard to the views of Indonesia simply because of the role it plays in our border protection arrangements and in no way because we would change our law for any reasons other than for our own policy purposes, which is precisely the way in which it has been enunciated over the past few days by Senator Vanstone and others: it is all about our border protection.

My understanding is that the meeting will take place. I would not see the passage of the legislation as conditional upon the meeting taking place. I would have thought the fact that these discussions will still take place is simply an indication that Australia and Indonesia, while we have our respective moments as nations, are getting on with doing important work in the region. We are very conscious, from Australia’s perspective, of keeping our borders secure.
Senator CHRIS EVANS—Mr President, I ask a supplementary question. I thank the minister for her answer, but she did not go to the central point. I ask again: wasn’t Indonesia’s acceptance of next Monday’s meeting with our Prime Minister the result of very tortuous and placating diplomacy involving rushing the Secretary of the Department of Foreign Affairs to a special meeting and meetings between Minister Downer and the minister for foreign affairs of Indonesia? Isn’t it a fact that Indonesia’s acceptance of the meeting was based on the Prime Minister’s promise to deliver changes to our immigration laws? Won’t the Prime Minister be totally humiliated if he cannot deliver on his appeasement promise to Indonesia before he attends the meeting on Monday?

Senator COONAN—Thank you for the supplementary question. The answers to Senator Evans’s three questions are: no, no and no.

Income Tax Cuts

Senator SCULLION (2.04 pm)—My question is to the Minister for Finance and Administration, Senator Minchin. Will the minister inform the Senate of the benefits flowing to Australian families from 1 July as a result of the government’s tax cuts and increases in family payments?

Senator MINCHIN—I thank Senator Scullion for that very timely question because last week the Senate passed the legislation to give effect to the personal income tax cuts, which formed the centrepiece of our last budget just a month ago. Taxpayers can now look forward to 1 July, which is just 10 days away, when the tax cuts come into effect. From 1 July, the top marginal tax rate falls from 47 per cent to 45 per cent and the 42 per cent rate will fall to 40 per cent. The thresholds at which these top two rates take effect will be raised. For the top rate, it will rise from $95,000 to $150,000, and the threshold for the 40c rate rises from $63,000 to $75,000. Most importantly, for many middle-income earners, the threshold for the 30c rate will rise from $21,600 to $25,000. That, of itself, will generate a tax cut of just under $10 a week for anyone earning above that $25,000 threshold.

These cuts are not just beneficial to Australian families; they represent important structural reforms to our tax system. The cuts in the top two rates help improve Australia’s competitiveness in the world market for skilled workers in which we have to be competitive. The increases in the thresholds will mean that 80 per cent of Australian taxpayers face a marginal rate of no more than 30c in the dollar, and just two per cent of taxpayers will be in the top rate of 45 per cent. That helps boost incentives for middle-income earners to enhance their skills, seek higher incomes and provide better for their families.

The tax cuts are fair. Low-income earners will benefit from an increase in the low income tax offset from $235 to $600, which provides an effective tax-free threshold of $10,000 for low-income earners, meeting one of the objectives of the Democrats, who have often been in this place talking about the tax-free threshold. So the biggest percentage tax cuts in this package will in fact flow to low-income earners. This is part of a succession of tax reforms that this government has been responsible for.

We cut personal income tax substantially in 2000 when we brought in the GST and then, again, in the 2003, 2004 and 2005 budgets and now again in 2006. Back in 2000, the top marginal tax rate cut in at incomes above just $50,000. That will now be $150,000. The lowest tax rate back then was 20c in the dollar. Now it will be 15c. The revenue forgone as a result of these tax cuts over the last four budgets amounts to $20 billion per annum.
As Senator Scullion noted, we have also made improvements to the family payment system. In 10 days time, from 1 July, families will benefit from an increase in the income range over which the maximum rate of FTBA is payable, benefiting almost half a million families with increased payments of up to $9.62 a week. The large family supplement will be extended to families with three children. Previously it was only available to those with four. As a result of these changes, a single income family with three children and an annual income of $40,000 will be no less than $40.63 a week better off. From 1 July, the maternity payment will rise from $3,000 to $4,000.

The combination of tax cuts and increased family payments, on top of the benefits from low interest rates, low inflation, rising real wages and a 4.9 per cent unemployment rate, are delivering enormous benefits to Australian families. They are a result of the very strong economic management we have brought to this country. We have returned the budget to surplus, enabling us to deliver substantial tax cuts, which will be delivered in 10 days time.

Migration

Senator FORSHAW (2.08 pm)—My question is directed to Senator Vanstone, the Minister for Immigration and Multicultural Affairs. Can the minister confirm that she is not a member of the National Security Committee of cabinet, which made the decision to change Australia’s immigration laws to appease Indonesia? Is it true that the minister attended a citizenship ceremony yesterday rather than the party room meeting where her planned changes to our laws were fiercely debated? Where will the decision about the final shape of the bill be made? Will it be made by the Prime Minister’s office, by Foreign Affairs, by Indonesia or by the government’s backbench? Can the minister also indicate whether she has been told whether the bill will proceed at all or is she still waiting for someone to let her know just what is happening?

Senator VANSTONE—I thank the senator for the question. It is correct to say that I am not a regular member of the NSC. But that would mislead, if you are referring to the meeting where this matter was discussed, because on that and other occasions relating to immigration matters I have gone to the meetings. Did I at a point yesterday leave the party room to attend a citizenship ceremony? Yes, I did. It was quite appropriate to do so because the citizenship ceremony was being held on World Refugee Day. What were we doing on World Refugee Day? We were making people who had come here under our refugee and humanitarian program.

Opposition senators interjecting—

The PRESIDENT—Order!

Senator VANSTONE—On World Refugee Day yesterday, we were conferring citizenship on a number of people who had come here under our humanitarian and refugee program. Many Australians do not realise, because the Labor Party does not want them to know, that Australia is very generous to refugees. We have a 13,000 intake of refugee and humanitarian entrants each year, and we have been doing it for so long that it is regarded as commonplace. For the last few years most of our intake has been from Africa—and some senators have some issues concerning settlement problems that some communities have had. But we have been doing it long enough for a lot of refugees from Africa to have taken out citizenship yesterday.

On World Refugee Day yesterday the theme was hope. These people display all of it. They have had it all along—courage, determination and hope to find a better place. They have come to a country that opens its doors to those who are most in need, works
with the United Nations High Commissioner for Refugees and says, ‘You’re the most in need, come in.’ And not just come in, but we say, ‘We’ve got resettlement programs for you and we’ll help you, and within a couple of years you can be an Australian citizen and your kids can grow up to have all the opportunities that that brings.’

The other part of your question was: do I know what is happening with the bill? Yes, I do. I do know what is happening with the bill. Furthermore, I know when you are going to know, but it is not my place to tell you.

Senator FORSHAW—I ask a supplementary question, Mr President. Can the minister confirm reports that government backbenchers opposed to planned changes to our immigration laws were heckled and shouted down in the government party room yesterday?

Senator Ferguson—Tell us what happened in yours.

Senator FORSHAW—I had coffee and scones. Is it true that the Prime Minister was forced to gag debate to get the meeting back under control? Whatever happened to the minister’s promise that she was ‘Listening to what my colleagues have to say,’ when she could not even be bothered to participate or stay for the full debate in the party room?

Senator Abetz—Mr President, on a point of order: the first question went to the minister’s presence at the party room meeting yesterday and her participation in respect of this issue. She answered that question and pointed out how long she was there, that she did not stay, what she did and all that. No objection was taken. This supplementary question arises specifically out of that area.

The PRESIDENT—There is no point of order. I have asked the minister to answer the supplementary question. She has 56 seconds to do it.

Senator VANSTONE—I am very proud to be a member of a party where in the party room you can have full, free and frank discussions. I encourage it. In fact, I welcome the battle of ideas. I think it is the great conversation of life. And I am glad I am not in that other party where there was a member of parliament who expressed a view that others did not agree with. Where did they find him? With his lights nearly punched out, in the backstreets of Sydney. He had to be put into hospital. So, Senator Forshaw, I do not think you are in a position to be asking us about free and frank discussions in the party room. Was I there for the whole time? No, I was not. Why? Because I was undertaking my duties as Minister for Immigration and Multicultural Affairs and conducting a citizenship ceremony, for a brief period of time, to welcome refugees to Australia as citizens, something which I hoped someone like you, Senator, would have supported.

Opposition senators interjecting

The PRESIDENT—Order!

Senator McGauran interjecting

The PRESIDENT—Order, Senator McGauran!

Resources Sector

Senator ADAMS (2.15 pm)—My question is to Senator Eric Abetz, the Minister
representing the Minister for Employment and Workplace Relations. How is the Howard government moving to protect Australia’s prosperity, especially in the valuable resources sector; and is the minister aware of any alternative policies?

Senator ABETZ—I thank Senator Adams for her question and note that she comes from the resource-rich state of Western Australia. I also note that the resources boom is helping to drive Australia’s prosperity. Through our sound economic management, through paying off the $96 billion Labor debt that we were left with and, significantly, through refining Australia’s industrial relations system, the Howard government is moving to secure the economic prosperity of Australians.

I was asked specifically by Senator Adams what the Howard government is doing to assist the resources sector, a sector which by any objective measure is currently delivering a significant benefit to all Australians—some $85 billion a year, in fact, in export income from resources and processed products. Just about every reputable and knowledgeable commentator agrees that one of the most significant drivers of this resources industry growth has been flexible industrial relations laws, the most important component of which, of course, is Australian workplace agreements, AWAs, which Labor would rip up if they ever got into government—agreements which Senator Adams herself knows have enabled the mining industry to have the highest annual productivity growth of any industry since we introduced them in 1996. Almost one in every two employees in the minerals sector is employed under an Australian workplace agreement—one in two. In the metals sector, it is four out of five. Yet Labor would rip up the agreements workers have with their employers which enable them, on average, to earn more than 13 per cent above those on union-negotiated agreements. Labor would rip them up and force the workers to have union-negotiated agreements where one size fits all—the lowest common denominator.

Mr Beazley’s policy would, to quote Terry McCrann this morning, ‘seriously hurt every single current and future Australian’. He said there would be a ‘mass destruction of jobs—right across the broader economy’. Those on the other side like to say that the resources sector is the goose that is laying Australia’s golden egg at the moment. Well, Mr Beazley wants to kill this goose that lays the golden economic egg, by ripping up AWAs for no other reason than to protect his shaky leadership. Daily, Mr Beazley’s justification for ripping up AWAs and adopting this very lazy policy position is being further shredded. First of all, we had the shop unions deny the allegations about Spotlight; Joe de Bruyn denied the allegations. Then we had the Coffs Coast Advocate newspaper deny that they had ever made the comments that Mr Beazley tried to assert. Today we have the owner of Spotlight also confirming that Mr Beazley’s assertions were false.

Opposition senators interjecting—

Senator ABETZ—So when you have the union, you have the employer—

Opposition senators interjecting—

The PRESIDENT—Order!

Senator ABETZ—and you have the newspaper all indicating that Mr Beazley is wrong—

Senator George Campbell interjecting—

The PRESIDENT—Senator Campbell!

Senator ABETZ—I wonder who is right. Is Mr Beazley right and everybody else wrong? Mr Beazley simply overplayed his hand. (Time expired)
Managed Investment Schemes

Senator WONG (2.19 pm)—My question is to Senator Minchin, Minister representing the Treasurer. Can the minister confirm that the government is reviewing the use of managed investment schemes? Is the minister aware of concerns within the government that these schemes severely disadvantage rural Australia by encouraging investment in areas which allow investors to claim large tax deductions, such as plantation schemes, rather than in traditional farming businesses? Does the minister agree with the member for Moore, who said on 14 June, ‘The lucrative MIS tax breaks need to be pruned before rural industries are wiped out’? Does the minister accept the position of the member for Forrest, who claimed that those opposed to the schemes ‘are trying to stop a disaster happening in traditional agriculture’? Does the minister accept the advice of his own backbench that these Howard government tax schemes are damaging Australia’s rural industries, and what action will the government now take to address this?

Senator Coonan—I am representing the Assistant Treasurer and have some information that—

Senator Chris Evans—Mr President, I rise on a point of order. The question was directed to Senator Minchin to answer, as I heard it. I do not know whether Senator Minchin is not capable of doing so—if he is not capable of answering, he ought to say he is not capable, but it is certainly not appropriate for someone else just to jump up and say, ‘I’ve got something to say because someone handed me the brief.’

The PRESIDENT—Senator Evans, I do not know whether that was a statement or a point of order. In any event, the question was directed to Senator Minchin and I think that, if he wants to direct that to another minister, that is fine.

Senator Robert Ray—Mr President, on the point of order: that is basically right, but what traditionally would be done here is that Senator Minchin would stand and flick it, rather than just throw it over his shoulder. I think that is where the confusion is coming from.

Senator Minchin—Mr President, on the point of order: it is important that the opposition understands who is responsible for what. We do have a minister representing the Assistant Treasurer. There is a portfolio of Assistant Treasurer. The Assistant Treasurer has responsibility for things like managed investment schemes, and it would be helpful if the opposition got its head around the responsibilities. I indicated to you by a signal, Mr President, that the question was more appropriately answered by Senator Coonan and indicated such to you. Now, I do not mind who answers the question—we have the same brief—but the proper thing is for the opposition to understand who they should be directing their questions to.

Senator Faulkner—How does Hansard record a signal?

Senator Chris Evans—Mr President, on the point of order: that is absolutely wrong. Not only precedent but also courtesy requires the minister to indicate that he would prefer another minister to answer the question. As he represents the Prime Minister in this chamber, the opposition is entitled to ask him the question in that capacity as well, particularly as the issue went to a division within the Liberal Party and the government over what exactly the policy on this issue is.

The PRESIDENT—We have had points of order from both sides. Senator Wong, to whom do you want to address your question?

Senator Wong—I have already addressed it to Senator Minchin.

Senator MINCHIN—I am very happy to answer the question but, in future, I ask the
opposition to clarify and make clear in its own head to whom these questions should be directed. I do not think that the opposition yet understands after 10 years that there is a Treasurer and an Assistant Treasurer and that they have different responsibilities.

Senator Chris Evans—And you represent the Prime Minister!

Senator MINCHIN—The question was directed to me as the Assistant Treasurer. Nevertheless, with regard to the issue of managed investment schemes, the government has been reviewing the taxation treatment of plantation forestry. You may not have noticed, so I draw your attention to an announcement that was made on budget night that there are proposed new tax arrangements for investments in forestry managed investment schemes. The government has called for submissions from industry and other stakeholders on the proposed arrangements. These are due on 14 July. I imagine that the opposition can make a submission if it wants to too. The government also announced that it intended to conduct further consultation with industry on the application of the new taxation arrangements to non-forestry agricultural managed investment schemes.

Senator WONG—Mr President, I ask a supplementary question. Can the minister advise whether the junior agricultural minister, Senator Abetz, was in fact outlining the government’s position when he defended managed investment schemes in the Age on 14 June, arguing, ‘Changing the tax arrangements could prompt an investment collapse in key agricultural sectors’? Or was senior agricultural minister Mr McGauran correct when, two days later, he expressed concerns about the market-distorting effect of these schemes? Who is speaking for the government on this issue and what is the government’s position?

Senator MINCHIN—That was an absolutely pathetic attempt to suggest that there is any division on this. Senator Abetz is proving to be an absolutely outstanding Minister for Fisheries, Forestry and Conservation. I commend Senator Abetz on the fantastic job he is doing representing forestry. The minister is an outstanding advocate of the role that managed investment schemes have played in promoting the plantation industry in this country. It is a vital industry for many regional communities, which you lot would never understand. We have announced a policy of reviewing the taxation arrangements for these managed investment schemes. Managed investment schemes will continue, but we keep the taxation arrangements under review. Senator Abetz is playing a critical part in that review, and I commend him on his role.

Information Technology: Internet Censorship

Senator BARNETT (2.25 pm)—My question is to the Minister for Communications, Information Technology and the Arts, the Hon. Senator Coonan. It is with great pleasure that I ask this question. In fact, this is my favourite and best question that I have had this year. Will the minister advise the Senate of how the Howard government is fighting back against the scourge of internet pornography? Is the minister aware of any alternative policies?

Senator COONAN—I thank Senator Barnett for the question and for his longstanding interest in this matter. I also acknowledge the longstanding interest of Senator Fielding in these issues. Today I am very pleased to announce a new $116.6 million package to protect Australian children and families on the internet. The Protecting Australian Families Online package is about educating parents about the dangers lurking on the internet and equipping them with the...
tools they need to make sure that, when their children venture into cyberspace, they do so safely. You would not send your children out to ride a bike without a helmet or let them travel in a car without a seatbelt, so, as parents, why would we let them surf the internet without the protection of an effective filter? After a comprehensive evaluation on the best way forward, it is clear to me that the solution needs to be simple, effective, safe and free. The government’s Protecting Australian Families Online package that I am announcing today will put a safer internet experience within the grasp of every Australian family.

Today I can announce that the government will provide every Australian family that wants one with a free internet filter or filtered service. Protecting Australian Families Online will also include free filters for Australian libraries so that they can set up child-friendly filtered computers in every library across the country. I will be encouraging my state and territory counterparts to ensure libraries in their states take up this offer. Internet safety agency NetAlert will now be co-located with the regulator, ACMA, in Melbourne. It will also receive an additional $5 million to expand its educational activities and more actively promote its website and 1800 number as a one-stop information shop for parents with internet safety concerns. A comprehensive national community education campaign worth $18.2 million will also be conducted to ensure that all Australian families are aware of the benefits of regulating their children’s internet experience by using a safe and efficient PC based filter.

The Protecting Australian Families Online package complements the range of measures already in place to protect Australian families. In an effort to ensure that we are using the most effective means at our disposal to crack down on offensive and inappropriate material on the internet, ACMA will undertake a further trial of ISP based filtering in Tasmania. Unlike the ALP with their so-called clean feed, which is far from clean, we are more interested in effective solutions rather than half-baked ones. We want parents to have comprehensive tools rather than a false sense of security. We are focused on a safer internet rather than a catchy sound bite. The Howard government will continue to help parents protect their children on the internet as part of our ongoing commitment to the safety of Australian families.

Humpback Whales

Senator SIEWERT (2.29 pm)—My question is to Senator Abetz, the Minister for Fisheries, Forestry and Conservation, representing the Minister for the Environment and Heritage. Is the minister aware that, as the humpback whale populations passing down the west coast of Western Australia gradually increase, the incidence of whale entanglements in the ropes connecting rock lobster pots to surface marker floats used by the western rock lobster industry has also increased? What action is the minister taking to address this ongoing unresolved issue of humpback whale and endangered leatherback turtle entanglements in these ropes?

Senator ABETZ—Having had a quick look through the briefs of Minister Campbell, there does not seem to be a brief on this particular matter. In relation to any marine life being caught up in ropes, be it associated with the rock lobster industry or any other industry, that is a concern, especially if they are a protected species. With the two that you mentioned—humpback whales and turtles, if I recall correctly—that is a matter of concern. In relation to rock lobsters, I am not sure, but possibly Senator Scullion might be able to assist me on this. With respect to the rock lobster industry, I understand that a lot of that occurs within the state fishing zone. I am not sure if it is necessarily out in the Commonwealth fishing zone. It could well
be mixed. I think I am getting a nod from Senator Scullion—who, I think most of us would accept, is an expert in these matters. As a result, it may be better for the honourable senator to direct her question to the state minister for fisheries—

Senator Bob Brown interjecting—

Senator ABETZ—Silly Senator Brown keeps poking the air, putting holes in it, trying to defend the indefensible. What I am suggesting to Senator Siewert is that she should take it up with the state minister, Jon Ford. As minister for fisheries—albeit you did not ask me in that capacity—I will be meeting with the minister for fisheries in the state of Western Australia, Jon Ford, on 11 July. I am sure that Minister Campbell would be delighted if I were to take up that issue with him, because there is a fair chance that, with the rock lobster industry, it is a combined responsibility of both state and federal governments. I will see what I can do.

Opposition senators interjecting—

Senator ABETZ—It is amazing how many silly interjections have come from the Labor Party and the Greens.

The PRESIDENT—Minister, ignore the interjections and return to the question.

Senator ABETZ—I honestly believe that Senator Siewert has asked this question because she is genuinely concerned about the issue, and therefore she does not need the inane interjections of the likes of Senator Brown. I will see what can be done, at both a state and Commonwealth level, and see where the exact responsibility lies. I would not have thought that a state government, a Commonwealth government or, indeed, any Australian citizen, would want to see the unnecessary entanglement of whales or turtles in rock lobster fishing exercises.

Senator SIEWERT—Mr President, I ask a supplementary question. When you are taking it up, could you please inform us—if you do not know already—as to any estimates of the numbers of humpback whales and turtles killed in these entanglements. Given that the Minister for the Environment and Heritage exempted the western rock lobster fishery from export controls under part 13 of the EPBC Act, what action will the government be taking to prevent these incidents?

Senator Bob Brown—It’s your responsibility.

Senator ABETZ—Before I even get up to answer, we have silly Senator Brown interjecting. I do not know what it is about the senator, but could I suggest that he has a Bex and a cup of tea. That might do him some good.

The PRESIDENT—Ignore the interjections and return to the question.

Senator ABETZ—I will take the supplementary aspect of the question on notice and try to get an answer as soon as possible through the minister for the environment, who is returning to the country tomorrow.

DISTINGUISHED VISITORS

The PRESIDENT—Order! I draw the attention of honourable senators to the presence in the chamber of a parliamentary delegation from Malaysia, led by His Excellency the Hon. Tan Sri Dr Abdul Hamid bin Pawanteh, President of the Senate. On behalf of honourable senators, I wish you a warm welcome to Australia and, in particular, to the Senate. With the concurrence of honourable senators, I propose to invite the President to take a seat on the floor of the Senate.

Honourable senators—Hear, hear!

The Hon. Tan Sri Dr Abdul Hamid bin Pawanteh was thereupon seated accordingly.
QUESTIONS WITHOUT NOTICE

Skilled Migration

Senator FIERRAVANTI-WELLS (2.35 pm)—My question is to the Minister for Immigration and Multicultural Affairs, Senator Vanstone. Will the minister outline to the Senate the importance of skilled migration to the Australian economy? Is the minister aware of any alternative views?

Senator VANSTONE—I thank Senator Fierravanti-Wells for the question. All Australians appreciate the benefits of the economic boom that we are enjoying. It is good news. But it does, of course, lead to some skills shortages, especially if you come into government following a government that has cut funding to the training of apprentices and trainees. The Labor Party would of course sabotage this boom with reckless spending and pandering to minority interests—as they have done every other time there has been a boom in Australia. We all remember the five minutes of economic sunshine generated by Mr Keating’s management of the Australian economy. I should have said ‘mismanagement’.

The long-stay business visa, the 457 visa, allows Australian business to take advantage of the growth in the economy when we have a boom, because it allows them to bring in the skills that they need so that they can take on new contracts, be more profitable, and keep Australian jobs and Australian companies secure. The visas mean that they can hire more Australian workers, because they can employ the skilled migrants needed to keep their businesses running. At the same time, the trade skills training visa is another important element in ensuring that smaller regional communities can also have that opportunity.

As to the issue of whether there are other views, it did occur to me yesterday that I had read something about some other views and I took the opportunity to look them up. In the Australian on 20 January there was a rather large article headed ‘Unions’ foreign worker windfall’. You will understand, Mr President, that I thought, ‘That might be interesting; I’ll give it a read.’ It starts by saying:

THE nation’s most powerful unions are staring at multimillion-dollar windfalls in the form of a training trust fund stemming from Australia’s labour crisis.

It goes on to assert:

The Australian Manufacturing and Workers Union and Australian Workers Union are in talks with international labour contracting specialist Brunel Energy to bring an initial batch of up to 400 skilled migrants from Southeast Asia to work on oil and gas rigs and heavy engineering projects around the nation.

I thought: ‘That’s a good thing. The unions are understanding that we need skilled workers and will bring them in.’ But then I read on and it said:

It is believed Brunel has offered under one proposal to pay the workers half the salary an Australian worker would receive, with the other half to go into a trust fund controlled by union and industry bodies.

The fund would be used to train Australian workers.

I thought: ‘This is very, very interesting. You can bring migrants into Australia as long as you give the unions a bit of money—put a bit of money in their trust fund and you’ll be right.’ So with interest I went on and read:

AMWU national organiser Pat Johnston, one of the key negotiators in the deal, said his union would not enter any agreement if Australian labour was available.

What does that mean? If Australian labour was not available, they would have entered into this agreement and they would have creamed money off if they could have gotten away with it. I read on. The article went on to say:

AWU secretary Bill Shorten—
who was not quite as well known in January as he is now—
said different pay scales for similar jobs would cause resentment.

Surprise—I thought that was a stunningly intuitive remark from him! He went on and said, ‘This is an honest attempt to address labour shortages in the country.’ By saying this is an honest attempt, I think he confirms out of his own mouth that this article is in fact correct—that the union movement were engaging in discussions with labour hire companies. Australia would like to know: did the union movement have discussions about bringing in foreign workers and taking some money for a union trust account? (Time expired)

Senator FIERRAVANTI-WELLS—Mr President, I ask a supplementary question. Does the minister have any additional information to throw light on what she was just saying about the unions’ foreign worker windfall?

The PRESIDENT—No, that question is out of order. You were asking about opposition policy, and I think you should know the correct way to ask questions about that. I call Senator Webber.

Opposition senators interjecting—

The PRESIDENT—Order! Senators on my left, your colleague is on her feet, and I ask you to come to order.

Workplace Relations

Senator WEBBER (2.40 pm)—My question is to Senator Minchin, Minister representing the Prime Minister. Does the minister agree with the decision of the Minister for Employment and Workplace Relations to maintain protections for owner-drivers in New South Wales and Victoria under the proposed independent contractors legislation? Doesn’t this decision recognise that this group is vulnerable to exploitation from unscrupulous employers? Or does the minister share the concerns of Senator Joyce that the bill will encourage more employers to push employees onto contracts, undercutting their entitlements and potentially undermining the income tax system? Is the position announced by Minister Andrews on 3 May 2006 the government’s final position or is it subject to further internal debate? When will the government resolve its internal divisions and present this bill?

Senator MINCHIN—When the government went to the last election it received a very strong mandate for a number of things, and one of those things was to have separate legislation governing independent contractors. We do want to protect and enhance the freedom of contract and encourage independent contracting as a legitimate form of work. We do believe that has a vital place in Australia’s 21st century industrial relations. As part of that, and as part of the mandate which we have and the policy we intend to introduce, we do want to remove barriers imposed by state legislation, reduce inconsistencies between the states and reduce the compliance costs for all businesses. That is what this bill is very clearly aimed to do.

We have made clear a couple of things which I know would be of concern to the Labor Party but are important to point out. The bill will not override deeming provisions or other state legislation that protects outworkers in the textile, clothing and footwear industry, nor will it override existing legislation in New South Wales and Victoria which provides protection for owner-drivers in the road transport industry.

This situation will involve a review of current regulatory arrangements for owner-drivers next year, with a view to making the arrangements more consistent on a national basis. We are preserving the position in relation to owner-drivers in New South Wales
and Victoria, but it is a matter that will be reviewed over the course of the next year to see what the position really is and whether there should be any further change to this situation. This is a very strong commitment of the coalition to protect the proper place of independent contractors from the ravages of state Labor governments.

We know that the trade union movement regards independent contractors as anathema and as a threat to their capacity to recruit people to their cause. They do not like the idea of people actually being self-employed. They want everybody to be in a sort of master-servant relationship. That may be appropriate for many in the community—we know not everybody wants to be an independent contractor. But we believe very strongly that people should have the freedom, appropriately, to be independent contractors, to work for themselves.

I think this is where the Labor Party has really missed the boat. Many commentators from the Labor side have made the point that one of the reasons the Labor Party has been in opposition for some 10 years and is still struggling is that it has not recognised the aspirations of a whole new generation of working Australians who do want to work for themselves, who do want to set up their own businesses, who do want to be independent contractors and who do not want to be bullied and stampeded by trade unions into some other form of relationship.

Senator WEBBER—Mr President, I ask a supplementary question. Given the minister’s acknowledgment that the owner-driver protections will be reviewed in 2007, will the minister now give a guarantee that those protections will not be watered down in the future? Given that the government has recognised that owner-drivers are vulnerable to exploitation, why has it left the door open to scrap these protections?

Senator MINCHIN—I cannot say anymore than I have. The state protections will continue to operate under the new law, and the government will review the state protections with a view to achieving nationwide consistency in relation to the way owner-drivers are treated under legislation. There will be a public consultation process that will commence next year, and I invite the Labor Party to participate in that. But we stand by our strong commitment to protect independent contractors from the bullying of the trade union movement.

Indigenous Affairs

Senator BARTLETT (2.45 pm)—My questions are to the Minister representing the Minister Assisting the Prime Minister on Indigenous Affairs, who I understand is Senator Santoro today. My question relates to the reported comments by the minister for health proposing administrators get wide-ranging powers to run Indigenous communities and ‘that a form of paternalism is unavoidable if Aboriginal communities are to be well run’. Do these comments reflect the government’s official policy towards Indigenous Australians? Is the federal government already attempting to force Aboriginal community councils to accept the appointment of administrators? Can the minister confirm that the Pukatja community, the largest community on the Anangu Pitjantjatjara Yankunytjatjara lands, is facing a complete shutdown of services on 30 June, with FaCSIA yet to provide full written details of a new funding agreement? Will this and other funding agreements with Aboriginal councils from the federal government require appointments of administrators or the replacement of existing Indigenous workers?

Senator SANTORO—The briefs before me do not address the questions that have been asked of me by Senator Bartlett. I am unaware of the comments made by the min-
ister for health, but I undertake to seek a proper response from the minister for health and also the minister responsible for Aboriginal affairs. I will get back to Senator Bartlett as soon as possible.

Senator BARTLETT—Mr President, I ask a supplementary question. I ask the minister to also follow up on the comments reportedly written by Minister Abbott that, normally, a dysfunctional local government would mean sacking the council and imposing an administrator to sort out the mess. Something like this was tried in South Australia’s Pitjantjatjara lands in early 2004. Can the minister confirm that the particular decision to appoint an administrator for the APY lands back in 2004 was made without any consultation, resulted in the appointment of three different administrators in as many months and was widely considered to be a complete and costly failure? Can the minister reassure the Senate that the federal government’s new paternalism, as outlined by Minister Abbott, towards Indigenous Australians is not going to repeat the failures of the old paternalism?

Senator SANTORO—Obviously, I reject any suggestion within the statements made by Senator Bartlett that the federal government undertakes a paternalistic attitude and develops paternalistic policies towards Aboriginals. We obviously seek to empower Aboriginal communities as much as possible so that they can determine their own destiny and their own future. However, I do make a commitment to follow that up, as requested by Senator Bartlett in his supplementary question.

Aged Care

Senator McLucas (2.47 pm)—My question is to Senator Santoro, the Minister for Ageing. Is the minister aware that the current owners of six residential aged care facilities in Queensland and Victoria were jailed for defrauding the Commonwealth of aged care subsidies in 1999? On their conviction, didn’t they simply transfer the directorship of their company—the approved provider—to their daughters while maintaining ownership of the company even during their jail term? Haven’t they subsequently returned to participate in the operation of these facilities, which received a total of $16 million from the government in aged care subsidies in 2004-05 alone? Can the minister now confirm that this same approved provider is now again under investigation by the department for fraud? Can the minister explain to taxpayers why the government allowed convicted fraudsters to own aged care facilities and receive millions of dollars in aged care subsidies?

Senator SANTORO—I thank Senator McLucas for her question, because she raises issues that have been in the public domain and which have been of concern to people who take an interest in these matters. I will not deal with the specifics of Senator McLucas’s question, because, as she quite correctly said, the particular issue that she refers to is under investigation and, I understand, is also subject to legal proceedings. So I will not proceed to address the specific issues, Senator McLucas, although I would be happy, if you wish, to provide you with a private briefing relating to the legal situation that applies now.

But I am able to inform the Senate about policies that apply to changes of key personnel, which I think is at the core of the question asked by Senator McLucas. The Aged Care Act 1997 sets out requirements for approved providers and their key personnel. Key personnel are those persons responsible for the management of the approved provider’s business and aged care services. Approved providers are required to notify the department of changes to their key personnel. A person convicted of an indictable of-
fence is a disqualified individual and is not permitted to be a key personnel of an approved provider. It is an approved provider’s responsibility under the Aged Care Act 1997 to ensure that none of its key personnel is a disqualified individual. Approved providers are required to notify the department of any changes to their key personnel and to notify if changes are the result of key personnel becoming disqualified individuals.

Under the Aged Care Act 1997 it is an offence for a disqualified individual to be a key personnel of an approved provider. If the department receives information that a person who is known to be a disqualified individual appears to be participating in the management of an approved provider’s business or aged care services then the department investigates the matter thoroughly. Where the investigation identifies evidence which supports allegations that the person is undertaking key personnel activities, the department refers the matter to the Director of Public Prosecutions, who decides whether the evidence is sufficient to support a prosecution of that matter. Under those guidelines and those policies, it seems to me that issues that are as sensitive as that raised by Senator McLucas have been appropriately dealt with, and I am confident that the specific issue which has been raised by Senator McLucas is similarly being dealt with currently.

Senator McLucas raises some issues which I think are relevant enough to explain further. The senator would obviously appreciate that to prove whether a shareholder is acting in a way which meets the definition of ‘key personnel’ is problematical. It is an issue that I have raised with the department, and I have asked for some further explanation of process. This is especially so where the shareholder is exercising control indirectly—for example, through a director who is key personnel or is acting on behalf of the shareholder, or where no formal record of involvement is made. That is just one instance where there can be difficulties in identifying who the key personnel are. I asked the department to review the process, subsequent to the issue that Senator McLucas has raised becoming a public issue a month or two ago. The department is to provide me with further advice and, at that point in time, I will be happy to inform Senator McLucas and the Senate of any further developments.

Law Enforcement: Child Sex Exploitation

Senator Troeth (2.53 pm)—My question is to the Minister for Justice and Customs, Senator Ellison. Will the minister update the Senate on the efforts of the Australian Federal Police to combat online child sex exploitation?

Senator Ellison—The protection of children in any community is of course an absolute priority. That is why this question from Senator Troeth is so important and of great interest to all Australians, but especially parents of young children. We have heard from Senator Coonan about the great initiative that was announced today in relation to the protection being given to children every year, why hasn’t the government done more to ensure that owners of residential aged care facilities are of proper character?

Senator Santoro—Again, Senator McLucas raises some issues which I think are relevant enough to explain further. The senator would obviously appreciate that to prove whether a shareholder is acting in a way which meets the definition of ‘key personnel’ is problematical. It is an issue that I have raised with the department, and I have asked for some further explanation of process. This is especially so where the shareholder is exercising control indirectly—for example, through a director who is key personnel or is acting on behalf of the shareholder, or where no formal record of involvement is made. That is just one instance where there can be difficulties in identifying who the key personnel are. I asked the department to review the process, subsequent to the issue that Senator McLucas has raised becoming a public issue a month or two ago. The department is to provide me with further advice and, at that point in time, I will be happy to inform Senator McLucas and the Senate of any further developments.
via a choice for parents in relation to filters for the internet.

On the other side of our war against child pornography and the abuse of children, the Online Child Sex Exploitation Team in the AFP has been doing a great job, working with state and territory police as well as with international law enforcement in fighting paedophilia and the perverts who get on the internet to entice children into their web. We have seen 15 arrests—15 people charged—by the OCSET, and another 24 referrals are being considered by the DPP.

Importantly, the AFP has provided 111 packages of evidence to overseas law enforcement. That reminds us, of course, that the use of the internet is global; it knows no barriers. We have paedophiles on the internet around the world targeting children, and of course it is not only Australian children that are at risk in that regard. Importantly, the Australian Federal Police is doing a great job working with the FBI, the Serious Organised Crime Agency in the UK, the Royal Canadian Mounted Police and others in a virtual global task force, which operates 24/7 in tracking down people who use the internet to prey on children.

I want to commend the state and territory police for the work they are doing with the AFP. We have provided some 535 referrals to the state and territory police, because they have an important role in this as well. Not one government and not one police force can win this fight alone. We are intent on fighting this as a nation, with the cooperation of the states and territories, as well as with our international counterparts.

I want to acknowledge our appreciation, while our Malaysian friends are in the chamber, for the great cooperation we get from the Malaysian police in this and other regards. This is a very important fight that we have. It is one which the Howard government is totally committed to. We announced at the last election, as an election commitment, plans to dedicate a specific team—the Online Child Sex Exploitation Team—in the AFP, combined with our High Tech Crime Centre to crack down on child pornography on the internet.

As well as that, we have introduced laws with tough penalties for people who access, transmit or download child pornography on the internet. Importantly, the penalties provide heavy jail terms for people who anonymously target children on the internet and who groom children with the intent of drawing them into their web. With that specific offence, we have made it easier for prosecutors to prosecute the people who want to carry out their evil intentions via the internet. This, combined with the excellent initiatives announced by my colleague Senator Coonan, represents a whole-of-government approach in the fight against child pornography and the people who want to pervert our children via the internet.

Citrus Canker Outbreak

Senator O'BRIEN (2.57 pm)—My question is to Senator Abetz, the Minister representing the Minister for Agriculture, Fisheries and Forestry. Is the minister aware of the Senate committee report into the citrus canker outbreak that was tabled yesterday? Does the minister accept the committee’s bipartisan conclusions that the Australian Quarantine and Inspection Service’s investigations were ‘at best, poorly handled’, and that the case has shown ‘how poorly prepared AQIS has been to deal with a disease outbreak’? Is the minister also aware that the committee chair, Senator Heffernan, yesterday described the initial response to the citrus canker outbreak by AQIS as ‘pathetic’? Wasn’t that pathetic response at least partly to blame for destroying 490,000 citrus trees and wiping out overnight an industry worth $70 mil-
lion a year? Is the minister now able to explain why AQIS did not act earlier to try to prevent the outbreak from destroying an industry? Can the minister provide an assurance that in future AQIS will be able to secure Australia’s borders against exotic pests and diseases?

Senator ABETZ—The government understands the concerns of the committee and has great sympathy for the affected communities. AQIS investigators do not have police powers. There has to be sufficient evidence available before a search warrant can be issued by the courts. It is also difficult when evidence given to a committee does not appear to line up with evidence given to investigators. AQIS complaints and investigations officers are highly skilled and trained. The majority of the officers have been recruited from federal and state police forces and have a minimum of 15 years policing and investigations experience. The unit is also subject to external review, as it is accredited under ISO 9000 arrangements; it is the only Australian investigation unit with such accreditation. The government is looking at the recommendations. Having said that, I do not think that there is much I can usefully add.

Senator O’BRIEN—Mr President, I ask a supplementary question. I thank the minister for his answer and would be interested to know if that is AQIS’s version of the answer or the minister’s office’s version of the answer. I would also like to know whether the minister agrees with the committee that, given AQIS’s pathetic performance in handling the citrus canker outbreak, the agency would be even less prepared to deal with industrial sabotage or a bioterrorism attack. Hasn’t the government’s failure to properly ensure that AQIS is capable of protecting our borders against exotic pests and disease left Australia vulnerable to bioterrorism?

Senator ABETZ—Answers given in this place are usually the answers of the minister, I would have thought. I add that it is easy to be wise in hindsight but it is difficult to put AQIS in the frame for what is an appalling situation in which it is apparent that an individual or individuals have illegally imported material and bypassed quarantine restrictions. The minister has initiated a review into the handling of the national response to the citrus canker outbreak and is happy to report on the outcomes when they become available.

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

QUESTIONS WITHOUT NOTICE: ADDITIONAL ANSWERS

Humpback Whales

Senator ABETZ (Tasmania—Minister for Fisheries, Forestry and Conservation) (3.00 pm)—I have some further information in response to the question asked by Senator Siewert. My hunch was right: the rock lobster industry in Western Australia is managed by the Western Australian government. I understand there have been media reports either today or recently indicating that the state government will not impose regulations on the rock lobster industry but has agreed to advise fishermen what measures they can take to reduce the number of whale entanglements and what to do if they find a entrapped whale.

I also take this opportunity to remind fishermen that under the EPBC Act, if they do interact with a whale or a turtle, they need to report it either to the Australian government Department of the Environment and Heritage or to the state wildlife authority. My gratuitous suggestion is that the state wildlife authority possibly would be the best, as they are closer and better able to respond. The other matters that Senator Siewert referred to
have been taken on notice and a further detailed answer will be supplied.

**TASMANIAN PULP MILL**

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (3.02 pm)—Mr President, I take your guidance on this, but I want to ask the Minister representing the Prime Minister and the Minister representing the Minister for the Environment and Heritage if they could explain their failure to produce to documents listed as 19 and 20 on page 25 of the Notice Paper. I seek an explanation by this time tomorrow. I would be happy to raise the matter at this time tomorrow if that will facilitate the ministers.

Senator ABETZ (Tasmania—Minister for Fisheries, Forestry and Conservation) (3.00 pm)—I thank Senator Brown for his courtesy on this occasion.

**QUESTIONS WITHOUT NOTICE:**

**TAKE NOTE OF ANSWERS**

**Answers to Questions**

Senator WONG (South Australia) (3.00 pm)—I move:

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

What we are seeing with this arrogant, complacent and out-of-touch government are the cracks starting to appear inside it. We are starting to see disunity and disagreement made more and more public, on a range of issues, day by day. In recent times we have seen a dispute over immigration and dissent within the government on its independent contractors legislation. We have ministers indicating a different view on managed investment schemes. There is a completely opposite view held by two ministers in similar portfolio areas. They come on top of the disallowance motion in which Senator Joyce crossed the floor against the government.

I want to start with the issue of immigration. Senator Vanstone answered questions today in relation to the current fiasco within the government where they are, frankly, seeking to impose a completely outrageous piece of legislation and ram it through this parliament in an effort to appease the foreign policy concerns of the Indonesian government. Senator Vanstone has previously said that she is bending over backwards to listen to her backbench. But what we know from things that people in the Liberal Party have clearly told a range of national newspapers is that the bending over backwards and listening to the backbench occurring does not appear to extend to the way in which the party room has conducted debate in this regard.

We know from both the *Australian* and the *Sydney Morning Herald*, and a range of other papers, that it appears that the Prime Minister had to intervene in the party room discussion in order to gag Mr Georgiou, who was amongst a number of members of the government who have previously expressed concern about the treatment of asylum seekers in this country. According to the *Sydney Morning Herald*, the meeting was described by those attending as 'really nasty' and as an 'acrimonious Coalition party meeting'. We also have, in the *Herald Sun*, a description of the discussion as being 'a spiteful exchange amongst government MPs'. That demonstrates a number of things. It demonstrates that clearly there is division within the government. But, in the context of the immigration proposal that Senator Vanstone and the Prime Minister are floating, it is pretty instructive to note that this is such an extreme piece of legislation that even the Liberal Party's own party room cannot stomach it.

On top of that, we have the position on the independent contractors legislation. This is a very interesting one, because it appears that the divisions within the government come from the left and from the right. There are
criticisms one way that it is not tough enough, and criticisms the other way that it is going to be bad for workers. We have Senator Joyce, who on Tuesday was quoted in the Financial Review as expressing real concern about the impact on workers. He is quoted as saying that the legislation went too far and would encourage employers to turn everybody into a contractor. We also know, from other reports, that there is a concern that the legislation does not go far enough, so obviously some aspects of the hard right wing of the Liberal Party think it does not go far enough and are critical of the government for the position it has arrived at. So we have the government being criticised internally from both sides in relation to the independent contractors legislation.

Then today in question time I also asked Senator Minchin some questions about the managed investment scheme. As has been extensively reported in a range of newspapers around the country, there are real concerns in the backbench about the effects that these tax breaks are having on traditional agriculture and on rural industries. It seems extraordinary—and it was interesting to watch Senator Minchin attempt to answer this—that you had Senator Abetz saying one thing and Minister McGauran and a whole range of backbenchers saying another. You have Minister Abetz, who appears to be the lone voice, defending these managed investment schemes, coming out in the Age on 14 June saying that changing these arrangements could prompt an investment collapse in key agricultural sectors, when you have the member for Forrest and the member for Moore and, most importantly, Minister McGauran expressing real concern about the market-distorting effect of these things and their negative effect on traditional agriculture. So you have two Howard government ministers running positions which are 180 degrees opposite. Senator Minchin managed to keep a straight face, which I suppose is a credit to him, but it is quite clear in his answer that they are completely opposite positions.

Senator McGauran (Victoria) (3.08 pm)—For those listening to the broadcast—we in the chamber are only too well of this—we are now debating the responses to questions during question time. It is called ‘Take note of answers’. It is usually an opportunity for the opposition to properly debate and make a point about answers given by ministers. But what we have had just now from the frontbench member Senator Wong was no attempt or effort to debate the answers and no attempt or effort to put down an alternative policy—none whatsoever. She simply spent her five precious minutes on some obscure, absurd, irrelevant political point—most particularly irrelevant to those on broadcast who are listening to the so-called lofty debates of the Senate. Where have all the lofty debates of the Senate gone when you spend five minutes making some obscure, in-house, unknown-to-the-public point about so-called divisions within the government? It does not rank, Senator Wong. The sooner you use your five minutes more wisely—and indeed all of you from the other side use your time for debate in this chamber more wisely—let alone put down some sort of alternative policy, the sooner you will get your message out. Trying to talk about divisions, debates and political points within the government is not getting your own message out. But I will tell you what: even if you make those points—

Senator Wong—Who do you support?

Senator McGauran—Allow me to make this point, Senator Wong: when it comes to divisions—

The Deputy President—Senator McGauran, you might address the chair rather than interact with Senator Wong.
Senator Wong, let Senator McGauran address the chair.

Senator McGauran—You are quite right, Mr Deputy President. I was so taken aback and stunned by Senator Wong, who is one of the so-called rising stars from the other side—and you will note that I am talking to you, Mr Deputy President, to inform you about Senator Wong’s so-called reputation. If anyone can come in here and try to present an alternative policy or intelligent argument, it is Senator Wong. It looks like she has caught the disease of opposition too. She has been in opposition way too long also. She missed a perfect opportunity to put down for the Labor Party a skerrick of debate.

She did not even raise the centrepiece of the Labor Party’s policy in regard to industrial relations—something that has been in and out of the papers for the last several months, something we are told will be the centrepiece of their next campaign in 2007, which they are going to fight all the way to the election. I have not heard one question in this chamber on industrial relations. Senator Wong, who again is someone who can carry that debate from the opposition’s point of view, has not asked one single question. And that is the centrepiece of what the Labor Party are going to go the next election with. It more than any other policy has been elevated to the point where they want to get the message out to the public, but they do not. Therein lies the fraud of the whole argument.

They come in here and try to talk about divisions. When it comes to division, who can match the Labor Party? They are supreme. Even the public—it is one message that you have got out to the public—are only too well aware, particularly from my state of Victoria, that when it comes to division it is all about the Labor Party. They have just come out of a bitter preselection battle down there in Victoria, where Bill Shorten was parachuted into a safe seat and Simon Crean courageously hung onto his seat under great threat. But of course we know the bitterness and the division it still causes within that party today.

When it comes to division between your colleagues, what could be more divisive than Mr Beazley not consulting his shadow cabinet or ministry—whatever you want to call it—or anyone within his own party, for that matter, and doing the backflip on AWAs a couple of weeks ago? He just did it. Talk about conflict! So much so that a timid, unnamed frontbencher came forward—I should say ‘courageous’ but I will say timid because he would not name himself, although he was courageous because he put the truth down. We all suspect who it is.

Senator Wong interjecting—

Senator McGauran—As if we do not know who it is! Out of one, two or three, I could pretty much guess who it was. He was highly critical of an already embattled and threatened Mr Beazley. That is real division. That is serious division. (Time expired)

Senator George Campbell (New South Wales) (3.13 pm)—I also wish to take note of answers to questions to the government in question time. It is obvious from the answers that we received to the questions asked that they clearly point to a government that is now in disarray. You do not have to take our word for it.

Senator Johnston interjecting—

Senator George Campbell—Do not take our word for it, Senator Johnston—and we know how courageous you are! You would not step out the door and sling the mud at the Commissioner of Police in Western Australia and give him a chance to have his own back. You came into the castle to do it, like you always do. But do not take our
word for it. There is a quote in the Bulletin of this week from none other than Bill Heffer-
nan, one of the closest people to the Prime
Minister in this building. He is reported as
having told a closed party room meeting:
Too many things are being stuffed up, and if too
many people keep doing so many stupid things,
we’re all headed for opposition.
Those are words of wisdom from Bill. Look
at the variety of issues—

The DEPUTY PRESIDENT—Senator Heffernan is his correct title.

Senator GEORGE CAMPBELL—I will
call him Senator Heffernan to appease you,
Mr Deputy President. Let us look at what has
happened over the past few weeks and where
the government is at. Let us look at the im-
migration amendments. The bill is being
rushed in here to appease the Indonesians
and to take the pressure off in terms of mi-
gration from West Papua. We have seen dis-
array in your party room.

We have seen coalition senators on the
Senate Legal and Constitutional Legislation
Committee unanimously support a recom-
mendation rejecting the bill. Every coalition
senator on that committee signed up to that
committee report rejecting the bill. What
have we seen? We have seen the Prime Min-
ister and the minister for immigration scram-
bling for the past week or so trying to patch
the thing together and stitch up a deal, trying
to get something by the end of this week so
that the Prime Minister can fly off to Indone-
sia next week and meet with Yudhoyono. He
wants to be able to tell him: ‘Everything’s
sweet. We fixed it for you. We have finally
been able to deliver what you wanted.’ Now
it is looking more and more like that may not
happen.

We had the fiasco of child care. We had
Jackie Kelly come out and say that she
would not run at the next election if Peter
Costello were the leader because of his posi-
tion on child care. We had the situation with
independent contractors. We had Senator
Barnaby Joyce again threatening to cross the
floor and saying that your policy is a mess.
He said:
Some employers will be pushing people to be-
come contractors, who for all intents and pur-
poses are just employees. Once they become con-
tractors they lose such rights as workers compen-
sation and superannuation. For what benefit?
Usually none ...

Now we know why they get pushed into
those positions. We were told. When Senator
Johnston was on a shipbuilding inquiry in
Western Australia with me, we spoke to
Austral. I asked the managing director of
Austral in the inquiry why he had changed his
employees over from being independent con-
tractors to being employees, and he said:
‘Because we had problems with the tax de-
partment. They realised we were rorting the
tax system, so we had to put them back on as
employees and employ them under AWAs.’
They were using the guise of independent
contracting in order to avoid paying proper
taxation. We have seen the fiasco in the past
couple of weeks over the amalgamation in
Queensland.

Senator McGauran interjecting—

Senator GEORGE CAMPBELL—
Senator McGauran held his own amalgama-
tion in Victoria. But, as far as the amalgama-
tion in Queensland goes, it was born today,
gone tomorrow. It never lasted. (Time ex-
pired)

Senator JOHNSTON (Western Australia)
(3.18 pm)—I must agree with Senator
McGauran and say that Senator Wong is a
shining light. She is a stark contrast to the
majority of senators opposite. She brings a
degree of intellect, reasonableness and intel-
ligence to the debate. However, when it
comes to certain subjects, unfortunately she
has to accept the brief that is given to her—
the hospital handball. Today for question time she was asked to think of a subject by which she could try to score a few points from the government. I think she has done very well. If I had to give her a mark out of 10, it would be around six. It was not a bad effort. I think she has approached it in a philosophically accommodating way to her credit.

The theme of disunity in the government is an interesting theme because the most pressing and obvious issue for the Australian Labor Party today is industrial relations. The Labor Party’s leader here in Canberra, Mr Beazley, has been running around talking about abolishing AWAs. Indeed the industrial workplace in Australia is the lifeblood of senators from the Labor Party. The union movement is the fundamental foundation stone upon which the parliamentary careers of all senators from the Labor movement here in Canberra are built. So when Mr Beazley says, ‘I will abolish AWAs,’ what happens? Three or four members of his own frontbench come out and say: ‘That is not our policy. That is not what we want to do.’

Senator Wong has come in here today to lecture us about disunity. My goodness! If you want to talk about disunity? Before any skilled labourer comes into Australia, guess who has to sign off on it? The Australian Labor Party in each state government through its department of industrial relations has to sign off on it. DIMA does not allow a single skilled labourer into Australia without the state government’s approval that that industry is subject to skilled migration assistance.

You want to talk about disunity? There is Mr Beazley, off on a tangent while his own party, through its state governments, is allowing skilled migration. Again we have a walking, breathing, living example of disunity. The comparison is stark and it is a very interesting day here in parliament when the opposition wants to raise disunity. So every time Mr Beazley talks about skilled migration in the derogatory way that he does and attacks the minister, his own party—through its state governments—is welcoming every skilled migrant that they can into the workforce.

Also, Albany in Western Australia is currently going to export $130 million of woodchips from blue gum growth in the regions of the Great Southern of Western Australia. Last year they exported virtually nothing. That is due to managed investment from people from all over Australia and, indeed, the world into blue gum growth. It has been a huge boon to industry and one of the reasons why Western Australia has a 3.5 per cent unemployment rate. (Time expired)

Senator CAROL BROWN (Tasmania) (3.23 pm)—What a mess you have over there—what a mess! We have watched from this side of the chamber what started as a slow but steady trickle of dissenting members from the coalition ranks, but the floodgates are opening. The perception of a united coalition is quickly fading. Instead we have
members threatening to and, indeed, crossing the floor. What are we hearing from the government party room? Words such as ‘gagged’, ‘arrogant’, ‘out of touch’, ‘bullying’ and ‘shameful’ reportedly describe the atmosphere, the attitude and the actions of the coalition party room.

It is not long ago that the Australian public had to endure the joyful, gleeful proclamations of the Prime Minister when he thought he could rubber-stamp his way through another term of regressive and draconian policy. A year out from an election this is the last thing that the government leadership would want to be facing, but face it they will have to. More and more members are walking away from key government policies. We are witnessing growing coalition divisions within the Howard government. In recent weeks, we have seen confirmation of the growing rumblings in the backbench and the growing divisions between the front and backbenchers over such issues as the migration amendment bill, civil unions, independent contractors, internet filters, managed investment schemes, child care and, of course, we had the Queensland merger.

Indeed it appears to be turning into something of a mutiny on the Bounty. The voices of dissent continue to grow by the week. Already a number of Liberals, such as Judi Moynan and Mr Bruce Baird, have very publicly signalled ‘their concerns about the migration bill’. The Victorian Liberal Senator Judith Troeth is also on the record as saying, ‘There are some issues on which one should speak out and I believe that the migration bill is one of them.’ This policy proposal alone is creating tremendous division and disquiet in the Liberal Party room.

There are also deep divisions emerging in public about this government in other areas. This is clearly due to the extreme policy platforms of the Liberal Party. Indeed, the voices of dissent are growing by the day in the Liberal Party. They continue to gain momentum. This is a sign of a truly desperate, increasingly autocratic government. Recent weeks have certainly revealed the Achilles heel within the Howard government and, the more control that it tries to apply in the Senate or elsewhere, the more the dissent in the government’s ranks will grow.

When thinking about this issue I found myself posing the question: what is the government leadership doing? Is this symptomatic of a wider problem, a level of unrest about the direction of the coalition, a coalition running out of ideas, running out of puff and the leadership taking their backbench for granted? You would have to say, yes. The evidence shows that the Liberal Party and the coalition are in disarray and this fact can no longer be hidden by the government from public view.

Question agreed to.

Humpback Whales

Senator SIEWERT (Western Australia) (3.27 pm)—I move:

That the Senate take note of the answer given by the Minister for Fisheries, Forestry and Conservation (Senator Abetz) to a question without notice asked by Senator Siewert today relating to marine life entanglements.

There has been much comment in the media about Australia’s strong stand on whaling over the last couple of months and particularly, of course, over the last week when the IWC meeting was held. I am looking forward to some strong action from this government, and hopefully they will take some legal action on this issue. However, I do think that we need to get our own house in order. Whale and turtle entanglements in lobster pot ropes occurs mostly in the months of May and June off the coast of Western Australia. Every time one is reported within the range of media helicopters in the West, offi-
cers from the Department of Conservation and Land Management rush out and engage in efforts to attempt to free them. I understand that that has been successful on four out of five occasions recently.

The tension on pot ropes in deeper water is affected by wind and current. Relaxed ropes under low current conditions will throw loops making them effective snares for whales and the far more threatened leatherback turtles. As long as these pot ropes continue to be used in the fishery the problem will continue. Although fishers shortening ropes when moving pots from deep to shallow water may produce some reduction in entanglements, other management options might include moving the fishing season in some areas a little, and in developing pots that can be recovered using new technology such as telemetry and gas flotation devices.

Many whales clearly become entangled and move offshore never to be seen again, so we probably do not have a very good handle on their mortality and morbidity rates. As I said, five rescues have been reported in the last four weeks, four of which have apparently been successful. There are, undoubtedly, many more entanglements that we do not know about. In the western rock lobster fishery code of practice it states that there were a total of 33 whale entanglements reported from 1990 to 2004. Five in a month seems to be well above the average—keeping in mind that these are the ones we know about—and suggests that entanglements are increasing.

In the department of environment’s Action Plan for Australian Cetaceans, the issue is noted. It says:

Dolphins and small whales are lost by entanglement in set-net fisheries elsewhere in Australia, and buoy-lines on pots set for rock lobster, crab and octopus and long-lines set for tuna and other fish occasionally entangle large species such as southern right and sperm whales. However, few incidents are reported and the extent of mortality is unknown.

This document is dated 1996, and I presume the DEH has a better idea 10 years on about the extent of mortality. It is likely that Australia—it is very unfortunate to say—is probably responsible for killing more humpback whales than the Japanese. However, the federal minister for the environment exempted the western rock lobster fishery from export controls under part 13 of the EPBC Act following a strategic environmental assessment which disclosed, although probably underestimated, the whale catch problem. He has effectively approved the ongoing take of humpback whales in Australian waters. This issue was raised and not dealt with. They were given an exemption.

The WA environment minister, Mark McGowan, entered the fray this week calling a meeting for the industry to look at the issue of whale entanglements. The problem is that, since the introduction of the EPBC Act, he longer has effective powers over this particular issue at sea. It has been exempted under the EPBC Act. It is all very well for the minister to say that the state government will not impose regulations and then merely advise fisheries; it is my understanding that, under the exemption they have been provided, he cannot. The industry has undertaken to solve the problem by paying CALM some more money to produce an educational DVD. At this stage, I am left wondering where the whales are going to gather to watch the DVD to ensure they do not become entangled.

This is a federal government issue. I appreciate that the minister for fisheries, representing the minister for the environment, gave me additional information and undertook to take the issue on notice, but it is not good enough for him to say that this is not a federal government issue. The plain and simple fact is: this fishery has been exempted under the EPBC Act. (Time expired)
Question agreed to.

PETITIONS

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

Information Technology: Internet Content

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

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

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

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

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

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

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

by Senator Heffernan (from 98 citizens).

Petition received.

NOTICES

Presentation

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

That the Senate notes:

(a) that the Harvard Stem Cell Institute (HSCI) researchers at Harvard University – the world’s richest university – and the Children’s Hospital Boston have been given approval to begin experiments using somatic cell nuclear transfer to create disease-specific stem cell lines in order to develop treatments for diseases such as diabetes; and

(b) that the HSCI’s research will be privately-funded because the Government of the United States of America does not allow funding for research on embryonic stem cells created after 2001.

Senator Stephens to move on the next day of sitting:

That the Senate—

(a) notes the death of the former Taoiseach of Ireland, Mr Charles Haughey, on 13 June 2006, having served three terms as Taoiseach between 1979 and 1992;

(b) acknowledges Mr Haughey’s significant contribution to the economic revival of the Republic of Ireland;

(c) recognises Mr Haughey’s commitment to the peace process and to positioning Ireland as an integral member of the European Community; and

(d) expresses the sympathies of the Australian people to the people of Ireland, the Irish diaspora and Mr Haughey’s family.

Senator Crossin to move on the next day of sitting:

That the following matter be referred to the Environment, Communications, Information Technology and the Arts References Committee for inquiry and report:

The Indigenous visual arts industry, with particular reference to:
(a) the economic impact and value of the industry with regard to diverse communities throughout Australia through business development and job creation and the value of the industry as an export;

(b) the extent and effect of unscrupulous or unethical conduct in the Indigenous visual art trade, and the effect of this conduct on artists and their communities;

(c) the extent and effect of the importation of fakes and copies of Indigenous art and craft; and

(d) strategies to address the exploitation of Indigenous visual artists including the role of the Australian Competition and Consumer Commission, and relevant measures to maintain and appropriately regulate the Indigenous visual arts industry.

Senator Bob Brown to move, on Wednesday 9 August 2006:

That the Senate calls on the Government to assess Tasmania’s Tarkine wilderness with a view to nomination for listing for its World Heritage values, including those related to its:

(a) Aboriginal values;

(b) non-Aboriginal values;

(c) natural, forest and wildlife values;

(d) wilderness values; and

(e) geological values.

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

That the following matter be referred to the Joint Standing Committee on Treaties for inquiry and report by 15 August 2006:

The proposed security treaty or pact with Indonesia, with particular reference to:

(a) the long-term defence and security implications for Australia;

(b) the rights of West Papuans;

(c) Australia’s international treaty obligations; and

(d) any related matters.

LEAVE OF ABSENCE

Senator GEORGE CAMPBELL (New South Wales) (3.36 pm)—by leave—I move:

That leave of absence be granted to Senator Mark Bishop for the period 21 June to 23 June 2006, on account of ill health.

Question agreed to.

NOTICES

Presentation

Senator ELLISON (Western Australia—Minister for Justice and Customs) (3.36 pm)—I give notice that, on the next day of sitting, I shall move:

That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the following bills, allowing them to be considered during this period of sittings:

Law Enforcement Integrity Commissioner Bill 2006

Law Enforcement Integrity Commissioner (Consequential Amendments) Bill 2006

Law Enforcement (AFP Professional Standards and Related Measures) Bill 2006

I also table a statement of reasons justifying the need for these bills to be considered during these sittings and seek leave to have the statement incorporated in Hansard.

Leave granted.

The statement read as follows—

It is important that the Law Enforcement Integrity Commissioner Bill 2006, the Law Enforcement Integrity Commissioner (Consequential Amendments) Bill 2006 and the Law Enforcement (AFP Professional Standards and Related Measures) Bill 2006 (the bills) are passed through the Senate prior to 1 July 2006.

The bills will enhance the integrity of Commonwealth law enforcement agencies by creating a framework for investigating and dealing with allegations of corruption.

It is important that the bills be passed as quickly as possible in order to minimise any period of uncertainty about the new anti-corruption regime. The Government is concerned that any delay in
the establishment of ACLEI could give rise to a loss of public confidence or of confidence among Australian Government law enforcement personnel. The bills are also of interest to potential State and Territory secondees and their home agencies. Public confidence in law enforcement agencies and the confidence of the staff of those agencies are important contributors to their effective performance.

In addition, the Government is concerned that any delay in the passage of these Bills will result in resources committed to both ACLEI and the new AFP professional standards regime remaining idle until the legislation commences. The legislation cannot come into effect until the first Integrity Commissioner is appointed. It will not be practicable to make a final selection for the Integrity Commissioner position until the legislation has been enacted and there is likely to be some further delay before the person selected is available to take up duty. If these bills are not passed before the end of these Sittings, these factors could significantly delay the commencement of this important legislation.

Postponement

The following item of business was postponed:

General business notice of motion no. 460 standing in the name of Senator Bartlett for today, proposing the introduction of the Migration Legislation Amendment (Temporary Protection Visas Repeal) Bill 2006, postponed till 22 June 2006.

INDIGENOUS ARTISTS

Senator CROSSIN (Northern Territory) (3.38 pm)—I move:

That the Senate—

(a) notes the inauguration of the Musée du Quai Branly in Paris on Tuesday, 20 June 2006, and that this museum will have a significant collection of Australian pieces which will feature artworks by high-profile Australian Indigenous artists such as John Mawurndjul, Gulumbu Yunupingu, Paddy Nyunkuny Bedford, Lena Nyadbi, Tommy Watson, Ningura Napurrula, Judy Watson and Michael Riley; and

(b) commends Indigenous artists across Australia for their contribution to Australian cultural life and the Australia Council for its role in negotiating the display of Australian Indigenous artworks in the Musée du Quai Branly.

Question agreed to.

IRAQI CHILDREN

Senator BARTLETT (Queensland) (3.38 pm)—At the request of Senator Allison, I move:

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.

Question negatived.
Senator Bob Brown—Can I indicate the Greens support for that motion.

MISS ANNE LYNCH

Senator FAULKNER (New South Wales) (3.39 pm)—I, and also on behalf of all senators, 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.

Question agreed to.

The DEPUTY PRESIDENT—I note the applause that broke out.

Senator Patterson—She would not approve of that.

The DEPUTY PRESIDENT—No, she would not approve, but I noted it anyway, Senator Patterson.

MR DAVID HICKS

Senator STOTT DESPOJA (South Australia) (3.41 pm)—by leave—I move the motion as amended:

That the Senate—

(a) notes:

(i) that the United Kingdom is prepared to grant Mr David Hicks citizenship and is awaiting permission from United States of America (US) authorities to extend the oath of loyalty to him,

(ii) that the US military lawyer assigned to defend Australian Guantanamo detainee Mr Hicks, Major Michael Mori, is willing to swear in Mr Hicks as a British citizen in order to expedite his release from the Guantanamo Bay detention facility,

(iii) that through attaining British citizenship, Mr Hicks would be accorded British consular access and protection, and

(iv) Major Mori has openly stated his concern that Mr Hicks will not be released from Guantanamo Bay soon and that 'the US is trying to delay Hicks becoming a Brit because they know Britain’s position on the (military commissions); and

(b) urges the Government to:

(i) follow the lead of the United Kingdom Government and demand a fair trial for Mr Hicks, or

(ii) at the very least, support the British Foreign Office moves to intervene on Mr Hicks’ behalf.

Question put.

The Senate divided. [3.45 pm]

(The President—Senator the Hon. Paul Calvert)

Ayes………… 30

Noes………… 33

Majority……… 3

Question negatived.

AYES

Allison, L.F. Bartlett, A.J.J.
Brown, B.J. Brown, C.L.
Campbell, G.* Crossin, P.M.
Faulkner, J.P. Forshaw, M.G.
Hogg, J.J. Hurley, A.
Hutchins, S.P. Ludwig, J.W.
Lundy, K.A. Marshall, G.
McEwen, A. McLucas, J.E.
Milne, C. Moore, C.
Murray, A.I.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.
Abetz, E.  
Barnett, G.  
Boswell, R.L.D.  
Calvert, P.H.  
Colbeck, R.  
Eggleston, A.  
Ferguson, A.B.  
Fierravanti-Wells, C.  
Heffernan, W.  
Joyce, B.  
Macdonald, I.  
Mason, B.J.  
Nash, F.  
Patterson, K.C.  
Ronaldson, M.  
Scullion, N.G.  
Watson, J.O.W.  

Adams, J.  
Bernardi, C.  
Brandis, G.H.  
Chapman, H.G.P.  
Coogan, H.L.  
Ellison, C.M.  
Ferris, J.M.*  
Fifield, M.P.  
Humphries, G.  
Lightfoot, P.R.  
Macdonald, J.A.L.  
McGauran, J.J.J.  
Parry, S.  
Payne, M.A.  
Santoro, S.  
Trood, R.  

Bishop, T.M.  
Carr, K.J.  
Conroy, S.M.  
Evans, C.V.  
Kirk, L.  
Sherry, N.J.  
Minchin, N.H.  
Troeth, J.M.  
Kemp, C.R.  
Johnston, D.  
Vanstone, A.E.  
Campbell, I.G.  

* denotes teller.

Question negatived.

BUSINESS

Rearrangement

The DEPUTY PRESIDENT—I inform the Senate that Senator Wong has withdrawn the matter of public importance which she had proposed for today.

COMMITTEES

Scrutiny of Bills Committee

Report

Senator GEORGE CAMPBELL (New South Wales) (3.49 pm)—On behalf of the chair of the Scrutiny of Bills Committee, I present the fourth report of 2006 of the Senate Standing Committee for the Scrutiny of Bills. I also present Scrutiny of Bills Alert Digest No. 6 of 2006, dated 21 June 2006.

Ordered that the report be printed.

Privileges Committee

Report

Senator FAULKNER (New South Wales) (3.50 pm)—I present the 127th report of the Committee of Privileges, entitled Persons referred to in the Senate: certain persons on behalf of the Exclusive Brethren.

Ordered that the report be printed.

Senator FAULKNER—I seek leave to move a motion relating to the report.

Leave granted.

Senator FAULKNER—I move:

That the report be adopted.

This report is the 47th in a series of reports recommending that a right of reply be accorded to persons who claim to have been adversely affected by being referred to, either by name or in such a way as to be readily identified, in the Senate.

On 8 June 2006, the President received a submission from Mr Philip McNaughton, Mr C Warwick John and Mr David W Stewart, on behalf of the Exclusive Brethren, relating to the contents of a notice of motion given by Senator Bob Brown in the Senate on 9 May 2006. The President referred the submission to the committee under privilege resolution 5. The committee considered the submission on 15 June 2006 and recommends that Mr Philip McNaughton, Mr C Warwick John and Mr David W Stewart’s proposed response on behalf of the Exclusive Brethren, as agreed by the committee and the persons making the submission, be incorporated in Hansard.

The committee reminds the Senate that, in matters of this nature, it does not judge the truth or otherwise of statements made by honourable senators or the persons referred to. Rather, it ensures that these persons’ submissions and, ultimately, the responses it recommends accord with the criteria set out
in privilege resolution 5. I commend the motion to the Senate.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (3.52 pm)—I support the motion. I think that resolution 5 of the privileges section of the standing orders, which allows aggrieved persons or persons who believe they have been adversely affected by any matter in this place to have their response put on the public record, is a wonderful process. Without having seen the submission of the three gentlemen on behalf of the Exclusive Brethren, I congratulate the committee for accepting their proposal. That is how I would have wanted it. I do not make a habit of responding to content, and I have not seen the content on this occasion, so I cannot. I just want to say this: what a better world it would be if everybody were to take submissions from others into account in moving towards deliberations and actions in public to prevent false accusations, misleading claims or lies going into the public record. I suggest that the Exclusive Brethren look at this process and adopt a similar process themselves.

Senator ROBERT RAY (Victoria) (3.53 pm)—I would like to note for the record that, on numerous occasions, individuals and groups have been able to exercise their right of reply under resolution 5, and note for the record that this has only occurred on one occasion in the House of Representatives.

Question agreed to.

The response read as follows—

Appendix 1

Response by Mr Philip McNaughton, Mr C. Warwick John and Mr David W. Stewart on behalf of the Exclusive Brethren pursuant to resolution 5(7)(b) of the Senate of 25 February 1988

We make this submission to you as members of the church known as the Exclusive Brethren and on its behalf, using the opportunity afforded us under Parliamentary Privilege Resolutions agreed to by the Senate on 25 February 1988 which provide for a right of reply when persons have been adversely mentioned in the Senate in such a way as to be readily identified.

This submission is made reluctantly, because we do not question the right of Senators to engage in fair debate about any subject, but we feel that the allegations and assertions contained in the notice of motion by the Leader of the Australian Greens (Senator Bob Brown) given on 9 May 2006 are so egregious that a response is warranted.

This notice of motion specifically refers to “Exclusive Brethren Schools and Exclusive Brethren Businesses”. We regard this as a serious and unconstitutional attempt to impugn the integrity and good standing the Brethren have in the Australian community.

We make this request regardless of whether the motion is debated or passed by the Senate; the fact that it is published on the Notice Paper entitles us, we believe, to exercise this right of reply.

We note that the 1988 Privileges Resolution sets out as a prerequisite that there be an adverse reflection on reputation or in respect of dealings or associations with others, or injury to occupation, trade or financial credit, or that privacy has been unreasonably invaded by reason of reference to that person.

We believe some if not all of these grounds have been met by the publishing of this notice of motion and subsequent media reports on it.

We will deal with the points in the notice of motion in order.

1. Family Breakdown

A report by Professor G.D. Bouma (UNESCO Chair) from Monash University states that “This is a very family orientated group. Brethren are outstanding in their low rate of divorced and separated persons.”

Only 2.2% of approximately three thousand (3000) marriages (March 2006) are divorced or separated, and 90% of children from such families are retained in the Exclusive Brethren fellowship.

Church excommunication, excision or discipline is as intrinsic to Christianity as the sacrament

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itself. Based on 1 Corinthians 5, 2 Timothy 2 v 19 and 2 Thessalonians 3 v 14 and other scriptures, it has been practiced since the dawn of Christianity and has been supported right down through the ages by such noble persons as Luther, Farel, Bunyan and all those who love our Lord Jesus Christ in incorruption, and is a tenet of religions universally.

2. Political Activity
The Exclusive Brethren Church has never at any time or for any reason involved itself in any political activity whatsoever, either by means of advertisements, media releases, leaflets, publications or any other propaganda.

Neither has the Exclusive Brethren Church discussed at any time in any of their meetings or congregations a political agenda or directed or encouraged any of their members to provide advertisements, leaflets or publications which would promote any political activity or persuasion.

As individual home owners, business people and concerned citizens we happily take advantage of opportunities available to all Australians to meet government representatives from municipal to federal arenas and express our views as we see fit as entitled by constitutional privileges.

3. Tax Arrangements
In addition to all their legal obligations, the Exclusive Brethren hold moral obligations based on conscience and the fear of God to recognize their taxation and other statutory liabilities.

Further, Brethren use and consult accredited well regarded (non-brethren) professional organizations and firms who could attest on our behalf to ably refute these baseless insinuations which we believe are intended to create a grey incubus of doubt over Brethren with respect to their foundational beliefs and principles.

4. Schools
Private non-government schools operated by the Exclusive Brethren do receive funding from the State and Federal Governments on the same basis that any other non-government school receives funding. The Brethren schools satisfy the same criteria as all funded non-government schools including the provision of all documentation, compliance with all registration and accreditation procedures which require the acceptance of full audit assessment and financial accountability.

We note that section 116 of the Constitution provides that the Commonwealth “shall not make any law for establishing any religion, or for imposing any religious observance, or for prohibiting the free exercise of any religion, and no religious test shall be required as a qualification for any office or public trust under the Commonwealth.” We pay tribute to our Constitutional Founding Fathers for including such a section in our Constitution.

It would appear from this notice of motion that the Leader of the Australian Greens, 106 years later, does not share such an unprejudiced disposition. We pose the rhetorical question as to whether Senator Bob Brown would suggest a Senate inquiry into another Christian denomination, or indeed a non-Christian religion?

We think the answer is obvious: because we are a Christian church with a small number of adherents in Australia, in comparison with other denominations, we are obviously seen as fair game for these baseless allegations. That is why we seek this right of reply.

(signed)
Phillip McNaughton
C. Warwick John
David W. Stewart

Senators’ Interests Committee Report

Senator WEBBER (Western Australia) (3.54 pm)—On behalf of the Standing Committee of Senators’ Interests and in accordance with the Senate resolution of 17 March 1994 on the declaration of senators’ interests, I present the register of senators’ interests, incorporating statements of registrable interests and notifications of alterations of interests of senators lodged between 6 December 2005 and 19 June 2006.
Corporate responsibility is emerging as an issue of critical importance in Australia’s business community. It is usually described in terms of a company or organisation considering, managing and balancing the economic, social and environmental impacts of its activities. It relates to a company taking a long-term view of its shareholders’ interests and sustainability as an operating organisation, rather than a short-term view—that is, building long-term shareholder value irrespective of the short-term reaction of financial markets. This is borne out in my committee’s report on corporate responsibility, entitled Corporate responsibility: managing risk and creating value.

During the course of the inquiry, the committee received a great deal of evidence of the many innovative ways Australian companies are employing responsible corporate approaches to manage risk and to create corporate value in areas beyond a company’s traditional core business. That is why the committee sees no need for further legislation or regulation to mandate activity in this regard. Indeed, at a time when business is seeking and government is responding positively to a reduction in strangulating red tape, further regulation regarding corporate responsibility is likely to be counterproductive.

The committee’s inquiry, which commenced at this time last year, has generated enormous interest from a broad spectrum of corporations, organisations and individuals. In fact, the committee received some 145 submissions—the most submissions received by this committee in the last decade—and conducted wide-ranging hearings with an extensive cross-section of witnesses. Previously a fringe notion largely in the domain of academic discourse, corporate responsibility has developed over the past decade into a practical mechanism for companies to assess and manage their non-financial risks and maximise their long-term financial value. It is also a burgeoning driver of modern financial markets. Both the ethical investment and mainstream institutional investment sectors are increasingly considering how well companies manage their non-financial risks. This is supplemented by globalisation and several disastrous, large-scale corporate collapses. Although Australian companies have shown a greater engagement with corporate responsibility over the past decade, they lag behind international standards.

Four main areas were considered by the committee for improvement: directors’ duties, institutional investors, sustainability reporting and encouragement by government and industry, which I will now discuss in turn. The committee heard a number of arguments in relation to whether or not existing requirements in the Corporations Act 2001 allow company directors to consider broader community interests and whether any change is required to legislation to either permit or require responsible corporate behaviour. We found that, despite some isolated instances where directors have interpreted their duties narrowly—for example, in the James Hardie case—the vast majority of Australian company directors are taking an
enlightened self-interest approach. This view essentially allows directors to consider and act upon the legitimate interests of stakeholders other than shareholders to the extent that these interests are relevant to the corporation.

We consider that an interpretation of the current legislation based on enlightened self-interest is the best way forward for Australian corporations. There is nothing in the current legislation which constrains directors contributing to the long-term development of their corporations by taking account of interests of stakeholders other than shareholders. The wellbeing of the corporation comes from strategic interaction with outside stakeholders in order to attract competitive, reputational and recruitment advantages. As a result, we recommend that amendment of the directors’ duties provisions within the Corporations Act is not required.

A good deal of evidence to the committee concerned the role of institutional investors and the important influence they can have on corporate behaviour. Institutional investors are more likely to take a long-term view of a company’s financial performance. Despite the focus of institutional investors on financial performance, evidence suggests that increasingly they are considering non-financial factors that can present significant risks and opportunities for a company’s future financial performance.

A significant impediment to institutional investors engaging more with the non-financial performance of companies is the deficiency in non-financial information. The committee recommends that the Australian Stock Exchange’s Corporate Governance Council should provide further guidance to companies on how best to inform investors of material non-financial performance by disclosing their top five sustainability risks and by providing information on the strategies to manage those risks.

We also recognise the potential of the relatively new operating and financial review provisions of the Corporations Act for the disclosure of material non-financial information. We recommend that each company auditor monitor and review disclosures made under the OFR provisions and make recommendations to their company’s board regarding the adequacy of the disclosures. Finally, for institutional investors, the committee supports the adoption of the United Nations Principles for Responsible Investment and, in particular, recommends that the recently established Future Fund should become a signatory.

Sustainability reporting refers to the practice of corporations and other organisations measuring and reporting publicly on their economic, social and environmental performance and future prospects. The committee heard arguments as to whether reporting should be voluntary or mandatory. We concluded that reporting should remain voluntary. In particular, we took note of evidence suggesting that mandatory reporting would lead to a ‘tick the box’ culture of compliance. This is an undesirable outcome and one that defeats the purpose behind the concept of corporate responsibility. We believe that it is important for companies to be encouraged strongly to engage voluntarily in sustainability reporting rather than being forced to do so.

A separate issue was that of a voluntary standardised sustainability reporting framework. The most prominent and widely accepted of these is the Global Reporting Initiative, or GRI, an international reporting framework favoured by many submitters. The committee is strongly supportive of the GRI but believes that it is too early to rec-
ommend it as the voluntary Australian framework.

The committee wants to encourage greater industry-led uptake and disclosure of corporate responsibility activities. Of particular interest was the example from overseas: the United Kingdom organisation Business in the Community. This industry-led network assists businesses to develop practical and sustainable solutions to manage and embed responsible business practice. We support the establishment of such a network in Australia and recommend that the Australian government provide appropriate seed funding.

Government has an important role to play in encouraging and facilitating corporate responsibility. The committee received a strong message that government has a key role to play in the education of company directors, investors and other stakeholders. We support activities already in place, such as the Prime Minister’s Community Business Partnerships. We concluded that the Australian government could increase its involvement in this area, and we believe that it should develop educational materials to encourage corporate responsibility for institutional investors and for the not-for-profit sector.

The other key area where the government should demonstrate leadership is through best practice initiatives in its own agencies and activities. The committee commend those government agencies that undertake sustainability reporting, but we recommend that, to show greater leadership and to encourage more reporting by government agencies, the Australian government establish voluntary sustainability reporting targets for government agencies. We recommend also that the Australian government establish voluntary targets for government agency procurement in areas such as water, waste, energy, vehicles and equipment.

The support of Labor committee members for the bulk of this report is welcomed. Their decision to issue a supplementary report is regrettable, but I suppose they have to attempt some product differentiation, even when it is not really justified. It should be noted that, by and large, the narrative of Labor’s report restates much of the committee’s report. As to their claim to have initiated the inquiry because of government inaction, it needs to be noted that, firstly, the government had already asked CAMAC to investigate corporate responsibility and, secondly, inquiries are initiated by committees, not by parties.

To the extent to which Labor’s report differs—particularly in its recommendations—the business community should note very carefully that their report advocates more government intervention, regulation and red tape. Also, Labor leave open the option for a totally mandatory approach in the future. Business should beware that this is Labor’s real future agenda; it is just that they do not want to say it yet. While in opposition they attempt to convince business that a future Labor government should not be feared.

This has been a major inquiry with a heavy workload for the committee members, who, despite the differences I have just highlighted, I thank for their efforts. Likewise, I thank the committee staff: Kelly Paxman, Anthony Marinac, Stephen Palethorpe, Laurie Cassidy and Andrew Bomn, who have worked tirelessly to assist the committee to produce a first-class report. (Extension of time granted)

To conclude, corporate responsibility in Australia is still in its developmental stages. Over the course of the inquiry, the committee has been encouraged by the evidence of increasing engagement by Australian companies and Australian government agencies with sustainable practices and sustainability
reporting. Further progress is desirable, how-

ever. The Australian government and the
Australian Securities and Investments Com-
mision, where appropriate, should monitor
progress.

The committee strongly supports further
successful engagement in the voluntary de-
v elopment and the wide adoption of corpo-
rate responsibility. We have formed the view
that mandatory regulation of directors’ duties
and sustainability reporting are not required
and indeed could be counterproductive.
However, consequent on the recommenda-
tions of this report, the committee expects
increasing engagement by corporations in
corporate responsibility activities. We be-
lieve that the recommendations contained in
this report will play an important part in pro-
gressing the future of corporate responsibil-
ity in Australia. I commend the report to the
Senate.

Senator WONG (South Australia) (4:06
pm)—I rise to speak on the motion moved
by Senator Chapman in relation to the ta-
bling of the report entitled Corporate re-
sponsibility: managing risk and creating
value by the Joint Committee on Corpora-
tions and Financial Services, of which I am a
member. I am very pleased to be able to
speak, albeit briefly, on a very important re-
port in relation to an inquiry that Labor pro-
moted to the committee and has, over a
number of months, spoken about at length
publicly and to the business community. I
start by thanking the secretariat staff, a cou-
ple of whom are in the gallery, for their sup-
port and assistance. This was a very lengthy
inquiry with a lot of evidence. We in the op-
position—and, I am sure, all senators and
members on the committee—are most grate-
ful for the assistance provided.

I also want to make a couple of points in
response to Senator Chapman. Given how far
many of the committee members who per-
haps were initially a little doubtful about the
thrust of the inquiry have come, it is unfortu-
nate that Senator Chapman feels the need to
attempt scare politics—not very effectively, I
might say—on the position Labor has taken
on this report. If he were to understand the
nature of the supplementary report and rec-
ommendations that Labor has made, perhaps
he would be a little less polemic in his re-
response.

This inquiry was sought by the Labor
Party because it seems quite patent to us—
and many Australian businesses already un-
derstand this—that, in terms of meeting the
challenges, current and future, social, eco-
nomic and environmental, that our society
faces, corporations have to be part of the
solution. Our future economic viability, envi-
ronmental sustainability and social cohesion
are not matters that government alone can
assure. It is important that business is part of
the solution and that the full potential of
business to be a force for good in meeting
these challenges is realised. We on this side
of the chamber believe—and I suggest that
the report from the entire committee indi-
cates—that corporations can and do offer
something to deal with many of the chal-
lenges we are facing.

I want to make this point: corporate re-
sponsibility is fundamentally an issue of
economic, environmental and social sustain-
ability. It is the firm belief of Labor that
business must be part of the solution when
dealing with emerging sustainability chal-
lenges. The fact is that positive social and
environmental outcomes are no longer the
sole domain of government or community
groups. Businesses, along with various
stakeholders in business activities, are be-
coming aware of this fact.

The first and probably most important
point where Labor’s supplementary report
perhaps goes a little further than some of the

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recommendations of the committee is that we say that government should lead by example. You cannot lecture Australian business about the need to integrate non-financial risks and sustainability issues in their business operations if, in government, you are doing far worse than the private sector. The committee had some fairly cogent evidence from government departments that demonstrated that the reporting of non-financial risk, the reporting on sustainability issues and the reporting on environmental targets was very poor in government agencies. It seems quite patent to us that you cannot be in a situation where business is lectured about its behaviour and the government is not leading by example. One very important aspect of Labor’s recommendations is that we are seeking far better leadership from government when it comes to sustainability reporting and performance.

On the issue of directors’ duties, we shared the view of all parties that it is not appropriate to amend directors’ duties in the way sought by a number of the submitters. When it comes to reporting on non-financial risk, can I say that Senator Chapman might try to dress this up as an enormous imposition; in fact, the recommendation of the committee that deals with listed companies is effectively an ‘if not, why not?’ reporting approach. The approach Labor are taking is a similar approach—that is, mandatory reporting on an ‘if not, why not?’ level. However, our view is that it should apply not only to listed companies but also to large proprietary companies which also have potentially significant impacts on society, the community and the environment. If we are serious about trying to engage business in a cultural shift, reporting is one of the ways in which we can try to pull through that cultural shift. As I said, we are proposing a flexible mandatory minimum. It is an ‘if not, why not?’ approach without a requirement as to how businesses chooses to report it. I suggest that the way in which Senator Chapman has sought to characterise it is hyperbole, to say the least.

We have also suggested, consistent with previously announced Labor policy, that a national sustainability council be established to deal with a range of issues which are discussed in the report. We need thought leadership on sustainability and we need national targets on sustainability issues across both the public and private sectors. In our view, we need a body such as a national sustainability council to deal with these challenges.

One thing that was quite obvious in the evidence was that there is fragmentation in the way in which government corporate responsibility programs are currently delivered. That comes through even in the majority committee report. It is important that the government consider some of the recommendations of this committee and try to get a more coherent strategic framework for the government to encourage more sustainable business practices, or ‘corporate responsibility’, depending on the definition. There are a great many recommendations in the majority committee report that Labor support. There are about five areas where we go further. They centre on the issues that the government has to lead by example and that there has to be a better framework for engagement within government.

I want to place on record my thanks not only to the secretariat but also to the many witnesses and submitters who made submissions to this inquiry. The opposition members have had extremely good dialogue with some of those organisations within the business community that are leaders in this area. It is our hope that through this discussion the current government and future Australian governments can perhaps do a little better both in terms of their leadership and in terms of engaging with the broader business com-
community to try to get it to step up to the plate, as many Australian corporations currently do.

Senator MURRAY (Western Australia) (4.15 pm)—I rise to speak to the motion moved by Senator Chapman in relation to the tabling of the corporate responsibility report of the Joint Committee on Corporations and Financial Services. I want to acknowledge and thank the secretariat for the extremely comprehensive and voluminous exercise that they had to go through to assist the senators to produce this report. The submitters were also of great assistance. I also want to record my thanks to Senator Chapman and Senator Wong for their efforts in arriving at the final report.

The Australian Democrats support the committee’s report, titled Corporate responsibility: managing risk and creating value. The report, including the supplementary report of the Labor members of the committee, significantly advances parliamentary understanding of corporate responsibility issues, and the recommendations of the committee will assist considerably in Australian corporate entities lifting their game in corporate responsibility reporting. Our own support for the report has no codicil attached to it, although I have made some additional remarks to clarify our views on a number of additional issues raised by Labor in their supplementary report.

We Democrats take the view that corporate responsibility reporting and its development in Australia is still in its early developmental stages and needs to be nurtured and encouraged. We note that Australia lags many of the more advanced OECD countries and we look forward to Australia catching up to what is going on in those leading countries.

If the Australian government and the corporate community engage fully with the proposed voluntary development and adoption of corporate responsibility then there will be no necessity for mandatory action in the future. However, it is our explicit intention to keep an open mind on this matter. There may be circumstances where the adoption of a mandatory code would be desirable in the longer term. International trends or conventions may recommend and encourage the adoption of uniform codes in OECD countries on a mandatory basis. If that were the case, Australia should be in a position to adopt such codes. I remind the chamber that both accounting and auditing standards were once voluntary; it is now seen as helpful to regularise them in statute. Whether or not mandatory codes are desirable in the future, it is essential there be a meaningful monitoring of the work of corporations in this area, and that has to be started sooner rather than later with good quality reporting.

It was evident during the hearings and in the submissions from the corporate sector that many companies and directors were taking their corporate social responsibilities seriously and including them in their decision making. The motives for adopting corporate responsibility reporting, however, were due to enlightened self-interest, often, which is another way of saying that they were concerned about the outcomes if they did not adopt them. The motivators could be reputation loss or being unable to hold onto their leading executives who believed in such things or to avoid expensive litigation or community agitation.

On the other hand, there were contributors to the hearings who recognised the significant and material contribution corporate responsibility reporting can and does make to the long-term health of a corporation, particularly with respect to the assessment and understanding of what is characterised as non-financial long-term risk. The need for further progress has of necessity to focus on
the laggards as well as the leaders. If there is no ongoing improvement across all sectors in the next three to five years, at least to the level of comparable advanced OECD countries, then in the view of the Democrats it will be essential to revisit the need for a mandatory code.

I was attracted to Labor’s notion in its supplementary report that there could be mandated corporate responsibility reporting in the federal public sector. This sits well with the Australian Democrats’ belief that the government should be taking a facilitation role in developing corporate responsibility in the for-profit and the not-for-profit sectors. There was a good deal of support in the submissions and in the evidence given to the committee for a facilitative function from the government, and that would be appreciated by many in the for-profit and not-for-profit sectors. Such facilitation from the government could include a variety of devices, such as offering staff advice systems or other sorts of assistance, both financial and non-financial, which could assist the for-profit and not-for-profit sectors in ensuring that corporate responsibility was achievable on an affordable and sustainable basis. It may even be more important that such facilitation is made available to the not-for-profit sector, which is often working with limited resources and expertise but which still has a very large footprint in the society in which we live. Those not-for-profits might in other circumstances find meeting corporate responsibility obligations onerous.

Although there was evidence that Australian corporations have started down the road to good corporate responsibility reporting, there is a sense that many of them see that what they have done is sufficient, and this fails to take into account that many corporations lag behind their global counterparts who are continuing to move ahead in this area. There therefore needs to be a monitoring of Australian corporations against international standards.

I thought the choice of the title, *Managing risk and creating value*, was a good one. It is exactly what corporate responsibility should be attached to—that is, it should be grounded in an assessment of both risk and value from the perspective of the corporation. There does need to be a link in people’s minds—by people I mean the directors of companies, the shareholders and institutional investors—that corporate responsibility is something that helps the company manage risk. It helps with decision making because it requires a more holistic and long-term approach to the health and welfare of the company. Instead of simply looking at the financial return to investors, you would look at it as a return to all investors, including future investors.

This link between risk assessment and creating value is extremely important and should act as a motivational tool in bringing Australian corporations up to the level of many international counterparts. In the past it has been my observation—and I have had experience in the private sector—that corporations have focused almost entirely on financial audits in relation to risk appraisal. Corporate responsibility encourages them to move towards the public sector practice of performance audits, which are risk based evaluations, and it has been shown that performance audits are better at exposing longer term risks to a company than financial audits, which tend to focus on the immediate financial health of a corporation.

The report recognised that other jurisdictions, such as the United Kingdom and France, have ministers in charge of corporate social responsibility, which is an interesting development. I agree with the report that currently a number of Australian federal ministers and agencies are indeed taking an active role in assessing and understanding
corporate responsibility, but I strongly support the view of the committee that it is necessary for the Department of the Prime Minister and Cabinet to take a leadership role in this area and to adopt a whole-of-government approach to the coordination and development of corporate responsibility reporting in the public sector and, indeed, to try to encourage it in the private sector.

I noted recommendation 10 of Labor’s supplementary report regarding the United Nations Convention against Corruption and the OECD anti-bribery convention and I look forward to the early introduction of amending legislation to deal with concerns raised in the OECD report about shortcomings in Australia’s adoption of the Criminal Code of aspects of its anti-bribery convention. I have had things to say about that recently in an adjournment speech. The report recommendations and the additional recommendations offered by Labor deserve a serious and early response from the government, the Australian Securities and Investments Commission and the corporate and professional community at large. I am glad for this report; I think it is quite a groundbreaking report, frankly, from the perspective of the committee. I join the other two senators who have spoken in commending the report to the Senate.

Question agreed to.

Public Works Committee Report

Senator SCULLION (Northern Territory) (4.24 pm)—On behalf of the Parliamentary Standing Committee on Public Works, I present report No. 11 of 2006 relating to the proposed fit-out of new leased premises for the Australian Securities and Investments Commission in Melbourne. I move:

That the Senate take note of the report.

I seek leave to incorporate a tabling statement in Hansard.

Leave granted.

The statement read as follows—

The report examines the proposed fit-out of new leased premises for the Victorian Regional Office of the Australian Securities and Investments Commission at 120 Collins Street, Melbourne at an estimated cost of $9.85 million.

ASIC has occupied 8,810 square metres of office space at 485 La Trobe Street, Melbourne, since its inception in 1991. According to ASIC, its current fit-out is dated, inefficient and ergonomically poor. The current lease expires in December 2006.

In November 2004 ASIC sought expressions of interest to lease suitable premises in the Melbourne Central Business District. Seventeen submissions were received and following extensive assessment these were reduced to a short list of five options. Two options were identified for detailed exploration with the site in Collins Street selected as being the most suitable.

The new leased premises will physically locate ASIC among its major external stakeholders and will provide a level of fit-out comparable to other ASIC premises. The office design will allow for a collaborative working environment, readily accommodate change and will allow for the speedy utilisation and redirection of technology and resources.

ASIC intends to lease seven contiguous floors, as well as ground floor space at 120 Collins Street for ten and a half years. A service centre will be constructed on the ground floor, with security controlled access to ASIC’s leased floors. A reception area, investigation evidence rooms, meeting rooms, storage facilities, a computer room and a first aid room will also be constructed. Each floor will include utilities and a kitchen.

ASIC have negotiated a $6.5 million lease incentive, which will be used to offset cost of the fit-out, bringing the total cost to the Commonwealth down to $3.35 million.

Items from the current tenancy, such as white-goods, some audio visual and technical equipment and some loose furniture are anticipated by ASIC to be re-used in the new premises.
ASIC assured the Committee that the fit-out would meet the minimum requirements of the Building Code of Australia and all relevant state and Commonwealth Occupational Health and Safety and Equal Employment Opportunity legislation.

The building at 120 Collins Street has an Australian Building Greenhouse Rating of three stars. Whilst the age of the building has an impact, the Committee heard that the lessor is endeavouring to improve this rating.

Environmental issues considered by ASIC include the provision of cycle parking, the use of motion sensitive lighting, minimising the use of after hours air conditioning and utilising waste management strategies. ASIC are also receiving advice on methods to reduce electricity use.

The lease includes a section dedicated to green issues and describes and quantifies the commitment of both ASIC and the lessor to ensuring environmental performance criteria are met and exceeded.

ASIC anticipates that the project will be completed by mid-November this year.

Mr President, having given detailed consideration to the proposal, the Committee recommends that the proposed fit-out of the new leased premises for the Victorian Regional Office of the Australian Securities and Investments Commission at 120 Collins Street, Melbourne proceeds at the estimated cost of $9.85 million, noting that the $6.5 million lease incentive will be used to offset the cost of the fit-out.

In closing, I wish to thank those who assisted with the inspection and public hearing, my Committee colleagues, and staff.

I commend the Report to the Senate.

Question agreed to.

DOCS

Register of Senate Senior Executive Officers’ Interests

The ACTING DEPUTY PRESIDENT (Senator Brandis)—I present the Register of Senate Senior Executive Officers’ Interests, incorporating notifications of alterations of interests of senior executive officers lodged between 6 December 2005 and 19 June 2006.

AUDITOR-GENERAL’S REPORTS

Report No. 47 of 2005-06

The ACTING DEPUTY PRESIDENT (Senator Brandis)—In accordance with the provisions of the Auditor-General Act 1997, I present the following report of the Auditor-General: Audit report No. 47 of 2005-06: Performance audit: funding for communities and community organisations: Department of Families, Community Services and Indigenous Affairs.

DELEGATION REPORTS

Parliamentary Delegation to the European Institutions and a Bilateral Visit to Norway

Senator PATTERSON (Victoria) (4.26 pm)—by leave—I present the report of the Australian parliamentary delegation to the European Institutions and a bilateral visit to Norway, which took place from 22 April to 6 May 2006. I seek leave to move a motion to take note of the document.

Leave granted.

Senator PATTERSON—I move:

That the Senate take note of the document.

In April and May of this year a delegation of the House of Representatives and the Senate including Mr Laurie Ferguson, the deputy leader of the delegation, Mr Joel Fitzgibbon, Senator Stephen Parry, the Hon. Wilson Tuckey, Dr Mal Washer, their spouses and I went on a biennial visit to European institutions. That involved a visit to Belgium, the Netherlands and Norway. This visit was to provide an opportunity for the Australian parliament to renew contacts with the European Parliament and to continue to gain a better understanding of the European Union and its priorities.
I think that it is most probably a record that we have tabled our reports so soon afterwards. That is due not to my leadership but to the tremendous effort that has been put in by the secretary, Chris Reid, who not only helped us prepare before we went and assisted me in writing thank-you notes to all those people you need to write letters to afterwards, but has also been instrumental in assisting with the preparation of this report. So to Chris Reid, my thanks—as always, the Senate staff serve us so well. Also, prior to our leaving, Lynette Mollard dealt with our changes and requests and the various things that the committee wanted to do beforehand, and I want to put on the public record our thanks as a committee to her too. To those two people and to all the other officers of the Senate who were involved and Navigant, who organised our sometimes quite complex travel arrangements: we appreciate that very much.

The trip started in Brussels, where we met with European Union members. I will not go through the report which outlines clearly the issues that were raised and discussed. As always we were very vigorous and robust in our comments on agriculture and agricultural subsidies and I do not think that the European Union members expected anything less. We ranged across a wide range of issues with them. We also visited the Belgian parliament and were delighted to be hosted by them and to visit the parliament and to meet with a number of members of that parliament.

We visited NATO as well and were taken through the various changes, transmogrifications and development that NATO has moved through. We all found that very stimulating and interesting. But one of the salutary parts of our visit to Brussels was spending Anzac Day in Flanders fields. To go to Zonnebeke, Tyne Cot and Menin Gate on Anzac Day is a very special privilege. Those senators who have been in an area like Gallipoli, Flanders fields or Milne Bay on Anzac Day will know what a very solemn occasion that is and also know the emotions that being there brings up. To see 12,000 graves, 9,000 of them unmarked, makes you realise what a tragedy and unnecessary waste of young lives war is.

At Menin Gate, we recognised and remembered the over 36,500 young men who died in three months on Flanders fields in the putrid mud—in many of their stories, the mud seems to be a focus, because it was a very wet season. Menin Gate caught us all off guard. I do not think I was the only one with tears in my eyes as the various people who had that privilege and that honour went up to lay wreaths. There were a lot of young Australians there. It was also tremendously encouraging to see the community at Ypres come out to support that ceremony and remember the sacrifice that the British allied forces made in that area. We also were delighted to meet the buglers who have made a commitment to bugle until 2417. One of them has been doing it for 50 years. Every night, the Last Post Association plays the Last Post in honour and memory of those men—mostly men—who died in Flanders fields.

We moved from there to the Netherlands. We just got there in time to attend an afternoon reception that had been put on by the Ambassador to the Netherlands, Stephen Brady. Through advertising in the newspapers and alerting people in the best way he could, what Stephen had done was to get various members of the groups from the Netherlands who served in Australia. There are about 8,500 Dutch veterans who served in Australia in various guises. Some of them were evacuated from Java and came to Australia and served here.

At this gathering, I met nurses who had volunteered to come to work in Australia
after the war had finished in Europe. It was a very moving experience to meet with these elderly people—one man had been in a nursing home crossing off the days until he could come to the reception. They came with their war records in their pockets, with maps and with pictures of the ships on which they had served as merchant seamen. It made you realise the enormous contribution that others made to our war effort, just as we made an enormous contribution to the war effort in Europe. All the guests received a little show bag as they left, which contained some Australian wine and a book about the Dutch in Australia during the war that the Ambassador had had translated. I give full credit to Stephen Brady, because through sponsorship he has raised about $600,000 to celebrate the 400 years of contact between Holland and Australia. He was able to hold this event because of his initiative in raising that money to promote that bond between Australia from when the Dutch first charted the Western Australian coast.

We also visited the Dutch parliament. It just so happens that, as part of that 400-year celebration, there was an exhibition about Dutch emigration to Australia. We looked at that and also met with some of the Dutch parliamentarians. While we were there, we visited a range of institutions in the Hague, including the International Criminal Court, the International Court of Justice, the International Criminal Tribunal for the former Yugoslavia and the Organisation for the Prohibition of Chemical Warfare. We met with people associated with those various organisations and it was a very informative period for us.

We went from the Netherlands to Norway. When we first got to Norway, we were able to have a short trip called, ‘Norway in a nutshell’. We ended that trip in Bergen. While in Bergen, we participated in a very small celebration during which we laid a wreath at a memorial to a number of Australians who lost their lives in October 1944. They died in a Lancaster bomber that crashed in the water near Bergen. Six men of Bergen decided that these lives had not been commemorated appropriately and they raised money for the Lancaster memorial. As we laid that wreath, they expressed their concern about the fact that there are only four of them alive now and wanted to know what will happen to the memorial when they pass on and who will look after it. We have recommended to the Australian government, through the Minister for Veterans’ Affairs, that the Commonwealth War Graves Commission be contacted. They have been contacted before and a recommendation was put to them but it was rejected. We believe that it is very important that the Commonwealth War Graves Commission be requested to assume responsibility for the preservation and maintenance of the Lancaster memorial in Bergen, Norway, indefinitely.

Following that ‘Norway in a nutshell’ tour, we visited the Storting, the Norwegian parliament, as guests. We discussed a range of issues there. We had a fairly healthy debate on whaling. One of the interesting discussions that we had was about the Norwegian pension fund. It is one of the largest investment funds in the world. They have an ethical committee which advises the fund investor—who is deemed as one of the better fund investors in the world. They have a lot of clout with companies because if they pull their investment out it can be quite significant. They expect the investments not to infringe on any international agreements they have—for example, the one on landmines. I commend the report to the Senate. *(Time expired)*

Question agreed to.
MEMBERSHIP
The Acting Deputy President (Senator Brandis)—The President has received a letter from a party leader seeking variations to the membership of committees.

Senator Ellison (Western Australia—Minister for Justice and Customs) (4.37 pm)—by leave—I move:

That Senator Wortley be appointed as a participating member to committees as follows:

- Community Affairs Legislation Committee
- Community Affairs References Committee
- Employment, Workplace Relations and Education Legislation Committee
- Employment, Workplace Relations and Education References Committee

Question agreed to.

APPROPRIATION (PARLIAMENTARY DEPARTMENTS) BILL (No. 1) 2006-2007

First Reading

Bills received from the House of Representatives.

Senator Ellison (Western Australia—Minister for Justice and Customs) (4.38 pm)—I move:

That these bills may proceed without formalities, may be taken together and be now read a first time.

Question agreed to.

Bills read a first time.

Second Reading

Senator Ellison (Western Australia—Minister for Justice and Customs) (4.39 pm)—I move:

That these bills be now read a second time.

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

Leave granted.

The speeches read as follows—

APPROPRIATION (PARLIAMENTARY DEPARTMENTS) BILL (No. 1) 2006-2007

The purpose of the Appropriation (Parliamentary Departments) Bill (No. 1) 2006-2007 is to provide funding for the operations of the three Parliamentary Departments.

The total appropriation sought through this bill is approximately $171.6 million. Details of the proposed expenditure are set out in the Schedule to the bill.

I commend the bill to the Senate.
of the principal pieces of legislation underpinning the second Budget of the fourth term of the Coalition Government.

Appropriation Bill (No. 2) 2006-2007 provides funding for agencies to meet:

- expenses in relation to grants to the States under section 96 of the Constitution and for payments to the Northern Territory, the Australian Capital Territory and local government authorities;
- administered expenses for new outcomes;
- requirements for departmental equity injections, loans and previous years’ outputs; and
- requirements to create or acquire administered assets and to discharge administered liabilities.

Appropriation Bill (No. 2) 2006-2007 seeks approval for appropriations totalling approximately $9.2 billion from the Consolidated Revenue Fund. Appropriation Bill (No. 2) includes a minor technical change to clauses and schedules relating to State payment items. References to ‘States’ have been expanded to include the Australian Capital Territory, Northern Territory, and local government authorities.

Details of the proposed appropriations are set out in Schedule 2 to the bill, the main features of which were outlined in the Budget Speech delivered by my colleague, the Treasurer, on 9 May 2006.

I commend the bill to the Senate.

APPROPRIATION BILL (No. 5) 2005-2006

There are two Supplementary Additional Estimates Bills: Appropriation Bill (No. 5) 2005-2006, and Appropriation Bill (No. 6) 2005-2006. I shall introduce the latter Bill shortly.

These Bills seek authority for supplementary appropriation from the Consolidated Revenue Fund in the current financial year, to pay for important initiatives agreed by the Government since Additional Estimates 2005-2006.

The total appropriation being sought through the Supplementary Additional Estimates Bills is approximately $3,625.7 million, with $1,336.5 million being sought in Bill 5.

The major items of expenditure in the bill include:

- Additional funding to the Department of Agriculture, Fisheries and Forestry to enable a payment of $500 million to the Murray-Darling Basin Commission in 2005-06. The Government is committed to restoring the health of the Murray-Darling Basin and this funding will allow the Commission to accelerate its capital works programme, undertake additional projects under the Living Murray Environmental Works and Measures Programme, and deliver 500 gigalitres of water per annum for environmental water flows.
- An additional $310.4 million to fund a coordinated package of measures to assist those adversely affected by Tropical Cyclone Larry, including:
  - $97 million to the Department of Families, Community Services and Indigenous Affairs to provide support in the form of ex-gratia payments to individuals and families, a one-off diesel and petrol subsidy programme to assist businesses, including farmers, and a one-off programme of income support payments;
  - $86.9 million in wage subsidy payments to businesses and farmers affected by the cyclone; and
  - An additional $126.5 million in grants to affected businesses to assist with re-stocking, re-planting, re-establishment and clean-up;
- These measures are part of a total package costing $433.8 million in 2005-2006;
- Grants totalling $265 million to a number of medical research facilities including:
  - $50 million to the Walter and Eliza Hall Institute of Medical Research to contribute towards a seven-storey extension that will double the floor space available for medical research;
$50 million for capital works at the John Curtin School of Medical Research at the Australian National University; and

$165 million to a number of other medical research facilities for a variety of development and expansion projects, including $37 million to the Howard Florey Institute;

An additional $243 million will be provided to the Department of Transport and Regional Services to enable a $270 million payment to be made to the Australian Rail Track Corporation to assist with investment in Australia’s interstate rail network, including the upgrading of the North-South corridor;

Contributions totalling $87 million to universities including:

$75 million to the Australian National University for general capital works, subject to the University also contributing $50 million of its own resources;

$12 million will be provided to the University of Wollongong to expand the Centre of Transnational Crime Prevention; and

A one-off contribution of $23 million to support the establishment of new medical schools in Victoria;

An additional $19.5 million financial assistance to support primary producers in regions that have been declared eligible for Exceptional Circumstances Assistance and those in regions that have been declared eligible for Interim Income Support.

A $10 million contribution to the construction cost of a non-government, community managed boarding college to deliver education and related services to Indigenous high school students on the Tiwi Islands;

Grants to sporting facilities, including:

$15 million towards the establishment of the South Australian State Aquatic Centre;

$15 million to the Melbourne Cricket Ground to support the establishment of an Australian Sports Museum; and

$9.6 million toward upgrade of Toyota Park, home of the Cronulla Sharks Rugby League Club to enhance spectator safety and security and improve disabled access.

The remaining amount in Appropriation Bill (No. 5) relates to estimates variations and other measures.

I commend the bill to the Senate.

APPROPRIATION BILL (No. 6) 2005-2006

Appropriation Bill (No. 6) 2005-2006 provides additional funding for agencies to meet expenses in relation to grants to the States under section 96 of the Constitution and for payments to the Northern Territory, the Australian Capital Territory and local government authorities; and non-operating requirements in the form of departmental equity injections.

Total additional appropriation of around $2.3 billion is proposed in Appropriation Bill (No. 6) 2005-2006.

The supplementary appropriation is required to fund important initiatives during the current financial year that have been agreed by the Government since Additional Estimates 2005-2006.

The major items of expenditure in the bill include:

- Additional funding to the Department of Transport and Regional Services to enable a total payment of $2.126 billion for the following projects:
  - $960.0 million to New South Wales.
  - $800.0 million, together with funding already being provided to the Hume Highway under AusLink, would enable full duplication of the Hume Highway in southern New South Wales except for the bypasses of Tarcutta, Holbrook and Woomargama by the end of 2009. The remaining planning of the three bypasses would continue so they could be completed as soon as practicable; and

The remaining $160.0 million being for projects on the Pacific Highway to support key safety initiatives and accelerate the upgrading of the highway to dual
carriageway. This funding is subject to matching expenditure by the New South Wales Government.

- $345.5 million to Queensland for the Bruce Highway between Townsville and Cairns. This includes $124.5 million to upgrade the Bruce Highway immediately south of Tully to an appropriate level of flood immunity and width.
- $323.0 million to Western Australia for the Great Northern Highway, the Great Eastern Highway and the Eyre Highway.
- $100.0 million to South Australia for the Sturt Highway.
- $60.0 million for Tasmania to upgrade the East Tamar Highway north of Launceston to Bell Bay.
- $30.0 million to the Northern Territory to improve the flood immunity of the Victoria Highway.
- $307.5 million to supplement the AusLink Roads to Recovery programme to local, state and territory governments for investing in local roads.
- An additional $521.2 million to the Department of Finance and Administration to extinguish the Australian Government’s liability for the superannuation entitlements of former State Rail employees of South Australia and Tasmania.

I commend the bill to the Senate.

Debate (on motion by Senator Ellison) adjourned.

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

RENEWABLE ENERGY
(ELECTRICITY) AMENDMENT
BILL 2006
First Reading

Bill received from the House of Representatives.

Senator ELLISON (Western Australia—Minister for Justice and Customs) (4.40 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 ELLISON (Western Australia—Minister for Justice and Customs) (4.40 pm)—I table a revised explanatory memorandum relating to the bill and move:

That this bill be now read a second time.

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

Leave granted.

The speech read as follows—


The Renewable Energy (Electricity) Act 2000 establishes Australia’s Mandatory Renewable Energy Target, or MRET, measure. MRET came into operation in 2001 and is scheduled to end in 2020. Australia was the first country in the world to introduce such a nationally mandated renewable energy target backed by legislation.

MRET places a legal liability on wholesale purchasers of electricity (retailers and large users) to contribute proportionately towards annual targets for additional renewable energy which ramp up to 9500 gigawatt-hours in 2010 and remain at that level until the measure expires in 2020. An additional 9,500 gigawatt hours represents an increase of over fifty percent above the 16,000 gigawatt hour level of renewable electricity generated in 1997, when the initiative was announced.

On current projections, achieving the 9,500 gigawatt hours target would bring the renewable share of electricity consumption in 2010 to around eleven per cent, which is comparable with renewable energy targets committed to by other countries.
MRET uses a market-based approach to drive higher renewable energy uptake. Renewable energy generators accredited under the measure may create one tradeable renewable energy certificate for each megawatt hour of energy they produce. The measure creates an incentive for electricity retailers and large users to purchase these certificates and surrender them to demonstrate their compliance. The Act and Regulations create the structure and rules for the market to operate effectively and are administered by the Renewable Energy Regulator.

Following the 2003 Review of the Act, the Government agreed to make improvements to the legislation that enhance market transparency and improve business certainty in the measure. The Government also agreed to increase opportunities for bioenergy and solar technologies, encourage innovation through recognising emerging renewable electricity generation technologies and make a range of administrative amendments to improve the effectiveness and efficiency of operation of the scheme. This includes adopting provisions of the Renewable Energy (Electricity) Amendment Bill 2002 that sought to improve the administrative integrity, effectiveness and efficiency of the measure.

The 2003 Review identified that issues of market transparency and business certainty were of significant concern to the renewable energy industry and also parties that incur a liability under the measure. This bill includes a number of amendments to deal with these issues.

To assist market transparency, the bill introduces a time limit following renewable energy generation during which renewable energy certificates for that generation must be created.

The bill also enhances market transparency by allowing for the publication of: additional data relating to renewable energy generation; the baselines allocated to power stations that were in operation prior to the announcement of the measure; and additional information on a liable party’s renewable energy certificate shortfalls.

These improvements will facilitate a more efficient renewable energy certificate market in which participants are able to make better-informed investment and trading decisions, and better manage their MRET liabilities.

Renewable energy project developers in their submissions to the 2003 Review flagged that power station accreditation procedures were a significant impediment to attracting financial backing. To help address this issue the bill provides a process for granting provisional accreditation from the Renewable Energy Regulator at the pre-commissioning stage. Provisional accreditation would be provided on the basis of what is known at the time of application and while it would not replace the required accreditation process within the Act, is expected to assist in defining and managing investors’ risks.

To further assist business certainty, the bill introduces a time limit for the Regulator’s consideration of applications for accreditation of generators. This will help streamline development by minimising delays in project approvals.

The Government has recently made amendments to the MRET regulations that provide more opportunities for bioenergy and solar energy technologies under the MRET scheme. These changes expand the meaning of energy crops and provide the vast majority of new solar electricity systems with an option to create fifteen years of tradeable renewable energy certificates in a single up-front transaction.

The bill provides further opportunities for the participation of bioenergy by enabling renewable energy certificates to be created for a broader range of renewable material that would otherwise have gone to landfill, and broadening the scope of wood from plantations that is eligible as a renewable energy source under the measure.

Amendments in this bill increase opportunities for solar energy technologies by allowing more solar water heater systems installed to be eligible to create renewable energy certificates. By simplifying the rules and expanding the range of eligible installations it will be easier for home and building owners to participate in the measure.

Further amendments in the bill clarify the provisions in relation to claiming renewable energy certificates associated with solar water heaters and small generation units, and expedite the process by which certificates can be claimed for new solar water heater models as they become commercially available. The solar water heater manufacturing industry has welcomed the changes as
they provide further opportunities for the industry.

In addition to these improvements, the bill provides for the surrender of renewable energy certificates by persons who do not have a liability under the Act. This will allow interested individuals or organisations to purchase certificates and voluntarily retire them from circulation. This could be done for a wide range of reasons, including for philanthropic purposes. It should be noted that the legislation does not compel or pressure businesses or individuals to undertake any such action.

The bill also contains a range of administrative amendments. The clarification of definitions is particularly important from the standpoint of investors in renewable energy. The amendments will provide greater clarity about what is an eligible renewable energy source, what is an accredited power station and what is a relevant acquisition of electricity. Similarly, the capacity to vary or amend documentation or decisions meets a pragmatic need of the Regulator to address mistakes made by participants or to respond to changing circumstances, additional information or the results of monitoring and compliance actions.

The power to gather information and documents will allow the efficient administration of the legislation and is a means by which informed decisions about the participants in the trading of renewable energy certificates can be made. Information will be confined to that which is relevant to the operation of the Act.

The suspension of an accredited power station is particularly important to ensure that the operators of these businesses conduct themselves in a manner in keeping with the objectives of the legislation. A power station’s accreditation can be suspended in a range of circumstances including where a power station contravenes or is suspected of contravening a law of the Commonwealth, a State or a Territory or where the Renewable Energy Regulator is reasonably of the opinion that a gaming arrangement has occurred. Gaming involves generators manipulating their output to increase their eligibility for renewable energy certificates without increasing renewable generation, and the powers foreshadowed in this bill ensure that such action cannot pose a threat to the integrity of the legislation.

Decisions by the Renewable Energy Regulator to vary or amend decisions or assessments or to suspend entitlements under the Act will be subject to review by the Administrative Appeals Tribunal. The Renewable Energy (Electricity) Act 2000 was a world-leading piece of legislation and a number of countries have identified it as a model for promoting renewable energy through a market-based trading system. The measure has been in operation since April 2001, and I am pleased to be able to report that it is delivering significant benefits.

Total renewable energy investment stimulated by MRET to date amounts to some three billion dollars. The measure is expected to increase renewable energy generation by more than fifty per cent compared to pre-MRET levels. MRET has been the principal driver in the recent expansion of the renewable energy industry.

To date over 230 power stations, representing a wide range of renewable energy technologies, have been accredited under the measure and all interim annual targets have been comfortably met with nearly 100 per cent compliance by liable parties.

Australia’s wind power industry has grown strongly under the MRET scheme with more than 800 megawatts of wind energy capacity installed or under construction. Significant investment has also occurred in other sectors of the industry such as the refurbishment and expansion of pre-existing hydro-electric power stations and the development of new biomass co-firing and landfill gas power plants.

By 2010, MRET is expected to contribute around 6.5 million tonnes of carbon dioxide equivalent abatement per annum, or around ten per cent of total current projected abatement for the Kyoto commitment period of 2008 to 2012.

The package of amendments comprising this bill will help streamline the operation of the measure for the benefit of the industry and the Australian community to enable ongoing opportunities to encourage the additional generation of electricity from renewable energy sources and reduce emissions of greenhouse gases.
Debate (on motion by Senator Ellison) adjourned.

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

**BROADCASTING SERVICES AMENDMENT (SUBSCRIPTION TELEVISION DRAMA AND COMMUNITY.BroadcastING LICENCES) BILL 2006**

Returned from the House of Representatives

Message received from the House of Representatives informing the Senate that the House has agreed to the bill without amendment.

**EXCISE LAWS AMENDMENT (FUEL TAX REFORM AND OTHER MEASURES) BILL 2006**

Returned from the House of Representatives

Message received from the House of Representatives agreeing to the amendments made by the Senate to the bill.

**COMMITTEES**

Procedure Committee

Reference

Senator CHRIS EVANS (Western Australia—Leader of the Opposition in the Senate) (4.41 pm)—I 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.

In moving this motion, I seek to refer the issues that Senator Minchin outlined in his letter to party leaders yesterday concerning a restructure of the Senate committee system to the Procedure Committee. I want to make it clear that I do not do so with any expectation that the government will change its basic position. But Labor at least is interested in paying adherence to proper process in this chamber. Certainly, going on past precedent in these matters, these sorts of suggestions have gone to the Procedure Committee so that all senators have an opportunity to comment on these things and to participate in a discussion about changes to procedure in the Senate. The government has made it quite clear that it has made its decision and it is imposing the decision on the Senate, but there are some minor matters that the Procedure Committee can deal with.

Essentially, the government has exercised its power. It says: 'We have the power. We will change the system to suit ourselves,' and that is what it is about to do. It is in stark contrast to what John Howard, the Prime Minister, said after the previous federal election when it became clear that the government had gained a Senate majority. Prime Minister Howard said, 'It will be a modest, even humble, government.' I am inclined to remember the old Mac Davis number *Oh Lord it's hard to be humble*. It goes:

Oh Lord it's hard to be humble when you’re perfect in every way...

This is what we are seeing today: the Prime Minister’s arrogance, the government’s arrogance, reflected in the fact that it is seeking to assert its power over this chamber. I would have thought that government senators would have been a bit wary about this because, as everyone knows, the wheel turns. We have had a commitment across the chamber in recent years to ensure that the Senate plays the role it has come to play in Australia’s democracy—a role that includes providing accountability to the executive, acting as a review mechanism on actions of the executive, and helping to build greater scrutiny of the actions of the executive in a world where, increasingly, the executive has more power over the parliament. Serious parliamentarians would be concerned by moves that restrict that ability.
Certainly, in the past, the Liberal-National Party have been concerned about it. I could quote page after page of speeches from Liberal-National Party senators about the need to protect the powers of the Senate—about the need, in fact, for the committee system to be supported. This was very much a strong position of the Liberal and National parties when they were in opposition. It seems their view of the world has changed. You have got to ask yourself, ‘What has changed?’ Have the principles they supported changed, or is it really the fact that all that has changed is that they now have a majority in this chamber, that their power is unchecked and that they seek to use it and abuse it?

That is what is occurring today. What we have seen over the last year is a slow erosion of the power of the Senate to hold the executive accountable. We knew this would occur, and we knew that it would increase as the government’s arrogance and hubris grew. But this measure that Senator Minchin dropped on us yesterday is fundamental to the way the Senate operates. It is fundamental to the Senate’s review role and its accountability role. So all of the sleights and measures designed to increase the government’s power over the last year look small in comparison with this measure. This is fundamental; this is an attack on the Senate’s power in a very central way.

Since July last year we have seen the number of questions reduced, the gag applied and the farcical one-day inquiry into the sale of Telstra. We have seen the guillotine and we have seen the opposition of the government to any reference that might allow a committee to look at government actions. Recently we saw the measure designed to reduce by eight days the capacity of estimates committees to examine the financial aspects of the government’s activities and hold the government accountable for the expenditure of taxpayers’ money. One after another, these restrictions have been placed on the Senate’s capabilities. But that was not enough for the Liberal-National government. It needed to go the whole hog. One of the three things left to us was the references committee process, the process that allowed this Senate, by its own reference, to determine and inquire into matters that were of concern, matters that perhaps the government did not want looked at and that the government preferred to not be exposed to the light of day, matters that went to the failure of the government to be held accountable and the government’s avoidance of scrutiny.

This was the role that the references committees sought to play. That is the proud role that these committees have played since 1994. They have played it, I might add, at the initiation of the Liberal Party of the time. I pay credit to them. In those days they saw what the role of the Senate could develop into, and we have seen the evolution of that role as an important part of our democracy. All that has changed is the ability to use and abuse power. This is arrogance of the first order. It is a sign of the decay of the government commencing, because it is clear from this that the government is trying to avoid scrutiny and accountability, and it is trying to express its arrogance by not allowing the Senate to deal with issues that could force it to account to the Australian people.

There are no principles involved here. Senator Minchin makes no attempt to defend this on the question of principle. He dresses it up as a question of reducing 16 committees to 10; anyone who knows anything about the Senate knows that it has nothing to do with that. It is about getting control of the references committees. They have traditionally worked on the basis of having a non-government majority. Why would a government inquire into itself? Why would a government allow any committee the power to look at things that might embarrass the gov-
ernment? This was a point made by Liberal senators when this system was established. They knew that the pressure on a government senator to accept a reference or to inquire properly into something the government did not want revealed meant that it was not practical and it would not happen. So they argued that you had to have a non-government majority and a non-government chair in order to make sure the executive was held accountable. They were right then, and they are dead wrong now. This is purely about the abuse by the majority. It is purely about the tyranny of the majority. The government has got the power; it will use the power because it suits it. The only interest at stake here is self-interest, to protect the government from proper scrutiny.

Senator Minchin’s rationales are breathtaking in their flimsiness. He describes the Senate committee system as a ‘failed experiment’. When did anyone else notice that it had failed? If it had failed so badly to hold the executive in check, why would you seek to abolish it? He said this was part of the ‘evolution’ of the Senate committee system, but then argued that we are taking it back to 1994. Is it an evolution or is it a reversal? There is no logic or principle to the position. The original decision was not based on a majority; in fact the Liberal and National parties did not have a majority in this chamber. This was a process established by the Senate with the agreement of all parties: the Liberal and National parties, the Democrats, the Greens and the Labor Party. It was a decision taken to improve the function of the Senate, to provide for a more powerful committee system and to provide for a system that held the executive in check. It was a good system. It has evolved, and it has become a central part of the Senate’s role and function in holding the executive to account. It mirrors in part the powerful USA Senate committee systems, which have been used in that country as well to develop the role of the Senate and its power and capacity to hold government to account. On any measure, this evolution, this maturing, of the role of the Senate has been a highly beneficial process.

Nobody but Senator Minchin has previously said that this was a failed experiment. Senator Minchin had not described it as a failed experiment until yesterday. This is a device invented over the last couple of days to try to justify a most retrograde step, taking the Senate back—he says—to the position of 1994. This is allegedly evolution! The system has got better, the accountability mechanisms have got stronger and the Senate’s ability to scrutinise has got stronger. That is unashamedly a good thing. Every senator in this place knows that, and every senator knows that the accountability mechanisms and the role of the Senate will be diminished by this. Government senators ought to think twice about this, because they know things will turn. They know that their capacity to operate effectively in this chamber will be reduced—not only in opposition but also in government. They are signing away a lot of their own capacities. Over recent years, we have seen that a great deal of the work by these references committees has occurred because the government was forced to have inquiries. That has allowed government senators to make a contribution by helping change government policy. But that has gone.

You have to ask yourself why the government is doing this. It is not defensible on any other basis than that it is designed to increase the power of the government—to increase the power of the executive. Why would we bother having a Senate or two chambers if we were to be a mirror of the House of Representatives, if we were to merely roll legislation through in an unquestioning way or if we were to merely do what the government asked us to in terms of the
role of the committees? No committee with a government majority is going to look at things that the government is embarrassed about. No committee with a government majority is going to go where the government thinks it would be an embarrassment to go. And so some of the great work done by the Senate in recent years will be wiped. It is a retrograde step and it is a sign of a government that is increasingly arrogant, increasingly out of touch and increasingly focused on protecting its own power rather than being willing to defend itself in a proper way with proper accountability mechanisms.

We all know that this is about entrenching government power. Currently, the Senate has the power to refer matters to Senate references committees, chaired by non-government senators—not only Labor senators but also Greens and Democrat senators. The non-government majority has the power to decide where they go, how often they meet and who they hear from. The great power of this system has been the ability to engage Australian citizens in the debate about issues of public concern. People can come before Senate committees and can seek to influence the Senate. That has been one of our great strengths. But now the government will say who can come before us, who will be heard and who they hear from. The great power of this system has been the ability to engage Australian citizens in the debate about matters which the government would prefer to hold secret. As I have said, in the last few days we have seen what I see as signs of the decay of the government. You see this in governments when they are getting near the end—when they are starting to get tired and out of touch and are starting to believe that the electorate is out of step with them. The IR legislation is a classic example. Rather than responding to the electorate, which has been John Howard’s great strength—I give him that credit—the government’s view now is: ‘The electorate are out of step with us. They just do not understand how good these things are for them. If only they better understood.’ It is the beginning of the end.

And what do governments do when that starts? They look to entrench their power. They look to ensure the maintenance of power. They seek secrecy. They seek to
avoid questions and scrutiny. They look to institutionalise their power, fearful of one
day losing power. They seek to change the rules. We have had a classic of it this week:
the government changed the electoral laws. Why? It was to encourage dirty money in
Australian politics, to encourage secrecy about who donates to whom and to deny the
vote to Australians that the government think do not vote the right way. Again, it is purely
about their self-interest, purely about entrenching their power and purely about protecting their interests. And today we have the start of a new process—another step in emasculating the Senate, entrenching the government’s power and reducing our capac-
ity.

Our great strength in this chamber has been our capacity to hold the executive to
account. As we all know, executive government has become more and more powerful across the world; that is a development that is broadly occurring. But every democracy has sought to respond by putting other checks and balances in place. This Senate has matured. It has developed mechanisms that have allowed the Senate to operate and to play a role. If that role is not allowed the Senate, there is no point in us being here. And Labor has changed its position on the Senate. We have sought to make the Senate an institution that works for Australian dem-
ocracy. We have recognised its emerging role and recognised that it adds to account-
ability, to the role of the parliament and to a check on executive power. I think all sena-
tors recognise that. I really cannot understand why Liberal and National Party sena-
tors are allowing this to occur, because the worm does turn. They will get their chance in opposition, and I think they will find that even in government this undermines their power.

Labor will take the fight up to the government. We will take the fight up on this
issue and we will take the fight up on any further erosion of the Senate’s powers. But it
is getting to the point where there is not much left. This is one of the most important
and fundamental strikes against the capacity of the Senate, and we may have to concen-
trate more on the fight outside the parliament. Australians need to be concerned about this issue. They need to take an interest be-
cause, if they think about it, they know that unchecked executive power is not in their interests. They know that power corrupts. They know that absolute power corrupts ab-
solutely. And this is about giving the Howard government absolute power. There is no
principle at stake here. The government have no principled defence of this proposal. Why have they not argued for it in the last 13 years? It is because there is no basis for it in principle. It is not good for democracy.

The one thing that has changed is the numbers in the Senate. The government have
the power to exert their self-interest and they are prepared to do it. It took them a year to work up the courage and decide that they really could go the whole hog. We have seen the step-by-step erosion of the Senate’s ca-
pacity. We are down to five opposition ques-
tions per question time, we are seeing esti-
mates committees eroded, we have seen the government muttering darkly about restrict-
ing the matters that estimates can inquire into and then, when introducing that measure,
saying ‘You’ve always got estimates.’ The
attacks come from all fronts, but this is the most blatant abuse yet of the Senate major-
ity. This is the tyranny of the majority at
work. It is arrogance, it is a reflection that the government are out of touch and that
they are trying to shape the parliament to reflect their will rather than debate their per-
formance in the proper forums. This is a strike against the role of the Senate and against our democratic institutions. Government senators ought to hang their heads in
shame because they know it is wrong. *Time expired*

Senator ELLISON (Western Australia—Manager of Government Business in the Senate) (5.01 pm)—I move an amendment to the motion moved by Senator Evans as follows:

Omit “17 August”, substitute “10 August”.

The government does not oppose the reference to the Procedure Committee, but it does take issue with the reporting date for a number of reasons. We ought to put this in context. Yesterday, we had a leaders and whips meeting. The Leader of the Government in the Senate, Senator Minchin, gave by hand a letter outlining the government’s proposals to the various people who attended—the minor parties and the opposition. I will return to that letter in a moment.

Suffice it to say, the government has suggested an alternative method of considering the proposals. The opposition has come forward and said that it wants to have the matter referred to the Procedure Committee. The government does not oppose that, but it does believe that the report should be at the end of the first sitting week, when we return to the Senate after the winter break. It does that for the reason that it will allow debate on the issue in the following week of the sitting fortnight so that this matter can be determined then, rather than leaving it to the last sitting day of that sitting fortnight which would mean that debate and consideration of the matter would not be until the fortnight commencing 4 September. We have a heavy schedule in relation to legislation in the second half of the year, and we believe that this is an issue which should be dealt with in the first sitting fortnight. We believe it is a rational approach in the interests of good management of the Senate, and that is why we propose it. I say again that we do not oppose the reference to the Procedure Committee.

I return to the letter dated 20 June from the Leader of the Government in the Senate, Senator Minchin. That letter outlined the proposals by the government. As stated by Senator Minchin, the proposal is designed to achieve greater efficiency and greater effectiveness in our Senate committee system. As part of that reform, the government proposes that the current 16 committees across eight portfolio areas are streamlined to a system of 10 general purpose committees. What we are doing is changing the current system of having eight legislation committees and eight reference committees to having 10 general purpose committees. Remember that the legislation committees deal with the corresponding portfolio areas of the reference committees.

We believe that this will be more efficient and will still provide the scrutiny necessary in the Senate. In fact, when you look at it you will see that it returns to the position that we had with the Senate system in the years 1970 to 1994. That covered a period when the government, during 24 years of Senate committee history, had not only the chair of the committees but the majority of numbers on those committees. That applied even when the government of the day did not have a majority and it applied across both persuasions of government. So there is a good deal of history to this proposal, running from 1970 to 1994. In 1994 the system was changed as a result of the government not having a majority in the Senate and a proposal that we should have reference committees which reflect the make-up of the Senate of the day.

Senator Evans touched on the question of consultation. Senator Minchin’s letter stated: ‘I would like your input into whether there should be eight or 10 committees, what portfolio areas they should cover and the number of members on each committee.’ That is an entirely reasonable course to take in the con-
sultation period over the winter break. That is not the act of an arrogant government or of someone who is dismissing opposition and minor party claims outright. Indeed, it proposes that there is consideration over the break and that, in the first sitting week of August, we will address those issues.

Senator Evans raised a number of issues and touched on estimates. I would like to remind the Senate that if we had 10 estimates committees rather than the eight estimates committees that we have, we would be increasing estimates scrutiny of the government by 25 per cent with our proposal. Where is the diminution of scrutiny in that?

Senator Chris Evans—That depends on the days. How many days are you guaranteeing? That’s not in the letter. You’re just making it up.

Senator ELLISON—That is the proposal. Senator Evans does not want to hear that. He overlooked this, of course, and he does not want to relate that to the—

Senator Chris Evans—Where’s that in the letter?

Senator ELLISON—It is clearly in the letter. In relation to estimates committees, which are at the core of Senate scrutiny of the government of the day, we are proposing an increase of scrutiny. But, of course, that is not something that the opposition wants to dwell on. In fact, what we need to look at with the opposition’s record is that, when we had the reference committees, which were set up to deal with issues that had to be looked at and that were important and were regarded as such by the Senate, the opposition and minor parties used their numbers to send legislation to reference committees, and that was not what was designed by the system of legislation and reference committees.

What we have seen is that the opposition, when it wanted to use its numbers, perverted a Senate system by sending legislation to reference committees when in fact we had legislation committees set up to deal with that legislation. Indeed, I can point to a number of examples. In 1998 we had aspects of the new tax system bill sent to a references committee. In 2002 we had the Family and Community Services Legislation Amendment Bill 2002 sent to a references committee when it should have gone to a legislation committee. It was equally so with the portfolios of Environment, Communications, Information Technology and the Arts, and Foreign Affairs, Defence and Trade. We have other examples. Indeed, there are numerous examples. In the Senate Legal and Constitutional References Committee we had, over a period of four years, the migration legislation amendment bill—a bill sent to a references committee. When we look at the opposition’s track record—

Senator Ferguson—So much for the system!

Senator ELLISON—Yes, so much for the system indeed! Thank you, Senator Ferguson. What we have is an arrogance by the opposition, teaming up with the minor parties to pervert the current system. That is their record and that is what should be looked at.

What we are proposing is a reasonable reform to the Senate committee system. We have done it in a way which brings in the opposition and minor parties. We have proposed that it be discussed over the break. The opposition has said that it wants this to go to the Senate Standing Committee on Procedure. We agree with that. But what we do say is that this matter should be resolved in that sitting fortnight when we return from the winter break. We do not want to delay this any longer than it needs to be. We have adequate time for this to be looked at. The opposition, of course, wants to string this out. It is not interested in seeing legislation get
through in the second half of the year. It is not interested in an orderly Senate program. It wants to delay and obfuscate. That is what it is about.

Finally, I just want to touch on the reaction of the Leader of the Opposition. We had the Leader of the Opposition quite seriously saying that this is an act of evil. I say to those people listening in the community at large: how can you take the leader of a major party seriously when he looks at a reform of this nature, which will increase Senate estimates scrutiny, and calls it an act of evil? Such is the desperation of the Leader of the Opposition and such is the hysterical aspect that you find in the opposition in the current environment. It was taken further by the member for Lilley, Wayne Swan, who said that Darth Vader would be very proud of the Howard government this morning. He said, ‘What is next—the Death Star?’ Can you take a bloke like that seriously? Who does he think he is—Yoda? Does he think he is Luke Skywalker, or R2D2 maybe? When you get a reaction like that, you have to ask yourself whether these blokes are really serious.

What we are proposing here is a Senate committee system which reflects the majority of the government of the day, which existed for 24 years from 1970 to 1994 and which increases the number of estimates committees which in turn scrutinise government activity. Where is the evil in that? Indeed, where is the Death Star? I seriously think that the opposition should have a good look at itself and see how it can contribute constructively to this debate rather than carrying on in a shrill and hysterical matter.

Senator BARLETTE (Queensland) (5.11 pm)—The Democrats support the reference of this matter to the Senate Standing Committee on Procedure. We certainly do not support the government’s amendment. Even on a simple, clear-cut procedural matter like this—such a fundamental matter—they show their colours by once again trying to restrict the opportunity for proper consideration by reducing the reporting date to an earlier period. The government are quite extraordinary. I suppose by now people should have learned not to take any truth in anything that the Prime Minister says, but there was some faint hope I think amongst many people when the Prime Minister did say after he unexpectedly managed to get control of the Senate after the last election that the government would use that power humbly and responsibly, they would not let it go to their heads and they would not use it arrogantly. Of course, every single action of the government since then in the Senate over the last 12 months has given the lie to the Prime Minister’s statement.

There has been a clear indication time after time of a willingness by the government to deliberately and calculatedly use their majority in and their control of this Senate to slowly strangle and asphyxiate the ability of the Senate to do its job as a house of review. Whatever else you might ask the public of Australia on the role of the Senate—and there are a lot of people, of course, that do not know an enormous amount of detail about how our parliamentary system works and how politics works—if it is one thing they know that the Senate is there for, it is as a house of review and a check and balance on the government. That is the one thing that this government has set about, in a very calculated way and slowly but surely, trying to eliminate.

It is interesting, though, to hear Senator Ellison’s pledge. He said it a number of times. He said that the government’s proposal will increase the amount of Senate estimates scrutiny. I hope that does not just become yet another misleading statement to add to the enormous pile of dishonest statements that we have had from senior members
of this government over many years and particularly over the last 12 months, when they seek to falsely describe what they are doing in regard to the Senate. Up until the last Senate estimates hearings, you had the total number of Senate committees that have Senate hearings—and there are eight committees—

Senator Ferguson—Mr Acting Deputy President, I rise on a point of order. I was waiting for you to perhaps pick Senator Bartlett up. I do not think it is in order for Senator Bartlett to refer to senior members of the government as dishonest.

The ACTING DEPUTY PRESIDENT (Senator Hutchins)—I am sorry, I did not hear him say that. If you did say that, Senator Bartlett, you should withdraw it.

Senator BARTLETT—Is that the advice you have received?

The ACTING DEPUTY PRESIDENT—If you said it you should withdraw it.

Senator BARTLETT—I am not sure that I described it precisely the way it has been referred to by Senator Ferguson but, unlike the government, I do not have total contempt for the Senate, so I will withdraw any comment that was seen to be disorderly. The simple fact is that this government’s misuse of language is so extreme that, frankly, even George Orwell would not believe it. What we have is a deliberate use of words to try to create a perception of reality that is the exact opposite of what this government is doing. The government is continually acting in a deliberate and calculated way to restrict the ability of the Senate to do its job as a house of review—and every step along the way it has continued to deny that is what it is doing.

We saw at the last Senate estimates committee hearings, an elimination of the Fridays that Senate estimates committees normally used for their spillover days. Those days have of course not been abused. They have been used to ensure that committees can have an extra day to look at areas that require extra time. Almost inevitably, those days are used for areas that are most contentious. It was quite a calculated attempt by this government to remove those days for scrutiny by Senate estimates. So the government’s own actions have reduced the number of days that Senate committees have been able to scrutinise. The government has actually reduced Senate estimates scrutiny by its own actions just in the last month; yet it has the gall and the hide to come in here and say, ‘Our desire is to increase the amount of Senate estimates scrutiny.’

We saw the unprecedented actions the time before last of the government making a blanket direction to all government officers that they were not to answer any questions about an entire area, and a crucial area, of government activity—namely, the AWB issue—under the totally farcical and dishonest excuse that there was a royal commission under way and therefore no questions shall be answered. And this is a government that now comes in here and says, ‘We want to increase Senate scrutiny under estimates.’ Last Senate estimates, we had 32 days in total through those eight committees—four days each. We had 32 days of Senate estimates scrutiny. Normally, it would have been up to 40 days. It was reduced by taking away the Friday for each of the eight committees.

So let us see whether under this proposal from the government—with however many committees we end up with and however many days each of those committees will have to have Senate estimates—we actually have the same total number of days of Senate committees examining budget estimates. If you go over 40, I will be the first to stand up here and say that I was wrong. I hope that government members—particularly Senator Ellison—will equally take up the challenge
and, if we do end up having fewer total days of Senate estimates committee hearings as a result of the restructure, they will stand up and say that they were wrong and say that there is not a greater amount of Senate scrutiny available through estimates as a result of these changes. I will not hold my breath. But, given the government’s record of reducing the amount of scrutiny that estimates committees have been able to carry out, it would be a strange thing to suddenly turn around and be increasing it.

Senator Ellison said that there is a good deal of history behind this proposal and that from 1970 until 1994 all committees were government controlled and had government heads to them—and that is true. When the Liberals were in opposition, the Senate, with very heavy involvement and initiative from the Democrats, particularly from then Democrat Senator Vicki Bourne, instituted a better system—a system that all sides, even many in the then Labor government, acknowledged was a better system. I am not saying that there should be no change whatsoever from the current set-up, but how going backwards to having government control of all committees, purely because the government have a majority of one most of the time on the floor of the chamber, is an improvement and a positive development that enhances scrutiny—how that is anything other than a step backwards into history into a period when the government of the day used to have the numbers in the Senate and they did what wanted. The present government likes that idea and wants to go back there. That is not a history that I suggest is one that we want to repeat.

Of course, the government did not just come out on day one and decapitate the Senate and Senate committees; the government has slowly and deliberately strangled and asphyxiated them. In addition to the restrictions on Senate estimates committee hearings, we have had restrictions on the information that is provided and restrictions on the areas of questioning, where officers are directed not to answer things. We have also had a very dramatic restriction in the operations of the legislation committees. In those committees that are already chaired and controlled by government, most of the time—although not all of the time—we are still being allowed to have legislation sent to a committee. But the amount of time that those committees are being given to do their job is being reduced to farcical levels.

Who can forget the utter joke, the absolute farce, of the so-called committee inquiries into the Telstra legislation and the workplace law changes—the most radical changes to our industrial relations system in over a century? Those committees were given absolutely minimal scope for inquiry and a minimal amount of time for public hearings, with the government controlling the number of hearing days, where they would be and who could appear. And, of course, we should not forget the restrictions on the significant anti-terrorism laws and the Welfare to Work changes. All of that was as a result of government controlled committees and a government controlled Senate dramatically reducing and basically strangling the ability of Senate committees to do their job properly. They are just a few examples.

We have this furphy thrown up time and time again that the Senate used to abuse things because it would sometimes send legislation to references committees. I might say that, on occasion, that was done with the support of all sides because those references committees were having broad-ranging in-
queries, rather than the more specifically focused legislation inquiries. If there was legislation that was broad ranging and touched on broader policy issues, there were arguments from time to time to send it to a references committee. But it should be pointed out that that was very much in the minority. It should also be pointed out that, from time to time, we have had policy matters that were not legislation sent to legislation committees—most notably, the Senate Rural and Regional Affairs and Transport Legislation Committee inquiry into citrus canker, which tabled its report just yesterday.

Senator McGauran—Exactly.

Senator BARTLETT—Why is it somehow atrocious to send legislation to a references committee but not atrocious to send a references matter to a legislation committee? It is a simple matter, and that has happened a number of times in the past. I am not saying it should not have happened, let me say.

Senator McGauran—Still, it was chaired by a government member.

The ACTING DEPUTY PRESIDENT—Senator McGauran, you are out of order!

Senator BARTLETT—Perhaps you might get my point here, Senator—the notion that, occasionally, in a minority of cases, having a policy matter sent to a legislation committee is no more out of order or a deliberate distortion of the Senate than occasionally having legislation sent to a references committee. It has happened both ways. It happened again with a committee that reported just yesterday. I am not saying it should not have happened. There are occasionally reasons why it happens. The point is that it has happened more than once with the legislation committees, particularly with the rural affairs legislation committee, and that is fine. The key aspect is that the broader purpose of having wider committees that are not controlled by any one party is something that has been widely accepted by all sides of politics ever since those changes were brought in in 1994. The only thing that has changed now is that the government sees an opportunity for a power grab to try and entrench its power and try to further restrict the opportunity for proper scrutiny.

Let me say that this is not just a matter of contempt for the Senate—although it is certainly that. Of much greater concern to me is the fact that it is a contempt for the public. We all know that there is a growing disillusionment amongst the community about their inability to connect with the political process. They are feeling that they cannot make a difference, that politics is just a bunch of politicians who come to Parliament House and do what they want and the community can get stuffed. One of the key areas where the public has felt that they have been able to make a clear difference, one of the key areas that still retains credibility as a viable mechanism for public consultation in the political and parliamentary process has been Senate committees. That is why this government want to destroy and discredit them. They want to discredit them because it suits this government to have the public alienated and disconnected from the political process. It suits this government to have the Senate discredited. It suits this government to have the parliament seen as an irrelevancy, because then they can do whatever they want. Everybody will feel that there is nothing they can do about it to change it, so they will just sit there and leave it alone, and maybe they will vote differently come the next election, but in between elections the government can just get on with doing whatever it feels like. That is the definition of an elected dictatorship, and that is clearly what this government most desires to achieve. I believe it is a serious degrading of the credibility of our democracy with the public.
We all know from Senate committee inquiries we have been involved in that many of the public do make an enormous effort to get involved in them. People spend a lot of time putting together submissions. Community organisations that are often overstretched nonetheless still put in the effort to put in submissions. We would all know that, even when we do go to hearings outside of Canberra, to other capital cities, people from regional areas will still drive four or five hours each way just so they can come and have half an hour before our Senate committees to tell us what they think. For them to feel and to realise that that process is going to be further restricted, that we will have fewer hearings outside of Canberra, that we will have fewer hearings at all, that we will have shorter inquiries with fewer opportunities for submissions and that we will have more reports that pay less attention to what people say when they do get the opportunity to have a say will degrade the credibility of the political process as a whole.

If there is one other thing that this government have done that quite clearly discredits the inquiry process and which they are continuing to do regardless of these changes—they are already doing it—it is their lack of interest in responding to committee reports. We have all of these processes and even government members who are genuinely involving themselves in the committee process, putting a lot of work in and genuinely trying to reach common ground to pull together all of the evidence from people across the community, and putting forward a comprehensive report with solid, non-partisan, unanimous recommendations with guidance for government and others in the community, and there is no government response.

I could use the example of the Senate Environment, Communications, Information Technology and the Arts References Committee, which I currently chair. Prior to my taking on the chair, the committee did a unanimous report into the very important area of invasive species and made very substantial recommendations, based on a lot of input from people, including of course people in regional areas, where it is a major problem. More than two years later, even though it was a unanimous and non-partisan inquiry and report, there has been no response. It does not mean that nothing has happened. Things have happened that reflect what the committee has recommended, but there has been no response from the government.

It is important to emphasise that, whilst I do not say every committee inquiry has been perfect or even of enormous value, a very large number of significant and important reports have been brought down by these committees which have had non-government chairs, as there have been important reports brought down by committees with government chairs. I am not saying that government members should never chair committees, but I am saying that if you have Senate committees that, in every single case, are simply another vehicle for channelling the desire of the executive arm of government then you will inevitably have fewer and fewer occasions when those inquiries are of genuine value and are actually open-minded attempts to try and explore the full range of possibilities in the community.

We have had a large number of unanimous, constructive, non-partisan reports from committees that have been chaired by non-government senators—and I will not just point to my own committee, although I could use another example, that of the salinity inquiry report that was just tabled by the Senate environment committee that I chair. I could use the example of Senator Moore from the Senate Community Affairs References Committee, who, just yesterday, tabled
a very important report into petrol sniffing. It had unanimous recommendations not just from Labor and Liberal senators but from Democrats and Greens senators as well.

We had the Senate Select Committee on Mental Health, chaired by my colleague Senator Allison. Again, that was a very important and very influential committee which produced a number of unanimous recommendations. We had the inquiry of the Senate Foreign Affairs, Defence and Trade References Committee—which I think was chaired by you, Acting Deputy President Hutchins—into the military justice system. It produced a very important, very influential and unanimous report.

In saying this, I am reflecting positively on the role that government members play in that context. This is not a reflection on all Liberal Party members of the Senate back bench. What it is saying is that the inevitable consequence of all Senate committees simply being another mechanism through which the executive arm of government can control proceedings is a strangling and a suffocating of what is happening. We all know that, unfortunately, not always for the best, Senate committee chairs are prizes to be handed out. They are another mechanism for controlling people, where people can get a prize if they behave in the right way and do not get that prize if they do not.

This is another mechanism for further restricting the opportunity, I would suggest, even for government senators to more fully be able to independently express their own views. It will further restrict the ability of government members to have freedom because they will have less excuse, if you like. If they are in a committee that is chaired by other people and where nobody has control of the numbers, there is much more of an understanding that they have to try to find common ground and find a way through. If a government member is seen as controlling that committee then there is much greater pressure on them to act and deliver in accordance with what the government wants. There is much greater interest in any potential minor shift from the government line. That, I suggest, leads to further constraints in the ability of the Senate as a whole—all of us, from all parties—to do our job in a much more constructive way. This is a very serious move. Let us not underestimate how significant this can be if it is done in a way that further allows government control. (Time expired)

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (5.31 pm)—The Greens support this reference to the Procedure Committee of the extraordinary letter from Senator Minchin to some of us which said that the government was about to take the axe to the Senate committee system. I had thought that when the Prime Minister said, ‘I am going to be humble and I am going to be modest about my new majority in the Senate and so should we all,’ there was a touch of Uriah Heep about it. Dickens knew how to read people very well, and he would be writing a new novel if he were around at the moment. It is a Uriah Heep attitude. It says: ‘I’m ever so humble, I’m ever so much a servant of the people, I’m ever so much there to do the bidding of the Australian people, but watch out, because really I am much more of a power manger who has no respect of the sort that I would have you think I have for the parliamentary procedures, the democracy and the great institutions of this country if they are going to get in the way of me exercising that power.’

This has now become a presidential style, an executive style, government. The Prime Minister is applying the triple rubber-stamp process to this parliament. He has a rubber stamp in the House of Representatives, where he has a majority. I will come back to
that in a moment. He has a rubber stamp in the Senate, where he has a newfound majority, and a backup on most things through the Family First senator. Now he is going to convert the great Senate committee system into a rubber stamp as well by appointing to the chair of each of the reduced number of committees—10 of them instead of 16—a government appointee. Sure, he will get a vote through this place, but that will come at the direction of the party room, which comes at the direction of the executive.

The wonder of all of this is that in a party that bears the name ‘Liberal’ there is such a herd instinct. There is so little individuality. There is such fear of standing out against the dictate of the Prime Minister and the Prime Minister’s office. We will see that expressed in the new Senate committee system. It is a reversion to the situation that existed before 1994, as various government people have pointed out. We look forward to the next episode, which will be to revert to the situation that existed before 1970 by abandoning the committee system altogether. In the Prime Minister’s mind that would be an easy way to get the same result. The Prime Minister knows he is going to get his way here because he has a majority in the Senate—that majority that he is going to be humble and modest about and that he has told other members of the party they should not get intoxicated about. I think the Prime Minister is a little drunk on political power at the moment, and it is showing. When you get that way you lose your sense of judgment.

I do not think that the Australian people will feel the same way about this. The Australian people are very defensive of the Senate and its long history of, its role in, being a hand on the shoulder of government, a backstop, a house of review and, in ancient times in particular, a states house—that is, a house where regional and state concerns could be addressed when the government of the day had lost sight of regional Australia. One of the wonders of all this is that the party that purports to support regional Australia, which is The Nationals, is likely to support this new system without a whimper and, in doing so, to cement even further the power of the Prime Minister in this situation.

The Greens will oppose this change. If the Prime Minister thinks that paying deputy chairs to quietly and neatly go and occupy the chairs is going to make a difference to our opposition, forget it. On the other hand, if you expect the Greens to abandon the committee system and turn our backs on it because it is temporarily being usurped in its purpose and its significant role in this democratic parliament, forget that as well. We will make the best of it that we can and look forward to the time when the government loses control of this place again. That, of course, is in the hands of and awaits the wisdom of the Australian people.

There is some sense—and I have heard this hubris coming through in the last couple of days, including from Senator Abetz—that, because the government has control of the Senate, in some way or other the Australian people want that. It is a false perception. Very few voters at the last election expected when they cast their vote for the coalition that it would mean that the Senate would become a rubber stamp of the prime ministerial office. My sense is that the Australian people do not like that at all. That is not how they see the Senate. They think it is a very welcome check on the excesses of government and the tendency for authoritarianism that sneaks into all governments, particularly when they have been there for a long time. So let us wait and see.

I can tell the Senate that the Greens, while appalled by the proposal to emasculate the committee system and to put in patsies—
because that is what they will be; wait and see—

Senator Ferris—That’s outrageous!

Senator BOB BROWN—I am sorry?

The ACTING DEPUTY PRESIDENT (Senator Hutchins)—Just carry on, Senator.

Senator BOB BROWN—Yes. I noticed some braying opposite, but it does not affect the fact that the people who sit in those chairs are going to know exactly to where their first allegiance is: not to the people of Australia but to the prime ministerial office—and watch out if they do not get the signal. I do not use any of those words without forethought and without meaning them. We will see. People have a good memory about this and a good sense of fairness. They do not and will not like this move by the government and this breach of the promise by the Prime Minister that he would be modest, that he would not be intoxicated and that he would be humble about the use of the Senate. There is nothing humble about the sledgehammer that is being taken to the Senate’s noble committee system, and it is—

Senator Abetz—Noble?

Senator BOB BROWN—Senator Abetz might quibble with the word ‘noble’, but I think it is noble. He can apply whatever adjective he likes. But let us be direct about this: the Senate committee system is a vehicle for the Australian people, for organisations, businesses, churches, schools, environmental organisations, business organisations, charities, a range of sporting organisations, when issues come up that affect them, to feed into the democratic process and give information to the democratic—

Senator Ferris interjecting—

Senator BOB BROWN—There is more braying from opposite, Acting Deputy President. The Australian people can give information to the democratic system—and, as Ralph Nader, when he visited this country back in 1980, said to me: ‘Information is the currency of democracy. It is the gold of democracy.’ This move means that the government will be able to restrict who comes before committees. It will be able to restrict what information the committees get. It will be able to restrict where those committees go, because we travel more and more outside Canberra—and that is a good thing. We go to the people and do not force them to try to get here. I am sorry, Acting Deputy President, that Senator Abetz looks so miserable about that.

Senator Abetz—Mr Acting Deputy President, I rise on a point of order. If a senator is sitting in this chamber, it is absolutely outrageous and surely out of order for somebody like Senator Brown to try to get into Hansard how somebody may or may not be looking, when in fact I was in contemplation of a completely different issue. It ill behoves a senator to try to put that on the public record. We know that Senator Brown continually does this, but surely there must be a limit to his antics in this place.

The ACTING DEPUTY PRESIDENT—There is no point of order, but you should address your remarks through the chair, Senator.

Senator BOB BROWN—Yes, and I will continue to do that. That was a wise ruling, thank you. I might say that I think it is a good practice for people in this place to have their minds on the subject that is being discussed. It is a very important matter, and I do not think it would hurt if Senator Abetz were to apply his mind to it while he is in this chamber.

I go back to the important role that the Senate committee system has in allowing people to express their feelings, their information, their wishes and their fears to this parliament before we make decisions that
affect their lives. My colleague Senator Siewert was telling me last night about a couple of Senate committees that have made a difference. For example, people who are home carers were going to be done in by the Welfare to Work requirements which might have taken them out of that caring situation, but a Senate committee picked up on that. It did a great favour not just to the people who are home carers and those being cared for but to all of us by alerting us to a change that was required, and the government subsequently took that up.

There is also the example of the clothing outworkers, who have pretty difficult working situations in the clothing industry and do not have very much backup. Their safeguards under the new industrial relations system are not very good, but they would have been worse if it had not been for the Senate committee system. On and on it goes. The inquiry into the plight of people behind razor wire in this country—women, children, men, families—has no doubt embarrassed the government with its revelations, which came through many other agencies but were gathered together by the Senate committee system. It has made a big difference. In fact, because it keeps us grounded with the Australian people, the Senate committee system is of enormous ethical value to this parliament and to our democracy.

For members of the government and for the Prime Minister to come into the parliament and say that now they have a one-vote majority in the Senate they are going to do away with the multipartisan make-up of the Senate committees and the way they are balanced and replace that with a government dominated system is appalling. It is disgusting. We have to live with that. It will change. Decency and commonsense will come back in, if not after the next election the one after that. The Greens will be campaigning to rescue the Senate from this appalling situation at the next election. That is already striking a chord with people who are giving us feedback.

Let the government stand on its record, and if the government and the bright people at the back of the Prime Minister’s office who cooked this up think that this time next year people will have forgotten about it they are going to be very wrong indeed. The Procedures Committee ought to look very carefully at this. It will be interesting to see whether the Procedures Committee can come up with a well-rounded and unanimous view which is based above all on the democratic values of our committee system not being in the hands of the government party but in the service of all the people of Australia.

**Senator LUDWIG** (Queensland) (5.45 pm)—I rise to support the motion of Senator Chris Evans. The Howard government has had control of the Senate since 1 July 2005 as a result of the Liberal Party winning the sixth and final spot in my home state of Queensland. Like many Australians I did not welcome the prospect of coalition control of the Senate. Like many Australians I was willing to suspend my suspicion and listen to the sweet promises that dripped from the Prime Minister’s tongue. He said:

... I want to assure the Australian people that the government will use its majority in the new Senate very carefully, very wisely and not provocatively. We intend to do the things we’ve promised the Australian people we would do, but we don’t intend to allow this unexpected but welcome majority in the Senate to go to our heads. That is what he said. He added:

We certainly won’t be abusing our newfound position. We will continue to listen to the people and we’ll continue to stay in touch with the public that has invested great trust and confidence in us.
Almost 12 months to the day the Senate has suffered the most massive blow yet from this arrogant government. The powerful Senate committee system that is prized around the world by functional democracies is set to have its heart ripped out by a coalition government. The move by the government to reduce the number of Senate committees from 16 to 10 will strengthen the government’s stranglehold on the Senate.

The committee system has evolved since the 1970s into a powerful voice to hold the government to account. This attack by the government is nothing more than a backward step for Senate oversight. The current system was established in 1994 and has served Australia well. It is important to note that there was no government dissent up until now about the workings of the Senate committee system. The present system involves eight pairs of committees. One of the pairs is the reference committee, which examines matters referred to it by the Senate, such as—and you might all recall—the inquiry into government advertising and the inquiry into military justice. The second of the pair is the legislation committee, which, as the name implies, deals with bills that have been referred to the committee by the Senate and undertakes the estimates work. The government chairs the legislation committees, the opposition chairs four references committees and the minor parties chair two.

Today, in a move of unprecedented arrogance, the government wants to scrap the paired committee structure in the Senate. The government argues, wrongly, that there is no good reason for the duplication of paired committees in the Senate. That is completely wrong. There is no duplication. The committees do different work and meet separately. The Australian people have a right to ask: what does this mean for the chamber’s ability to hold the government of the day to account? In other words, what are the practical effects of the government’s attack? What the attack basically does is tilt the balance of the committee system firmly towards the government. At the moment, the opposition and minor parties can form a majority report on major issues that are referred to the references committees.

Be under no illusion. What these changes are about is removing the one place in the whole system where the opposition party and minor parties can be guaranteed that the government cannot put the fix in. That is totally unreasonable. When the government has control of the chamber it already has control of what the reference committees can look into. Not content with controlling the issues, it makes this bold-faced attempt to ensure, having granted a reference, that the committee can only look at the areas the government wants it to. What these reference committees do, when allowed, is sometimes shine a light into the dark corners of this very shady government. But this government recoils from the cleansing light of public scrutiny. They are creatures of the dark that scuttle into the corners as soon as the light falls upon them. Under this extreme government we are witnessing a steady attack upon, and the slow but sure destruction of, our public institutions.

Like no other government in history, this government has sought to stack the Public Service, Australian embassies and agencies like the ABC with political appointees. It has commenced an attack on both workers and the Australian Constitution with its hideous Work Choices legislation. It has only today passed legislation to corrupt the political process by making it possible for all parties, but in particular the Liberal Party, to hide donations. It has sought wrongly to influence public disclosure in this country by massively increasing the entitlements for sitting members and by an advertising blitz the like...
of which we have not seen before. The message in all this is as follows: when Mr John Howard makes you a promise, he speaks with a forked tongue. He guaranteed all of us a Senate safe from tampering. But today we see its power under attack.

Is it any wonder even his own backbench called the Prime Minister a ‘lying rodent’? Never before has this nation seen such a mean, tricky, cunning individual with such a deep resentment of public institutions as this Prime Minister. This is yet another Howard attack on public institutions. These reference committees, as we have known them, act as a powerful accountability mechanism. Without such a mechanism in place democracy is poorer as a result. Senate committee inquiries such as the inquiry into the effectiveness of the Australian military justice system and the inquiries into the government’s obscene expenditure on advertisements and into the Regional Partnerships Program which exposed regional rorts will simply no longer appear. This is a tragedy for public accountability and a tragedy for anyone with an interest in robust democracy.

It did not start here, of course. When the government got to power in the Senate, as early as August 2005 it unilaterally altered the allocation of questions at question time. Since then it has routinely rejected non-government amendments to bills even where support was found from government members of committees. The government has continued in the last 12 months to block references of bills to committees for no reason. Examples are the legal and constitutional provisions of the Migration Amendment (Detention Arrangements) Bill 2005; in the economic area, the Tax Law Amendment (2005 Measures No.2) Bill; the employment, workplace relations and education amendment to the terms of reference provisions of the Workplace Relations Amendment (Work Choices) Bill 2005; and again in the economic area, the Taxation Laws Amendment (Superannuation Contributions Splitting) Bill.

In addition, the government has reduced the time available to committees to consider bills, with no reasons given. They have taken early report-back dates and used their numbers to enforce that in the Senate. Drunk with power, the government has sought to use the gag and the guillotine to pass legislation. It has chosen not to consult on the first occasion and to allocate times in the Senate. It has done these things in order to control the Senate. Since 1 July 2005 the government has gagged the Senate 16 times and used the guillotine five times. Bills, such as the Telstra bill, were gagged. It has also reduced the number of sitting days in the first half of 2006, ensuring that there is a reduction in scrutiny of its programs. Also, as I earlier stated, it rejected proposals for references to committees often with no reason and even against the wishes of its own backbench. Such matters included a reference to the Legal and Constitutional References Committee on the detention of Cornelia Rau; an employment, workplace relations and education reference on the impact of the package of industrial relations changes; a foreign affairs, defence and trade references with regard to involvement of the AWB in the Iraq food for oil program; and a regional affairs and transport reference. They have all been knocked back.

At the last budget estimates this government took eight hearing days away from estimates to make sure that the Senate could not use all the time available for estimates to hold the government to account. The government also refused to answer questions in respect of the Australian Wheat Board. What the government has also done is delay answering questions on notice. The estimates also saw the refusal to allow a particular witness to appear. You can all recall that in Feb-
ruary 2006 there was a rejection of the motion to have Mr Sol Trujillo appear at an estimates hearing. The government has also, through expanding the hours of the Senate, ripped away from the time available for opposition general business when you can seek to have a debate. Clearly, this government is about hiding from scrutiny, shunning the spotlight on its abuses, misuses, mismanagement, mistakes, mischief and waste.

Let me now examine in detail how the government proposes to take a knife to the Senate. Under this proposal the government controlled Senate committees will be able to decide not only what references they will accept but also what evidence they will have presented to them. The witnesses to be called will also be determined by the chair of the committee. The chair will also write the majority report. Effectively, the committee secretariat and the resources of the committee will shift none too subtly to government control. Then, of course, we have the powers of committees to send for documents, to travel to different locations to hear evidence, to determine the length of the inquiry, and to meet and appoint subcommittees.

Clearly, the work of the Senate and its ability to do its work without interference will now be significantly affected. If it is the will of the government, the government can also use its power to refuse in camera hearings, to resist evidence being introduced and also ensure what evidence may be heard. Under this proposal that government could also foreshorten inquiries. The government has not even bothered to send the proposal in the first instance to the Procedures Committee. The opposition had to raise the issue for the government to take it seriously and we had to come here to move a motion to obtain it. This would have allowed real debate on the merits of the proposal to be aired. That is what the government should have done first. It had to be embarrassed into it. A report would have been completed to inform the Senate of the merits of the proposal first rather than having to do it after we forced the government’s hand. I suspect the government’s strategy was to try to avoid this procedure and come up with a lesser process.

The government is not going to be allowed to get away with this outcome. Why? The government knows that the changes proposed would not be subject to critical examination by the Procedures Committee. It has since realised the error of its way and has backed down to allow the matter to go now to the Procedures Committee. A healthy democracy is where a government can be held to account effectively and openly. Without transparency and scrutiny a lazy, arrogant government can hide many things from public view and can convince itself that it is in the best interests of the people for it to do just that.

This is a change that the government has wrought on the opposition and minor parties without prior consultation. The government had originally offered, disingenuously, to seek feedback on three issues only—that is, whether there should be eight committees or 10, which portfolios the committees should cover and the number of members within each committee. That was really an insult, because it did not go to the principle involved here. It did not go to the real issue; it went only to peripheral matters.

The legislative and general purpose standing committees appointed under Senate standing order 25 are described in the bible of the Senate, *Odgers*, as the ‘engines’ of the Senate’s committee system. This proposal will cause the engines of the Senate to splutter and die. These new proposals will result in the government controlling all of the Senate committees. This will mean that the work of the Senate committees will be dictated by the Prime Minister. The committee chairs
will do the government’s bidding in their work. Mr John Howard will select committee chairs in the same vengeful way he has selected ministers, thus giving him a veto over the work they will do. I suspect he will also determine what work they can do.

Above all, the Senate committees allow for the public to engage in the Senate process with confidence that their views will be carefully considered. Thus, there is the ability for the public to engage in policy and law making. More particularly, the Senate committees allow for grievances to be aired by the public and throw light on any mischief of government. The dynamics of the current paired committee system allow government and opposition senators and minor parties to find common ground on issues. All this will be thrown away with government dominated Senate inquiries which will only be given work of the most perfunctory type to keep coalition backbenchers busy and out of harm’s way.

There may be some who voted Liberal at the last election listening to this speech tonight who say: ‘Oh, well. They won the election. Why didn’t they do what they want with the Senate?’ I will tell them why: the Senate is yours. It is your property, and one of the last safeguards of your right to good government. It is not the property of the Howard Liberal government. This is a house owned by the Australian people. I say to the government: it is not yours to dismantle brick by brick.

It is pretty clear to me what will happen overnight: there will not be another reference to a Senate committee that the Howard government does not want or another majority report that the government disagrees with. This is a wrong and arrogant path and it should be rejected outright. It is a massive intrusion by the executive into the role and independence of this chamber. If you do not believe me, look at the hand that signed the paper. This warrant was delivered not by the hand of the President, but by the Leader of the Government in the Senate, Senator Minchin. The government holds the whip hand in the Senate and it has now demonstrated that it is prepared to use it. There is no justification for this abuse other than a government that is using its numbers to crush all opposition, no matter how reasonable it in fact might be.

This government cannot argue that this is an improvement. It has not come to this Senate with clean hands. This is nothing short of a done deal designed to reduce the ability of the Senate to hold the government to account. This government does not like open, accountable processes. This government does not like transparency. This government does not like the light shone on its workings, because it is afraid of having those workings exposed for what they are. It is afraid that there might be mismanagement and mischief hiding there. This is a government that is demonstrating that it likes to hide its intent, cover up its mistakes and shun publicity when it is being criticised. There has been no statement before from this government that the current system of committees is not functioning well. What the Liberal government has tried to do today is, basically, shaft the Senate.

To the Australian people who may be listening at home or on the road tonight, never forget what the Prime Minister said just five days out from Senate control. He said this to the Sydney Morning Herald:

I’m not going to allow this unexpected majority to go to my head.

That is what he said. He went on:

I want to make that clear. I’m not going to do that. Because that would be disrespectful to the public, and it would disrespect the robust nature of the Senate, even with a Coalition majority.
Never forget that quote—I won’t. Never forget to ask yourself, ‘How on earth did I ever put my trust in this man?’

What we now have is a government that is prepared to use its majority across the board. We have now seen it all. We have seen a government that is prepared to affect question time and shift it in favour of the government. We have now seen it all. We have seen a government that is prepared to affect the legislative program in this place by using the gag and the guillotine. We have also seen that this government is prepared to attack the Senate committee system—the engines of the Senate. The government is prepared to mercilessly attack the ability of the committees to look into things and throw light into dark corners. This government has abused its majority in the Senate within 12 months. Never forget the promise that the Prime Minister made, because he has broken it; he has snapped it clean in half. This Howard government should be ashamed of itself, but it will not be. It relishes the nastiness that surrounds it.

Senator McGauran (Victoria) (6.05 pm)—Mr Acting Deputy President Chapman, like you and Senator Abetz, who I notice is in here too, I am a longstanding member of the Senate. We have all been party to many debates in this chamber, so we have a good instinct. My instinct regarding this particular debate is that it is starting to peter out.

Senator Abetz—I agree. The Democrats are gone.

Senator McGauran—The Democrats have not even turned up, Senator Abetz. I am meant to be the last speaker on this motion, and I have shot up the list because the Democrats have not turned up for the debate. The last speaker, Senator Ludwig, the Manager of Opposition Business in the Senate no less, who should be the most outraged, had his head down and read the speech word for word. Obviously someone else wrote it. The hyperbole was quite unbelievable, even for Senator Ludwig. Some of that hyperbole was beyond the pale. It was only matched by his leader, Mr Beazley, who said, ‘This is one evil action.’ Can anyone believe that a potential Prime Minister would reserve such a word—the word ‘evil’—for this issue?

How pathetic! Talk about losing the plot! For those who are listening on broadcast, I would like to outline what exactly we are debating today, about which Mr Beazley used the term ‘evil’. That is desperate. That must be embarrassing for you on the other side. We are debating today a motion to refer a matter to the Procedure Committee. It might surprise those listening to this debate on broadcast that, in fact, the government support this motion. We accept this motion to refer a matter of Senate restructure to a committee. We have no objection to that. I would have thought that that was the first test of scrutiny and accountability. I think you can tick us for that one; I think we have passed it. We are accepting that this matter of Senate reform or restructure—or damnation, as you would have it—be referred to the Procedure Committee. I wonder if Senator Ray is on that committee.

Senator Robert Ray—Yes, for 25 years.

Senator McGauran—For 25 years. Senator Ray, one of the great scrutinisers of this Senate, is actually on that committee. We do not fear the scrutiny of this Senate reform, particularly as it is going to a committee of someone who is fearless himself. He will put down what he thinks in the report—and he is about to speak, I see. It is good to see that they have revived the speaking list, quite frankly. They must have done a quick ring around.

Senator Robert Ray—It’s the Democrats who have missed out, and Senator Coonan.

Senator McGauran—That is true; they have shot me up the list. Lucky me! I
have a good 15-plus minutes to go. So that is the first test, for those listing on broadcast. After all that hyperbole and exaggeration—and it was unbecoming of you, Senator Ludwig—I hope Senator Ray will have a far more balanced approach to this. Senator Ray, for all his rantings and ravings, his spittings and explosiveness, does not go for hyperbole. I will give him that. He, too, would be embarrassed by your leader’s comments with regard to this ‘evil’ act. I think you reserve the word ‘evil’ for far more dramatic and worse actions than what we are doing here today.

What the government will not accept in this motion—and we have moved an amendment accordingly—is the move by the other side to, typically, stretch this inquiry out beyond the time the Procedure Committee normally need to have a decent look at such a matter. We are not going to fall for that again, because that is your habit. Your habit is to go on fishing expeditions in committees, to stretch what you would think is a political advantage in all of this. We believe there is enough time for this to be investigated by the Procedure Committee over the winter break and to report back to the Senate in August. That is fair enough. Perhaps you could just put it down to a difference of opinion, but the point is the motion is going to the Procedure Committee. All we differ on is the time to investigate it.

Senator Robert Ray—We don’t.

Senator McGauran—We do not, Senator Ray?

Senator Robert Ray—You know that; we’ve already called a meeting for 10 July. That’s a nonsense.

Senator McGauran—I can see you are going to join the hyperbole. I gave you some credit—

Senator Ludwig—It is pronounced hyperbole.

Senator McGauran—It depends on what school you went to. Senator Ray, you are no better; you are in deterioration in the latter years of your gallant career. Perhaps you had better shunt him back to New York?

The Acting Deputy President (Senator Chapman)—Order! Senator McGauran, I remind you to address your remarks through the chair.

Senator McGauran—Of course. In truth, the change the government is proposing to introduce is to merely revert back to the system pre 1994—a system which the Labor government of the time worked under for over a decade and were quite happy with. If I remember rightly, when it was changed in 1994—and I would like to see in the Hansard what Senator Ray had to say about this at the time—they were none too happy about the changes then that we forced on them, with the Democrats’ support. All we are proposing is a reversion back to a system that you worked under previously.

This government is simply seeking to hold the chairs of the committees, and that is really the essence of the debate. Past Hansards will show that the Labor government were in strong objection to the change of the committee system at that time when they held the chairs. Of course, now that you are in opposition you take a different view, and that is not surprising because you have consistently taken different views from those you held in government to those you hold in opposition. You have no consistency in Senate procedure, let alone in policies, at all. There is enough evidence to say that. You have ditched just about every philosophical policy you ever held while you were in government, and you are singing a completely different tune with regard to your principles in opposition. And there are any number of examples of that, even in the past couple of
weeks, when you backflipped on your industrial relations policy.

No-one doubts that, if you had a chance—if you did get into government on some point—you would revert back to your preference prior to 1994. That is the model that you preferred in government and that is the model—and no-one has any doubt—you would revert back to if you had a chance to be in government, and that is a pretty simple model. The government of the day holds the chairs of the committees.

Senator Robert Ray—And you changed it.

Senator McGauran—that is exactly right. Given that, in this place, the coalition government has been elected to the majority, it ought to control the committee chairs. Frankly, like the House of Representatives, it would be odd for it not to.

Senator Robert Ray—Are you on a promise?

Senator McGauran—No, I am not. But I have absolutely no doubt that in government there will be a rush for the chairs, as there will be for the deputy chairs. I suspect the Labor Party will hold all 10 of the deputy chair positions.

In essence, it would be odd not to take up the chair positions. It would be like rejecting your own mandate—how absurd! Now we have been given the majority, we ought to take up the mandate that people have given us. What each speaker from the other side—one after another, be it from the Labor opposition or the minor parties—is really crying about here is the fact that we have a majority. They still will not accept the people’s choice. They will not accept this government’s mandate. They seek to frustrate, to filibuster and to use the procedures. They use every single tactic, including no less than the Senate committee system. It is a wreck. You have abused it. It ought to be changed and streamlined, and the government ought to hold the chairs.

The system that we are proposing is really one that, as you know, combines the legislation and the references committees. It might surprise some of those listening, but currently the legislation committees and the references committees have the same policy portfolios, the same secretariats and quite often the same members. You get this absurd situation, as I know from the rural and regional affairs committee, to which I have belonged, where, when the legislation committee changes to the references committee, there is a new chairman, who was the deputy of the legislation committee. So the deputy and the chairman switch places, and it is an absurdity. It is an efficiency to simply combine the two and just have one. It is in disarray. The duplication ought to be rectified. It is in disarray because you have abused the reference system, as has been outlined here by Senator Ellison.

The abuse of the reference system in here is mostly by the minor parties, who bring spurious references onto the floor, trying to get their political points up to a committee to which the opposition hold the majority. They have already made up their minds how they are going to bring down their recommendations. One of the best examples that I was involved in was the moving of a motion by one of the Greens—Senator Siewert, I believe—in relation to the AWB and the Iraqi trade situation. In the middle of the Cole royal commission, they wanted to set up a reference committee inquiry—by a committee that she chaired, I believe—to bring down their own points of view and political slant on the whole matter. The government had set up a royal commission headed by the respectable chairman and Chief Justice Mr Cole, with all its openness, accountability and scrutiny. But they wanted to take it a
It is true to say that since 2004 the government has controlled the referral of references on the floor of the Senate. So all we are discussing is the chairmanships of these committees. The government already controls the referrals, so do not come in here and say that there are going to be fewer references being referred to the Senate committees now that they have been combined. We already control the number of references that go to the committees, on the floor of the Senate. So all we are debating is chairmanships. I think what you are really upset about is the loss of the chairmanships, and the loss of the payments that goes with them. Equally, the legislation committees have been very free flowing. You need not fear the level of scrutiny that will come out of the new legislative committees, given the vigour and the rigour with which they already undertake inquiries.

You only need to look at two reports—both from committee inquiries chaired by the government—that have been handed down in the last week or two. One was from an inquiry by a legislation committee chaired by Senator Heffernan and it handed down the citrus canker report. It is a very strong, rigorous report that is quite critical of AQIS and government departments. That was chaired by a government chairman. Also, as you all know—as it has been a source of debate—the Legal and Constitutional Legislation Committee has inquired into the provisions of the migration amendment bill. This is another rigorous report from a legislation committee, chaired by a government member. This side of the house has the freedom to scrutinise and to bring the government to account if it sees fit. And it has, and the evidence is there. When was the last time a Labor Party member—or a minor party member, for that matter—stood out and wrote a dissenting report against his own party’s position? There has been no such thing. When was the last time a Labor Party member crossed the floor? You never see it. They are the ones who cannot scrutinise. They are the ones who act in uniformity. They are the ones without the freedom that this side of the house has to bring the government to account or to improve the legislation. As I say, we have had two reports in the last couple of weeks that prove that.

Let us go through the absurdity of the previous speaker, who raised the matters of a lack of debate, with the use of the guillotine, and the reduction of questions in question time. On question time: the government—now holding the majority, with its numbers increased by two—simply went from four questions to five questions. The Democrats, who lost numbers, lost the question that the government picked up. That is pretty fair. The Labor Party did not lose any questions at all; it had six questions prior to the government holding the majority and it still holds six questions post 2004.

Where is the injustice in that? It is just ranting and raving. And we have the two biggest ranters and ravers in the chamber now; watch the decibels go up when Senators Faulkner and Ray stand up. They will be putting on all the feigned complaint and expressions that they can. There are no two people that would act more on a majority, should they be lucky enough to get one, than those two over there. Watch all the feigned anger and disgust, as we saw with the last piece of legislation. It is becoming tiresome, if nothing else, Senator Faulkner. You only have one gear. We saw you stand up yesterday in relation to the electoral bill and heard the same thing: damnation. You will get up soon and do the same thing again. The truth of the matter is that these changes are both efficient and necessary. This is simply the
government carrying out its mandate, as it ought to.

When it comes to guillotines, according to the record I have in front of me, Senator Ray has 52 times enacted the guillotine—the so-called stifler of debate. I might agree with Senator Ray and say that it was simply time management, that it was necessary for his government to carry out its mandate and that there may have been a little bit of filibustering going on by our opposition. It may well have been the case. But the point is that you did not hesitate to bring in the guillotine. Of course, Senator Bob McMullan held the record of 57 times. So do not come in here and say we have used the guillotine to stifle debate when, when you were in government, you did exactly the same thing.

One of the reasons we are moving to change the system—and I made this point before—is efficiency. And the change is efficient: 10 legislative committees to match 10 portfolios, instead of 16 committees. We currently have the same secretariat and, basically, the same members representing two committees—what an absurdity! I think anyone would agree that that ought to be continued into one. We wish to hold the chairs because we are not going to be party to the opposition and minor parties’ abuse as chairs and majority holders in the references committees. Legislation has been shunted off to those committees. Senator Ellison listed an array of legislation shunted off to references committees—

Senator Robert Ray—When?

Senator McGauran—The New Tax System, for example, the GST, as far back as 1998—when you had a chance. That legislation ought not to have been shunted off to the references committee, and that is one of the prime examples. The migration bills are another example where you have shunted off legislation to references committees. And it is done for one single reason: so you can bring down a report that favours the opposition. That is taking a politically opportunist approach to the report simply to grab a headline. Now that we have the majority, you equate our majority and acting out our mandate and program with arrogance. But we are simply carrying out our mandate. Now that we have the majority, there is no proper reason why you should hold the chairs, given the point that you have abused them endlessly and will continue doing so. The exaggeration and hyperbole is exemplified by the Labor Party’s pathetic leader’s description of what this change is, when he called it ‘evil’. What an absurdity!

Senator Robert Ray (Victoria) (6.25 pm)—I am convinced Senator McGauran is the source of most of the world’s foie gras—what a performance today! He accuses us of backflipping—us! Has anyone here changed political parties in the last year? Senator McGauran has, without explanation. Senator McGauran has betrayed the electors of Victoria—he was elected as a National Party senator and transferred over to the Liberal Party. So we will not hear any lectures from Senator McGauran on consistency or on principle. A rodent is a rodent is a rodent—a fact of politics.

It is interesting that a lot of people in here talk about the reforms of 1994; but none of them really know the details, because no-one on that side was involved.

Senator Ferguson interjecting—

Senator Robert Ray—No, you were not.

Senator Ferguson—I was not involved in the intimate detail.

Senator Robert Ray—You were not involved and you were not properly briefed on the negotiations. What happened was that in 1994 the rather dispirited coalition parties decided they were a bit alienated from the
system and would take all the chairmanships. Then they took a deep breath and thought: what will happen if we win government and all the chairmanships were always in the hands of the opposition? So they set up negotiations. Who negotiated? I did and former senator Noel Crichton-Browne did.

And isn’t it interesting that we, people that do not have a reputation for the ‘vision thing’ and who are not regarded as necessarily the most humane people on earth, in the system we developed, actually came up with one that did honour to the Senate—that balanced the competing rights of government and opposition, that recognised proportionality and that introduced a system that both sides could take something out of. That system was put to the Procedure Committee and was adopted by the Senate, I think, in August 1994. And only I was party to the full negotiations. I do not know how it was reported back to the coalition party room.

Of course, within two weeks, the spirit of that agreement—the main thrust of the legislative committees was to replace the committee stage in this chamber—had been broken. We were supposed to have the minister and public servants confronted by a legislative committee to replace the committee stage. And what did we get? We got public witnesses coming from all over Australia, and, in fact, the committees were then distorted.

While I am on the subject of distortion, Senator Ellison and Senator McGauran say the references committees are distorted. It was never intended that legislation not be referred to references committees. That was not the intention. The legislative committees were to deal with the committee stage, on the broad principle that the references committees could deal with legislation, provided the second reading speech had not been agreed to in the Senate. I cannot guarantee that on every occasion that was not the case; but I cannot remember a case of a general issue related to legislation going to a references committee when the bill had already passed the second reading stage in the Senate. The government is wrong in that accusation. It is part of the paranoia of the coalition.

Those changes were brought in in 1994. But what do we have now? We have the Prime Minister of this country saying, ‘In the previous 24 years until then the system worked well.’ Then why was it changed in 1994? If the operating principles from 1971 through to 1994 were so good, why was the system changed? I postulated in the Hansard of 24 August that I hoped this was not a matter of avarice and greed, that it was not just a grab for the money. At the time, I assumed, on balance, that it was not that. I assumed that it was people wanting change for the sake of the improvement of the system and not just to pick up a chairman’s salary for several of the coalition members at the time. I hope I am wrong on that.

I hear Senator McGauran make cheap shots in here and say that we are opposing this only because of the money. That has never been mentioned on this side. That is an unfair and an unjust accusation. It only means Senator McGauran. This is not about the money for chairs. Senator McGauran, if you want, let us take the payment off chairs. We will accept that. Take it off chairs and deputy chairs, make it about a matter of principle and see how many on your side front up and vote for it. Absolutely none. That is a typically despicable accusation, without any evidence, from a transferee from the National Party to the Liberal Party.

What this is really about is the attitude of the Howard government. The Howard government basically hate unions. We acknowledge that. They hate state Labor governments and they quite despise the ABC, but the thing they hate the most and the thing
that they have been most particular about is their hatred of scrutiny. They have always objected to scrutiny. I have tried to work out why they hate scrutiny so much. I think it is because they have an image of themselves as being pure, principled and unimpeachable. The moment scrutiny exposes that they are not, they cannot cope with it. Therefore, they are determined to not have scrutiny or, as much as possible, to reduce scrutiny. So what do they do? Typically in the Liberal Party, they try to kill the ABC board, they bully the media and they make sure that the pesky old Senate becomes yet another Uncle Tom institution.

In Senator Minchin’s letter—and it was an interesting letter—he makes claims about efficiencies. The words ‘efficiencies’ and ‘effectiveness’ appear in his letter. I will come back to the word ‘effectiveness’. What efficiencies is he talking about? Is he talking about saving money with these mergers? If he is, I would like him to quantify it. I would like to know how much money we are going to save by reducing the number of committees. I would also like to know how many staff are going to go in these efficiencies. I think it is fair to tell staff of the Department of the Senate what the government has in mind. Are their jobs safe or is there going to be a purge of Senate staff? I would like to know that because the word ‘efficiencies’ appears in his letter.

In the same letter there is the classic government quote: ‘The government is proposing reform to the system.’ That is a perversion of the English language when you use the word ‘reform’ in that particular way. I could be equally provocative and talk about this being a rort, but I do not. This is about change. We can argue about whether it is regressive or progressive change, but do not use the word ‘reform’—one of the most abused words in the English language.

I hope Senator Minchin’s letter leaves open for negotiation the matter of how many committees there will be. It has been explained to us today that 10 is a virtue. I am very doubtful about that. I am extremely doubtful that expanding the number by another two is a virtue. It will spread scrutiny, it will make running the estimates process extremely difficult, given that the constraints of Hansard allow us to run four committees at once. I do not make the accusation, but I hope that the extra two committees is not about an extra two chairs. If it is not, let us sit down and negotiate rationality around the committee system.

I like to say that there has been a death in the family and that the Procedure Committee will deal with the will. That is the way we should approach things. Like Senator Evans, I acknowledge that the government has a majority and it has decided to do this. I do not like the fact that it has done it, but I do not believe in taking the bat and ball home. I think we should sit down and try to get the best system for the Senate—

Senator Coonan—We agree.

Senator ROBERT RAY—not just say, ‘It’s going to be 10 committees,’ I hope that is genuinely open for negotiation. I notice that Senator Coonan is nodding, and I hope that she will acknowledge that in her speech.

Senator Coonan—I will.

Senator ROBERT RAY—Could I also say that there is a more puzzling aspect to this. Maybe it is the defensive mechanism, but suddenly Senator Minchin says, ‘We could have eight members per committee.’ Wasn’t it just five years ago that the coalition came to us and begged us to reduce the number on references committees from eight to six? They did. We could see the sense in that, we discussed it at the Procedure Committee and the number was reduced. I just say this to the government: if you are intending to
have 10 committees with four government members—that is, 40 positions—remember that, once you eliminate the frontbench, the President and probably the whips, you will have to have 14 of your backbenchers on two committees. How are you going to cover the workload? Not at all. If you think that we are going to do all the work to make up for your absenteeism, the answer is no.

Around this building we have had complaints about absentees from committees, and no side is without guilt. I am getting more and more complaints, especially about joint committees, that people are not turning up. That is not my experience, because for the joint committee that I am on everyone turns up. Sometimes, one way or another, there is a five to one ratio. So let us think seriously about the ability of the opposition and the government to fully staff these committees so that they are committed to the committees and are not just a name on a committee, because nothing will destroy the committee system faster than non-attendance et cetera. So I hope that not only the size of the committee but the composition of the committee is given some sort of common-sense.

I have to put this on the public record in terms of these matters: the government has a majority in the Senate—we acknowledge that—but it should use it responsibly. I am not issuing this as a warning; I am issuing this as a threat. If you misuse and abuse that power, then when you lose that majority do not expect fair treatment. Retribution will come, and it will come on the basis of unfairness. You as a majority are perceived to act and do act in a blatantly partisan and unfair way to a minority. Some day, that minority will pay it back, and I do not want to see that situation. This is a great institution. We should honour it and not be into some sort of payback system.

If these matters go to the Procedure Committee, people are given a fair hearing and there are reasonable negotiations, I am not saying there will be any retaliation. I am saying that there will not be. But there are other ways that oppositions can act in this political system, especially in regard to statutory committees, that you on that side do not want to contemplate. We should have fair and proper negotiations.

Senator Ellison moved an amendment on the reporting date. It is almost a nonsense now, because both he and Senator McGauran made a big point about it. We know that Senator McGauran would not know but I would have hoped that Senator Ellison already knew that our great chairman of the Procedure Committee, sitting here and attentively listening to the words of wisdom I am about to offer, has already scheduled the Procedure Committee meeting for 10 July. Surely that shows good faith. We scheduled it in a city and at a time that suits government members. We will discuss it then. I will make a further offer. If in fact you want that report tabled out of session, we will agree. So you can debate it the first day you come back here and not the first or second week. We do not mind. We will debate it whenever you like and everyone can have a look at that report, debate it and study it. We are not trying to slow the process down—not at all. That is a most unfair accusation that both Senator Ellison and Senator McGauran made. Of course, as to Senator McGauran, let us face it—he would not have known. If you asked him what day it was you would have an even money chance of getting the right answer.

I want to say one other thing about this. Finally this at least revealed the great joke of the week. For this we can congratulate the member for O’Connor, Mr Tuckey, at his doorstep this morning. The member for O’Connor said: ‘I support these changes—it
will save money. It is a great saving. It will save money.’ Oh, really? Ten committees with paid chairs and deputy chairs make 20 payments. Currently we are paying 16. Apparently Mr Tuckey believes that the extra $50,000 paid out is going to be a saving. That is a nonsense. This is not about money on either side of the chamber. For him to say as a justification that there will be savings is an absolute nonsense. He should stick to frequent flyer points and charter flights, which he is absolutely numerate with, and leave us to get on with our particular business.

In conclusion, I want to return to the fact that it is not a valid argument, unless you can justify it, to say that this system applied between 1971 and 1994. Why did it change? No-one from the other side has explained why they demanded change, why they acceded to change and why they allowed that system to exist for 10 years in their government other than that they are now in a majority thanks to distant preferences from Pauline Hanson and One Nation. That is the difference. It is rule 39-37. You can do it so you are going to do it. But do not do it in such a way that it is not negotiated out and the finer detail is not looked at. Maybe in the spirit of that you can actually come up with a system that is better than what it could be if you just used your numbers on this particular matter. I do not believe these committees will be more effective. I do not believe there will be great savings to be made. I just do not believe that will happen. But what we do not want to see is the emasculation of the Senate as an institution.

Sure, you have to recognise that the current government has a majority. I am not denying that. I am not berating against that. But in any democratic political system the test of the greatness of that political system and of the institution is quite often how well minorities are treated and how well those rights are recognised. That will be the great test that the government has to face over this particular issue. I would just say that I look forward to discussing these matters to try to develop a system that works. I made reference to this by interjection to Senator McGauran when he asked whether I have been on the Procedure Committee. I have been on the Procedure Committee—bar the time when Joe Ludwig purged me for three months—for 25 years. I have followed every rules change in this place in that 25 years. I think it is probably an Australian parliamentary record to serve on a committee for so long. It is true to say that generally we have approached all matters on consensus. It will not be possible on this occasion to approach it on consensus. But I appreciate, endorse and acknowledge the fact that the government is willing to send it to the Procedure Committee. We appreciate that part of it—that it is going there. I do not want to see changes to standing orders come off the floor, be belted through and bypass the Procedure Committee. We have never done it particularly. I think that the televising of parliament was the only time I can remember it being done in a big way. That did not go to the Procedure Committee. This one should go to the Procedure Committee. We will deal with it in mid-July. We are happy to see the report tabled out of session so that everyone can look at it. We are happy to debate it on the first sitting day here in August.

**Senator FERGUSON** (South Australia) (6.43 pm)—I listened with interest to Senator Ray’s contribution because we are all aware, on this side and the other side, that he is one senator in this place who has seen the changes that have taken place, particularly over the past 10 or 15 years but even prior to that. I do not necessarily agree with everything he said, but can I say that there are one or two misconceptions that ought to be cleared up because of the contributions that were made by some of the other previous
speakers to this debate who were not here at the time the changes were made. Senator Ray informed me of a couple of things that I did not know were quite the case in relation to the changes that someone outside would say that he notoriously negotiated with former senator Noel Crichton-Browne. We were here at the time and there was not anybody on our side who objected to it, I can tell you that.

I am concerned when I hear people say that this is the Prime Minister imposing his will on the Senate. I just had a chance to do an interview on the radio with Mr Kelvin Thomson from the other place and it only confirmed my view on how little those who work in the House of Representatives know about Senate procedures and the way we run the committee system in this place. I would suggest that, if the Labor Party want to get spokesmen talking about Senate changes, they should get someone from the Senate rather than somebody from the House of Representatives because of all of the misconceptions he put in place.

Although senators may not believe this, this has been driven by senators on the coalition side. That was where it started. It had nothing to do with the Prime Minister’s office, as Senator Brown would like to think. It was driven by senators on this side. We have been talking about it for 12 months. Senator Ray might well say, ‘Why have you waited 10 years to bring this up?’ We have waited 10 years, Senator Ray, for the obvious reason that we did not have the numbers beforehand. That is the obvious reason that this has been raised. And, in fact, it has taken us a long time to convince the Prime Minister that we want to make these changes and they should be made.

This is not about money, as somebody suggested. One of the hang-ups about this was the fact that those of us on this side felt that deputy chairs of Senate committees should receive some remuneration and that, if we had remuneration for deputy chairs of Senate committees, it would only be fair that remuneration should be paid to deputy chairs in the House of Representatives. That was a bone of some contention. So that has been the hold-up and is one of the reasons that this has not been brought forward before.

I listened carefully to what Senator Ray said about the two-committee system of references committees and legislation committees. In the early days of this dual system, there was a respect that legislation would go to legislation committees and that committees would generate references and would conduct inquiries into those references with an opposition majority or a government minority. I do not believe that members on this side actually became perturbed about the committee system until it reached the stage in the late nineties when legislation was being sent to references committees, where the government was in a minority. Legislation was being sent to references committees when in fact it was the understanding on this side of the chamber—it was certainly my understanding in 1994—that references committees would deal with references and all legislation would go to legislation committees.

I think it is fair to say that, at that time, the one reason for the change was the fact that the government had only 30 senators, the coalition had 36, the Democrats had, I think, seven, the Greens had two and there was Senator Harradine. That was the state of the chamber at that time. As Senator Ray mentioned, there were murmurings about the coalition taking over chairs of committees because they were the majority party. I happened to be of the view that governments should chair those committees—although, being a reasonably new senator in 1994 I was not outspoken about it because I really
did not know enough about the committee system at that time to state that point of view. The only other comparable committee system that I know of is in the United Kingdom, where there are opposition chairs of committees—based on the numbers in the House of Commons—but the opposition never has a majority on those committees. The government always has a majority, but they do share the chairmanship around so that the opposition do actually chair some committees in the House of Commons.

I was disappointed to hear some of the comments made, particularly by Senator Brown, about this being all the Prime Minister’s doing and that it is the government drunk with power. The generation of this proposal came from within the Senate, from coalition members of the Senate. That is how it originated—within our backbench. I was on a small committee almost 12 months ago looking into this, but it has taken us until today to manage to come up with this proposal. One of the reasons that many of us wanted this is that we knew that ministers and others were very unhappy about political references or any other references going to a references committee where the opposition would control the reporting of that committee and would have a monopoly on the majority report. So it has been the practice in this chamber to refuse to send the references to the committees.

I think that the Senate should be looking at many matters of public interest, but the government and government senators will only be confident of looking into these important matters of public interest when they know that the report will not be controlled by a minority of members of the Senate—that is, those who are opposition chairs or Democrat chairs. I am hopeful that these changes will give us an opportunity as coalition senators to have more references in the public interest. Members opposite might not always like the report that is prepared.

Debate interrupted.

BUSINESS

Rearrangement

Senator ELLISON (Western Australia—Minister for Justice and Customs) (6.50 pm)—by leave—I move:

That consideration of government documents be not proceeded with today and that consideration of the reference to the Procedure Committee continue until 7.20pm.

Question agreed to.

COMMITTEES

Procedure Committee

Reference

Debate resumed.

Senator FERGUSON (South Australia) (6.50 pm)—I was not aware that we were going past 6.50 pm, but I am very happy to continue. There are a number of senators on this side who are involved in Senate committees who hope that we get to the stage where we do have a number of references of matters of public interest—matters that are sometimes controversial—where we will be able to take part in those committees for the benefit of the Australian community.

I still remember being on committees when one was chaired by my good friend former senator Bruce Childs, who I remember made an enormous contribution to this place as a committee chairman. Former Senator Childs, together with former senator Brian Archer, who had been a former chair of the same committee, probably taught me more about the workings of committees in my first two years here than I have learnt since. It is amazing that, with former Senators Childs and Archer, whenever we had controversial subjects—and I do remember one of them being an inquiry into the CSIRO, which I do not think it would be bad
to have another inquiry into in the public interest—we always managed to come up with unanimous reports. I think, Acting Deputy President Chapman, you may have even been involved in the same inquiry.

I think it is important that we change the structure, because right now there are some references committees that have no work to do. There are some that have no work to do because this Senate is not referring matters.

**Senator Hurley**—You are blocking them.

**Senator FERGUSON**—Yes, we are. We are not referring them to the Senate committees, because we know the opposition has the majority on the committees and we are not prepared to send them there because of the political nature the inquiry will have. I hope that we get to the stage where we will be able to send matters.

A number of comments have been made publicly in the last couple of days that I want to comment on. I am particularly disappointed by the public comments of the Clerk of the Senate. I know that some people think that it is unfair to criticise comments made by the Clerk of the Senate, but when he enters the public arena as an official of this place, putting a point of view which cannot be challenged publicly—he is not elected; the public have no say in his tenure—I think I can. He said:

It’s pretty clear legislation won’t get amended unless the Government amends it.

That is logic. We do have the numbers in this place, and that is all there is to it. He also said:

Committees won’t be allowed to inquire into anything embarrassing.

I do not know who the Clerk is to decide what the government does and does not allow. He continued:

Committees are given less time to look at bills.

That is true in some cases, because in the past we have had caravans unnecessarily going all around the country looking into pieces of legislation and getting repetitious evidence. I remember the first industrial relations bill, where we had the same union appear before our committee in six different states saying exactly the same thing off exactly the same prompt sheet from the ACTU. The Clerk also said:

Estimate hearings have been shortened.

The opposition never even used the time that was available during the two weeks of estimates. We had a number of estimates committees that knocked off at seven o’clock at night—they knocked off early.

**Senator Webber**—In Health and Ageing we would have used more time if—

**Senator FERGUSON**—Senator Webber, I am stating the facts, because I was on the committees that finished early. If you cannot use all the time that is currently available, I cannot see how you can say that the committees are being shortened and that spillover days have been knocked off. There was not enough questioning to make the committees last four days. I was even more surprised when one of the opposition senators said to me, ‘The shadow minister hasn’t sent us enough questions.’ I thought that was a rather poor way of putting it, because I remember our time in opposition when we had to supply our own questions; they did not come from the shadow ministers.

I am very pleased to quote Michelle Grattan’s article this morning, where she said:

Despite its reduced clout, the Senate has certain natural stabilisers. When the minority parties lose power, the task of scrutiny falls more heavily to the government’s own.

I think that that is a very fair comment from Michelle Grattan. You only have to take the reports that have been tabled in the last couple of weeks by the Joint Standing Commit-
Our committee on Migration and one other committee to show that the government’s own people are carefully scrutinising some of these things that are taking place.

Senator Hurley—Then we might as well all go home.

Senator Ferguson—No. I will take that interjection, Senator Hurley. I do not know whether you were on the migration committee, but that unanimous committee report was written in conjunction with both opposition and government members. Both sides made a significant contribution. So you may feel that you want to go home, Senator Hurley, but I can tell you that I have been in this place for some time now and I have worked on many committees where unanimous results have been arrived at by concessions on both sides in order to make sure that unanimous reports have been presented. I will not name the committees, but there are certain committees that quite notorious for arriving at unanimous results.

Some mention was made of a reduction of Senate staff. When Senate staff—currently the same staff—have to service both legislation and reference committees, there is tremendous pressure on those staff. If they only had one committee to look after, they would be able to do it in a far more efficient manner. There is no suggestion, and never has been, that any staff are likely to lose their positions. When Senator Minchin talked about efficiencies, he was talking about the staff working for one committee instead of for two. So the enormous hours that some secretariat staff work just to get reports out will not be doubled up in the same manner that they are now.

I was disappointed by some of the comments of Senator Murray. He said that Senate staff will be reduced and that the resources available to senators to carry out inquiries will be reduced as they will be under government control. To the best of my knowledge, up until 1994 none of those things prevailed. I know that Senator Murray was not here until 1996, nor were a number of other people, but those who were present prior to 1994 know how efficiently the one-committee system can work.

Senator Ray made mention of the change in the committee system in 1994 and how it came about. If the system of dual committees is so good, I guess we should raise the question: why didn’t the Labor Party introduce it in 1983? Labor are saying that they felt the system was very poor previously, where we had one committee, where the government chaired every committee and where the government had the numbers on every committee although they had a minority in this chamber, except on one occasion—in 1984 they had a majority in this chamber, but on all other occasions they did not have a majority in this chamber. Labor chaired these committees for 10 years, but the Labor Party are now saying that the system was so poor between 1983 and 1994 that they changed it. They did not change it because of that at all. They changed it because it reflected the numbers in this chamber when they only had 30 members and the coalition had 36. It was changed by way of negotiation and, because of the very skilled negotiations of Senator Ray, we finished up with the current system. I am not one who believes that the system was broken in 1994. It reflected the numbers in the chamber, not whether the system was not working as well as it should.

I have been commenting about Senator Andrew Murray, and I am pleased that he is now in the chair so that if I say anything else he will be able to hear me directly. However, I do not believe that the comments that he made on this carried as much weight as many of the contributions he has made to the Senate.
Senator Evans talked about corrupting the role of the Senate. Does that mean that the role of the Senate was totally corrupt between 1983 and 1994? I do not believe it was. I am sure that Senator Faulkner does not believe that the role of the committees was corrupt between 1983 and 1994. I will be interested to hear whether he stands up and says he does think it was corrupt. I certainly do not believe it was corrupt and I do not believe that democracy was more difficult to practise either. The government happens to hold the numbers in this place and, by virtue of that, it is quite fair to say, it now controls what references go to committees and whether or not select committees will be set up for any particular purpose.

The move that has been proposed by the Leader of the Government in the Senate is not one that has just happened overnight; it is one that we as coalition senators have thought about for 12 months. It is not, as Senator Bob Brown says, something that comes out of the Prime Minister’s office. As a matter of fact, we had to go to the Prime Minister’s office to convince him of the merit of the proposal that we are putting forward. It is not about money, as Senator Ray said, and never has been. I calculated right from the very start that it was likely that, if they chose to make payments to deputy chairs of joint committees and House of Representatives committees, depending on the rate of salary that the Remuneration Tribunal might recommend for deputy chairs, it could cost in the vicinity of $300,000 or $400,000 a year. In the context of a total budget, I do not think that that is an expenditure that is over the top, although it may have taken us some time to convince those who control the purse strings that that is the way.

I know that Senator Faulkner is following me in this debate. I would like to give him nearly his 20 minutes. But can I say that I totally support the amendment to this motion. As Senator Ray said, we are giving the Procedure Committee the opportunity to discuss this. It is important that the Procedure Committee has a chance to discuss this. If the opposition thinks that 10 is not the correct number of committees then the Procedure Committee and the coalition members on that committee will be very prepared to listen to the arguments. I hope that at the end of the considerations by the Procedure Committee we come up with something that we can all agree on. I know we will not agree on the principle, but I hope that we can agree to some of the matters that are going to be raised by collapsing the committees into one single committee. I hope that that can be achieved by the Procedure Committee. I know that coalition members on that committee, of which I am one, are very prepared to listen and consider.

Senator FAULKNER (New South Wales) (7.02 pm)—I also support the proposal that stands in the name of Senator Evans for this matter to be referred to the Procedure Committee—as, I believe, is appropriate for any change to the operations or standing orders of the Senate. I thought I might commence my contribution tonight by making a very clear point about the approach the opposition have taken to the Senate. The Australian Labor Party have many critics, but one thing we cannot be criticised for is the fact that we have been very consistent about what we view as being the appropriate role for the Australian Senate. We have said that the Senate is at its best when it is undertaking its proper role of scrutiny and review. That is the primary function of this chamber. We in the Labor Party have always understood that governments are not made or unmade in this chamber, but there is a proper role for the Senate, a crucial and important role for the Senate, and that is its accountability and scrutiny role.
The Senate committee system is of course a fundamental element of that accountability role. It is the key element of that role. There is no doubt in my mind that the Senate’s committee system is the best accountability mechanism that this parliament has. There is no doubt at all that is the case. In fact, I am convinced that the Senate’s committee system is the best accountability mechanism we have in any parliament in this country. It stands at least with the best accountability mechanisms in the world. There is none better.

The modern committee system has developed since 1970, when massive reforms were driven by the then leader of the opposition and leader of the Labor Party in the Senate, the late Senator Lionel Murphy. As for the current committee system, we have heard something about the history of its development. It is true that this chamber agreed in August 1994 to a new system of paired committees. That period of the last Keating government, from 1993 to 1996, saw massive changes to the procedures and standing orders of this Senate. It saw massive changes to the way the Senate did business.

I am fairly well versed in those changes because, for the entire period of that parliament, as a minister in the Keating government, I was the Manager of Government Business in the Senate and I had responsibility for oversight of these issues. It was not just changes to the Senate committee system, as senators who were present at the time would know. We had major changes to the routine of business in this place, to the length of second reading speeches—a raft of very substantial changes were made to the way the Senate worked, the way the Senate did its business. You have heard some of the history of this from Senator Ray, who during that period was the Deputy Leader of the Government in the Senate. In August 1994 he was the acting manager of government business. I am pleased to say it was one of the two periods in which I have ever, in my 17 years in this parliament, taken leave from the chamber. Senator Ray was passed the baton and had the job of making sure that those changes to the Senate committee system passed this chamber. He was also responsible for negotiating the changes. We did a huge amount of work behind the scenes in the Procedure Committee, where this sort of work ought to be done, to try to get this system right.

I have to acknowledge that it was not just the Labor Party, the then Labor government, and the then coalition opposition who were involved in the changes. The minor parties were very serious contributors to that outcome, particularly the Australian Democrats, who at that time were better represented in the chamber—in terms of numerical strength—than they are now. They played a very active role. Anyone who cares to revisit the debates of that time will see that that is the case.

We negotiated it out. We talked it through. We solved the problem. We talked through the issues and came up with an appropriate and workable solution. And it has stood the test of time. It was a new concept of paired legislation and references committees, and it has worked well. The fundamental principle was that the government would have the chairs and the majority on the legislation committees, which would have responsibility for the estimates process and legislation, and that the references committees would have a broader remit in relation to matters referred to them by the Senate. It did actually work well. I would say that you cannot argue against the fact that, in the 35 years since the Senate’s committee system was developed, it has been honed and improved.

Today is the first time in 35 years that we are going to see a backwards step. And it is a
very substantial backwards step indeed. You have to ask yourself: ‘Why is the Senate committee system, the best accountability mechanism in the Commonwealth parliament, under attack? Why are the government proposing to change it?’ Unfortunately, the answer is clear: the government do not like the role that these committees play. They hate scrutiny. They hate being held accountable for their actions. They do not want this sort of examination of their activities. They do not like this sort of investigation. They just do not like scrutiny at all.

There are many great examples. One example was the Senate Select Committee into a Certain Maritime Incident. That was so effective that the phrases ‘kids overboard’ and ‘children overboard’ have actually gone into the lingo for ‘deceitful actions of government’. Chalk one up to the best parliamentary committee system in the world. Of course, now we do not have any select committees into issues of concern. The government has the numbers in the Senate; no such committee will ever be established. The government has the numbers in the Senate; no reference will go off to an existing committee if it does not suit the government. The proposal before us leaves many unanswered questions about the operation of the Senate committee system: questions about quorums of committees; the role of the Selection of Bills Committee; the role of participating members in the estimates process; the powers of the committees; and the issue of logistics, which was canvassed by my colleague Senator Ray. It has always been said, and I understand it still to be the case, that as well as the standing orders that limit the number of legislation committees meeting at any one time to four, there is also a limitation because of resources and logistics. There is not the capacity in this parliament to have any more than four legislation committees meeting at any one time. I want to ask the minister, when she responds later in this debate, whether she will guarantee that the new committees proposed by the government will retain the powers of existing committees. I think this Senate is entitled to an answer to that question. I want to ask the minister whether the government will guarantee that estimates hearings will continue with no further limitations on time and certainly no restriction on their scope. I ask Senator Coonan to respond to that as well.

You see, the government is seeking complete control over committee processes. This chamber determines which references go to committees, and since the government established a majority in this place on 1 July 2005, 16 references to committees have been knocked off—nine from the opposition, six from the Australian Greens and one from Family First. All of this is the gift of the government. Any one of those could have gone forward if the government had agreed with it. A huge number of references have not been referred by the Senate and yet the references committee workload is starting to reduce. It is a deliberate strategy, a deliberate tactic, on the part of the government, and it is going to get worse.

One minor advantage at the moment is that if you eventually get a reference at least the non-government majority on a committee can determine issues in relation to the conduct of the inquiry. That will absolutely change. This is part and parcel of a step-by-step destruction of the Senate’s roles and powers. There are all sorts of examples of this: the new limits in relation to opposition questioning in question time; the cover-up in relation to questions relating to AWB in estimates; the reduced number of committee references that have gone forward; the use of the guillotine; the use of the gag; and now a proposal that the committees themselves become vassals of the government.
This really is the ultimate winner-take-all approach to politics. It is the ultimate in arrogance from the government. I am not surprised that the government will go to this extent to avoid scrutiny. I am not surprised that the government goes to the extent of dismantling parliamentary institutions and the mechanisms of accountability that we have. The way this government operates and conducts itself, which is underhanded and shady in my view, can only thrive if people do not know what is going on. It can only thrive in the dark. Of course, the government thinks it will be easier to get away with this deceit if they gut the Senate committee system. Maybe they are right; I am sure they are. In the short term they will be right. They will think that if they gut the Senate committee system then parliament will not catch up with what they are doing.

I say, and I have always said, in government and in opposition, that a strong committee system might be good for oppositions, it is obviously good for parliament, and it is good for governments as well. It is an excellent thing if an official or minister can think twice before a corner is cut or before the approach of near enough is good enough becomes standard operating procedure—the natural order of things. It is good for government.

I do not know what drives this proposal. I hear from senators on the other side that it is not greed. I believe it is at least small-mindedness. I believe it is at least short-sightedness. I believe that this government always has the view that it is a good time to pay back and pay out on political opponents. But most important of all, it is a lack of acceptance of accountability, and accountability is what the Senate is on about and should be on about—review, examination, scrutiny and accountability. That is what we are best at and that is what we should be able to pursue—opposition, government, minor parties, Independents; all of us. That is the role of the Senate and it is that role that is going to be gutted by this proposal. This is a very serious change to the way the Senate has worked for a very long period of time—for decades. It is a massive step backwards.

Debate interrupted.

ADJOURNMENT

The ACTING DEPUTY PRESIDENT (Senator Murray)—Order! It being 7.20 pm, I propose the question:

That the Senate do now adjourn.

Uranium

Senator LIGHTFOOT (Western Australia) (7.20 pm)—After that long emotive speech by Senator Faulkner I want to talk about something that is not quite as emotive but has some more truthful impact. I want to talk about uranium and its position with respect to electricity generation. Australia is a nation that has an increasing population, which currently stands at a little over 20 million people, on three million square miles of the most wonderful country in the world—and it is diverse. It is expected that energy demand will increase by three per cent on a compound basis per annum up to the year 2020, and almost certainly beyond that date.

As our population increases there will be a greater strain on the availability and supply of essential services such as electricity, water and gas. These are common and essential services to which Australians can expect to have access on demand, and rightly so. In order to accommodate this increase we are going to have to look at different alternatives so that the inevitable demand that will be created can be met. The public perception of nuclear energy is one that is often misconstrued. The advantages that nuclear energy has are vast, and if we look at countries such as Sweden, France and the United States that have adopted nuclear energy as a major
source of power supply—and France with 79 per cent of its total electricity is the biggest exporter of electricity in the world—then it is evident that it is a beneficial method of generating electricity that contributes little or zero to greenhouse gases.

Without question, Australia has been and currently is heavily reliant on fossil fuels such as coal, both brown and black—with brown coal being the worst offender—natural gas and oil, and they have had a major influence upon this country’s economy and our environment. Fossil fuels are used in the production of nearly 80 per cent of the world’s energy. We are the largest exporter in the world of coal, which allows domestic electricity to be produced relatively cheaply in comparison to the cost in some other nations, including Japan. At present, coal provides 84 per cent of Australia’s electricity, of which 55 per cent is produced from black coal and 29 per cent from brown coal. Hardly any other developed country has such a heavy reliance on coal for generation of electricity. We produce and export in vast quantities metallurgical and thermal coal, metallurgical being for the production—not exclusively but predominantly—of steel, and thermal coal being for the production of electricity.

One of the arguments against nuclear energy is the spent uranium fuel that is created, yet the burning of fossil fuels releases dangerous and toxic emissions—millions of tonnes per annum—into our environment which contribute to the perceived greenhouse problem. But this is often ignored or not questioned. The vast ash dumps that are left behind after the thermal action are more damaging than the small amount of nuclear waste is—and I think particularly of Aberfan in Wales in the 1960s where a coal dump crept over a school and smothered over a hundred Welsh schoolchildren. What is going to occur as the population increases and demand on power supplies increase? Is the solution simply to burn more coal and create bigger ash dumps to meet the supply? At some point in the future, fossil fuels are going to cease to exist. At some point in the future we are going to have to go to the alternative of uranium. At some point in the future fossil fuels are going to be something of the past. They are a non-renewable resource, so once they have been extracted from the earth there is no way known of regenerating these particular sources of thermal electricity.

Are we to wait until this declining resource no longer exists before implementing other alternatives? Yes, solar power is important, but the sun does not shine at night. Yes, wind power is an alternative, but it is expensive, it does not always turn the alternators and it kills tens of thousands of birds around the world annually. The use of coal and other fossil fuels to generate electricity has been the preferred method of many countries, such as Australia, for generations. Take, for example, China. They currently have nine nuclear reactors in operation. They are located where there is inordinate economic growth and, as a result, demand for electricity, and little access to economic grades of high-grade thermal coal except from, predominantly, Australia. While 80 per cent of China’s electricity is still supplied by coal, there is a more concrete trend towards increasing nuclear powered electricity. They are experiencing a large—massive—and not entirely expected increase in power demand. If the growth rate continues at the current exponential 16 per cent per annum then, notwithstanding the current massive increase, China will experience severe power shortages. With such a reliance on coal as the main power source and a dramatic increase in demand, is it any wonder that coal miners are considered to have the most dangerous job in China? In 2003 more than 6,000 miners—some figures say more than 10,000—
died in accidents that occurred in Chinese coal mines. This figure is almost incomprehensible to us, yet, tragically, it is nothing out of the ordinary for the Chinese industry. The same number of lives were lost in 2004. The Chinese Mining University has calculated that in China 12 miners lose their lives per million tonnes of coal. This is all in the name of providing electricity via coal. The Chinese government is committed to using nuclear energy as a greater source of electricity generation and there are plans for a further 36 reactors to be in use by 2020.

There are currently 31 countries using nuclear power to source some of their energy, produced from a total of 440 reactors throughout the world. The United States has the largest number of nuclear reactors—almost a quarter of that number—at 103. There are approximately 30 reactors under construction throughout the world at the present time. Some of these are in the Asian region, in nations such as China, the Republic of Korea and Japan. It has been predicted by the International Atomic Energy Agency that over the next 15 years a further 60 nuclear reactors will be built. Again, many of these will be built in the Asian region as more continue to move towards nuclear power.

Australia is one of only a handful of developed nations that is not using nuclear energy as a major source of electricity. This is due to several factors, such as the large and accessible reserves of high-grade thermal coal that we have. Currently, nuclear power displaces about 2½ billion tonnes per year of carbon dioxide emissions worldwide relative to coal. Let me repeat that: currently, nuclear power displaces nearly 2½ billion tonnes per year of carbon dioxide emissions worldwide relative to coal. For every 22 tonnes of uranium used for electricity there is an emission of about one million tonnes of carbon dioxide relative to coal that is saved from entering the environment. France, one of the major users of nuclear energy—at 79 per cent—has managed to reduce its greenhouse gas emissions by one-third since 1980. This would not have been possible had they not been reliant significantly upon nuclear power.

The Uranium Information Centre has predicted that, within the next 15 years, current infrastructure used to generate power is going to have to be replaced. The UIC has calculated that if a gas-fired plant were used as a replacement for coal a decrease of up to 30 million tonnes of CO₂ emissions would be experienced. Fifty million tonnes of greenhouse gases could be saved if six nuclear reactors were used to replace the current infrastructure. It is currently estimated that CO₂ emissions total 9.9 billion tonnes worldwide from the production of electricity, and this is estimated to increase to 16.8 billion tonnes by 2030. Considering that the worldwide consumption of electricity is expected to double over the next 25 years, it is no wonder these emissions have increased so dramatically.

One of the major arguments used against the use of nuclear energy is the 1986 Chernobyl accident. The incident saw 31 people killed and a further 10 people have passed away due to excess radioactivity that caused, predominantly, thyroid cancer since the accident. Although this was unquestionably a tragedy—any loss of life, even a single loss of life, is regrettable anywhere—the event is not a reflection upon the use of nuclear energy in general. It is the only tragic incident to have occurred in the production of nuclear power and it resulted from a poorly designed reactor and a lack of qualified and trained staff. It occurred as a result of human error. Lessons have been learnt from Chernobyl as to the design and operation of reactors, and the industry worldwide works more closely than it did before the accident. It is not a
valid argument to say that nuclear energy should not be used because of Chernobyl. I would advise my colleagues and people throughout this nation not to listen to the green, goebbelsian propaganda. (Time expired)

Mr Charles James Haughey

Senator STEPHENS (New South Wales) (7.30 pm)—I rise this evening to mark the passing of Charles James Haughey—Cathal O hEochaidh—the sixth Taoiseach of the Republic of Ireland. Haughey served three terms as Taoiseach between 1979 and 1992. He was the fourth leader of the Fianna Fail Party established by De Valera. Charles Haughey was first elected to the Dail Eireann as a TD for Dublin in 1957, and was re-elected at each election until 1992. The former Taoiseach died peacefully at home in Abbeville House, Kinsealy, last Tuesday, aged 80, following a long battle with cancer.

Mr Haughey was known to be a complex and contradictory character. Although he dominated his country’s political life for more than three decades, he was unable to shake off the taint of scandal and corruption. Taoiseach Bertie Ahern, announcing his death, said:

History will have to weigh up the credit and the debit side of his life more dispassionately than may be possible today but I have no doubt its ultimate judgement on Mr Haughey will be a positive one.

Dignitaries attending his requiem in the Church of Our Lady of Consolation in Donnycarney included President Mary McAleese, Taoiseach Bertie Ahern, former President Dr Patrick Hillery, former Taoisigh Liam Cosgrave, Garrett FitzGerald and John Bruton. They joined political leaders from both sides of the Irish border, including Gerry Adams, the leader of Sinn Fein; members of the judiciary and the defence forces; business representatives; and James Kenny, the American Ambassador to Ireland.

The requiem mass was celebrated by Mr Haughey’s brother Eoghan, assisted by the Archbishop of Dublin, Reverend Diarmuid Martin, and Monsignor Joseph Quinn, the parish priest of Knock. It was broadcast live on national television, and caused Dublin’s famous Bloomsday events to be cancelled as a mark of respect for his death. Archbishop Martin spoke briefly in opening the mass, reflecting on the different relationships with Mr Haughey that had brought the congregation together to mourn him, and about his achievements.

Father Eoghan Haughey delivered a short homily, describing his brother as:

Small in stature, massive in achievement and larger than life.

He noted:

The lives of great men are like the high mountains. They always attract the storms.

He said that although his brother always lived in the public eye he ‘never lost the common touch’ and that he had ‘worked on a large canvas in broad imaginative strokes’, while always showing concern for the poor and less fortunate. He also noted that, despite all the hostility shown to him, his brother ‘came through it all without bitterness or rancour’.

Haughey’s son Sean, himself a Fianna Fail TD in his father’s former constituency, told 2,000 mourners at the funeral that historians cast his father in a much more positive light than had the press. Sean said:

In recent years his critics in the media have dominated the debate about my father. He challenged this point of view by quoting his mother as saying:

It seems that everyone hates Charles Haughey except the people.
Charles Haughey was a colourful and controversial figure in Irish politics. He was charismatic, a skilled orator and a visionary who changed the face of Ireland during his time in parliament. He was referred to as Charlie with affection within his electorate and his party, and with derision by his detractors. He and his wife, Maureen, visited Australia in 1988 and were welcomed by the then Prime Minister, Bob Hawke, who admired Haughey’s determination, incisive mind and dynamism.

Haughey’s spectacular fall from grace after losing the election in 1992, the revelation of his extravagant lifestyle and his subsequent investigation for corruption was summed up by renowned Irish journalist Cormac McConnell:

The man was larger than life, both in his gifts and his sinnings. He will surely never be forgotten. And, explaining the relationship that Haughey had with the Irish people, McConnell wrote:

There is a cell or two in every Irish person which somehow allows for more roguery and rascality—at the very least—in our politicians than in any other profession or trade … We expect and even appreciate what we call ‘strokes’ by our politicians at every level. Beyond all doubt the ‘strokes’ of Charlie Haughey were on a grander scale than anything we have ever seen before or hopefully will ever see again.

And, in testament to his colourful character, he wrote:

They loved him in Kerry especially around Dingle where he fired the shotgun for years for the start of the regatta. They even put up his statue there, lifesize, looking like a saint, long after he was seen as a disgrace elsewhere. Depending on the political necessities, Charlie was a Derryman, or a Mayoman or a Dubliner. Not many could carry that one off with the style he did. Certainly they broke the mould after using it for Charlie Haughey.

Elected to the Dail in 1957, Haughey was the rising star of Fianna Fail through the 1960s. He was the most ambitious and successful of that generation of young men—including Brian Lenihan, Donogh O’Malley, Patrick Hillery and George Colley—who gained a foothold at senior level in the party and the government at the time. He became Minister for Justice in 1961, excelled in this role and initiated a scale of legislative reform that was unparalleled, before or since. He introduced important new legislation, such as the Succession Act, which protected the inheritance rights of wives, and the Extradition Act. He also reactivated the Special Criminal Court and helped to defeat the Irish Republican Army’s border campaign. Haughey is universally regarded as the best Minister for Justice in Irish history.

In 1966, he became Minister for Finance. His accountancy background, his interest in economic affairs and his driving vision suited the job. Again, Haughey showed a radical, reforming streak. Small-scale initiatives caught the public imagination. He presided over an economic boom which saw him increase public spending in his four budgets. He introduced free travel on public transport for pensioners, subsidised electricity for old age pensioners and granted special tax concessions for the disabled and tax exemptions for artists. He then served as Minister for Health and Social Welfare from 1977 to 1979.

When Haughey became Taoiseach in 1979, Ireland had experienced a deep economic downturn. In a speech to the nation on 9 January 1980, he outlined the bleak economic picture in words even the least sophisticated of his people could understand:

I wish to talk to you this evening about the state of the nation’s affairs and the picture I have to paint is not, unfortunately, a very cheerful one. The figures which are just now becoming available to us show one thing very clearly. As a
... we have been living at a rate which is simply not justifiable by the amount of goods and services we are producing. To make up the difference we have been borrowing enormous amounts of money, borrowing at a rate which just cannot continue.

As Taoiseach he had three overarching priorities: lasting peace in Ireland, to make the country a respected and integral member of the European Union, and to end the economic instability and mass unemployment which had beset the country for centuries. His achievements in office are testament to his commitment to those objectives. He committed his government to active involvement in the EU and served as president in 1990. He convinced his government of the benefits of establishing the International Financial Services Centre in Dublin, attracting foreign companies to invest in Ireland. He is held largely responsible for the economic groundwork that has produced the thriving Irish economy described these days as the ‘Celtic tiger’.

Charles Haughey found ways to work with the Thatcher government that benefited the Irish nation. He criticised the Anglo-Irish Agreement of 1985 and vowed to renegotiate it. In April 1990, he became the first Taoiseach since Lemass, his father-in-law, to visit Belfast, where he gave a speech to the Institute of Directors. He also played an important role in the early stages of dialogue between John Hume and Gerry Adams that ultimately led to the peace process and the republican movement’s turn towards politics and away from violence. Despite all his achievements, he did not blow his own trumpet. In his final address to the Dail he quoted William Butler Yeats and Othello saying, ‘I have done the state some service, and they know it, no more of that.’

Charlie Haughey is part of modern Irish folklore. In his homily, Father Haughey likened him to a huge wooden sculpture of Irish hero, Cuchulain, that stands on the front lawn of the former Taoiseach’s home, Abbeville. At his funeral Aine Ui Laoithe read Seamus Heaney’s poem The Given Note, implicitly comparing Haughey to a fiddler who produced beautiful, memorable music by being receptive to his particular locality, prepared to work hard and blessed with a unique gift. Renowned musicians Liam O’Flynn and Finbar Furey played traditional Irish laments, and tributes flowed from both sides of politics.

At his graveside, Taoiseach Ahern farewelled his mentor:
We know him as a human being with all that implies. We, each of us, also live every day, with all that he achieved for Ireland. His life was an extraordinary journey.
And as Haughey himself once said:
Ireland is where strange tales begin and happy endings are possible.
He is survived by his wife, Maureen; his sons, Conor, Ciaran and Sean; and his daughter, Eimear. We send them our sincere sympathy. May he rest in peace.

**Freedom of Information Act 1982**

Senator MURRAY (Western Australia) (7.40 pm)—My adjournment speech tonight revisits the supposed statutory right to government held information that exists under the Freedom of Information Act. I say ‘supposed’ because of some of the review findings that indicate that this act is in need of serious reform and overhaul. What prompts me to raise this troublesome issue again is the recent Commonwealth Ombudsman’s report titled Scrutinising government: administration of the Freedom of Information Act 1982. I congratulate the Ombudsman on his report.

Released this year on 14 March, the Ombudsman’s report discloses what is already known. It discloses how access to official
information is often restricted by this act’s numerous exemptions and by the negative way in which the act is administered in particular agencies or circumstances. It reveals that, although the act can work well in assisting people to access personal information, it does not do so well when it comes to accessing policy related information.

In short, it reveals a clear consensus of opinion with previous reviews, including the Ombudsman’s 1999 report on the FOI Act, called Needs to know. This report revealed widespread problems in the public sector, among which was ‘a growing culture of indifference or resentment towards the disclosure of information’. Such remarks replicated the views exposed in the 1995 joint report issued by the Australian Law Reform Commission and the Administrative Review Council. That report, titled Open government: a review of the federal Freedom of Information Act 1982, found that many agencies continued to foster a culture of secrecy through an adversarial and excessively legalistic attitude.

To give effect to the changes recommended to the FOI Act by this joint report by the ALRC and the ARC, in 2000 I introduced a private senator’s bill, the Freedom of Information (Open Government) Bill. Of note among the legislative amendments of this bill was the proposed introduction of an FOI commissioner. This bill was then referred to the Senate Legal and Constitutional Legislation Committee, which reported back in April 2001. The committee endorsed many of the bill’s amendments and recommended that, subject to changes, the bill should proceed. The changes were accordingly made, and I introduced an updated version into parliament in June 2003. Its purpose was to extend to the public access to information held by the Commonwealth and to establish an independent position of FOI commissioner to be held by the Ombudsman. However, debate on my bill was adjourned after its second reading. The bill was subsequently restored to the Notice Paper in November 2004, after the 2004 election, and now remains on the current bills list.

I noted in my 2003 second reading speech that two things were clear: first, the FOI Act was in need of serious reform and, second, the government had no intention of delivering that reform. Well, nothing has changed, and the FOI Act continues to be subject to ongoing attacks. Nowhere is this better expressed than in the editorial of the Canberra Times on 4 August 2005. It stated simply: The FOI Act might as well be scrapped ... and the sooner the better.

Surely there is something seriously wrong when a reputable newspaper, with a reputation for accountability, calls for an end to freedom of information legislation. It obviously does so because the act is not producing the results that it was expected to do. The newspaper wrote this editorial following the Federal Court’s decision to uphold Treasurer Peter Costello’s ability to block FOI requests according to his definition of the public interest. The scenario is this: since 2002, the Australian newspaper’s FOI editor, Mr Michael McKinnon, has sought access to Treasury documents on bracket creep in the tax system and the first home owners program, including its use by the wealthy.

The Federal Court’s ruling is perceived as a major setback for openness and accountability. It proved just how valid the cliche ‘freedom from information’ is and called into question the credibility of the entire FOI system. The case is now in the High Court. It continues because if it is left unchallenged the government will have the new power to restrict access to information based on its own virtually unchangeable and unchallengeable definition of the public interest.
While reading a review article in the *Financial Review* of 16 June, I was struck by some timeless wisdom that Treasurer Costello and the Howard government would do well to take note of. The article was written by Michael Dirda. It was a review of a new book on the 17th century philosopher Baruch—later Benedict—de Spinoza. Spinoza wrote of how democratic principles are fundamental to maintain the rights of all citizens—ideas that were later taken up by political philosophers such as John Locke, the revolutionaries who motivated many of those who wrote the United States constitution, and early American legislators and political activists. In particular, Spinoza argued for free speech and complete openness in government. What struck me when I read the article was a quote Dirda uses from Spinoza’s writings:

Better that right counsels be known to enemies than that the evil secrets of tyrants should be concealed from the citizens. They who can treat secrets of the affairs of a nation have it absolutely under their authority; and as they plot against the enemy in time of war, so do they against the citizens in time of peace.

Treasurer Costello should remember these words as he uses taxpayers’ money to continue one of the longest-running anti-freedom-of-information cases of the last 20 years.

The Commonwealth Ombudsman’s 2006 report that I referred to earlier, *Scrutinising government*, endorses the view that FOI reform at the Australian government level is well overdue. In its concluding remarks, it particularly states that ‘many of the shortcomings in the current operation and effectiveness of the act could be addressed with the establishment of a constant, independent monitor’ of, and advocate for, FOI. It then goes on to recommend:

... that the government consider establishing an FOI Commissioner, possibly as a specialised and separately funded unit in the office of the Commonwealth Ombudsman.

As I stated earlier, this recommendation is not new. Just because it is not new, that does not mean it is not valid. It is a recommendation that features prominently in the associated reports that precede this most recent one. It is also one that has been adopted into my open government bill, which remains on the current bills list and was unanimously accepted by all parties in the Senate committee that reviewed it.

The government needs to acknowledge and accept that, since the act’s noble beginnings, almost everyone who has looked at it in any detail has been unhappy with FOI legislation for one reason or another. The FOI regime is not the success it should be. It costs too much, it takes too long and it conceals too much. Although there have been some notable successes in prying information from government agencies, there are too many documents and other pieces of information exempt from its reach. It is far too subject to the whims of bureaucrats and politicians and to those with a secretive, as opposed to an open, nature.

Without the persistent and expensive efforts of the *Australian* newspaper, the government, with its secretive nature, would remain unchallenged. The culture of secrecy that pervades the operation of FOI does nothing to protect and facilitate the steady growth of our representative and participatory democracy. It was the Fraser Liberal government that introduced the legislation in 1982; it would be really appropriate now if the Howard Liberal government were able to find it in itself to fix that act’s deficiencies in design and administration and, in particular, to change the secretive and obstructive spirit in which it is now too often administered. Despite its still good characteristics in a number of agencies and circumstances, without significant new provisions the
Commonwealth FOI regime overall could end up in danger of terminal decline as a result of an assault on its principles by a nasty cabal of secretive bureaucrats and secretive cabinet ministers. The recommendations of the Commonwealth Ombudsman’s report *Scrutinising government: administration of the Freedom of Information Act 1982* would be a good place to start that necessary overhaul of these laws.

**Sudan**

Senator PAYNE (New South Wales) (7.50 pm)—About 120 years ago, Australian troops took part in their first intervention in a crisis beyond our shores. The Mahdist uprising plunged a distant corner of the British Empire into turmoil, which began a cycle of ethnic and religious unrest that plagues Africa to this day. Today, though, in the southern Sudan province of Darfur, Christians and Muslims are laying waste to indigenous and colonial populations, and tales of human rights abuses are reported with alarming frequency. Once again, freedom- and peace-loving people suffer at the hands of self-appointed messiahs and their paramilitary cohorts.

This bloody conflict has claimed 200,000 lives, both innocent civilian and military, and left a further two million to perhaps six million people displaced. The peace process—if you can call it that, and as tenuous as it continues to be—has to be supported not only by the players in this conflict but by the entire international community. Nearly three million people in Darfur need humanitarian assistance, and I welcome the recent signing by the warring parties of a peace agreement that may see the end of violence.

Australia announced that on 27 July we will provide an additional $12 million in humanitarian assistance to help relieve this extraordinary human crisis. That will take Australia’s overall humanitarian funding to $20 million. Separately, at the same time, 15 ADF personnel are deployed under Operation Azure, which operates as part of the UN mission in Sudan. It is not an insignificant undertaking, notwithstanding the small numbers. It is an extraordinarily difficult task in onerous circumstances for the ADF personnel involved.

Australia wants the Sudanese government to fulfil its responsibility to the wellbeing and security of its own people and the United Nations Security Council to pass a resolution which results in effective, practical action to stop the flow of weapons to Darfur, the imposition of realistic sanctions against the government of Sudan and support for the planned deployment of the African Union.

But Darfur is not the only flashpoint in which the international community—including Australia—has interests, nor is it the only region in which the right of self-determination and harmony is currently denied to people. I have before in this chamber and I once again call for the unconditional release of the Burmese democracy leader and Nobel Peace laureate Daw Aung San Suu Kyi. The Burmese regime continues to flout international calls for that action and for it to improve the human rights situation and address ethnic tensions in that country. Regretfully, despite the concern repeatedly expressed by the international community, the Burmese military junta has just recently extended the home detention of Burma’s democratically elected leader by another year.

On a slightly more positive note, at least UN Under-Secretary-General for Political Affairs Ibrahim Gambari recently met with Burmese officials, including Senior General Than Shwe, who is chair of the State Peace and Development Council. I note that the United Nations continues to push for a dialogue for change. But so great are the excesses of the military warlords in the regime
that ASEAN has conceded the futility of their traditional non-intervention policy and are now calling for international action to force Burma on to the road to democracy and also to stem the flow of illicit substances from that country.

Just recently, the Canadian Foreign Minister, Mr Peter MacKay, made a statement in relation to the continued detention of Aung San Suu Kyi. In his statement, amongst other things, he condemned the regime’s military offensive in eastern Burma. He noted that Canada believes that these are matters which must and should be discussed at the United Nations Security Council. There is increasing poverty and environmental degradation and the spread of HIV-AIDS is worsening in both urban and rural areas.

HIV-AIDS is affecting a wide cross-section of the population in Burma, and it will have enormous social and economic impacts for people who can ill afford it. The Australian government consider efforts to counter the HIV-AIDS epidemic a very high priority for international development. We fund a number of primary health care and HIV-AIDS control projects, and other small-scale activities, which are related to poverty reduction and basic human needs in Burma. Our foreign minister and government have also condemned the extended detention of Aung San Suu Kyi and called for a return to democratic processes in Burma. The time is right for stronger action on Burma, both to assist the Burmese people to realise their democratic and human rights and to ensure a stable region.

In October last year, former Czech president Vaclav Havel and Archbishop Desmond Tutu called for UN Security Council intervention into Burmese war crimes and crimes against humanity. Unfortunately, that call was blocked by China and Russia, and the Security Council still has not formally considered the issue of Burma or debated a resolution against the regime. I firmly believe that it is time to build a coalition of nations who are willing to explore significant steps which can be taken to put international pressure on Burma, and that will include a serious examination of whether to refer the situation in Burma to the UN Security Council.

Aside from Burma, there are other countries in our region that continue to face civil disorder as they struggle through the democratic processes. It is very important to acknowledge, in this place of democratic process in Australia, that these struggles are dealt with under the rule of law and with the freedom and democracy of the people in mind. But, to take a couple of examples in particular, the peoples of Nepal and Thailand will judge their leaders poorly if they cannot find lasting solutions to their concerns and address the challenges that face their countries.

It would be negligent for Australia to expect struggling democracies in our region to shoulder the burden alone. Indeed, we do not. We have been committed to promoting stability and the rule of law in our local community of nations for a very long time, and we continue that commitment today. It mostly manifests itself in the representation of this nation by the Australian Defence Force, the Australian Federal Police and officers of AusAID or the Department of Foreign Affairs and Trade who are deployed to support the transition to democracy in many countries, some as close to home as the Solomon Islands and East Timor. I will come back to the question of East Timor on another occasion.

I will now turn briefly to the question of Iraq. Operation Catalyst, which began in 2003, involves around 1,400 Australian personnel in Iraq, helping to ensure as smooth as possible a road to freedom and democ-
racy. Aside from forces that protect Australian government personnel in Baghdad, Operation Catalyst provides protection for Japanese field engineers engaged in the reconstruction of infrastructure—and we hear recent discussion about changes to that. It also provides both airborne and seaborne maritime patrol capabilities to deter illegal fishing and defend offshore oil platforms, for disarmament and analysis of explosive devices and for logistical and training support for not only the Iraqi army but also all foreign forces in Iraq.

Australia has to date pledged over $173 million for reconstruction and humanitarian assistance to Iraq. We focus on the agriculture sector and on governance and we make what are described as ‘niche contributions’ in other areas, such as trade reform, human rights and police training. The Iraqi people are actively involved in the reconstruction of their country by supporting Iraq’s economic and social stabilisation programs to minimise local support for the insurgency. But, as we know, every day seems to bring new and tragic news about insurgent activities. In Iraq, as one of the most important components of international activities, I think we need to ensure we are urging authorities to ensure the security of all ethnic and religious groups. This is a part of the world which is an area of complex history and ethnology, and that adds to the challenges of reconstruction enormously. The Iraqi constitution states:

Iraq is a multi-ethnic, multi-religious and multi-sect country ... Iraqis are free in their adherence to their personal status according to their own religion, sect, belief and choice, and that will be organised by law.

Furthermore it says:

Entities or trends that advocate, instigate, justify or propagate racism, terrorism ... sectarian cleansing, are banned ... Iraqis are equal before the law without discrimination because of sex, ethnicity, nationality, origin, color, religion, sect, belief, opinion or social or economic status.

But, nevertheless, sectarian and racist violence is still a daily occurrence. Today’s *Australian* reports on the situation of Luma George, a 20-year-old teaching student. Ms George is a Christian in Iraq. She now wears a hijab—the Muslim headscarf—as she is driven to and from university. She says that that is because gunmen have said that if she did not wear it she would be killed. That, in terms of exploring concepts of religious freedom in a developing democracy, is a matter of some concern.

The Al-Tub al-Adli morgue in Baghdad processes at least 20 to 30 bodies a day; last month, 1,384 corpses passed through its doors. Many of those Iraqis died in sectarian violence. Iraq has a significant Christian Assyrian minority, who should, with similar peoples, be protected from discrimination in accordance with that country’s international and constitutional obligations. I welcome the convening today, by the Hon. Bruce Baird MP and Chris Bowen MP, a meeting of the Australian parliamentary Assyrian friendship group to discuss many of these issues.

Forces, both Iraqi and international, need to operate with a restraint that fosters an environment of mutual respect and provides people like the Assyrians with a sense of security in their homeland. By and large, I think they do that. I think the problem is much broader than that. The Assyrians are committed to trying to find themselves a voice in the reconstruction administration of their lands in northern Iraq and elsewhere in the region to ensure they can preserve their cultural identity. Assyrians were estimated at around one million people before their recent exodus from Iraq, seeking refuge in Syria, Turkey, Greece, Jordan and further abroad. These are fundamental human rights issues, and issues that are worthy of note by this chamber.
Senate adjourned at 8.00 pm

DOCUMENTS

Tabling

The following government documents were tabled:


Tabling

The following documents were tabled by the Clerk:

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

* Civil Aviation Act—Civil Aviation Safety Regulations—Airworthiness Directives—Part 105—AD/A320/146 Amdt 3—Airworthiness Limitation Items [F2006L01869]*.
* Health Insurance Act—Health Insurance (Diabetes Testing in Aboriginal and Torres Strait Islander Primary Health Care Sites) Determination HS/01/2006 [F2006L01822]*.
* Migration Act—Select Legislative Instrument 2006 No. 133—Migration Amendment Regulations 2006 (No. 3) [F2006L01781]*.
* National Health Act—
  Arrangements Nos—
  PB 28 of 2006—Highly Specialised Drugs Program [F2006L01875]*.
  PB 29 of 2006—Special Authority Program [F2006L01874]*.
* Determinations Nos—
  PB 26 of 2006 [F2006L01843]*.
  PB 27 of 2006 [F2006L01871]*.
* Navigation Act—Marine Order No. 6 of 2006—Ship surveys and certification [F2006L01887]*.

* Explanatory statement tabled with legislative instrument.
QUESTIONS ON NOTICE

The following answers to questions were circulated:

Communications, Information Technology and the Arts: Grants
(Question Nos 997 and 1001)

Senator O’Brien asked the Minister for Communications, Information Technology and the
Arts, upon notice, on 24 June 2005:

For each of the financial years 2001-02, 2002-03, 2003-04 and 2004-05, has the Minister, the depart-
ment or any agency or statutory authority for which the Minister is responsible for; made grants or other
payments to business organisations and/or associations, including but not necessarily limited to peak
employer groups; if so, can information be provided for each grant or other payment including: (a) the
name and address of the recipient organisation; (b) the quantum and purpose of the payment; (c) the
name of the program under which the grant or other payment was funded; (d) who approved the grant or
other payment; and (e) whether the grant or payment was successfully acquitted; if so, when; if not, can
details be provided, including action taken to recover the grant or other payment.

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

Due to its volume, a copy of a table outlining details of grants and payments to business organisations
and/or associations by the Department of Communications, Information Technology and the Arts, and
its portfolio bodies has been provided separately to Senator O’Brien.

A copy is available from the Senate Table Office.

Q Fever
(Question No. 1611)

Senator Allison asked the Minister representing the Minister for Health and Ageing, upon
notice, on 9 March 2006:

(1) How many Australians contract Q fever every year.

(2) Can the Government confirm the findings of recent research that farmers are at high-risk of con-
tracting Q fever.

(3) How many people are vaccinated against Q fever annually.

(4) Is the Government ceasing its subsidy for Q fever vaccination; if so: (a) how much will this in-
crease the cost of vaccination; and (b) has the Government done any modelling of the impact this
will have on the prevalence of Q fever vaccination; if not, why not; if so, can the results be pro-
vided.

(5) Does the Government consider that the rate of Q fever vaccination will decrease if the subsidy is
removed.

Senator Santoro—The Minister for Health and Ageing has provided the following answer
to the honourable senator’s question:

(1) According to the National Notifiable Diseases Surveillance System, the number of cases of Q fever
notified since 1991 are as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>Cases</th>
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<tbody>
<tr>
<td>1991</td>
<td>528</td>
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<tr>
<td>1992</td>
<td>557</td>
</tr>
<tr>
<td>1993</td>
<td>869</td>
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<td>2001</td>
<td>692</td>
</tr>
<tr>
<td>2002</td>
<td>757</td>
</tr>
<tr>
<td>2003</td>
<td>561</td>
</tr>
</tbody>
</table>
The Australian Immunisation Handbook 2003 identifies farmers as being one of a number of groups that are at risk of Q fever infection.

Unknown. A proxy measure of vaccination is the number of doses of vaccine purchased and distributed. The number of doses distributed in Australia from 2002 to 2005 is as follows:

- 2002 - 50,515
- 2003 - 29,974
- 2004 - 23,001
- 2005 - 25,272

The National Q Fever Management Program commenced in 2001 and was due for completion on 30 June 2004. Several jurisdictions have completed the program, however, Victoria and South Australia have extended the program until 30 June 2006 and Queensland has extended it until 30 June 2007.

On the private market, the cost of the screening test is $24.20 and the cost of the vaccine is $77.00 (GST inclusive). The screening test can be used for up to 150 people if used in the same session.

Unknown. Q fever is primarily an occupational disease of workers from the meat and livestock industries and employers have a responsibility to protect their workers against occupational risk. The most important factor in maintaining high levels of Q fever vaccination in Australia is to secure long-term supplies of the vaccine.

Sudden Infant Death Syndrome

(Question No. 1700)

Senator Allison asked the Minister representing the Minister for Health and Ageing, upon notice, on 21 April 2006:

With reference to Sudden Infant Death Syndrome (SIDS) and that the incidence of SIDS is five times higher in Aboriginal and Torres Strait Islander communities than the national average; according to the National Institute of Clinical Studies Report Evidence-Practice Gaps, Volume 2, research indicates putting infants in the back sleeping position produces greater protection from SIDS than the side position; and the majority of Indigenous infants appear to be placed on their side to sleep: Can details of any Government-funded educational and public awareness campaigns for Indigenous communities that specifically emphasise the need for back sleeping position rather than an avoidance of stomach sleeping position be provided, including: (a) the amount of funding; (b) timeframe for implementation; and (c) copy of any materials.

Senator Santoro—The Minister for Health and Ageing has provided the following answer to the honourable senator’s question:

(a) (b) and (c) The department’s Office for Aboriginal and Torres Strait Islander Health has provided funding of $49,500 to support a joint project involving SIDS and Kids and the National Aboriginal Community Controlled Health Organisation. The project will develop a resource containing SIDS support contact information and evidence based prevention messages, particularly in relation to safe sleeping advice. A draft booklet has been produced and will be reviewed by key stakeholders. It is expected that a final version will be made available by the end of 2006 and disseminated throughout the sector.

In addition, the Healthy for Life program, announced in the 2005-06 Budget, provides $102.4 million over four years to improve the health and wellbeing of Aboriginal and Torres Strait Islander mothers, babies and children, improve the quality of life for people with a chronic disease and, over time, reduce the incidence of adult chronic disease. The program will provide dedicated resources to over 80 primary health care services to improve service delivery in the areas of child and maternal health and chronic disease.
Following a national call for applications for Healthy for Life funding in September 2005, I announced the first 27 sites to receive funding in December 2005. A second round of sites will be announced in June 2006.

Healthy for Life services are provided with initial funding to step back and review their current service delivery in child and maternal health and chronic disease, to identify priority areas for improvement and to develop an action plan to further the child and maternal health and chronic disease care provided in their community. Action plans are expected to be evidence based and focused on identified needs, including SIDS prevention, where it is a priority for that community. Action plans from first round services have not yet been finalised.