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SITTING DAYS—2006

<table>
<thead>
<tr>
<th>Month</th>
<th>Date</th>
</tr>
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<td>February</td>
<td>7, 8, 9, 27, 28</td>
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<td>13, 14, 15, 16, 19, 20, 21, 22, 23</td>
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<td>September</td>
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<td>October</td>
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<td>November</td>
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<td>December</td>
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RADIO BROADCASTS

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

- **CANBERRA**: 103.9 FM
- **SYDNEY**: 630 AM
- **NEWCASTLE**: 1458 AM
- **GOSFORD**: 98.1 FM
- **BRISBANE**: 936 AM
- **GOLD COAST**: 95.7 FM
- **MELBOURNE**: 1026 AM
- **ADELAIDE**: 972 AM
- **PERTH**: 585 AM
- **HOBART**: 747 AM
- **NORTHERN TASMANIA**: 92.5 FM
- **DARWIN**: 102.5 FM
FORTY-FIRST PARLIAMENT
FIRST SESSION—SEVENTH PERIOD

Governor-General

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

Senate Officeholders

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

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

Senate Party Leaders and Whips

Leader of the Liberal Party of Australia—Senator the Hon. Nicholas Hugh Minchin
Deputy Leader of the Liberal Party of Australia—Senator the Hon. Helen Lloyd Coonan
Leader of The Nationals—Senator the Hon. Ronald Leslie Doyle Boswell
Deputy Leader of The Nationals—Senator the Hon. John Alexander Lindsay (Sandy) Macdonald
Leader of the Australian Labor Party—Senator Christopher Vaughan Evans
Deputy Leader of the Australian Labor Party—Senator Stephen Michael Conroy
Leader of the Australian Democrats—Senator Lynette Fay Allison
Leader of the Australian Greens—Senator Robert James Brown
Leader of the Family First Party—Senator Steve Fielding

Liberal Party of Australia Whips—Senators Jeannie Margaret Ferris and Alan Eggleston
Nationals Whip—Senator Nigel Gregory Scullion
Opposition Whips—Senators George Campbell, Linda Jean Kirk and Ruth Stephanie Webber
Australian Democrats Whip—Senator Andrew John Julian Bartlett
Australian Greens Whip—Senator Rachel Siewert

Printed by authority of the Senate
## Members of the Senate

<table>
<thead>
<tr>
<th>Senator</th>
<th>State or Territory</th>
<th>Term expires</th>
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</tr>
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<tbody>
<tr>
<td>Abetz, Hon. Eric</td>
<td>TAS</td>
<td>30.6.2011</td>
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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
Minister for Agriculture, Fisheries and Forestry and Deputy Leader of the House
Minister for Immigration and Multicultural Affairs
Minister for Education, Science and Training and
Minister Assisting the Prime Minister for
Women’s Issues
Minister for Families, Community Services and
Indigenous Affairs
Minister Assisting the Prime Minister for
Indigenous Affairs
Minister for Industry, Tourism and Resources
Minister for Employment and Workplace
Relations and Minister Assisting the Prime
Minister for the Public Service
Minister for Communications, Information
Technology and the Arts and Deputy Leader of the
Government in the Senate
Minister for the Environment and Heritage

(The above ministers constitute the cabinet)
Minister for Justice and Customs and Manager of Government Business in the Senate
Senator the Hon. Christopher Martin Ellison

Minister for Fisheries, Forestry and Conservation
Senator the Hon. Eric Abetz

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

Minister for Human Services and Minister Assisting the Minister for Workplace Relations
The Hon. Joseph Benedict Hockey MP

Minister for Community Affairs
The Hon. John Kenneth Cobb MP

Minister for Revenue and Assistant Treasurer
The Hon. Peter Craig Dutton MP

Special Minister of State
The Hon. Gary Roy Nairn MP

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

Minister for Ageing
Senator the Hon. Santo Santoro

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

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

Minister for Veterans’ Affairs and Minister Assisting the Minister for Defence
The Hon. Bruce Frederick Billson MP

Minister for Workforce Participation
The Hon. Dr Sharman Nancy Stone MP

Parliamentary Secretary to the Minister for Finance and Administration
Senator the Hon. Richard Mansell Colbeck

Parliamentary Secretary to the Minister for Industry, Tourism and Resources
The Hon. Robert Charles Baldwin MP

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

Parliamentary Secretary to the Minister for Defence
Senator the Hon. John Alexander Lindsay (Sandy) Macdonald

Parliamentary Secretary (Trade)
The Hon. De-Anne Margaret Kelly MP

Parliamentary Secretary to the Minister for Immigration and Multicultural Affairs
The Hon. Andrew John Robb MP

Parliamentary Secretary to the Prime Minister
The Hon. Malcolm Bligh Turnbull MP

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

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

Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry
The Hon. Sussan Penelope Ley MP

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

Parliamentary Secretary (Foreign Affairs)
The Hon. Teresa Gambaro MP
<table>
<thead>
<tr>
<th>Position</th>
<th>MP Name</th>
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</thead>
<tbody>
<tr>
<td>Leader of the Opposition</td>
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<tr>
<td>Deputy Leader of the Opposition and Shadow Minister for Education,</td>
<td>Jennifer Louise Macklin MP</td>
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<td>Training, Science and Research</td>
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<td>Leader of the Opposition in the Senate, Shadow Minister for</td>
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<td>Shadow Minister for Superannuation and Intergenerational Finance and</td>
<td>Senator the Hon. Nicholas John Sherry</td>
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<td>Shadow Minister for Banking and Financial Services</td>
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<td>Shadow Minister for Child Care, Shadow Minister for Youth and Shadow</td>
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<td>Minister for Corporate Governance and Responsibility</td>
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(The above are shadow cabinet ministers)
SHADOW MINISTRY—continued

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

Shadow Minister for Agriculture and Fisheries
Gavan Michael O’Connor MP

Shadow Assistant Treasurer, Shadow Minister for Revenue and Shadow Minister for Small Business and Competition
Joel Andrew Fitzgibbon MP

Shadow Minister for Transport
Senator Kerry Williams Kelso O’Brien

Shadow Minister for Sport and Recreation
Senator Kate Alexandra Lundy

Shadow Minister for Homeland Security and Shadow Minister for Aviation and Transport Security
The Hon. Archibald Ronald Bevis MP

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

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

Shadow Minister for Immigration
Anthony Stephen Burke MP

Shadow Minister for Ageing, Disabilities and Carers
Senator Jan Elizabeth McLucas

Shadow Minister for Justice and Customs and Manager of Opposition Business in the Senate
Senator Joseph William Ludwig

Shadow Minister for Overseas Aid and Pacific Island Affairs
Robert Charles Grant Sercombe MP

Shadow Minister for Citizenship and Multicultural Affairs
Senator Annette Hurley

Shadow Parliamentary Secretary for Reconciliation and the Arts
Peter Robert Garrett MP

Shadow Parliamentary Secretary to the Leader of the Opposition
John Paul Murphy MP

Shadow Parliamentary Secretary for Defence and Veterans’ Affairs
The Hon. Graham John Edwards MP

Shadow Parliamentary Secretary for Education
Kirsten Fiona Livermore MP

Shadow Parliamentary Secretary for Environment and Heritage
Jennie George MP

Shadow Parliamentary Secretary for Industry, Infrastructure and Industrial Relations
Bernard Fernando Ripoll MP

Shadow Parliamentary Secretary for Immigration
Ann Kathleen Corcoran MP

Shadow Parliamentary Secretary for Treasury
Catherine Fiona King MP

Shadow Parliamentary Secretary for Science and Water
Senator Ursula Mary Stephens

Shadow Parliamentary Secretary for Northern Australia and Indigenous Affairs
The Hon. Warren Edward Snowdon MP
CONTENTS

MONDAY, 4 SEPTEMBER

Chamber
Committees—
Foreign Affairs, Defence and Trade References Committee—Meeting............................... 1
Broadcasting Legislation Amendment Bill (No. 1) 2005 [2006]—
Second Reading.................................................................................................................. 1
In Committee..................................................................................................................... 5
Third Reading................................................................................................................. 18
Questions Without Notice—
Medibank Private .......................................................................................................... 18
Security and Law Enforcement ...................................................................................... 20
Telstra ............................................................................................................................... 21
Workplace Relations....................................................................................................... 22
Telstra ............................................................................................................................... 23
Telecommunications........................................................................................................ 24
Pregnancy Support ......................................................................................................... 25
Climate Change.............................................................................................................. 26
Telstra ............................................................................................................................... 28
Asylum Seekers.............................................................................................................. 29
Telstra ............................................................................................................................... 30
Queensland Health System............................................................................................. 31
Questions Without Notice: Additional Answers—
Defence: Equipment ....................................................................................................... 33
Questions Without Notice: Take Note of Answers—
Telstra ............................................................................................................................... 33
Pregnancy Support ......................................................................................................... 39
Condolences—
Hon. Donald Leslie Chipp AO ...................................................................................... 40
Petitions—
Asylum Seekers............................................................................................................ 67
Nuclear Waste................................................................................................................ 67
Nuclear Waste................................................................................................................ 67
Notices—
Presentation .................................................................................................................. 68
Withdrawal ....................................................................................................................... 70
Leave of Absence ............................................................................................................. 70
Notices—
Postponement ................................................................................................................ 70
Committees—
Rural and Regional Affairs and Transport Legislation Committee—Reference ............ 70
Legal and Constitutional References Committee—Reference ..................................... 71
Journalists in Indonesia.................................................................................................. 72
Documents—
Tabling............................................................................................................................ 73
Documents—
Odgers’ Australian Senate Practice .............................................................................. 87
Tabling............................................................................................................................... 87
Committees—
Public Accounts and Audit Committee—Report ........................................................... 87
Delegation Reports—
Parliamentary Delegation to Malaysia and Japan............................................................... 88
Privacy Legislation Amendment Bill 2006—
  First Reading .................................................................................................................. 90
  Second Reading ................................................................................................................. 90
Aboriginal Land Rights (Northern Territory) Amendment Bill 2006—
  Returned from the House of Representatives ................................................................. 92
Australian Technical Colleges (Flexibility in Achieving Australia’s Skills Needs) Amendment Bill 2006, and
  Trade Practices Amendment (National Access Regime) Bill 2006—
    Assent ......................................................................................................................... 92
Aviation Transport Security Amendment Bill 2006—
  Second Reading ................................................................................................................. 92
  Third Reading .................................................................................................................. 101
OHS and SRC Legislation Amendment Bill 2006—
  Second Reading ................................................................................................................. 101
  Third Reading .................................................................................................................. 123
Migration Amendment (Employer Sanctions) Bill 2006—
  Second Reading ................................................................................................................. 124
Adjournment—
  Spirit of Tasmania III. ....................................................................................................... 127
  Professor Terence Tao ......................................................................................................... 128
  Mr Steve Irwin ................................................................................................................... 130
  2006 Indigenous Governance Awards ........................................................................... 130
  Multiculturalism ................................................................................................................ 132
  Multiculturalism: Political Correctness ............................................................................ 135
Documents—
  Tabling .............................................................................................................................. 136
  Departmental and Agency Contracts ................................................................................ 142
  Indexed Lists of Files ........................................................................................................ 142
Questions on Notice
  Ethanol Imports—(Question No. 293) ............................................................................. 143
  Family First—(Question No. 1760) ................................................................................ 143
  Australian Crime Commission Annual Report—(Question No. 1771) ......................... 144
  Australian Crime Commission Annual Report—(Question No. 1772) ......................... 145
  Australian Crime Commission Annual Report—(Question No. 1773) ......................... 146
  Australian Crime Commission Annual Report—(Question No. 1774) ......................... 147
  Australian Crime Commission Annual Report—(Question No. 1776) ......................... 147
  Australian Crime Commission Annual Report—(Question No. 1777) ......................... 148
  Australian Crime Commission Annual Report—(Question No. 1778) ........................ 148
  Australian Crime Commission Annual Report—(Question No. 1779) ......................... 149
  Australian Crime Commission Annual Report—(Question No. 1780) ......................... 149
  Australian Crime Commission Annual Report—(Question No. 1781) ......................... 150
  Australian Crime Commission Annual Report—(Question No. 1782) ......................... 151
  Australian Crime Commission Annual Report—(Question No. 1783) ......................... 151
  Australian Crime Commission: Outcomes and Outputs Framework—(Question No. 1784) .................................................................................................................. 152
  Grains Research and Development Corporation: Single Vision—(Question No. 1846). 152
  Grains Research and Development Corporation: Single Vision—(Question No. 1847). 153
  Grains Research and Development Corporation: Single Vision—(Question No. 1848). 158
CONTENTS—continued

Grains Research and Development Corporation: Single Vision—(Question No. 1849) .. 159
Grains Research and Development Corporation: Single Vision—(Question No. 1850) .. 164
Grains Research and Development Corporation: Single Vision—(Question No. 1852) .. 168
Grains Research and Development Corporation: Single Vision—(Question No. 1853) .. 169
Grains Research and Development Corporation: Single Vision—(Question No. 1854) .. 169
Grains Research and Development Corporation: Single Vision—(Question No. 1855) .. 170
Grains Research and Development Corporation: Single Vision—(Question No. 1856) .. 171
Grains Research and Development Corporation: Single Vision—(Question No. 1857) .. 171
Grains Research and Development Corporation: Single Vision—(Question No. 1858) .. 172
Grains Research and Development Corporation: Single Vision—(Question No. 1862) .. 173
Grains Research and Development Corporation: Single Vision—(Question No. 1865) .. 174
Mine Related Workplace Facilities—(Question No. 1937) .............................................. 174
Conclusive Certificates—(Question No. 1948) ................................................................. 174
Conclusive Certificates—(Question No. 1956) ................................................................. 175
Conclusive Certificates—(Question No. 1958) ................................................................. 175
Conclusive Certificates—(Question No. 1962) ................................................................. 176
Compensation for Detriment Caused by Defective Administration Scheme—(Question No. 1964) ................................................................. 177
Compensation for Detriment Caused by Defective Administration Scheme—(Question No. 1978) ................................................................. 177
Compensation for Detriment Caused by Defective Administration Scheme—(Question No. 1980) ................................................................. 177
Compensation for Detriment Caused by Defective Administration Scheme—(Question No. 1982) ................................................................. 178
Veterans’ Affairs: Monetary Compensation—(Question No. 2003) ................................. 178
Regional Partnerships Program—(Question No. 2008) .................................................. 179
Monday, 4 September 2006

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

COMMITTEES
Foreign Affairs, Defence and Trade
References Committee

Meeting
Senator STERLE (Western Australia)
(12.31 pm)—by leave—At the request of Senator Hutchins, I move:

That the Foreign Affairs, Defence and Trade
References Committee be authorised to hold a
public meeting during the sitting of the Senate
today, from 5 pm, to take evidence for the com-
mittee’s inquiry into naval shipbuilding in Austra-
lia.

Question agreed to.

BROADCASTING LEGISLATION
AMENDMENT BILL (No. 1) 2005 [2006]
Second Reading

Debate resumed from 16 August, on mo-
tion by Senator Patterson:

That this bill be now read a second time.

Senator ADAMS (Western Australia)
(12.32 pm)—As my speech on the Broad-
casting Legislation Amendment Bill (No. 1)
2005 [2006] was interrupted last sitting, I
would like to remind people that I am speak-
ing about the draft amendment that proposes
that the Minister for Health and Ageing de-
termines the benefit of an advertisement to the
health of children. This means that the Min-
ister for Health and Ageing would take on an
excessively high administrative burden. As
well, there would be a shifting of responsi-

bility from the industry to the bureaucrats
advising the Minister for Health and Ageing.

Appropriately, ACMA, not the relevant min-
ister, is responsible for the regulation of
commercial broadcasting services. It would
be inappropriate for the health minister to
have such a direct role in the day-to-day
regulation of advertising.

The government is fully aware of this is-

The Prime

issue and is taking steps to tackle it. Whilst
this has nothing to do with the bill before us,
I will outline some of the government’s ini-
itiatives—for the benefit of the Greens, who
are obviously unaware of them. The Prime
Minister announced the $116 million Build-
ing a Healthy, Active Australia package in
June 2004. The four-year package consists of
a range of measures to tackle the problem of
declining physical activity and unhealthy
eating habits of Australian children. One ex-
ample is the government funded ‘two fruit
and five vegetables’ advertising campaign,
designed to provide families with reliable,
practical and consumer friendly information
on the importance of healthy eating and
physical activity to maintain a healthier life-
style. Another example is the recently
launched $6 million national campaign to
courage children to exercise for at least an
hour a day. This advertising campaign is de-
signed to provide families with reliable,
practical and consumer friendly information
on the importance of physical activity to
maintain a healthier lifestyle.

In July this year, the Minister for Health
and Ageing, the Hon. Tony Abbott, an-
nounced the creation of a new ministerial
task force to tackle rising obesity rates. The
task force will coordinate the anti-obesity
campaign involving government, industry
and the community. In addition, a series of
surveys will be conducted, beginning with
children, to determine what Australians are
eating and their level of physical activity.
The Australian government also has a range
of policies, programs and publications which
aim to improve the dietary habits and physi-
cal activity levels of all Australians.

The Broadcasting Legislation Amendment
Bill (No. 1) 2005 [2006] is a simple bill,
aimed at providing people in rural and regional areas of Western Australia with television services similar to those currently enjoyed by viewers in Perth. The bill allows for the implementation of the agreed model for the introduction of commercial digital television services in remote Western Australia—all areas outside Perth. The new television service will be a combined effort from GWN and WIN, and I congratulate them on their efforts in bringing this idea to reality.

We can forget about the proposed amendments by Labor and the Greens as, while they are matters that will be carefully considered by the government, they have no bearing on this particular piece of legislation. Like everyone in the community, I am looking forward to not only the extra programming but also the clear picture and better sound that digital television will provide. I am sure that other Western Australian senators will agree with me that this bill certainly will help us and everyone in the rural community of Western Australia. I support the bill.

Senator COONAN (New South Wales—Minister for Communications, Information Technology and the Arts) (12.36 pm)—I thank all honourable senators for their input to this debate. The Broadcasting Legislation Amendment Bill (No. 1) 2005 [2006] will provide a framework to implement the model agreed with WIN and Prime for the conversion of their commercial television broadcasting services in remote and regional Western Australia from analog to digital. The bill will facilitate, as part of the conversion model, the joint provision by WIN and Prime of a third digital commercial service under section 38B of the Broadcasting Services Act 1992. For the first time, this will provide viewers in non-metropolitan Western Australia with a choice of programming commensurate with that in Perth.

By allowing the broadcasters to multichannel the three digital services on a single channel with exemption from any high-definition television requirements that might be applied in remote areas, the government is providing them with significant cost savings that will help to underpin the continued viability of remote broadcasting services. This is in addition to the significant funding assistance of $19.36 million over eight years that the government is providing to WIN and Prime under the regional equalisation plan to further assist them with digital conversion in remote Western Australia.

This government remains committed to the rollout of digital services to regional and remote Australia. To this end, this government has provided up to $250 million towards the cost of converting television broadcasting to digital technology in regional and remote Australia as part of the regional equalisation plan. The bill also extends the same arrangements to the commercial broadcasters in the other remote licence area, remote central and eastern Australia, should those broadcasters choose a similar digital model for that market. Regional equalisation plan assistance will also be made available.

I would like to avail myself of the opportunity to address some issues that have been raised in the debate. Firstly, on digital television take-up, which has been the source of some commentary by senators, conversion to digital is the most fundamental change in broadcasting since the introduction of television some 50 years ago. The government is working hard to ensure the smooth transition to and the smooth introduction of digital television to Australia, and we are committed to ensuring that all Australian consumers have access to the exiting new services that digital technology will bring into our homes.

I am very encouraged by the most recent industry estimates that at the end of June
2006 over 1.7 million digital television receivers had been supplied to retailers and installers. Around 48 per cent of these were supplied in the 12 months to June 2006, which represents a household take-up rate of around 20 per cent. Despite assertions to the contrary, the government message about the exciting new world of digital television is being heard. Over 95 per cent of Australians can now access at least one digital television service with the purchase of a set-top box or a digital television.

These achievements are very much down to the Howard government’s willingness to take the lead in this area and to establish a sound legislative framework to support the smooth introduction of digital television in Australia. I have announced, as a key aspect of the media reform package that I am developing, a digital action plan in line with the government’s 2004 election commitment. The plan, which looks at driving take-up of digital television, is being developed for release later this year. It is important that the government’s progress on digital take-up is noted, when nothing much to prepare for the introduction of digital television was done by anyone else while in office.

Australia’s new target for switch-over of 2010 to 2012 aligns with most comparable countries. I want to disabuse senators of the view that Australia lags behind other nations in switching off the analog signal. We do not. For example, Germany will have completed theirs by 2010; France is aiming to have done it by 2011, region by region; the United States is looking for a nationwide switch-off in February 2009; and the UK will complete switching off region by region by 2008 and 2012. The government is acting to drive digital take-up because we need to switch off the analog signal as soon as possible. It is simply untenable for Australia to remain in an analog world while other comparable countries make the permanent switch to digital. Increased demands for spectrum and the expense, for both government and industry, of simulcasting means that Australia certainly cannot continue indefinitely with the dual analog-digital system.

There is another important point here. Should anyone still adhere to the view that a 2008 switch-over is realistic or that a switch-over is simple, I would be very interested in their views on and a timetable for some of these issues: conversion to digital television in remote areas, conversion of self-help facilities, conversion of community television, channel planning for digital transmitters and signal coverage, establishment and funding of a testing and conformance centre, the need to convert reticulated systems in multi-unit dwellings and hospitals, whether subsidies or incentives should be made available and to whom and when, and a myriad of other issues which the digital action plan will need to deal with.

The digital action plan will be a road map to guide the process and the time frame for analog switch-off. It will contain measures aimed at providing appropriate incentives for industry to move to digital television. It will have appropriate incentives and potential assistance measures to encourage consumers to move to digital television. It will define the roles that various stakeholders and agencies will play in working together to achieve switch-over, including the potential formation of a dedicated organisation to oversee and coordinate these activities. It is a truly massive undertaking.

The rate of digital take-up will be influenced by such matters as public education, limited commercial multichannelling from 2007-09, the removal of genre restrictions on the national broadcaster multichannels, and the allocation of licences for new digital services over spare spectrum. The government has announced that the two unassigned digi-
tal terrestrial channels throughout Australia will be allocated as soon as practicable in 2007 for new digital services.

I would also like to take this opportunity to respond to Senator Murray’s views on high-definition television. He indicated that he was unsure of the actual benefits of high-definition television. Digital Broadcasting Australia has stated that high-definition television broadcast pictures have image resolution which is superior to standard definition pictures and to the existing analog television broadcast, offering an improvement in quality of up to three times the detail. It is important also to note that Digital Broadcasting Australia has stated that, of the 229,000 units sold to retailers and installers during the June quarter, 14 per cent were high-definition receivers. So it does seem that this penetration of the wonders of digital is extending to the ordinary consumer wishing to get a much improved and better service.

This is an important bill and, before commending it to the Senate, I should mention that the amendment proposed by Labor on lifting the current genre restrictions on ABC and SBS multichannelling has become redundant since I announced on 13 July the government’s intention to introduce legislation to achieve that, with the exception of sport on the antisiphoning list. This bill now only concerns implementation of the model for the introduction of commercial digital television services in remote licence areas. It is a very confined topic and, for those reasons, the government will not support this amendment, which is the subject of legislation currently under development.

In relation to some considerable discussion on television advertising of so-called junk food, there are some comments I should make in summing up. First of all, this matter has no particular relevance to a third digital television service in remote Australia and very much is related to the Australian Greens seeking a ban on food and beverage advertisements during children’s television viewing times. I am aware that television advertising of so-called junk food has been raised as one of a range of possible contributing factors to increased levels of obesity in children. However, there is not any evidence to suggest that a prohibition on advertising—which, of course, is a very different thing—as proposed by this amendment would be an effective remedy for this problem or even contribute to being an effective remedy for this problem.

I am not just stating this in isolation; in 2004 the United Kingdom communications agency, Ofcom, produced a report that noted where junk food advertising bans have been put in place—for example, in Sweden 12 years ago and in Quebec 25 years ago—there has not been any impact on obesity levels. In that study, Ofcom noted that conclusions based on research into this area are at best both unclear and contested and:

… the instigation and implementation of regulation draws more on moral anxieties than on evidence-based policy making.

In his recent letter to Premier Beattie, the Prime Minister made the position of this government very clear—namely that advertising regulation is a federal responsibility rather than a state one and that obesity is a problem to be primarily addressed by parents and individuals. To this end, the government announced in July the creation of a new ministerial task force to tackle what is obviously a significant issue, and that is rising obesity rates. This task force will coordinate a whole-of-government approach to this issue, building on such existing government initiatives as the $116 million Building a Healthy, Active Australia package, the $6 million program designed to encourage children to exercise for at least one hour day, and the ‘two fruit and five vegetables’ campaign. So
I would contend, in these circumstances, that this government is well and truly addressing the needs identified in this area, and I note that broadcasters are already subject to a number of restrictions in the regulatory sphere.

Just to conclude these remarks in summing up: the digital television conversion model which would be enabled through the passage of this bill represents, in the government’s view, a balance between public interest considerations and the special needs of remote area commercial television broadcasters. Delivery of high-definition television to all viewers in this wide and diverse market would be a very significant cost to broadcasters, and ultimately the Broadcasting Legislation Amendment Bill provides an opportunity for households in remote Australia to have a new third digital service delivering a substantially increased range of information and entertainment. I thank senators for their contributions and commend the bill to the Senate.

Question agreed to.

Bill read a second time.

In Committee

Bill—by leave—taken as a whole.

Senator COONAN (New South Wales—Minister for Communications, Information Technology and the Arts) (12.50 pm)—I table a supplementary explanatory memorandum relating to the government’s opposition to item 3 in schedule 1 of this bill. The memorandum was circulated in the chamber on 28 February 2006. The government opposes item 3 in schedule 1 in the following terms:

(1) Schedule 1, item 3, page 3 (lines 28 to 32), to be opposed.

Senator COONAN (New South Wales—Minister for Communications, Information Technology and the Arts) (12.50 pm)—I table a supplementary explanatory memorandum relating to the government’s opposition to item 3 in schedule 1 of this bill. The memorandum was circulated in the chamber on 28 February 2006. The government opposes item 3 in schedule 1 in the following terms:

(1) Schedule 1, item 3, page 3 (lines 28 to 32), to be opposed.

If enacted, item 3 would require licensees in remote areas to apply to ACMA to provide digital services within 12 months of 1 January 2006. The government’s opposition to this item will mean it is effectively left up to ACMA’s discretion to determine when applications need to be made. Labor accepts that it would be advisable to allow broadcasters and the regulator some more flexibility in deciding when digital broadcasts will commence. Given, however, that the explanatory memorandum to the bill states that item 3 was intended to encourage an early start to digital transmission, I invite the minister to indicate whether she has any advice on when services are likely to commence in remote licence areas, particularly in Western Australia.

Senator COONAN (New South Wales—Minister for Communications, Information Technology and the Arts) (12.52 pm)—I am advised that it will be in the second half of 2007.

The TEMPORARY CHAIRMAN (Senator Brandis) (12.50 pm)—The question is that item 3 in schedule 1 stand as printed.

Question negatived.

Senator CONROY (Victoria) (12.52 pm)—by leave—I move:

(1) Schedule 1, page 4 (after line 12), after item 6, insert:

6A Paragraph 5A(d) of Schedule 4

Repeal the paragraph.

(2) Schedule 1, page 4 (after line 12), after item 6, insert:

6B Subclauses 5A(2) and (3) of Schedule 4

Repeal the subclauses.

As I outlined in the second reading debate, these amendments sweep away the absurd genre restrictions which limit what the ABC and SBS can show on their digital channels. These restrictions are contained in clause 5A

CHAMBER
of schedule 4 of the BSA, which defines a multichannelled national television broadcasting service. Clause 5A lists 22 categories of programs that the ABC and SBS are permitted to show. It includes categories such as a culture related program, a financial market or business information bulletin, a science program, a religious program, a health program, a public policy program, a foreign language news bulletin, a program about community based multicultural or Indigenous activities, and a children’s program. And the list goes on.

Needless to say, Labor has no objection to these types of programs. There is, however, no public policy justification for limiting the ABC and SBS to these narrow genres. If these amendments are passed, the ABC and SBS will be able to broadcast the full range of programs that are typically broadcast on free-to-air television. The national broadcasters will be free to set a schedule of programs that will appeal to their audiences. They will be free to dig into their archives and rebroadcast some of Australia’s best-loved drama, sport and comedy.

As I indicated during the second reading debate, the minister has announced that the government will remove the genre restrictions in digital television legislation which will be debated later this year. Labor believes that these genre restrictions have been in place for far too long. There is no need to wait until the minister gets around to introducing her media legislation. The Senate can and should act today.

There is one key point of difference between the approach set out by the minister and the amendment that Labor is arguing for today. The government intends to continue to restrict the national broadcasters from showing sporting events on their digital channels. The minister has said the ABC and SBS will not be able to show sport that is on the antisiphoning list on a digital multichannel unless the event has already been shown or is simultaneously shown on the main channel. Labor does not support this restriction on the ABC and SBS. The objective of the antisiphoning list is to maximise the likelihood that events of national significance are available on free-to-air television. The condition that the minister has proposed will reduce this possibility. Last year’s Ashes cricket provides one example of a situation where the minister’s policy is clearly contrary to the public interest. The ABC wanted to acquire the rights but were concerned about moving the news and The 7.30 Report, which would have clashed with the first session of play. The ABC asked the parliament for the ability to show the first session on ABC2. In the end, of course, SBS secured the rights and provided fantastic coverage, but people should not forget this was a close-run thing and that we were only just able to see that fantastic Ashes series on free-to-air television—and not because of the government or the minister’s competence.

Allowing the ABC and SBS to show antisiphoning list sport on their digital channels would maximise the chance of important events like the cricket being available on free-to-air television. The ability to show sport on ABC2, for example, allows the ABC to cater for sports and to keep faith with its loyal audiences for longstanding programs. I cannot understand why the minister is proposing a restriction that would deprive the public of the ability to get the maximum value out of their investment in the ABC and SBS. There is no doubt the genre restrictions are retarding the take-up of digital television, and I urge the Senate to take action today to lift these restrictions and allow taxpayers to get additional value from their $1 billion investment in digital television. I commend the amendments to the Senate.
Senator MURRAY (Western Australia) (12.56 pm)—The Democrats, as the Senate knows, are supporters of this bill. But we have recognised that the bill has a relatively limited remit, and these two amendments from the Labor Party appear to us to make the matter of multichannelling far more free and competitive than it is at present. Our view is that the provisions in the bill which apply only to remote areas of Australia should be enlarged and made national and should be introduced in the major metropolitan areas. It is our broad view that these amendments actually increase the capacity and the nature of the market, and we support these two amendments.

Senator COONAN (New South Wales—Minister for Communications, Information Technology and the Arts) (12.57 pm)—The government will not be supporting these amendments; not because we do not agree with their general thrust but because they form part of a much larger package, to which Senator Murray alludes: how to extend better digital take-up right across Australia. It is part of a much broader media package. For those reasons the amendments proposed by Labor on lifting the current genre restrictions on ABC and SBS multichannelling are redundant, since I announced on 13 July that it was the government’s intention to introduce legislation to do precisely that—with the exception of sport on the antisiphoning list, to which Senator Conroy has referred.

This bill concerns only the implementation of the model for the introduction of commercial digital television services in remote licence areas, so the government will not be supporting these amendments, which are the subject of legislation that is in a very advanced stage of development and will be introduced shortly. Sport is a very strong driver of digital television, but the antisiphoning scheme needs to be seen in the context of a much broader debate than can be possible and comprehended with an amendment that simply refers to the ABC and SBS and genre restrictions.

The government has announced that during the simulcast period free-to-air broadcasters would be prohibited from broadcasting sports events on the antisiphoning list on any digital multichannels unless the content has already been shown or is simultaneously shown on their main channel. Quite clearly, there needs to be some balance between the interests of the subscription television sector and pay television, and the operation of the antisiphoning scheme is indeed a matter of balancing. While digital take-up is in transition, the migration of events on the antisiphoning list to multichannels would certainly not be consistent with the objective of the antisiphoning scheme, which is to provide the widest access for viewers to listed events. That remains the policy objective.

The government has announced a review of the operation of the antisiphoning scheme prior to the expiry of the list on 31 December 2010 for all of those reasons, plus the fact that there is a review ongoing, with the list to be made a ‘use it or lose it’ list as of next year. In my view, it would be appropriate to consider at the same time whether there should be a relaxation of the restrictions on the multichannelling of sports on the antisiphoning list—that is, in the broader review in 2010, not in the review of the antisiphoning list, which may result in some revision of the list next year.

The antisiphoning list is set years in advance. There is no immediate hurry to deal with antisiphoning on second or other channels of the ABC and SBS. The genre restrictions that we have in mind will substantially allow the ABC and SBS to develop their models along the lines of accessing their archives and developing a much better viewer experience for both of our national broad-
casters. But to simply pluck sport out of the antisiphoning scheme and stick it on the national channels would be to circumvent the list and to circumvent the policy intent that we must review this with fairness in mind and balancing all the relevant interests.

Question negatived.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (1.01 pm)—I ask that the Greens’ support for the Labor amendment be recorded. I seek leave to move Greens amendments (1) and (2) together.

Leave granted.

Senator BOB BROWN—I move Greens amendments (1) and (2) on sheet 4813:

(1) Clause 3, page 1 (line 9) to page 2 (line 2), omit the clause, substitute:

3 Schedule(s)

(1) Each Act, and each legislative instrument, that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

(2) The amendment of any legislative instrument under subsection (1) does not prevent the instrument, as so amended, from being amended or repealed by the authorised maker.

(2) Page 8 (after line 20), at the end of the bill, add:

Schedule 2—Amendment of Children’s Television Standards

Children’s Television Standards 2005

1 At the end of CTS 10

Add:

; (e) advertise food or beverages unless the Minister for Health, having authorised by determination in writing, with such determination to be tabled in both Houses of Parliament together with a statement of reasons, that such an advertisement is beneficial to the health of children.

These very important amendments are to begin, in a real way, tackling the problem of obesity in our Australian community. It is a coincidence that there is an international conference on the global problem of obesity taking place as we sit here, with 2,000 delegates and 300 experts in the field contributing to that debate. It is now apparent that, in this age of extraordinary plenty, populations around the world have been led to an eating and obesity epidemic which is going to have massive impacts on those populations and the individuals who are caught up by obesity.

It is estimated that in Australia the impact of the current obesity problem, if converted to dollars, is about $11 billion per year. That figure comes from the Institute of Health Economics and Technology Assessment. That breaks down to some $2.5 billion in treatment of obesity and $9 billion in indirect costs, including lost productivity, absenteeism and unemployment. What is not costed is the psychological impact of obesity on the individuals who are overweight, and who have great trouble tackling that in our consumer society, and also the impact on the families and others who are left behind when people die because of obesity.

The news is getting worse. More than half of Australian adults and a quarter of Australian children are overweight already. The projections are that, as far as children are concerned, more than half of them will be overweight by 2025. The consequences of that are enormous, because a pattern of obesity allowed to unfold in childhood makes the probability of obesity, with all the health problems that come from that, very difficult to handle in adulthood. The impact on the future economy of this country would be extraordinarily expensive if that were to be
the one measure that was used—and it is not for me.

The minister has already said that prohibiting the pushing of junk food to children on Australian television is not going to make any difference. But her own comment on a British reference to Sweden and Quebec having gone down this path was that the information is inconclusive at the moment. What is as obvious as the noses on our faces is that the pushing of junk food at children, who are unable to discriminate between fact and advertising, is a terrible thing to do in an obesity epidemic. Yet in Australia, in the last year for which we have figures—that is, 2004—over $400 million was spent in that year alone by junk food sellers pushing their products onto Australian children during children’s TV hours.

This involves not just sweets and chocolates, but sugar-concentrated aerated drinks—the Coca-Cola phenomenon, which has seen the Coke brand become the most lauded and the most widely distributed in the world. But when one stops and thinks about it, one has to ask: what benefit have Coca-Cola and that particular product brought to the world? The answer to that question is: whatever else, it is part of this now global epidemic of obesity. It is partly Coca-Cola. Like McDonald’s, breakfast cereal producers, sweets producers and a whole range of junk food producers, they are using children’s television hours to increase their sales. One does not have to know much about advertising to know that if advertising of $400 million a year were not more than rewarded by an expansion of their profits of more than $400 million a year, they would not be doing it. So we can see that the reward for the advertising—the pushing of junk food on television—is billions of dollars in extra sales of those food items. Over 90 per cent of the advertising is for junk food. It is for foods which cause obesity.

The Minister for Health and Ageing, Mr Abbott, has said that he is not interested in this ‘soft option’. In fact, he opposes it. The question I put to Minister Abbott is: where is your hard option? It seems to me that the minister for health, who is letting down Australia’s children and who is more interested in defending the big advertising budgets of the big junk food corporations than he is in the health of our children, is failing in his job. Mr Abbott is challenged to come out with the hard options. We do not have any.

We have had a couple of government senators in the debate this morning point to TV advertising for fruit and vegetables and some advertising about exercise, even though studies in New South Wales show that exercise is not the problem. In fact, kids have been getting more exercise in the last decade, but they have been getting fatter. The problem is the taking in of calories, the taking in of food—although it must be said that the more exercise we can encourage everybody in our society to take, the better.

The Prime Minister has announced that $116 million over four years is to be spent on what I would call a ‘blancmange campaign’. Mr Abbott calls the amendments to the legislation that the Greens have before the Senate at the moment ‘soft’. If that is the case, his program is blancmange. There is also $6 million dollars per annum for advertising. That is $35 million per annum, a proportion of which will go into television advertising. That is less than one-tenth of the amount that the food cartels and companies are using to push junk food at kids. The government is being outspent by more than 10 to one. One does not have to be very good at maths, let alone at logic, to see not only that the government is simply throwing good money up against bad money from the corporations—and it is ultimately the taxpayers who are losing out there—but also that the government dollar is being overwhelmed by the
private sector. And the private sector is winning, because it is selling the foods which it keeps advertising. It is our children who are losing.

The government ought to be right behind these amendments, and the Greens do not intend to allow the matter to stop here. I agree that we need a multifaceted approach to tackling this huge problem of obesity. Professor Philip James, the head of the International Obesity Task Force, said on the AM program this morning that obesity is, according to the World Health Organisation:

... the biggest unrecognised public health problem in the world.

It is the biggest unrecognised health problem in the world, and if it is going to be tackled then our nation is in the box seat to tackle it. But the government cannot even get itself to first base and to say, ‘We have to stop pushing junk food at kids during kids’ television programs.’ It is outrageous. It is a dereliction of duty by the minister for health that he is not only not supporting this legislation but also has no alternative that will have the traction that these amendments would have in tackling this problem.

Other countries do have a multifaceted approach. Other countries prohibit junk foods—either in schools altogether or in school tuckshops. Other countries are moving to take particularly dangerous ingredients out of foods. This morning the AM program also heard from a Danish expert how the Danes have removed from their food chain particular fatty acids which are inimical to the health. Nobody has stopped eating over there and nobody is the worse off for it, but everybody is better for it. But McDonald’s, for example, can keep putting into Australian food those particular ingredients which are not permitted in Danish food. We are seeing the Australian community suffering from an ideological impasse. The ideology of this government is that it will not stand up to corporations which are in the business of advertising and pushing junk food. It would rather leave the health of our children to those corporations. That is just inexcusable.

The Minister for Health and Ageing says, ‘Leave it to parents and individuals.’ What an extraordinary statement that is: that the most vulnerable kids in our community, I submit—that is, the kids who, for no reason of their own, might have the least parental supervision—can be left with no support because the minister says that he is not going to act to ensure that they at least do not have junk food pushed at them by corporations who have the profit bottom line driving their motivation in children’s television viewing hours. Where would we be if that same ideology—that it is up to the individual and parents to ensure the wellbeing of children; that we simply do not legislate for the protection of children; that it is a matter for parents—had been kept by governments all the way down the line? That went out some time in the 16th century and it is time that Tony Abbott caught up with that. There is a community responsibility for the health of our younger generation and there is a government responsibility. It ought not to be that the Greens, in bringing in amendments like these when this hidden epidemic is becoming a very public epidemic, are getting not only rebuff from the government but also no satisfactory response from the government and no alternative from the government.

Mr Abbott stands indicted. The Prime Minister has echoed his sentiments. They are both wrong. Australian kids deserve a better deal. Australian kids deserve to be protected from junk food advertisers pushing their wares at them in children’s television viewing hours. The Prime Minister ought to be more responsible. He talks about families and sends bundles of money in the pre-election period to families but abandons
them when it comes to kids watching TV and having harmful products pushed at them, as junk foods are. It is an abrogation of prime ministerial and ministerial responsibility by Mr Howard and Mr Abbott. I challenge them: where is your hard option if you do not like this Greens soft option? They have no option. The government stands indicted. (Time expired)

Senator MURRAY (Western Australia) (1.17 pm)—The Democrats support the intent of these amendments but have problems with the design. Ever since the Black Death, communities and those responsible for public health have taken measures to attend to and push back major diseases which affect the community as a whole. The question is whether the government is doing enough on public health grounds with respect to this particular issue. We believe that a more holistic approach needs to be taken than is offered by these Greens amendments. In fact, the health spokesperson for the Democrats, Senator Lyn Allison, will put forward a private senator’s bill which attempts to cover off the issue in a far fuller manner than is being done here. But we are glad that Senator Brown on behalf of the Greens has raised this issue, because it is of acute concern not just to our society but internationally. Quite properly, a large number of health ministers and governments have become extremely concerned about obesity and its effect on modern society.

Turning to the Greens amendments specifically, their amendments would require the minister to personally approve every food or beverage advertisement broadcast in about 390 hours of annual programming on each television station in the country. The minister would also be required to make an essentially subjective—and, of course, there is the danger of it being essentially partisan—judgement about which advertisements are beneficial to the health of children. The amendments would not prevent the broadcasting of junk food advertisements in those parts of the C band that have not been designated C periods by broadcasters.

We Democrats are consistently wary of ministers having excessive discretionary powers. I sometimes deliberately lay claim to small ‘I’ liberal views, and I do not like the idea of ministers telling me what I can read, being censors over what I can read or deciding what drugs should be available to the community—that is why we have the Therapeutic Goods Administration—and I certainly do not want them being the censors or arbiters of advertisements. Nevertheless, that does not mean that advertisements themselves should not be subject to regulation and oversight. But we would be alarmed at giving the health minister—of any government, I might say, not just this particular health minister—excessive discretionary power.

The banning of junk food advertising to children is quite a popular concept, as I understand it, with many parents and many members of the community. It is certainly supported by public health groups of some considerable standing. It is noteworthy that some health and education groups are actually supportive of a total ban on advertising to children on the grounds that children are not developmentally able to understand and resist advertising, so it is unethical to advertise to them. That is a system, as I understand it, that exists in countries such as Sweden. I recall—20 years ago or maybe longer—seeing a statistic that one penny in every 10p spent in Great Britain on food was actually spent on chocolates, lollies and what we would broadly describe as junk food, so it is a problem that has been around for a long time.

The Coalition on Food Advertising to Children wrote to senators in a general letter on 3 February 2006. That coalition includes
the Australasian Society for the Study of Obesity; the Australian Confederation of Paediatric and Child Health Nurses; the Australian Consumers Association; the Australian Dental Association; the Australian Medical Association; Dr Rosemary Stanton; the Public Health Association of Australia; the Royal Australian College of General Practitioners; the Royal Australasian College of Physicians, Paediatric Branch; the Cancer Council of Australia; the University of Adelaide, Department of Public Health; the Women’s and Children’s Hospital, Adelaide; and Young Media Australia. It is not a minor organisation. I am not sure if all of those constituent organisations supported or ticked off on this particular letter, but we take note of the weight of support for action in this area. That letter had an attachment. The letter states:

On 7 February, Greens Leader Bob Brown will table an amendment to the Broadcasting Legislation Amendment Bill (No. 1). The Greens’ amendment will prohibit all food advertising during children’s viewing hours and make exceptions to the ban subject to approval by the Health Minister.

The Coalition on Food Advertising to Children asks you consider the health of Australian children and support the Greens’ amendment.

The Coalition on Food Advertising to Children, which includes among its members the AMA, the Australasian College of Physicians, Cancer Council Australia and the Australian College of General Practitioners, has been consistently calling for such a ban. CFAC draws on research evidence that TV food advertising promotes mostly junk food to children and this plays a role in the epidemic of childhood obesity which currently affects one in four children in Australia.

Research shows that parents support changes in this area. Research in South Australia found that 88% of parents were concerned about TV food advertising to children and want to see much stronger enforcement of regulations.

The Australian government has an opportunity to turn around childhood obesity by helping parents in their task of educating children to make healthy food choices. Lessening the incidence of obesity is a health priority and the Government’s National Obesity Taskforce has detailed comprehensive strategies to do so, in its Reported Healthy Weight 2008. Among these are ‘better protection for young people against the promotion of high-energy, poor nutritional value foods and drinks’.

Please put the interests of our children above big business profit. Support the Greens’ amendment.

I do not necessarily agree that this is the only way in which you can tackle the matter. I note the attachment says:

Advertising to children is prohibited in Sweden (since 1991), Norway (since 1992) and Quebec Canada (since 1980).

I did not see in the attachment what effects that has had; whether children from Sweden, Quebec or Norway are thinner than children elsewhere. Certainly when I visited Denmark I saw that people there were indeed a lot thinner than Australians. I put it down to their penchant for riding bicycles. In fact, you have to take care crossing the road there because bicycles whip along at a great rate of knots. That is a reminder, of course, that part of the way in which you defeat obesity is to get much more exercise. In the part of the world where I come from sport and exercise were a major requirement for all children, regardless of ability. I was pretty concerned when I came to Australia to discover that it was not in fashion in many schools at that time. Hopefully, it will come back into fashion. Without doubt, exercise is a vital part of it all.

We are here therefore in furious agreement with Senator Brown in terms of intent but not in terms of the design of these amendments. I am hopeful that the government will recognise some of the concerns
which have been expressed here and else-
where and in fact will pick up their game
even more in this area—I know they have
been attending to that.

Senator CONROY (Victoria) (1.26
pm)—I indicate on behalf of the opposition
that we will not be supporting the Greens
amendment. This amendment effectively
requires the Minister for Health and Ageing
to vet every food or beverage ad shown dur-
ing children’s viewing hours. Now, I am not
a great fan of Tony Abbott.

Senator Coonan—Oh!

Senator CONROY—No, I am sorry, I am
not a great fan, but even I would not require
that of Tony Abbott. Labor does not believe
that this is a workable or sensible proposal.
Childhood obesity is a serious national prob-
lem. Seventeen per cent of children and ado-
lescents are overweight and six per cent are
obese. Over the last 10 years, the number of
obese children has trebled and the number of
overweight children has doubled. As Kim
Beazley made clear in Labor’s children’s
health blueprint, which was released earlier
this year, tackling obesity is an urgent prior-
ity. Addressing the problem requires a com-
prehensive plan to promote good nutrition,
regular exercise and healthy lifestyles.

State health ministers recently sought to
have the issue of children’s obesity discussed
at a health ministers’ meeting. The Prime
Minister said that the issue should not be
discussed by either health ministers or
COAG. The opposition rejects that arrogant
approach. Labor will work with the task
force of state ministers on all aspects of the
childhood obesity issue, including the ques-
tion of what, if any, additional regulation is
required on food advertising during chil-
dren’s viewing hours. Labor will consult
with all stakeholders and will consider any
evidence that emerges from the current re-
view of Children’s Television Standards be-
ing conducted by the Australian Communica-
tions and Media Authority. Australian par-
ents want real solutions, not the populist
gimmicks. The Greens amendment before
the Senate today does not represent a worka-
ble solution to the problem of childhood obe-
sity and Labor will not be supporting it.

Senator COONAN (New South Wales—
Minister for Communications, Information
Technology and the Arts) (1.28 pm)—I do
thank senators for their contribution in rela-
tion to these amendments. I remind senators
that this bill is actually dealing with a third
digital commercial television service for re-

t
te and regional Western Australia. How-
ever, in relation to junk food—which the
government is taking very seriously; it has
taken a number of initiatives that I men-
tioned in my summing up remarks—I do
think I need to add a couple of things, al-
though I note the disposition of senators in
this regard. The industry is already regulated
by the Children’s Television Standards and
the Commercial Television Industry Code of
Practice. The Children’s Television Stan-
dards, the instrument that this proposal seeks
to amend, is administered by ACMA, the
regulator, and it already provides that a food
advertisement must not contain any mislead-
ing or incorrect information about the nutri-
tional value of the product. The Commercial
Television Industry Code of Practice
strengthens the obligations regarding adver-
tising to children and includes requirements
that advertising must not encourage or pro-
mote an inactive lifestyle or unhealthy eating
or drinking habits. As senators may be
aware, ACMA is currently undertaking a full
review of the Children’s Television Stan-
dards. This will ensure that children’s televi-
sion needs are still being met in an appropr-
iate way.

While the government places certain re-
l
ingen the classification and placement
of commercials directed at children, respon-
sibility for media advertising standards—and I think this is often overlooked—rests primarily with the Australian Standards Board, the industry self-regulatory body established by the Australian Association of National Advertisers. The association has already developed a code of advertising to children and is currently in the process of developing an additional voluntary food and beverages advertising and marketing communications code that does include specific provisions in relation to advertising directed at children. This new voluntary code has the support of key food industry bodies including the Australian Food and Grocery Council.

The issues surrounding the current concerns about childhood obesity are, I think we all agree, complex and cannot be attributed to one source nor addressed by a single regulatory response. The draft amendment proposes that the Minister for Health and Ageing determine the benefit of an advertisement to the health of children. Unlike the coregulatory framework for broadcasting services, where the broadcaster is directly accountable for programming decisions, this proposal shifts responsibility from the industry to the bureaucrats who advise the minister for health.

I also should note that the drafting of this amendment suggests that it is the advertisement rather than the product itself that must be deemed beneficial. It would seem to me to be an inappropriate focus on the vehicle for promotion rather than the product itself. So whilst the government is very cognisant of this troubling issue of obesity and has a range of measures to address it, we will not be supporting the amendment put forward.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (1.32 pm)—What lot of weak-kneed responses we have just heard to this Greens amendment, which is serious about banning junk food ads being pushed at kids. It might be amusing to other members of this place but it is not amusing to me. It is fatuous for Labor, Democrats and the coalition to be getting up and saying, ‘We have got plans further down the line.’ It began with Senator Murray saying that Senator Allison is preparing a bill. Get that onto the schedule in this place where the government is in control, if you don’t mind. Here we have an amendment to a government piece of legislation which has to be dealt with by the Senate today. It is on schedule; it is required to be dealt with; it cannot be blocked by the government; it is very simple; it is aimed straight at the junk food purveyors—and the Democrats say, ‘No, not us.’

Labor says that it is populist. Surely, it is. People are worried about obesity and about junk food being pushed through the TV sets at our kids. What is Labor doing about it? Nothing. There is no alternative that is going to have real teeth in this place in the foreseeable future. The minister says, ‘Oh well, we have got plans.’ I challenged her with the hard options that Mr Abbott was talking about. What are they? Nothing—zero—simply talk! She points to what she sees as a technical problem and the other members say, ‘We cannot load Tony Abbott with the problem of having to decide what a healthy food product is when it is advertised on television.’ Sure, we can regulate violence and pornography in children’s television viewing hours but we cannot do it with food. Suddenly the government cannot come up with a process which would inform it correctly on what is a healthy food for children. That is arrant nonsense!

Of course the minister is not going to make a subjective judgement about this, as Senator Murray said. The minister will make an objective judgement based on information coming from experts—and they are plentiful. I suggest that he put through a call to Dr
Rosemary Stanton, who has been addressing this issue since I was a medical student—and I do not want to impugn her in any way there. There are many experts in our community who have been speaking out about this for decades now and they have not been heard. I for one feel embarrassed that I have not acted on this earlier in this place. But when you do get it to an action point and a very simple and sensible amendment like this which says, ‘Don’t ban healthy foods being given advertising time to Australian children,’ Labor and the Democrats say that it is too difficult. What nonsense! What stupidity that is. Where is the alternative?

Senator Murray—I rise on a point of order, Mr Temporary Chairman. I think that Senator Brown is not aware that on 30 March 2006 the Democrats’ private senator’s bill protecting children from junk food advertising was tabled in this place.

The TEMPORARY CHAIRMAN (Senator Hutchins)—I am sure that he is now.

Senator BOB BROWN—The very point I take in addressing the Democrats’ woeful position on this has just been endorsed by Senator Murray. Legislation comes in here in March—and where is it? Nowhere to be seen. Why? Because it is relegated to the vastness of private senator’s time in a government-controlled Senate where it is simply not going to get to a vote. But this amendment must come to a vote. That is the difference, Senator Murray. This is a real amendment which the government has to deal with. They can put yours off until after the next election—but they cannot do that with this piece of legislation.

I take back the word ‘stupid’. It is simply too bad, it is simply inexcusable, I think, that the Democrats, Labor and the coalition have all turned down this opportunity to do something about this rampaging epidemic of obesity which is causing so much hurt and harm out there in the community. I reiterate that. I do not think it is funny. Chair, I just do not think it is funny, and senators might take it a bit more seriously.

Senator Conroy—We take the issue seriously, just not you.

Senator BOB BROWN—I expect better than that of you too, Senator Conroy. It is a serious matter—

Senator Conroy—It is a serious matter.

Senator BOB BROWN—and you are dipping out of your responsibilities, Senator, by being unable to come up with a solution—which is what the Greens have brought forward here today. I do not treat this with the mirth that you do.

Let me say this again: we have a government which keeps beating its chest about looking after families and being concerned about children, but it seems to me this government is putting more effort into designing the history that those children will learn at school—important though that is—than into their health and their ability to have long, happy, healthy lives by escaping the trap of obesity.

I reiterate that we have a $35 million a year plan from the government—for spending on advertising—and an $11 billion a year problem. That seems to me to be a $10.965 million a year deficit in terms of the balance that the government should be striking. The government has not acted responsibly in this matter. To turn down these amendments today in the way they have been turned down by the other parties in the Senate—I find that incomprehensible.

Senator MURRAY (Western Australia) (1.38 pm)—In view of that contribution, I must just make this short point: the Democrats’ position is as laid down in our private senator’s bill. We support the intent of the
amendments that Senator Bob Brown has moved, but we are extremely concerned about giving this sort of discretion to any minister for health in any government. If senators choose to support these amendments, it will be because they support their intent, not because they are designed in a way that would achieve the effects that Senator Brown is arguing for.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (1.39 pm)—What the Democrats are saying is: ‘Don’t give the discretion to the minister for health; leave it with the junk food companies, as it is at the moment.’

Senator CONROY (Victoria) (1.39 pm)—I am sorry to prolong the debate, Mr Temporary Chairman. I will accept the apology that Senator Brown made earlier in his contribution, for recently joining the debate. I accept your apology for ignoring it for almost your entire parliamentary career, Senator Brown. Julia Gillard has not. Julia Gillard has been talking about this for a number of years. Julia Gillard, on behalf of the Labor Party, has been talking about it with the state health ministers for a number of years. She is not a Johnny-come-lately who has to come in here and apologise like you have, because you have only just noticed the problem.

So I just want to make it absolutely clear, again, that Labor take this issue very seriously. We do not need to come wandering in here, in the twilight of our political career, and say, ‘I’ve suddenly discovered this issue.’ Julia Gillard and Labor have long held discussions and made thoughtful contributions on this debate and we are involved very seriously with the state health ministers in developing policies around this issue. You have suddenly discovered it and moved amendments which give ridiculous powers to a minister, the sorts of powers that nobody would ever want to give to a minister, as Senator Murray said—deciding whether a Tim Tam or a Milk Arrowroot constitutes a dangerous food to be removed from a tuck-shop. We want to see a serious contribution to this debate, Senator Brown, not an apology for the fact that you have not noticed it for most of your political career.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (1.41 pm)—That sort of nastiness does not get us very far. Let me just say this again—

Senator Conroy interjecting—

Senator BOB BROWN—Senator Conroy is using the word ‘stupid’, which is what I apologised for—something he will not do. I was not apologising for not having picked up on this issue; I have been talking about it for years. What I was apologising for was not acting on it. But then, when you do walk in here and act on the issue, with very simple, telling, positive, fixing amendments as far as TV advertising is concerned, the best that the opposition, the government and the Democrats can do is say, ‘We shouldn’t have the minister determining what’s a healthy food for children; leave it to the junk food companies.’ What an appalling failure that is. If Senator Conroy knew about this issue, he would not have made that statement. I will put my record up against Ms Gillard’s any time when it comes to health issues in general and this one in particular. What I am saying is that, now that we are able to act on the issue of obesity through this legislation and these amendments, the other parties are letting this opportunity pass. The arguments they have are specious; they simply do not add up. They say: ‘Leave it to the junk food companies. Don’t go with the Greens and put the responsibility onto the minister for health.’ It is an argument that simply does not hold water.

Senator MURRAY (Western Australia) (1.42 pm)—I am sorry to extend the debate,
Mr Temporary Chairman, but I do have to put on record, unfortunately, that Senator Bob Brown is misrepresenting the Democrats’ position. The Democrats’ private senator’s bill on junk food is a short one. It is a simple one. Schedule 1 amends the Broadcasting Services Act 1992 and states:

1 After subsection 122(2)

Insert:

(2A) A standard under paragraph 112(2)(a) must include standards for the control of food or beverage advertising, including:

(a) advertisements for food or for a beverage must not be broadcast during a C period; and

(b) no advertisement or sponsorship announcement broadcast during a C period must identify or refer to a company, person or organisation whose principal activity is the manufacture, distribution or sale of food or of a beverage—this requirement is in addition to the requirements of the Commercial Television Industry Code of Practice; and

(c) no advertisement for food or for a beverage may be broadcast during a C program or P program that is broadcast outside a C period or P period, or in a break immediately before or after any C program or P program; and

(d) no advertisement or sponsorship announcement broadcast during a C program or P program that is broadcast outside a C period or P period, or in a break immediately before or after such a C program or P program, must identify or refer to a company, person or organisation whose principal activity is the manufacture, distribution or sale of food or of beverages—this requirement is in addition to the requirements of the commercial Television Industry Code of Practice.

There are other elements of the bill that I will not read out. What I want to make quite clear is that it is entirely wrong of Senator Bob Brown and it does not reflect well on him to claim that the Democrats wish to leave this matter to the companies which manufacture what are known as junk foods. We do not at all; our position is entirely different. Our position is as put in our private senator’s bill.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (1.45 pm)—Senator Murray did say he did not agree with the Minister for Health and Ageing taking the responsibility, as the Greens would have it, from the junk food companies. After the Democrats vote against this amendment, it will be left to the junk food companies. The difference between what Senator Murray is saying and what I am saying is this: we will be supporting their measure because it is important we get a breakthrough, but they are not supporting this Greens measure, which is equally sensible.

Question put:

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

The committee divided. [1.50 pm]

(The Chairman—Senator JJ Hogg)

Ayes.............  6

Noes............. 48

Majority........... 42

AYES

Allison, L.F. Brown, B.J.
Milne, C. Nettle, K.
Siewert, R. * Stott Despoja, N.

NOES

Abetz, E. Adams, J.
Bernardi, C. Bishop, T.M.
Brandis, G.H. Brown, C.L.
Campbell, G. Carr, K.J.
Colbeck, R. Conroy, S.M.
Coonan, H.L. Crossin, P.M.
Eggleston, A. * Faulkner, J.P.
Ferris, J.M. Fierravanti-Wells, C.
Fifield, M.P. Forshaw, M.G.
Hogg, J.J. Humphries, G.
Hurley, A. Hutchins, S.P.
Johnston, D. Kirk, L.
Lightfoot, P.R. Ludwig, J.W.
Lundy, K.A. Mason, B.J.
McEwen, A. McGauran, J.J.
McLucas, J.E. Moore, C.
Nash, F. O’Brien, K.W.K.
Parry, S. Payne, M.A.
Ray, R.F.  Ronaldson, M.
Scullion, N.G.  Sherry, N.J.
Stephens, U.  Sterle, G.
Troeth, J.M.  Trood, R.
Watson, J.O.W.  Webber, R.
Wong, P.  Wortley, D.

* denotes teller

Question negatived.

Bill, as amended, agreed to.

Bill reported with amendment; report adopted.

Bill read a second time.

Third Reading

Senator COONAN (New South Wales—Minister for Communications, Information Technology and the Arts) (1.54 pm)—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

Senator COONAN (New South Wales—Minister for Communications, Information Technology and the Arts) (1.55 pm)—I move:

That the sitting of the Senate be suspended until 2 pm.

Sitting suspended from 1.55 pm to 2.00 pm

QUESTIONS WITHOUT NOTICE

Medibank Private

Senator McLUCAS (2.00 pm)—My question is to the Minister for Finance and Administration. Does the minister recall saying this morning that he has received analysis backing up his claim that the privatisation of Medibank Private will result in lower premiums? Will he now make public that analysis so that Medibank’s three million members can make up their own minds? Doesn’t the minister’s claim fly in the face of past claims by the government that the not-for-profit nature of the health insurance sector was acting as a brake on premium increases?

Isn’t it the case that the board of a publicly listed Medibank Private will be required to maximise profits and returns to shareholders? Isn’t it also the case that, under the current arrangements, Medibank Private returns surplus to its members through lower premiums? Minister, isn’t the sale of Medibank Private all about the government’s ideology and nothing at all to do with reducing premiums?

Senator MINCHIN—I appreciate that question on what has become a topical issue. Can I say in relation to ideology that the ideological stumbling block appears to be within the Labor Party, which is ideologically opposed to private health insurance. They have been attacking the private health insurance industry—and everybody who subscribes to it—for at least 10 years. They have opposed the 30 per cent private health insurance rebate on every possible occasion. The one thing we can be sure of is that if this mob got into government they would end the 30 per cent private health insurance rebate and they would put up premiums. That has been their policy for most of the period they have been in opposition.

As to the issue of private health insurance and Medibank Private, the opposition has been campaigning against the private health insurance rebate for almost the whole period of its time in opposition. That is an absolute fact of life.

Opposition senators interjecting—

Senator MINCHIN—You are totally opposed. You have been opposed to private health insurance. You think we should all be members of a government scheme and that individuals should not have access to private health insurance. We think they should have. We in this government have been staunch defenders of the opportunity for Australians
to have private health insurance, and we have a commitment to the sale of Medibank Private, which was announced in April this year. At the time of that announcement I reported that one of the many reasons the government should not be owners of Medibank Private was that we believed, based on advice we had in our scoping study, that the efficiency dividend that could be derived from private ownership of Medibank Private would lessen the upward pressure on health insurance premiums. There is no doubt in this country and in any of the civilised world’s democracies that the upward pressure on health insurance premiums is a fact of life. We have inexorable rises in the cost of health care. We have inexorable rises in the cost of medical facilities, in medical procedures and in the technology relating to health. So there is always that upward pressure on private health insurance. As part of the package we announced—

Opposition senators interjecting—

Senator MINCHIN—Mr President, do they want to hear the answer or not?

The PRESIDENT—Order!

Senator MINCHIN—There is constant intervention; constant interference. How can I answer their questions? The scoping study indicated in some detail the extent to which the efficiency dividend that would be derived from private ownership of Medibank Private would lessen the upward pressure on health insurance premiums. We believe that the government should not own one of the 38 private health insurance companies in this country. Indeed, the onus is on those who continue to believe that there should be government ownership of a private health insurance business. There is absolutely no basis or logic in the government owning a private health insurance business.

This is entirely analogous to the Labor government’s decisions to sell CSL, Qantas and the Commonwealth Bank, where they sensibly and with our support agreed that the government should not be a participant in those industries. We do not believe the government should own one of the players in this industry. It is a cost to taxpayers. You will recall that just two years ago taxpayers had to make an $85 million capital injection into Medibank Private to ensure its capital adequacy. These are not the responsibilities of taxpayers or governments. The government’s role is to regulate this industry without fear or favour and on a level playing field for all the 38 companies and funds that operate in this business and not to have the government own one of those funds. We are very confident that, within the general regime of the government retaining the price setting capacity, which we announced we would, there will be less upward pressure on premiums with a private Medibank Private than is currently the case.

Senator McLUCAS—Mr President, I ask a supplementary question. I ask again, Minister: can you please table the scoping study you have referred to so that the three million members of Medibank Private can make up their own minds about the veracity of the claims you make? Does the minister also recall stating that he had received legal advice that the government was the owner of Medibank Private’s assets and therefore could sell the organisation? Given the serious doubts that have now been raised by the Parliamentary Library report, will the minister now release that legal advice so that the three million members of Medibank can be assured of their rights?

Senator MINCHIN—On the first of the two-part supplementary question: no, governments of both persuasions have never released scoping studies, because they contain commercial-in-confidence material. On the second question, with regard to the legal advice on the government’s position that it is
taxpayers who own the fund and the company, I am pleased to be able to table today advice from Mr Tom Bathurst QC, which strongly supports the government’s position and completely rejects the opinion of the Parliamentary Library on this matter.

Security and Law Enforcement

Senator PAYNE (2.06 pm)—My question is to the Minister for Justice and Customs. Will the minister update the Senate on the Australian government’s commitment to security and law enforcement in our region?

Senator ELLISON—I thank Senator Payne for what is a very important question. I certainly acknowledge Senator Payne’s longstanding interest in matters relating to the Australian Federal Police having regard to her position as chair of the Senate Legal and Constitutional Legislation Committee. This is a very important question. On 25 August this year the Howard government announced funding of just under half a billion dollars for the Australian Federal Police. This has been the biggest funding boost for the Australian Federal Police since its inception in 1979. This funding will mean that the international deployment group will receive a boost of over 400 personnel in the very important work that it is doing overseas.

In February 2004 we announced that there would be an international deployment group for the Australian Federal Police to cover the very good work that it does overseas. Of course, we have a longstanding tradition of assisting the United Nations in police peacekeeping—you have to look no further than Cyprus to see in excess of 40 years very good service in relation to international peacekeeping. But our IDG, as we call it, has been doing great work in the Solomons, in East Timor and in the region, in areas such as Vanuatu and Nauru. It is important that we put in place a plan for the future so that we can then deploy the Australian Federal Police where it is needed. The Howard government is totally committed to security in our region.

Senator Conroy—that’s the fifth time you’ve announced this.

Senator Ludwig interjecting—

Senator ELLISON—that is not only in our region’s best interests but in the interests of this country. I know that Senators Conroy and Ludwig are not terribly interested by the comments that they are making but, of course, Australians are. This is a very important issue to Australians across—

Senator Chris Evans—Tedious repetition.

Senator ELLISON—Senator Evans says it is tedious repetition. Does he think our involvement in the Solomons is tedious repetition? Does he think our involvement in East Timor is tedious repetition? Does he discount the efforts of the men and women of the Australian Federal Police force as tedious repetition? Someone ought to ask the opposition where it stands on this. This is an essential step forward in Australia’s security and the security of this region. The IDG has been doing very good work and this has been the biggest boost to the Australian Federal Police force since its inception in 1979—

Senator Chris Evans interjecting—

The PRESIDENT—Senator Evans! Shouting across the chamber is disorderly. I would ask you to cease.

Senator ELLISON—and the opposition ought to wake up and realise that and get behind the men and women of the Australian Federal Police service who are doing such a good job in not only our immediate region but also working with the United Nations in places such as the Sudan and Jordan.

Part of this announcement will include an operational response group of 150 personnel and that will ensure that we have a state of readiness should the need arise. We have
seen in recent times, particularly this year in East Timor, even over recent days just how fragile the situation is in countries like East Timor and the Solomons. Of course, we realise we are there at their invitation and it is not a case of Australia just being able to barge in to another country and dictate terms of how we will assist. But we are certainly committed to assisting countries in our region in relation to capacity building for law enforcement and to assist them with issues which threaten their good governance and also threaten civil disruption.

This is a very significant announcement. It is a significant step forward for the Australian Federal Police and it is worthwhile to remember that as the Federal Police Commissioner, Mick Keelty, said, ‘There are in excess of 2,000 people who are queuing up to join the Australian Federal Police.’ That says a lot about the Australian Federal Police and the standing it enjoys in the Australian community and quite rightly so.

**Telstra**

**Senator CONROY** (2.11 pm)—My question is to Senator Minchin, the Minister for Finance and Administration. Does the minister recall his extraordinary claim on the Sunday program last week that even those who bought into T2 have done very well? Hasn’t the Telstra share price more than halved since T2, costing long-suffering Telstra shareholders more than $8 billion in capital losses? Is the minister so out of touch that he seriously believes that T2 investors did very well when they bought T2 shares from the government? Does the minister think that small shareholders who have lost half their capital will buy more shares from a government that is so economically incompetent that it believes investors who lost more than half their money have done well?

**Senator MINCHIN**—In answer to that question, I cannot recall the exact words of my answer but what I recall is making the point that, despite the loss of capital, on the face of it Telstra 2 shareholders have done well with seven years of very good dividends. Of course, if they have not sold, they have not lost their money but they have received good dividends. We hope that, in due course, they can recover their capital by the improvement in the Telstra share price. I would also make the point, in further answer to that question, that most of the shares that we have so far sold were sold in T1. Two-thirds of the shares that we have issued were sold in T1. Shareholders in T1, particularly if they sold at the top of the market, would have tripled their money as a result of the government’s issue of the stock at, I think, $3.30. The stock peaked at over $9. If they sold at the top, T1 shareholders would have tripled their money. If they have not sold, they are still ahead and they certainly would have benefited from the extraordinary dividend flow that has occurred as a result of Telstra’s dividend policy.

I am pleased to have this question to confirm the government’s very good decision to proceed with T3 and to offer Australians about $8 billion in a retail offer of our Telstra shares, with the residual to go into the Future Fund. We think this is the right policy for Australia; it is the right policy for this company clearly, the right policy for Telstra customers and for taxpayers. It is very interesting that the opposition focuses on Telstra shareholders. Of course, if the opposition had its way there would be absolutely no Telstra shareholders whatsoever. Senator Conroy points to this apparent loss on paper. The thing that the opposition always forgets is the position of taxpayers. The opposition has absolutely no regard for taxpayers. I said, I think, in the last sitting fortnight that as a result of the opposition’s behaviour—its blocking of a further sale of Telstra in 1999—taxpayers are $50 billion worse off as
a result of the Labor Party’s actions at that time in blocking a sale. If the government had been able to proceed with the full sale at that time and invest the proceeds in a diversified way across the Australian equities market, Australian taxpayers would be $50 billion better off.

We think it is time to proceed with this sale. We find the ALP’s position on this matter extraordinary. Once this sale proceeds, their policy at the next election will apparently be to retain a $15 billion investment in Telstra ad infinitum. They are going to lock up taxpayers in this $15 billion investment in a company which Mr Swan says nobody should buy any shares in. They want to lock up taxpayers in perpetuity. We know that if Labor got into government and got into significant financial difficulty, they would be the first ones to flog that $15 billion in Telstra shares the minute they could, just as they very sensibly sold Qantas and the Commonwealth Bank.

Senator CONROY—I refer the minister to a specific small shareholder in Telstra—not you, Mr President. Is the minister aware that his mother has summed up her Telstra investment by saying, ‘Obviously, the second lot have halved in value.’ Can the minister confirm that his own mother, as well as hundreds of thousands of other small investors, lost $2 per share on her T2 investment—even after dividends? Is the minister so out of touch that he does not even realise his own mother has lost thousands of dollars through the government’s incompetent management of the sale of Telstra?

Senator Forshaw—Yesterday was Father’s Day.

Senator Sherry—Just as well it wasn’t Mother’s Day.

The PRESIDENT—Order! When the Senate comes to order, we will proceed with question time.
So we have seen a tripling of the average job creation since Work Choices was introduced.

I say to Senator Mason that, of those 159,000 new jobs created since Work Choices, 41,600 were created in your home state of Queensland. Despite the overwhelming evidence, Labor’s Mr Beattie said only he will fight these industrial relations changes. Only Mr Beattie will provide a roadblock in Queensland to the policies that have seen a tripling of the job creation rate and have seen real wages increase. Basically, the subtitle to Mr Beattie’s election commentary was that, if Mr Beattie had his way, there would be 41,600 Queenslanders without a job today; there would be 41,600 fewer Queenslanders in a job because of Mr Beattie’s manic determination to try to derail Work Choices. Mr Beattie wants to rip up 41,600 of his fellow Queenslanders’ jobs. He wants to see them in the unemployment dole queues rather than in gainful employment. Labor wants to reinstate the job destroying so-called unfair dismissal laws. Mr Beattie should come clean with the people of Queensland and acknowledge that those 41,600 jobs would not be around but for Work Choices—especially the benefits of Work Choices for small businesses.

Mr Beattie also wishes to abolish the Office of Workplace Services, which has recovered millions of dollars in underpaid wages for some of our fellow Australians. Labor’s lazy policy of simply ripping up the legislation is of course a rip-off to all those Australian workers who have now gained employment and obtained real wage increases as a result of Work Choices—in, I remind those opposite, a climate of the lowest rate of industrial disputation ever.

Telstra

Senator SHERRY (2.21 pm)—My question is to the Minister for Finance and Administration, Senator Minchin. Does the minister recall saying on the Sunday program: I am prevented, by law, from being a spruiker. I am not a licensed financial adviser. Didn’t the minister tell the National Press Club in August 2005 that ‘Telstra is a good investment’ and ‘a great yield story’? Didn’t the minister also say:

This is a point I will be making quite a lot to potential investors.

When did the minister realise it was illegal under the Corporations Act for him to spruik Telstra shares? Did the minister obtain legal advice to this effect, and will the minister now apologise to the Telstra shareholders, particularly those he reminded it peaked at $9, who were suckered by his incompetent and misleading financial advice?

Senator MINCHIN—I have not provided the sort of financial advice which Senator Sherry suggests that I have. At all times I have stayed entirely within the law on this matter. There is a general injunction and it is a situation that all ministers need to be conscious of—that in relation to the sale of shares in a government company they must observe the law. At the same time, obviously there is a fine line. There is, of course, a difference between seeking to persuade individual investors to buy particular shares in the context of a sale as opposed to a general statement by a government minister about a company, of which the government still owns 51 per cent, and the performance of that company. Obviously, as the finance minister I am in effect responsible for the tax-
payers’ compulsory shareholding in this company. They have not had a choice; they are compulsory shareholders. I have a responsibility to take a keen interest in the financial performance of this company and ensure that the taxpayers are getting a return on those shares while they continue to own them. Therefore, I have a vested interest in its dividends and its general financial performance. I thank Senator Sherry for watching over this matter. I am sure he will let me know if I ever transgress what he believes to be the law in relation to spruiking.

Senator SHERRY—Mr President, I ask a supplementary question. Can the minister confirm that since he held himself out to be a financial adviser at the Press Club the Telstra share price has fallen by 24 per cent—from $4.72 to $3.60—and Telstra has cut its special dividend? Given the magnitude of the losses suffered by shareholders, I ask again: will the minister apologise to small investors who were suckered by his incompetent and misleading financial advice?

Senator MINCHIN—I am pleased that Senator Sherry has such an inflated view of my persuasive powers. I frankly do not share it. I certainly reject the premise of his question that I was in any way holding myself out as a financial adviser in relation to Telstra.

Telecommunications

Senator ADAMS (2.25 pm)—My question is to the Minister for Communications, Information Technology and the Arts. Will the minister update the Senate on how the government is building high-speed networks to help Australia’s health and education sectors better deliver services in rural, regional and remote Australia? Is the minister aware of any alternative policies?

Senator COONAN—I thank Senator Adams for the question and for her longstanding interest in the provision of telecommunications services to all Australians. Whilst we know that millions of Australians connect to high-speed broadband to access a wide range of entertainment services, higher bandwidth services can achieve a great deal more and bring real social and economic benefits to Australians. For instance, by helping build super-fast broadband backbones to connect our universities and hospitals, we revolutionise the way we can diagnose and treat patients and assist researchers to continue with their breakthroughs.

Through the former $23.7 million Coordinated Communications Infrastructure Fund, the Australian government has produced some tangible examples of how fast networks can make both a social and an economic difference. For example, Queensland Health’s Northern.Net project provided broadband services to 36 remote regions of northern Queensland for the first time. This infrastructure is improving the lives of those local communities by enabling Queensland Health to offer better services, such as radiology, ophthalmology and remote consultations. The good work of this program will continue, I am pleased to say, under the government’s $113.4 million Clever Networks program, a key part of the $1.1 billion Connect Australia package.

Last week I released the guidelines for the program and called for applications for the first round of grants, which will close on 28 November 2006. Clever Networks will support sectors such as health, education, community and emergency services to utilise advanced broadband technologies and to deliver key government services in rural, regional and remote Australia. Clever Networks will support partnerships and collaborations with state and territory governments and will encourage investment by the private sector to deliver projects of sufficient scale and scope to build on our earlier successes. This is a key element of the government’s vision to drive next generation broadband.
capability to underpin Australia’s social and economic future. It is an essential part of making Australia a world leader in the effective use of broadband.

Does the Labor Party have any policies on major broadband backbones to help deliver health and education services? I certainly have not heard of any. I think it is a fair comment to say that the Labor Party is struggling to find a communications policy. A fundamental problem is that it is very difficult to identify who the Labor spokesperson is. Every time this government announces yet another building block in our plan to deliver world-class telecommunications, there is an unseemly struggle between the finance spokesman, Mr Lindsay Tanner, and Senator Conroy to respond. Sadly for Senator Conroy—

Senator Conroy interjecting—

Senator COONAN—I am really sorry about this. Mr Tanner seems to be getting the upper hand and relegating Senator Conroy to the missing-in-action list. We rarely hear from Senator Conroy, other than in this place where he is certainly vociferous. I do not want to go on about that. While Labor flounders on communications, this government is getting on with the job of delivering fast networks to improve the lives of countless Australians.

Pregnancy Support

Senator STOTT DESPOJA (2.29 pm)—My question is addressed to the Minister representing the Minister for Health and Ageing. Does the minister recall that in answer to a question on notice from me dated 14 June, question No. 1681, he said:

The Medicare pregnancy support counselling items are specifically targeted towards women who have, or have had, an unintended pregnancy, or who are unsure about whether to continue with a pregnancy.

Following concerns that have been raised by the AMA and others about the privacy risk that this would pose to women who are considering a termination, regardless of their ultimate decision, the health minister, through a spokesperson, in August said that the item number would be available to ‘anyone who is anxious about their pregnancy’. Can the minister confirm whether the item number will apply to all pregnant women or only those with an unintended pregnancy or who are unsure about whether or not they want to continue with that pregnancy?

Senator SANTORO—Yes, I do recall—not in precise terms, but generally in the terms outlined by Senator Stott Despoja—my reply to one of her questions earlier on in the session. I think it is worthwhile reiterating that the government is committed to ensuring that non-directive counselling is provided to people who avail themselves of the services that were announced by Minister Abbott and the Prime Minister on 2 March 2006. I think it is important that I go on the record here quoting the advice that has been provided to me—and that is that to date there have not been any complaints provided to ministers, the government or anybody else in relation to clients who have used that service.

I want to reiterate that the department has not received any complaints from clients and there is no evidence whatsoever that the AFPSS are not meeting the terms of the funding agreement. The advice that I can give to Senator Stott Despoja—and I am sure that all senators would agree—is that when a woman is unsure about whether to continue with a pregnancy it is important that she is able to quickly access professional counselling and support that can provide her with the information and support that she needs to come to an informed choice about her pregnancy. They were the general terms that surrounded the announcement, on 2 March, by
the Prime Minister and the Minister for Health and Ageing, about the introduction of new MBS items and the new pregnancy support helpline.

One of the very strong conditions that underpinned that announcement was that the service was non-directive. I would advise Senator Stott Despoja, any other senators and any interested members of the public, that if there is evidence to suggest that the non-directive requirement is not being met, we would certainly want to hear about it.

It might be of interest to senators, including senators opposite, that Dr Andrew Pesce has been appointed chair of the Pregnancy Counselling Expert Advisory Committee. He is joined by another six committee members. I want to outline to the Senate who those people are because I am sure that all senators would agree that they are highly respected individuals. They are people who will help ensure, through their supervisory and overseeing roles, that the terms of the funding are maintained.

The expert advisory committee members are: Dr Andrew Pesce, the chair, an obstetrician and gynaecologist; Mrs Jenny Brandon-Baker, a midwife; Ms Rosemary Bryant, the Executive Director of the Royal College of Nursing; Professor Helen Christensen, Deputy Director, ANU Centre for Mental Health Research; Dr Veronica O’Connell, a GP; Dr Leslie Stephan, a psychiatrist; and Professor Harvey Whiteford, Professor of Psychiatry at the Queensland Centre for Mental Health Research.

I am sure many senators would be aware of the eminent qualifications of those people who have been asked to assist in providing advice to Dr Andrew Pesce, and I again stress that they are people who are very aware of the responsibilities that are entrusted to them via the charter. In terms of who precisely receives the advice—to come back to the question that Senator Stott Despoja asked—it is my understanding that that service is available to all who ask for it. But to be absolutely sure, I will seek some further specific advice from the minister for health’s office, and get back to you after question time.

Senator STOTT DESPOJA—Mr President, I ask a supplementary question. I thank the minister for his answer and for endeavouring to confirm that that service will be available to all women. I acknowledge the minister’s point that there have been no complaints. I presume that that is because the MBS item has not started yet. So I am just wondering, Senator Santoro, whether the minister would outline for the chamber the timeline for the tender process of the government’s pregnancy support telephone hotline, and whether the hotline is still due to begin operating by the end of this year. I also ask the minister to elaborate on his comment regarding the provision of non-directive pregnancy counselling information, and ask the minister, specifically: does your definition—the minister’s and the government’s definition—of ‘non-directive’ include information about, and referral for, a termination?

Senator SANTORO—I can advise Senator Stott Despoja that the MBS items will commence on 1 November 2006 and that the selection of the helpline operator should occur by the end of 2006. She would be aware that the Australian Federation of Pregnancy Support Services is currently funded to provide non-directive counselling through a 1300 telephone number.

As to Senator Stott Despoja’s request that I further define ‘non-directive’, I think that I have answered the question to the best of my ability. Non-directive means precisely that—non-directive. But, again, I will see if I can receive any further advice from the Minister
for Health and Ageing and get back to her as soon as possible after question time.

**Climate Change**

*Senator RONALDSON (2.36 pm)—* My question is to the Minister for the Environment and Heritage, Senator Campbell. Will the minister inform the Senate of the action the Australian government is taking to combat and prepare for the effects of climate change? Is the minister aware of any alternative policies?

*Senator IAN CAMPBELL—* Thank you for a very important question. I think that any Australian who reads reports about the science around climate change or observes with their own eyes what is happening in their own backyards—people in Western Australia will have seen rainfall fall by around 20 per cent over the last 25 years—knows that the climate is changing. I encourage all colleagues to attend tonight the film evening that Greg Hunt, my parliamentary secretary, will be hosting in the parliamentary gallery of Al Gore’s film, which graphically goes through some of the science and consequences.

I think it is incredibly important that all Australians do understand that we are facing a global phenomenon that requires not only a serious domestic response with serious investment but also a serious global response. You have in Australia a serious dichotomy of policy approaches. You have a coalition government that is investing billions of dollars across a range of portfolios in technology to clean up coal and to capture carbon and store it to stop it going into the atmosphere, investing hundreds of millions of dollars in renewable energy, investing in hundreds of solar projects across the country and investing in Solar Cities. The Prime Minister was in Adelaide last week announcing the world’s first solar city—

*Senator George Campbell interjecting—*
Australian Bureau of Agricultural and Resource Economics, which shows that, apart from a 10 per cent lower GDP growth and a 44 per cent reduction in agriculture, it would cause a 20 per cent reduction in wages. That is Labor’s policy. If you are a nurse on $820 a week, the Labor policy on climate change would cut your salary by $170 a week. If you are a teacher on $889 a week, Labor’s policy on climate change would cut your wage by $184 a week, and if you are a labourer on $679 a week Labor’s policy on climate change would reduce your wage by—(Time expired)

Telstra

Senator FORSHAW (2.40 pm)—My question is to Senator Minchin, the Minister for Finance and Administration. I ask: can the minister confirm that he has distributed a question and answer document to coalition MPs directing them to talk up T3? Can the minister confirm that this document instructs MPs to spruik the ‘particularly attractive dividend stream for T3’? Has the minister obtained legal advice on whether these claims are consistent with Australian law governing the provision of financial advice? Is the minister encouraging coalition MPs to break the law? Don’t Australians who have already been misled by the Howard government’s incompetent spruiking of T2 deserve to be protected from dodgy financial advice from ill-informed coalition MPs?

Senator MINCHIN—My usually efficient office has indeed distributed a very good compendium of questions and answers on this very significant and important government policy to proceed with a further sale of Telstra shares. It covers such subjects as why we are selling; the time, price and size of the offer; sale structure; and corporate issues. It is to give background so that coalition members can inform their constituents of the reasons why the government is proceeding with this sale. It goes to the policy positions, the detail of the offer structure and the reasons why the Labor Party’s position on this issue is so negative. The sad thing about Australian politics is that the Labor Party is now such a party of opposition all they can do is oppose everything that this government puts forward. It is the party that says no to everything. It would not have mattered what we announced in relation to Telstra—they would have opposed it.

In relation to the specific question, I can inform the Senate that the document in fact says:

Legally we are not allowed to give investment advice. The decision to invest will be a matter for potential investors to make at the time of any offer based on the information in the prospectus and after consulting their financial advisers.

So I am perfectly satisfied that the appropriate safeguards are included in this very useful document for coalition members, reminding them of the legal constraints on any so-called spruiking of Telstra stock.

Senator FORSHAW—I have a supplementary question, Mr President. I ask: is the minister aware that, contrary to the irresponsible claims in this coalition briefing document, Telstra has only given T3 investors one year’s security on dividend payments? Is the minister also aware that financial experts Moody’s, Standard and Poor’s, and Citibank all agree that it would be unsustainable for Telstra to pay its current level of dividends again in the following year? Why is the minister instructing coalition MPs to again deceive potential small investors in T3 in the same way that the Prime Minister, Mr Howard, deceived the small investors in T2? Will the minister now table the briefing document?

Senator MINCHIN—There is a pretty outrageous premise to that question. Indeed, I would like to draw the Senate’s attention to
the outrageous remarks made by Mr Wayne Swan, the shadow Treasurer, who is giving financial advice to investors by saying they should not touch Telstra. If that is not financial advice then what is? He is the one running around saying they should not go anywhere near Telstra. What are they trying to do—talk down the sale? Is that their attitude? They have no regard for the taxpayers in this matter. They ignored taxpayers in 1999. They have already cost taxpayers $50 billion. Now they are trying to drive down the sale price, apparently, at the expense of taxpayers in T3. It is outrageous behaviour and they should tell Mr Swan to butt out of it.

Asylum Seekers

Senator NETTLE (2.44 pm)—My question is to the Minister for Immigration and Multicultural Affairs, Senator Vanstone, and it relates to the eight Burmese asylum seekers who are currently on Christmas Island. The minister announced, I think on the day that the legislation to send all asylum seekers to Nauru was withdrawn, that she wanted to send them to Nauru. Will the minister be exercising her ministerial public interest power to ensure that these asylum seekers’ claims are assessed in Australia rather than them being taken to Nauru? Given Burma’s appalling human rights record, the strong likelihood that these Burmese asylum seekers may be found to be genuine refugees, the fact that they have Australian based lawyers, the history of psychological damage experienced by detainees on Nauru and that it is highly unlikely that any third country resettlement could be found, how can the minister argue that it is in the public interest to send these asylum seekers to Nauru?

Senator VANSTONE—I thank Senator Nettle for the question. By way of clarification, if the day mentioned by Senator Nettle was in fact the day relating to a particular bill, it was not a bill to send all asylum seekers to Nauru; it was a bill to send all unauthorised boat arrivals, whether they are seeking asylum or otherwise, to Nauru. That is just a point worth mentioning because so many people seek to treat unauthorised boat arrivals and asylum seekers as being one and the same, and they need not be. As to the Burmese record in relation to human rights, there are clearly questions around that—questions that are shared by the international community. Senator Nettle may not be aware that we expect in this financial year to take I think 1½ times as many as we took last time from Burma. The number we are looking at is about 1,500 this year and it was about 900 last year—mainly Korean people from refugee camps in Thailand.

The senator then goes on, in posing her question, to say it is highly unlikely that a third country could be found to take these people. There are two things that I want to say about this, but let me finish that point. I am not sure that the senator’s lack of confidence is well placed, but the government policy is that if you are an unauthorised boat arrival you will be processed offshore. I do intend that these people will go to Nauru, but the senator should not assume from that answer that work is not already under way in relation to what would happen after that. There are some other things that, believe me, Senator, I would like to share with you now, but I do not think that is going to assist their case at all. I will say this much: it is also true that, if there are a number of people waiting for assessment who might all be declared refugees, it is perhaps a quintessential case of someone jumping the queue. We will always adopt a policy of strong border protection, whereby we will take people who have been assessed by the UN as being refugees out of refugee camps. We will give them our priority, not those who choose an alternative path.
Senator NETTLE—Mr President, I ask a supplementary question. Can the minister confirm that these asylum seekers are of the Rohingya ethnic minority? Does the minister acknowledge that the Burmese government has an appalling human rights record, particularly in relation to the Rohingya minority? Is the minister aware that Rohingyas in Burma are denied citizenship; they cannot travel without permission; their land has been confiscated and given to other ethnic groups; they have been subjected to slave labour; and many have been beaten, jailed and persecuted by the Burmese authorities? Is the minister also aware that Malaysians deported more than 20 Rohingya Burmese refugees to Burma last year? Why, for the first time in 4½ years, is the minister proposing to send these Burmese asylum seekers from the Rohingya minority to Nauru?

Senator VANSTONE—I do have to say that I sometimes wonder whether you think there are any people in your constituency who are Australian citizens and would benefit from your time and attention as opposed to citizens of the world at large. It is up to you to choose where you put your efforts. I have already made it clear that there are concerns about the Burmese human rights record. That is why this government has increased its intake from few than 20 a few years ago up to 900 in the last financial year and I think 1,500 in the next financial year. I thought that was as clear as a bell. There is agreement on that issue. As to the specifics of these particular people and the Malaysian government, I will look at what you say and, if there is anything I want to add, I will come back to you.

Telstra

Senator HUTCHINS (2.50 pm)—My question is to Senator Minchin, the Minister for Finance and Administration. I again refer the minister to the government’s briefing document directing coalition MPs to talk up the particularly attractive dividend stream flowing from T3. Is the minister aware of comments by columnist Terry McCrann that John Howard ‘plans to trick up T3 in exactly the same way as he did T2—suck you in with an artificially and unsustainably big dividend’? Isn’t it the case that the T3 share price will be artificially propped up by this unsustainably big dividend? Isn’t it the case that, in 18 months time, T3 investors will again have the Howard government to blame for sucking them into Telstra through a ‘tricked-up’ dividend just as they were in T2?

Senator MINCHIN—I begin by totally rejecting the premise of the question. Investors in T2 were fully informed of the risks associated with and the benefits associated with investing in T2. The prospectus and indeed a letter by John Fahey, the then minister for finance, pointed out all the risks associated with any investment in any company, including this one. That is always the case with prospectuses—there must be a full and comprehensive statement of any risks associated with the particular investment—and that was the case in T2. We again urge investors to make sure they speak to their own financial advisers before they invest in T3. That is clear and, indeed, as I said, that is made very clear in the briefing document for coalition members—they should ensure that any constituents who express an interest in this should be informed that their first port of call should be their own financial advisers to see if an investment in T3 suits their particular investment strategy.

In response to the specific question, I make the point again that the dividend policy of the company is entirely a matter for the board. It is not a matter for the government. It is not possible for the government to have, so-called, tricked up this matter. Dividend
policy is entirely a matter for the board. The board has announced that, at least for the next 12 months, the dividend will remain at 28c per share. The company further expressed its acknowledgement that investors in Telstra are keen on the dividend policy of the company—it understands that. But it declined to give a specific guidance in relation to 2008, and obviously investors would need to take account of that.

In the remarks the Prime Minister made, he was referring to the fact that the government, as owner of its shares, is of course entitled to offer them on a basis which it determines. We did then, and we will again, offer our shares on the basis of an instalment receipt process whereby investors can pay a part payment first up, but then they will be entitled to full payment of the dividend. We did that in T2 and we have announced that we will again do that in T3. To the extent that we will be offering the shares to the investing public, as the owner of the shares we will indicate the basis on which we will be seeking to make our shares attractive, and it is perfectly proper for us to inform the market that that instalment policy will prevail. We have also said that there will be an entitlement for existing Telstra shareholders, the details of which will be made clear when we define the offer structure.

Senator HUTCHINS—I ask a supplementary question, Mr President. Is the minister aware of the recent comments by Mr Paul Neville, the chair of the coalition’s backbench communications committee, who warned the government against pulling another smoke-and-mirrors trick on T3 by saying, ‘I think sweeteners are fair enough provided you don’t suck people in.’ Isn’t Terry McCrann right when he says that this is exactly what the government is trying to do with its tricked-up T3 dividend trap? Why is the government intent on sucking in thousands more investors in T3, just as it did in T2?

Senator MINCHIN—I have great respect for Terry McCrann, but his position, which he advocated for many a long month, was to simply give these shares away. He just wanted to hand them over for free to everybody. We do not believe that would be a good policy. We do not believe that $23 billion worth of shares should simply be given away. With great respect to Mr McCrann, we are not following his advice. I also have great respect for Mr Paul Neville. He is a very good chair of our communications committee and provides very good, sound advice and views to the government and the party room.

I repeat: potential investors in T3 will of course be made well aware of the risks associated with any investment or further investment in Telstra. Any investor needs to consult their financial advisers before they embark on an investment in T3. We think Telstra is a great company. It is a company with a very strong future in this country. We support the transformation strategy being brought to bear in that company. As to whether potential investors wish to participate, that is a matter for them to decide. (Time expired)

Queensland Health System

Senator TROOD (2.56 pm)—My question is to Senator Santoro, the Minister representing the Minister for Health and Ageing. Will the minister outline to the Senate how the Commonwealth contributes to the Queensland health system? Can the minister advise the Senate on the performance of the Queensland health system?

Senator SANTORO—Most senators, of course, would appreciate that Senator Trood has a longstanding interest in health issues. In fact, I remember when Senator Trood was campaigning for a position in this place he
made a solemn promise to the people of Queensland that he would raise these sorts of issues—the wasteful use of federal funds by state governments, including and in particular the Queensland state government. The federal government provides between 46 per cent and 47 per cent of all revenue that the Queensland state government gets. Of that, up to $8 billion will be provided over the life of the 2003-08 Australian health care agreements and Queensland will receive $1.7 billion in 2006-07.

As a Queensland senator, I want to reinforce the message that the Prime Minister gave to all Queenslanders and all Australians yesterday that Queenslanders well and truly deserve to receive all those funds, and more as that state continues to grow, thanks to the policies of the Howard government. What Queenslanders expect and what the Australian people expect is that those funds be spent wisely and in the best interest of Queenslanders, particularly those who want good health care.

The question here that needs to be asked—and it is coincidental that we ask this question now—is: what in fact is happening with the health system in Queensland? New surgery figures published last month show that the number of people on Queensland Health’s official waiting list had blown out by 1,953 in 12 months and the number of people who actually received operations—and this is very instructional—had fallen by 1,336 compared to the previous year. Not only has the list grown longer but the actual number of operations is also on the decrease. Even more disturbing is that the number of Queenslanders waiting beyond the medically recommended time for treatment has increased by 1,970 to 9,451—almost 10,000 people’s lives have been put at risk by the Beattie Labor government’s failure. That does not take into account more than 80,000 people who are on Queensland Health’s unofficial waiting list who have not even been able to get to see a doctor.

Opposition senators interjecting—

Senator SANTORO—Those opposite cannot deny this. And there is more, of course. Last week, the Royal Australian and New Zealand College of Radiologists revealed half a million X-rays, ultrasounds, MRIs and CT scans ordered for public patients have not even been looked at by radiologists.

Senator George Campbell interjecting—

The PRESIDENT—Order! Senator George Campbell and senators on my left, come to order! There is too much noise in the chamber.

Senator SANTORO—I can understand why senators opposite want to gag me: they do not like what I am saying. They do not ever seem to like the truth. Patients are being put at risk and people in Queensland are dying as a result of this neglect. I go on the record as saying that because of that neglect they are dying, and senators opposite know it. I would like to conclude by summarising for those opposite what Beattie Labor’s legacy of health includes. It includes: failure to properly check the qualifications and history of medical staff that are brought in; having unqualified doctors performing duties and procedures above their levels of skill; through controversial deeming processes—

Senator Chris Evans interjecting—

The PRESIDENT—Order, Senator Evans!

Senator SANTORO—You have heard about the deeming processes of the Beattie Labor government and the widespread closure of services, including 35 maternity wards. It is an absolute disgrace. (Time expired)
Senator Minchin—Mr President, I ask that further questions be placed on the Notice Paper.

QUESTIONS WITHOUT NOTICE: ADDITIONAL ANSWERS

Defence: Equipment

Senator MINCHIN (South Australia—Leader of the Government in the Senate) (3.01 pm)—On 17 August I took a question on notice from Senator Bishop about defence. I now seek leave to incorporate an answer to his question into Hansard.

Leave granted.

The answer read as follows—

Senator Bishop asked the Minister representing the Prime Minister, without notice, on 17 August 2006:

(1) Does the Minister recall the statement by the Prime Minister on 19th December 2002 that Australia would acquire a troop lift helicopter and following the Bali bombing that this acquisition would be fast-tracked?

(2) Can he confirm Defence advice that the helicopters will now not be delivered until 2009?

(3) Has the government failed to deliver something that was considered essential?

Senator Minchin—The Prime Minister has provided the following answer to The honourable senator’s questions (1-3):

The first of the new Multi Role Helicopters (MRH 90) acquired under AIR 9000 Phase 2 will be delivered in December 2007 and then progressively over the project acquisition cycle. As announced in June 2006, the Government has approved a further 34 MRH helicopters to replace the existing Sea Kings operated by the Navy and the Army’s Black Hawk helicopter fleets. The MRH 90’s will provide a common platform in helicopters for the amphibious role for both the Navy and the Army, resulting in significant additional efficiencies.

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

Telstra

Senator CONROY (Victoria) (3.01 pm)—I move:

That the Senate take note of the answers given by the Minister for Finance and Administration (Senator Minchin) to questions without notice asked today relating to Medibank Private and Telstra.

As much as I would love to take note of Senator Santoro’s answers, I am moved to take note of all of Senator Minchin’s answers today. Today we saw the most extravagant example of arrogance and losing touch with the community that this government has demonstrated in a long time. Senator Minchin said that it is the fault of T2 shareholders that they have not made any money. They should have sold out at $9 and if they lost any money it was all their own fault. Don’t worry that the Prime Minister told them that T2 was a great buy. Don’t worry about that. Don’t worry that they tricked up the dividend and the yield back in 1999 to sucker in as many T2 shareholders as they could. Unfortunately, innocent small shareholders like Senator Minchin’s mum and Senator Barnaby Joyce’s mum and dad bought T2 on the strength of the recommendation from the Prime Minister. Not you, though, Senator Ferguson—you are a canny investor! You knew a dog when you saw it. You stayed away from it. But we saw mums and dads in Australia—like Senator Barnaby’s mum and dad and Senator Minchin’s mum—get sucked in by the Prime Minister. He told them it was a great buy. Just today we have seen Senator Minchin asked two or three times to table that document that he circulated to all of the coalition backbench—

Senator Heffernan—Tone down! Turn the volume down.
Senator CONROY—That’s right, Senator Heffernan, you have got a copy.

Senator Ferguson interjecting—

Senator CONROY—Senator Ferguson has got a copy and Senator Humphries has got a copy. They have all got a copy of the document circulating from Senator Minchin’s office, and will one of them table it? Senator Minchin would not table it. Would one of them table it? No, they would not. What did it tell them to do? It told them to talk up and spruik a particularly attractive dividend stream from T3. Come on down, Senator Ferguson—show us that document. You could table it. You have got a copy. Senator Minchin does not want to table it because the coalition MPs have been instructed to talk up T3 by spruiking a particularly attractive dividend stream despite the fact that Moody’s, Standard and Poor’s and Citibank have all said the same thing about the yield and the dividend stream: that it is unsustainable.

This is a smash-and-grab. You are going to mug T3 shareholders just like you mugged T2 shareholders, and every single one of them is going to have the same name tattooed on their foreheads: Minchin and Howard. Senator Minchin and Prime Minister Howard are the ones flogging it off to us. They are the ones who set up the smash-and-grab. The institutions have said: ‘We are going to buy this. We know a good smash-and-grab when we see it.’ But will they be holding it in two years time when it goes ex-dividend? Oh no, they will not. They know what is going on. They recognise the scam.

Even Paul Neville, the chairman of your own backbench committee, has worked it out. He has said that they do not want to see the small shareholders being sucked in by the T3 offer and the special inducements that Senator Minchin and all the merchant banks have got away with. John Howard, the Prime Minister, knows this. Senator Minchin knows this. Once the dividend drops, so will the Telstra share price. This is a smash-and-grab being set up by the government to mug and suck in T3 investors. This is the worst possible time to sell Telstra. We have a smoke-and-mirrors trick. Just talk about the yield. Just talk about the dividends. Don’t mention the long-term value. Poor Senator Joyce’s mum and dad. He has given them advice—heaven forbid—to hold onto it for the long term. There isn’t an institutional investor in this country that would give them that advice. They know the smash-and-grab. They are going to be sucked in and mugged just like Senator Minchin’s mum and just like Senator Barnaby Joyce’s parents. (Time expired)

Senator HUMPHRIES (Australian Capital Territory) (3.06 pm)—If the strength of Senator Conroy’s argument were measured by the volume of his contribution, he would have a very powerful argument indeed! Unfortunately for him, that is not the basis upon which this debate will be decided. This debate on the future of Telstra, and the way in which the value of that asset should be returned to the Australian community, is a matter which is properly decided by public policy—public policy, I might say, which has been consistent for not just the life of this government but at least the last 20 years. We have had 20 years in which major Australian public assets, which have been assets of the marketplace and assets which were at risk in a changing marketplace, have been subject to policies of privatisation. Nobody in this debate who has listened to the sound and fury of people like Senator Conroy should for one minute forget that it was the Australian Labor Party in government which systemati-cally and consistently sold off public assets of the kind that Telstra represents. And, as surely as night follows day, if the Labor Party returned to the government benches in
the future, they would continue to sell those assets where continued public ownership represented a bad investment for the Australian community.

We heard from Senator Hutchins, who talked about a tricked-up dividend, saying that that was a good reason to be very suspicious of this process. Senator Conroy talked about a smash-and-grab policy. It seems to me that both of those contributions recognise implicitly that there are very powerful reasons why Australian governments should not be in a position to make decisions, if indeed they ever were to be made, with respect to Telstra shares or Telstra’s assets in the marketplace. Of course we reject the premise of those remarks—that in some way the government is manipulating the dividend that Telstra pays to its shareholders. But, even if it were true, it is a compelling argument against governments being in the position where they can influence dividends and share prices on the open market. They should not be in that position; there is a fundamental conflict of interest. That is why we are proposing that the government’s share be sold down.

Back in 1994, an important figure in the then Labor government said:
The fundamental role of both corporatisation and privatisation is of course in the microeconomic reform context—in pressing our economy further ahead down the path of international competitiveness.

Senator Bernardi—Who said that?

Senator HUMPHRIES—You may well ask, Senator Bernardi. It was none other than Kim Beazley, the present Leader of the Opposition. Now, if he was right in 1994 about those sorts of assets in that context, he is right about them today. As we well know, the then Labor government talked seriously in the early 1990s about divesting itself of Telstra and doing exactly what this government is doing today. If you do not believe that is the case, tell us how you were going to sell Telstra differently to the way in which it is being sold today.

The fact is that countries all over the world have realised that it is bad public policy for them as governments to be in the business of owning major operations, major corporate entities, which compete in marketplaces where government ownership represents a fundamental conflict of interest. It is simply not tenable to retain that kind of involvement. The particular volatility of the telecommunications market makes it imperative that governments not be involved as owners of businesses of that kind. In almost any other industry you could get away with holding back on privatisation, but, of all the marketplaces affecting Australian businesses at the moment, telecommunications is surely the most volatile and surely the last that governments should be involved in as shareholders.

Countries like Cuba and China are in the process of selling down, or have already sold down, their shares in their telecommunications companies—even countries like those. There are very few countries in the world today where you will find government owned telecommunications enterprises—very few. But that mob over there think that Australia should be one of the few to retain that kind of ownership. We do not. We think it is vitally important that we protect the value of the Australian public’s assets. We want to put that money in the Future Fund. We want to protect the value of those assets and make sure that the Australian community is protected. (Time expired)

Senator FORSHAW (New South Wales) (3.11 pm)—I rise also to take note of answers by Senator Minchin today to questions on Telstra. First of all, I have to admire Senator Humphries for coming in here and trying
to defend the indefensible. I noticed that neither the Minister for Finance and Administration, Senator Minchin, nor the Minister for Communications, Information Technology and the Arts, Senator Coonan, is prepared to come in here and defend this government’s mismanagement and its irresponsibility when it comes to Telstra, particularly the proposed T3 share float. Senator Humphries tried to dredge up the past to develop some sort of a defence for what has become a scandal.

I never thought I would see the day when we had the conservative party in this country using the communist regimes in Cuba and China to defend its position. As for arguing about what the Labor Party did when we were in government—we sold Qantas because, whilst it was a publicly owned asset, it was used by about five per cent of the Australian population; and we sold the Commonwealth Bank because it was just like any other bank. But we never sold Telstra, and we said we never would, because Telstra is different. At the end of the day, Telstra is the network in this country that every single Australian depends on and is a part of. What this government has done since its initial decision to privatise Telstra is fundamentally undermine the basis upon which Telstra has operated in this country since it was Telecom—and even before that. Shareholders, who are themselves getting screwed, have apparently been deemed by this government to be the desired beneficiaries; but, if you live in the country and you depend on getting services, you are not going to get them.

What is this government’s record? What they did was talk up the sale of T2. They put the shares on the market at $7.40. Those shares are now worth $3.50. We said at the time that this would happen. We predicted that this would happen. But, of course, we had the Prime Minister out there saying this was an extremely good deal—Australians should queue up and buy shares at $7.40 in a company that effectively they were already part-owners of because they were members of the Australian community and Australian taxpayers. And what is a share now worth? Three dollars fifty. The government are now trying to say it is still a good deal because shareholders just received a 14c dividend. But, as Senator Conroy pointed out, there is no guarantee that that level of dividend, if there is any dividend at all, will continue beyond next year. The major financial institutions that have been mentioned, those that track these things—Standard and Poor’s, Citibank and so on—have raised serious doubts about that future dividend stream.

Senator Minchin says those who bought into T2 have done very well. He described it as a good deal. Only a person who reads those emails about Nigerian lottery scams and thinks they are a good deal would parrot that sort of nonsense. This has never been a good deal. It is rubbish. But, in their haste and urgency to get the sale of T3 through and get rid of the rest of Telstra, they are trying to talk that sale up. They are circulating, as the minister acknowledged here today, a brief to their backbench to go out and say that this is an attractive deal. Whilst the minister says he is not in the financial investment advice business and is not entitled under the law—quite correctly—to proffer financial advice, that is effectively what they are doing. Isn’t it ironic that Senator Minchin the other day on TV said that he hoped his mum would buy shares in T3? He is encouraging his mum to buy shares in T3 but at the same time Phil Burgess, the senior executive of Telstra, is telling his mum not to buy shares in T3. Who are the mums of this country supposed to believe? On this score they probably would believe Mr Burgess—admittedly, one of the three amigos—who is making the situation with Telstra even worse. This is an absolute scandal. It is a scandal.
that this government should come in here and try to make a silk purse out of a sow’s ear! (Time expired)

Senator BERNARDI (South Australia) (3.16 pm)—It is interesting to listen to Senator Forshaw talking about irony. I have to say it is particularly delicious irony to listen to some of the arguments that have been made. Senator Forshaw touched upon the role of financial advice, and Senator Minchin has quite rightly said that he should not be providing financial advice to people to make an investment decision. The Labor Party spokesman on this issue also agrees with that. However, we have a very intriguing approach by Mr Swan. He does not feel constrained by the responsibilities of the Corporations Law or the financial advice law; he simply comes out and says he would not recommend that anyone invest in Telstra and he would not recommend it to the people of Australia. Such an undisciplined and ironic contradiction to what Mr Tanner has said—and, of course, Senator Minchin—says to me that the Labor Party are a bit bereft of ideas about a consistent and coherent policy initiative.

The simple fact is that the Labor Party is absolutely controlled by the union movement, and there are a number of industry super funds that are equally controlled by their union movement. I would bet London to a brick that most of these industry super funds have shares in Telstra. When you talk about who is going to be buying shares in Telstra as your industry super funds are dumping them, it says to me that there is a fundamental misunderstanding of the market. You cannot sell shares unless someone is prepared to buy them. So for all your posturing and indignation about no-one being prepared to buy the shares, in that case no-one will be able to sell them either.

The real scandal about the sale of Telstra—and I have to say there is a scandal attached to it—is the cost of the Labor Party’s inconsistent and incoherent policy that has flip-flopped and backflipped, however you want to describe it, over the past decade; it started back then. Their decision to oppose the sale of Telstra, upon which we have been elected four successive times, has cost the Australian taxpayers somewhere around $50 billion. Telstra would be a far better company and would be better at rewarding its shareholders and providing better services if it had been completely privatised earlier with the support of the Labor Party.

We have to go back. I do not know why they have changed their policy on these privatisations. I do not know why we have to change our policy, because it was Mr Beazley, I understand, who condemned the Fraser government for only selling the Belconnen Mall, if I am correct. Mr Beazley even boasted to the House of Representatives that they were selling two airlines and the Commonwealth Bank. Hang on! Is that an institution that nearly every Australian had some involvement with? Gee, it is.

Senator Forshaw—No, not at all. Rubbish.

Senator BERNARDI—Senator Forshaw, I think you are being inconsistent because you were saying five per cent of the population were using an airline. The Commonwealth Bank probably had more access to everyone. You guys privatised a section of the Commonwealth Bank. The CSL—do you remember that? Do you remember selling that? How much did you sell that for? Two dollars a share, something like that. What did you cost the Australian taxpayer? ADI—you did that as well. And, of course, you were preparing the airports for sale.

I have already mentioned, in a previous taking note debate, Mr Beazley corporatising
Telstra and putting an independent board in to make their policy decisions to ensure that they were acting in the best interests of the company rather than at government direction. Of course, Mr Beazley has been a very strong proponent of privatisation when it suits him. We had a quote from Senator Humphries about moving the country forward economically. In the national interest, we are better off with $8 billion or $10 billion or preferably $15 billion or $20 billion sitting in the Future Fund and available to fund our ongoing needs than we are having that money simply invested in a telecommunications company. The Labor Party has consistently demonstrated a complete lack of understanding about the importance of planning for our future. We have talked about our economic management—(Time expired)

Senator HUTCHINS (New South Wales) (3.22 pm)—It is indeed a pleasure to have the four amigos of the right wing of the Liberal Party in South Australia here this afternoon. If the press reports are correct, their numbers are going to reduce over the next few years, as the Christopher Pyne forces have started to get the numbers on Nick and his crew.

Government senators interjecting—

Senator HUTCHINS—It may be that you have the opportunity to correct that later, Senator Ferris. But it is good to see the four of them here together and being solid amongst each other. I suppose for all of us the pilgrimage to get to Canberra is one which sometimes has a lot of very difficult paths. The thing is that, when you look at the right-wing Liberals that have been controlling the Commonwealth government for the last 10 years, you see that they now have the opportunity that they have always been prevented from being able to acquire—that is, complete control of the Senate, which they have had from last year.

We have seen the government’s ideological obsessions being put into legislation in the last 12 months, with not only Welfare to Work but also Work Choices. And, finally, we now have the Telstra sale. Mr Deputy President, all those men and women from the right wing of the Liberal Party, who came here with ideas and imbued with some zeal for their causes, have now become those accomplished fanatics that we know will deliver the opposition power at the next federal election.

We know, with the situation with T3 and T2 and the government’s involvement in the shameful exercise of selling Telstra, that there was a full week of dithering by the Commonwealth government on whether or not it was going to go down the path that it finally did. Mr Deputy President, you may recall that, on the afternoon of the day of the announcement by the Prime Minister that the government was going to proceed down this path, there was certainly an indication that there was going to be no announcement made on the future of Telstra. But later, towards that Friday afternoon, the Prime Minister came out and did make the announcement that cabinet had finally, after a week of dithering, made a decision on how to proceed.

You and I know, Mr Deputy President, that the T3 shares will become dogs of shares. We already know that the government has no idea about how to proceed with the sale of this iconic Australian structure. Part of it is going to be put out in shares at some point; and another 30 per cent, I think it is, is to go into the Future Fund. Senator Minchin has been walking the streets of what I think is called the ‘windy city’, Chicago, trying to interest investors in the sale of Telstra, but he has been rebuffed. He has gone to San Francisco trying to do the same thing and he has been rebuffed. Even Senator Coonan has even been able to get into the act—
wandering around the streets of Sydney and Melbourne talking to investors there—and she has been rebuffed as well.

Everybody who has taken an interest in the potential sale of this Australian icon knows that the government do not have a flaming clue as to how to proceed. We know, if we proceed down the path that they are putting forward, that men and women who attempt to invest in the T3 structure will lose their money, as they have before. And as to Sol Trujillo and his gang, how will those three amigos—let alone the four that are still left in the Senate chamber—propose, in a situation where we have worsening communications infrastructure in this country, to make all these effective changes?

One thing Mr Trujillo wants to do by the end of 2011 is shed 12,000 jobs in Telstra. He wants to have a favourable regulatory environment, which is what the whole debate between the government and Telstra is about. Mr Trujillo wants these affectations to occur so that the government can try to buy its way out of the problem it has got itself into. If I had more time I could highlight the difficulties that Mr Paul Neville has clearly highlighted to the government in relation to regional Australia. But this is where we are up to at this stage, Mr Deputy President: the fanatics have taken over the Commonwealth government—(Time expired)

Question agreed to.

Pregnancy Support

Senator STOTT DESPOJA (South Aus-
tralia) (3.27 pm)—I move:

That the Senate take note of the answer given by the Minister for Ageing (Senator Santoro) to a question without notice asked by Senator Stott Despoja today relating to pregnancy counselling services.

My question related to the proposed MBS item number for pregnancy counselling services, as well as my concerns about the proposed pregnancy hotline or helpline that the government is supposedly funding and starting at the end of this year.

I thank the minister for endeavouring to get back to me in the chamber. He said that he believed that the government’s Medicare item number would apply to all pregnant women. I asked a question on notice on this issue—specifically, question on notice No. 1681. I asked the minister whether the MBS item number was going to apply to all pregnant women or specifically to women who have had a so-called unexpected or unplanned pregnancy. On that occasion the minister said:

The Medicare pregnancy support counselling items are specifically targeted towards women who have, or have had, an unintended pregnancy, or who are unsure about whether to continue with a pregnancy.

Clearly, this answer says it was aimed at women who were not sure or who had had an unplanned pregnancy. Fast forward to August, when the Minister for Health and Ageing, Mr Abbott—indeed, a spokesperson acting on Mr Abbott’s behalf—told the media that the MBS item number would now be available for ‘anyone who was anxious about their pregnancy’. Clearly, that meant not just women who had had an unexpected or unplanned pregnancy.

Mr Deputy President, the reason I need Senator Santoro to confirm this is that, if it is just available to a certain group of women, there are some massive privacy implications. I have referred to these privacy issues on record before; and recently the Australian Medical Association has come out, too, explaining their concerns. There are privacy risks that would be posed to women who considered terminating their pregnancy—regardless of their ultimate decision, of course. They have been very worried about, for example, what that information would be used for. Indeed, to me, the notion of sin-
fing out those women sounds quite extraordinary anyway.

But the concerns of many people, including me, do not end there—and not just in relation to privacy. In another response to a question on 14 June about the reporting requirements for the provider of the government’s hotline, the government did not rule out the possibility of pregnancy counsellors being required to play a role in confirming the legality of a woman’s reasons for terminating—whether counsellors would be required to report on the names of doctors the woman had seen about termination or about other pregnancies, the nature of their advice and their referral patterns or whether counsellors would be required to report on the woman’s experience with an abortion service provider. These are clearly quite invasive issues, and it is quite an invasive ground if the government is not going to explain exactly what role these counsellors will have and whether the counsellors will have these kinds of obligations placed upon them. It is quite an extraordinary circumstance if that is the case.

I note that the government would also not confirm whether information such as the grounds for a termination taking place—statistics on methods used to terminate the pregnancy or statistics on postoperative complications experienced by women who do have abortions—would be collected about women terminating their pregnancies. So we are talking about extraordinary information—potentially very invasive information about health and sensitive personal information—relating to women who are pregnant or who decide in specific circumstances to have a termination. Whether or not the government is seeking to collect that kind of information or that data needs to be made clear.

I welcome comments by the minister today and his understanding that the MBS item number would now be available to all pregnant women and would not just single out women with an unexpected or unplanned pregnancy. I welcome his update when that comes to the chamber, not just on that issue but also on the issue of a hotline. Again, I ask the minister about the timeline of the tender process and the operation of the hotline. I think the Senate deserves confirmation that that tender process is in place and perhaps some details as to when selections will be made in accordance with the suggested starting date of December this year. The minister stated that the selection of the hotline operator should be finalised by the end of the year. (Time expired)

Question agreed to.

CONDOLENCES

Hon. Donald Leslie Chipp AO

The PRESIDENT (3.32 pm)—It is with deep regret that I inform the Senate of the death on 28 August 2006 of the Hon. Donald Leslie Chipp AO, a senator for the state of Victoria from 1978 to 1986, a member of the House of Representatives for the divisions of Higinbotham and Hotham, Victoria, from 1960 to 1968 and 1969 to 1977 respectively, and at various times in that period a federal minister.

Senator MINCHIN (South Australia—Minister for Finance and Administration) (3.33 pm)—by leave—I move:

That the Senate records its deep regret at the death, on 28 August 2006, of the Honourable Donald Leslie Chipp, AO, a former federal minister, member of the House of Representatives, founder and former Leader of the Australian Democrats, and senator for Victoria, and places on record its appreciation of his long and meritorious public service and tenders its profound sympathy to his family in their bereavement.

There will be many sincere and eloquent condolences expressed today on the passing of Don Chipp, a colourful and successful
figure who was to make a great contribution to the face of Australian politics. Don Chipp was the eldest of four boys born into a working-class family from Northcote, Victoria on 21 August 1925. He was educated at Northcote High School and at 18 joined the RAAF, where he served for two years during World War II. Always a fierce competitor, after the war he was an accomplished sprinter, footballer and cricketer. He studied commerce at the University of Melbourne and went on to work as a management consultant.

Before entering federal politics, Don served as a councillor for Kew City from 1955 to 1961. During this time he was also chief executive officer of the Olympic Games civic committee and was chairman of Victoria’s first doorknock cancer appeal. Federal politics was a logical progression for a man with such a dedicated commitment to serving his community. Don entered the House of Representatives at a by-election in 1960 and became the Liberal member for the seat of Higinbotham. After a redistribution, he later became the member for the newly named seat of Hotham.

His political career was lengthy and distinguished. Though his political legacy is seen primarily through the foundation of the Australian Democrats, he also served as minister in successive Liberal governments under Prime Ministers Holt, Gorton and McMahon and the caretaker Fraser government. He was minister and spokesperson for a diverse range of issues during his significant period of service with the Liberal Party. Indeed, he served the Liberal Party longer in parliament than he served the Democrats.

In 1966 he was appointed Minister for the Navy in the Holt government. He was Minister for Customs and Excise under John Gorton in 1969, a position he held until the end of the McMahon government in 1972. It was in this capacity that he held portfolio responsibility for censorship of imported books and films, and his time as minister saw a liberalisation of such regulations, though not without significant controversy. Don was Deputy Leader of the House of Representatives from 1971 to 1972 and Leader of the House for a short time during 1972. In opposition, during the years of the Whitlam government, he was a member of the shadow ministry and was responsible for social security and welfare matters. In 1975 he served in the caretaker Fraser government as Minister for Social Security, Minister for Health and Minister for Repatriation and Compensation.

In March 1977 Don Chipp resigned from the Liberal Party with a speech to the House of Representatives highlighting his concerns with what he saw as the condition of party politics in Australia. He went on to form and lead the Australian Democrats, with that party winning 11.1 per cent of the national vote at the 1977 election only nine months later, which was a remarkable performance for a brand-new political party. Don Chipp was elected as a Democrat Senator for Victoria at that election. He served in the Senate as a representative for Victoria from 1978 until his retirement from federal parliament in 1986, after 25 years of service and almost a decade as Leader of the Australian Democrats. In 1992, he was made an Officer of the Order of Australia for his service to the Commonwealth parliament.

Don Chipp will be best remembered as the founder of the Australian Democrats and for leading that party to a significant degree of electoral success at what was certainly, in the mid- to late seventies, a tumultuous time in Australian politics. He believed that there was an important place for a third force in Australian politics and the establishment of the Democrats was testimony to his conviction. Until the very end, Don Chipp held strong beliefs and strong opinions concerning issues of public policy. He undoubtedly
made a significant contribution to public life in Australia and he will be remembered for his compassion and steadfast dedication to the ideology that defined him.

As a Liberal senator, may I take this opportunity to pay tribute to Don Chipp’s long and distinguished service to the Liberal Party of Australia, and indeed express my own regret that our party lost the benefit of his enormous energy and passion when he left to form the Australian Democrats. On behalf of the government, I offer condolences to his wife, Idun, and his children, Debbie, John, Greg, Melissa, Juliet and Laura, and his eight grandchildren.

Senator ALLISON (Victoria—Leader of the Australian Democrats) (3.38 pm)—A week ago last night the founding leader of the Australian Democrats, the Hon. Don Chipp, passed away. My fellow Victorian Democrats and I were deeply saddened by Don’s death although we knew him to be frail—indeed, he had been gravely ill in hospital on occasions over the last few years.

It was a great honour to know Don and I have no hesitation whatsoever in calling him a great man. But I want to start by talking about Don, the man. He was passionate, idealistic and committed to social, environmental and economic reform. He was, as a result of that, also popular. He is widely mourned by his enormous circle of friends, family and colleagues, especially the media and the people who knew him through the media, heard him at town hall meetings or met him in the street. He was a very public man with a strong sense of public good—the common good. He was seen as refreshingly honest. I doubt he had many secrets. He shared the joys of his family life with anyone who would care to listen. He talked openly about his physical condition even though he never complained. He was charismatic, self-effacing sometimes, a joker, a sharp critic, a master at clever, usually spot-on retorts, highly intelligent and highly motivated to save the world from powerful forces of self-interest.

Former political leaders this week have called him principled—driven by very clear principles about how politics and relationships ought to be conducted. At his funeral two days ago we heard from his children what he was like as a father—terrifying, exhilarating, smelling of aftershave and cigars, but above all loving and nurturing. A man with a passion for language, clear thinking, clear expression, ideas, argument, sport and having fun. Speechmaking at family functions was routine and everyone was expected to do it.

He was a monarchist but a strong believer in democracy. He was a practising Christian but irreverent too. He believed in free enterprise and was suspicious of the welfare state, but he was also a man for the underdog, compassionate, a man of contradictions. He was indeed complex. He also had high expectations of himself and others. He planned his own funeral. Played in the cathedral were John Farnham singing Help and Zorba the Greek, slotted in alongside choristers and organists making centuries-old music. The coffin made its way out of St Paul’s to the waiting hearse to the swing of a jazz band. Something tells me he wanted us to enjoy his funeral and to leave it with a spring in our step.

Despite his disabling conditions, his daughter Laura says he danced the night away at her party just a couple of weeks ago. He never lost the fire in his belly against injustice; he was antiwar, antinuclear, anti dishonesty, anti artifice. He was pro women—with four daughters and two wives that is hardly surprising. After almost a decade and four elections he left his beloved party in the hands of a woman, Janine Haines, the first
female leader of any party in the country, a leader we also said goodbye to just two years earlier.

In his confidence in women, and in so many other ways, he was a man ahead of his time. He was pushing for ethanol as an alternative to petrol before most Australians even knew what it was. He led Australia out of the dark ages of censorship. He saw nothing wrong with lovemaking or people writing about it. He was tolerant, but suspicious of wowsers. I hardly knew Don when he told me the tale of inviting a colleague into a motel room on an election campaign trail and enjoying his shock at seeing Idun, his wife, in her nightie breast-feeding one of their daughters. One of his staffers at the funeral described the Chipp entourage making its way to Canberra back and forth as the ‘Chipp circus’. The babies and the prams and the beloved german shepherd all piled into the Comcar.

A couple of years ago he told me he could not understand what all the fuss was about internal party disputes. Senators in our party, just like the others, have never got on with one another, he said. Some apparently even refused to come to party room meetings, declaring them a total waste of time. It was perfectly okay for Don for people to disagree. He approved of the conscience vote not just for euthanasia and stem cell research but for anything. He strongly believed it was the antithesis of democracy to coerce party members into voting all the same way and he saw to it that our processes allowed MPs to vote not only according to conscience but according to the evidence as they saw it or to properly represent the interests of their state.

I want to put on record some comments made by two important Democrats not able to be part of this debate. Former Senator Sid Spindler from Victoria said:

Don should be remembered less for the keeping them honest slogan, a quixotic endeavour at best, than for the substance of these and other policies he so insistently and courageously took into the public arena. Many of his priorities were ahead of that time in the eighties when he secured a bridgehead for the Australian Democrats, advocating unpopular causes like a capital gains tax, a place for women in Australian politics, drug law reform, justice for Indigenous Australians, sitting down with their leaders for three days in Alice Springs, long before the term ‘reconciliation’ was coined.

I was one of several Australia Party members who had urged him to have a go at “changing the world” and have a go he did. Later, when I worked with him on a daily basis I came to respect him for his honesty, his sincerity, his passionate belief that the impossible could be achieved. He came close to it.

Heather Jeffcoat, Acting President of the Democrats, said:

He set the audiences on fire with his passionate views. Indeed, in a letter to members in July 1977 he said: “we are going like a rocket”. He was not wrong.

Don was also a charmer, a very kind of person, genuinely interested in the welfare of everyone around him, with a deep interest in what it means to be a human being, as evidenced by his statement to members:

One of the most exhilarating and satisfying experiences a human being can have is showing tolerance to a different view and being big enough to agree to disagree with another person and still maintain a close relationship.

Don also leaves an extraordinary and enduring legacy in politics. He said:

Politics is not a profession—it is a disease. To do the ultimate good, one must be at the seat of ultimate power and the seat of power is politics.

Don served in the RAAF during World War II, studied commerce at the University of Melbourne, was the Chief Executive Officer of the Melbourne Olympics Civic Committee and was elected to the Kew Council. But
Don was not a one-dimensional career politician; he was also a family man, spent time overseas and was a talented sportsperson—playing a few games for the Fitzroy football club, playing district cricket and dabbling in professional sprinting. Perhaps his greatest claim to sporting fame was as the last batsmen to partner Sir Donald Bradman in the 1963 PM’s XI against England.

Don eventually entered the House of Representatives in a by-election for the seat of Higinbotham in 1960. At that stage he was 35. It was not long before his independence of mind and attachment to principle were to show themselves. In 1961, as a backbencher, Don voted against a government bill imposing capital punishment. In 1966, in the aftermath of the Voyager-Melbourne Navy disaster which took the lives of 82 sailors, Don became Navy minister. It was during this time, as he dealt with the storm that arose from allegations about the cause of the tragic accident, that his disillusionment with the way the major parties used the parliamentary system was crystallised. Don wrote in his autobiography:

The whole Voyager story indicates how a parliamentary system can be abused ... how decisions can be made by politicians which are not in the public interest, but for expediency.

Don was made Minister for Customs and Excise in 1969 and it was during this time that he made what was probably his biggest contribution as a minister and when his credentials as a small ‘l’ liberal were most on show. Don realised the absurdity of Australia’s outdated censorship laws and he worked against formidable opposition to liberalise them—even going so far as to show movies for other members and explain why they should be made available for adult viewing. Don also cleared a big list of long-censored books when the list of banned books was itself banned. That did not stop Don. He published the secret list and, by his own account, allowed members of parliament and journalists to take home banned books of literary merit. The Little Red Schoolbook, Portnoy’s Complaint, The Marijuana Papers, The Boys in the Band and Carnal Knowledge were liberated.

After being dumped from the ministry by the Prime Minister at the time, Malcolm Fraser, and sent to the backbench in March 1977, Don resigned from the Liberal Party. Some say the Democrats owe their formation to former Prime Minister Fraser—perhaps, but I think his dissatisfaction with his own party and the opposition would have led Don to that decision in any case. He resigned over five issues: the 25 per cent cut in foreign aid; the abolition of the Australian Assistance Plan—one of the most exciting and progressive social reforms ever undertaken, according to Don; the abolition of the funeral benefits for pensions; the breach of the promise to index pensions; and the decision to devalue the currency and the refusal to lower tariffs so as to contain the inflationary effect of that move.

In his resignation speech, he criticised both the Whitlam and Fraser governments. Don said:

I wonder if the ordinary voter is not becoming sick and tired of the vested interests which unduly influence political parties and yearns for the emergence of a third political force, representing middle-of-the-road policies that would owe allegiance to no outside pressure group.

So began the coalescence of the Australian Democrats—a party based on small ‘l’ liberalism and participatory democracy, an alternative to the major parties which transformed Australian politics.

Don became leader of this new party and its public face and his personal integrity, enthusiasm and frankness generated publicity, public interest and great momentum. Don crisscrossed the country, inspiring hundreds
of thousands of people. He spoke at town hall meetings overflowing with people disenchanted with the main parties, fed up with, as he said, the ‘politics of cynicism, character assassination and misleading statistics’. In Don’s words, the Australian Democrats offered:

A politics of hope, of reconciliation, of openness, of optimism. We offer a politics based on three simple virtues that have been badly battered and abused ... I speak of honesty, I speak of tolerance and I speak of compassion.

In June 1977, just a few months after Don had resigned as a Liberal MP, the Australian Democrats were formally launched and barely six months later they were fighting a federal election. Back then the Democrats campaigned on unemployment, inflation, uranium, industrial relations and social policy—some things never change. Don won a Senate seat for the Democrats in Victoria with 16.3 per cent of the vote, as did Colin Mason in New South Wales with 8.3 per cent and we went very close in other states too—Ian Gilfillan polled 11.2 per cent and Jack Evans polled 12.5 per cent in WA.

Back then, as now, people said it was a flash in the pan; the Democrats were bound to fail at the next election. Don led the party for the best part of a decade, including for four federal elections. This was the beginning of the Democrats taking the balance of power—the main minor Senate party with which governments had to negotiate the path of critical legislation. By 1981 the Democrats held the balance of power—a role we held or shared for 24 years until the coalition gained their Senate majority last year. During this time the Democrats fulfilled the vision that Don and others had for our party.

At the launch of the campaign for the federal election in December 1977, Don said:

... our first objective is to secure a Senate seat in every State. This will give us balance of power, the balance of common-sense, the balance of wisdom, the balance of reason in the Senate. We solemnly undertake to exercise that power responsibly and constructively. ... Our role will be to restore the Senate to its proper function as a House of Review and a States House—not a party political house. We will not permit a Government to steam-roll through ill-considered legislation that will adversely affect the Australian people. We will ensure that all important legislation is thoroughly discussed and clearly understood inside and outside the parliament before it is passed. We will support and strengthen Committees to consider legislation and consult with the Australian people about the legislation before it is enacted.

This he delivered and this we still deliver. We respected the parliamentary processes and enhanced the Senate’s function as a house of review. We reformed Senate practices, especially Senate procedures and the committee system. We created a more dynamic Senate which challenged legislation and added real value through its committee work. While the Democrats held the balance of power, the Senate was neither a rubber stamp nor a house of obstruction. Most importantly, we exercised our power in the Senate in a fair and even-handed manner.

Don saw that Australian politics needed a third force and he created the Australian Democrats to fulfil that role. While Don may be gone, the need for a third force is not. With the government having the majority in the Senate, the Senate’s ability to act as a house of review has been largely dismantled as the government of the day has rushed to give itself more power and less accountability. The Democrats have always looked to hold the government of the day to its promises and negotiate between the government and the opposition. Don’s approach of seeking consensus and compromise more than conquest and political point scoring meant that he was able to obtain legislative concessions from successive governments, both Liberal and Labor—concessions that made legislation fairer for the disadvantaged as
well as for ordinary Australians. This was a precedent continued by those who followed in Don’s footsteps and perhaps now even more than ever there is a need for the Democrats to play this role.

While many will see the party that Don founded as his legacy, we must not forget the issues and causes he championed with relentless passion. In many ways, as I said, Don was a politician ahead of his time. He was an early advocate for environmental causes and justice for Indigenous Australians. He was opposed to nuclear arms and uranium mining and played a central, if not leading, role in the saving of the Franklin River from being dammed.

Don never really retired and he never lost his enthusiasm or commitment to public service, even after leaving parliament in 1986. He had an active career as a media commentator, was a pro-monarchist delegate at the Constitutional Convention and stood for election as Melbourne’s lord mayor in 2001. Most recently with his wife he made a documentary about the devastation caused by landmines in Vietnam and Cambodia. Don has been quoted as saying that, ‘All I want to be remembered for by my wife, my kids, my loved ones, is that he was a good old honest bastard who gave it his best shot.’ He will be remembered for that and much more.

I take this opportunity to pass on our condolences to the family of Don Chipp: to his wife, Idun, to his six children—Debbie, John, Greg, Melissa, Juliet and Laura—and to other family members on what is a very great loss for them and for us. It is also a great loss for Australian politics and for the Australian people. We celebrate Don’s achievements and we mourn his passing.

Senator CHRIS EVANS (Western Australia—Leader of the Opposition in the Senate) (3.56 pm)—On behalf of the opposition I would like to support the condolence motion moved by Senator Minchin following the death last week of the Hon. Don Chipp. I would like to convey to his family the sincere condolences of all Labor senators and note his outstanding contribution to public life. It is certainly the case that Don Chipp’s passing is the subject of quite sincere and widespread regret in the Australian community. He made a profound, distinctive and enduring contribution to political life in this country through his service as a local councillor, a member of the House of Representatives, a senator and a minister. He is one of only 43 parliamentarians who, since Federation, have served in both houses of the federal parliament. Of course it is for his time in the Senate and his role as founding leader of the Australian Democrats that Don Chipp will most likely be remembered. He was a skilled political operator and a man noted for his idealism and determination, which he displayed throughout his public life.

Don Chipp was born in Melbourne in 1925 and grew up in a working-class family in the suburb of Northcote. I understand that his dad was a staunch Labor man and his mother a secret Liberal voter. I can understand why you would keep that secret! This was no doubt a fitting background for a man who founded a political party aimed at occupying the centre between the two major political forces in this country. He left school at 15 and worked as a clerk at the State Electricity Commission and studied part time for a degree in commerce at the University of Melbourne. In 1943, at the age of 18, he enlisted in the Royal Australian Air Force and served as an aircrew member until his discharge in September 1945.

Don was a keen sportsman—a cricketer, footballer and runner. In the early 1950s he became registrar of the Australian Institute of Accountants and the Australian Society of Accountants. In 1955 he became chief executive officer of the Olympic Civic Com-
mittee of the Melbourne City Council, with responsibility for organising accommodation for visitors to the 1956 Melbourne Games. It was also in that year that he was elected a councillor of the City of Kew, a position he held until 1961. In the late 1950s he was director of the Victorian Promotion Committee and in 1958 he was chairman of the first Cancer Doorknock Appeal.

Don Chipp was elected to parliament in 1960 at a by-election for the Victorian seat of Higinbotham following the death of Frank Timson, who had held that seat since 1949. Don was subsequently re-elected on three occasions and, following an electoral redistribution, won the seat of Hotham in 1969—a seat which he held until his retirement from the House in 1977.

His ministerial career began in 1966 when he became Minister for the Navy in the Holt government. He went on to serve as Minister for Tourist Activities, Minister for Customs and Excise and Minister Assisting the Minister for National Development. In 1971 he became Deputy Leader of the House and, in the last days of the McMahon government, took over the role of Leader of the House from Sir Reg Schwartz, who was also remembered by the Senate with a condolence motion earlier this year.

As Navy minister, Don Chipp had to manage the aftermath of the *Voyager* naval disaster of two years earlier, setting up the second royal commission into the incident when new allegations surfaced following an earlier inconclusive royal commission.

He was excluded from the first Gorton ministry as he was not thought to be a backer of the new Prime Minister. However, late in 1969 Gorton appointed him Minister for Customs and Excise.

Don Chipp was committed to the small ‘i’ liberal tradition in the Liberal Party and, in the spirit of the late 1960s, was the minister responsible for freeing up Australia’s antiquated censorship laws. When he became minister even the list of banned books was banned. Speaking on the ABC’s *Denton* program in 2004, he noted that at one point even the Noddy books were banned. But Chipp was a strong believer that adults should have the right to decide such matters for themselves. Press coverage from the period noted that he met with fierce resistance from what was described as the extreme right wing of the Liberal Party.

He was a supporter of multiculturalism, drawing fire from a range of sources in 1972 when he said:

I’d like to see a more tolerant nation so that we can receive ideas and cultures and even people from overseas. I would like to see a stage in the 1980s where Australia is becoming the only true multi-racial country. That is the Liberal Party aim, which is quite often misunderstood.

Don Chipp was also very concerned for the status of Indigenous Australians. In his first speech in 1961 he argued the need for economic development in northern Australia, and in his first speech to the Senate, in 1977, he addressed the dispute between the people of Aurukun and Mornington Island, and the Queensland government. He spoke of his experience, as part of the 1963 joint select committee investigating the grievances of Aboriginal people on the Gove Peninsula. He said on that occasion:

We as members of the Labor Party, the Country Party and the Liberal Party presented to the government what I thought was a wonderful report. Then there was an election and that report has been gathering dust ever since. Its recommendations were never implemented. When I go to Gove today I do not see a happy people living in harmony with nature. I see lots of alcohol. I see many of the white people’s scourges, which have virtually decimated that beautiful race of people.

He went on to say:
I plead with the minister from this seat in the Senate to find time to see these people, to talk about their problems and to learn first hand of the massive problems that they have. If no further action is contemplated by this federal parliament, the decimation of a race of people is not impossible.

This reflected his very deep commitment to Indigenous people in this country.

During the period of the Whitlam government, Don Chipp served as a shadow minister and the Liberal spokesperson on international trade and tariffs and, later, social security and welfare. For a short time in late 1975, during the Fraser caretaker period, he was simultaneously Minister for Health, Minister for Social Security and Minister for Repatriation and Compensation.

He expected, I think, to continue in those ministries after the 1975 election but was not chosen by then Prime Minister Fraser. He was understood to have had a frosty relationship with Malcolm Fraser and that apparently led to his omission from cabinet. But his status as a backbencher allowed him more freedom to take an independent stand, speaking out against government policy with which he disagreed.

His backbench status prompted him to look beyond the Liberal Party, an organisation with which he had experienced frustration for some time. In a notable speech to the House of Representatives in March 1977 he explained his resignation from the Liberal Party. He noted his public comments of opposition to the Fraser government’s actions of cutting overseas aid, abolishing the Australian Assistance Plan, proposing to abolish financial benefits for pensioners, failing to honour a promise to index pensions and deciding to devalue the currency without lowering tariffs.

His resignation speech was highly critical of both major parties and he suggested that it may be time for ‘the emergence of a third political force’. It is certainly true that the political and economic turmoil of the 1970s had led to widespread public dissatisfaction with politics. The newly formed Australian Democrats, with Chipp as leader, looked to capitalise on that disaffection and gather support by presenting themselves as a new style of political movement.

Chipp is reported as having hoped that other Liberal members would break away and join him, a scenario which failed to eventuate. Nonetheless, his experience and charismatic leadership was vital to the young party and he energised the Democrats’ national campaign and drummed up significant public interest. He was certainly highly effective in capturing the support of many people who sought an alternative to the major parties. Polls taken at the time of the federal election later in 1977 indicated that Chipp enjoyed a higher level of personal popularity than either Gough Whitlam or the Prime Minister, Malcolm Fraser.

Under his leadership the party recorded a significant vote at the 1977 election—more than 11 per cent nationally. They can only dream of such results now. At that election they gained two Senate seats, Chipp’s being one of them. He defined his party’s role as seeking a middle ground in policy and what I think we could fairly call ‘the accountability of government.’ Those roles could be summed up by his ubiquitous phrase: ‘Keep the bastards honest.’

The election of 1980 saw three new Democrats elected to the Senate, among them the late Janine Haines, who had sat briefly in the Senate after her appointment by the parliament of South Australia to replace the Liberal Movement’s Steele Hall.

Don Chipp entered the Senate at a time when the Fraser government held a majority in this chamber. His party winning an additional three seats in 1980 contributed to the
loss of that majority. From 1981 until July last year the Democrats, either alone or in combination with other minor parties and Independents, held the balance of power between the major parties in this chamber. Under Chipp’s leadership, and after his retirement, the party he founded was very successful in getting senators elected to this chamber and played an important role in the development of the Senate’s role as a strong check on government.

During his time in the Senate, Don Chipp served as the Democrats spokesperson in a range of portfolios and took an active interest in many policy issues. He was particularly passionate on the nuclear issue and also came to express deep regret at the role he played as Minister for the Navy during the time of the Vietnam War.

Among the personal characteristics that Chipp may be remembered for were his idealism, his willingness to debate ideas and his capacity to accept different arguments. His movement through the Liberal Party, the ministry, the backbench and then to the Democrats represents a significant political and personal journey.

He was always a passionate and persuasive advocate for his beliefs; he continued to speak out right up to the time of his retirement and post his retirement from the Senate. In the year of his retirement, 1986, he joked that he had missed his best chance when he was Holt’s Minister for the Navy and acting minister for the Army and Air Force, saying:

I often contemplate the glorious opportunity I missed, as ministerial head of the three services, of staging a bloodless coup in this country without having to do it the hard way of forming a third political party.

In retirement he continued to be an active and outspoken public figure and play a leadership role in his party. Perhaps not surprisingly for a man who said, ‘Politics is not a profession—it’s a disease,’ he ran for election as Lord Mayor of Melbourne in 2001. I hope I have better things to do in my retirement!

In an address to the Democrats National Conference in 2003 he continued to berate both the Labor and Liberal parties, to argue for his beliefs and to insist on the primacy of the parliament over the executive. He noted his pride in the important role he had played in the preservation of the Franklin River and in tax reform measures in the 1980s. As senators are aware, in the final years of his life Don Chipp developed Parkinson’s disease. Appearing on ABC TV in 2004 with his wife, Idun, he said that he wanted people with the disease to know that they could still lead ‘a valuable, happy life’. Don Chipp passed away last week on 28 August, a week after his 81st birthday. A state funeral was held for him at St Paul’s Cathedral Melbourne on Saturday.

On behalf of all Labor senators I would like to recognise the very significant contribution he made to this country through his long public service, and particularly through his service to the Senate. His was a vibrant and interesting life and a very important contribution to parliamentary democracy in this country. He will be long remembered as a character in an age when blandness is encouraged and characters are no longer highly regarded. I think he will be remembered as a very significant figure and one, as I say, who brought a great deal of character to Australian political life. I would like to extend our thoughts to our colleagues from the Australian Democrats, for whom I know his passing is a great loss, but most particularly I would like to offer our profound condolences to his wife and family at this time.

Senator BOSWELL (Queensland—Leader of The Nationals in the Senate)
— I too would like to join the condolence motion supported by all sides of the parliament and express my sympathy, on behalf of my National Party colleagues, to his former team mates in the Democrats and to the wife and family that he has left. When I came into this parliament in 1988 I sat almost next to Don Chipp and we became quite friendly. I sat there probably until he left. I am not sure whether it was in this house, now that I reflect on it, or in the old house, but I certainly sat one removed from him.

He was one of the characters in parliament. He was one of the men who had a vision. He was a man who not only had a vision but carried that vision into a reality to form another political party, which had great sway in the politics of Australia. He had the balance of power in the Senate and he developed a party that did have a fair bit of clout when he was leader, and when he handed it over to Senator Janine Haines it was still at its top. The party stayed marginally to the right of centre and it had some relevance in the political spectrum of Australia.

Don Chipp had a very full life as a member of a RAAF aircrew, a councillor and a CEO in the Olympic Games. He also ran a doorknock appeal and had a lot of involvement in volunteerism, in putting other people first. He became a backbencher in 1977 and then left the Liberal Party to form the Democrats. One of his ministerial highlights—I suppose it was a lowlight—was when he was Minister for the Navy during the Voyager collision, and he was instrumental in setting up the royal commission. We have heard about his views on censorship, and he abolished some of the censorship regulations and rules and allowed books to go on the market.

I knew him as a decent fellow, a fellow I sat next to, a fellow that you could have a yarn or a joke with and a person we could approach—and we did approach Don Chipp on a number of occasions to see if we could get his support on various issues. One was the maturation of rum, as I recall. The Treasury decided at the time that they would remove the maturation process on rum, and I approached him and he supported us in Queensland. I would like to take this opportunity to wish his wife, whom I knew—I did not know his family, but I recall they were a younger family—support and condolences from the National Party and say to her that he was a good honest bastard, and that is how he wanted to be remembered.

**Senator BARTLETT** (Queensland) (4.14 pm)—It probably would not please Don Chipp, but I will start my speech on this condolence motion by giving a quote from Malcolm Fraser, who described the service on Sunday as ‘a great send-off’ and remarked that Don Chipp led a very productive life. I think he is right on both counts. It was a great send-off. It was one that Don Chipp had a hand in designing and perhaps it is therefore no surprise that it was a marvellous occasion, filled with grief, of course, but also filled with great insight and recognition of an amazing life. I would like to put on record my appreciation to both Mr Fraser and former Prime Minister Keating for making the effort to go along.

I also put up front my condolences to Don’s family: his wife, Idun; his first wife, Monica; all of his children; and his brother, Alan Chipp, who gave a wonderful speech at the service. As the last remaining of four brothers brought up in Northcote in Melbourne in the twenties and thirties, it would be a difficult time for him as well. The key message that came forth from Don Chipp’s life—and it was so appropriate that it was reflected in the state service in the cathedral in Melbourne on Saturday—was the message of love. Not surprisingly, that came forth in the contributions from all of his children. Each in their own way spoke of their memo-
ries, their feelings and their impressions of Don Chipp the man, the father and the great Australian. His children, Melissa, Debbie, John and Greg, gave different contributions, but each had the theme of love running through them.

I will always remember his two youngest daughters, Juliet and Laura, reading in tandem chapter 13 from the first letter to the Corinthians—a reading that is normally used at weddings rather than funerals. They read in duet style and then read the final words together: ‘Faith, hope and love remain, but the greatest of these is love.’ Throughout all of that was the enormous pride that they all felt. As was pointed out in the homily—which was also excellent, I might say—you cannot actually experience grief without love. Perhaps some might see that as the downside of love, but it is also an example of the power of it, the importance of it and the key part in the role it plays. The pride that shone forth from all of the Chipp family during the service could not fail to make an impression on everybody who was there. It was not just from a family and their private experiences, it was because of the enormous contributions that Don Chipp made in so many ways throughout his life.

Not surprisingly, we are focusing here on his contribution in the parliament and to parliamentary life. As Senator Minchin pointed out, Don Chipp spent longer in the Liberal Party than in the Democrats—indeed, almost twice as long. He made significant contributions to the Liberal Party, but there is no doubt that he will be remembered first and foremost for his role as a Democrat, in the Democrats and as a tireless promoter of the Democrat vision. Don Chipp was essential in setting up and founding the Democrats, but, as he acknowledged himself, there were many thousands of men and women from all ranks of society and all parts of the community who over the years contributed to not only building up the Democrats as a political party but building up and promoting that vision.

It is an appropriate time to also acknowledge the legacy of those who came before, from parties such as the Australia Party, the Liberal Movement, other parties from that time and groupings of people. Don Chipp’s great gift and ability was to be able to bring people together and provide a figurehead, but he also had the passion to fire people up to do what is an incredibly difficult thing to do: establish a successful third party in one of the more rigid two-party systems in global politics. It is an amazing achievement—one that very few people have successfully done—to successfully set up a minor party in Australian politics. It was not, despite the way it was sometimes painted, a breakaway or a splinter from a major party; it was a party in its own right, pulled together from the community. The fact that Don Chipp came from the Liberal Party to be a key catalyst in setting up the Democrats was sometimes used as a way to mistakenly portray the Democrats as a breakaway party rather than a genuine party generated from the community.

It is no secret, of course, that Don Chipp was quite ill in his final years. Indeed, he made sure that it was not a secret. As with almost everything, he was quite open about his ill health, feelings, views and experiences, but, above all else, his determination not to let his physical ailments hold him back. Certainly, the thought that sprung to mind when I heard that he had finally succumbed a week ago was that it was hard to believe that such an amazing spark and passion for life could be put out. But, as has been pointed out, that spark has not been put out; it has been passed on to thousands and thousands of other people. I note the comments from the Leader of the Opposition, Mr Beazley—comments for which I thank
him—about the ability of the Democrats to draw strength from people like Don Chipp in the same way that the Labor Party draw strength from their icons—people like Ben Chifley or John Curtin—even though they may never have met them. He is right: the Democrats are able to and do draw similar strength and sustenance from the life, the example and the passion of Don Chipp, and we will continue to do so. But it is not just the Democrats who have the opportunity to draw on that strength and that passion; frankly, it is for any Australian who wants to take the opportunity to do so.

The key thing that was distinctive about Don Chipp and his ethos was what he consistently wanted injected into the Democrats: democracy, first and foremost. It was about calling on people of all ages and all backgrounds to get involved and to be passionate and concerned about their country, their environment, their world, their future and their children’s future. It was not just a political party for people to have tribal loyalties to like a football team, where you cheer your team on rather than the other team—although that was part of it because that is what any party does. It was more than that and that was the great dream and the great vision that I believe makes the Democrats different. It is not about a particular group of policies on their own; it is about, as the name suggests, democracy—and democracy in its truest sense which is encouraging people, whatever their views, to just get involved. To borrow another election slogan—perhaps not as well known as ‘Keep the bastards honest’—just ‘give a damn’.

In the lead-up to the start of the service when people were sitting in the cathedral, pictures were shown of Don’s life and various portrayals of his different roles in different situations. It ended with the video vision, which I have seen in a few news bulletins in the last week, of a passionate speech by him from, I think, the 1984 election, when he called on all men and women of goodwill to realise that they can change the world. That probably sounds naive these days, but Don Chipp was not scared to sound naive. He was interested in doing what was right rather than being concerned about what was perceived to be naive. As his brother Alan said at the service on the weekend, he had the courage to dare to do right and to risk unpopularity regardless. To quote his words: ‘The legacy Don Chipp leaves for each of us is to be honest to yourself and others, to listen to hurt, to be compassionate, to look to solve problems by consensus rather than contest, by cooperation rather than conflict.’ Again, that may seem naive to some, but it is a core value and a starting point in trying to determine the best way forward, whether it is in regard to a piece of legislation being negotiated in the Senate, or in regard to the way forward for the planet and the people on it, where we face some difficult challenges.

One of the few things I did find unfortunate amongst some very wonderful and generous tributes from so many people in the Australian community over the last week was in regard to a few pieces in the mainstream media, from so-called political analysts. They continue to revisit the very tired, shallow and, frankly, false debate about whether the Democrats shifted to the Left after Don Chipp left—whether the party should have been in the Centre, the Right or the Left; whether we should have moved up, down, sideways or around and around. All of that missed the point. Perhaps those easy pigeon holes suit the lazy journalist, but they missed the point about what was different about the Democrats and they missed the point about Don Chipp.

Not surprisingly, I spent a lot of the last week rereading some of his books, reading some of his speeches from the Senate on various issues and other speeches he gave,
rereading his resignation speech from the Liberal Party in 1977 and rereading what he said in his final speech to the Democrats national conference in May this year. After going through all of those, it appeared to me that Don Chipp was a lot more left-wing on most issues than I am. Commentators missed the point by trying that shallow approach of pigeon-holing people into a particular place. How ridiculous to try and pin down a person like Don Chipp and say that he was Centre Left or that he moved to the Right or any of these things! To try and reduce the amazing diversity of democracy to a singular point on a two-dimensional line is ridiculous. It was that diversity, the love of the complexity and the endless dynamism of life, that I think Don Chipp personified. Who would want it any other way? Who would not want the complexity of life with its contradictions and its imperfections? It is little short of intellectual dishonesty to keep trying to reduce that amazing diversity to a shallow analysis. It is a shame that that is all we get served up sometimes from the so-called commentators.

The core principle for Don Chipp was democracy and that is why the name of the party is so appropriate.

Another comment of Don Chipp’s was reported reasonably widely in the last week, perhaps because it was so apt. While the slogan ‘Keep the bastards honest’ will unavoidably be an instant point of recollection for many people, he said himself that he got that promise wrong, not only because he failed to keep the bastards honest but because it misrepresented who the bastards were. The slogan tapped into the natural human reaction to assume that politicians are a pack of bastards—and there are a lot of reasons to assume that is right across the political spectrum.

But, as he said, the real bastards were those who just reacted to the problem with another beer, tossing out the comment, ‘She’ll be right, mate’—the people who did not care, the people who were prepared to just let it all happen and not have any concern or compassion or interest in their fellow humans, in the ones who were struggling and in those who were less well-off. The real bastards had no interest in trying to understand the other person’s point of view. They did not have any interest in or ability to perceive the hurt that people feel or the difficulties that other people have. It does not mean that you will always end up just agreeing with everyone else but that people who are not even prepared to bother being concerned with their fellow humans are the real bastards.

He would often say that there are many men and women of goodwill across all political parties. Every single time I saw him give a speech—and I did see a number over the years, although not as many as I would have liked—one of the things he mentioned every time I think was how distressing he found it to witness genuinely good men and women in political parties voting for laws and policies that they believed in their hearts were wrong, bad and damaging, and how wrong it is that our political system forces them to do that. It is not so much a reflection or an attack on the people in the major political parties for doing that; it is a reflection on our system that forces them to do that. It is a reflection on the fact that this practice is a major attack on a core aspect of democracy itself. I would like to think that we could take the opportunity, in reflecting on the life and achievements of Don Chipp and in considering the nature and health of our democracy at the moment, to reconsider whether we should change our approach in Australia towards such rigid party discipline and such an absurd insistence on forcing people to vote for things that they believe in their own hearts are wrong.
We all see in this place the really positive response from the general community when they know that politicians are saying what they genuinely believe. We saw that in the RU486 debate. It was not so much whether they agreed with what people had said; it was the fact that they at least knew that this time politicians were saying what they genuinely thought and that they thought enough about an issue to have some knowledge of what they were talking about. We need more democracy in our democracy.

So I make that point by way of re-emphasising that this is a legacy available for everybody. Of course the Democrats will draw strength from Don Chipp’s contribution but it is something that everybody can draw strength from. He was not just a successful politician in the technical sense of getting a lot of votes or being around for 25 years or being able to be a minister or getting lots of things on his resume or even getting an Order of Australia. All of those are things to be proud of, but he was not just successful in that more narrow sense of the word. He was successful in the much wider sense of the word. In clearly leaving the world a better place and making a very significant and positive difference in the political process. As was obvious from the service on Saturday, he received wide respect from across the political spectrum. That category of successful politician, I would suggest, is a much smaller group, sadly, and it is something for us all to aspire to.

The role that Don Chipp and the Democrats played at the time in significant policy and legislative reforms should not be forgotten. I had the good fortune to bump into former Prime Minister Keating in the airport lounge on the way out of Melbourne after the service. He spoke incredibly affectionately and very positively of the professionalism of Don Chipp, the fact that you could trust his word and that he would stick to an agreement not just because he was a man of his word but because he had sufficient courage not to get cold feet when the going got tough. There is no doubt that some of the things that the Democrats supported in those days, such as the implementation of the capital gains tax and the fringe benefits tax, would have lost us votes at the time. That is beyond dispute. But it is also beyond dispute 20 years on that they were undoubtedly the right things to do. Even the modifications that the Democrats forced on the government of the day and on the then Treasurer, Mr Keating, to exempt the family home, for example, were also clearly the right decisions.

I would like to give one example, and it is a random example. It is a comment that I received from Lisa, a member of the public writing in response to some of the tributes to Don Chipp. She spoke of her experience of Don Chipp, who first inspired her as a young 18-year-old to enrol to vote, and of receiving a handwritten letter from him 20 years ago. This was the small gesture at 18 sparked her lifelong passion for politics. She believed that, if a leader of a political party would listen to her, she really could make a difference. I do not know whether that person is still a Democrat voter or not—there is quite a reasonable statistical probability that she is not—but the key point is not who she votes for but that she still gives a damn and has passion. I know there would be thousands of other people like Lisa, who have that passion and the extra spark and who will be just that bit stronger because of Don Chipp.

I think the appropriate point to end on is to remind people not just to look back and think that that was a life well lived and we now move on, but to recognise that there is so much from that life that we can draw on. It was clear from the service on Saturday that so much of Don Chipp will live on in his children and his family. There are many other people, of course, for whom he has
made a difference. The one key thing I guess that he would urge them to do is not to be one of the bastards who do not give a damn but to take hold of that passion, wherever it might take them, and to care about their fellow human beings and the environment.

I have to note that Don Chipp was one of the strongest advocates in the parliament for caring more about and showing more compassion towards animals. I want to pass that on because I received specific comments from people involved in the animal welfare movement recognising and wanting to acknowledge the role of Don Chipp in that area and in trying to ensure that compassion, concern and appreciation of suffering be applied as widely as possible. If that is something that anybody wants to take from Don Chipp’s life then I think it is a pretty good thing for them to do. The main thing is to show concern, be intellectually honest and remember that core message of love. If you do that, you will make a difference for the better, wherever you might go and whatever you might do.

Senator CHAPMAN (South Australia) (4.38 pm)—I speak in support of this condolence motion as the only current senator to have served with Don Chipp while he was a member of the parliamentary Liberal Party, during the first year or so of the Fraser government when we were both members of the House of Representatives.

It is a fond memory of mine that Don Chipp—as the Minister for Social Security and with responsibility for a couple of other portfolios in the caretaker government established under Malcolm Fraser between the dismissal of the Whitlam government on 11 November 1975 and the resulting federal election on 13 December 1975—was one of three caretaker cabinet ministers, along with Bill Snedden and Andrew Peacock, who came to support my election campaign in the southern suburbs seat of Kingston. The highlight of each minister’s visit was a public rally in the evening. In the case of Don Chipp, there was an open-air rally on the Morphett Vale Oval where about 1,000 people gathered, not to maintain their rage—as Mr Whitlam had pleaded following his dismissal—but to express their rage at the devastating impact of the mismanagement of the Whitlam government on the southern suburbs and to show their support for the election of a Liberal government.

Our stage for this open-air rally was the back of a truck, and Don was as much at home speaking from there to the gathered throng as he was at a more erudite gathering. Don’s passion, commitment and sense of humour were as much in evidence on that night as on many other occasions. The crowd warmed to his message and responded with enthusiasm. A few days later they responded with similar enthusiasm at the ballot box, delivering a 12 per cent electorate-wide swing in Kingston to defeat the sitting Labor member and elect me. There were swings as high as 20 per cent in some of those southern suburbs in which Don Chipp campaigned.

Sadly—and, I believe, in an error of political judgement—Don Chipp was excluded from the post-1975 election Fraser ministry. It was no secret, and I think it has been alluded to in earlier remarks, that the two did not get on. How different history might have been had this not been the case. It is unlikely that the Australian Democrats would ever have got off the ground. It would seem that Mr Chipp’s legacy will long outlive the Democrats. Don Chipp was arguably the nation’s most popular politician and one of Australia’s most liked public figures.

With the passing of time, our political paths diverged. He left the Liberal Party in March 1977 to become an Independent MP and subsequently, in May 1977, established
the Australian Democrats. He then retired from the House of Representatives to stand successfully for the Senate at the December 1977 federal election, taking his seat in the Senate in July 1978. Meanwhile, I departed the House of Representatives in 1983 and by the time I returned as a senator in 1987 Don Chipp had retired. Nonetheless, we continued to interact through our common love of sport.

Don was a passionate and committed sportsman. While I recall him primarily as an enthusiastic and tough cricketer, his sporting prowess was wide and varied. After playing Australian Rules football for Heidelberg in the Victorian Football Association, he played briefly in the higher grade Victorian Football League with the Fitzroy Football Club, for whom he played three games in 1947, kicking one goal. He was also a finalist in the Stawell Gift, losing his heat by a whisker to the eventual winner of the Stawell Gift. He also won a senior position administering the 1956 Olympic Games. I am told that a visit to a travelling boxing tent in Benalla gave him the chance to fight, and win, a bout against an old pro.

Don Chipp will also always hold a place in history as the last batsman to partner Sir Donald Bradman. It was in February 1963, just up the road here in Canberra at Manuka Oval, and Sir Robert Menzies had coaxed the Don out of retirement to play in the Prime Minister’s XI against England. Then test greats, including Richie Benaud and Neil Harvey, comprised the PM’s team—and, unlike today, it also always included a couple of MPs. As a reasonably competent cricket player Mr Chipp found himself batting No. 4. That game saw Don Chipp recorded as being the non-striker when Don Bradman, aged 54, was dismissed for the last time—for four runs.

As I said, it was our mutual love of cricket that kept us associated after Don Chipp left the Liberal Party, because in the latter half of the 1970s Mr Chipp convened and captained the parliamentary cricket team in its several games against the press, the parliamentary staff and several other teams, including in latter years the Melbourne Crusaders. In later years I inherited the role. It was easier to get a team together in those days with parliament not sitting on Mondays. Don Chipp was vigorous and competitive, a hard man on the cricket field. When he captained parliament against the press gallery he sledged as ferociously as he played, though it must be said he sledged his own team mates as much as he did his opponents.

I do not doubt that Don Chipp’s qualities of passion, single-mindedness and the killer instinct aided both his sporting and political success. They are reflected in his commitment to the causes in which he believed. I offer my condolences to his widow, Idun, and to his family.

Senator STOTT DESPOJA (South Australia) (4.44 pm)—I rise to support this condolence motion on the death of the founder of our party, Don Chipp. I was privileged to speak at Don’s state funeral on Saturday in Melbourne. I thank Don and his family for that great honour. In fact, for those who attended—and you have heard from my colleagues—it was a mix of ordinary Australians, people who had never met Don Chipp; his political colleagues, both friends and foes alike; many Democrats; Liberal Movement and Australia Party members; and former prime ministers. It was an extraordinary gathering but it was also a beautiful celebration.

The music reflected Don’s whims and his tastes, whether it was Zorba the Greek, Help sung by John Farnham or jazz. We all walked out of St Pauls to the sounds of a jazz band.
It was full of happy memories and images, from videos of Don, as my colleague Senator Bartlett has remarked, to photographs profiling his political and personal life. The eulogies and the speeches by his family were not only a testament to what an extraordinary, wonderful and passionate man Don was but also an absolute, glowing tribute to his talented, articulate, caring and loving family. The speeches by Debbie, Melissa, Greg and John, his children; the readings by Juliet and Laura, his younger daughters; and the speech by his last surviving brother, Alan, were all funny, interesting, clever and passionate, much like the man himself. It was an honour, along with Andrew Denton, to give tributes at that event. I probably risk doubling up on some of my comments at that event today. I also want to thank John and Christine for the beautiful wake hosted at their house after the state funeral. It was extraordinary hospitality—happy and loving grieving but beautiful people. Again, it was very much a tribute to Don’s passion for and love of family. Family was big for Don, and I am so glad that he met my son, Conrad.

Don Chipp knew exactly what the odds were against him and his party. He pitched himself against two-party dominance and he hoped that voters would see the advantage—and they did. His disillusionment with the major parties and his fervent desire for ordinary men and women to have a say led to the formation of the Australian Democrats on 9 May 1977. His vision, as you have heard from many speakers here, was for a party that stood for hope, optimism, reconciliation, honesty, tolerance and compassion, very much reflecting Don himself. He saw the party—and I paraphrase Don—as a credible alternative to cynicism, character assassination, misleading statistics, name-calling, pork-barrelling, union-bashing, dirty tricks, secrecy and despair. I think he covered the lot.

We were born of some strange bedfellows and I think Senator Bartlett in his speech today made it very clear that this was not simply a breakaway—not at all. This was a grassroots, participatory, democratic movement founded by this man and born of strange bedfellows: the Liberal Movement and Australia Party members, many of whom were in the church on Saturday. As I commented in the eulogy, the first ballot was for the name of the party. It was typical of Don, this focus on participatory democratic politics. Everything had to be balloted, and still is occasionally. The first ballot was for the name. Don and others swear that there was a 7,000-strong membership at that time, and why would we doubt him? The choices were, I think, 56 alternatives to the Australian Democrats. One was the Beacon on the Hill Party and the other was the Civic Sanity Party. I suspect we got really close to those ones! Australian Democrats it was—a wise choice. The media’s preferred terminology or nomenclature for the Democrats over the years, and particularly at that time, seemed to focus on Chippocrats and Don’s Party, which, as I have said before and on Saturday, while catchy, sound a little like an all-male strip review. Don and I thought maybe that explained Reverend Fred Nile’s vocal opposition to the founding of this new party. But the Australian Democrats it was.

At the 1997 election, armed with I think $44,000 in campaign funds, a four-page policy document and the claim to be a credible alternative to the major parties, Don Chipp and his colleagues stood for election. As you have heard, Colin Mason in New South Wales and Don Chipp were elected on that occasion. It was pretty irresistible, I suspect, but within our first year, the Democrats were polling double figures in state and federal elections.

The first actual policy ballot was on the environment. It was an anti-uranium plat-
form. Again, I support the words of my colleague Senator Bartlett in saying that this whole Right-Left dichotomy is so difficult to apply to the Democrats, not just throughout our existence but at the formation, because Don was a radical and proud environmentalist. He loved, cared for and sought to protect, both legislatively and through his other activities and public work, our wonderful natural heritage. Norm Sanders and he will forever be remembered for the campaign to save the Franklin in the 1980s. After the logging of the Daintree, he went on television and said, ‘Those mindless bloody vandals.’ He was an activist as well as a legislator and he was ahead of his time when it came to environmental issues. Environmental sustainability has been a core of our party ever since, along with human rights, accountability, democracy and all those other things that Don was passionate about. At the 1980 federal election, he asked:

When you decide on a party you support you are not really thinking about yourself, are you? Subconsciously, you are in fact thinking about your children and your grandchildren. You know that somehow or other that you and I will survive the eighties but what kind of Australia are we going to present to our kids at the end of the decade?

That is one of my favourite quotes; I know I have used it a lot. It sums up a notion that these days, I suppose, we refer to as ‘inter-generational equity’. Don looked beyond electoral cycles. He was focused on the future. He cared about the environment. He loved family. I think that quote is a really important one for the Democrats to reflect on. Do we think that the period of time in Australian politics had it been without the Democrats would have been a better world? Is there a better Australian political climate as a consequence of the Democrats having been formed and the work we have done? You bet.

Don’s vision inspired many new activists, politicians, supporters, voters and, indeed, members of parliament. I have said previously that we all wanted to be ‘chips off the old block’ in trying to encompass or perhaps even reconcile that strong belief in small ‘l’ liberal principles—the civil libertarian perspective—with some really progressive, radical notions. On the party’s anti-uranium stance, even at our national conference this year, at which Don Chipp spoke, Don said his aim for the party was to be ‘vigorously pro-environment and antinuclear’. That never changed. Until his death last week, that was a core of his philosophy; and to this day it is part of the Democrat philosophy. There was the belief in free education. There were the Democrat amendments to Medicare and our views on the provision of publicly available and funded health care. And there was the antiprivatisation stance.

These are not middle-of-the-road concepts, but they were embodied by Don just as, on the other side of the ledger, for lack of a better expression, there was his opposition to the Australia Card. Don debated what he saw as the looming potential for a national identity card—the so-called smart card that the government is introducing. He railed against that. He kept telling me, ‘You have to run a campaign against this potentially invasive card.’ And, of course, we have already heard Don’s views on censorship.

As Greg Chipp, Don’s son, pointed out on Saturday at the funeral, one of Don’s last political acts was to sign a petition opposing the incarceration and detention of David Hicks in Guantanamo Bay for almost the last five years; I think it was a petition that I did with Amnesty. Again, that shows Don’s love and respect for the rule of law. That is perhaps an issue that would refer to Don’s small ‘l’ liberal principles and, certainly, to international humanitarian law, for which he had much time.
Don was never able to persuade enough people to have government within the party’s grasp but, arguably, he was after hearts and minds, not government. He wanted the very special voice of thousands of Australians, who care more about ordinary people’s lives than ideology and factions, to be heard. No one can argue that he failed in that respect. Don had the satisfaction of seeing his small party do big things—of seeing Democrat senators emerge as fine legislators. I know that he was proud of and not disillusioned with, no matter what media reports might say, our work. Up until his death he was proud of our work. He was proud of our work in ameliorating unjust and harsh legislation over nearly 30 years now. He was proud of the fact that people in their thousands turned to the Australian Democrats for help and for policy that reflected his concern and his compassion.

I think Don was philosophical and unbowed by the special problems that afflict small parties, such as the personality differences that would usually be controlled in larger, more dogmatic parties, but which can cause serious difficulties in tiny parliamentary groups. He knew that no such party is immune from those problems, and he hoped that his wisdom would guide the Democrats through them; indeed, many times it did.

Through those times, Don was certainly always there for me, as he was at the times when I thought perhaps it was most politically difficult for me. I recall that was the case during the GST vote and my decision to cross the floor. In the midst of the negative media maelstrom Don was palpably excited by it all. To him, this was the living embodiment of everything he had been talking about in terms of his support for, and the establishment of, a conscience vote provision in the Australian Democrats. As he said in his national conference speech this year, the party was to ‘hate nobody and to allow its elected members to vote at all times in accordance with their conscience or what they perceive to be the best wishes of their electorate’.

I thank Don for his support during other times, difficult times, and for his support before, during and after my leadership. He came to understand how intractable some of those issues and differences were, and supported my decision to leave the leadership, just as he understood—if not accepted—in recent times my reasons for not resuming or attempting to return to the leadership.

But I have mostly fun memories of Don Chipp, as I am sure many people here do. There are stories people would have heard; I mentioned some at the funeral. There were birthdays—my 30th and seeing Don boogie-ing on down. There was Don’s 80th—he was not quite boogieing at that stage, but he was certainly in fine form. There was meeting Conrad. There was putting up with Ian’s politics. There was singing along to Robbie Williams DVDs. I tell you, Don was often in fine form and was always one to appreciate the skills of a fellow performer. He loved music, and Robbie Williams was one of his latest interests. There was the Constitutional Convention in 1998. I acknowledge former senator Karin Sowada, who I spoke to not only at the funeral but also last week after news of Don’s death. Karin was reminding me of a photograph that was taken of the two of us at that convention, with Don in the middle and the two of us kissing him—we are trying to scoop up all copies of that photo, by the way! It was typical Don: he was a bit of a larrikin and liked a kiss with the girls.

One of my favourite and most honoured moments was the 25th anniversary dinner held for the founders of the party on 9 May 2002. What a great honour that was. As I said at the funeral, one of my favourite cam-
campaign stories was about the time he came to Adelaide, to the seat of Boothby, on the last full day of the 2002 election campaign, and he was campaigning with me in Marion shopping centre. It was very exciting for Marion shopping centre. It did not know what had hit it. There was this posse of Democrats led by Don and me, and people were just swarming around. People love this man. They would come up and say, ‘How are you going?’ ‘Keep the bastards honest,’ and ‘Come back to politics.’ They would ask him questions and he would throw out answers, preaching but all the time hugging and kissing. It was an interesting campaign tactic but nonetheless it worked; we got 19 per cent in that electorate. But, as I said on Saturday, it was almost like a campaign brilliance combined with elements of a Benny Hill skit. That was Don. People loved him, and he loved life. He did not take things too seriously, but he took the things that mattered seriously. He did not take himself seriously, but the policies and the principles that mattered were most important to him.

The theme on Saturday was very much about love and family. He was an idealist, and he was a lover of peace and kindness. He held the flame high for social justice and humanity. He would never have proclaimed war—he hated war. Even if he were the most powerful man in the nation he would not have proclaimed war. He would have always found a better way, and that way would not have involved the suffering of the weakest.

To be called an honorary daughter and to be loved like one was an incredible honour. As Leader of the Democrats I was really proud to have helped lobby this government to establish the Don Chipp Foundation so that Don’s work can, in a policy sense, live on—of course, there is no doubt about that. I thank the people involved in establishing the Don Chipp Foundation, because I think it is really important as a think tank now that we can continue work on the policy and principle issues that Don was committed to.

There are those who with indecent haste are seeing Don’s death as a sign that his party is dead too. I think it would serve this nation better if they were to look at what Don Chipp’s party has meant to many, many thousands of Australians since he founded it. It would be smarter of them if they paused to think what the Senate is like today without the Democrats in the balance of power. It is an emasculated house, a rubber stamp for the government’s ideological excesses. They might actually see Don’s achievement as a significant force for the better in politics, as it has been and as it may be again.

As I said on Saturday—and I want to put the full quote on the record—the pain of death is the pain of loss. But can we really believe that we have lost Don Chipp? Whatever the fate of his Democrats, I think there will be a little bit of Don in every new party formed to oppose those with overweening power and too little concern for ordinary people. That must be a comfort to his family, and it is a comfort to us all. Don, we are going to miss you greatly. I offer my condolences, of course, to the beautiful Idun, to Monica as well, to his children Juliet, Laura, Debbie, Melissa, John and Greg and of course their grandchildren.

Senator MILNE (Tasmania) (5.04 pm)—I, too, rise to offer my condolences to the family of the late Don Chipp. I did not know Don Chipp, so my comments relate to his contribution as a public figure in Australian political life. My first real awareness of Don Chipp was through the campaign to save the Franklin River in south-west Tasmania. His name will always be associated with that enormous contribution to conservation in Australia and to world heritage, because in 1981 it was Senator Don Chipp who initiated a Senate inquiry into the natural values of
south-west Tasmania to Australia and the world and federal responsibility in assisting Tasmania to preserve its wilderness areas of national and international importance. He also drew up a private member's bill which was later taken over by the Hawke government. His contribution to the saving of the Franklin River is outstanding and was enlightened for its time—and I want to put that on the record. As that river flows free to the sea, as Senator Stott Despoja has just said, there is a little bit of Don in that fantastic ecosystem.

I also want to note in relation to Don Chipp that, having had many years in the parliament and having been involved in party politics, he was very critical of and opposed to the rigidity of party politics. When asked in an interview in 1983 about whether, because of his policies on the environment and his humanitarian policies, he might have sat more comfortably in the Labor party, he said:

... I couldn’t hack having to kowtow to a policy established by a Federal executive—a policy which demands blind allegiance or expulsion if you buck it or cross the floor to vote. I’d rather go out and dig a good, honest hole because that is an anathema to everything I believe. Let me give you an example. In May 1977, after I’d resigned from the Liberal Party, I moved as an independent that there be a moratorium on all uranium mining. It almost lapsed for want of a seconder, but Jim Cairns mumbled something and the Speaker accepted that as seconding my motion. He was almost expelled from the ALP for that mumble because, at that point, he was going against his party policy. We had a vote and every member of both the Liberal and Labor parties voted against me.

It is interesting that back in 1977 he recognised the problems with uranium mining and then, when he could, after he had resigned from the Liberal Party and was an independent, moved on that. He went on to say:

Four months later, every member of the Labor Party voted for an almost identical motion. We’re not talking about the price of butter or some penny-ante thing here—we are talking about the future of the human race.

He did have a conceptual framework that went beyond elections. He did have a commitment to a vision for the future which was an expansive vision, one about humanitarianism and liberalism. The party that he formed, the Democrats, was really born out of his strong commitment to small ‘I’ liberalism. That was apparent back in his years in the Liberal Party when, as a minister, he adopted what was quite a radical approach to censorship at that time. He said himself that his approach to censorship ‘began from the fundamental premise that censorship is an evil thing’. He went on to say:

But I haven’t any doubt at this stage that an overwhelming majority of Australians want it in some form. So I, as the hapless Minister, have to administer a necessary evil.

However, we should note that his policy in opposing the narrow strictures of the day and speaking about the need for embracing ideas—all ideas—and opening society was something that we can be grateful for because it set a legacy in place that we can all benefit from in the political process.

I want to also note Don Chipp’s contribution in forming the Democrats. When he was disaffected with Liberal politics, went into his period as an independent and met up with other people—the Australia Party and others who had ideas about a small ‘I’ liberal party, if you like, with a commitment to the environment and social justice—he established the Democrats. He said at the time:

The three tenets I introduced when forming the Democrats were honesty, tolerance and compassion. Everybody thought that it was very funny to try and introduce one of those, let alone three. After my 17 years in the House, it was clear that dishonesty, intolerance and a total lack of compassion had been integral features of politics for many years. I’d been there and clearly it was not the system to cure Australia of its ills. Instead of
confrontation and points scoring, why not introduce tolerance and honesty, to, say, industrial relations? Surely it would open up a whole vista of new possibilities.

That is what he was trying to do when he established the Democrats. It is a view that he brought to balance-of-power politics in the Senate—that attempt to 'open up a whole vista of new possibilities' in the way that people relate to one another and achieve outcomes through legislation. At that time he said:

But it all boils down to a question of what Australians want of their politicians. I’ll tell you what you want: you don’t want anything because you regard them as sons of bitches interested only in either feathering their own nests or self-aggrandisement. I believe that until we get back to the basic concepts of understanding what the problems facing mankind are, and how best we can solve them, then we may as well go through the motions of me drawing my parliamentary salary, making a few speeches and not really giving a stuff about anything.

That really demonstrates the passion that Don Chipp had for a better society. It demonstrates that he wanted to get into politics and stay in politics because he had a conviction about the way Australia ought to be. He tried very hard to bring those tenets of honesty, tolerance and compassion and a different way of doing things to political life in Australia, and to the Senate in particular.

In recent years I was saddened when Don Chipp was asked about his pledge to keep the bastards honest and he asked if he had got his promise to keep the bastards honest wrong by oversimplifying the problem and concentrating on the politicians. He went on to say that the real bastards:

... were the millions who reacted to a problem with another beer and a hateful 'She’ll be right, mate'; the shareholders who supported uranium mining because of the profits; the bankers who welcomed foreign takeovers because they were good for profits; the unions who encouraged forest destruction because it pleased their members; lawyers who opposed simplifying workers’ compensation because that would threaten their holiday homes.

These are the real bastards, and they are represented in Canberra with sickening fidelity by members of the Liberal, National and Labor parties ...

That is what he wrote after quitting politics. As the journalist Don Woolford noted: ‘That’s vintage Chipp.’

In concluding, I would like to acknowledge that, in his 81-year life, Don Chipp’s contribution was enormous. He was a great athlete, as has been noted. He played AFL football; he ran in the Stawell Gift; he was very significant in helping Melbourne get ready for the 1956 Olympics. His language was always coloured by sporting imagery. He talked cricket a good deal of the time. When you read his speeches, you see that he talks in images of cricket. In fact, when he lost his ministry, he used a reference to having always played with a straight bat and said that he would accept the decision.

One of Don Chipp’s strengths was to also admit when he had got something wrong. He did that in relation to the Vietnam War. He had served in the RAAF and he had supported the second Voyager inquiry. He originally supported the Vietnam War. Later he regretted that decision and he put in train a real effort to address the issue of landmines in Vietnam and Cambodia. He and Idun made a documentary about the devastation that was caused. He tried not only to point out where the thinking had been wrong but also to draw attention to what had occurred and increase public awareness and public support for overcoming the use of landmines. That is a great tribute to the man and his way of thinking.

In conclusion, Australia has lost one of its great political characters. It has lost a person who was passionate about issues and causes.
But his legacy lives on because he set a standard for Australian politicians by making it his hallmark to say that politics is not there just to take the pay cheque; politics is there to make a difference. And he moved on in making a difference in all sorts of ways throughout his life, right until the end.

I pay tribute to that and to his contribution to Australian politics, his work in the Liberal Party, and later the Democrats, and his community service. There are so many aspects of that of which I was unaware. For example, I was not aware that he was one of the first people to start public awareness and fundraising for cancer causes in Australia, years before people really understood the severity of the problem. Again, I offer my condolences on behalf of the Greens to his family and pay tribute to his great contribution to Australian life.

Senator MURRAY (Western Australia) (5.16 pm)—I rise to support the motion of condolence for Donald Leslie Chipp. I attended the state funeral in Melbourne on Saturday. I have been asked by several people since: was it a sad occasion? Of course, these occasions are always sad for close family and friends but, for the rest of the attendees there, I felt it was a celebration. It was a celebration of a life lived absolutely to the full, full of vigour, ideas and expression all the way through to his very deathbed.

I was quite startled by the range and variety of the people there. People were genuinely pleased that such a man had graced Australian public life and had made the contribution he did. The ceremony was typically Chipp, as far as I could see. It began with rock-and-roll, ended with jazz and in the middle was high-flown choral singing. It had profanity, laughter and tears. It had strong religious observance, idealism and great expressions of principle coupled with earthy recollections and, of course, warm and memorable family remarks and discussion. I ended up coming away feeling that I was glad I had participated in a farewell that was as much a wake, in the old-fashioned celebratory sense of a wake, as a funeral service and memorial.

Don Chipp was one of 26 senators that the Democrats have provided to this chamber over 29 years. He served as a Democrat senator from 1 July 1978 until he resigned on 18 August 1986 when he retired and did not stand again. He retired at the age of 61, which is actually the same age I will be when I retire from this Senate in 2008, so I will share that date with him. He served as a Democrat senator for eight years and two months. Ten Democrat senators have served for longer than that. He was certainly the person who put the stamp of his style on the Democrat party and its contributions to the life, decisions and vitality of the Senate as a chamber as well as, of course, to the broader political community. Right from the start, he presided over an extremely vigorous number of Democrat senators. I am sometimes surprised at the lack of a sense of history by journalists writing about the modern Democrats as if they are somehow different to the Democrats in those days, because there were vigorous disagreements sometimes, which even spawned resignations, sitting as Independents and disagreements that were as strong as that.

For my own part I regret having only known Don Chipp in the last 11 years of his extraordinary 81 years, but that is probably true of nearly every Democrat, including those with him right from the beginning. He was 54, I think, when he presided over the start of the Democrats and most people would have known him as an older man. It is a reminder to all of us, some of whom are a lot younger than that now, of what sort of contribution you can make as an individual in your older years. It is not the time to back
off. You can make your contribution in many ways and I think in that sense it was a celebration of a life that was against ageism, against the concept that you retire and do not continue to make a contribution. I think that is a great characteristic of his.

In the way of politics, I saw him more often in company than in private. Living as I do in Western Australia, I saw him seldom, so I do not presume to have been close. I think all sorts of people will claim a closeness that is not merited and will seek to catch onto his coat-tails, but it is a very human thing when somebody of great character has passed on to wish to have something of them attach to you. I was an admirer. I claim him as an inspiration and an example. His greatest public characteristics were an enduring and consistent provocative advocacy and the rare ability to catch and hold attention. His private conversations with me were notable for an inquisitive and interested demeanour, a natural courtesy and respect for my argument. I think that, of all the memories I have of him, apart from his great forthrightness, the strongest are of his courtesy and respect. There is much to be said for that style.

I think Don Chipp deserves his national reputation and he deserves his place among Australia’s political greats. When history comes to be written of the last half of the last century, I think he will loom as large in that political pantheon as do people we respect and look back on in the first half of that century. He deserves to be up there, and you could tell that that was the view of many who attended his funeral. I want to particularly note commentary—I just picked them out—from such political luminaries and people to be admired for their national contribution as Andrew Peacock and Paul Keating. The remarks they made were quite extraordinary and complimentary.

Much has been said about our party being a party established on the basis of honesty, tolerance and compassion. It is true that that is a mark of the principles and virtues we attach ourselves to, but, above all things, Don Chipp understood the world and he recognised that Democrats were as likely to be as dishonest to and intolerant of each other as were any other members of any other parties. I do not think people should have the view that Don Chipp’s relationship with the Democrats was not an extremely human interaction. One thing he did hang onto and fiercely advocated all his life, and it is something I particularly hold dear, was the right to a conscience vote. That is at the very core of the Democrats’ tradition, constitution and aspirations but, once again, you find amongst Democrat members that, when a parliamentarian does exercise their conscience and speaks their own mind, they are as likely to be assailed by certain members and participants in the party as probably anyone else who exercises their conscience in any other party. I think he continually emphasised that point because he was aware that it needed to be defended within the Democrats as much as within the political community as a whole. If there is anything that I hang onto from Don Chipp, apart from many small ‘l’ liberal beliefs, it is that right to a conscience vote.

With respect to that, in much of the commentary that has been seen in the newspapers, I am amazed how commentators sometimes behave as soldiers on a killing field—they will not stop firing until you have several bullets in your body. There has been some delight taken in being participants in the present troubles of the Democrats. I am one of those who happen to believe that the small ‘l’ liberal philosophy that underpins the Democrats is alive and well in Australia and that there is no reason why the party cannot resuscitate itself. The journalists concerned have picked on the GST agreement as a mo-
ment of great internal savagery in the Democrats. One of the strong memories I have of Don Chipp is him turning up in Canberra to very strongly support the senators and the leader who had negotiated that agreement. He backed to the full the efforts and the considerations given by Senators Lees, Murray, Woodley, Allison, Ridgeway, Greig and Bourne. Having backed us to the full for what we had done, he in turn backed to the full Senators Bartlett and Stott Despoja, who had opposed that agreement, which was exactly how it should be. Don Chipp not only lived the credo of tolerance and respect for a conscience vote but also he supported it and he supported Senators Bartlett and Stott Despoja strongly in their right to oppose the majority of the party room, as he supported the majority of the party room in the efforts they carried out.

I am one of four Democrats senators who have come from the great state of Western Australia. One of those four senators was former Senator Jack Evans. Jack is typical of many Democrats, perhaps typical of many senators, in that he stood four times for office and was successful only once. It is not easy to get into this place from any minor party or as an Independent. I am surrounded by some people who have had that battle on their hands. It is also not easy either, of course, if you are No. 3 or No. 4 on the major party tickets. Jack was a senator with Don Chipp in his party room from 5 March 1983 to 30 June 1985 and I thought it would be a fitting tribute to Don Chipp for me to read what I received from Jack, because I asked Jack to write his own words as a contribution to this condolence motion.

So, with the leave of the chamber, I will read what Jack wrote and quote it without change. He wrote:

With a treasure chest of life’s lessons, Don decided to enter politics with many of the ideals shared by the people who have inhabited our parliament over the past century.
A dedicated humanitarian, with an empathy for the average Aussie, he recognised that to achieve many of his goals he would have to compromise some of these ideals initially. His first lesson in politics!

He advanced within the Liberal Party and had an illustrious career mapped out for him—provided he was willing to toe the party line.

Then came the crunch!

Born of the frustration experienced by most politicians when party policies clashed with the ideals one brought into the parliament, this clash between team allegiance and conscience gnawed away at his conscience.

The only way forward was to resign—and maybe start again. The opportunity for a fresh start came when a group of like minded people invited him to form a new, different kind of political party.

One that allowed conscience votes, welcomed contrary opinions and sought solutions that disadvantaged as few as possible in the least harmful way.

He agreed to test the response from Australians all over the country as he promulgated this kind of political party.

The response was overwhelming as it took Don and the party founders along in a tide of support rarely seen for a new concept in politics.

Idealists like Don met and set out a path for a future Australian party which gave all its members an equal say in determining its policies and its office bearers and whose members all could vote in secret ballots to preselect their parliamentary representatives. Even the name of the new party was chosen by the members in a secret postal ballot.

Thousands joined this new party and voted on its new constitution and elected Democrat candidates for most seats for the 1977 federal election.

History recalls that Senators Don Chipp and Colin Mason were elected for a six year term and Senate candidates in other states received huge support but just missed out on a seat.
When Janine Haines joined this team in the Senate the trio started to make their presence felt in the parliament.

Other campaigns such as rafting the rapids of the Franklin River to prevent it being dammed won the support of many environmentalists and demonstrated to the major political parties that the support for the Democrats was substantial and that theirs was a voice to be heard in the parliament. At the next federal election the Democrats added two more senators to their team and at the same time gained the balance of power in the federal parliament.

The responsible use of this balance of power was the next big challenge and this was met with fear by the government and approbation by the opposition.

But neither major party was to have their way with this group of honest, trustworthy political lightweights.

Much of the legislation of that time was enacted following discussion in the Democrats party room at which all senators and key staff could have input and the responsible senator took a mandate into the negotiations with the responsible minister and the shadow minister.

Many Bills were modified to accord with Democrats policies following these negotiations and most agreed that the outcomes benefited the electors.

Don set a pattern which was to be followed by succeeding Democrats senators and MLCs in state and territory parliaments for years to come.

In the federal parliament Don had few peers when it came to political strategies and tactics.

His gut feel for the electorate and his knowledge of parliamentary procedures enabled him and his team to persuade their colleagues from one major party or the other to accept the Democrats point of view.

It became common knowledge within the opposition party of the day that if the member or Senator could not get their way within their own caucus that an alternative method may be to persuade the Democrats to move an amendment which reflected their view.

With his vast parliamentary experience Don quickly became a mentor to his many colleagues at federal and state levels. This was reflected in succeeding federal parliaments and in state and territory parliaments.

Parliamentarians from across the nation benefited from his wise advice and he developed leaders to carry the mantle after his departure.

Senators Janine Haines and Michael Macklin were major beneficiaries of this guidance when they became leaders of the party but many other successive leaders were very happy to follow the inspirational leadership he gave throughout his life. Many of Don’s legacies will remain, whether the Democrats are there to implement them or some other party or group carries the balance of power.

Probably the most significant is the right of a parliamentarian to have a conscience vote without the fear of losing preselection or of bringing opprobrium on themselves.

This will restore a greater degree of integrity to the parliaments. The Democrats had the safeguard which is lacking with ‘independent’ members and Senators and that is that the conscience voter must first disclose their voting intention to their colleagues and must then address the parliament, giving first the party ‘line’, followed by their own reasons for voting the way they intend.

Next would be the right of the Democrats parliamentarians to accept less than 100% of their demands to enable a satisfactory piece of legislation to be passed rather than to be blockers of all Bills with which they had some disagreement and could not win all their amendments.

They believed that the promise to never block supply was integral to the fundamental right of an elected government to govern.

This promise came out of the real and potential chaos which followed the sacking of the Whitlam government when its supply was threatened by the opposition of the day. Other legacies came from members and the parties which formed the Democrats.

The formulation of policies came from the Australia Party via Geoffrey and Lois Loftus Hills who established the secret postal ballot to follow adequate written discussion of all policies. Postal
ballots enabled members throughout this vast continent to have their say having been given the opportunity to in-put at the deliberation stage via the National Journal.

This, together with secret postal ballots for parliamentary preselections ensured member control of the vital votes for influence within the party.

Vale Don Chipp.

Leader, inspiration to many and a true democrat.

That is from former senator Jack Evans.

I will conclude, as I should, by saying that I honour former senator Don Chipp’s memory. I honour his life and celebrate his commitment and his place on the Australian public life stage. And I wish, of course, to extend my sympathies, and those of my wife and my office, to Idun, to Don Chipp’s six children and to all their families, close relatives and friends.

Senator FIELDING (Victoria—Leader of the Family First Party) (5.36 pm)—Family First also supports this condolence motion. It was such a privilege and pleasure to know Don Chipp, a bloke I think most Australians had the utmost respect for. He was like no other. His life was bigger than anyone’s; his heart was bigger than Phar Lap’s. He was a man who instinctively knew how to share what most people thought and felt. Don Chipp had the guts to stand up and say it how it was, in a way that all of us could relate to.

I will forever cherish the day my wife, Sue, and I had lunch with Don during the 2004 campaign. If it were not for that lunch, I doubt that I would be a senator today. We all know there is no such thing as a free lunch, but I know there is such a thing as a life-changing lunch, and I owe a lot to Don. I had allowed the worries of today to divert me from spending some time with Don, and I regret that sincerely. He will be missed, as I think all of us would say around here, and I think most Australians would say the same thing. My sincere condolences to Don’s wife, Idun, and to his family.

Question agreed to, honourable senators standing in their places.

PETITIONS

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

Asylum Seekers
To the honourable President and members of the Senate in Parliament assembled:
The petition of the undersigned shows:
That the Migration Amendment (Designated Unauthorised Arrivals) Bill 2006 can mean children in detention again. Indefinite detention will return, and case managed mental health care is over. The Commonwealth Immigration Ombudsman will also lose oversight of asylum seekers when they are sent to a remote foreign island for processing.

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

by Senator McLucas (from 235 citizens).

Nuclear Waste
To the honourable President and members of the Senate in Parliament assembled:
We, the undersigned, call on the Senate to commit to keeping Western Australia free of nuclear waste. We ask that you consider the burden that we will be leaving our children, and future generations of Western Australians, who will be forced to live with the results of our actions.

by Senator Webber (from 696 citizens).

Nuclear Waste
Say NO to nuclear reactors and waste dumps in WA
Recently, Liberal Members of Parliament including the Federal Environment Minister Ian Campbell and the Liberal Members for Tangney, O’Connor, Canning, Curtin and Kalgoorlie supported the building of a nuclear reactor in Western Australia.

The Liberal MP for Moore has not come out against nuclear power.
Moore and Western Australia should be kept nuclear free. You are urged to sign the petition below so that the true feelings of West Australians are known.

The Honourable The President and Members of the Senate Assembled in Parliament.

This petition of citizens of Australia calls on the Parliament to urge Government members to:

1. Table all environmental evidence and other studies supporting the proposal to build a nuclear reactor in Western Australia;
2. Identify which bodies in Western Australia have been consulted over such a proposal;
3. Advise on what consultation has taken place with the community in Western Australia over the proposal; and
4. Identify all the sites in Western Australia under consideration for the construction of this nuclear reactor.

by Senator Webber (from 694 citizens).

Petitions received.

NOTICES
Presentation

Senator Allison to move on Monday, 11 September 2006:

That the Senate—

(a) acknowledges the comments by President Karzai, on 8 March 2006, that ‘From fear of terrorism, from threats of the enemies of Afghanistan, today as we speak, some 100,000 Afghan children who went to school last year, and the year before last, do not go to school’;
(b) notes the report by Human Rights Watch, Lessons in Terror: Attacks on Education in Afghanistan, which reports that:
   (i) attacks against schools, teachers and students in Afghanistan have risen markedly in late 2005 and the first half of 2006, with more attacks having been reported in the first half of 2006 than in all of 2005, including at least 17 assassinations of teachers and education officials, and more than 204 attacks on teachers, students and schools which have led to hundreds of schools being shut down or destroyed,
   (ii) the majority of primary-school-age girls in Afghanistan remain out of school and, at the secondary level, gross enrolment rates were only 5 per cent for girls in 2004, compared with 20 per cent for boys, and
   (iii) attacks on education have a disproportionate effect on the education of girls as some attacks are motivated by ideological opposition to girls’ education specifically, and parents often have a lower threshold for pulling their daughters out of school than boys, given greater social restrictions on girls’ movements and legitimate concerns about sexual harassment and violence; and
(c) calls on the Federal Government to use access to education as a key benchmark to measure the success of Afghan and international efforts to bring security to Afghanistan, and in particular gender equality in access to education.

Senator Bartlett to move on Wednesday, 6 September 2006:

That the Senate—

(a) notes that:
   (i) the week beginning 3 September 2006 is Child Protection Week,
   (ii) there have been repeated, fundamental major failures by state and territory government child welfare agencies to protect children from serious abuse and neglect, and
   (iii) it is time this issue was made a national priority and given a national focus;
(b) urges the Federal Government to prioritise the encouragement of states and territories to develop uniform laws and strategies on child protection; and
(c) expresses support for child protection to be made a national priority and for a royal commission to be held into ways to significantly reduce child abuse and neglect in Australia.
Senator Bob Brown to move on Wednesday, 6 September 2006:

That the Senate—

(a) notes, with alarm, the 5 year prison sentence delivered by Chinese authorities to journalist Ching Cheong, the Hong Kong-based correspondent for Singapore’s Strait Times newspaper;

(b) condemns the crackdown on dissent and free journalism in China ahead of the Beijing Olympics in 2008; and

(c) calls on the Minister for Foreign Affairs (Mr Downer) to raise the matter with Chinese authorities immediately.

Senator Bob Brown to move on Wednesday, 6 September 2006:

That the Senate—

(a) recognises that the logging of ancient rainforests in Papua New Guinea (PNG) is driving biodiversity loss and human rights abuses in that country at an alarming rate;

(b) notes that:

(i) PNG and Australian conservation and community groups have filed a formal complaint with the Australian National Contact Point for the OECD Guidelines for Multinational Enterprises against the Australia and New Zealand Banking Group Limited (ANZ), and

(ii) the complaint alleges that the ANZ is actively facilitating and supporting the PNG operations of Malaysian logging giant Rimbunan Hijau, a company whose operations involve serious human rights abuses, environmentally-destructive logging practices and repeated serious conduct;

(c) supports the actions of the conservation and community groups in bringing this potential breach of the guidelines to the Government’s attention; and

(d) calls on the Government to take immediate action to investigate the allegations with a view to ending the forest destruction and human rights abuses occurring in PNG

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

That the Senate deplores the manufacture, sale and use of cluster bombs like those now deployed in Lebanon.

Senator Milne to move on the next day of sitting:

That the Senate—

(a) notes with alarm that:

(i) the 0.6°C of global warming that has already occurred is impacting Australia with worsening droughts and changing seasons,

(ii) the European Union (EU) has stated that once global temperature increase exceeds 2°C, adverse impacts on ecosystems, food production and water supply are projected to increase significantly, and an unexpected response of the climate becomes more likely, with irreversible catastrophic events like the melting of the Greenland ice sheet increasingly possible, and

(iii) in 1996 the EU set a goal of limiting the global temperature rise to 2°C compared to pre-industrial levels; and

(b) calls on the Government to identify what degree of warming it regards as constituting dangerous climate change and the reduction in greenhouse gas emissions necessary to avoid this.

Senator Watson to move on the next day of sitting:

That the Senate—

(a) deprecates that green groups continue to harass customers of Gunns Limited in Japan, and their customers, over Tasmanian forestry issues;

(b) condemns the misrepresentation of Gunns Limited by the Rainforest Action Network, who in a recent letter to a Japanese customer of Gunns Limited claimed that: ‘Gunns’... logging practices are listed amongst the worst in the developed world according to the World Conservation Union’, whereas this in fact refers to a paper
sent to the World Conservation Union (IUCN) by green groups, for which they falsely claim the IUCN’s imprimatur; and 

(c) notes the vital role in the Tasmanian economy played by the forestry industry, and the need to support this industry and the building of a pulp mill in Tasmania.

Senator MURRAY (Western Australia) (5.41 pm)—I and also on behalf of Senator Evans, pursuant to standing order 78, give notice of my intention, at the giving of notices on the next day of sitting, to withdraw business of the Senate notice of motion No. 1 standing in the names of Senators Murray and Evans for today for the disallowance of schedule 1 to the Parliamentary Entitlements Amendment Regulations 2006 (No. 1), as contained in Select Legislative Instrument 2006 No. 211 and made under the Parliamentary Entitlements Act 1990.

Withdrawal

Senator FERRIS (South Australia) (5.41 pm)—On behalf of Senator Watson, and pursuant to notice given at the last day of sitting, I now withdraw business of the Senate notice of motion No. 1 standing in his name for four sitting days after today.

LEAVE OF ABSENCE

Senator GEORGE CAMPBELL (New South Wales) (5.41 pm)—by leave—I move:

That leave of absence be granted to Senator Polley for the period of 4 September and 5 September 2006, on account of ill health.

Question agreed to.

NOTICES

Postponement

The following items of business were postponed:

Business of the Senate notice of motion No. 1 standing in the names of Senator Murray and the Leader of the Opposition in the Senate (Senator Evans) for today, proposing the disallowance of Schedule 1 to the Parliamentary Entitlements Amend-


General business notice of motion No. 490 standing in the name of Senator Bartlett for today, relating to the importation of illegal timber and wood products, postponed till 6 September 2006.

COMMITTEES

Rural and Regional Affairs and Transport Legislation Committee

Reference

Consideration resumed from 17 August.

The ACTING DEPUTY PRESIDENT (Senator Moore)—Pursuant to the order of the Senate of 10 August 2006, the Senate shall now proceed to a division on the motion moved by Senator O’Brien to refer a matter to the Rural and Regional Affairs and Transport Legislation Committee.

Question put:

That the following matter be referred to the Rural and Regional Affairs and Transport Legislation Committee for inquiry and report by the last sitting day in March 2007:

(a) the effectiveness of current administrative arrangements for managing quarantine, including whether the community is best served by maintaining the division between Biosecurity Australia and the Australian Quarantine Inspection Service (AQIS);

(b) whether combining Biosecurity Australia and the AQIS would provide a better structure for delivering the quarantine outcomes that Australia requires;

(c) the legislative or regulatory underpinning of the import risk assessment process, including the status of the current AQIS Import Risk Analysis Process Handbook;

(d) the methodology used by Biosecurity Australia for determining appropriate levels of protection; and
(e) the role, if any, of ministers in making final decisions on import risk assessments; and

(f) any related matters.

The Senate divided. [5.47 pm]

(The President—Senator the Hon. Paul Calvert)

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

AYES

Allison, L.F.  Bartlett, A.J.J.
Brown, B.J.  Brown, C.L.
Campbell, G.  Carr, K.J.
Conroy, S.M.  Crossin, P.M.
Evans, C.V.  Faulkner, J.P.
Fielding, S.  Forshaw, M.G.
Hurley, A.  Kirk, L.
Ludwig, J.W.  Lundy, K.A.
McEwen, A.  McLucas, J.E.
Milne, C.  Moore, C.
Murray, A.J.M.  Nettle, K.
Sherry, N.J.  Siewert, R.
Stephens, U.  Sterle, G.
Stott Despoja, N.  Webber, R.
Wong, P.  Worthley, D.

NOES

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

PAIRS

Bishop, T.M.  Minchin, N.H.
Hogg, J.J.  Barnett, G.
Hutchins, S.P.  Macdonald, I.
Marshall, G.  Macdonald, J.A.L.
Polley, H.  Joyce, B.

* denotes teller

Question negatived.

Legal and Constitutional References Committee

Reference

Consideration resumed from 17 August.

The PRESIDENT—Pursuant to the order of the Senate of 10 August 2006, the Senate shall now proceed to a division on the motion moved by Senator Ludwig to refer a matter to the Legal and Constitutional References Committee.

Question put:

That the following matter be referred to the Legal and Constitutional References Committee for inquiry and report:

Temporary Business Long Stay (subclass 457) visas, with particular reference to:

(a) the general efficiency and effectiveness of the visa;
(b) the safeguards in place to ensure the integrity of the system;
(c) the Government’s performance as administrator of the visa system;
(d) the role of domestic and international labour hire firms and agreements;
(e) the potential for displacement of Australian workers;
(f) the difference between the pay and conditions of visa holders and the relevant rates in the Australian labour market;
(g) the Government’s labour market testing required before visa approval;
(h) the Government’s requirements of Regional Certifying Bodies for visa certification;
(i) the interaction of this visa with the Work Choices legislation; and
any other related matter.

The Senate divided. [5.51 pm]

(The President—Senator the Hon. Paul Calvert)

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

AYES


JOURNALISTS IN INDONESIA

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (5.53 pm)—I move:

That the Senate—

(a) notes:

(i) the high rates of violence against journalists in Indonesia for the period August 2005 to August 2006,
(ii) that the Alliance of Independent Journalists (AJI) Indonesia recorded 64 cases of violence against the press and journalists, occurring from the provinces of Aceh to Papua, with the most dangerous places for the press being Jakarta with 13 cases of violence, and East Java and Nanggroe Aceh Darussalam, both with 8 cases of violence, and
(iii) that AJI identifies the perpetrators as mobs and thugs, government figures, including district heads, regents, governors, ministerial staff, etc, and the police; and

(b) calls on the Australian Government to urge the Indonesian Government to respect the journalistic profession and ensure international standards for journalistic security as stipulated by the 1945 Constitution and the Indonesian Law No. 40/1999 on the press.

Question put.

The Senate divided. [5.55 pm]

(The President—Senator the Hon. Paul Calvert)

Ayes……………  8
Noes…………… 46
Majority……… 38

AYES


Question negatived.

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(b) calls on the Australian Government to urge the Indonesian Government to respect the journalistic profession and ensure international standards for journalistic security as stipulated by the 1945 Constitution and the Indonesian Law No. 40/1999 on the press.

Question put.

The Senate divided. [5.55 pm]

(The President—Senator the Hon. Paul Calvert)

Ayes……………  8
Noes…………… 46
Majority……… 38

AYES


Question negatived.

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Question put.

The Senate divided. [5.55 pm]

(The President—Senator the Hon. Paul Calvert)

Ayes……………  8
Noes…………… 46
Majority……… 38

AYES


Question negatived.
Monday, 4 September 2006

SENATE

73

Murray, A.J.M. Nettle, K. * Stott Despoja, N.
Siewert, R. *

NOES
Adams, J. Bernardi, C.
Boswell, R.L.D. Brandis, G.H.
Brown, C.L. Calvert, P.H.
Campbell, G. Chapman, H.G.P.
Colbeck, R. Conroy, S.M.
Crossin, P.M. Eggleston, A.
Ellison, C.M. Ferguson, A.B.
Ferris, J.M. * Fifield, M.P.
Forsdik, M.G. Heffernan, W.
Humphries, G. Hurley, A.
Johnston, D. Kemp, C.R.
Kirk, L. Ludwig, J.W.
Lundy, K.A. Mason, B.J.
McEwen, A. McGauran, J.J.J.
McLucas, J.E. Moore, C.
Nash, F. O’Brien, K.W.K.
Parry, S. Patterson, K.C.
Payne, M.A. Ray, R.F.
Ronaldson, M. Scullion, N.G.
Stephens, U. Sterle, G.
Troeth, J.M. Trood, R.
Watson, J.O.W. Webber, R.
Wong, P. Wortley, D.

* denotes teller

Question negatived.

DOCUMENTS

Tabling

The PRESIDENT—Pursuant to standing orders 38 and 166, I present documents listed on today’s Order of Business at item 14 (a) to (e) which were presented to the President, Deputy President and temporary chairs of committees since the Senate last sat. In accordance with the terms of the standing orders, the publication of the documents was authorised. In accordance with the usual practice, and with the concurrence of the Senate, I ask that the government responses be incorporated in Hansard.

Leave granted.

The list read as follows—

(a) Committee reports


(b) Government response to parliamentary committee report

Joint Standing Committee on Electoral Matters—Report—The 2004 federal election: Inquiry into the conduct of the 2004 federal election and matters related thereto (received 31 August 2006)

(c) Government document
Office of the Gene Technology Regulator—Quarterly report for the period 1 January to 31 March 2006 (received 22 August 2006)

(d) Report of the Auditor-General
Report No. 1 of 2006-2007—Performance Audit—Administration of the Native Title Respondents Funding Scheme: Attorney-General’s Department (received 30 August 2006)

(e) Returns to order

(1) Statements of compliance with the continuing order of the Senate of 30 May 1996, as amended on 3 December 1998, relating to indexed lists of files:

- Commonwealth Ombudsman (received 22 August 2006)
- Department of Foreign Affairs and Trade (received 23 August 2006)
- Employment and Workplace Relations portfolio agencies (received 28 August 2006)
- Department of Communications, Information Technology and the Arts (received 28 August 2006)
- Department of Families, Community Services and Indigenous Affairs received 30 August 2006)
(2) Statements of compliance with the continuing order of the Senate of 20 June 2001, as amended on 27 September 2001 and 18 June, 26 June and 4 December 2003, relating to lists of contracts:

- Transport and Regional Services portfolio agencies (received 23 August 2006)
- Attorney-General’s portfolio agencies (received 24 August 2006)
- Environment and Heritage portfolio agencies (received 25 August 2006)
- Finance and Administration portfolio agencies (received 29 August 2006)
- Industry, Tourism and Resources portfolio agencies (received 30 August 2006)
- Families, Community Services and Indigenous Affairs portfolio agencies (received 30 August 2006)
- Treasury portfolio agencies (received 31 August 2006)
- Prime Minister and Cabinet portfolio agencies (received 31 August 2006)

Ordered that the report of the Employment, Workplace Relations and Education Legislation Committee be printed.

Ordered that the final report of the Economics Legislation Committee on the provisions of the Tax Laws Amendment (2006 Measures No. 4) Bill 2006, be presented on 4 October 2006.

The government response read as follows—


Recommendation 1
The Committee recommends that the Commonwealth Electoral Act be amended to require that electoral enrolment forms, AEC reply paid envelopes and enrolment promotional material be prominently displayed at all times in every Australia Post, Medicare, Centrelink and Rural Transaction Centre outlet, including any agency or sub-agency, to encourage electors and potential electors to meet enrolment obligations. Further, all such material should be displayed without fee to the Commonwealth.

Response
Supported in principle, subject to the satisfactory resolution of legislative, financial and contractual issues associated with the requirement that the material be displayed at no cost to the Australian Government. The Australian Electoral Commission (AEC) will undertake relevant negotiations.

Recommendation 2
The Committee recommends that:

- the AEC formulate, implement and report against a detailed, ongoing, action plan to promote and encourage enrolment and voting among persons and groups experiencing difficulty because of social circumstance; and
- such persons and groups should include, but not be limited to, homeless and itinerant persons, illiterate persons, persons with disabilities and residents of isolated and remote areas;
- the AEC consult with and consider the views of organisations and groups representing homeless and itinerant persons, illiterate persons, persons with disabilities, residents of isolated and remote localities, and other appropriate bodies, to formulate appropriate strategies, programs and materials for use when the action plan is implemented;
- the AEC formulate, implement and report back to the Committee prior to the next Federal Election with details of its action plan and implementation strategies;
- where appropriate, adequate funding be provided to enable the AEC to develop, implement and report against the action plan; and
- that following the next Federal Election, the AEC seek feedback from representative
groups and community members regarding the effectiveness of the strategies implemented, and further develops its action plan to incorporate constructive suggestions where appropriate.

Response
Supported. The AEC will also advise the Special Minister of State of the outcomes of the consultation process.

Recommendation 3
The Committee recommends that the Commonwealth Electoral Act be amended to require all applicants for enrolment, re-enrolment or change of enrolment details be required to verify their identity and address.

Regulations should be enacted as soon as possible to require persons applying to enrol or change their enrolment details, to verify their identity and address to the AEC by:

- showing or producing an acceptable identification document and a proof of address document to the AEC or a person who can attest a claim for enrolment; or
- where such proof of identity documents cannot be provided, by supplying written references given by any two persons on the electoral roll who can confirm the enrolee’s identity and by supplying a proof of address document:
  - persons supplying references must have known the enrolee for at least one month and must show their own acceptable identification document or supply their drivers licence numbers to the AEC; and
  - enrolees should have the choice of providing the required documents in person to the AEC, or a person who can attest a claim for enrolment, or by posting or faxing the required documents or certified copies to the AEC with the enrolment form to which they relate; and
- where certified copies of acceptable documents are posted or faxed to the AEC, they must be certified by the enrolee to be true copies and witnessed by an elector enrolled on the electoral roll.

Where the AEC or a person who can attest a claim for enrolment receives original documents from an enrolee, the AEC must return the documents to the enrolee by hand, registered mail or other means agreed to by the enrolee.

Response
Supported in part. The Electoral and Referendum Amendment (Electoral Integrity and Other Measures) Act 2006 (Electoral Integrity Act), which received Royal Assent on 22 June 2006, provides for the introduction of a requirement for electors to verify their identity by providing proof of identity at enrolment. A separate proof of address document will not be required. The Government notes that, whilst the range of documents used for proof of identity may also contain address details, verification of address will not be a requirement for enrolment.

The proof of identification requirement for electoral enrolment will be such that persons enrolling to vote or updating their enrolment must provide either:

- their driver’s licence number (in which case the application does not need to be attested in any way, but the AEC will verify the driver’s name against the licence number); or
- if they do not have a driver’s licence, show a prescribed identification document (such as birth certificate or passport) which must be sighted by an attester who is an enrolled elector in a prescribed class; or
- if they do not have a driver’s licence or prescribed identification document, have their enrolment claim countersigned by two electors who can confirm the applicant’s name and who have known the elector for more than one month.

Appropriate regulations setting out prescribed identification documents and the class of prescribed electors are being developed.

The proof of identity provisions will commence on Proclamation, or if not proclaimed within eight months of Royal Assent, they will commence after that.
Recommendation 4
The Committee recommends that Section 155 of the Commonwealth Electoral Act be amended to provide that the date and time fixed for the close of the rolls be 8.00pm on the day of the writs.
Response
Supported in part. The Electoral Integrity Act provides for the rolls to close at 8.00 pm on the day the writs are issued for new enrolments and re-enrolments. However, there will be two exceptions to this:
- 17 year olds who are not on the roll and who will turn 18 between the day the writ is issued and polling day; and
- persons who are not on the roll and will be granted citizenship between the issue of the writ and polling day.
For these two groups, the date for the close of rolls will be 8.00 pm three working days after the issue of the writ.
Persons who are currently enrolled will be able to update their details during the three day period. Persons who are not on the roll will not be added to the roll between 8.00 pm on the day of the issue of the writ and polling day.

Recommendation 5
The Committee recommends:
- Section 155 of the Commonwealth Electoral Act should be amended to provide for the date and time of the closing of the rolls as soon as possible within the life of the 41st Parliament;
- that the amendment to section 155 be given wide publicity by the Government and the AEC;
- that the AEC be required to undertake a comprehensive public information and education campaign to make electors aware of the changed close of rolls arrangements in the lead up to the next Federal Election;
- that the AEC review, and where appropriate amend, the wording of all enrolment related forms, letters, promotional material and advertising used for enrolment related activities to include a notification to electors that the rolls will close on the day of the issue of the writs for Federal Elections and referenda; and
- that appropriate funding be made available to the AEC so it may comply with these and other recommendations agreed to by the Government.
Response
Supported. The Electoral Integrity Act provides for the amendment of section 155 of the Commonwealth Electoral Act 1918 (Commonwealth Electoral Act). The Government has also provided appropriate funding to enable the AEC to undertake a comprehensive public information and education campaign to alert electors to the changes.

Recommendation 6
The Committee recommends that:
- the Commonwealth Electoral Act be amended to expand the demand power to allow the AEC direct access to State and Territory government agency data;
- the AEC continue with its Continuous Roll Update (CRU) processes as the principal method for reviewing the electoral roll;
- the AEC remain focussed and innovative in relation to CRU, in order to continue to develop and refine those processes to maintain and enhance the integrity of the electoral roll; and
- the AEC consider and report on the implications of the Direct Address Change proposal (contained in Submission No. 136) and provide a detailed report to the Committee on its findings by the end of 2005.
Response
Supported. The Electoral Integrity Act provides for the inclusion of all officers of State and Territory Governments among those who must provide information to the AEC for the purpose of preparing, maintaining or revising the rolls. This will also allow the AEC direct access to a range of relevant data to assist with roll maintenance activities.
The AEC will report progress on the Continuous Roll Update to the Special Minister of State. The AEC will report its findings on Direct Address Change to the Joint Standing Committee on Elec-
torial Matters (JSCEM) on the basis of a time-frame determined in consultation with the JSCEM.

Recommendation 7

The Committee recommends:

- that the AEC continue to develop and utilise the Automated Postal Vote Issuing System (APVIS) to support the distribution of postal voting material for future elections;
- that AEC computer and data recording and retrieval systems be upgraded to allow real-time information to be extracted by DROs, AEC staff handling enquiries and call centre staff, on the progress of the production of postal voting material for individual postal voters;
- that the AEC consult with Australia Post and, if Australia Post holds and is able to supply the necessary data to the AEC, the AEC modify the Roll Management System (RMANS) so that matters relevant to the postal delivery schedules applicable to the delivery points at the postal address, or in the postcode area, of the applicant are available to the DRO at the time the decision is made whether an application should go to Central or Local print;
- that Australia Post provide the data required for upgrading the AEC’s systems at no cost to the Commonwealth;
- that the flexibility to determine whether postal voting material should be produced centrally or through a local computer-based system in the office of DROs be retained; and
- that if the AEC modifies RMANS so that matters relevant to the postal delivery schedules are available to DROs, the DRO must use such information when making the decision about whether an application should go to Central or Local print.

Response

Supported, noting that the external review of APVIS has already been undertaken and the outcome reported to the Government. The AEC is continuing to look at ways of implementing the recommendations of the review and will keep the Special Minister of State informed on progress.

Recommendation 8

The Committee recommends:

- that the AEC ensure that sufficient and continuing resources are available to the Election Systems and Policy Section in non-election periods and that these levels be supplemented as appropriate in the lead up to and during election periods;
- that the AEC apply appropriately rigorous and correct procurement practices in order to identify and enter into a contractual agreement with suitable provider/providers for the provision of APVIS services; and
- that the AEC apply contemporary best practice to the project management and contract management of APVIS, including undertaking the activities outlined in Recommendation 16 of the Minter Ellison report into postal voting.

Response

Supported in principle. The Government considers that the current resourcing levels for the AEC in non-election periods are appropriate. The Government notes that the adequacy of this resourcing is subject to periodic review. The Government will provide additional funding to the AEC for extra staff for the Election Systems and Policy Section for the next federal election.

Support for the implementation of the Committee’s recommendations relating to APVIS is subject to the AEC consulting with the Special Minister of State on how it proposes to respond to the outcomes of the review of APVIS as outlined in the response to recommendation 7.

Recommendation 9

The Committee recommends:

- that the Electronic Transaction Regulations 2000 be amended to permit electors to submit an application for a postal vote or an application to become a general postal voter, by scanning and e-mailing the appropriate form to the AEC;
- that the Commonwealth Electoral Act be amended to specifically permit eligible overseas electors and Australian Defence Force
and Australian Federal Police personnel serving overseas to become general postal voters;

- that the Commonwealth Electoral Act be amended to provide that:
  - for postal vote applications received up to and including the last mail on the Friday eight days before polling day, the AEC be required to deliver the postal voting material to the applicant by post unless otherwise specified by the applicant;
  - for postal vote applications received after the last mail on the Friday eight days before polling day and up to and including the last mail on the Wednesday before polling day, the AEC be required to post or otherwise deliver the postal voting material by the most practical means possible; and
  - for postal vote applications received after the last mail on the Wednesday before polling day, the applications be rejected on the grounds that delivery of postal voting material cannot be guaranteed. Reasonable efforts should be made to contact the applicants to advise them of the need to vote by other means.

- that the Commonwealth Electoral Act and the Referendum (Machinery Provisions) Act be amended so that postal voters are required to confirm by signing on the postal vote certificate envelope a statement such as "I certify that I completed all voting action on the attached ballot paper/s prior to the date/time of closing of the poll in the electoral division for which I am enrolled";

- that the Commonwealth Electoral Act and the Referendum (Machinery Provisions) Act be amended to allow the date of the witness’s signature, not the postmark, to be used to determine whether a postal vote was cast prior to close of polling.

Response
Not supported. The Government considers that such changes would weaken the integrity of Australia’s electoral system.

Recommendation 11
The Committee recommends that the AEC:

- amend the General Postal Voter application form to indicate that the completed form can be returned to the AEC by fax;
- amend the Postal Vote Application form to allow an applicant, if they choose to do so, to nominate a date by which they require the postal voting material to be delivered to the postal address nominated;
- highlight the difficulties associated with electors leaving it to the last week in the election period to lodge postal vote applications in the public education campaign associated with the next election;
- take steps through its public education activities to ensure that the public is informed of
the importance of having a witness date on postal vote certificate envelopes; and

• devise appropriate penalties for voters who provide false witness or who are otherwise in default of the requirements.

Response
Supported. The Government notes that there will be various circumstances in which the AEC will not be able to provide postal voting material by the nominated date. The Government will provide appropriate funding to enable the AEC to undertake a comprehensive public education campaign to alert electors to the issues relating to postal voting. The Special Minister of State will consult the Attorney-General on appropriate penalties.

Recommendation 12
The Committee recommends that prior to the next election:

The AEC discusses with the Minister’s office options for establishing a process for the provision of information about emerging issues during the election period; including:

• how and to whom requests for urgent briefing are to be handled;

• identifying which staff are to be involved; and

• how issues are to be followed up and reported on, by the AEC;

• And, that following those discussions:

• the AEC formulate guidelines reflecting the outcome of those discussions and make them available to all relevant parties prior to the commencement of the election period.

Response
Supported. The Government recognises the importance of prior communication between the AEC and stakeholders, including political parties, in ensuring the smooth operation of processes for the provision of information during an election period. The AEC will consult with the Special Minister of State and other stakeholders and formulate relevant guidelines.

Recommendation 13
The Committee recommends that the AEC:

• consult widely with stakeholders, including political parties, Commonwealth, State and Territory Privacy Commissioners, privacy advocates and others, in order to canvass possible solutions to the privacy issue, that will not require a return to double enveloping; and

• report back to the Committee before the end of June 2006, with details of its consultations, and provide the Committee with recommendations about how the AEC should address the privacy concerns of electors, whilst minimising the number of ballot papers excluded from the count.

Response
Supported. The AEC will provide the outcomes of the consultation to the Special Minister of State. The AEC will report outcomes to the JSCEM on the basis of a timeframe determined in consultation with the JSCEM.

Recommendation 14
The Committee recommends that political parties and candidates should ensure that any material they provide to electors in advance of the writ issue or public announcement of the election date, advises electors of the relevant provisions relating to the lodgement of postal vote applications.

Response
Not supported. The Government considers that this is a matter for political parties and candidates.

Recommendation 15
The Committee recommends that the AEC should review its pre-polling arrangements with a view to ensuring that, wherever practical, pre-poll centres are located at appropriate Commonwealth, State or Territory government, or local government, agencies in regional areas.

Response
Supported. The AEC will report the outcome of the review to the Special Minister of State. For the next election, the AEC proposes to trial the use of state government agencies to issue pre-poll votes in rural and regional areas of Queensland. The AEC will continue to consult with the Special Minister of State on the development of the trial. The AEC will also report the outcome of the trial...
to the Special Minister of State and assess the feasibility of extending a similar model to other areas of Australia.

Recommendation 16
The Committee recommends that the Commonwealth Electoral Act and the Referendum (Machinery Provisions) Act be amended to provide that:

- the AEC may set up and operate pre-poll voting centres in circumstances and locations where the AEC is required to quickly ensure that electors are able to cast votes; and
- in such circumstances, to require the AEC to do everything it practically can to advise relevant candidates, political parties and other stakeholders of:
  - the circumstances which prevail and require the AEC to take such action;
  - the location, dates and times on which the AEC proposes to operate the pre-poll centre; and
- to require the AEC to Gazette the pre-poll centre or centres as soon as practicable after it becomes aware of the circumstances that require it to set up and operate the centre or centres.

Response
Supported. The Government will introduce the necessary legislation into Parliament.

Recommendation 17
The Committee recommends:

- that the AEC comprehensively publicise the location of all pre-poll voting centres; and
- that the AEC ensure that standardised, prominent signage is used to identify pre-polling centres, so that electors and other stakeholders can immediately recognise and locate them from the day of opening and throughout election day.

Response
Supported.

Recommendation 18
The Committee recommends that the Commonwealth Electoral Act be amended to expand the definition of an eligible political party so that:

Eligible political party means a political party that is either:

- a parliamentary party; or
- a political party that has at least 500 financial members who are currently enrolled on the electoral roll; and
- is established on the basis of a written constitution that incorporates the minimum requirements for the constitution of a registered political party contained in the Commonwealth Electoral Act and complies with the State or Territory legislation to the extent that it applies.

Response
Not supported. The Government believes that implementation of this recommendation would be an unwarranted intrusion into the internal affairs and activities of political parties.

Recommendation 19
The Committee recommends that the Commonwealth Electoral Act be amended to provide minimum requirements for the constitution of a registered political party.

Potential minimum requirements would include:

- a clear indication that it is a political party;
- a statement that it intends to participate in the Federal Election process;
- certain minimum requirements in relation to its operations, specifically that it:
  - be written;
  - include the aims of the party, one of which must be the endorsement of candidates to contest Federal Elections;
  - include the process by which the party is managed in respect of its administration, management and financial management;
  - set out requirements for becoming a member, maintaining membership and ceasing to be a member;
  - outline the process for the election of office holders (including, but not limited to, the registered officer, the Executive and any committees);
  - detail the party structure;
• detail the procedure for amending the constitution; and
• detail the procedures for winding up the party;
• the constitution of all parties registered with the AEC be made publicly available on the AEC’s website.

Response
Not supported. The Government believes that implementation of this recommendation would be an unwarranted intrusion into the internal affairs and activities of political parties.

Recommendation 20
The Committee recommends that the Commonwealth Electoral Act be amended to provide for the:
• deregistration of all political parties that are not parliamentary parties (as defined in section 123 of the Commonwealth Electoral Act) or are parties that have had past representation in the Federal Parliament; and that:
  • all existing parliamentary parties and those with past representation remain registered, but be required (where appropriate) to prove that they meet the requirements for a parliamentary party:
    • where a parliamentary party has proven that it meets the relevant requirements during the life of the 41st Parliament, it will not be required to provide further proof;
    • where a parliamentary party has not proven its status as a parliamentary party during the 41st Parliament, it will be required to prove this by indicating which sitting member it relies on for its status;
    • where a party claims that it has past representation in the Federal Parliament, it will be required to prove this by indicating which past member it relies on for its status.
  • all other parties would have to apply for re-registration, at which point they must comply with the amended registration requirements in the CEA, including the existing naming provisions contained in section 129;
  • where a political party applies for registration using a name which does not conform with the requirements of section 129 of the CEA, the Electoral Commission shall refuse such registration;
  • where the AEC refuses such application for registration, it must notify the applicant party that it is bound to refuse the registration and give the applicant party an opportunity to vary the original application;
  • if the applicant party fails to vary the application the AEC shall refuse the registration; and
  • all amended registration requirements must also be met in any case where a registered political party applies to change its registered name; or its registration is reviewed by the AEC in accordance with section 138A of the CEA.

Response
Supported. The Electoral Integrity Act provides for the automatic deregistration of all currently registered political parties six months after Royal Assent, with exceptions for parliamentary parties and parties with past representation in the federal Parliament. Any political party that is deregistered will be required to re-apply for registration, and must comply with the current requirements in the Commonwealth Electoral Act, including the existing naming provisions. Political parties that re-apply for registration within 12 months of deregistration under this scheme will not be required to pay the $500 application fee.

Recommendation 21
The Committee recommends that the AEC be given appropriate funding to meet the additional obligations associated with de-registration and re-registration.

Response
Supported. The Government has already provided additional funding for this measure.

Recommendation 22
The Committee recommends that the AEC review the proportion of its election budget allocated to training polling booth staff.
Response
Supported.
Recommendation 23
The Committee recommends that the AEC ensure that it has sufficient staff to meet peak demands at known busy polling places, if need be through the use of casual staffing at peak times.
Response
Supported.
Recommendation 24
The Committee recommends that the AEC increase the thresholds for joint polling booths to a level to be determined through consultation with the JSCEM.
Response
Supported. The AEC will consult widely with stakeholders.
Recommendation 25
The Committee recommends that, at the next Federal Election, those wishing to cast a provisional vote should produce photographic identification.

Voters unable to do so at the polling booth on election day would be permitted to vote, but their ballots would not be included in the count unless they provide the necessary documentation to the DRO by close of business on the Friday following polling day. Where it was impracticable for an elector to attend a DRO’s office, a photocopy of the identification, either faxed or mailed to the DRO, would be acceptable.

Those who do not possess photographic identification should present one of the other forms of identification acceptable to the AEC for enrolment.
Response
Supported in part. The Electoral Integrity Act establishes proof of identity requirements for provisional voting. A provisional vote will now not be admitted to the scrutiny unless the elector:
- shows proof of identification in the form of a driver’s licence or a prescribed identification document, at the time of casting the provisional vote; or
- shows the original or an attested copy of the elector’s driver’s licence or a prescribed identification document to an officer before the close of business on the Friday following polling day.

Recommendation 26
The Committee recommends that the AEC continue its consultations with relevant parties and prior to the next Federal Election, as part of improving access to the franchise by those experiencing homelessness, as a minimum:
- target homeless persons in its public awareness campaigns, informing them about itinerant elector and other voting enrolment and options; and
- ensure that its training programs alert AEC staff to the needs of the homeless and other marginalised citizens.
Response
Supported. The AEC will advise the Special Minister of State of the outcomes of its consultations.

Recommendation 27
The Committee recommends that the AEC consult with appropriate organisations to establish appropriate experimental arrangements to assist the blind and visually impaired to cast a secret ballot at the next Federal Election.
Response
Supported. Consultation between the AEC and appropriate organisations is well advanced to allow the AEC to develop appropriate trial arrangements for electronically assisted voting for blind and visually impaired voters to cast a secret printed paper ballot at the next federal election. It is proposed that the trial would be available to eligible electors at 30 pre-poll locations across Australia. The consultations will also inform the AEC’s decision on the proposed location of the trial sites and the degree to which the trial could be extended to electors with a print disability.

Recommendation 28
The Committee recommends that, as a future direction, the AEC consult with relevant organisations representing people with disabilities to develop a disability action plan covering the full spectrum of access issues faced.
Response
Supported. The AEC will advise the Special Minister of State of the outcomes of the consultation.

Recommendation 29
The Committee does not support the introduction of proof of identity requirements for general voters on polling day at the next election. Instead, the Committee recommends that the AEC report to the JSCEM on the operation of proof of identity arrangements internationally, and on how such systems might operate on polling day in Australia.

Response
Supported. The AEC will undertake research on international experience on this matter and will advise the Special Minister of State of its findings.

Recommendation 30
The Committee recommends that, at the next Federal Election, the AEC encourage voters to voluntarily present photographic identification in the form of a driver’s licence to assist in marking off the electoral roll.

Response
Noted. The Government wishes to give further consideration to this recommendation once the report that the AEC will be undertaking in response to recommendation 29, on the operation of proof of identity arrangements internationally, is available.

Recommendation 31
The Committee recommends that the AEC increase its efforts to improve understanding of the voting system and reduce the informal vote in electorates with a high percentage of constituents from non-English speaking backgrounds, including by development of new and innovative strategies.

Response
Supported. The Government will provide appropriate funding for the AEC to develop the necessary strategies to seek to reduce informal voting among culturally and linguistically diverse voters.

Recommendation 32
The Committee recommends that there be four-year terms for the House of Representatives.

Response
The Government supports in principle a move to four-year terms for the House of Representatives, with a consequential extension of the Senate term. The Government notes, however, that there are a range of complex issues associated with the introduction of four-year terms for the House of Representatives. Therefore, the Government does not intend to hold a referendum on this matter either before, or in conjunction with, the next federal election.

Recommendation 33
The Committee recommends that the Government promote public discussion and advocacy for the introduction of four-year terms during the remainder of the current Federal Parliament.

Response
Noted. Please refer to the response to recommendation 32.

Recommendation 34
The Committee recommends that, in the course of such public discussion, consideration be given to the application of consequential changes to the length of the Senate term, and in particular, Senate Options 1 and 2, as set out in this chapter.

Response
Noted. Please refer to the response to recommendation 32.

Recommendation 35
The Committee recommends that proposals be put to the Australian public via a referendum at the time of the next Federal Election. If these proposals are successful, it is intended that they come into effect at the commencement of the parliamentary term following the subsequent Federal Election.

Response
Noted. Please refer to the response to recommendation 32.

Recommendation 36
The Committee recommends that voluntary and compulsory voting be the subject of a future inquiry by the JSCEM.
Response
Not supported. The JSCEM noted in its report that, according to several recent opinion polls, compulsory voting enjoys popular support. The Government also considers that the various competing views on voluntary and compulsory voting have already been adequately canvassed in the JSCEM’s reports on several recent federal elections.

Recommendation 37
The Committee recommends that compulsory preferential voting above the line be introduced for Senate elections, while retaining the option of compulsory preferential voting below the line. Consequently, the practice of allowing for the lodgement of Group Voting Tickets be abolished. This would involve amendments to the Commonwealth Electoral Act, in particular the repeal of ss. 211, 211A, 216, 239(2) and 239(3).

Response
Not supported. The Government believes that changing the current system is likely to result in increased complexity and possible confusion for voters, leading to a potential increase in the level of the informal vote. Consequently, the Government considers that, at this stage, the existing arrangements should be retained.

Recommendation 38
The Committee recommends that the system of compulsory preferential voting for the House of Representatives be retained.

Response
Supported.

Recommendation 39
The Committee recommends that the AEC be resourced to conduct a public education campaign, in advance of the next Federal Election, to explain the changes to the above-the-line Senate voting system.

In those States where the Commonwealth and State voting systems are different (i.e. New South Wales and Queensland), the AEC’s education campaign should emphasise the necessity, in Federal Elections, of voting by the compulsory preferential, as opposed to the optional preferential, method.

Response
Not supported. Please refer to the response to recommendation 37.

Recommendation 40
The Committee recommends that the AEC investigate technology that could facilitate electronic checking of the electoral roll through networked polling places. In doing so, it will be beneficial to monitor any international developments in which such technology is utilised. The AEC should report back to the Committee about any major developments in this area.

Response
Supported in principle, subject to successful resolution of concerns noted by the JSCEM about the cost, infrastructure and security of a networked system. The AEC will undertake an investigation of the technology and report the outcomes of the investigation to the Special Minister of State.

Recommendation 41
The Committee recommends that a trial of an electronic voting system be implemented at an appropriate location in each electorate to assist blind and visually impaired people, who currently cannot cast a secret and independently verifiable vote.

- In terms of the type of electronic voting system, and the most appropriate locations, the AEC should liaise with relevant groups, and then report back to the Committee with its proposal.
- Following the election, the AEC should report back to the Committee on all aspects of the trial.

Response
Supported. The consultations mentioned in the response to recommendation 27 will inform the development and implementation of the proposed trial. As noted in the response to recommendation 27, the proposed trial will only occur in 30 locations across Australia. Any trial of electronically assisted voting to assist blind and visually impaired electors will include the production of a printed output recording the preferences of the voter, to be used in the count.
Recommendation 42
The Committee recommends that the AEC identify, at an early stage, any legislative changes required to allow the paper ballot output of the system (whether electronic counting or a printed ballot paper) to be counted as a valid vote.
Response
Supported.

Recommendation 43
The Committee recommends that the AEC trial remote electronic voting for overseas Australian Defence Force and Australian Federal Police personnel, and for Australians living in the Antarctic. The AEC should develop a proposal that considers matters such as security and verification of identity, and report back to the Committee.
Response
Supported in principle. The AEC will arrange a trial of remote electronic voting for overseas Australian Defence Force (ADF) personnel, subject to satisfactory resolution by the AEC and the Department of Defence of systems and associated security issues. The results of this trial will enable the AEC to inform the development of the broader proposal on remote electronic voting as recommended by the JSCEM. The AEC will keep the Special Minister of State informed on progress and outcomes of the trial and the development of the proposal for the JSCEM.
The Government may consider the extension of remote electronic voting to overseas Australian Federal Police personnel and Australians living in the Antarctic, subject to the outcomes of the ADF trial.

Recommendation 44
The Committee recommends that the AEC review section 328 of the Commonwealth Electoral Act to devise authorisation requirements for electoral advertisements, as distinct from general commentary, on the internet.
Response
Supported. The Electoral Integrity Act provides for the general authorisation requirements applying to electoral advertising to apply also to electoral advertisements placed on the internet.

Recommendation 45
The Committee recommends that the AEC review section 328 of the Commonwealth Electoral Act to enhance the accountability and transparency of the electoral process.
Response
Supported. The AEC will advise the Special Minister of State of any implications for federal legislation.

Recommendation 46
The Committee recommends that the Government give consideration to amendment of the Commonwealth Electoral Act to remove section 350, which carries criminal actions and penalties for defamation against electoral candidates.
Response
Supported. The Government will introduce the necessary legislation into Parliament. Cases of defamation would be dealt with in accordance with the civil law of defamation existing in the relevant State or Territory jurisdiction.

Recommendation 47
The Committee recommends that the AEC assess local and state legislation governing electoral signage and determine whether the Commonwealth Electoral Act should be amended to preserve candidates’ equivalent rights to display electoral advertising during an election period.
Response
Supported. The AEC will advise the Special Minister of State of any implications for federal legislation.

Recommendation 48
The Committee recommends that the AEC review Sections 340 and 348 of the Commonwealth Electoral Act with a view to addressing issues of “misleading conduct” on polling day.
Response
Supported. The AEC will advise the Special Minister of State of any implications for federal legislation.

Recommendation 49
The Committee recommends that the disclosure threshold for political donations to candidates, political parties and associated entities be raised...
to amounts over $10,000 for donors, candidates, political parties, and associated entities.

Response
Supported. The Electoral Integrity Act increases all disclosure thresholds in the Commonwealth Electoral Act for political donations and receipts from the existing amounts to an amount of “more than $10,000”.

Recommendation 50
The Committee recommends that the threshold at which donors, candidates, Senate groups, political parties, and associated entities must disclose political donations should be indexed to the Consumer Price Index.

Response
Supported. As noted in the response to the previous recommendation, the Electoral Integrity Act increases all disclosure thresholds in the Commonwealth Electoral Act for political donations and receipts from the amounts noted above to an amount of “more than $10,000”.

The Act also indexes this new amount to the Consumer Price Index (CPI) and provides that the thresholds will not be reduced in years where the indexation figure is negative.

Recommendation 51
The Committee recommends that the Income Tax Assessment Act 1997 be amended to increase the tax deduction for a contribution to a political party, whether from an individual or a corporation, to an inflation-indexed $2,000 per year.

Response
Supported in part. The Electoral Integrity Act raises the tax deductible threshold from $100 to $1,500 for an income year and extends deductibility to contributions and gifts from companies.

Recommendation 52
That the Income Tax Assessment Act 1997 be amended to provide that donations to an independent candidate, whether from an individual or a corporation, are tax deductible in the same manner and to the same level as donations to registered political parties.

Response
Supported. The Electoral Integrity Act extends deductibility for contributions and gifts to independent candidates and members. The legislation also extends deductibility for contributions and gifts from companies. In addition, the legislation now allows deductibility for contributions and gifts made to political parties registered under State and Territory electoral legislation.

The amendments enable corporate and non-corporate taxpayers to receive deductions for contributions and gifts made to independent candidates and members and political parties registered under State and Territory electoral legislation in the same way that they can currently receive a deduction for contributions and gifts to political parties at a federal level.

Recommendation 53
The Committee recommends that third parties be required to meet the same financial reporting requirements as political parties, associated entities, and donors.

Response
Supported. The Electoral Integrity Act provides for third parties to complete annual disclosure returns if they incurred expenditure for a political purpose or received gifts over the disclosure threshold which enabled them to incur expenditure for a political purpose during a financial year. The disclosure threshold has been increased to an amount of “more than $10,000” and is indexed to the CPI. Previously, third parties were only required to lodge disclosure returns for election periods.

Recommendation 54
The Committee recommends that State, Territory and Federal education authorities coordinate their contributions to students’ understanding and appreciation of Australia’s system of government.

Response
Supported in principle, subject to the outcomes of the current inquiry by the JSCEM into civics and electoral education.

Recommendation 55
The Committee recommends that State, Territory and Federal education authorities increase their financial contribution to enable students in grades five and six to visit the National Capital to further their understanding of democracy.
Response
Supported in principle, subject to the outcomes of the current inquiry by the JSCEM into civics and electoral education. The Australian Government has already increased its financial contribution in this regard in the 2006-07 Budget by providing a total of $16.3 million over four years to fund the Parliament and Civics Education Rebate Programme. The programme is administered by the Department of Education, Science and Training.
Recommendation 56
The Committee recommends that the Parliament refer electoral education to the JSCEM for further examination and report.
Response
Supported. On 24 March 2006, the Special Minister of State asked the JSCEM to inquire into and report on civics and electoral education.
Minority Report issued by Mr Michael Danby, Deputy Chair, Mr Alan Griffin, Senator Kim Carr and Senator Michael Forshaw
The Government notes the minority report issued by the Australian Labor Party members of the JSCEM. The minority report discussed the recommendations in the main body of the Report relating to proof of identity for enrolment, early close of rolls, postal voting, provision of photographic identification by provisional or general voters, four-year parliamentary terms, voluntary and compulsory voting, compulsory preferential above the line voting for the Senate, how to vote cards and funding and disclosure thresholds. The Government makes no further comment on the minority report.
Supplementary remarks issued by Ms Sophie Panopoulos MP
The Government notes the supplementary remarks issued by Ms Panopoulos, addressing the issue of the four-year terms for the House of Representatives. The Government makes no further comment on the supplementary remarks.
Supplementary remarks issued by Senator Andrew Murray
The Government notes the supplementary remarks issued by Senator Murray which address the issues of political governance, constitutional reform, government advertising, funding and disclosure and other matters. These issues have been raised by Senator Murray on a number of previous occasions. The Government makes no further comment on the supplementary remarks.

DOCUMENTS

*Odgers’ Australian Senate Practice*

The PRESIDENT— I present a supplement to the 11th edition of *Odgers’ Australian Senate Practice*.

**Tabling**

The PRESIDENT— For the information of senators, I present a report on recent developments in the cooperation between the Department of the Senate and the Indonesian parliament’s regional chamber, the Dewan Perwakilan Daerah (DPD).

**COMMITTEES**

**Public Accounts and Audit Committee Report**

Senator FERRIS (South Australia) (6.00 pm) — On behalf of Senator Watson and the Joint Committee of Public Accounts and Audit, I present the 407th report of the committee, *Review of Auditor-General’s reports tabled between 18 January and 18 April 2005*. I seek leave to move a motion in relation to the report.

Leave granted.

**Senator FERRIS**— 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 Joint Committee of Public Accounts and Audit, as prescribed by the Public Accounts and Audit Committee Act 1951, examines all reports of the Auditor-General, and reports the results of the Committee’s deliberations to the Parliament.

This report details the findings of the Committee’s detailed examination of five performance audits tabled in early 2005. These five reports
were selected for further scrutiny from the 21 audit reports presented to the Parliament between 12 January and 19 April 2005.

The reviews undertaken by the Committee have covered a number of Government agencies and included subjects such as customer service; regulatory functions; and contract management. The JCPAA has made recommendations within these reviews to improve the efficiency and effectiveness of the agencies and to ensure that the Auditor-General’s recommendations are implemented.

In conducting these reviews the Committee has remained aware of the themes it has previously stated it will pursue, including agencies’ financial management, accountability and reporting responsibilities under the Constitution and the Financial Management and Accountability Act 1997. The Committee hopes to see continued improvement in agencies’ understanding of and adherence to these responsibilities.

As a result of our review of an audit into the investment of public funds, the Committee believes there may be some benefit from a central register of information about investments being undertaken by government agencies. This would enable interested parties, including the Parliament, to keep track of the investment of public monies and could also facilitate further information-sharing between agencies on investment practices.

The review of the Australian Radiation Protection and Nuclear Safety Agency’s, or ARPANSA’s, regulation of Commonwealth radiation and nuclear activities covered a number of issues including regulatory business processes; licensing; conflict of interest; cost recovery; and the identification and enforcement of unlicensed activity. We have made several recommendations aimed at improving the standards and procedures for regulatory functions within the organisation; increasing transparency in the formulation of national policies, codes and standards; and facilitating greater sharing of information on uniform national standards for licensing and compliance monitoring of radiation sources and nuclear facilities.

In addition, we have emphasised the importance of the Department of Health and Ageing providing an adequate level of monitoring and support to its portfolio agencies. This is in response to similar issues being raised in this audit as were previously examined for the regulation of non-prescription medicinal products by the Therapeutic Goods Administration (TGA), another agency within the Health and Ageing portfolio. Agencies such as ARPANSA and TGA have significant roles in terms of the health and safety of the Australian public.

Centrelink has again been a focus of the JCPAA, with two areas subject to review. Firstly, the Edge project, a software system which was to incorporate the thousands of family tax benefit system rules in order to improve the accuracy of the assessment of customer entitlements, was terminated before completion. We are disappointed that a system which appeared to hold such promise was developed but never fully implemented, and we believe Centrelink should maintain its momentum to improve the systems in place overall to reduce the rate of errors in its data. This review also highlighted the impact that large numbers of rapid legislation changes have on program implementation by agencies such as Centrelink.

The second Centrelink review examined a series of ANAO reports into Centrelink’s major individual customer feedback systems. This report has highlighted such issues as sample selection processes which may lead to bias and ultimately unreliable data; the reporting of such data without transparent reporting of the source of the data and its limitations; the lack of comprehensive costings across all the systems examined; and the possible under-participation of Centrelink’s more vulnerable customers in processes such as the Value Creation Workshops.

The Committee is concerned that for Centrelink’s customers, their rights are less well understood than their obligations, and would like to see this imbalance rectified by Centrelink.

The Committee acknowledges the valuable work of the Auditor-General and the staff at the Australian National Audit Office. We look forward to continuing reviews of the Auditor-General’s reports.

I commend the Report to the Senate.

Question agreed to.
DELEGATION REPORTS
Parliamentary Delegation to Malaysia and Japan

Senator ADAMS (Western Australia) (6.01 pm)—by leave—I present the report of the Australian parliamentary delegation to Malaysia and Japan, which took place from 10 to 22 April 2006, and seek leave to move a motion to take note of the document.

Leave granted.

Senator ADAMS—I move:

That the Senate take note of the document.

The visit of the Australian parliamentary delegation to Malaysia and Japan, which I participated in, was significant for a number of reasons. It has been some time since a delegation visited the countries. The last official parliamentary delegation to visit Malaysia was in 1998. The relationships with both countries, for differing reasons, are enormously important to Australia and the visit provided the opportunity to enhance the already strong connections which Australia has with each country.

The delegation received a very warm welcome from both countries and was treated very generously by the parliaments in Malaysia and Japan. I would like to thank the host parliaments and their presiding officers for their hospitality and the very interesting nature of the programs they organised. The strength of Australia’s relationship with Malaysia is underpinned by the links developed as a result of the 250,000 Malaysians who are alumni of Australia’s educational institutions. Many of these people are now in senior roles in Malaysia, creating a strong basis for mutual understanding and friendship.

Trade and investment have now become an important element in the relationship, with Malaysia being Australia’s second largest trading partner in ASEAN and ninth largest trading partner overall. The delegation considers that there are further opportunities for trade and investment to expand, particularly for Australian companies in Malaysia. Australia’s bilateral relationship with Japan is both longstanding and very strong. The basis for the relationship has been the very strong trading connection, with Japan being Australia’s largest trading partner for more than 40 years. The relationship has broadened and deepened and now encompasses defence and security relationships, cultural and people-to-people ties and a strong mutual interest in regional issues.

Whilst in Japan, the delegation strongly reiterated the message which the Prime Minister has conveyed, that Australia has no greater friend in Asia than Japan. The delegation was able to explore a number of regional issues which are foremost in the minds of the Japanese. Australia is in various stages of negotiations to conclude free trade agreements with both Malaysia and Japan. The delegation found there was considerable interest in and support for free trade agreements with Australia in both countries. The delegation urges the Australian government to pursue this interest to a successful conclusion, as it will be to our mutual benefit to do so.

The delegation also recommends that the opportunities for Malaysian parliamentarians and senior public servants to visit Australia continue and acknowledges that there is further promotion to Australian businesses of trade and investment opportunities in Malaysia.

The delegation had the opportunity in both Malaysia and Japan to recognise different aspects of the history of the Second World War. Both were moving experiences for the delegation during the visit. In Malaysia, the delegation visited the Sandakan Memorial Park in eastern Sabah, which was the location of a Japanese prisoner of war camp for
Australian and British troops. As a result of the brutality of their treatment both in Sandakan and on forced marches into the interior of Borneo, only six of the Australian prisoners of war survived to the end of the war.

In Japan, the delegation visited Hiroshima, one of the two Japanese cities devastated by an atomic bomb towards the end of the war in the Pacific. The Hiroshima Peace Memorial Museum and the memorial monument of Hiroshima, which the delegation visited, provide a lasting reminder of the devastation which can be caused by nuclear weapons. The delegation recommends that Australian cities and local governments consider becoming involved in the Mayors for Peace program, which has been promoted by the City of Hiroshima since 1982.

I would like to thank my fellow delegation members: Mr John Forrest MP, Ms Sharon Grierson MP, Mr Barry Haase MP and the honourable Peter Slipper MP for their support and company during the visit. I particularly thank the leader of the delegation, the Hon. David Hawker MP, Speaker of the House of Representatives, and the deputy delegation leader, the member for Corio, Mr Gavan O’Connor.

I would also like to thank all of those who assisted with the visit. I thank officers of the Department of Foreign Affairs and Trade and the Parliamentary Library for their briefings. I thank the High Commissioner in Malaysia, His Excellency Mr James Wise, his wife and his staff, particularly Ms Clair Elias, for their assistance. I thank the Ambassador in Japan, His Excellency Mr Murray McLean, and his staff, particularly Ms Catherine Wallace, for their assistance. I would also like to thank the delegation secretary, Mr David Elder, and the Speaker’s senior adviser, Mr Chris Pater-son, for their assistance with the visit. The delegation was accompanied by Mrs Penny Hawker, Ms Antonietta Siketa-Spanic, Mrs Pamela Forrest, Mrs Inge-Jane Hall and my husband, Gordon Adams. I would like to thank especially Mrs Penny Hawker for ensuring the spouses program was enjoyed by all participants. I commend the report and I am honoured to have been a member of such an important delegation.

Question agreed to.

PRIVACY LEGISLATION AMENDMENT BILL 2006

First Reading

Bill received from the House of Representa-
tives.

Senator KEMP (Victoria—Minister for the Arts and Sport) (6.09 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 KEMP (Victoria—Minister for the Arts and Sport) (6.09 pm)—I move:

That this bill be now read a second time.

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

Leave granted.

The speech read as follows—

PRIVACY LEGISLATION AMENDMENT BILL 2006

The Privacy Legislation Amendment Bill 2006 makes amendments to the National Health Act 1953 and the Privacy Act 1988. These amendments address two areas: the collection of health information and the handling of genetic information.

Health Information

The amendments in Schedule 1 of the bill will ensure medical practitioners can continue to access health information that is available through the Prescription Shopping Information Service (PSIS), without being in breach of the Privacy Act.
The PSIS is a national hotline service run by Medicare Australia which began operation on 31 January 2005 as part of the Prescription Shopping budget measure. It was established to provide medical practitioners with information about patients they suspect may be obtaining prescription medicines in excess of therapeutic needs. It does this by allowing registered prescribers to access information about their patients’ prescription status, if the patient has been identified under the program’s criteria.

The PSIS identifies a potential prescription shopper as a person who, in any 3 month period:

- obtains prescriptions from 6 or more different prescribers; or
- has had supplied 25 or more target pharmaceutical benefits; or
- 50 or more pharmaceutical benefits in total.

Since its inception, over 11,600 prescribers have registered to use the PSIS. These prescribers have made over 16,300 calls, and 5,100 of these calls have identified patients who meet the program’s criteria.

By providing prescribers with this information, the Government is helping to ensure that Pharmaceutical Benefit Scheme (PBS) medicines are used in an appropriate and safe manner, while also helping to protect the integrity of the PBS for all Australians.

The Privacy Commissioner has issued temporary public interest determinations to ensure that the collection of information from the PSIS, without the consent of the patient, is not a breach of the Privacy Act. In doing so, the Privacy Commissioner considered that the public interest in medical practitioners collecting information from the PSIS outweighed to a substantial degree the public interest in adhering to the principles in the Privacy Act.

However, the temporary determinations expire on 22 December 2006, so it is appropriate that this issue be addressed permanently through legislative amendment. This is consistent with recommendation 83 made by the Privacy Commissioner in her report, Getting in on the Act: The Review of the Private Sector Provisions of the Privacy Act 1988.

Accordingly, the bill will modify the National Health Act and the Privacy Act to permit an organisation to collect health information for the purposes of providing a health service, without initially obtaining the consent of the patient, where the collection is authorised by or under law.

These amendments will offer a permanent solution, allowing the PSIS to continue to operate past the expiration of the current determinations.

The handling of genetic information

Schedule 2 of the bill implements some of the Australian Law Reform Commission and Australian Health Ethics Committee recommendations in their report, Essentially Yours: The Protection of Human Genetic Information in Australia.

Genetic information is a type of personal information, but it is not a totally new type of information. It is a more sophisticated form of information that we have been dealing with for a long time.

The Government agreed with the approach taken in the ALRC/AHEC report that a separate regulatory regime for genetic information is unnecessary and that genetic information should be dealt with in the protective framework of the Privacy Act.

To that end, the bill will amend the definitions of ‘health information’ and ‘sensitive information’ in section 6 of the Privacy Act to expressly include genetic information. This will ensure that the collection, use and disclosure of genetic information will be given the additional protections provided for in the Privacy Act.

Genetic information that is or could be predictive of the health of an individual will be treated as health information for the purposes of the Act. Genetic information that is not otherwise health information—for example the results of parentage or kinship tests—will be treated as sensitive information for the purposes of the Act.

The bill also implements the report’s recommendation that a health professional be permitted to disclose genetic information about a patient to that patient’s genetic relative, where that disclosure is necessary to lessen or prevent a serious threat to an individual’s life, health or safety, even where the threat is not imminent.
The proposed amendment does not impose any obligation or duty on medical practitioners to disclose information. It merely permits them, if they choose to do so, to disclose genetic information to a genetic relative where there is a serious risk to the health of the genetic relative.

The bill further provides for the development of guidelines relating to the use or disclosure of genetic information to a genetic relative. These guidelines will be issued by the National Health and Medical Research Council and will be approved by the Privacy Commissioner.

**Conclusion**

This bill demonstrates the Australian Government’s commitment to an effective and relevant privacy regime for Australia.

I commend the bill.

Debate (on motion by Senator Kemp) adjourned.

**ABORIGINAL LAND RIGHTS (NORTHERN TERRITORY) AMENDMENT 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.

**AUSTRALIAN TECHNICAL COLLEGES (FLEXIBILITY IN ACHIEVING AUSTRALIA’S SKILLS NEEDS) AMENDMENT BILL 2006**

**TRADE PRACTICES AMENDMENT (NATIONAL ACCESS REGIME) BILL 2006**

Assent

A message from His Excellency the Governor-General was reported informing the Senate that he had assented to the bills.

**AVIATION TRANSPORT SECURITY AMENDMENT BILL 2006**

**Second Reading**

Debate resumed from 22 June, on motion by Senator Ellison:

That this bill be now read a second time.

**Senator O’BRIEN (Tasmania) (6.10 pm)—**The Aviation Transport Security Amendment Bill 2006 seeks to amend the Aviation Transport Security Act 2004 in order to change the regulatory arrangements for aviation security by creating event zones that may be used for handling special events at an airport, by regulating the security and clearance processes for domestic and international cargo before it is taken on board an aircraft and by allowing the Secretary of the Department of Transport and Regional Services to approve alterations to an existing transport security program.

This bill aims to improve operational arrangements for aviation security in two specific areas: the regulation of cargo inspection and the handling of special events—for example, arrivals and departures at airports for APEC 2007 and the conduct of the Australian International Airshow at Avalon Airport in March 2007. The bill comprises four schedules to amend the principal act. Schedule 1 will improve the regulatory arrangements for airport security by creating event zones which may be used when an airport conducts an activity which is not part of its usual transport business.

Schedule 2 will create a new division 2A of part IV of the act to deal exclusively with how cargo is to be examined—to ensure it is safe to be carried by aircraft—and how it is to be cleared for air carriage. To safeguard against unlawful interference with aviation, the schedule also allows for the creation of two separate classes of cargo businesses: regulated air cargo agents and accredited air cargo agents. These two classes of cargo agents will be subject to regulations—to be designed in consultation with industry—for the purpose of intercepting cargo which could prove a threat to aviation during the
time it is still in the transport chain prior to being loaded onto an aircraft.

Schedule 3 inserts amendments to permit the secretary of the department to approve alterations to existing transport security programs. This new alteration process will operate as a less formal alternative to the existing process, by which a program can only be changed by means of a formal revision. It is expected that the new alteration process will make it easier for an aviation industry participant to align simple changes in its business and operational practice with the requirements of the regulatory framework. Schedule 4 contains technical amendments.

The creation of event zones is a sensible recognition that a one size fits all approach to certain aspects of airport security is not appropriate. It is clear, as I mentioned earlier, that specialised events can and will be held at vastly different airports. Airports such as Avalon, which regularly hosts the Australian International Airshow, are vastly different from regional airports, which may host smaller events, and Australia’s international airports, which will, for example, greet foreign dignitaries next year for APEC. It is entirely appropriate that, where necessary, specialised security processes can be designed that will suit the local conditions.

In relation to cargo, it is well known that cargo inspection was an area of concern noted in the 2005 report by Sir John Wheeler into aviation security and policing. This matter was a focus in the submission by Labor to the Wheeler review. Labor welcomes these moves to improve screening for aviation cargo. This bill recognises that it is not appropriate to consider or classify the screening of cargo in the same manner as passengers or baggage are screened. By clarifying the requirements for cargo to be examined, certified and cleared, cargo security is improved in this bill.

I would have to say the current regime is unwieldy and places an unfair burden on small operators who seldom deal with air cargo. This bill will create a class of cargo operator known as an accredited air cargo agent. The conditions for this classification, I believe, will be set by regulation. The fact that cargo can pass through several hands or operators means that it is not appropriate for screening to be done exclusively at airports. This bill provides flexibility in the treatment of cargo and will address the current shortcomings where cargo is treated in the same way as a passenger. Relevant consultation with key stakeholders will be the key to making these changes work. Labor will be supporting this legislation, but we do so noting that in other areas of aviation security this government is falling down on the job.

I asked a question of the Minister for Transport and Regional Services on 16 June this year and received an answer quite recently. The question was about the passenger screening and baggage screening systems in place at airports such as Hobart, Alice Springs, Townsville, Newcastle—that is, Williamstown—Broome, Launceston, Norfolk Island, Hamilton Island, Port Hedland, Ayers Rock, Christmas Island, Cocos (Keeling) Island, Ballina, Coffs Harbour, Maroochydore, Proserpine, Devonport, Kalgoorlie, Kununurra, Rockhampton, Gove, Karratha, Mackay, Mount Isa, Burnie, Groote Eylandt, Mildura, Newman, Paraburdoo and Weipa. I asked how many had screening systems in place for passenger and carry-on luggage, and how many had checked baggage screening systems in place. Of those airports, the airports of Devonport, Burnie, Groote Eylandt, Mildura and Weipa did not have passenger or carry-on luggage screening at all. Therefore, the majority had some form of screening. But in relation to checked-baggage screening—that is, the luggage that goes into the hold—only
Norfolk Island and Christmas Island had checked-baggage screening systems in place. That is: all of the other airports, I was advised in the answer from the minister, had no means of screening the checked baggage that was placed in the holds of aircraft leaving those airports. So we have ascertained that something in excess of 66,000 regional flights a year carry the luggage of passengers unchecked. Millions of Australians, we suspect, are flying in aircraft without the benefit of those security measures. So now, approaching the fifth anniversary of September 11, what have we got? We have a massive hole in this nation’s aviation security system. It is clear that last year thousands upon thousands of passengers travelled from 11 regional airports around the country directly into Sydney with unscreened bags.

When he reviewed airport security, Sir John Wheeler said: ‘Regional and smaller airports demand more attention.’ And, frankly, these statistics indicate that the Prime Minister is not presenting the Australian people with factual information when he claims his government is doing everything to protect the travelling public, because, as I said, millions of Australian citizens are moving around our country in aircraft that are carrying unscreened baggage.

It really does worry me that the Prime Minister can look Australians in the eye and tell them that he is doing everything he can to protect them from terrorism. Labor wants to see all baggage on domestic and international flights screened at every Australian airport. Labor wants every staff member at every Australian airport to have an ASIC pass with adequate background security checks.

And it would help if Australia actually had a full-time Inspector of Transport Security looking at tasks such as regional airport security, because then that issue might get the attention it deserves. But unfortunately we have had a part-time Inspector of Transport Security for some time and, on quite a number of occasions, the person charged with that responsibility has been off doing another job and not doing the Inspector of Transport Security job at all.

Labor of course would have a Department of Homeland Security and that department would have the capacity to coordinate Australia’s security arrangements, including security at our airports. It is a crying shame that this government pretends that it is concerned with aviation security while it leaves these gaping holes in our aviation security network. It is time that the government acted but, expecting that it will not, Labor is firmly committed to rectifying this problem when we assume government after the next election.

Senator SCULLION (Northern Territory) (6.21 pm)—I have to say that it was with continued disappointment that I listened to the contribution from the other side. They stand to have originally stated that they supported the Aviation Transport Security Amendment Bill 2006—and why wouldn’t you? It is a very non-contentious piece of legislation that simply adds once again to the very strong security of our transportation system—in this case, the aviation system. I am again very disappointed that they see it as an opportunity to throw absolutely baseless barbs at the government on what I—and most Australians—consider our impeccable record.

As most parliamentarians would know, not only through wide reading but also, simply, because they travel a great deal, the security upgrades at regional airports are not, as the senator opposite has indicated, in need of a great deal of upgrading and cause for worry and concern; perhaps cause to not even travel. I think it is baseless scaremon-
gearing. This government has a great deal to be proud of.

There are some very strict procedures in place at every regional airport to prevent the mixing of screened and unscreened passengers. I travelled extensively in regional and rural Australia before I came to this place, and before 1996, and I can tell you that no-one is in any doubt that this system has been vastly improved—not only with improvements since this government came to power but also in an international context. The way that we have improved the security system of baggage handling and airport security generally is the envy of the world. They are often looking to us to ensure that the sorts of changes that they make to their own systems reflect a system that works very well for us in Australia. Passengers that disembark from a regional service and leave the terminal cannot access a sterile area without submitting themselves again for screening, which is one example of where those opposite say, ‘Well, nothing has been done.’ But if you travel in regional and rural Australia—it may appear to be stating the obvious—you will see how this government has put in a huge effort to ensure that not only do we travel safely but also there is an appearance of that.

I do not see vast crowds of nervous people at airports. In fact, every day as we increase those security measures commensurate with the assessment of the current risk to security—and they do go up—I see people showing a bit of frustration. There is certainly not a fear but there is a bit of a frustration about the continued increasing levels of security. It is tremendous to note that we have managed to achieve this increased security level without putting up the price of regional travel. Coming from an electorate that contains a lot of people that travel regionally, I recognise the importance of keeping those costs down. That is why I think that this government’s approach of ensuring the infrastructure has been dealt with in the way it has is a testament to good government.

This bill amends the Aviation Transport Security Act 2004 to improve across the board the operational arrangements for aviation security in two principal areas: the regulation of cargo inspection and the handling of special events at the airports, which concerns what the industry calls airside security. You need to have mechanisms in place to ensure that for special events you can regulate to change the environment adjacent to the airports within particular spatial security areas. The amendments will, with regard to the special events, allow the special landside and airside event zones to be described in the same way as the existing arrangements currently allow landside and airside security zones to be described by the operators.

The security rules that will apply within the event zones can be tailored. There is the key: it is all about recognising that the operational needs of an airport have to be flexible. The amendments that this government has quite rightly put forward again reflect this operational need for flexibility. In both a business sense and an operational sense it would be wonderful to be able to say that planes fly in the same way with the same amount of people of the same height and with the same sorts of baggage requirements, but the reality is that airports have to cater for a whole range of different flexible needs. Certainly, as you, Mr Acting Deputy President Lightfoot, with your own experience in these matters would well know, many of the airports have a dual role of both civilian and defence. We need that multiplicity of zoning in the future and the flexibility to be able to deal with different operational environments.

The second area of amendment concerning cargo handling is designed to better allow for cargo to be managed under the Aviation Transport Security Act, the ATSA. The
aim is not only to maintain the scope of the current cargo scheme but also to create the framework in which a layered approach to cargo security can be introduced more effectively than under the current legislative arrangement.

Senator George Campbell interjecting—

Senator SCULLION—We are not resting on our laurels, Senator George Campbell. I appreciate that you must be very impressed with the changes we have made. We continue to improve the system and, of course, the wider Australian public are appreciative recipients of that leadership we apply in this matter.

Security responsibilities will have to be graduated to reflect the increasing association with aviation and imposed using the concept of the examination of all cargo in the end. This is similar to the existing provisions around screening because it allows the flexibility for the examination to take place before the cargo reaches the security controlled airport—again, the practicality of not waiting until you get to a security area before you examine it. We will now have a process where cargo can be examined in an area that has the capacity and amenities to provide for those things before we add the impost of extra activities within a very small area. This again shows the government’s flexibility, reflecting our wide knowledge in these matters.

In summary, the amendments are about tailoring and strengthening the security arrangements in a way that is consistent with the actual operational requirements of business. I am proud to say that this government is all about reflecting the need to provide a regulatory and operational environment that allows business to conduct their operations as seamlessly and effectively as possible. The wider beneficiaries are those Australians who travel and want to feel safe when they are travelling, but there is also the fact that there is no incumbent cost because of the efficiencies that business has in this matter.

These amendments would also allow for better aviation security outcomes in the future. They are a part of the Australian government’s ongoing commitment to securing the aviation industry. From an industry perspective, they want to see these amendments to the existing regulatory framework. This bill starts the process of enhancing the aviation security framework set out in the ATSA. This is quite a simple process. I am sad that those on the other side see this as an opportunity to belt government when they should be applauding their processes. The amendments we put forward today are fairly simple. They reflect the wishes of industry. The wishes of industry are that the government understand and recognise the imperative to continue to move forward and to provide a better regulatory environment for the security both of those people who travel on our airplanes and of the cargo, and to ensure that business has no further costs imposed on it. There are so many ways in which this government has made sure that we have put in place a strong aviation security regime across the board.

Sitting suspended from 6.30 pm to 7.30 pm

Senator IAN MACDONALD (Queensland) (7.30 pm)—In speaking in support of the Aviation Transport Security Amendment Bill 2006 I first of all congratulate my colleague Senator Nigel Scullion on a very erudite and clearly visioned contribution to this bill. I thank him for the contribution he has made.

This bill will improve the operational arrangements for aviation security in two areas: regulation of cargo inspection and handling of special events at airports. Those of us in this chamber who, perhaps, on average,
fly more than most other Australians do, very much appreciate the complexities of transport security and the absolute necessity for it to be done in the most precise way, and I congratulate the minister and the government for their focus on aviation security over the last several years. A lot of smaller airports will be brought into the government’s security regime in the months and years ahead, and I understand that Palm Island, off the coast of Townsville, where I am based, is one of the airports that will be looked at for aviation security upgrades in the rollout of these enhancements in the years ahead.

Talking of Palm Island brings to mind the difficulties that the residents of Palm Island face in getting to and from the mainland. There is a barge that comes across from the island a couple of times a week, but the main and consistent method of travel is by airplane. For those senators who are not aware, Palm Island is an Aboriginal community about 20 minutes by plane off the coast of Townsville, between Townsville and Ingham. Many years ago some people, who in those days probably thought they were doing the right thing, collected groups of Aboriginal people from all over the state and set up the community on Palm Island, and the island has been an unfortunate and unhappy place ever since. There are traditional owners of the Palm Island group, but the main people on the islands are not the traditional owners; they are people from various clans and tribes right throughout the state. This has, of course, caused a lot of trouble over many years, but the community attempts to deal with the problems.

The Queensland government have imposed an alcohol management plan on the island, even though the island council, the elected people there—most of whom are Indigenous—had their own alcohol management plan which was working quite well. The state government came in and, without any consultation with the local people, did over the island council’s alcohol management plan and imposed their own. That has caused a lot of unhappiness amongst the people of Palm Island, not so much because of what the state government’s plan says but because their own plan, over which they had laboured, about which they had consulted and which they had got to a stage where they believed it was appropriate for the island—and many other people, including me, thought that as well—was cast aside by the Queensland state government without any consultation. That is something the people of Palm Island feel very poorly about. The island itself is one of those places in Queensland—and there are many—which keep getting promises from Premier Beattie and his ministers, but the promises are only for show. They engender a warm feeling for Mr Beattie and for the media who accompany him when he goes near the place, but when he leaves the action stops and a lot of the problems that should be addressed by the state government are never addressed.

I digress a little from the subject of the bill and my comments on airport security and on transport to and from Palm Island, in particular. I live about an hour south of Townsville. If a school or a group of people in my region want to get a football team together to go to Townsville to play in the Townsville competition, they hire a bus for $300 or $400 and go up, play the game and come home. The people of Palm Island would also like to participate in those sorts of events. As well as that, they would like to send groups of school children from either the state school or the Catholic school there over to the mainland to do various things that children do when they travel on school excursions. But, for the people of Palm Island, the cost of getting to and from the island is prohibitive. It prohibits the island people having as many student visits and student excursions as
the people on the mainland would have, and it certainly prohibits any group of young people getting involved in a sporting activity and playing on the mainland, where the competition would be. This form of discrimination, this form of substandard facilities and lack of social justice for these people, is quite appalling. This occurs because the cost per person of travel to and from Palm Island—a 20-minute exercise—is $160, so to send a team of 10 people would cost $1,600, which makes it prohibitive.

I am aware that, in many parts of Queensland in the aviation industry, the Queensland government does subsidise travel to remote areas. That has been an initiative of the Queensland government. I think—dare I say it—since Joh Bjelke-Petersen’s time and it has been continued by successive governments. But it seems to me unfortunate and unusual that, for a place like Palm Island, for which the state government has sole responsibility, something has not been done to date to, in some way, subsidise the air travel between Townsville and Palm Island.

I was over on Palm Island just last week visiting both schools. Talking to the Catholic school they said they would dearly love to bring in relief teachers for a couple of days or sometimes for a week or so at times as is needed, but the cost of getting teachers over to Palm Island and back just makes that an unviable option. It means that the schooling provided for the young people on Palm Island is curtailed. It sort of builds on that unfortunate cycle of dysfunctionalism and social injustice that many of the Indigenous people on Palm Island feel. It is not something that would be tolerated on the island but it almost seems that, as far as the state government is concerned in Queensland, it is a bit out of sight, out of mind.

You would be aware, Madam Acting Deputy President Crossin, that there was a considerable amount of trouble on Palm Island a little while ago with the death of Mr Doomadgee. The state government, as a result of that, came up with all of the promises and commitments to spend money to do things but, as I say, very little of that has happened. But if you want to address the long-term problems and difficulties on Palm Island, you do really have to look at some of these underlying disadvantages.

One of the disadvantages that became very apparent to me—as it is to the people who live there, because many of them in all different sorts of fields mentioned it—is the cost of getting to and from the island. I am not blaming the airline of course. The airline has a business to run and it costs so much to buy the plane, pay pilots and staff, get systems in order and pay for the fuel. I do not think the airline makes any enormous profits out of that run. But what I am surprised at is that there is no subsidy from the Queensland government for travel to that community. It is an underlying facility, concession and support that should be available to that community. I have mentioned sporting teams, I have mentioned schooling but across the board it just makes things so expensive and difficult.

It is difficult to get health workers to the island. I met the local doctor and the ambulance man and they do a fabulous job and are totally committed to their work on the island. But occasionally they would like to get off the island to experience a bit of the social and recreational life on the mainland. But that sort of airfare makes it very expensive to do that and this is a disincentive to health workers to volunteer for a place like Palm Island and so, again, it reinforces that cycle of disadvantage that the people on that island suffer. If you were able to subsidise that airfare—as I think the Queensland government should do because they do in other parts of the state—then I think you would find a huge difference in the community and outlook not
only of those on the island themselves but of the people who could get to the island to help out.

During my visit, I was shown around by the Deputy Chairman, Councillor Zac Sam, and his assessments of the problems there in relation to the airfare, the cost of getting to and from the island, were very perceptive. Zac and his council do a great job—they are in touch with the community and they know the problems that are there, but they cannot seem to get the assistance from the Queensland government. Again and again they have sought help; the help is talked about when Mr Beattie is somewhere around the area or when it is coming up to a state election. Of course, there are always a lot of promises and commitments then, but the reality is that the island does suffer disadvantages and continues to suffer disadvantages because of the inaction of the Queensland government.

I certainly would urge, and I will be following up with the government of Queensland after this Saturday, some consideration of whether or not the airfares to Palm Island should be subsidised. I certainly think they should be. The cost would be minimal. The money that is sometimes spent on correcting or attempting to ameliorate problems after they have occurred on Palm Island could well be mitigated if action were taken to prevent some of those problems happening. A more affordable air service to the island would help in so many ways, some of which I have mentioned during the course of my contribution to the second reading debate on this bill.

As I say, there is a service to Palm Island. It is a service that I understand is being considered and investigated for an upgrade of aviation security in the times ahead of us. Those security arrangements are the sorts of things that will be made easier by the passage of the Aviation Transport Security Amendment Bill 2006. I commend the bill to the Senate.

Senator KEMP (Victoria—Minister for the Arts and Sport) (7.45 pm)—I thank my colleague Senator Ian Macdonald for his remarks on the Aviation Transport Security Amendment Bill 2006, particularly for drawing to the attention of the Senate issues relating to Palm Island and, I regret to say, the broken promises of Premier Beattie. I thank you for the interest that you are taking in this issue, Senator Macdonald.

Senator Scullion commented on security issues which were raised in a very unfortunate manner by Senator Kerry O’Brien. Senator Scullion was able to put on record the very important initiatives that this government has taken. Senator O’Brien never fails to disappoint, unfortunately. He is an intelligent senator; he is one who I think does work. But often his speeches are marked by low-grade politics. If Senator O’Brien is unhappy with the position of the Australian government on security issues, the obvious question is: what is the Labor Party position?

I listened in vain, Madam Acting Deputy President Crossin—I am not sure that you will fully agree with my remarks—for a constructive comment by Senator O’Brien on these matters. These are serious issues and they deserve to be treated in a very serious fashion. If senators are unhappy with the government position, it is perfectly appropriate for them to stand up and attack that position; but one would then listen carefully to see what the alternative Labor Party position is. I regret to say that often we wait in vain for that position. The truth is that the Labor Party has not developed a position on this.

We are going back to old-style Labor. You criticise, criticise and criticise but you have nothing to put up instead. All I can say is that
that is not the way to win elections. That is my view: it is not the way to win elections. The Labor Party have now lost four on the trot. One would have thought that they would have learned that they have to put up some real alternatives. It is not good enough to come into this chamber, take a few cheap shots at the government and then scurry off. It is just not good enough. I draw that to the attention of the Senate.

Normally I like to thank senators for their comments. My briefing notes always say, ‘I would like to thank senators for their comments.’ But I really cannot thank Senator O’Brien for his comments, I regret to say.

It is well known that the aviation industry forms a critical part of the Australian economy. Let me just state for the record that the government has been and will continue to be uncompromising in its commitment to high levels of aviation security—both to protect the travelling public and to safeguard the broader national interest served by a secure, functioning aviation industry.

Australia’s aviation industry is as complex as it is important. This is the first bill to amend the Aviation Transport Security Act; it is an important step in the never-ending task of finetuning the legal requirements for aviation security, with the complex and ever-changing operations of aviation businesses. All the amendments in this bill were developed in consultation with Australia’s aviation industry. This is a government which consults; it is a government which listens. The government gets out and talks to people. We take into account people’s views. We saw that in relation to Senator Macdonald’s comments this evening. We are out there; we are talking to people.

This bill will enhance Australia’s aviation security regime by amending the Aviation Transport Security Act 2004 in three ways. Firstly, it will enable airport operators to manage security risks within airports when hosting unusual events. Secondly, it will deliver more robust regulation of air cargo. Thirdly, it will allow aviation industry participants to make simple alterations to their transport security programs.

The government believes that the amendments will increase Australia’s high level of aviation security—this point was very well made by Senator Nigel Scullion in his remarks—will further enhance national and international confidence in Australia’s regime for handling air cargo; and, importantly, will provide a flexible and targeted mechanism for airport operators to manage special events and temporary, non-routine activities that can be contained within a specified area of an airport.

In the area of air cargo, the proposed amendments will maintain the broad scope of the cargo security scheme while introducing a legal framework for regulations to provide a more flexible and appropriately modulated approach to security at each step through the transport chain. Australia’s airports are used for much more than just regular passenger services. Major international airports have to be able to host receptions for the arrival or departure of VIPs. Our regional airports are core community infrastructure. Their facilities are used for a wide range of low-risk community based activities, including such things as air shows, drag racing and vintage car shows. The special event amendments will enable airport operators to effectively manage the security of the events and activities that are appropriately held at airports but that are outside the airport’s core business. My advice is that this will allow airports to tailor special event zones to suit the type of event they are hosting and the assessed risk that is associated with each particular event.
The government has paid careful attention to the many issues that the Australian aviation industry has raised in our two regular industry consultative forums, the Aviation Security Advisory Forum and the Regional Industry Consultative Meeting. This bill is a response to some of those concerns.

The Australian government—let me underline this—is committed to working with the aviation industry in the never-ending task of protecting Australia’s travelling public and air commerce. The bill is an important one, and it is important that it now has speedy passage through the Senate.

Question agreed to.

Bill read a second time.

Third Reading

Bill passed through its remaining stages without amendment or debate.

OHS AND SRC LEGISLATION AMENDMENT BILL 2006

Second Reading

Debate resumed from 9 May, on motion by Senator Sandy Macdonald:

That this bill be now read a second time.

Senator WONG (South Australia) (7.53 pm)—Labor opposes the OHS and SRC Legislation Amendment Bill 2006. Like the government’s extreme industrial relations legislation, this bill has at its heart the stripping away of the terms and conditions of our workforce. We on this side are driven by a desire for genuine improvements in the area of occupational health and safety across Australian workplaces. Unfortunately, this legislation risks diminishing the occupational health and safety conditions in our workplace.

The OHS and SRC Legislation Amendment Bill 2006 is the latest in a number of amendments made to occupational health and safety legislation by the Howard government and it follows on from previous occupational health and safety legislation introduced by the government since the election in 2004. These include: the National Occupational Health and Safety Commission (Repeal, Consequential and Transitional Provisions) Bill 2005, the Australian Workplace Safety Standards Bill 2005, the Occupational Health and Safety (Commonwealth Employment) Amendment Bill 2005 and the Occupational Health and Safety (Commonwealth Employment) Amendment (Promoting Safer Workplaces) Bill 2005. Labor has opposed each of these bills for good reason. Each of these occupational health and safety bills reduced, compromised or put at risk the occupational health and safety conditions of Australian workplaces.

Labor believes that the bill currently before the chamber will have the same effect. The bill before the chamber is the government’s response to recommendations made by the Productivity Commission that changes in this area were needed. It has historically been the case that we have seen through the evolution of OH&S policy in this country the overriding objective of preventing workplace injury and illness. This has been a principle that has historically underpinned both state and federal legislation in this area. Over time, we have seen the evolution of different OH&S regulatory regimes and workers compensation schemes. We accept for those employers with operations around the country that complying with different state based legislative requirements can be a significant cost burden. It is logical that national uniformity in occupational health and safety regulations should be a priority as an objective. Looking at the existing system, it is understandable that change in this area is warranted.

In relation to the detail of this bill, it is worth mentioning the operation of the two acts which this bill seeks to amend. The op-
eration of these two acts in combination with each other provides the grounds through which occupational health and safety conditions in workplaces across the country can be eroded. The Safety, Rehabilitation and Compensation Act currently allows for a premium based workers compensation scheme for Commonwealth employees. It also enables former Commonwealth authorities and eligible private sector corporations to obtain a licence to self-insure under the scheme. In the event that a former Commonwealth authority does not obtain a licence for self-insurance purposes, under the current system those organisations currently default to coverage under the relevant state or territory workers compensation legislation. Private corporations can also be licensed currently under the Safety Rehabilitation and Compensation Act. The most recent of these was the National Australia Bank, which registered for self-insurance purposes only in the past few weeks. Such businesses are currently not subject to the Occupational Health and Safety (Commonwealth Employment) Act. Occupational health and safety obligations for these corporations are provided by the different state and territory occupational health and safety legislation. In other words, while certain private sector corporations can retain or obtain workers compensation coverage under the Commonwealth scheme through a self-insurance licence, there is no corresponding mechanism for them to obtain coverage under the Commonwealth occupational health and safety scheme.

The Occupational Health and Safety (Commonwealth Employment) Act provides the legal basis for the protection of the health and safety of Commonwealth employees. It does not, however, apply to former Commonwealth authorities and private sector corporations that became licensed self-insurers on account of the fact that they are not Commonwealth employers. This has therefore created a situation where former Commonwealth authorities and licensed private sector corporations currently operate under the Commonwealth workers compensation regimes but are covered by the relevant state and territory occupational health and safety legislation in the jurisdictions in which they operate.

Under the SRC Act, the minister currently has the ability to declare that corporations carrying on business in competition with an existing or former Commonwealth authority are eligible to apply for a self-insurance licence. We believe this creates the untidy situation where, in the event that competitors were to be licensed under the Safety, Rehabilitation and Compensation Act for workers compensation purposes, they would still remain covered by state and territory occupational health and safety legislation. The Productivity Commission argues in its inquiry report to which I referred earlier that this situation may place those businesses at a competitive disadvantage where they would be required to comply with up to eight separate sets of state or territory occupational health and safety legislation and associated compliance costs compared to a Commonwealth authority, which is subject to the Commonwealth regulatory framework. In other words, the Commonwealth legislation can be seen as providing a barrier to competitive neutrality for these corporations.

It is little surprise then that in its report No. 27 of June 2004, National Workers’ Compensation and Occupational Health and Safety Frameworks, the Productivity Commission recommended that the Australian government amend the Occupational Health and Safety (Commonwealth Employment) Act to enable these corporations that are licensed under the Australian government’s workers compensation scheme to elect to be covered by the government’s occupational health and safety legislation. The Productiv-
ity Commission considers that this would increase the administrative savings from multistate corporations and allow for greater coordination and feedback between the workers compensation and occupational health and safety regimes. Indeed, as the Productivity Commission itself observed in its report in 2004 on the national workers compensation and occupational health and safety frameworks, this can make it difficult for businesses with national operations to develop a national approach to occupational health and safety.

The government’s response to these matters has been to support the Productivity Commission’s recommendation to enable those employers who are licensed to self-insure under the Australian government’s workers compensation scheme to elect to be covered by the Australian government’s occupational health and safety legislation. However, it has done so with a modification that there should be mandatory coverage under the Occupational Health and Safety (Commonwealth Employment) Act for non-Commonwealth employers who gain a self-insurance licence under the SRC Act.

The amendment bill before us seeks to extend coverage of the Commonwealth Employment Act, to which I referred earlier, to multistate employers who are licensed under the SRC Act for self-insurance purposes. The bill also seeks to ensure that Commonwealth authorities licensed under the SRC Act but not covered under the Occupational Health and Safety (Commonwealth Employment) Act are covered by that act.

This bill makes provision to allow Comcare to charge all Commonwealth authorities an occupational health and safety contribution for the administration of the Occupational Health and Safety (Commonwealth Employment) Act. It would also validate payments purported to have been made under the SRC Act by some licensees and Commonwealth authorities for OH&S contributions in the 2002-03 financial year.


The government has also sought to make other amendments. Some of those amendments seek to correct a drafting oversight in amendments made in 2001 to both the SRC Act and the Occupational Health and Safety (Commonwealth Employment) Act. Those amendments placed the provisions for regulatory contributions for both acts in the SRC Act. The 2001 amendments also reorganised the licensing arrangements under the SRC Act and introduced one generic licence. As a result, some licensees were charged, and paid, licence fees for the year 2002-03 under the wrong licence provisions. While the amounts were later recalculated under the correct provisions, the amendments will also certify those licence fees as originally paid.

Under the government’s proposal, the costs borne by Comcare to administer the Occupational Health and Safety (Commonwealth Employment) Act in relation to private sector corporations would be covered by an OH&S contribution included in the corporation’s self-insurance licence fee. As such, contribution costs would not be borne by the Commonwealth from revenue.

The government argues that it is preferable to have an integrated approach to workers compensation and occupational health and safety by providing for all organisations covered by the SRC Act, through the licensing arrangements, to be covered concurrently by the Occupational, Health and Safety (Commonwealth Employment) Act. The
government further argues that the government’s occupational health and safety regime should open up access to give those businesses granted a self-insurance licence under the SRC Act scheme a single set of national occupational health and safety rules.

Taken in isolation, the government’s amendments to seek to create a uniform national occupational health and safety regime may appear to be a sensible housekeeping move. However, as with all things to do with industrial relations, the effect of the government’s changes are double edged. There may be significant merit in introducing a simplified national system for occupational health and safety but, as drafted, the changes before the chamber unreasonably diminish occupational health and safety standards.

To prove this point, any detailed consideration of the bill must be made in conjunction with earlier government amendments made to the Occupational Health and Safety (Commonwealth Employment) Amendment Bill 2005, which removed the need for employers and government agencies to negotiate occupational health and safety agreements with unions and employees through the introduction of so-called management arrangements.

Labor opposed those amendments. We opposed those amendments because they removed the need for government agencies to negotiate occupational health and safety agreements with unions and employees. The bill removed all references to ‘unions’ and replaced them with ‘employee representatives’—defined as either a registered organisation or a workplace staff association, who must now be invited into the workplace by an employee. The bill further required that an employee invite an ‘employee representative’ to initiate an occupational health and safety investigation, where previously a trade union could make such a request direct to Comcare to investigate a workplace.

The bill required that employee representatives involved in developing these management arrangements be issued with a certificate by the chief executive officer of Comcare, valid only for a period of 12 months. And finally, the bill empowered employers to conduct the election of employee health and safety representatives, a role previously conducted by a trade union or a person specified by the National Occupational Health and Safety Commission, a body which the government proposes to abolish.

On top of these concerns, we on this side of the chamber are also concerned about a number of negative implications in the government’s actions. These include that, as a result of the proposed bill, entitlements under Comcare may vary as compared with those which apply in other states and territories; the movement of large multistate employers to the Comcare administered national system could mean that premium revenue could be lost by the states and territories, leaving employers remaining in the state and territory systems to face higher premiums in the future; and reduced premium pools in states and territories would place increased pressure on the entitlements for injured employees.

We are further concerned about privacy considerations of individual employees. Human resource departments of employers who self-insure will have access to information on employees that, under state and territory schemes, only insurance companies would have access to.

Something the Howard government does not like to acknowledge, but which is well known to Australian employees, is the strong track record of Australian trade unions. It is a strong track record in protecting employees from unsafe work practices and unsafe
workplaces. Unfortunately, the legislation before us takes the same approach as has been followed in the government’s broader approach to industrial relations changes—to de-legitimise and attack the role of unions in the workplace.

The combination of the bill before us and the 1991 act, as amended in 2005, has serious implications for the future involvement of organised labour in occupational health and safety issues at the workplace level. Taken together with the amendments made to the Occupational Health and Safety (Commonwealth Employment) Act 1991, the bill will extend limits on union participation in occupational health and safety issues to non-Commonwealth multistate employers who successfully apply for a self-insurers licence under Comcare. This is bad news for Australian employees and, ultimately, it is potentially bad news for Australian workplaces. It is clear that health and safety outcomes are often dependent on high levels of worker participation and union support. Put simply, removing the role of unions and replacing them with management driven processes has the potential to lead to less safe and less healthy workplaces.

As I said in this place when we were debating some previous legislation, unions do have a legitimate role to play in the monitoring and enforcement of occupational health and safety matters in the public sector—and it is not just the public sector where that role is important. Despite what the government may wish to think, trade unions do have a legitimate role to play in occupational health and safety matters in the private sector as well. While in many instances the involvement of the union may not be warranted, it is undeniable that trade unions exist as a safeguard for the protection of occupational health and safety terms and conditions. By extending the coverage of the Occupational Health and Safety (Commonwealth Employment) Act to multistate national employers, the government is effectively seeking to bar union involvement in those workplaces covered by this legislation. We believe that is unacceptable, and that is why we oppose the bill.

Senator MURRAY (Western Australia) (8.08 pm)—With respect to the OHS and SRC Legislation Amendment Bill 2006, it is a truism that occupational health and safety affects most Australians on a daily basis and can have a profound effect on the lives of many individuals and families. Australia continues to have an unacceptable record with regard to work related death, injury and illness. A recent study by Access Economics estimated that there are 4,900 work related deaths—and ‘work related deaths’ includes deaths from work related diseases—each year in Australia. This is higher than the national road toll—in fact, it is more than double.

I have often thought that one of the things we ought to start doing with respect to this is to apply the same statistical and media emphasis that is applied to road trauma and produce the weekly maps of how many deaths have occurred through work related injury that you see for road deaths. It would remind people of how prevalent these deaths are and of the continuing need to improve this situation. The Australian Bureau of Statistics reports that half a million Australians suffer work related injuries or illnesses each year. Approximately 2.8 million Australians have long-term work related conditions. It is also estimated that 3.9 million work related problems and 1.1 million new work related problems are handled each year by general practitioners.

The Productivity Commission report National Workers’ Compensation and Occupational Health and Safety Frameworks noted that workplace injury and illness impose sig-
nificant social and economic costs on injured workers and their families, employers and the wider community. The report notes that the cost of work related fatalities and illness to the Australian economy is more than $31 billion a year. The Productivity Commission argued that national uniformity in occupational health and safety regulation should be established as a matter of priority.

In essence, all jurisdictions agree with the fundamental principle of duty of care. It is the foundation stone of occupational health and safety regulation and has been found to be sufficiently robust to accommodate the wide range of circumstances and changes facing the various jurisdictions. There are no compelling arguments against a single national approach, particularly for multistate employers and for the increasingly mobile workforce. The Democrats are sympathetic to this argument. The Democrats have been long-term campaigners for harmonisation of workplace relations and occupational health and safety laws and for a single national jurisdiction. The Democrats believe that having different laws across nine jurisdictions with respect to these areas does lead to inequalities and inefficiencies.

The Productivity Commission recommended that governments should address these compliance burdens, costs and inefficiencies and that the Australian government could take steps immediately by allowing qualifying employers to self-insure under its Comcare scheme and be covered by the Australian government’s OH&S regime. The bill aims to implement the Productivity Commission’s recommendation, extending coverage under the Occupational Health and Safety (Commonwealth Employment) Act 1991 to eligible corporations which are licensed under the Safety, Rehabilitation and Compensation Act 1988. The Safety, Rehabilitation and Compensation Act, the SRC, allows former Commonwealth authorities and eligible private sector corporations to be self-insured under this act. In principle, the Democrats support this aim.

The Productivity Commission argued in their report:
The lack of a nationally consistent approach appears to have imposed significant compliance costs on business and may have lead to inequities for injured workers in terms of benefits payable and entitlement to benefits.

At present, former Commonwealth authorities and licensed private sector corporations operate under the Commonwealth workers compensation regime—that is, through the SRC—but are also covered by state and territory occupational health and safety legislation in the jurisdiction in which they operate. This makes for unnecessary difficulties for many firms who wish to develop a national and uniform approach to occupational health and safety and may result in the requirement that they comply with eight separate and quite distinct occupational health and safety jurisdictions.

The National Council of Self-Insurers gave the Senate committee an instance of where safety was jeopardised by different regulations:
If you look at the security-sensitive ammonium nitrate regulations which have come in state by state, PACIA, the Plastics and Chemical Industries Association, are really concerned about the different degree of regulations across the states. We have a situation where the ammonium nitrate can be classified differently, the amount you can store is different from state to state, the transport of it is such that you can transport a certain amount in Victoria but you cannot take it into South Australia et cetera. Some national guidelines there, some national regulations, would streamline it and make it a lot safer. That is what it is about. The confusion is really dangerous.
The Minister for Employment and Workplace Relations, in his second reading speech on this bill, argued that multistate employers: find it almost impossible to develop a national approach to occupational health and safety and the increased cost of complying with multiple jurisdictions does not lead to improved health and safety outcomes for their employees.

Not surprisingly, the Australian Chamber of Commerce and Industry have expressed support for the bill, citing compliance complexities as a key reason. In their submission to the Senate inquiry into this bill, the ACCI argued that some employers, particularly the larger national employers, derive legitimate benefits from self-insuring for workers compensation purposes. Under certain conditions, these self-insurers can apply to be licensed under the Commonwealth SRC Act rather than being required to participate in and comply with each separate state and territory workers compensation scheme. Licensees able to access such arrangements therefore avoid the administrative and compliance complexities that otherwise arise from participation in several workers compensation systems.

Mr Bernie Ripoll, the Labor member for Oxley, in his second reading remarks on this bill in the House of Representatives, said:

We expect that for those employers with operations around the country, complying with different state based legislative requirements can be a significant cost burden also. It is logical that national uniformity in OH&S regulation should be a priority objective. Looking at the existing system, it is understandable that changes in this area are warranted ...

There appears to be wide-ranging support and evidence for the need for harmonisation of occupational health and safety laws. So I was curious that, in their opposition senators report to the inquiry into this bill, Labor have argued in that Senate report against harmonisation. I quote:

The Opposition believes that the level of confusion arising from different state laws is overstated, and claims of additional compliance costs to employers who have to comply with conflicting OHS state laws lack any evidentiary basis.

I disagree with the ALP’s assertion in the report and I tend to support the way in which Mr Ripoll expressed himself. I do agree with some of the other concerns that the ALP have raised over this bill.

In the terms of reference to the Productivity Commission, Minister Ian Campbell stated:

Ideally, a national framework for workers’ compensation and OHS would encompass a cooperative approach between the Commonwealth and State governments while still leaving primary responsibility for these systems with the States. Moreover, any national frameworks would provide the States with adequate flexibility to address local conditions, encourage competition and facilitate competitive neutrality.

It appears that there has been little consultation with the states on this bill, given that the states expressed overwhelming opposition to the Productivity Commission’s recommendation, which the bill now implements. It concerns me that the federal government is determined to press ahead with this legislation despite a High Court challenge by the Victorian government against the federal government challenging the legitimacy of federal workers compensation insurance licences. The Victorian government is arguing that federal licences which effectively allow large employers to opt out of state schemes and insure through Comcare are not permitted under the Constitution. Victoria’s approach is supported by other state governments, including New South Wales, Tasmania and Western Australia.

We Democrats are concerned that the government seems to have put too little effort into trying to persuade the states and territories to achieve uniform occupational
health and safety codes and standards and to harmonise occupational health and safety laws. The government’s actions with respect to this bill and industrial relations reform in general will only serve to put the states more offside and to slow, if not halt, any chance of uniformity and harmonisation. This is not only bad politics but bad policy.

The Democrats are concerned by accusations that existing compliance obligations and enforcement of these obligations under the Commonwealth occupational health and safety system are poor compared with state and territory acts. It is our view that we should be working towards a national world-class system, taking the best aspects of state, territory and federal law and coming up with a unitary system which is supported by the states and territories.

The unions and Labor have accused the Commonwealth system of being lax in compliance. They submit evidence that compares Comcare figures to Victoria’s WorkSafe figures for 2003 and 2004. It shows that Comcare had only 0.08 workplace interventions per employee, compared to WorkSafe’s 2.07; that Comcare handed out only 0.005 safety prohibition and improvement notices per employee, compared to WorkSafe’s 0.59; and that there had been no prosecutions under Comcare, compared to 0.005 per employee under WorkSafe. Those figures are not just academic. Given the earlier figures as to the quantum of workplace injuries that I raised, it is obviously very important to use both investigation and enforcement to reduce the incidence of negative health and safety occurrences. The differences in these figures are cause for questioning at least. I note that Comcare advised the Senate committee that until legislative changes were made in September 2004 it was unable to initiate civil or criminal prosecutions. I accept that this factor accounts for some of the difference in figures, but it does not account for the difference in intervention and improvement notices. I urge the government to investigate the matter further. The question of resourcing also needs to be considered.

The Senate committee heard concerns about the Commonwealth's ability to adequately resource the inevitable increase in workload that will result from this bill. It is my understanding that at the moment there are approximately 16 Commonwealth workplace inspectors, with access to an additional 200 state inspectors. I do not know how you can have ‘approximately 16’ so I presume that means full-time equivalents. While this may seem adequate on the face of it, I was alarmed to learn that Comcare openly admitted that it was reluctant to use the services of state and territory inspectors because it was dissatisfied with the quality of their reports. Comcare explained to the committee:

Part of the problem that we experience relates to the fact that we approach investigations quite differently. You even see it with the terminology. The states refer to ‘inspectors’ and we refer to ‘investigations’ and ‘investigation reports’. A lot of the inspectors that do work for us from the states are used to walking into a workplace, spotting hazards—things like cabling, as was mentioned before—writing a notice and leaving, whereas, when we require an investigation report to be done, it is quite a comprehensive forensic examination in response to an incident: what went wrong; who was responsible; what are the elements of the legislation; what are the elements of an offence; what should have been done; what was reasonably practicable; was it done; and, if not, why not?

I am somewhat surprised by these comments because they expose such a difference in methodology and approach. That needs to be resolved. We need to have a uniform method of approaching these issues which produces the optimal outcomes. I note that Comcare did indicate to the committee that they will be expanding the number of investigators, although they did not say by how many. La-
bor in their opposition senators report on this bill—correctly, in my view—drew attention to the final report of the Royal Commission into the Building and Construction Industry. This final report concluded in part:

There is persuasive support for the view that the extent of compliance with occupational health and safety obligations is strongly influenced by a reasonable expectation of the likelihood of being inspected, prosecuted, convicted and having a meaningful penalty imposed. The presence of occupational health and safety inspectors is important.

I agree, and the Democrats agree, with that sentiment. Therefore I find it hard to have confidence in an expanded scheme when the ability to deal with current and expected future workloads is still questionable. But our prime concern with this bill relates to what I would call its partner legislation—the Occupational Health and Safety (Commonwealth Employment) Amendment Bill 2005. This is scheduled to be dealt with by this chamber tomorrow.

The Commonwealth Occupational Health and Safety (Commonwealth Employment) Amendment Bill 2005, broadly speaking, aims to remove the automatic right of unions to provide occupational health and safety representation. The Democrats believe that unions have a legitimate and useful role in occupational health and safety, and the research demonstrates that union representations on health and safety at the workplace are associated with better health and safety outcomes. We will be moving amendments to that bill when it finally comes into the chamber. If those amendments were to be agreed to, we would actually be in a position whereby we could support this bill. However, the government have already indicated that they will not be supporting our amendments to the Occupational Health and Safety (Commonwealth Employment) Amendment Bill 2005. If that is the case, it is difficult for us to support the expansion of workplaces under the Commonwealth occupational health and safety scheme in an environment where unions will have much less participation. As I have said, unions have traditionally had a positive effect on health and safety outcomes.

While the Democrats support the harmonisation of occupational health and safety laws, and we support the idea of a single national scheme—reducing regulatory burden is an important thing to pursue—we have concerns with the lack of involvement of and cooperation with the states and territories with respect to getting common agreement on occupational health and safety; with the enforcement of Commonwealth occupational health and safety rules; and with the government’s wider aim with respect to union involvement in health and safety. For this reason I am caught in a conundrum. I and my party support the intent behind this bill. But when we line this bill up with the Occupational Health and Safety (Commonwealth Employment) Amendment Bill 2005 in the form in which it will pass, we think the combination of the two is negative rather than positive. Therefore we will oppose this bill.

Senator STERLE (Western Australia) (8.25 pm)—I concur with Senator Murray’s comments. Well done, Senator Murray—I cannot pick one argument with your list of reasons there. I rise to speak against the OHS and SRC Legislation Amendment Bill 2006. Since the Howard government came to office, more than 10 long years ago, we have seen a systematic undermining of work safety standards and conditions in Australia through the changes to Commonwealth legislation. There have been a number of pieces of legislation through which the government has sought to diminish or remove the ability of trade unions to be or remain involved in work safety issues at the workplace.
The minister claimed that this bill seeks to create a uniform national OH&S regime. At one level this appears to be a sensible housekeeping measure, but, seen in the context of the anti-union measures contained in the OH&S Commonwealth employees bill, it becomes clear that this bill seeks to extend those anti-union measures to private employers with operations in multiple jurisdictions. With this bill the Howard government is seeking to take over the occupational health and safety laws of this country by stealth. At present, former Commonwealth authorities and licensed private sector corporations operate under the Commonwealth workers compensation regime but are covered by state and territory occupational health and safety legislation in the jurisdictions in which they operate. This bill will allow these licensed private sector corporations to self-insure under the Occupational Health and Safety (Commonwealth Employment) Act, which is administered by Comcare. That means that under this bill any company that used to be a Commonwealth authority or that is in competition with a Commonwealth authority—or ex Commonwealth authority—can apply to become part of Comcare and thereby opt out of the coverage of state OH&S laws.

For my former industry, the transport industry, this bill will have significant shockwaves. It is a blue-collar industry that does have a lot of workers compensation claims and issues. In transport nearly all general transport operators would be able to apply to opt out of state OH&S coverage because they are in competition with the likes of Australia Post. To name a couple of companies, Linfox and K&S Freighters—two major employers of transport workers in this country—already have Comcare authority. So when this bill comes into effect they will be beyond the reach of state OH&S laws. This is of concern because state OH&S laws are clearly superior to Comcare. The very recent chain of responsibility regulation for trucking in the NSW OH&S regime, for example, has no counterpart in the Comcare system. Major employers covering thousands and thousands of transport workers will be exempt. Unfortunately, most companies have very poor records when dealing with workers comp claims and issues. While this may be a shock to those on the other side of the chamber, most of union officials’ time is taken up with OH&S and workers compensation issues.

The ideas contained in this bill were discussed in the last session of parliament, but the small business community had severe reservations about it. If large multistate employers opt out of state workers compensation regimes, the likelihood is that premiums will need to rise for those businesses that remain in the schemes. That would have two consequences. Firstly—an obvious consequence for smaller businesses—premiums will go up and, secondly, it would put pressure on those state schemes to reduce the compensation paid to those unfortunate enough to suffer injury or illness in their occupations. If the premium pools are smaller, that puts more pressure on those funds and, as a result, state governments will come under greater pressure to reduce compensation to those workers who are injured or who suffer illnesses in the workplace.

From my experience, the majority of small businesses comprise decent hardworking men and women who have put everything on the line to give their children a better future and to build an asset for them in their retirement. In my experience out there dealing with small businesses, I can honestly say that those employers want their employees to be safe. They want their employees to go home each and every night with everything still intact. They want them to go home to their families and they want them to come
back to work next day, healthy, fit and ready to do it again. In talking about small businesses, where is Mr Peter Hendy from the ACCI? Where is Ms Heather Ridout from the Australian Industry Group? Normally, they are screaming from the roofs of the tallest buildings about any law, regulation or amendment that will assist business. I must say the silence is deafening—there is nothing coming from those two institutions or from the two leaders of those employer bodies. I put it to you, Mr Acting Deputy President, that they do look after the big end of town and only the big end of town.

We know that the government cannot get on with the states, so they want to take control of them. Where state systems can be harmonised through cooperation and negotiation, they should be. That would achieve what the Productivity Commission has sought to achieve: reduced compliance and administration costs. The answer to the problem should be sought through the harmonisation of state arrangements, rather than through the Howard government seizing control. You will not get the best ideas or the best practice from each jurisdiction; instead, the Commonwealth will say, ‘We know best.’ This will be to the detriment of the state systems, to the detriment of small businesses and to the detriment of injured workers. Workers compensation schemes and occupational health and safety regulations have been developed over many years by various state and territory governments in a manner that reflects the industry mix, the economic activity, the population and the various legal structures that operate in a particular jurisdiction.

We need to look at this bill in relation to other amendments that the Howard government has made to the Commonwealth occupational health and safety laws. Amendments have already been made to the Commonwealth’s occupational health and safety laws that remove all reference to unions. These changes to the Commonwealth occupational health and safety laws also require the individual employee to invite employee representatives into the workplace. While unions were previously allowed to request, for instance, a visit from Comcare to investigate a matter, it now falls on an individual employee to initiate such requests. These changes are aimed at creating an environment in which it is particularly difficult to get people who have a degree of expertise in considering occupational health and safety issues in the workplace.

Just by way of example, when I was an organiser with that fantastic blue-collar workers union, the Transport Workers Union, I received a phone call one day from a worker on a work site as I was travelling to another work site whose organiser was on leave. They said, ‘Can we bug you for a second?’ I said, ‘Sure, what is it?’ They said, ‘If we’re handling stuff with a skull and crossbones on it, do we get paid any more money?’ I was—I am not anymore—a licensed dangerous goods driver and that licence expired some 15 years ago, but it did not take long for me to work out that, if stuff had a skull and crossbones on it, the chances of it being a poison were pretty close to the mark. So I went straight round to that site and these guys were in a container—it was a stinking hot day in the middle of summer in Perth, in our state of Western Australia, as you would know, Mr Acting Deputy President Lightfoot—unloading a container full of bags of chemicals. There were split bags, dust and powder everywhere with a skull and crossbones on them. They had their water bottles in the container and there was a lunchbox. They told me that, halfway through unloading the container, they had sat down, had their lunch and drunk the water. Immediately, as a union organiser, who had the care of workers foremost in my mind, I
contacted my union, which had some 20,000 material safety data sheets on file. They could give me a run-down of exactly what they were handling. If this is interference that the Howard government believes that unions contribute to in the workplace, it is a very sad day going forward from here.

We found out, once we received the material safety data sheet, that these guys had no idea. All they were worried about was whether they would get paid any extra money. They were handling a class 2B carcinogen. It had gone from a class A, a possible cause of cancer, to a probable cause of cancer. The leading hand of the transport company was a gentleman who had the company’s interest at heart, and no doubt he knew how to instruct men how to unload containers, put the load on trucks and then redistribute it around the Perth metropolitan area. But he had absolutely no idea about occupational health and safety. He knew that in the lunchroom there was a silver cabinet—he did not know where the key was—and that there was some form of protective personal equipment in there but he had no idea what it was to be used for. That is a classic example of what union officials do from day to day. They are out there, they know all about occupational health and safety, they are all trained in occupational health and safety. These changes are aimed at creating an environment in which it is particularly difficult to get people who have a degree of expertise in considering occupational health and safety issues in the workplace.

These laws are also aimed at making it as difficult as possible for union representatives to bring concerns to the attention of the relevant authorities. They are aimed at ensuring that individual employees have to take sole responsibility for initiating everything, a change probably developed with the secret hope that no individual employee would run the risk of jeopardising their future employ-

ment by raising occupational health and safety concerns. Employee representatives involved in developing OH&S management arrangements must be issued with a certificate by the CEO of Comcare, which is valid for only 12 months. Also, employers are allowed to conduct the election of employee health and safety representatives, a role previously conducted by a union or a person specified by the National Occupational Health and Safety Commission.

In my great state of Western Australia it is clearly stated in the Occupational Safety and Health Act 1984 that, if a secret ballot is conducted to elect a health and safety representative on a site, within 12 months of their election they must receive training to be an occupational health and safety officer and the employer must also be allowed to choose whom they want to train them. If there is any fear that the baddies from the union will teach the occupational health and safety officers all the wrong things which can bring an employer undone, the employer can send the elected representative to their choice of training arrangements.

Under Work Choices, the onus has now shifted from the employer to the employee to prove that there is a risk to their health in the workplace. Part 9, division 1, section 420(4) of the Workplace Relations Act 1996 places the burden of proof on an employee to prove that any industrial action taken was because of a reasonable concern about an imminent risk to his or her health or safety. And, in a further slap to the legitimate concerns of employees about their workplace safety, they can be hit with a $6,600 fine if they are unable to prove what that work safety concern was.

I have yet to see a legitimate argument that the number of injuries and deaths will be reduced as a result of changing to a national regime, particularly a noncompulsory, opt-in
national regime. I have yet to see any real argument that safety conditions on the job will be improved by bringing the various state regimes into a single national arrangement, particularly when those arrangements are of a voluntary, opt-in nature.

Trade unions and their officials do have, and should have, a central role to play in workplace safety in this country. It is through the tireless work of the trade union movement that we are today able to enjoy safer workplaces than would otherwise have been the case. That is why Labor will always support the role of trade unions in helping to ensure that our workplaces are safe.

Senator TROETH (Victoria) (8.39 pm)—It is a pleasure to speak on the OHS and SRC Legislation Amendment Bill 2006, which was the subject of an inquiry by the Senate Employment, Workplace Relations and Education Legislation Committee. Productivity Commission report No. 27, National workers’ compensation and occupational health and safety frameworks, recommended that the Australian government amend the Occupational Health and Safety (Commonwealth Employment) Act 1991 to enable those employers who are licensed to self-insure under the Comcare scheme to elect to be covered by the Australian government’s OHS legislation. This bill will implement the government’s response to the Productivity Commission report. Those corporations which are licensed under the Safety, Rehabilitation and Compensation Act 1988, the SRC Act, will also be covered under the Occupational Health and Safety (Commonwealth Employment) Act 1991. The bill ensures that all SRC Act licensees—both corporations and Commonwealth authorities—are covered by the Occupational Health and Safety (Commonwealth Employment) Act 1991 for OHS purposes.

At present, those former Commonwealth authorities and licensed private sector corporations that operate under the Commonwealth workers compensation scheme are covered by state and territory occupational health and safety legislation in the jurisdictions in which they operate. That makes it unnecessarily difficult for many firms to develop a national approach to occupational health and safety, and it may result in the requirement that they comply with eight separate, and quite distinct, OHS jurisdictions. The amendments in this bill will provide all licensees under the SRC Act with the benefits of operating under one occupational health and safety scheme, together with integrated prevention, compensation and rehabilitation arrangements. This will produce better health and safety outcomes all round, including for the employers of the affected bodies. The amendments will enable much greater coordination and feedback between the workers compensation and OHS arrangements. The time and resources which are currently expended in addressing jurisdictional and boundary disputes caused by multiple compliance regimes can be redirected to achieve greater overall efficiencies and, importantly, savings can be devoted to further improving health and safety in the workplace.

It is very important that this bill be introduced in order to, firstly, provide certainty to Telstra in the event that they are fully privatised. The Telstra (Transition to Full Private Ownership) Bill 2003 removed Telstra from schedule 1 of the OHS Act so that it is no longer deemed to be a government business enterprise for the purposes of the OHS Act. It is important that this bill now be put through in order to, secondly, provide coverage for Optus who, although self-insured under the Comcare scheme, do not have coverage under the Occupational Health and Safety (Commonwealth Employment) Act 1991.
because they do not fit the definition of a Commonwealth authority or government business enterprise.

Recent campaigns against the Work Choices bill, such as those exemplified by Senator Sterle, have incorrectly asserted that workplace safety will be compromised by promoting greater flexibility in the workplace. It is true that the Work Choices bill will result in more workers moving to the federal industrial relations system, but these reforms will not impact on state and territory jurisdiction over workers compensation and occupational health and safety. All OHS legislation imposes a duty of care on employers to protect the health and safety of their employees. The duty of care includes providing a safe working environment and safe systems of work, and it encompasses risks associated with fatigue. As is currently the case, both employers and employees will need to be conscious of their responsibilities under OHS legislation in negotiating any changes to working hours arrangements, including overtime and rest breaks.

The economic cost of workplace accidents to workers, employers and the community is huge. It is estimated to be in excess of $30 billion annually, or some five per cent of gross domestic product. The responsibility for this must be shared by all stakeholders, and we must all act to make continual improvements. The answer is not to introduce laws that are punitive and punish the employer above all else—particularly given the example that Senator Sterle used. You would have thought that those workers, working under a skull and crossbones signal, would have deduced that there was some requirement for them to take responsibility for not eating their lunch anywhere near the vicinity of that particular chemical.

The best way to address this issue is to promote a culture where there is greater cooperation between employer and employee. In this respect, I am very pleased to say the Commonwealth is leading the way in promoting an environment in which employers and employees are encouraged to take a cooperative approach to identifying and eliminating hazards that may cause injury or death. The Australian government is strongly committed to improving occupational health and safety outcomes in all Australian workplaces. Those improvements can be achieved through governments, employers and employees taking a cooperative and non-adversarial approach to workplace health and safety issues. It is no use various sectors of the working environment sitting around saying to the other sector ‘This is your fault,’ while these dreadful accidents continue to happen.

The coalition has a proud record in its commitment to improving occupational health and safety in every Australian workplace. We initiated the development of the National Occupational Health and Safety Strategy in 2002, and I remind those opposite that the signatories to this strategy include the Australian government, all the state and territory governments including the ACT, the ACTU and the Australian Chamber of Commerce and Industry. So every part of the workplace is committed to making this strategy work. We want to improve Australia’s performance over the next decade and we want to foster sustainable, safe and healthy enterprises that prevent work related death, injury and disease.

There are five national priorities in this strategy: (1) reducing the high incidence and severity of risks; (2) improving the capacity of business and workers to manage occupational health and safety; (3) preventing occupational disease more effectively; (4) eliminating workplace hazards at the design stage; and (5) strengthening the capacity of governments to influence better OH&S out-
comes. And that is why we have moved to establish the Australian Safety and Compensation Council.

In a country with 10 million workers, many employers ask why there are eight different and quite separate OH&S and workers compensation jurisdictions, as exist at the moment. This is made worse by the fact that there appears to be very little in the way of consistency and uniformity across the various schemes. A number of major national corporations have made their frustrations known with this situation. For instance, the National Australia Bank has previously complained about the fact that the current state based systems result in the bank dealing with eight different legislations, which provide eight different levels of benefits, eight different definitions of injury, and so on.

So, in order to improve the national frameworks, the government undertook to establish the Australian Safety and Compensation Council. That has representatives from Commonwealth, state and territory governments, as well as employer and employee groups. It provides a new opportunity to coordinate workers compensation on a national level. Unlike the National Occupational Health and Safety Commission, which it replaces, the ASCC will consider both occupational health and safety and workers compensation matters.

The ASCC’s main role will be to coordinate research and provide policy advice to the Workplace Relations Ministers Council, which obviously comprises the federal workplace relations minister and the state and territory counterparts. The ASCC met for the first time in October last year to discuss the council’s future priorities for moving Australia towards a more nationally consistent workers compensation framework.

What has been Labor’s position up till now? Certainly I should acknowledge, on the opposition’s side, that unions have played an important role in the promotion of health and safety in the workplace. They always have and one would hope that they always will. The ACTU, as I have said, played a central role in the National Occupational Health and Safety Commission and, through its membership of the ASCC, I would imagine it would continue to do so. So it is very disappointing to note that the union movement has attempted to cynically exploit the grief and misfortune of those people who are killed or injured in workplace accidents. For instance, last year, on the ABC’s Lateline, the President of the ACTU, Ms Sharan Burrow, was filmed at an ACTU campaign meeting saying:

I need a mum or a dad of someone who’s been seriously injured or killed. That would be fantastic.

That is a terrible statement to make. And, indeed, at the hearings on the Work Choices bill which I conducted in November last year, I challenged Ms Burrow about that statement that she made on the ABC’s Lateline and asked her if she regretted that in any way. And she said, virtually, no, she did not. This demonstrates that the ACTU’s disregard for workers’ wellbeing even extends to taking advantage of family tragedies. What does it say about the union movement’s concern for workers and their families when its president states that a grieving family would be ‘fantastic’ for her campaign?

What has been the attitude of the states and territories? The New South Wales government has recently passed the New South Wales Occupational Health and Safety Amendment (Workplace Deaths) Bill, where employers face up to five years jail and a $165,000 fine if they are convicted of causing an employee’s death through recklessness. It is of considerable concern that breaches of such serious and punitive laws, be they civil or criminal, are dealt with by
the New South Wales Industrial Relations Commission and not a court. And this state of affairs will continue, given that the New South Wales Court of Appeal recently found that there was nothing to prevent the New South Wales Industrial Relations Commission from hearing such matters.

It is very disturbing that, in a future where we hope we would have a harmonious industrial relations atmosphere, under those New South Wales occupational health and safety laws unions could actually prosecute employers for workplace occupational health and safety breaches and, if successful in their action, could receive up to half the fines awarded and also have their legal bill paid by the employer. The New South Wales Industrial Relations Commission has fined the ANZ Bank over armed robberies at their branches after action brought by the Finance Sector Union. Patrick Stevedores were subject to an MUA prosecution for work practices that risked repetitive strain injury. New South Wales coalminers have been hit for using misleading maps prepared by the New South Wales government.

The New South Wales Labor Party is financially beholden to the union movement and relies on substantial donations from unions. It is no coincidence that the Finance Sector Union and the MUA have donated over $350,000 to New South Wales Labor since 1995. This situation exists only in New South Wales. In every other jurisdiction, only the relevant workers compensation authorities can prosecute for alleged breaches of work safety laws. This creates a perverse incentive for unions to abuse such processes and to prosecute employers for purely financial gain.

The Victorian government has also introduced the offence of reckless endangerment under the Victorian Occupational Health and Safety Act, carrying a potential prison sentence and large financial penalties. So the Victorian and New South Wales laws are essentially using occupational health and safety legislation to introduce industrial manslaughter laws by stealth. The ACT has been more upfront in its intentions. It has introduced the criminal offence of industrial manslaughter, which singles out employers for punishment despite the fact that some factors influencing occupational health and safety may be outside the employer’s control. That sort of approach, which is adversarial to say the least, will serve only to discourage employers and employees from being closely involved in safety issues. Employers and employees will focus on defending themselves rather than progressively moving ahead to cooperatively ensure safer workplaces.

Governments at the Commonwealth, state and territory levels must be wary of seeking to amend or impose legislation which only serves to create uncertainties for employers and in many instances will only discourage employers and employees from being closely involved in those sorts of issues. The Australian government has introduced the Occupational Health and Safety (Commonwealth Employment) Amendment (Promoting Safer Workplaces) Bill 2005 to exclude Commonwealth employers and employees from the application of the ACT industrial manslaughter laws or similar laws enacted in the future by other states and territories.

To sum up, this bill further reinforces the Australian government’s approach to workplace health and safety to ensure that the main focus is on preventing workplace injuries, rather than punishment after the event.

Senator SIEWERT (Western Australia) (8.56 pm)—The Australian Greens oppose the OHS and SRC Legislation Amendment Bill 2006 as we believe this is yet another attack on Australian workers. In the past 12
months, the Howard government has fundamentally changed the way Australians are employed and now, to our eyes, it wants to water down safety standards. This is another in a long list of bills relating to safety that are already before this chamber or that will be coming in the next few days. For example, the Occupational Health and Safety (Commonwealth Employment) Amendment Bill 2005, we believe, has the effect of watering down safety standards by substantially reducing or removing union involvement when unions play such a key part in promoting safety and improving safety standards in the workplace. This is despite Senator Abetz saying in June during the debate on the motion for disallowance of the Workplace Relations Regulations 2006:

In relation to occupational health and safety, a matter of great concern to every Australian, whose jurisdiction is it? Everybody knows, or should know, that it falls fairly and squarely within the jurisdiction of the states and territories. At that stage he was attempting to wash his hands of some level of responsibility about the particular issue we were debating. However, when one looks at this bill and other like bills, it is quite obvious that the Commonwealth is trying to gain control of health and safety in the workplace and at the same time reduce employers’ responsibilities and undermine health and safety in the workplace. Under this bill in particular, more workers will come under the Commonwealth provisions which, we believe, offer less protection and less requirement for compliance by employers and, as I said, aim to take more Commonwealth control and undermine the better protection that is offered by the states and territories. If we look at the impact on our community of the short-changing of safety, I believe it will cost us dearly and we will rue the day that we have further undermined the health and safety of our workplaces with this string of legislation.

International research and experience clearly shows that, when employers manage occupational health and safety without worker representation, the results are much worse: it costs the employers in lost time and productivity and ultimately increased payouts for disability and damages; it also costs the workers and their families—I will go into a bit more detail on the added dangers that workers face in their workplaces and the consequences on their health, wellbeing and livelihood—and it costs the nation in terms of the productivity of our economy, the burden of caring for those made sick or disabled in the workplace and a decreased international reputation.

In fact, on my perusal of the figures, which I think I have highlighted in this place before, the impact on the economy of time lost to health and safety problems versus time lost to industrial action is 20 to one. The very minor gains the government may hope to make through their wider Work Choices agenda in supposedly increasing productivity will definitely be lost to health and safety if our current health and safety regime is undermined. As has already been highlighted in this place, the situation in Australia, although getting better, still needs to improve significantly. There are still far too many Australians dying in industrial accidents and suffering long-term—sometimes short-term—health effects. Workplace injury and illness has been estimated to cost the Australian economy over $34.3 billion a year, or five per cent of GDP. There are more deaths in the workplace than on the roads. Best estimates are that workers compensation insurance covers only about 25 per cent of the overall economic cost. The AMP estimates that $8 billion of Australian corporate profits are lost to occupational health and safety costs each year. They are pretty significant impacts that lax health and safety procedures result in.
As I have said, I believe the aim of this legislation is to reduce the responsibilities of employers for occupational health and safety by putting it under the Commonwealth provisions rather than the stricter state and territory provisions. But there is no evidence to suggest that health and safety will improve and that death, injuries and disease will decrease if a company’s compliance obligations are reduced. In fact, the evidence suggests that occupational health and safety accidents, injuries, disease and deaths may increase if employer obligations are reduced. I will quote from a statement by the Royal Commission into the Building and Construction Industry, which concluded, in part:

There is persuasive support for the view that the extent of compliance with occupational health and safety obligations is strongly influenced by a reasonable expectation of the likelihood of being inspected, prosecuted, convicted and having a meaningful penalty imposed. The presence of occupational health and safety inspectors is important.

This is, of course, very important to this debate because putting even more workers who will be affected by this bill under Commonwealth regimes will put them into a situation where there are fewer inspectors and less compliance reporting and checking than under the state systems. A number of figures have been quoted. Figures were quoted in the opposition senators’ dissenting report to the inquiry on this bill, and other figures quote that the Commonwealth has a very small occupational health and safety inspectorate of 20 inspectors, while Victoria, for example—and there is a slight difference between some of the figures, but the variations are about the same—has 236 inspectors. That is a significant, tenfold difference in the number of inspectors. I have already highlighted that the number of inspectors is important to ensure compliance.

Let us look at the number of workplace interventions. Under Comcare there have been 245 and under, for example, Victoria’s WorkSafe there have been 43,719. The number of safety prohibition and improvement notices is 17 under Comcare and 12,492 under Victoria’s workplace safety provisions. The number of prosecutions under Comcare is none and the number under Victoria’s process is 110. You can see that there is a significant gap between what happens at a state level and what happens at a Commonwealth level. I know that the union movement and a number of other organisations are severely concerned about the impact of moving those numbers of workers from the state process to the Commonwealth process and the implications of that for inspection and compliance and for occupational health and safety.

Then we come to the fact that this series of bills also undermines union movement involvement in the provision of occupational health and safety. During another debate in this place recently over occupational health and safety changes I quoted a number of international studies that show the link between stronger occupational health and safety and worker representation. There are very clear links between improved occupational health and safety standards and reduced injury and death rates where joint arrangements are in place with trade union representatives and worker representation. Study after study shows this, yet what is the Commonwealth doing? It is moving to reduce union involvement and worker organisation representation in occupational health and safety. Clearly, again, this is part of the government’s agenda to weaken occupational health and safety, to weaken union representation and to bring the state and territory system, which is in fact the stronger system, under Commonwealth control, despite the fact, as I have said, that in the de-
bate Senator Abetz said that occupational health and safety is the jurisdiction of the states and territories.

This is not the way to go about providing better occupational health and safety in Australia. If this government is truly interested in improving occupational health and safety, a philosophy I would strongly support, this is not the way to go about it. The way to improve occupational health and safety is not to bring in a system with fewer inspectorates, a reduced level of compliance and ability to check it, and a reduced level of worker involvement in occupational health and safety. The Greens oppose this bill and urge the Senate to oppose it too.

Senator NASH (New South Wales) (9.07 pm)—I rise to speak in support of the OHS and SRC Legislation Amendment Bill 2006. Each and every one of us privileged to serve in this place is very proud of the states and territories that we represent. We are particularly privileged to represent the people, communities and businesses that collectively make up our states and territories. Our role is to do all we can in this place to best represent the interests of those people in their communities. Many of those businesses do not operate in isolation; they do not operate in single-town scenarios. Many of the people in the businesses that we represent have a network of presence not just in a particular region or across a state or territory but right across this great nation.

An unfortunate 21st-century consequence of Federation is that businesses which operate on a national basis are forced in the case of occupational health and safety legislation to operate in eight separate and distinct jurisdictions. Such a situation indeed presents an impediment for many businesses who are trying to do the right thing by their workforce and develop a national approach to OH&S. Why is this an impediment? It is because these businesses are required to comply with the laws of those eight various jurisdictions—very separate and very distinct jurisdictions. The Productivity Commission inquiry report No. 27, National workers compensation and OH&S frameworks, recommended that this government amend the Occupational Health and Safety (Commonwealth Employment) Act to enable those employers who are licensed to self-insure under the Comcare scheme to elect to be covered by the Australian government’s OH&S legislation.

This bill will implement the Liberal-National government’s response to the Productivity Commission. Those corporations licensed under the Safety, Rehabilitation and Compensation Act 1988, the SRC Act, will also be covered under the Occupational Health and Safety (Commonwealth Employment) Act 1991. There has been some comment that the desire of this federal government is to weaken OH&S. That is just a nonsense. We have heard that a couple of times in here tonight. Nothing could be further from the truth and those who are saying that are simply trying to scaremonger when the government has a very strong and very good track record in OH&S.

The OHS and SRC Legislation Amendment Bill proposes to deliver something that state and territory governments should have done some time ago, which is to ensure that there is harmony in OH&S requirements. This is particularly important for those businesses that operate on a national scale. Quite frankly, if the states had moved down that track, if they had been committed to ensuring there was harmonisation, then this government would not be having to move these amendments.

I noted earlier that Senator Wong said—and I hope I am not misunderstanding her; it certainly seemed very clear—that lack of
uniformity can be a significant cost burden and that uniformity should be a priority. We could not agree more; it is just a little unfortunate when we have the New South Wales minister John Della Bosca leaving the Australian Safety and Compensation Commission meeting only a matter of a few weeks ago. What kind of commitment to ensuring that we get this harmonisation is walking out of a meeting that is designed purely to pull people together and to try to find a way forward? If that is the Labor state government’s approach to trying to find harmonisation then it is sadly lacking.

The amendments that the government is putting forward deliver a common-sense outcome for those businesses who become licensees operating under the Safety, Rehabilitation and Compensation Act. These amendments are all about common sense. Section 100 of the Safety, Rehabilitation and Compensation Act 1988 gives the Minister for Employment and Workplace Relations the power to declare certain corporations as eligible to apply for a workers compensation self-insurance licence under the SRC Act. Licensees under the SRC Act will include Commonwealth authorities and non-Commonwealth authorities. These licensees will benefit from operating under one OH&S scheme, which will produce better health and safety outcomes for employees. This amendment will deliver overall efficiencies that currently cannot be realised because of the OH&S requirements of eight separate and quite distinct jurisdictions.

This amendment is not rocket science; it is an amendment that just makes good common sense. The efficiencies to be realised by not having to comply with eight separate and quite distinct jurisdictions have the potential to deliver real savings which licensees could devote to improving health and safety in the workplace, which is an outcome we all want: the best health and safety in the workplace that we can possibly have.

OH&S legislation imposes a duty of care on employers to protect the health and safety of their employees. It certainly does appear that the state run workers compensation and OH&S schemes are a monopoly. We need to change that environment so that businesses can grow and we get the best outcomes for employers and employees. I ask the question: why are the states opposing the federal government on this front in the High Court? Why are they opposing a sensible national approach for employers to participate in a federal workers compensation scheme? Could it be that the Labor states are scared of competition? Surely not. The Labor state and territory governments are not possibly scared of competition. If they are not, why are they so determined not to see these amendments go forward?

Surely if those state governments were confident that their workers compensation, OH&S schemes and environment were the best possible ones to deliver, they would not be concerned about the federal government’s arrangements. Let’s face it: a lack of competition equals a lack of performance. We on this side of the chamber know that only too well. We on the government side of the chamber believe in competition and the benefits it delivers. Indeed, it is the failure by the states to get on and harmonise the occupational health state legislation that has forced the hand of this government to introduce these very sensible amendments to the legislation.

The state governments are even opposing the right of national employers to join the federal workers compensation scheme. What the states should be doing is abandoning their self-interest objections and focusing on the challenges of running a modern business. By their approach, it seems that the Labor
states are stuck in the Dark Ages. As the Australian Financial Review said in its editorial on 4 August:

There is no logical reason for workers’ compensation to be exempted from national competition reform and no reason why firms operating nationally should have to deal with the eight separate compensation schemes run by states and territories.

The government recognises the real impediments that are put in front of businesses operating on a national scale as a result of this environment. I am told that about a dozen businesses, including the national transport operator Linfox and the National Australia Bank, have quit state run schemes to self-insure under the Commonwealth authority Comcare. I listened with interest earlier when Senator Sterle talked about his previous life in the transport industry.

Senator Conroy—Is that right? You’ve met a truck driver, haven’t you?

Senator NASH—I have met several truck drivers. I am glad you are noting my movements, Senator Conroy. I did not think you would have such an interest.

Senator Conroy—No, you’ve met two.

Senator NASH—Quite interestingly, more than that.

Senator Ferris interjecting—

Senator NASH—Indeed. But in listening to the skull and crossbones explanation, I did note with interest that, to my knowledge, there has been no complaint whatsoever about Linfox’s change of arrangements. It is unfortunate that those who sit on the other side choose to scaremonger instead of trying to contribute to taking this nation forward in the interests of those employees who work so very hard around this nation.

Unlike those opposite, who will oppose this very sensible piece of legislation just for the sake of opposition, this government has a plan to take OH&S forward in this nation. Those on the other side have nada—nothing. The best way to address the very serious issue of OH&S is to promote a culture where there is greater cooperation between employers and employees, and that is what this government is doing. We need to have an environment where everyone is acting in the best interests of the workforce. We do not need the environment that exists in some jurisdictions where we are introducing laws that are punitive and that punish the employer above all else.

This government—the Howard-Vaile government—is leading the way in which Australians approach OH&S by taking a cooperative approach to identifying and eliminating hazards that may cause injury or death. Through the National OHS Strategy, which my colleague Senator Troeth referred to before and which was developed in 2002, there are five national priorities for OH&S. They include reducing high incidence and severity risks, improving the capacity of business and workers to manage OH&S, preventing occupational disease more effectively, eliminating workplace hazards at the design stage and strengthening the capacity of governments to influence better OH&S outcomes.

I would like to acknowledge the important role Australia’s trade unions have played in the promotion of health and safety in the workplace. Senator Wong referred to the track record of Australian trade unions. But occupational health and safety is not the sole province of the unions. Some of the amendments to the bill involve removing the mandated right of ‘involved unions’ to intervene in OH&S matters to the exclusion of other employees and their representatives. This government believes it is imperative that Commonwealth employers be required to consult with all employees—not just unions—about the development and implementation of OH&S arrangements.
It is vitally important that we get this right for the future of this nation. The amendments in this bill are a very positive step forward. I refer to my earlier remarks: if the companies that are working nationally right across this country have to deal with eight separate and distinct jurisdictions when it comes to OH&S and their ability to comply, their ability to be productive is severely lessened. We need to ensure that there is an environment where those businesses and those companies can operate in the best possible manner while at the same time ensuring that employees are protected and that the OH&S requirements are being met so that we can have the most productive, safe workplace in this nation that we are able to have.

Senator ABETZ (Tasmania—Minister for Fisheries, Forestry and Conservation) (9.19 pm)—I thank all honourable senators for their contributions in this debate on the OHS and SRC Legislation Amendment Bill 2006, and I especially thank Senator Nash for her contribution. The bill will ensure that all licensees under the SRC Act—that is, Commonwealth authorities and eligible corporations—will have the benefits of operating under one occupational health and safety scheme together with integrated prevention, compensation and rehabilitation arrangements. Integration of workers compensation and occupational health and safety schemes will promote greater coordination and feedback between the schemes and will produce better health and safety outcomes all around.

The amendments are supported by licensees as they will remove a significant impediment to business profitability and efficiency—namely, the costs of administering and complying with as many as eight separate and different state and territory occupational health and safety requirements. As a result of the amendments, employees of the same organisation will no longer be treated differently merely on the basis of their geographical location. Employees will have the opportunity to acquire a better understanding of their occupational health and safety rights and obligations because these will remain the same regardless of where they work.

The government considers that, until the states can achieve national consistency in occupational health and safety regulation, SRC Act licensees operating in more than one jurisdiction should not be subject to the complexities and costs involved in complying with myriad different requirements. The argument that state workers compensation premium pools would be adversely affected because employers would seek to enter the Commonwealth scheme is spurious. Actuarial studies undertaken by the Productivity Commission two years ago in 2004 support the conclusion that state premium pools will not be significantly affected by employers leaving the state schemes. In fact, Victoria has recently announced that it has reduced its premiums. Other states could follow Victoria’s lead and revise the profit-making focus of their workers compensation schemes. Victoria and its state and territory counterparts could further avoid employers voting with their feet and leaving these schemes by working with the federal government to introduce greater uniformity and consistency across all jurisdictions. However, this would
require the states to shift the emphasis of their workers compensation schemes away from profit making.

The amendment will not diminish OH&S protection for employees covered by the Commonwealth act. Under the Commonwealth act, all OH&S incidents can be enforced by Comcare through the general duties of care in the act. These are supported by the existing regulations, codes of practice and guidance material to assist employers to discharge their duty of care. However, where sanctions are necessary, the Commonwealth scheme includes a strong, comprehensive and effective enforcement regime based on a wide range of civil and criminal sanctions, including tough penalties for breaches of the act. The opposition has again attempted to complicate debate by linking this bill to other unrelated OH&S measures that have been proposed for a number of years.

The emphasis of the Commonwealth scheme is on prevention of workplace injury rather than punishment after the event. Comcare therefore now has a complement of full-time investigators in similar ratios of investigators to employees that other jurisdictions provide. This is in addition to other expert and state inspectors it can access if needed. I am pleased to see Senator Murray in the chamber because I will briefly respond to some of the matters that he raised. The honourable senator expressed concerns about Comcare’s enforcement capacity—in particular, the number of investigators at its disposal. Senator Murray quoted figures that suggest that Comcare has only 16 investigators. This was the case in 2004 but it is not the case now. Comcare has 33 staff investigators. I am reliably told that that is a 106 per cent increase on the 2004 figures that were quoted by Senator Murray. In addition, Comcare has access to a further 199 inspectors from state and territory OH&S authorities and 47 skilled and qualified people from a panel of private sector organisations. In other words, Comcare currently has access to—if my maths is correct—279 investigators. This is, with respect, more than enough to cope with the probable increase in the number of workers that may come within the Commonwealth jurisdiction as a result of these changes—that is, up to approximately 40,000 extra workers. I freely acknowledge that the chances are that those figures were not known to Senator Murray when he made his contribution and I am pleased that I am able to put those figures on the record. Having said that, I commend the bill to the Senate.

Question agreed to.
Bill read a second time.

Third Reading

Senator ABETZ (Tasmania—Minister for Fisheries, Forestry and Conservation) (9.27 pm)—I move:
That this bill be now read a third time.

Question put.
The Senate divided. [9.31 pm]

The President—Senator the Hon. Paul Calvert

Ayess......... 35
Nosess......... 31
Majority........ 4

AYES

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

NOES

Allison, L.F. Bartlett, A.J.J.
Bishop, T.M. Brown, B.J.
Brown, C.L. Campbell, G.
Carr, K.J. Crossin, P.M.
Carr, K.J. Forshaw, M.G.
Hurlley, A. Hutchinson, S.P.
Kirk, L. Ludwig, J.W.
Lundy, K.A. Marshall, G.
McEwen, A. Milne, C.
Moore, C. Murray, A.J.M.
Nette, K. O’Brien, K.W.K.
Sherry, N.J. Siewert, R.
Sterle, G. Stott Despoja, N.
Webber, R. * Wortley, D.

PAIRS

Barnett, G. Evans, C.V.
Coonan, H.L. Stephens, U.
Ferguson, A.B. McLucas, J.E.
Joyce, B. Polley, H.
Macdonald, J.A.L. Ray, R.F.

* denotes teller

Question agreed to.

Bill read a third time.

MIGRATION AMENDMENT (EMPLOYER SANCTIONS) BILL 2006

Second Reading

Debate resumed from 29 March, on motion by Senator Minchin:

That this bill be now read a second time.

Senator LUDWIG (Queensland) (9.36 pm)—I rise to speak on the Migration Amendment (Employer Sanctions) Bill 2006. Perhaps I can start by saying that this is a bill that has been on the Notice Paper for some time. It is certainly long overdue—longer than you might imagine. This is an issue that had been raised and looked at by the government as far back as 1999. It has certainly taken the government a long time to get to this point.

It is worthwhile going back and looking at the review that brought forward this bill. That review was called the Review of illegal workers in Australia: Improving immigration compliance in the workplace. One of the major elements of that was the decision to pursue employer sanctions. The review found at that time—

The ACTING DEPUTY PRESIDENT (Senator Crossin)—Senator Ludwig, I am sorry; I am going to interrupt you. I am wondering whether senators could continue those discussions outside so we can hear the senator give us his speech in this second reading debate.

Senator LUDWIG—As I was saying, the review found sufficient evidence to conclude that the extent of illegal workers in Australia is a significant problem that denies many Australians the opportunity to access a job. Illegal workers also place an additional burden on Australian taxpayers in terms of compliance costs, uncollected taxes and fraudulently claimed social security benefits.

There has been a pressing need for this bill since 1999, since the terms of reference and the brief were given to the committee to have a look at this, and they produced this report and their findings. Of course, that was addressed to Mr Ruddock, the then Minister for Immigration and Multicultural Affairs. Since that time he has gone from immigration to another portfolio and we have Senator Vanstone now. It has taken that amount of time for this government to actually have a look at this issue.

The purpose of this bill is effectively to introduce offences for employers and labour suppliers who let noncitizens work in Australia without the appropriate visas. It is presently an offence under section 235 of the act for an unlawful noncitizen to work in Austra-
lia or for a noncitizen who holds a visa to work in contravention of the visa work conditions. What that means is that it is an offence for the worker—the noncitizen—but there is no sanction and no contravention of the migration legislation by their employer. Nor is there any requirement more broadly for the employer to investigate or to at least ask an employee or intending employee about the issue. But we now have at least some measure which will be helpful in dealing with this issue, although long overdue.

The bill contemplates four types of offences against employers: allowing an unlawful noncitizen to work, allowing a noncitizen to work in breach of a visa condition, referring an unlawful noncitizen for work and referring a noncitizen for work in breach of a visa condition. This bill will put the onus on employers and labour hire companies to verify the working status of potential employees where there is a substantial risk that the person is an illegal worker. This bill recognises that this government has continued to fail to deal effectively with the problem of illegal workers in Australia. However, the bill does have a six-month lead time to ensure employers can at least take on board what the full effect of this bill will mean for them.

As I have said, this bill had its genesis from that report back in 1999 I referred to earlier. The report in 1999 was to look at how to ‘curb the abuse of Australia’s visa system by illegal workers and a determination to reduce unemployment for Australians’. If it were critical for the government, one would have thought they would have acted a little bit sooner than this, but nonetheless they have finally acted and, although it might be considered faint praise, I will at least say that it is high time that the government finally came to the party with this bill. We appreciate that they have come forward with this bill and have allowed it to be debated in the Senate and dealt with, although it did, as I have said, sit on the Notice Paper for some time. The report of the committee that looked into this bill came out in May 2006, but the government have taken their time allowing this debate to be brought forward.

That 1999 report contained a number of recommendations, and I want to dwell on that for a short while. To go back to the purpose of that review in 1999, it was ‘to consider the current approach to combating illegal workers and whether there should be changes made to policy, practices and procedures and/or legislation settings to improve the level of compliance in the workplace’. That was referred, I keep reminding you, in 1999, and of course that committee reported in 1999. Its key findings were that, as at 30 June 1999, it was estimated that some 53,000 people had overstayed their visas and were unlawfully in Australia. Of that number, about 27 per cent had been here for more than nine years. An unknown number may have also entered Australia unlawfully. The committee also went on to say as part of its key review findings that, without access to work over a sustained period, overstayers would find it difficult to support their unlawful extended stay in Australia.

The committee was painting a picture where it was clear that a number of overstayers had found employment of some description and that there needed to be work done to address that:

The Review found that the current measures in place to combat illegal workers were insufficient to address the extent of the illegal worker population. In particular, the Review concluded that:

• while DIMA compliance action is increasingly successful, there is little prospect that the workload will diminish.

It then continued to paint a picture of a situation where there needed to be, in my words, urgent action. That was in 1999. The gov-
ernment then took some action, I will say—and I will go to that shortly. But what the review recommended in terms of concrete things that the government should do at the time was, firstly:

That an Overseas Information Campaign be developed, in order to discourage people from trying to enter Australia unlawfully and working illegally.

It also recommended:

That it be ensured that as many as possible ETA-holders receive information concerning their rights and obligations as visitors in Australia, including information about their work status.

There were a range of other recommendations, but (h) in the summary of recommendations states:

That a system of sanctions be introduced to discourage business owners, employers and labour suppliers from recruiting illegal workers.

What they were painting was a holistic picture of how to deal with this issue from both an education perspective and a sanction perspective, in that there would always be employers who were not willing to comply with education campaigns or do the right thing—that, unfortunately, there would be what may be described as rogue employers, or employers seeking to abuse the system by employing or exploiting unlawful noncitizens in this way. That was the picture that was painted in 1999.

In response to that, the government, to its credit, took some action. That action included at least matters that went to initiatives in November 2000, so it was relatively quick in providing some response. The then Minister for Immigration and Multicultural and Indigenous Affairs, Mr Ruddock, introduced what might be regarded as the next phase of the review of illegal workers in Australia, which was initiatives to stop illegal workers. Those initiatives included a new Work Rights telephone information line; a fax-back facility that provided advice on whether an individual was eligible to work; an employer awareness campaign, including new kits and information pamphlets, to enable employers and labour suppliers to improve their knowledge of Work Rights issues; and the introduction of warnings to employers and labour suppliers who hire illegal workers.

So we had got to a position where the elements of the 1999 report which dealt with the softer issues—a campaign and education—were quickly adopted by the government but dealing with the harder issues, the issues that actually might change or modify behaviour, or having a sanctions regime were certainly, as we now know, a long way off. It got to a point where in 2004 and 2005 DIMIA had issued in the vicinity of 2,280 warning notices to employers and labour suppliers, so it was not as if DIMIA was not aware or had not gone out and done compliance audits or had ignored the problem completely and not done any research. It got to a point where DIMIA had clearly run up the white flag and said, ‘We’ve issued that many warning notices that it is high time that something is done,’ given the increase in that period of 20 per cent over the previous financial year. It was not confined only to new employers. Ninety employers had received more than one notice and most of the notices issued occurred within the following industries: accommodation, cafes and restaurants; agriculture, forestry and fishing; retail trade; and manufacturing. DIMIA had clearly understood that there was a problem and had sought to do the best that they could within the available range of actions that they had. However, it has still taken until 2006—more than halfway through—for this government to decide to go back to the 1999 review and look at what might be considered the next phase, being part of the original phase to look at all of the recommendations and to
start to address those, a phase which includes what this bill in fact does.

The bill’s explanatory memorandum states that the legislation is recognition that the problem of illegal workers is a significant problem. It says this is about 46,000 overstayers, 26,200 of whom have been in Australia for more than five years. The statistics are slightly different from those that were enunciated back in 1999, but they are not so different that warning bells should not have rung back then as they are ringing now. The government has taken a long time to get to the point of looking at this issue in a serious and holistic way.

The bill is a step in the right direction, and Labor supports that. For too long there have been employers who have repeatedly engaged noncitizens in employment that contravenes section 235 of the Migration Act but who have committed no offence at law. This bill will change that. There is some concern over the threshold tests within the bill of what will constitute recklessness. The Legal and Constitutional Legislation Committee inquiry that looked at that had submissions from a range of groups, including employers, as to how the test of whether you have contravened the legislation will be dealt with. In that instance they had concerns about what would constitute recklessness. Whether this measure is tough enough will be made clear after this bill has had a chance to be put into operation. Whether it is in fact able to effectively deal with this issue will be something that Labor will watch very closely. The opposition—and the Australian community—has a legitimate expectation that employers who routinely take advantage of illegal workers will in fact be prosecuted. But this bill is not an end to the matter. It is now really up to the government to ensure that in fact compliance audits and activities are undertaken and that sensible measures are taken to ensure that prosecutions follow.

Debate interrupted.

ADJOURNMENT

The ACTING DEPUTY PRESIDENT (Senator Crossin)—Order! It being 9.50 pm, I propose the question:

That the Senate do now adjourn.

Just before I call Senator Colbeck, I understand that informal arrangements have been made to allocate specific times to two speakers in today’s debate. With the concurrence of the Senate I shall ask the clerks to set the clocks accordingly.

*Spirit of Tasmania III*

Senator COLBECK (Tasmania—Parliamentary Secretary to the Minister for Finance and Administration) (9.50 pm)—I rise tonight to table a petition that was presented at my office on 10 July by the Maritime Union of Australia in support of *Spirit of Tasmania III*. Unfortunately, the MUA really have got the story sadly wrong in relation to this particular petition. The real facts behind the story are that *Spirit of Tasmania III* is a ship that was owned by the Tasmanian government through the TT Line and that the decision to purchase the ship was made by the Tasmanian government through the TT Line—

Senator Abetz—Against Treasury advice.

Senator COLBECK—As Senator Abetz says, it was against Treasury advice at the time. They ignored very strong Treasury advice that the ship should not be purchased in the first place. Also, during the state election campaign the then minister, Brian Green, indicated that there were no problems, everything was okay and they would guarantee to hold the ship in service for a further three years.

Unfortunately after the election campaign, during the GBE inquiries in Tasmania, it transpired that in fact Mr Green had been advised in December of last year that there
were issues with the future service of the ship. So it is quite clear that Mr Green misled the people of Tasmania during the election campaign. The *Spirit of Tasmania III* was a significant campaign issue for both sides of politics. The Labor Party in Tasmania used that particular issue quite extensively in their campaign, indicating that they had a further three years of support. Alas, after the election campaign the veil was removed. I might add that there were a whole range of other issues where commitments were made to the Tasmanian people prior to the election which subsequently turned out not to be the case after the election. I am sure the Tasmanian people will remember that. It was decided by the state government to sell the ship.

The MUA made a number of quite untrue allegations about the ship, the reasons why it was going and who should be supporting it in leaving. The petition calls on the Australian government to fund the continuance of the *Spirit of Tasmania III*. The Australian government makes a significant contribution to the *Spirit of Tasmania III*. In fact of TT Line’s 2004-05 revenue, $32.409 million came from the Australian government, so somewhere close to 20 per cent of their revenues came from the Australian government. The Australian government also has measures in place which allow for the rebating of diesel fuel used on the ship, so effectively all fuel used on those ships is free to TT Line. I seek the indulgence of the chamber to table this petition that was presented to my office. This has been quite a dishonest campaign by the MUA.

Leave granted.

**Professor Terence Tao**

Senator WONG (South Australia) (9.54 pm)—I rise tonight to pay tribute to a fellow South Australian, and an Australian also of Chinese heritage, who has achieved much more than many in this country. I am referring of course to Professor Terence Tao. Professor Terence Tao is a young man of Chinese heritage who was born in Adelaide on 17 July 1975. Last month he became the first Australian to be awarded the prestigious Fields Medal in the 70-year history of that medal. The Fields Medal is described as the mathematics world equivalent of the Nobel Prize. It has been awarded to Professor Tao at the very young age of 31. It is quite an extraordinary achievement, and it deserves to be remarked on by this Senate and by all Australians as an extraordinary achievement.

Professor Tao is now based at the University of California. He was presented with this medal on 22 August in Madrid by Spain’s King Juan Carlos I. In accepting this honour, Professor Tao spoke about his interest in the connection between mathematics and the real world. I would like to make the point that, unlike many other mathematical awards, the Fields Medal is usually awarded for a body of work rather than a single, isolated research result. I want to make some further comments about Professor Tao. I do not think I have ever met him, but certainly anyone who was in Adelaide through the period of this young man’s scholastic career would have read occasional articles in the local paper, the *Adelaide Advertiser*, about his extraordinary academic abilities. He has an extraordinary IQ of 220. His father is a paediatrician and his mother is a former mathematics teacher. They are both migrants from Hong Kong. He first revealed his talents at the age of two by learning to read from TV’s *Sesame Street*. Later his parents found him typing out a copy of a children’s book on his father’s typewriter.

Whilst his parents have said that they gave him lots of toys to play with as a child, he actually loved to play with numbers and the alphabet. He began doing things such as organising the magnet numbers on the fridge
into sequences and adding and subtracting them. By the age of five he had completed, with his mother’s assistance, a primary school mathematics course. By the age of 6½ he was in grades 3, 4, 6 and 7 for different subjects at his local primary school. At the age of 7½ he started senior mathematics and physics at high school, although he continued, obviously, to spend time with his younger peers. When he was eight he scored better than 99 per cent of 17-year-old prospective university students on an international aptitude test for mathematics. At 8½ he began high school full time and university mathematics at home. By 9½ he was spending a third of his time at Flinders University. By the time he turned 16 he had completed his Bachelor of Science from Flinders University with honours. The following year, in 1992, he completed his Masters in Science. In 1996 he earned his PhD from Princeton University at the age of 21. By age 24 he was a full professor in mathematics at UCLA. He has had an extraordinary career, and being awarded the Fields Medal tops a career which has included virtually every top international research prize in mathematics.

I have to say at times when there is discussion particularly of higher education, and the important focus on vocational aspects of higher education and the need to be practically relevant to today’s world, I think it is important that we do not lose sight of the importance of pure research. The fact is that we cannot know in advance the impact that research in what might seem an obscure area may have on our lives. For example, in the 1900s GH Hardy, a professor at Cambridge, stated that his work on number theory would never be used, yet today prime number theory is essential to the operations of the financial sector. It is unfortunate that under the Howard government we have seen such a decline in public investment in higher education. Australia’s public investment in higher education since 1996 has fallen by eight per cent. The average in the OECD is plus 38 per cent. That gives a stark indication of the priority given by this Howard government to education.

I also want to tell the Senate about a couple of things Professor Tao said. When you read his achievements, he obviously is a very disciplined man, but he obviously also has a sense of fun, which may not necessarily be apparent from such a prodigious level of achievement. When asked why he devoted his life to pushing the boundaries of his discipline, Professor Tao said, ‘Because it is fun,’ which is a wonderful way to describe your research focus and your research interest.

We do need young minds that are inspired to take up rewarding careers in mathematics and science. We need young Australians to take up new research, find solutions and answers to our world’s many problems and mysteries. As a nation, we need to find new ways of instilling in our future generations a sense of wonder and curiosity about the world, science and mathematics. It is great to see Australian minds competing against the
world’s best and winning. I am sure all of us are extremely proud of Professor Tao. He is an example and an inspiration to everyone who is engaged in the noble quest of the pursuit of knowledge. Regarding Professor Tao’s achievement, having been widely reported both internationally and in the Australian Chinese media, I want to say this: I think the contribution of Chinese Australians to Australian life has been extraordinary, though perhaps unremarked upon for much of our history. Chinese Australians have lived in this country for very many years and unfortunately we do not often speak about the Chinese contribution to Australia.

Historically, we know of the presence of Chinese in this country since the 19th century, and I make the point that the Chinese community, particularly in the area of mathematics, science and medicine in more recent years, has made a great contribution to this country. Chinese Australians around Australia were extremely proud and continue to be extremely proud of Professor Terence Tao. He is an inspiration to many people in terms of his achievements and he is also yet another Chinese Australian who has demonstrated how a contribution in the area of science and mathematics can be so important. Tonight I acknowledge his extraordinary achievement, his extraordinary career and the great contribution he has made. He is now residing in California where, as I said earlier, he is a professor at UCLA. We look forward to his continuing contribution to the world of scientific achievement and the pursuit of knowledge.

Mr Steve Irwin

2006 Indigenous Governance Awards

Senator BARTLETT (Queensland) (10.02 pm)—Before I get on to what I was going to speak about tonight, I want to briefly pay tribute to Steve Irwin and to acknowledge the great loss that his very untimely and very unexpected demise will be to Queensland and the rest of Australia. He was a larger than life character and the sort of personality whom, I think in many cases, more reserved Australians may not have automatically warmed to. I saw one description of him as having out-Americaned the Americans in terms of hyperenergy and chutzpah. But, over time, the fact is that people recognised that, whilst he certainly had hyperenergy, it was the real deal—what you saw was what you got—and that he was a very genuine person in his extraordinary enthusiasm, passion and thrill, almost childlike excitement, for life and wildlife. I do not know the details of the tragic occurrence today. He certainly diced with danger plenty of times before and produced much public interest as a consequence of that. Whether he diced with danger once too often, I guess we will find out.

But I do think his contribution to Queensland and to Australia must be acknowledged. He was somebody who obviously became enormously successful, but he used that success to promote greater positive awareness of Australian wildlife and Australia. He put a lot of the money he earned into buying areas of wilderness in Queensland—and I think elsewhere in Australia—to protect and preserve it, and to improve biodiversity and the environment for wildlife to regenerate in. He was somebody who recognised the dangers of commercial extractive use of wildlife. I certainly supported his concern about initiating or developing safari-hunting industries around crocodiles. He supported a strong concern, awareness and respect not just for Australia’s wildlife but for animal welfare in general. He ran a zoo. I do not want to overstate that; I think there are always some problematic welfare aspects to running zoos. Nonetheless, the clear delight he took in showing off wildlife and na-
ture to people was something that clearly struck a chord with many people.

I acknowledge the contribution he made and also express condolences to his wife and children. As people may recall, Steve Irwin copped a massive media bucketing—an enormous overblown shark-feeding frenzy that the mass media can get into from time to time—in January 2004, where he made a mistake when he, perhaps unwisely, took his newborn son close to a crocodile. Nonetheless, there was a gross overreaction to that. People were calling for him to have his children taken off him, family services were called up and called on to act, there were comparisons with Michael Jackson—all sorts of extraordinary overreaction that you get, sadly, when a shark-feeding frenzy starts in the community. Many people who just would not know lectured and passed opinion on whether or not he was a bad father. I would not know for sure but, to me, he sure looked as though he had a great love for and pride in his kids. That makes it all the more tragic because there are many kids whose parents do not have that love, so when they do have parents who love them who die when the children are of such a young age, it is a really tragic occurrence.

Following that tragic intro, I now want to shift to a good news story. I want to congratulate the WuChopperen Health Service, based in Cairns in Far North Queensland, which has won the major award at the 2006 Indigenous Governance Awards which were announced last Thursday night in Melbourne. As their name clearly indicates, these awards recognise and reward excellence in governance in Indigenous organisations. There were eight finalists from an overall field of 47 applicants. The chair of the awards committee, Professor Mick Dodson, said that the common theme shown by all eight finalists was the ‘vision, commitment and capacity to deliver’ and that ‘all these factors are directly connected to leadership’. Unfortunately, all sides of politics can attach a lot of ideology to the discussion of Indigenous affairs. I think that, across the board, we should put ideology and partisan philosophy aside, wherever possible, and recognise when things are working and when good work is being done, and support that and make people aware of it.

While it is appropriate to focus on the failings, it is also appropriate to recognise that there are many good news stories out there and many positive things happening on the ground. Whether in the political arena, the mainstream media or the wider community, we should provide support to these organisations and these people where things are working positively. I have visited the WuChopperen Health Service in Cairns, and I would recommend it to anybody who is interested in community based health care in general. It is a positive example of grassroots community health being delivered effectively and appropriately to Indigenous peoples in Far North Queensland. Even though it is based in Cairns—and obviously it works effectively for the community there—it is an essential healthcare provider which also deals with chronic disease management, oral health and social health and wellbeing, which also oversees medical services for remote regions. Whilst Cairns is a bustling metropolis, it is also a service point, particularly for Indigenous peoples throughout Far North Queensland. Across Cape York in particular, and out to the west, there is a wide range of different cultures and different language groups. To deliver an effective and appropriate health service to people from all those different backgrounds, circumstances and cultures is a very difficult task which should be acknowledged, recognised and congratulated.

I would also like to take the opportunity to congratulate the other finalists, particularly...
the other main winner. WuChopperen was the winner in the category of organisations that have been established for more than 10 years. The winner of the category for organisations that have been established for less than 10 years was Gannambara Enterprises in New South Wales. I saw a good story in, I think, the Koori Mail on one of their enterprises in Wagga Wagga, a car detailing business called Deadly Details. There is also the Gannambara Pottery, an arts and crafts centre. This organisation is operating effectively and developing sustainable business opportunities for local Indigenous people. These things are happening at the community level.

I would be remiss as a Queenslander if I did not also acknowledge one of the other finalists in the category of organisations that have been in existence since prior to 1996, and that is the Yarrabah Shire Council. Perhaps coincidentally—or perhaps not—Yarrabah too is in the Far North Queensland region. It is just a half-hour drive south of Cairns. It is a beautiful picturesque location. The rainforest and the mountains are behind it, and the beautiful Pacific Ocean and the Great Barrier Reef Marine Park are just out from the shore. Yarrabah Shire Council has been operating as a local government body for more than 20 years. Aboriginal local government councils in Queensland not only have to deal with roads and rubbish—but also have to provide many other essential services to the local community. They do much more than what many local councils have to do. It is pleasing to see Yarrabah Shire Council being recognised for its strong development and the success it is having in the area of governance. I emphasise that it is an incredibly difficult task which I think any organisation, Indigenous or non-Indigenous, would struggle with. It is doing well, and it has challenges ahead, but it is important that successes like this be recognised.

I congratulate all the other finalists as well. I thank Heather Ridout, from the Australian Industry Group, Gary Banks, from the Productivity Commission, and Professor Dodson for their support for important and positive initiatives like this. I just wish there was more recognition of this in the media. I note, from Professor Dodson’s comments on Crikey today, that the story did not strike too much interest from the mainstream media. I think that is a shame.

Multiculturalism

Senator BERNARDI (South Australia) (10.12 pm)—I rise to speak tonight about some worrying developments, ones that are becoming increasingly noticeable in our broader society, in our public education system and, indeed, even in our preschools and child-care centres. I speak of the erosion—I call it the ‘sanitisation’—of some aspects of our Australian culture. This seems to be occurring out of some misguided and often foolish attempt to pander to the perceived sensitivities of various minority groups in this country. I say ‘perceived sensitivities’ because, on the whole, mainstream religious or ethnic groups in Australia are by and large not agitating for this type of cultural erosion.

I recall events at Christmas 2002 when a number of child-care centres and kindergartens throughout Australia banned all nativity scenes and Christmas celebrations due to a desire to be ‘culturally sensitive’. Quite rightly, this led to a robust debate in the community about multiculturalism in Australia and the dangers associated with denying our own cultural values for fear of offending others. However, as I mentioned, religious and ethnic minority groups in Australia are by and large not agitating for this type of change. Indeed, in 2004, a member of the Islamic Council of Victoria wrote that he knew of no member of any religious minor-
It seems that those who are behind the campaign for this form of cultural sanitisation are the self-appointed cultural elites. There are an increasing number of examples that illustrate this point. At Christmas time in 2004, the City of Sydney council led by Lord Mayor Clover Moore decided to limit the Christmas decorations around the Sydney CBD out of a misguided, and quite frankly ridiculous, fear of offending other ethnic groups. Such was the public backlash that the following year the City of Sydney council deliberately sought to redress the outrage felt by the Australian community by setting up a bigger Christmas display than ever before.

I will give another example. Earlier this year, under the guise of 'an infection control method', all Bibles were removed from the bedside tables of public hospitals in Queensland, Victoria and South Australia. However, I—and many other clear-thinking Australians—suspect that this move was more likely due to health bureaucrats being worried about being 'culturally sensitive' than their being concerned about infection. Quite frankly, if I were in the Queensland hospital system I would be looking for a Bible too! But that is not the point. If I had to stay in Indonesia, or Egypt, or any other predominantly Muslim country, I would not feel the slightest twinge of offence at seeing a copy of the Koran next to my bed.

But, of course, others do choose to see this differently. How else can one explain the 2001 decision taken by the management of the Stamford Hotels in Adelaide to remove all Bibles from their hotel rooms because, according to the hotel manager, Australia is a multicultural and multicultural society? Fortunately, common sense prevailed and the public backlash forced the Stamford Hotels management to rethink their decision and bring Bibles back into hotel rooms.

In South Australia, in another example of political correctness gone mad, the Rann Labor government announced that the term 'chaplain' was no longer appropriate for use in schools. This sort of nonsensical political correctness risks dividing, not uniting, our communities. And just weeks ago, in South Australia once again, I was disappointed to hear that a newsletter was sent to parents of Rose Park Primary School students which detailed the school's decision to abandon Christmas and Easter plays that were staged for the children by a local interdenominational Christian group. According to media reports, the principal of this primary school dismissed these Christmas and Easter plays as 'religious seminars'.

Sadly, I have already experienced this at first hand; there was a similar process at the child-care centre that my children attended. Over the course of two or three years I saw their Christmas celebrations of peace and goodwill to all downgraded into what was effectively a culturally neutral end-of-year gathering. The concept of Christmas and what it means in a historical, religious and cultural context in this country was completely ignored to 'preserve the rights of non-Christians'.

But what about the rights of the approximately 70 per cent of Australians who identify themselves, notionally or otherwise, as Christian? I would argue that banning the central message of Christmas, downgrading Christmas celebrations and removing Bibles could also be construed as offending the cultural sensitivities of the majority of Australians. And when have Australians ever asked another culture to cease the celebration of one of their culturally significant events? On the contrary, we have welcomed other cultures into this country, and they have con-
tributed significantly to our richness and diversity.

I can speak of this richness and diversity with firsthand knowledge. My own ancestry is a mix of Australian and Italian. My wife was born in Ireland; I have brothers-in-law born in Malaysia, Austria and Ireland, and a sister-in-law from Denmark. As a result, my own family has a positive understanding and appreciation of other cultural practices.

However, to abandon our own cultural observances is the equivalent of asking the Irish to stop celebrating St Patrick’s day, the Muslims to cease observing Ramadan and the Jews to give up Hanukkah. Of course, this would be unthinkable. Imagine the public and media furore were this to occur. And yet our own cultural elites are doing just this at the moment to our own culture.

Why are we allowing the politically correct zealots to devalue Australian culture? It saddens me that the vocal minority are tempted to deny and belittle the very things that make our country the very best in the world, so much so that people of other nations actually want to come here. Our tolerance, our sense of fairness, our democratic nature—all these are born from our heritage, and our heritage is Judeo-Christian. Our laws and traditions have evolved from this heritage. And yet the continued attempts to reduce our historical and cultural beliefs undermine the very reasons so many migrants seek to call Australia home.

In the 1990s one migrant father even went to the Equal Opportunity Tribunal to try to ban the singing of Christmas carols at his children’s school. Quite rightly, his behaviour caused absolute outrage in the community as it was seen to be demonstrating his disregard and disrespect for the beliefs of the country he had chosen to live in. However, we risk this same level of divisiveness when we devalue our own culture for fear of causing offence to others. In the end, it is the minority groups who are—erroneously, I have to point out—blamed for compelling us to cease celebrating our own cultural traditions.

Instead it is time to demonstrate the same respect for our own beliefs as we show to others’. Australian culture is built upon Judeo-Christian principles. Whether practising Christians or not, all Australians benefit from these fundamentally good values. In fact, many of the tenets of Christianity are actually shared by other religions. The fundamental moral guidance to ‘Do unto others as you would have them do unto you’ appears in Christianity, Judaism, Buddhism, Islam—in fact virtually all major religions and cultures. I believe it is wonderful that our children are taught about these cultures, and about the Aboriginal Dreamtime, and about many other religious practices in our school system. It broadens their view of the world and encourages awareness and tolerance. However, this should not be at the expense of our own cultural values. Indeed, when have value-free zones ever been good for children?

Some may even argue that the difficulties we are experiencing today as a society—the abuse of innocent children, the growing divorce rate, the sense of loss of community, and the like—can be attributed to the fact that we are losing many of the historical traditions that bind us as a nation. Traditions such as the centrality of the family and, even at a basic level, respect for others are at risk of becoming expunged from our culture.

Christmas and Easter celebrations remind Christians and non-Christians alike of the importance of goodwill to all, the benefit of sacrifice and the gift of love. These values are important to us as a nation and important to many of us as individuals. The biggest threat to our way of life does not come from those who choose to call Australia home; it
comes from those who do not believe our culture is valuable and worth defending. As a society we need to continue to show tolerance for other faiths and cultures. But we also need to show the same respect for, and pride in, our own cultural and historical traditions. To deny it is not multiculturalism; it is anticulturalism.

**Multiculturalism: Political Correctness**

**Senator MASON** (Queensland) (10.22 pm)—It may not be the most polite topic of conversation; it may not be the sort of thing that is discussed at those chic dinner parties of the urban ‘merlot and escargot’ crowd; but the time for debonair self-censorship is over. The era of political correctness died on 11 September 2001, and the Bali, Madrid and London bombings drove yet more nails into the PC coffin. Australia is now facing some unpleasant truths that are long overdue for a public airing. We are currently engaged in a war with a global jihadist movement that seeks to force a resurrected medievalism upon us at gunpoint and sadly, within our own domestic Muslim community, there is a small radical minority that lends aid and comfort to the enemy.

It was a welcome development when the Prime Minister stepped up to state the bleeding obvious. John Howard declared that the principles of Australian democracy must always trump the customs of an immigrant group if those two value systems conflict. Mr Howard demonstrated political courage when he took that general principle and applied it to our current dilemmas. He explicitly criticised a small section of the Islamic population that is unwilling to integrate, and the Prime Minister promised that the treatment of women in an inferior fashion would not be tolerated in Australia.

Of course, the real surprise is why such a quintessentially mainstream Australian view should be regarded as controversial in any way. But predictable yelps of sanctimonious outrage over John Howard’s comments from all the usual suspects did not take long to emerge. Islamic leadership reacted by shooting the messenger rather than considering the message. One member of the government’s Muslim Reference Group accused the Prime Minister of racism, claiming that he was playing ‘the politics of the lowest common denominator’. This reference group leader then attempted to deny the undeniable, disputing Mr Howard’s claim that women in many Islamic societies were oppressed. But does he think that the widespread practice of female genital mutilation in Egypt, Sudan and Somalia is just a quaint ethnic custom that we are obligated to respect?

A former chairman of the Australian Federation of Islamic Councils even stooped to playing the race riot card. He warned that John Howard’s comments threatened to ignite further Cronulla-style violence because young Muslims were ‘bound to react’ to such prime ministerial provocation. Yet while the defensiveness of Australia’s Muslim leadership is understandable, the cognitive dissonance and intellectual dishonesty of its allies on the Left is not. The so-called progressive movement is unwilling to deal honestly with the elephant of domestic jihadism that looms large in our national living room. In their rush to the barricades of anti-Americanism and anti-Zionism, leftist parliamentarians routinely turn a blind eye to the more unsavoury facets of Islamic radicalism—case in point: homosexuality.

The fundamentalists of Hezbollah make no bones about their belief that sexual relations between consenting male adults should be punishable by death. In fact, only last year the Lebanese Shi’ite movement’s Iranian patrons hanged two young men for that crime. There were Hezbollah flags in abundance during recent Australian street protests against Israel’s military action in Lebanon,
but Australian Greens Senator Kerry Nettle did not let the flamboyant presence of the jihadist lobby deter her from speaking at an anti-Zionist rally in Sydney. Senator Nettle is an outspoken supporter of same sex marriage and legal equality for gay couples; yet the senator from New South Wales was willing to make common cause with exponents of a movement that would make homosexuality a capital offence. This ‘Red-Green’ alliance between the Left and Islamic radicalism is a particularly bizarre manifestation of the ‘politics makes strange bedfellows’ principle. But it seems that joint hostility towards the Jewish state creates common ground enough to cement even the most improbable of partnerships.

In the Middle East, the statute of limitations has expired on blaming European colonialism and Zionism for the self-inflicted ills of the Arab world. In Australia, accountability for Islamic radicalism cannot fairly be laid at the doorstep of federal or state governments. In both the Levant and Lakemba, Muslim leaders must face their internal problems honestly rather than pleading the abuse excuse. The commonsense comments of the Prime Minister about the need for Muslim integration into mainstream society are a good place to start.

Senate adjourned at 10.28 pm

DOCUMENTS

Tabling

The following documents were tabled by the Clerk:

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

Aged Care Act—
Aged Care (Amount of flexible care subsidy—extended aged care at home) Amendment Determination 2006 [F2006L02784]*.

Aged Care (Amount of flexible care subsidy—extended aged care at home) Revocation Determination 2006 [F2006L02805]*.

Aged Care (Amount of flexible care subsidy—Transition Care) Determination 2006 [F2006L02771]*.

Aged Care (Residential Care Subsidy—Amount of Respite Supplement) Amendment Determination 2006 [F2006L02780]*.


Australian Prudential Regulation Authority Act—Australian Prudential Regulation Authority (Confidentiality) Determination No. 11 of 2006—Information provided by locally-incorporated banks and foreign ADIs under Reporting Standard ARS 320.0 (2005) [F2006L02844]*.

Australian Research Council Act—Federation Fellowships—Funding Rules for Funding commencing in 2007 [F2006L02674]*.

Linkage Learned Academies Special Projects—Funding Rules for Funding commencing in 2007 [F2006L02655]*.

Aviation Transport Security Act—Select Legislative Instrument 2006 No. 224—Aviation Transport Security Amendment Regulations 2006 (No. 4) [F2006L02777]*.

Christmas Island Act—Select Legislative Instrument 2006 No. 225—Christmas Island (Courts) Amendment Regulations 2006 (No. 1) [F2006L02819]*.
Civil Aviation Act—Civil Aviation Safety Regulations—Airworthiness Directives—Part—105—AD/A330/57 Amdt 1—Engine—Icing Conditions During Descent—Operational Procedure [F2006L02892]*.
AD/A330/60—Wing Shroud Box Bottom Panel [F2006L02851]*.
AD/A330/61—Pylon Lateral Panels at Rib 8 Level [F2006L02850]*.
AD/A330/62—CFRP Rudder [F2006L02849]*.
AD/AMD 50/37—Landing Gear Components [F2006L02848]*.
AD/B737/28 Amdt 2—Flight Attendant Seats [F2006L02847]*.
AD/B737/33 Amdt 1—Forward and Aft Cargo Compartments [F2006L02841]*.
AD/B747/295—Airstair Doorstop Intercostal [F2006L02840]*.
AD/CESSNA 170/78—Flexible Fuel Hose End Fittings [F2006L02829]*.
AD/CESSNA 180/88—Flexible Fuel Hose End Fittings [F2006L02830]*.
AD/CESSNA 206/62—Flexible Fuel Hose End Fittings [F2006L02832]*.
AD/DAUPHIN/82—Main Rotor Rotating Star [F2006L02838]*.
AD/DAUPHIN/87—Optional Ski Installation [F2006L02837]*.
AD/DO 328/65—Power Plant Air Intake [F2006L02882]*.
AD/DO 328/66—Hydraulic System Modifications [F2006L02878]*.
AD/F2000/20—Landing Gear Components [F2006L02836]*.
AD/M20/32 Amdt 6—Fuselage Tubular Structure [F2006L02835]*.
AD/PA-34/43 Amdt 2—Nose Gear Upper Drag Link Bolt [F2006L02834]*.
AD/TB20/45—Wing Spar Lower Boom [F2006L02833]*.
AD/AL 250/85 Amdt 1—Fuel Nozzle Screen [F2006L02862]*.
AD/TPE 331/63—Fuel Control Unit Drive Spline [F2006L02863]*.
AD/P A-34/43 Amdt 2—Nose Gear Upper Drag Link Bolt [F2006L02834]*.
AD/PHS/24 Amdt 1—Propeller System Actuator Yoke Arms [F2006L02877]*.
AD/PMC/49—Propeller Blade Cracking [F2006L02876]*.
AD/RAD/56—Honeywell, Commercial Flight Systems Group, TCAS II Processors [F2006L02874]*.
AD/RAD/57—AlliedSignal, Air Transport Avionics TCAS II Processors [F2006L02873]*.
Corporations Act—ASIC Class Order [CO 06/623] [F2006L02731]*.
Corporations Act—ASIC Class Order [CO 06/623] [F2006L02731]*.
Customs Act—Tariff Concession Orders—0608791 [F2006L02717]*.
Tariff Concession Revocation Instruments—

63/2006 [F2006L02716]*.
64/2006 [F2006L02706]*.
65/2006 [F2006L02707]*.
66/2006 [F2006L02708]*.
67/2006 [F2006L02709]*.
68/2006 [F2006L02710]*.
69/2006 [F2006L02711]*.
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Specimens taken to be suitable for live import, dated 16 August 2006 [F2006L02818]*.
Threatened species, dated 14 August 2006—

[F2006L02714]*.
[F2006L02727]*.
[F2006L02728]*.
[F2006L02733]*.

Excise Act—Excise (Denatured spirits) Determination 2006 (No. 2) [F2006L02799]*.

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2006/31—Enforcement Special Account Establishment 2006 [F2006L02736]*.
2006/35—Other Trust Moneys—Australian Institute of Family Studies Special Account Establishment 2006 [F2006L02740]*.
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2006/39—National Science and Technology Centre Account Variation and Abolition 2006 [F2006L02887]*.
2006/40—Science and Technology Donations/Sponsorship Special Account Establishment 2006 [F2006L02889]*.

2006/42—International Marketing of Education Special Account Establishment 2006 [F2006L02893]*.


2006/50—Valuation Services Special Account Establishment 2006 [F2006L02903]*.

2006/53—Safety and Quality in Health Care Special Account Establishment 2006 [F2006L02906]*.

2006/54—Strategic Intergovernmental Nutrition Alliance Account Variation and Abolition 2006 [F2006L02907]*.

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2006/59—Australian Archives Projects and Sponsored Activities Special Account Establishment 2006 [F2006L02917]*.

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Rules for AMC Residences [F2006L02670]*.

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Migration Regulations—Instrument IMMI 06/047—Class of Persons who may make an Internet Application for a Tourist Visa [F2006L02762]*.

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417 [2].
Motor Vehicle Standards Act—
Vehicle Standard (Australian Design Rule 4/00—Seatbelts) 2006 [F2006L02677]*.
Vehicle Standard (Australian Design Rule 10/00—Steering Column) 2006 [F2006L02687]*.
Vehicle Standard (Australian Design Rule 14/00—Rear Vision Mirrors) 2006 [F2006L02688]*.
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Vehicle Standard (Australian Design Rule 18/02—Instrumentation) 2006 [F2006L02738]*.
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Vehicle Standard (Australian Design Rule 23/00—Passenger Car Tyres) 2006 [F2006L02742]*.
Vehicle Standard (Australian Design Rule 43/00—Vehicle Configuration and Marking) 2006 [F2006L02743]*.
Vehicle Standard (Australian Design Rule 44/00—Specific Purpose Vehicle Requirements) 2006 [F2006L02744]*.
Vehicle Standard (Australian Design Rule 44/01—Specific Purpose Vehicle Requirements) 2006 [F2006L02695]*.
Vehicle Standard (Australian Design Rule 45/00—Lighting and Light-Signalling Devices not Covered by ECE) 2006 [F2006L02802]*.
Vehicle Standard (Australian Design Rule 49/00—Front and Rear Position (Side) Lamps, Stop Lamps and End
Outline Marker Lamps) 2006 [F2006L02745]*.
Vehicle Standard (Australian Design Rule 54/00—Headlamps for Mopeds) 2006 [F2006L02729]*.
Vehicle Standard (Australian Design Rule 78/00—Gas Discharge Light Sources) 2006 [F2006L02732]*.
National Health Act—Determinations—
HIB 18/2006 [F2006L02803]*.
HIB 19/2006 [F2006L02880]*.
PSO 5/2006 [F2006L02715]*.
Navigation Act—Select Legislative Instruments 2006 Nos—
228—Navigation (Collision) Amendment Regulations 2006 (No. 1) [F2006L02824]*.
229—Navigation (Miscellaneous Repeal) Regulations 2006 [F2006L02827]*.
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Product Rulings—
Notices of Withdrawal—
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Radiocommunications Act—
Radiocommunications (Spectrum Licence Allocation—2010-2025 MHz Band) Determination 2006 [F2006L02774]*.
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Safety, Rehabilitation and Compensation Act—Safety, Rehabilitation and Compensation (Licence Eligibility) Notice 2006 (2) [F2006L02785]*.
Social Security Act—Social Security (Pension Bonus Scheme—Non-accruing Members—Major Disaster) Declaration 2006 [F2006L02804]*.
Superannuation Industry (Supervision) Act—Self-managed Superannuation Funds...
(Assets Acquired on Marriage Breakdown) Determination 2006 [F2006L02884]*.

Taxation Determinations—

Taxation Rulings—Notices of Withdrawal—
Old series—IT 2112 and IT 2140.
TR 94/2.
TR 1999/13.

Veterans’ Entitlements Act—
Select Legislative Instrument 2006 No. 210—Veterans’ Entitlements (DFISA-like Payment) Amendment Regulations 2006 (No. 1) [F2006L02536]*.

Statements of Principles concerning—
Acute myeloid leukaemia No. 35 of 2006 [F2006L02750]*.
Acute myeloid leukaemia No. 36 of 2006 [F2006L02751]*.
Decompression sickness No. 43 of 2006 [F2006L02760]*.
Decompression sickness No. 44 of 2006 [F2006L02761]*.
Dysbaric osteonecrosis No. 47 of 2006 [F2006L02765]*.
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Pulmonary barotrauma No. 45 of 2006 [F2006L02763]*.
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Rotator cuff syndrome No. 40 of 2006 [F2006L02756]*.
Shin splints No. 49 of 2006 [F2006L02767]*.
Shin splints No. 50 of 2006 [F2006L02769]*.

* Explanatory statement tabled with legislative instrument.

**Departmental and Agency Contracts**
The following documents were tabled pursuant to the order of the Senate of 20 June 2001, as amended:

Departmental and agency contracts for 2005-06—Letters of advice—
Agriculture, Fisheries and Forestry portfolio agencies.
Foreign Affairs and Trade portfolio agencies.
Immigration and Multicultural Affairs portfolio agencies.

**Indexed Lists of Files**
The following documents were tabled pursuant to the order of the Senate of 30 May 1996, as amended:

Indexed lists of departmental and agency files for the period 1 January to 30 June 2006—Statements of compliance—
Agriculture, Fisheries and Forestry portfolio agencies.
Department of Education, Science and Training.
Finance and Administration portfolio agencies.
QUESTIONS ON NOTICE

The following answers to questions were circulated:

Ethanol Imports
(Question No. 293)

Senator O’Brien asked the Minister representing the Prime Minister, upon notice, on 23 December 2004:

(1) On what date(s) did: (a) the Minister; (b) the Minister’s office; and (c) the department, become aware that Trafigura Fuels Australia Pty Ltd proposed to import a shipment of ethanol to Australia from Brazil in September 2002.

(2) What was the source of this information to: (a) the Minister; (b) the Minister’s office; and (c) the department.

(3) Was the Minister or his office or the department requested to investigate and/or take action to prevent the arrival of this shipment by any ethanol producer or distributor or industry organisation; if so: (a) who made this request; (b) when was it made; and (c) what form did this request take.

(4) Did the Minister or his office or the department engage in discussions and/or activities in August 2002 or September 2002 to develop a proposal to prevent the arrival of this shipment of ethanol from Brazil; if so, what was the nature of these discussions and/or activities, including dates of discussions and/or activities, personnel involved and cost.

Senator Minchin—The Prime Minister has provided the following answer to the honourable senator’s question:

(1) to (4) I refer the Senator to the Parliamentary and public record where these matters were dealt with in detail at the time.

Family First
(Question No. 1760)

Senator Milne asked the Minister representing the Prime Minister, upon notice, on 9 May 2006:

With reference to the series of meetings between the Prime Minister and Mr Peter Harris, Chairman, Family First, to consult over policy in exchange for preferences as reported in the Australian newspaper of 25 September 2004:

(1) On which dates did those meetings take place.

(2) Where were the meeting held.

(3) Who attended the meetings.

(4) What decisions were made at those meetings.

(5) Did, as reported in the Australian, the deal include Family First agreeing to ‘lead a direct advertising attack against the Greens … in four states’; if so: (a) what was the monetary value assigned to that advertising campaign; and (b) who in the Liberal Party liaised with Family First to determine the content of those advertisements.

(6) Was the Liberal Party involved in the placement of those advertisements; if so, in what way.

Senator Minchin—The Prime Minister has provided the following answer to the honourable senator’s question:
(1) to (6) The Prime Minister has from time to time met with representatives of Family First, including Senator Steve Fielding and Mr Peter Harris.

The Prime Minister meets many organisations to discuss issues important to them. Such discussions are conducted in a proper manner. Government decisions are made on their merits.

Australian Crime Commission Annual Report
(Question No. 1771)

Senator Ludwig asked the Minister for Justice and Customs, upon notice, on 10 May 2006:

With reference to the statement on page 20 of the Australian Crime Commission (ACC) 2004-05 annual report that the Ombudsman found that the ACC is generally complying with the requirements of the Telecommunications Interception Act:

(1) What aspects of the Act was the ACC not in compliance with at the time of the Ombudsman report; and (b) can a description of the nature of each instance of non-compliance be provided.

(2) (a) What action was taken to ensure that the ACC was fully compliant rather than just generally compliant with the requirements of the Act; and (b) what is the current status of the ACC’s compliance with those requirements.

(3) Is the ACC now fully compliant with the requirements of the Act; if not, when does it expect to be fully compliant.

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

(1) The Commonwealth Ombudsman stated that the ACC was generally compliant following two inspections of the records maintained by the ACC under the Telecommunications (Interception) Act 1979 for the period 1 July 2004 to 31 March 2005. Those inspections took place on 14 – 18 February 2005 and 20 – 23 June 2005 and as a result, the Ombudsman raised eight issues of technical and administrative non-compliance. All issues raised have been addressed to the Ombudsman’s satisfaction as detailed below.

The issues raised by the Ombudsman related primarily to circumstances where the TI Act does not address an issue or there are issues involving legal interpretation which required clarification.

(1) (b) and (2) (a) The specific issues identified by the Ombudsman are as follows:

Issue 1: Restricting access to lawfully obtained information – not a prescribed requirement.

This issue arose as a result of the ACC addressing a technical defect identified in some warrant documentation after execution. As soon as the deficiency was identified, the warrant was revoked; access to the product was quarantined from ACC operational staff.

Issue 2: Informing the AFP and telecommunications carriers of the issue of warrants – sections 53 and 60 of the TI Act.

This issue related to a technical breach of the Act relating to the interpretation of the term “forthwith” in respect to reporting of the issue of a warrant to the AFP and the telecommunications carrier. The ACC accepts the Ombudsman’s recommendation that reporting should be undertaken within 1 working day.

Issue 3: Suspension and revocation of warrants - subsection 60(1) of the TI Act

This issue was raised by the Ombudsman when instances of ACC interceptions under a named person warrants were ‘suspended’. The ACC has accepted suggestions for additional prudent record keeping.

Issue 4: Telecommunications carriers enabling warrants before the AFP has taken action - section 47 of the TI Act

QUESTIONS ON NOTICE
This issue was originally raised by the Ombudsman in 2004 and relates to a perceived anomaly in section 47 of the Act. The Ombudsman acknowledged there had been no breach of the TI Act by the ACC. Nevertheless, the ACC has adopted additional procedures which require an additional administrative step involving the AFP before any connection of interceptions.

**Issue 5:** Details of use made by the ACC of interceptions under previous warrants and details of previous related applications in affidavits - subsection 42(4) and 42(4A) of the TI Act.

This issue centred on the degree of detail to meet the requirement in Section 42 of the Act to particularise use made of information obtained under previous warrants in subsequent related applications. The ACC has implemented enhancements to its procedures to increase the detail provided.

**Issue 6:** Notification to telecommunications carriers of revocation of named person warrants - subsection 60(3) of the TI Act.

This issue revolved around technical legal interpretations regarding the interaction of certain reporting requirements under subsections 60(1) and 60(3) of the TI Act where there is a revocation of a named person warrant. The ACC accepts the Ombudsman’s recommendation and has modified its procedures.

**Issue 7:** Content of reports to Minister – subsection 94(2) of the TI Act.

This issue related to identified inconsistencies in the content of the reports to the Minister regarding the likelihood of arrests arising from the use of TI product and a number of reports being completed outside of the prescribed timeframe. The ACC accepted the Ombudsman’s recommendation on this matter and has revised its procedures to enhance compliance.

**Issue 8:** Notification to the Minister of the issue and revocation of warrants.

This issue related to a suggestion of the Ombudsman to enhance administrative procedures regarding the internal authorisation of staff to undertake reporting to the Minister. The ACC has now formalised reporting arrangements.

(2) (b) The ACC is now fully compliant with the requirements of the TI Act. Those compliance issues and administrative recommendations raised by the Ombudsman in the 2004-05 financial year have been addressed by the ACC.

(3) Yes. There have been and continue to be inspection cycles since that time and the ACC continues to work cooperatively with the Commonwealth Ombudsman’s office to address issues and enhance its procedures where required.

**Australian Crime Commission Annual Report**

*(Question No. 1772)*

Senator Ludwig asked the Minister for Justice and Customs, upon notice, on 10 May 2006:

With reference to the statement on page 81 of the Australian Crime Commission (ACC) 2004-05 annual report that the ACC’s budget for the 2005–06 financial year may cover an approved $2 million deficit to enable enhancements to infrastructure and to remedy a number of other issues relating to the transition to the ACC from three former agencies and that the ACC will fund the deficit from previously un-drawn appropriations:

(1) What are the ‘enhancements to infrastructure’ referred to.

(2) (a) What are the remaining outstanding issues relating to the formation of the ACC; and (b) when will they be finalised.

(3) Is it normal to have $2 million in un-drawn appropriations; if so, can other instances be provided in which the ACC has had similar levels of un-drawn appropriations; if not, why is it so in this case.
Senator Ellison—The answer to the honourable senator’s question is as follows:

(1) The $2 million operating loss approved in November 2005 is enabling enhancements to accommodation, furniture and systems.

(2) (a) Integration of some ACC systems remains outstanding. (b) July 2007.

It is not unusual for Commonwealth agencies to have un-drawn appropriations. In the case of the ACC, these comprise unspent appropriations from previous years. The levels of un-drawn appropriations are shown in the Statements of Financial Position in each of the ACC’s Annual Reports.

Australian Crime Commission Annual Report
(Question No. 1773)

Senator Ludwig asked the Minister for Justice and Customs, upon notice, on 10 May 2006:

With reference to the Australian Crime Commission (ACC) 2004-05 annual report which mentions on page 49 that the use of the coercive powers has increased by 77.2 per cent from the 2003-04 financial year:

(1) (a) What is the reason for this increase; and (b) could the same results have been achieved by other means; if so, what.

(2) Are there any internal integrity processes which monitor the use of the coercive powers; if so, what are they; if not, why not.

(3) Has there been any progress on the provision of a practice and procedure manual for the benefit of practitioners and those summoned for examination or to produce documents, as recommended in the report on the ACC Act: if so, when is it expected to be completed; if not, why not.

(4) What progress has been made on the implementation of the recommendations of the Parliamentary Joint Committee on the Australian Crime Commission’s report on trafficking in women for sexual servitude.

(5) The report gives details of initiatives taken on illegal firearms, and in particular, international and domestic consultation: what is the status of the strategic paper on deactivation.

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

(1) (a) During the 2004-2005 reporting period the Board approved four special intelligence operations and four special investigations, including a national task force into established criminal networks. The use of the coercive powers reflected the operational and intelligence collection requirements of special operations/investigations, as well as support provided to partner law enforcement agencies. (b) No. The ACC Board is required to consider the effectiveness of powers other than coercive powers or, in the case of special investigations, ordinary police techniques, when making an Authorisation and Determination. The nature of the special operations/investigations conducted during the period required the use of the coercive powers to meet the purpose of the operations/investigations.

(2) The decision to exercise a coercive power under the ACC Act 2002 is made by an Examiner based upon the satisfaction of statutory criteria under the Act. Decisions by Examiners are reviewable under the Administrative Decisions (Judicial Review) Act 1977 and the PJC-ACC has been regularly briefed on the progress of challenges to the exercise of such powers. The ACC has also commissioned an independent review of the processes leading up to the exercise of coercive powers by Examiners to ensure that it adopts a best practice approach.

(3) The status of the provision of a practice and procedure manual is that draft practice guidelines are in the process of being finalised but need to be further reviewed as a result of recent legal challenges.
(4) The Government’s response to the Report’s recommendations is currently being revised in light of the new trafficking laws which entered into force on 3 August 2005. The PJC-ACC has also issued a Supplementary Report. The Government is currently finalising its response to the Supplementary Report.

(5) The Strategic Intelligence Report on deactivation (Firearms Deactivation – Potential for Diver-
sion?) was issued in February 2006.

**Australian Crime Commission Annual Report**

(Question No. 1774)

Senator Ludwig asked the Minister for Justice and Customs, upon notice, on 10 May 2006:

The summary of court results at appendix C of the Australian Crime Commission 2004-05 annual report shows that a significant proportion of the charges and penalties are at the lower rather than the higher end of the scale and most of the outcomes appear to have attracted sentences of less than 5 years, and there are several quite minor fines (i.e. $600 and $250) which would not suggest crimes of significance:

(1) Why is this.

(2) In some cases charges were withdrawn or a nolle prosequi entered: was this the result of a lack of evidence or flaws in the investigations for those matters.

(3) Can a breakdown of the reasons for the withdrawal of charges and the entrance of a nolle prosequi be provided.

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

(1) The ACC conducts investigations into criminal syndicates which are involved in the commission of federally relevant criminal activity. As a result of those investigations, offenders, principals and as-
sociates are charged with various offences and receive a range of penalties. During the course of those investigations a larger proportion of offenders, who are associated with the principals, are charged with less serious offences and receive the appropriate penalties.

(2) The DPP will exercise its right to withdraw charges where it believes evidence does not reach the threshold required to secure a conviction or for other reasons including immunity.

(3) This information is operationally sensitive.

**Australian Crime Commission Annual Report**

(Question No. 1776)

Senator Ludwig asked the Minister for Justice and Customs, upon notice, on 10 May 2006:

With reference to the Australian Crime Commission (ACC) 2004-05 annual report and the charges arising out of determinations mentioned on page 48:

(1) Can a breakdown of the outcome of charges arising out of the determinations be provided, includ-
ing: (a) how many were subsequently dropped; (b) how many resulted in a verdict of guilty; and (c) how many resulted in a verdict of not guilty.

(2) How many pharmacists (broken down by state) have been charged with offences relating to precur-
sor drugs.

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

(1) With reference to the Australian Crime Commission (ACC) 2004-05 annual report and the charges arising out of determinations:

(a) 13% were subsequently withdrawn
(b) 40% resulted in a verdict of guilty  
(c) 1% resulted in a verdict of not guilty  
(d) 46% are still pending (still before the courts)  

(2) To date, four pharmacists, all from NSW, have been charged with offences relating to precursor drugs.  

**Australian Crime Commission Annual Report**  
*(Question No. 1777)*  

Senator Ludwig asked the Minister for Justice and Customs, upon notice, on 10 May 2006:  

With reference to the Australian Crime Commission (ACC) 2004-05 annual report, in particular page 79 which states that the ACC has continued to provide facilities for Australian Security and Intelligence Organisation (ASIO) examinations of several terrorist suspects under the Commonwealth’s new national anti-terrorism laws:  

(1) Why does ASIO use ACC facilities to examine terrorist suspects.  
(2) Are ACC personnel involved in these interrogations.  
(3) Is this arrangement expected to continue.  
(4) On how many occasions has ASIO used ACC facilities to conduct examinations of terrorist suspects.  
(5) Can a breakdown be provided of the dates on which these examinations were conducted.  
(6) How many individual terrorist suspects have undergone these examinations.  

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

(1) to (5) relate to operational issues and it is not appropriate to comment publicly.  
(6) The number of individuals questioned under warrant is contained in ASIO’s Annual Report to Parliament. ASIO executed 11 questioning warrants issued in 2004-05 involving 10 people.  

**Australian Crime Commission Annual Report**  
*(Question No. 1778)*  

Senator Ludwig asked the Minister for Justice and Customs, upon notice, on 10 May 2006:  

With reference to the Australian Crime Commission (ACC) 2004-05 annual report and the workload increases that saw the creation of a new position of Examiner:  

(a) Have the workload increases continued; if so, to what extent have they continued; and  
(b) Is the ACC currently exploring any new positions to assist with this workload increase.  

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

(a) Yes. However, quantifying precisely the extent of the increase in ACC workloads is difficult. The ACC Board has approved the introduction of new Determinations which has lead to an increase in the organisations’ outputs.  

The ACC has an expanding role in criminal investigation and intelligence gathering and as investigations move from intelligence collection into operational activities, additional staff are required.  

(b) Yes.

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**QUESTIONS ON NOTICE**
Senator Ludwig asked the Minister for Justice and Customs, upon notice, on 10 May 2006:

With reference to the Australian Crime Commission (ACC) 2004-05 annual report, in particular the statement on page 81 that the recent cabinet decision approving the recommendations of the Sir John Wheeler Review into Airport Security and Policing has resulted in an additional $20.5 million from the 2005–06 to 2009–10 financial years for enhancements to its intelligence functions and systems:

1. Can further details of this development be provided.
2. What specific enhancements are planned.
3. Can a breakdown of the planned enhancements and their estimated cost be provided.

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

1. The ACC received $20.5 million over five years ($22.7 million when funding for depreciation on proposed capital expenses is included) for from 2005-06 as part of the cross portfolio response to the findings of the “Independent Review of Airport Security and Policing for the Government of Australia” (ASPR). This funding covers two broad themes:
   (a) Development of a new ACC program of criminal intelligence advice and information to law enforcement, government and the private sector relating to activity impacting on the security of Australia’s airports; and
   (b) Improved criminal intelligence exchange between Australian law enforcement agencies, involving enhancements to the capability of the Australian Criminal Intelligence Database (ACID), the integration of ACC systems, the development of national information exchange protocols and the automation of data exchange processes between law enforcement agencies and ACID.

2. The funding provides for:
   (a) The establishment of a new intelligence function, additional staffing and processes in the ACC; and
   (b) Development of standard intelligence exchange formats (SIEFs) for the integration of legacy systems within the ACC and between ACID and law enforcement agencies, acquisition of improved intelligence analysis tools for use in ACID, assistance to law enforcement agencies in automating processes for uploading intelligence to ACID and acquisition of computer and communications equipment.

3. Expense and capital components of the measure are summarised in Tables 1.4.1 and 1.4.2 of the Attorney-General’s Portfolio Additional Estimates Statements 2005-2006 (page 52). Estimated costs over the five years of the major components of the measure are as follows:

<table>
<thead>
<tr>
<th>Component</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>New intelligence function</td>
<td>$7 million</td>
</tr>
<tr>
<td>Improved criminal intelligence exchange</td>
<td>$15.7 million</td>
</tr>
</tbody>
</table>

Senator Ludwig asked the Minister for Justice and Customs, upon notice, on 10 May 2006:
With reference to the Australian Crime Commission (ACC) 2004-05 annual report, in particular the statement in the report that the ACC created a Specialist Services Group in the Operations Directorate to create greater ‘synergy’ in the gathering of evidence and actionable intelligence:

(1) What exactly is meant by ‘greater synergy’.

(2) (a) How is this synergy measured; and (b) can specifics of key performance indicators related to this synergy be provided.

(3) (a) What action was undertaken by the ACC to achieve ‘greater synergy’; and (b) what are the results of this action so far.

**Senator Ellison**—The answer to the honourable senator’s question is as follows:

(1) The Specialist Services Group (SSG) is a key enabler of inter-disciplinary teams conducting ACC operations. It delivers information and intelligence from various sources directly to the teams, timely, informed and fully contextualised decisions can be made about operational deployments and responses.

Greater synergies is generated both in the data flows (which are enhanced by their being processed in proximity) and in the teams which can more practically be brought together to exploit the data and their meaning.

(2) (a) and (b) The quality, quantity and effectiveness of this synergy is measured through the successful integration of operational systems, improved operational capacity, effective and efficient management of covertly acquired information and strategic alignment of covert functions. Specific measures for these are identified in the ACC Business Plan; measures are both qualitative and quantitative in nature and are compiled from sources ranging from personal feedback through to formal evaluations of output effectiveness and efficiency.

(3) (a) Greater synergy has been achieved by the aggregation of the ACC’s specialist functions including covert human source, electronic product such as telephone interception, cyber support, physical and technical surveillance into a single portfolio known as the Specialist Services Group which took effect 1 July 2005. (b) An evaluation the effectiveness of the SSG in its first 12 months will be available in the first quarter of 2006-07. The SSG is focussed on delivering professional support to the ACC’s operational and intelligence outcomes.

**Australian Crime Commission Annual Report**

*(Question No. 1781)*

**Senator Ludwig** asked the Minister for Justice and Customs, upon notice, on 10 May 2006:

With reference to the Australian Crime Commission 2004-05 annual report, in particular statements regarding the increasing number of strategic intelligence products disseminated:

(a) what are the reasons behind this increase; and

(b) has this trend continued in the 2005-06 financial year.

**Senator Ellison**—The answer to the honourable senator’s question is as follows:

(a) In 2004-05, there was a marked increase in the number of strategic intelligence products released by the ACC. This was primarily in response to a rapidly expanding range of criminal issues for which partner agencies were seeking a national intelligence perspective and strategic overview.

The ACC has increased production of Operational Intelligence Reports to support operational policing decisions and understanding by partner agencies in relation to organised crime issues of national significance.
(b) Consequently in 2005-06, the number of strategic products being produced has decreased from the elevated numbers of 2004-05. Following a major review of ACC intelligence products, the range was revised to more effectively facilitate and support client decision making requirements.

Australian Crime Commission Annual Report
(Question No. 1782)

Senator Ludwig asked the Minister for Justice and Customs, upon notice, on 10 May 2006:

With reference to the Australian Crime Commission (ACC) 2004-05 annual report, where on page 79 it is indicated that throughout the 2004-05 financial year the level of security risk to the ACC remained as 'major', requiring senior management attention to be given to vulnerable areas of the agency in accordance with Commonwealth standards:

(1) Why was the level of security risk judged to be 'major' during the 2004-05 financial year.
(2) Has it always been at this level since the creation of the ACC; if so, why; if not, can a timeline indicating the different levels of risk for the ACC be provided.
(3) (a) What are the other levels; and (b) will the level of security risk ever be below ‘major’ for the ACC.

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

(1) The new PSM 2005 no longer prescribes and defines specific security risk levels using the terms “SIGNIFICANT” and “MAJOR”. The equivalent terms, under the same definitions, are “MEDIUM” risk and “HIGH” risk. Consequently, since May 2003, the ACC was redefined from “MAJOR” to a “HIGH” level of security risk. This remained in force until the November 2005 review. The November 2005 review considered that the number and significance of security threats to the ACC and its staff had steadily decreased to the point where the risk rating to the ACC was revised down from a rating of “HIGH” to a rating of “MEDIUM”. This is the same basic level as assessed to all Australian Government Agencies.

(2) No. When the ACC was formed in January 2003, the ACC inherited the “level of security risk” from the former National Crime Authority (NCA) at the “SIGNIFICANT” level. This was reviewed in May 2003 and raised from “SIGNIFICANT” to “MAJOR” as defined by the PSM 2000. In November 2005 this was reassessed and was downgraded to “MEDIUM”. This is reassessed annually, normally in the last quarter.

(3) (a) The levels described in the PSM 2005 are; EXTREME, HIGH, MEDIUM and LOW. (b) The Security risk level is reassessed annually; hence we are not able to say if the level of security risk will ever be below “MEDIUM” for the ACC.

Australian Crime Commission Annual Report
(Question No. 1783)

Senator Ludwig asked the Minister for Justice and Customs, upon notice, on 10 May 2006:

With reference to the Australian Crime Commission (ACC) 2004-05 annual report, in particular the statement on page 82 that, during the 2005–06 financial year, the responsibility to host the secretariat for the Asia Pacific Group on Money Laundering is being transferred to the Australian Federal Police (AFP) and that the transfer will not have a material impact on the ACC’s 2005–06 financial statements:

(a) Why was this responsibility transferred from the ACC to the AFP; and
(b) Why was this considered not to be the role of the AFP rather than the ACC.

Senator Ellison—The answer to the honourable senator’s question is as follows:
(a) An internal assessment of the Asia Pacific Group on Money Laundering (APG) identified that the AFP was better placed to support the international money laundering role because of the AFP’s international network and established overseas links.

(b) The APG was formally hosted by the NCA and was subsequently transferred to the ACC when it was created on 1 January 2003. The ACC is not qualified to assess why the APG was originally hosted with the NCA.

Australian Crime Commission: Outcomes and Outputs Framework

(Question No. 1784)

Senator Ludwig asked the Minister for Justice and Customs, upon notice, on 10 May 2006:

With reference to the Australian Crime Commission’s review of the outcomes and outputs framework that was undertaken in the 2003-04 financial year and the subsequent changes in the frameworks: has there been any follow-up work to ascertain the effectiveness or otherwise of the changes; if so, can details be provided; if not, why not.

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

Follow-up work has been undertaken to ascertain the effectiveness of the ACC’s revised Outcome and Outputs framework. This work has been carried out under the auspice of an ACC project which is assessing the effectiveness and efficiency of the agency’s Operational and Intelligence outputs and outcomes, and identifying the concomitant return on investment.

Grains Research and Development Corporation: Single Vision

(Question No. 1846)

Senator O’Brien asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 1 June 2006:

(1) What sums has the Grains Research and Development Corporation paid to the Grains Council of Australia or any other entity in connection with the company Single Vision Grains Australia Limited.

(2) For each sum paid, what was the: (a) date of payment; (b) quantum of payment; (c) form of payment; (d) purpose of the payment; and (e) provision of the Primary Industries and Research and Development Act 1989 authorising the payment.

Senator Abetz—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:

(1) Grains Research and Development Corporation (GRDC) committed a budget of up to $1,000,000 in 2005-06 and $1,000,000 in 2006-07 for Single Vision Grains Australia. Out of this up to $1,000,000 committed budget in 2005-06, on behalf of the Single Vision interim board, GRDC paid Grains Council of Australia (GCA) $15,950 in connection with the company Single Vision Grains Australia Ltd.

(2) (a) The date of payment was 16 December 2005.

(b) The quantum of payment was $15,950.

(c) The form of payment was electronic bank transfer.

(d) The interim board approached the GCA for using the name ‘Single Vision Grains Australia’ and for gaining access to the website www.singlevision.com.au. The GCA required that the interim board pay a total of $14,500, comprising $10,500 for the website, $1,600 for the establishment costs of Single Vision Grains Australia Ltd, and $2,400 for the administration costs of Single Vision Grains Australia Ltd. GST payments of $1,450 brought the total payment to
the GCA to $15,950. In gaining access to the name Single Vision Grains Australia and the website, certain members of the interim board also acquired the company.

Grains Research and Development Corporation: Single Vision
(Question No. 1847)

Senator O’Brien asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 1 June 2006:

(1) What sums has the Grains Research and Development Corporation (GRDC) paid in connection with the ‘unincorporated venture’ Single Vision (as described by Mr Terry Enright in evidence to the Senate Rural and Regional Affairs and Transport Legislation Committee on 24 May 2006).

(2) For each sum paid what was the: (a) date of payment; (b) quantum of payment; (c) form of payment; (d) purpose of the payment; and (e) provision of the Primary Industries and Research and Development Act 1989 authorising the payment.

(3) What guidelines are in place to manage expenditure by ‘interim’ directors and the Chief Executive Officer of the unincorporated venture Single Vision.

(4) Are invoices for Single Vision expenditure issued to the GRDC, individual ‘interim’ directors or staff of the unincorporated venture Single Vision, or another entity.

Senator Abetz—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:

(1) GRDC committed a budget of up to $1,000,000 in 2005-06 and $1,000,000 in 2006-07 for Single Vision Grains Australia. Out of this up to $1,000,000 committed budget in 2005-06, GRDC has paid a total of $646,558.72 (as of 2 June 2006) in connection with Single Vision Grains Australia (SVGA).

(2) (a) The date of each payment is shown in the attachment.
(b) Quantum of each payment is shown in the attachment
(c) All payments were by electronic bank transfer.
(d) The purpose of each payment is stated in the attachment.
(e) The payment is authorised by section 33(1)(a) or 33(1)(b) of the Primary Industries and Research and Development Act 1989.

(3) GRDC guidelines are followed for managing the expenditure by interim directors and the Chief Executive Officer of SVGA. GRDC provides accountancy services to SVGA and approves all payments except invoices for small incidental expenses. GRDC makes payments directly to the suppliers of SVGA.

(4) Invoices for SVGA expenditure have been generally issued to the GRDC.

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Grains Research and Development Corporation: Single Vision  
(Question No. 1848)

Senator O’Brien asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 1 June 2006:

(1) Has the Grains Research and Development Corporation (GRDC) purchased the company Single Vision Grains Australia Limited; if so, on what date and what consideration was paid.
(2) What provisions of the Primary Industries and Research and Development Act 1989 authorise the payment.

Senator Abetz—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:

(1) On 16 December 2005, on behalf of the Single Vision Grains Australia interim board GRDC paid $15,950 in connection with the purchase of Single Vision Grains Australia Limited (See answer to Question 1846(2) for details.

(2) The payment is authorised by section 33(1)(b) of the Primary Industries and Research and Development Act 1989.

Grains Research and Development Corporation: Single Vision

(Question No. 1849)

Senator O’Brien asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 1 June 2006:

With reference to evidence by the Chair of the Grains Research and Development Corporation (GRDC), Mr Terry Enright, to the Senate Rural and Regional Affairs and Transport Legislation Committee, on 24 May 2006, that the Grains Council of Australia (GCA) proposed an ‘illegal’ arrangement in relation to Single Vision:

(1) What are the details of the proposed ‘illegal’ arrangement.

(2) On what date was the ‘illegal’ arrangement proposed.

(3) Which representatives of the GCA proposed the ‘illegal’ arrangement.

(4) Which representatives of the GRDC were in receipt of the GCA’s proposal to establish the ‘illegal’ arrangement.

(5) How did the GRDC consider the proposal to establish the ‘illegal’ arrangement.

(6) Did the GRDC Board consider the proposal to establish the ‘illegal’ arrangement; if not, why not; if so: (a) on what dates; and (b) can copies of board minutes be provided.

(7) Did the GRDC seek legal advice before determining the GCA was proposing the establishment of an ‘illegal’ arrangement; if so: (a) on what date; (b) what was the form of the request; (c) on what date was the advice received; (d) what was the form of the advice; (e) what was the source of the advice; and (f) if the advice was written, can a copy be provided.

(8) (a) On what date did the GRDC advise the GCA that it had rejected the ‘illegal’ arrangement; (b) what was the form of that advice; and (c) if that advice was written, can a copy be provided.

Senator Abetz—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:

See Mr Enright’s clarification of Hansard – the words “inconsistent with the existing legal framework” more correctly describe the situation than “illegal”.

(1) From January 2005 up until Grains Week 2005 (5-6 April, 2005) the GCA published a number of Single Visions Grains Australia proposals. The first proposal recommended an increase in the grower levy of 0.2%, while subsequent proposals recommended a levy increase of 0.1%. Up until the end of March 2005 the proposals were for an increase in the grower levy of 0.1%. According to the GCA’s proposal the 0.1% was to be collected using the current levy mechanism with the funds specifically allocated for Single Vision Grains Australia Limited. The additional levy amount would not be part of the levy that is matched by the Australian government. Under the existing Priority Industries and Energy Research Development Act, only ‘R&D Corporations’ or ‘R&D Funds’ can have levies attached to them. As Single Vision Grains Australia Limited was neither, the fund-
ing of the GCA proposal was inconsistent with the existing legal framework. The Privacy Industries and Energy Research Development Act would have to be amended (or a new Act made) to allow levy funds to be redirected to the company Single Vision Grains Australia Limited, which was registered by GCA in December 2004. Hence, the GCA proposal was inconsistent with the existing legal framework.

(2) See answer (1) above.

(3) The representative of the GCA proposing the arrangements referred to above was the Chief Operating Officer.

(4) In some cases the GCA provided the proposals to the Managing Director or the Chairman. In other cases the GCA simply published the proposals on its website.

(5) GRDC Management considered the proposals as we became aware of them.

(6) The GRDC Board did not consider the proposals referred to above. On 31 March 2005 the GCA circulated a fifth version of its Single Vision proposal to some but not all of the GRDC directors, with funding to be by an increase in levies. But by 4 April 2005 GRDC Board meeting and Consultation meeting between the GCA and the GRDC, the GCA proposal put to the GRDC Board requested that GRDC fund Single Vision Grains Australia. The proposal for an increased levy (which was inconsistent with the PIERD Act) had been dropped. On 6 April 2005 the GRDC Board considered a further amended proposal from the GCA, again relying on GRDC funding rather than in increase in levies.

(7) In March 2005 GRDC sought legal advice from Phillips Fox lawyers on the then-current GCA proposal. On 17 March 2005 Kim Robbins, a partner of Phillips Fox provided the attached (Attachment 1) brief email advice on the ‘March 2005’ GCA proposal, as a discussion tool only. It was not a formal written advice. On 18 March 2005 Kim Robbins provided the attached (Attachment 2) brief email advice.

On 1 April 2005, Kim Robbins and Anthony Willis (partners of Phillips Fox) met with GRDC’s General Counsel to review the scope of GRDC’s powers to fund Single Vision activities. Phillips Fox provided oral advice. GRDC’s General Counsel then provided oral advice to GRDC’s Board on 4 April 2005.

(8) See answer (6) above. The proposal considered by the GRDC Board did not rely on funding by an increase in levies, which was the cause of earlier proposals being inconsistent with the PIERD Act.

Attachment 1
From: Gavin Whiteley
Sent: Thursday, 15 June 2006 3:31 PM
To: Geoff Budd
Subject: FW: Funding under the PIERD Act and associated legislation
Original Message
From: Julia Braithwaite [mailto:Julia.Braithwaite@phillipsfox.com]On Behalf Of Kim Robbins Sent: Friday, 18 March 2005 10:10 AM
To: Gavin Whiteley
Cc: Sara Wedgwood; Kim Robbins; Ian Warfield
Subject: Funding under the PIERD Act and associated legislation
Dear Gavin

In our advice of 8 June 2004, we advised on issues relating to the provision of funds sought by the Grains Council of Australia from GRDC and concluded that there would be a real risk that provision of
funding for the purposes proposed by GCA would be found to be inconsistent with the Primary Industries and Energy Research and Development Act 1989 (PIERD Act).

We are now asked to advise, briefly, on whether there is a mechanism under the PIERD Act by which an entity such as the proposed “Single Vision Grains Australia Limited” could be paid levy funds by the Commonwealth. In her email yesterday, Kim Robbins outlined reasons why we do not believe that at least some key activities of the Single Vision Grains Australia Limited would be assessed to be an R&D Corporation.

The primary industry levy/R&D funding legislative scheme The relevant legislation is:

- the PIERD Act and Regulations, which is the Act by which distribution of funds is made;
- the Primary Industries Levies and Charges Collection Act 1991 (Collections Act) and Regulations, which sets out the manner of collection of levies and charges; and
- the Primary Industries (Excise) Levies Act 1999 (Levies Act) and Regulations, under which levies are imposed.

In summary, the legislative scheme under which primary industry levy funds are collected from producers and paid to R&D corporations and R&D Funds requires, for constitutional reasons, collection of the levy as a duty of excise. Levy funds are paid into Consolidated Revenue. In turn, amounts equal to the amounts of levy collected are paid from Consolidated Revenue to the entities identified under the legislation, namely R&D Corporations and R&D Funds.

The Levis Act provides for the setting of the operative and maximum rates of levies, who is liable to pay levies and any exemptions from the liability to pay.

Under section 5 of the PIERD Act, levies are “attached” to an R&D Corporation or an R&D Fund “if, and only if”, the levy has been declared by the Regulations to be attached to the particular Corporation or Fund. R&D Funds vest in and are administered by the RIR&DC. RIR&DC may expend the Funds with the approval of the relevant R&D Council, established for the purpose under section 92 of the PIERD Act.

R&D Corporations and R&D Funds are defined under section 4, and are established under section 8 (R&D Corporations) and section 107 (R&D Funds), of the PIERD Act. Section 33 of the PIERD Act specifies the purposes for which an R&D Corporation may expend its money, and section 112 is the relevant section with respect to expenditure of R&D Funds. In both cases, the principal purpose is to fund R&D activities, which are defined in section 4, and provision is made for paying expenses and liabilities related to the discharge of a R&D Corporation’s or Fund’s functions.

Under the existing PIERD Act, only ‘R&D Corporations’ or ‘R&D Funds’ can have levies ‘attached’ to them.

The Single Vision company is neither. The Act would have to be amended (or a new Act made) to allow levy funds to be redirected to the Single Vision company.

Plant Health Australia

There is one example of an entity which is not an R&D Corporation being paid levy funds under the PIERD Act. That example provides a possible model for funding Single Vision Grains Australia Limited.

Plant Health Australia is a company limited by guarantee. Its funding is provided for under the Plant Health Australia (Plant Industries) Funding Act 2002 (PHA Funding Act), in the words of that Act, as if a levy on a PHA plant product includes an amount based upon a Plant Industry Member’s fundable contribution liability to PHA as a member of PHA.

Under section 4 of the PHA Funding Act the Commonwealth pays to PHA amounts equal to those raised by a “primary levy or charge” imposed on PHA plant products under the Levies Act. ‘PHA plant...
products’ are defined as a plant product on which PHA levy is imposed under section 7 of the PIERD Act and described in the regulations as a PHA levy.

In short:
• PHA is funded by levy on producer members (as proposed for Single Vision Grains Australia Limited);
• that funding is provided for under a separate Act which provides that the PIERD Act applies to the levied funds; and
• funds collected in excess of a PHA Member’s fundable contribution liability to PHA are to be treated as funds to be applied to R&D as defined under the PIERD Act.

As noted above, the approach to funding PHA funding could provide a model for an entity such as the proposed Single Vision Grains Australia Limited the key elements of which are:
• enactment of a separate Act of Parliament, or amendments to the PIERD Act, would be necessary to provide for the payment of the levied amounts; and
• that Act could use the Collections Act and the Levies Act to provide the mechanisms for collection of any levy(s).

We will call you to discuss as instructed. Would Noon be an appropriate time? Julia Braithwaite of our office will call you about this.

Regards,
Ian Warfield and Kim Robbins
Kim Robbins
Special Counsel

Attachment 2
From: Gavin Whiteley
Sent: Thursday, 15 June 2006 3:34 PM
To: Geoff Budd
Subject: FW: GRDC power to fund Single Vision Pty Ltd

Original Message
To: Gavin Whiteley
Cc: Sara Wedgwood; Ian Warfield; Julia Braithwaite
Subject: GRDC power to fund Single Vision Pty Ltd

Gavin Whiteley GRDC
Dear Gavin
After you called tonight, I had a look at the issue you raised. I am sending this email to assist our discussion tomorrow. I am out of the office tomorrow but have arrangements in place to call you with Senior Associate Ian Warfield, hopefully before 1pm. Please feel free to call me on my mobile as I will be able to take calls.

Below are my initial thoughts on the matter for discussion. I have not had time to review this in any detail and need to head off now.

Please let me know if you want me to prepare a detailed, formal advice.
You asked if GRDC has power under the PIERD Act to provide funding to the proposed company Single Vision Grains Australian Pty Ltd for convenience - for the type of activities that would be carried out in the first year of the company's operations.

We have obtained some information on the GCA's proposed strategy from its web site:

- Towards a SINGLE VISION For the Australian Grains Industry - Questions and Answers;
- Towards a SINGLE VISION For the Australian Grains Industry - An invitation to have your say;
- Single Vision Implementation Proposal - stated to be 'Draft - Proposal - March 2005.'

These documents are in summary form only, but give some indication of what it is proposed. They state what the company will do certain things.

In our advice to GRDC dated 8 June 2004, we raised the possibility that funding sought by the GCA for a communications program and seed funding for the proposed Australian Grains Forum were not activities that could be funded under that Act as they did not meet any of the activities identified in the PIERD Act, despite the very broad definitions in that Act. The same issues discussed in our advice apply here.

(You will appreciate that we have not considered consistency with the AOP at this stage.)

I list below the matters that are stated to be in Single Vision’s Business Plan and provide some comments in bold as to whether they reasonably would be able to be funded under the PIERD Act. Please note these are comments based on scant information, so my comments should be treated just as comments at this stage and not advice. Also, the definitions do allow some wide interpretations. We could look into this in greater detail after discussion with you if that would be assistance.

- Discover and communicate domestic and international market signals to producers in a manner that will add value to their enterprise operations - appears to be market research, and not an R&D activity
- Play an active role in ensuring that market signals are communicated to researchers, to ensure 'pathway to market' principles are followed - appears to be communicating information from the market research, and not an R&D activity
- Support development of technologies, techniques and systems to enhance value creation on farm and through the value chain for producers. - It is not clear what 'support' means. An R&D activity includes the dissemination of information to persons in the industry for the purpose of encouraging those persons to 'adopt technical developments'. This could also be the publication of reports etc, but only if its related to research and development (as defined) This activity probably could quality for funding, depending on what is actually to be done
- Support the international branding of Australian grains in key markets - difficult to see how promotion such as this fits into any of the parts of the definition
- Ensure the value chain is aware of international standards, commercial processes & regulatory frameworks, to ensure it is not 'locked out' of markets due to regulatory failure - difficult to see how communication of information on compliance fits into any of the parts of the definition
- Encourage the building of relationships and alliances across the grains value chain to allow Australian producers to become world leaders in value extraction - difficult to see how building relationships fits into any of the parts of the definition.
- Build the grains industries leadership capacity and ability to rapidly adapt to change, and to become a leader in adoption of innovation in all sectors of the value chain - what the particular ‘innovation’ is will be the key. This activity probably could quality for funding, depending on what is actually to be done and as long as there was a link with technical developments or research and development.
Single Vision will not be a representative or lobby organisation and will not speak on behalf of producers. It will be a research, analysis and strategic planning company that will work with representative organisations to bring about positive change in the industry. It will help producers and their organisations to make better informed decisions and help them with their policy implementation activities.

Kim Robbins
Special Counsel

Grains Research and Development Corporation: Single Vision
(Question No. 1850)

Senator O’Brien asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 1 June 2006:

Can a copy be provided of all Grains Research and Development Corporation (GRDC) board and board sub-committee meeting minutes that address the relationship between GRDC and each of the following:

(a) Single Vision Grains Australia Limited; and (b) the unincorporated entity Single Vision, including ‘interim’ directors and staff; if not, why not.

Senator Abetz—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:

Extracts of the relevant Minutes of GRDC Board meetings are attached:

(1) Meeting on 4 and 6 April 2005 – Item 15.1
(2) Meeting on 8 June 2005 – Item 18.1
(3) Meeting on 28 and 29 July 2005 – Item 10.18, last dot point of Item 11.2
(4) Meeting on 7 September 2005 –first dot point of Item 6.2
(5) Meeting on 8 February 2006 – first dot point of Item 4.1
(6) Meeting on 4 April 2006 – Item 12.
(7) Meeting on 7 June 2006 – Item 7 (Minutes are not yet available, so are not attached).

Question No. 1850 attachment

Extracts of GRDC Board meeting Minutes:

GRDC Board meeting on 4 and 6 April 2005- Item 15.1

4 April 2005

“15. Other business

15.1 Single Vision Australia

This Item was addressed in stages during the meeting.

After Item 1, the Chairman and Managing Director outlined the background to this issue:

• GCA proposed establishment of a company, Single Vision Australia Limited (SVA), to carry forward implementation of the Single Vision strategic plan.

• The proposal has changed significantly over time, particularly in the last week. It is now suggested that GRDC establish, fund and control a company to implement Single Vision.

• [text deleted because not relevant to question]

The General Counsel outlined the extent of GRDC’s legal powers and key legal issues arising from the proposal.

The Board discussed the proposal at length, including:
QUESTIONS ON NOTICE

- the extent of industry progress in implementing Single Vision and what now needs to be done to implement it;
- concerns that the GRDC Board is being asked to decide on the proposal quickly, with political risks involved;
- potential structures;
- roles and outcomes of the Forums and Task Forces; and
- relationship with GCA.

The Board then deferred further discussion until after the Consult meeting with GCA later in the day. On resumption of discussion, Mr Dobos, Mr Fraser, Mr Harvey, Mr Lloyd, Mr Logan and Mr Whiteley were in attendance.

The Board discussed:
- potential structure - interim Board with administrative support, not incorporated at this stage;
- GRDC seed funding of up to $1 million per year for 2 years, dependant on a satisfactory business plan;
- the need for independence – the interim Board is to decide on a small number of tasks to address in the first 12 months.

B803 Resolved:
1. GRDC is prepared to provide seed funds of up to $1 million per year, over 2 years, to establish an interim Board to progress cross-industry issues, identified by industry. GRDC will require performance criteria:
   (a) engagement of industry across the value chain;
   (b) an operating plan, including milestones, for delivery of progress against agreed priorities identified by the Task Forces and Grains Week discussions.
2. The GRDC Board will review progress annually.
3. It is anticipated that at the appropriate time, the industry will take over resourcing and direction of a pan-industry organisation.
4. Funds are to be provided from the Emerging Issues budget.”

Wednesday 6 April – supplementary meeting

Meeting re-opened at 2.15pm for an unscheduled meeting. Directors Johns and Lucas had left Brisbane so were not present.

“15.1 Single Vision Australia (continued)

The Chairman tabled the Grains Council Proposal “Single Vision Grains Australia”, updated from the earlier draft tabled at the Consult meeting 2 days previously. The Board considered it and the Board’s earlier resolution in detail.

B804 Resolved:
1. GRDC will provide seed funding, over 2 years, to establish an interim Board to progress the key cross-industry issues identified (as resolved on Monday);
2. Each Task Force will be asked to identify key issues for further work. The interim Board will then prioritise issues that it can progress immediately, and engage industry across the value chain to achieve significant, tangible results by Grains Week 2006. Other issues can then be tackled. It is anticipated that at the appropriate time industry will take over resourcing and direction of a pan-industry organisation.
3. The interim Board needs to have a strong strategic focus and capability, with a range of skills in the following areas:
   - a Chairman able to facilitate and co-ordinate activities, with a broad range of high-level contacts (potentially Murray Rogers);
   - commercial and research and development expertise and to represent GRDC (Christine Hawkins);
   - a leading grower, who is independent of representative organisations (to be agreed by grower groups);
   - grains marketing and handling (to be suggested by AWB, ABB etc); and
   - the food industry, possibly Grant Latta.
   Global economics and science expertise may be achieved either by appointment directly to the interim Board or to advise the interim Board.
   GRDC will appoint each member of the interim Board in consultation with the relevant industry sectors. The positions will be remunerated, in accordance with market rates.

4. Chairman and Chief Executive Officer – the initial need is for a company secretary with the necessary skills for the short-term role of establishing the interim Board, assisting it to decide which activities to pursue immediately, and then initiating those activities. A Chairman and then a CEO would be appointed for the remainder of the 2 years of GRDC seed funding. Suggested candidates for the CEO were [names of potential candidates deleted].

5. GRDC funding is to be from the emerging issues budget, with as much as possible coming from the 2004/2005 budget. The interim Board will also need to secure long-term industry funding. GRDC can then continue to co-invest as an industry participant.

6. By Grains Week 2006 the interim Board will need to achieve significant and tangible outcomes for each of the identified issues, including:
   - establishing which issues it wishes to address;
   - setting up projects to address (analyse) the issues;
   - delivering solutions to the issues, that can be adopted by industry, and measures for adoption of those solutions;
   - communication to growers, possibly through Grower Updates, and to other industry sectors, with a view to obtaining consensus on solutions, or at least improved understanding of the options;
   - clear evidence that all industry sectors are committed to the Single Vision concept, including funding for the ongoing work; and
   - a draft business plan for ongoing work.

7. Governance - GRDC will provide funding under a research agreement with tight accountability requirements. The interim Board will need to provide an operating plan, with milestones setting out how it will address each of the identified issues, and deliver progress reports against those milestones.

8. GRDC will review progress after 12 months.

Actions arising:

1. Director Hawkins is to contact Chris Vickers (Egon Zehnder) about market daily rates for the interim Board. Peter is to ask Hays the same question.

2. The Chairman is to ask [potential candidate about possible remuneration].

3. [text deleted because not relevant to question]

4. [text deleted because not relevant to question]
5. [text deleted because not relevant to question]
6. Management and the Chairman are to develop a process for appointment of the Chairman and members of the interim Board, and appointment of the CEO.”

GRDC Board meeting on 6 June 2005 – Item 18.1

“18.1 Single Vision Grains Australia (SVGA)
The Chairman advised that GRDC has sent an information package to the nominated directors of the Interim Board of SVGA, with an invitation to join the Interim Board. He reported that GCA had met yesterday in Melbourne, and apparently had endorsed a different proposal published on the GCA website.

The Board discussed at length how to resolve the continuing difference in views between GRDC and at least part of the GCA over this issue, and the potential risks arising from the differences continuing. The Board confirmed its support for the approach it took at Grains Week, namely of an Interim Board only for SVGA, and not a separate legal entity at this stage.

Actions arising:
1. Mr Pittar is to brief the Minister’s office. The Chairman will also mention the issue in his discussions with the Minister’s office.
2. The Managing Director is to prepare a summary of how the SVGA Interim Board addresses GCA’s proposals over the course of the last year.
3. The letter to the Minister reporting the outcomes of this Board meeting is to note that GRDC has, consistent with its agreement with GCA at Grains Week, approached potential SVGA Interim Board members and asked for their response by 20 June.
4. The Chairman is to approach Murray Jones (GCA) by email, inviting him to present to the first meeting of the SVGA Interim Board.”

GRDC Board meeting on 28 and 29 July 2005 – Items 10.18, last dot point of Item 11.2

“Item 18 Other Business – Single Vision
GCA objected to use of the words “Single Vision Grains Australia” so “Single Vision Implementation Board” will be used instead. The first meeting of the Single Vision Implementation Board is to be held on 16 August in Canberra.

11.2 Managing Director’s report
The Managing Director updated on matters covered in his Board paper including:
• GM issues: the Board discussed who should be responsible for the management/co-ordination of GM issues. The Board considered the issue should be passed to the Single Vision Implementation Board. GRDC should be at arms length, as it is an issue for the grains industry, not the GRDC.

Action arising: discuss co-ordination of grains industry common approach to GM issues with Single Vision interim board, to pass task to it.”

GRDC board meeting on 7 September 2005 – first dot point of Item 6.2

“6.2 Managing Director’s report
The Managing Director updated on matters covered in his Board paper. Discussion included:
• Single Vision – the Managing Director advised that implementation is proceeding well.”

GRDC Board meeting on 8 February 2006 – first dot point of Item 4.1

“4.1 Chairman’s report
The Chairman reported on:
• Single Vision progress, particularly the forthcoming meeting of major industry participants to discuss grains marketing;

GRDC Board meeting on 4 April 2006 – Item 12.

“12. Single Vision update on progress

Murray Rogers (Single Vision Chairman), Christine Hawkins and Ian MacKinnon (Single Vision Board members), Selwyn Snell (Chief Executive Officer) and Matt Kealley (Business Development Officer) joined the meeting. Murray Rogers spoke to a PowerPoint presentation (distributed after the meeting) and outlined Single Vision’s progress and current issues, including:

• export marketing structures
• biotechnology and genetically modified organisms
• biofuels

The meeting discussed the current issues in detail and noted that the wheat marketing structures project:
(a) was requested by industry and was to involve detailed consultation with industry;
(b) must be consistent with the PIERD Act; and
(c) must develop a range of options.

Mr Rogers outlined the status of Single Vision’s budget (in 2005-2006 it will spend $936,000 of the $1 million budget) and undertook to provide GRDC with detailed reports of expenditure.

The Board noted the presentation. This report to the Board satisfied one of SVGA’s reporting obligations to GRDC.

Action arising: Vic Dobos is to arrange for posters and photos to be sent to Single Vision for use in its office.”

GRDC Board meeting on 7 June 2006 – Item 7
(Minutes are not yet available, so are not attached).

Grains Research and Development Corporation: Single Vision
(Question No. 1852)

Senator O’Brien asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 1 June 2006:

(1) Can the Minister confirm that the Grains Research and Development Corporation (GRDC) is funded by grower levies and taxes.
(2) On what date was the GRDC-funded Single Vision study of alternatives to the ‘single desk’ for export wheat commissioned.
(3) What is the budgeted cost of the study.
(4) Can the Minister confirm that the Centre for International Economics (CIE) has been engaged to undertake modelling as part of the study.
(5) Is the Minister aware that the Executive Director of the CIE, Mr Andrew Stoeckel, believes the ‘single desk’ does not serve Australia’s national interests or growers’ interests and should be ‘thrown out’.
(6) What is the budgeted cost of work by the CIE associated with the study of alternatives to the ‘single desk’.
(7) If the study has not been concluded: (a) on what date is it due to be concluded; and (b) will it be published on the GRDC website; if not, why not.

QUESTIONS ON NOTICE
QUESTIONS ON NOTICE

(8) If the study has been concluded, on what date was it: (a) concluded; (b) provided to the GRDC; (c) provided to the Minister; and (d) published on the GRDC website; if it has not been published on the GRDC website, why not.

Senator Abetz—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:

(1) The Grains Research and Development Corporation is funded by the proceeds of a levy on grain-growers and appropriations from the Australian Government.

(2) The Single Vision Project GEM (Grain Export Marketing) was commissioned in March 2006.

(3) The budgeted cost of the project was $75,000 plus GST.

(4) The CIE has been engaged to undertake modelling as part of the study.

(5) Mr Stoeckel is a widely-known economist and academic, and it is expected that Mr Stoeckel will have opinions on economic aspects of policies as significant as the single desk.

(6) The budgeted cost of the work by the CIE associated with the Single Vision Project GEM (Grain Export Marketing) was $50,000 plus GST.

(7) (a) The study was released on 17 June 2006.

(b) The study will be published on the website of Single Vision Grains Australia.

(8) See answer (6) above.

Grains Research and Development Corporation: Single Vision

(Question No. 1853)

Senator O’Brien asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 1 June 2006:

Did the Grains Research and Development Corporation seek legal advice before determining that it could create the ‘unincorporated venture’ Single Vision through individual legal contracts with so-called ‘interim’ directors and staff; if so: (a) on what date; (b) what was the form of the request; (c) on what date was the advice received; (d) what was the form of the advice; (e) what was the source of the advice; and (f) if the advice was written, can a copy be provided.

Senator Abetz—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:

On 1 April 2005 the Grains Research and Development Corporation (GRDC) sought legal advice from its General Counsel. The General Counsel met with Kim Robbins and Anthony Willis (partners of Phillips Fox) on 1 April 2005 to review the scope of GRDC’s powers to fund Single Vision activities. Phillips Fox provided oral advice. GRDC’s General Counsel then provided oral advice to GRDC’s Board during the GRDC Board meeting on 4 and 6 April 2005.

Grains Research and Development Corporation: Single Vision

(Question No. 1854)

Senator O’Brien asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 1 June 2006:

With reference to evidence by the Chair of the Grains Research and Development Corporation (GRDC), Mr Terry Enright, to the Senate Rural and Regional Affairs and Transport Legislation Committee on 24 May 2006, that ‘the Single Vision thing is clearly identified in our accounts’: (a) how is the ‘Single Vision thing’ identified in the GRDC’s accounts; and (b) can a copy be provided of the GRDC accounts that identify the ‘Single Vision thing’; if not, why not.
Senator Abetz—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:

(a) The ‘Single Vision thing’ is identified in the GRDC’s accounts as ‘Single Vision Interim Board’.

(b) A copy of the GRDC accounts that identify the Single Vision Interim Board is available from the Senate Table Office.

**Grains Research and Development Corporation: Single Vision**

(Question No. 1855)

Senator O’Brien asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 1 June 2006:

(1) Can details be provided of the individual contracts between the Grains Research and Development Corporation and the so-called ‘interim’ directors and staff of the unincorporated venture Single Vision.

(2) In each case, what is or was: (a) the date that the contract was signed; (b) the term of the contract; and (c) the remuneration payable.

Senator Abetz—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:

(1) Details can be provided of the individual contracts between the Grains Research and Development Corporation and the so-called ‘interim’ directors and staff of Single Vision.

(2) The contracts are:

(a) Consultancy Agreement between Grains Research and Development Corporation (GRDC) and Murray Rogers dated 3 December 2005, with a term of 1 July 2005 to 30 June 2007 but capable of being terminated earlier, with remuneration of $55,000 per year.

(b) Consultancy Agreement between GRDC and Grant Latta dated 1 December 2005, with a term of 1 July 2005 to 30 June 2007 but capable of being terminated earlier, with remuneration of $27,000 per year.

(c) Consultancy Agreement between GRDC and Ian MacKinnon dated 23 November 2005, with a term of 1 July 2005 to 30 June 2007 but capable of being terminated earlier, with remuneration of $27,000 per year.

(d) Consultancy Agreement between GRDC and Philip Young dated 17 January 2006, with a term of 1 July 2005 to 30 June 2007 but capable of being terminated earlier, with remuneration of $27,000 per year.

(e) Consultancy Agreement between GRDC and Cinnabar International Pty Limited (specifying Christine Hawkins as the person to provide services) dated December 2005, with a term of 1 July 2005 to 30 June 2007 but capable of being terminated earlier, with remuneration of $27,000 per year.

(f) Employment Agreement between GRDC and Selwyn Snell dated 5 October 2005, to 30 June 2007 but capable of being terminated earlier, with remuneration currently being $172,500 per year.

(g) Employment Agreement between GRDC and Michelle Fairbrother (part-time administrative assistant), casual employee, with remuneration of $20 per hour.

(h) Employment Contract between GRDC and Matthew Kealley (Business Development Manager) from 3 April 2006 for 12 months but capable of being terminated earlier, with remuneration of $87,200 per year.
Grains Research and Development Corporation: Single Vision
(Question No. 1856)

Senator O’Brien asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 1 June 2006:

(1) Can details be provided of the selection process that preceded the appointment by the Grains Research and Development Corporation of the ‘interim’ directors and staff of the unincorporated venture Single Vision.

(2) Can the Minister confirm that all persons appointed as ‘interim’ directors of the unincorporated venture Single Vision are also directors of Single Vision Grains Australia Limited.

(3) Can the Minister also confirm that the Chief Executive Officer of the unincorporated venture Single Vision is also a director of Single Vision Grains Australia Limited.

Senator Abetz—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:

(1) At its 6 April 2005 meeting the Grains Research and Development Corporation (GRDC) Board determined the key skills requirements for the Single Vision interim board. The GCA also proposed several guidelines. On 19 April 2005 the GCA President and Chief Operating Officer met with the GRDC Managing Director and supplied a list of suggested names and skills requirements for the interim board and CEO. On 29 April 2005 the GRDC Chairman wrote to the Managing Directors of each of GrainCorp Limited, CBH, ABB Ltd and AWB Ltd seeking their views on suitable candidates for members of the interim board. The GRDC Chairman held several discussions with the GCA President, including on 26 June 2005. The GRDC Board then selected the interim board and announced it on 7 July 2005.

The GRDC engaged recruitment specialists AgPeople Pty Ltd to run the Single Vision Chief Executive Officer selection process. AgPeople advertised the position nationally in July 2005. The selection panel consisted of the GCA President, Single Vision interim board Chairman, GRDC Executive Manager Corporate Services, and two other members of the Single Vision interim board. A number of candidates were interviewed and Selwyn Snell was offered the position.

(2) Not all persons appointed as ‘interim’ directors of the Single Vision Grains Australia are directors of Single Vision Grains Australia Limited.

(3) The Chief Executive Officer of Single Vision Grains Australia is also a director of Single Vision Grains Australia Limited.

Grains Research and Development Corporation: Single Vision
(Question No. 1857)

Senator O’Brien asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 1 June 2006:

With reference to evidence by the Chair of the Grains Research and Development Corporation (GRDC), Mr Terry Enright, to the Senate Rural and Regional Affairs and Transport Legislation Committee, on 24 May 2006, that the GRDC has imposed reporting obligations on the unincorporated venture Single Vision:

(1) Can full details of those reporting obligations be provided.

(2) Can a copy of all written reports to the GRDC be provided; if not, why not.

(3) On what dates has the GRDC board met with the ‘interim’ directors of the unincorporated venture Single Vision.

QUESTIONS ON NOTICE
Senator Abetz—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:

(1) Reporting obligations are set out in each interim board member’s Consultancy Agreement, which requires the interim Board members to undertake, and report to GRDC and industry on:

1. Take the key issues nominated by the grains industry Task Forces (following Grains Week 2005) as needing further work, and identify those that can be progressed immediately.

2. By Grains Week 2006, achieve significant and tangible outcomes for each of the identified issues, including:
   • Setting up projects to address the issues;
   • Delivering solutions to the issues, that can be adopted by industry, and measures for adoption of those solutions;
   • Communication to growers, possibly through grower updates, and to other industry sectors, with a view to obtaining consensus on solutions, or at least improved understanding of the options;
   • Providing clear evidence that all industry sectors are committed to the Single Vision concept, including funding for the ongoing work; and
   • Preparing a draft business plan for ongoing work.

GRDC also requires detailed financial reporting on a transaction-by-transaction basis, as outlined in answer 3 to Question 1847.

(2) Single Vision provided oral reports to the GRDC Board at its meetings on 4 April 2006 and 7 June 2006, using PowerPoint presentations. Copies of the PowerPoint presentations are available from the Senate Table Office.

Single Vision also provided a report to industry at Grains Week 2006 and has made numerous other reports to industry.

(3) On 4 April 2006 the GRDC Board met with Murray Rogers (Single Vision Chairman), Christine Hawkins and Ian MacKinnon (Single Vision Board members) and Selwyn Snell (Chief Executive Officer).

On 7 June 2006 the full GRDC Board met with Selwyn Snell (Chief Executive Officer). Several GRDC directors then met with most of the Single Vision interim Board.

Grains Research and Development Corporation: Single Vision

(Question No. 1858)

Senator O’Brien asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 1 June 2006:

Is the Chief Executive Officer of the unincorporated venture Single Vision employed by the Grains Research and Development Corporation or the unincorporated venture Single Vision; if by the latter, how.

Senator Abetz—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:

The Chief Executive Officer of Single Vision is employed by the Grains Research and Development Corporation – see answer to Question 1855. His Position Description requires him to report to the Single Vision interim board through its Chairman.
Grains Research and Development Corporation: Single Vision
(Question No. 1862)

Senator O’Brien asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 1 June 2006:

With reference to evidence by the Chair of the Grains Research and Development Corporation (GRDC), Mr Terry Enright, to the Senate Rural and Regional Affairs and Transport Legislation Committee, on 24 May 2006, that ‘interim’ directors of the unincorporated venture Single Vision ‘have a set of key performance arrangements which they have to meet’:

(1) What are the key performance arrangements.

(2) On what date were the arrangements established.

(3) Can a copy of written instructions, or contractual terms, outlining the arrangements be provided; if not, why not.

Senator Abetz—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:

(1) The key performance arrangements for each member of the interim Board are in the Schedule to each member’s Consultancy Agreement, as follows:

“1. Take the key issues nominated by the grains industry Task Forces (following Grains Week 2005) as needing further work, and identify those that can be progressed immediately.

2. By Grains Week 2006, achieve significant and tangible outcomes for each of the identified issues, including:

• Setting up projects to address the issues;
• Delivering solutions to the issues, that can be adopted by industry, and measures for adoption of those solutions;
• Communication to growers, possibly through grower updates, and to other industry sectors, with a view to obtaining consensus on solutions, or at least improved understanding of the options;
• Providing clear evidence that all industry sectors are committed to the Single Vision concept, including funding for the ongoing work; and
• Preparing a draft business plan for ongoing work.

3. Other issues can then be tackled. It is anticipated that at the appropriate time industry will take over resourcing and direction of a pan-industry organisation.

4. The Interim Board will appoint a Chief Executive Officer (CEO) to carry out the day-to-day activities of the Single Vision venture, under the direction of the Chairman of the Interim Board. The Consultant is to co-operate with the CEO as appropriate.

5. The GRDC will provide funding under a research agreement, possibly with the CEO. The research agreement will contain tight accountability requirements. The Interim Board will need to provide an operating plan, with milestones setting out how it will address each of the identified issues, and deliver progress reports against those milestones.”

(2) The performance arrangements commence at the commencement date of each Consultancy Agreement – see answer (2) to Question 1855.

(3) Answer 1 above contains the wording of the arrangements in each Consultancy Agreement.
Grains Research and Development Corporation: Single Vision  
(Question No. 1865)  

Senator O’Brien asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 1 June 2006:  
Does the unincorporated venture Single Vision operate from the Grains Research and Development Corporation premises at 40 Blackall Street, Barton, Australian Capital Territory; if not, from what premises does Single Vision operate.  

Senator Abetz—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:  
Single Vision Grains Australia does not operate from the Grains Research and Development Corporation premises at 40 Blackall Street, Barton Australian Capital Territory.  
Single Vision Grains Australia operates from Level 2, Suite 17, 2 Lorraine Street, Capalaba, Brisbane, Queensland.  

Mine Related Workplace Facilities  
(Question No. 1937)  

Senator O’Brien asked the Minister representing the Prime Minister, upon notice, on 8 June 2006:  
With reference to the Prime Minister’s announcement on 29 May 2006 of Commonwealth Government support for Beaconsfield, Tasmania:  
(1) Can details be provided of all mine-related workplace fatalities in Australia since October 1996, including the: (a) date of the fatality; (b) name of the mining company; (c) location of mining operation; (d) number of workers who died; and (e) cause of the fatality or fatalities.  
(2) In relation to each of these mine-related workplace fatalities, can details also be provided of all related Commonwealth assistance measures.  

Senator Minchin—The Prime Minister has provided the following answer to the honourable senator’s question:  
(1) Regulation of mine safety is the responsibility of state and territory jurisdictions. Although the government, through the Australian Safety and Compensation Council, does collate statistics on compensated mine-related fatalities, these statistics do not provide the level of detail sought.  
(2) Persons affected by such incidents may, in the first instance, receive assistance under state and territory workers’ compensation arrangements. They may also be able to access Commonwealth assistance depending on their particular circumstances.  

Conclusive Certificates  
(Question No. 1948)  

Senator O’Brien asked the Minister for Finance and Administration, upon notice, on 8 June 2006:  
(1) Since October 1996, on how many occasions has a conclusive certificate been issued in relation to departments or agencies within the Minister’s portfolio exempting a document or documents from disclosure under the Freedom of Information Act 1982 (FOI).  
(2) For each occasion: (a) what was the date; (b) what was the department or agency of which the FOI request was made; (c) what officer made the decision; (d) what was the document or documents excluded from disclosure pursuant to the certificate; and (e) was an appeal made against the decision in the Administrative Appeals Tribunal; if so, what was the case name and its outcome.  

QUESTIONS ON NOTICE
Senator Minchin—The answer to the honourable senator’s question is as follows:

(1) Since October 1996, no conclusive certificates have been issued to the Department of Finance and Administration or portfolio agencies exempting document(s) from disclosure under the FOI.

(2) Not applicable.

Conclusive Certificates
(Question No. 1956)

Senator O’Brien asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 8 June 2006:

(1) Since October 1996, on how many occasions has a conclusive certificate been issued in relation to departments or agencies within the Minister’s portfolio exempting a document or documents from disclosure under the Freedom of Information Act 1982.

(2) For each occasion: (a) what was the date; (b) what was the department or agency of which the FOI request was made; (c) what officer made the decision; (d) what was the document or documents excluded from disclosure pursuant to the certificate; and (e) was an appeal made against the decision in the Administrative Appeals Tribunal; if so, what was the case name and its outcome.

Senator Abetz—The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator’s question:

(1) Information about the issuing of conclusive certificates is not required to be included in the freedom of information statistics reported quarterly to the Attorney-General’s Department, and the Department has not maintained a separate record of statistics in this regard. It appears, however, that only on two occasions since October 1996 has a conclusive certificate has been issued in relation to departments or agencies within the Minister’s portfolio exempting a document or documents from disclosure under the Freedom of Information Act 1982.

(2) For each occasion the information requested is as follows:

(i) (a) On 30 December 1998, a conclusive certificate was issued under section 36(3); (b) The Department of Employment, Workplace Relations and Small Business; (c) Dr Peter Roger Shergold; (d) Two reports arising from consultancies on waterfront reform and certain attachments; (e) No, the applicant sought review through the Federal Court. The proceedings (Lindsay Tanner MP v Dr Peter Shergold) were discontinued.

(ii) (a) On 30 December 1998, a conclusive certificate was issued under section 33A(2); (b) The Department of Employment, Workplace Relations and Small Business; (c) Dr Peter Roger Shergold; (d) A report arising from a consultancy on waterfront reform and certain attachments; (e) No, the applicant sought review through the Federal Court. The proceedings (Lindsay Tanner MP v Dr Peter Shergold) were discontinued.

Conclusive Certificates
(Question No. 1958)

Senator O’Brien asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 8 June 2006:

(1) Since October 1996, on how many occasions has a conclusive certificate been issued in relation to departments or agencies within the Minister’s portfolio exempting a document or documents from disclosure under the Freedom of Information Act 1982 (FOI).

(2) For each occasion: (a) what was the date; (b) what was the department or agency of which the FOI request was made; (c) what officer made the decision; (d) what was the document or documents...
excluded from disclosure pursuant to the certificate; and (e) was an appeal made against the decision in the Administrative Appeals Tribunal; if so, what was the case name and its outcome.

Senator Abetz—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:

(1) One.

(2) (a) 20 September 2001. (b) Department of Agriculture, Fisheries and Forestry. (c) Secretary of the Department of the Prime Minister and Cabinet. (d) Cabinet related documents. (e) Yes, an appeal was brought before the Administrative Appeals Tribunal (AAT) through Toomer and Department of Agriculture, Fisheries and Forestry and Ors [2003] AATA 1301. The AAT affirmed that the decision to issue the certificate was based on reasonable grounds.

Conclusive Certificates
(Question No. 1962)

Senator O’Brien asked the Minister for Veterans’ Affairs, upon notice, on 8 June 2006:

(1) Since October 1996, on how many occasions has a conclusive certificate been issued in relation to departments or agencies within the Minister’s portfolio exempting a document or documents from disclosure under the Freedom of Information Act 1982 (FOI).

(2) For each occasion: (a) what was the date; (b) what was the department or agency of which the FOI request was made; (c) what officer made the decision; (d) what was the document or documents excluded from disclosure pursuant to the certificate; and (e) was an appeal made against the decision in the Administrative Appeals Tribunal; if so, what was the case name and its outcome.

Senator Ian Campbell—The Minister for Veterans’ Affairs has provided the following answer to the honourable Senator’s question:

(1) One.

(2) (a) 5 October 2001
(b) Veterans’ Review Board.
(c) Executive Officer, Veterans’ Review Board.
(d) Documents concerned with terms of appointments, applications and nominations received, proposed membership and selection reports for applicants for positions as members, services members, and senior members of the Veterans’ Review Board.
(e) Yes; Re Purcell and Veterans’ Review Board [2002] AATA 1163. The AAT allowed the appeal in part, but not in relation to the main documents sought by the applicant. The terms of the AAT decision were:
1. set aside the decision of the respondent dated 3 August 2001; and
2. substitute a decision that:
(i) the applicant is entitled to access under the Freedom of Information Act 1982 to those documents, or parts of the document, marked Attachment A - terms of appointment, Attachment B - application received and Attachment C - nomination received; and
(ii) in relation to the remainder of the documents, or parts of the document, to which the applicant sought access, there are reasonable grounds for the claim that disclosure would be contrary to the public interest within the meaning of s. 36 of the Freedom of Information Act 1982.
Compensation for Detriment Caused by Defective Administration Scheme  
(Question No. 1964)

Senator O’Brien asked the Minister representing the Prime Minister, upon notice, on 8 June 2006:

With reference to the Compensation for Detriment Caused by Defective Administration Scheme: for each department and agency for which the Minister is responsible, what is the total payment made under this scheme for each financial year since October 1996, by department and agency.

Senator Minchin—The Prime Minister has provided the following answer to the honourable senator’s question:

Details of payments made under the Compensation for Detriment Caused by Defective Administration Scheme are reported in each agency’s annual report.

Compensation for Detriment Caused by Defective Administration Scheme  
(Question No. 1978)

Senator O’Brien asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 8 June 2006:

With reference to the Compensation for Detriment Caused by Defective Administration Scheme: for each department and agency for which the Minister is responsible, what is the total payment made under this scheme for each financial year since October 1996, by department and agency.

Senator Abetz—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:

1996-97: Nil.
1997-98: Nil.
1999-00: Nil.
2000-01: Nil.
2001-02: Nil.
2002-03: Nil.
2003-04: $7,649,744.00 was paid by the Department of Agriculture, Fisheries and Forestry.
2004-05: Nil.
2005-06: $76,004.11 was paid by the Department of Agriculture, Fisheries and Forestry.

Compensation for Detriment Caused by Defective Administration Scheme  
(Question No. 1980)

Senator O’Brien asked the Minister representing the Minister for Education, Science and Training, upon notice, on 8 June 2006:

With reference to the Compensation for Detriment Caused by Defective Administration Scheme: for each department and agency for which the Minister is responsible, what is the total payment made under this scheme for each financial year since October 1996, by department and agency.

Senator Vanstone—The Minister for Education, Science and Training has provided the following answer to the honourable senator’s question:

The Department of Education, Science and Training was created by the Administrative Arrangements Order signed by the Governor-General on 26 November 2001.
Since the Department of Education, Science and Training was created, it has made one payment under the Compensation for Detriment for Defective Administration (CDDA) scheme of $1,911 in the 2001-2002 financial year.

The Department of Finance and Administration is responsible for setting policy and guidelines for the CDDA scheme. Attachment B to Finance Circular 2001/01 explains how the CDDA scheme operates. Paragraph 8 of this document states that the CDDA scheme is not available for Commonwealth authorities and companies that have a separate legal identity and operate under the Commonwealth Authorities and Companies Act 1997.

The Anglo-Australian Telescope Board and the Australian Research Council have made no payments under the CDDA scheme since 26 November 2001. The CDDA scheme does not apply to other Education, Science and Training Portfolio agencies.

Compensation for Detriment Caused by Defective Administration Scheme

(Question No. 1982)

Senator O’Brien asked the Minister for Veterans’ Affairs, upon notice, on 8 June 2006:

With reference to the Compensation for Detriment Caused by Defective Administration Scheme: for each department and agency for which the Minister is responsible, what is the total payment made under this scheme for each financial year since October 1996, by department and agency.

Senator Ian Campbell—The Minister for Veterans’ Affairs has provided the following answer to the honourable Senator’s question:

Department of Veterans’ Affairs

<table>
<thead>
<tr>
<th>Financial Year</th>
<th>Total Payment</th>
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</thead>
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<tr>
<td>1996-97</td>
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<tr>
<td>2005-06</td>
<td>$35,343.88</td>
</tr>
</tbody>
</table>

DVAd introduced its current financial system in 1998. The total payments made in 1996-97 and 1997-98 are not available on that system and would require significant work to obtain.

Australian War Memorial

<table>
<thead>
<tr>
<th>Financial Year</th>
<th>Total Payment</th>
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<td>2005-06</td>
<td>$0.00</td>
</tr>
</tbody>
</table>
Veterans’ Affairs: Monetary Compensation
(Question No. 2003)

Senator O’Brien asked the Minister for Veterans’ Affairs, upon notice, on 8 June 2006:
What is the quantum of payments made as settlements to claims for monetary compensation by the department and agencies for which the Minister is responsible that are consistent with Legal Services Directions issued under section 55ZF of the Judiciary Act 1903, by financial year, since the first Legal Services Directions were issued.

Senator Ian Campbell—The Minister for Veterans’ Affairs has provided the following answer to the honourable senator’s question:
The Department has made very few settlements since the Legal Directions under s55ZF of the Judiciary Act 1903 were issued. Most of these settlements would contain confidentiality agreements that preclude their terms, including the quantum of any payment, from being disclosed. By providing quantums of settlements by year it may be possible for individual settlements to be identified and this would breach the terms of the settlements.

Regional Partnerships Program
(Question No. 2008)

Senator O’Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 13 June 2006:
With reference to the Minister’s statement of 15 November 2005, announcing changes to the Regional Partnerships program:
(1) (a) On what dates has the new ministerial committee met; and (b) who attended these meetings.
(2) How many applications has the new ministerial committee: (a) considered; (b) approved; and (c) rejected.
(3) Does the new ministerial committee comprise the Minister for Transport and Regional Services, the Minister for Local Government, Territories and Roads and the Parliamentary Secretary to the Prime Minister; if not (a) when did its composition change; and (b) why did the Minister fail to announce this change.
(4) (a) Can a copy be provided of the program guidelines and administrative arrangements approved by the new ministerial committee; and (b) on what dates were the program guidelines and administrative arrangements approved.
(5) Have the Strategic Opportunities Notional Allocation (SONA) guidelines been amended since 15 November 2005; if so: (a) on what date were the SONA guidelines amended; and (b) can a copy of the amended guidelines be provided.
(6) How many applications have been approved under the SONA guidelines since 15 November 2005.
(7) (a) On what date did the Minister provide written advice to Area Consultative Committees outlining the Government’s ‘broad policy priorities’ for the Regional Partnerships program; and (b) can a copy of the written advice be provided; if not, why not.
(8) Do the Members of Parliament need to be consulted ‘more extensively’ by Area Consultative Committees include non-government members; if not, why not.

Senator Ian Campbell—The Minister for Transport and Regional Services has provided the following answer to the honourable senator’s question:

(b) These meetings were attended by the Hon Warren Truss MP (Minister for Transport and Regional Services), the Hon Jim Lloyd MP (Minister for Local Government, Territories and Roads), the Hon Gary Nairn MP (Special Minister of State), Ministers’ staff and officers of the Department of Transport and Regional Services.

(2) From 30 November 2005 to 26 June 2006 the Ministerial Committee has:

(a) Considered 308 applications for Regional Partnership program funding;
(b) Approved 231 applications for Regional Partnership program funding, and
(c) Rejected 77 applications for Regional Partnership program funding.

(3) The members of the Ministerial Committee are the Minister for Transport and Regional Services (the Hon Warren Truss MP), the Minister for Local Government, Territories and Roads (the Hon Jim Lloyd MP) and the Special Minister of State (the Hon Gary Nairn MP);

(4) (a) A copy of the new Regional Partnerships program guidelines is available from the Senate Table Office.
(b) The new Regional Partnerships program guidelines were approved by the Ministerial Committee on 27 June 2006.

(5) No.

(6) There have been no applications approved under the SONA procedures since 15 November 2005.

(7) ACCs were advised in writing on the 10 May 2006. Attached is the form of words (the template) used in the letter to the ACCs and the attachments to the letter.

(8) Yes. In a Media Release of 15 November 2005, the Minister for Transport and Regional Services announced changes to make Regional Partnerships stronger which included the ACCs consulting more extensively with local communities and local Members of Parliament in the process of developing each ACC’s strategic plan. A copy of the Media Release is attached. Guidelines for these ACC consultations are being prepared.

Reference: Number
Name of Chairperson
Chair
Name of Area
Consultative Committee
Address
Address
Dear Name

My letter to you of 30 November 2005 outlined some of the changes I would be making to the Regional Partnerships program. In that letter I indicated my intention to write to Area Consultative Committees (ACCs) every year to outline the Australian Government’s general priorities for the Regional Partnerships program.

As you will be aware, I announced at the ACC Conference on 11 April 2006 the priorities that will apply for 2006-07 and I am now providing ACCs with material to further clarify the Government’s intentions.
The four priorities for 2006-07 for the Regional Partnerships program are:

- small or disadvantaged communities;
- youth;
- economic growth and skill development; and
- Indigenous communities.

These four priorities are designed to direct attention to areas which have been underrepresented in applications received under the Regional Partnerships program. I would like to see ACCs focus on projects which have benefits in these four areas wherever possible.

As I stated at the National Conference these priorities are not intended to discourage any other projects addressing other areas of need in your regions. I also understand that each of these specific priority areas will have different levels of importance depending on the individual circumstances of your local community.

The priorities are explained in more detail in the Statement of Priorities at Attachment A to this letter. Each recognises key areas of need, and each supports the Government’s broader policy directions. The priorities have been developed with regard to whole-of-government approaches which should be promoted through the Regional Partnerships program and which represent one of the responsibilities of the ACC Network.

The Government’s broad policy objectives for the Regional Partnerships program remain and the priorities for 2006-07 complement these objectives. The objectives of the Regional Partnerships program continue to be:

- strengthening growth and opportunities by investing in projects that strengthen and provide greater opportunities for economic and social participation in the community;
- improving access to services by investing in projects that, in a cost effective and sustainable way, support communities to access services. In particular those communities in regional Australia with a population of less than 5,000;
- supporting planning by investing in projects that assist communities to identify and explore opportunities and to develop strategies for action; and
- assisting structural adjustment for communities by investing in projects that assist specifically identified communities and regions to adjust to major economic, social or environmental change.

At the ACC Conference I also announced an updated ACC Charter that more clearly sets out your role and purpose in the current environment. The new Charter follows consultation with ACCs through the Chairs Reference Group.

The previous ACC Charter was released in 2002 before the Regional Partnerships program commenced. The revised ACC Charter, at Attachment B, defines more explicitly the role ACCs play under the Regional Partnerships program (including the Rural Medical Infrastructure Fund). It also recognises your important job of providing advice and assistance to the Government on regional issues generally.

The ACC Charter restates your three core responsibilities:

1. ACCs are key facilitators of change and development in their region;
2. ACCs are the link between Government, business and the community; and
3. ACCs facilitate whole-of-government responses to opportunities in their communities.

The Charter outlines that Regional Partnerships is the key government program ACCs have at their disposal to directly address community needs. In this context, the previous Ministerial Statement of Priorities has been replaced by a reference to my annual advice to you of the priorities for the Regional Part-
nerticipate in other whole of government agendas by, wherever possible, liaising closely with other Government programs.

The Government has tasked the Area Consultative Committees with contributing to regional development with a particular focus on the following four priority areas for the Regional Partnerships program in 2006-07:

**Small or Disadvantaged Communities**

The Australian Government believes that regions and their communities will be best served at the national level by a strong and well-managed economy. However, the Government also recognises that despite the strong economic growth of recent years not all regions and communities have been in a position to take full advantage of this prosperity.

The Australian Government is committed to helping disadvantaged communities and regions address the significant challenges they face through specific programs like the Regional Partnerships program, the Sustainable Regions program and the wider regional initiatives of other Australian Government Agencies.

ACCs should give priority to developing initiatives and Regional Partnerships applications that assist small (with populations of less than 5000) or disadvantaged communities. ACCs should use their local knowledge to target communities that are disadvantaged rather than relying only on socio-economic indicators. These communities may need greater assistance from ACCs to develop their ideas and capacity to manage projects. One area ACCs should consider is the adequacy of local community infrastructure and services.

**Youth**

Building youth capacity and local youth leadership is important for creating sustainable regional futures for young people and their communities. Supporting local youth leadership needs to be recognised as one of the cornerstones for building local community capacity. Young people need to be supported and actively encouraged in practical ways to engage with their local communities through consultation and the provision of meaningful opportunities.

The ACCs and local business and organisations should play a particularly important role in mentoring young people and encouraging greater participation of youth in their local communities and regions.

**Economic Growth and Skill Development**

Although strong economic growth has seen national employment increase substantially, the momentum needs to continue, especially in those regions of Australia with above average unemployment. However, there are now many regions that face shortages of key skills or labour to support ongoing growth. Con-

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**ATTACHMENT A**

**ACCS PRIORITIES FOR 2006-07**

The priorities have been developed with regard to whole of government issues which should be promoted through the Regional Partnerships program. The priorities will direct the attention of ACCs to areas that are expected to be the focus of Regional Partnerships project applications. ACCs will be encouraged to participate in other whole of government agendas by, wherever possible, liaising closely with other Government programs.

The Government has tasked the Area Consultative Committees with contributing to regional development with a particular focus on the following four priority areas for the Regional Partnerships program in 2006-07:

- **Small or Disadvantaged Communities**
- **Youth**
- **Economic Growth and Skill Development**

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**QUESTIONS ON NOTICE**
Continuing economic growth and skill development are fundamental to a community's economic and social wellbeing, particularly where the challenges of structural adjustment are being experienced. It is important that all Australian communities work to increase their economic prosperity and workforce participation to reduce reliance on government income support.

ACCs should give priority to developing initiatives and Regional Partnerships applications that contribute to economic growth and to the development of job skills.

**Indigenous Communities**

The Government is concerned that while there has been progress in addressing the needs of Aboriginal and Torres Strait Islander communities, it has been too slow and the gap between Indigenous and non-Indigenous Australians remains too great. Consequently, in April 2004, the government announced sweeping reforms to the way in which the Australian Government engages with Indigenous Australians. This includes, amongst others, the establishment of a Ministerial Taskforce on Indigenous Affairs to drive the reforms in a whole-of-government approach. The taskforce has agreed on three key priorities to guide its work:

- early childhood intervention, improving primary health and improving educational outcomes;
- safer communities (including issues of authority, governance and law); and
- reducing dependency on passive welfare and boosting employment and economic development.

All Government portfolios have been asked to develop ways in which they can better meet the needs of Indigenous people. Achieving outcomes for Indigenous communities through priority attention under the Regional Partnerships program in 2006 forms a significant part of this portfolio’s response.

At the local level ACCs will take a whole-of-government approach, building partnerships across Australian Government agencies and across all tiers of government to achieve integrated responses to community needs. ACCs should, wherever possible, liaise closely with Indigenous Coordination Centres to link in with opportunities to assist Indigenous communities under the Regional Partnerships program and to make greatest use of Shared Responsibility Agreements to promote community ownership of projects and their outcomes.

The Minister for Transport and Regional Services will periodically write to ACCs issuing a Statement of Priorities as a guide to ACCs on the Australian Government’s priorities in their contribution to the Regional Partnerships program.

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**ATTACHMENT B**

**REVISED AREA CONSULTATIVE COMMITTEE CHARTER**

*ACC CHARTER* -

The ACC Charter sets out the roles and purposes for which the Australian Government funds Area Consultative Committees (ACCs). The Charter describes the outcomes the Australian Government is seeking from ACCs and defines the functional responsibilities of ACCs. The Charter also reflects the pivotal role of ACCs in helping communities revitalise local capacity for growth, by assisting regions to harness their communities’ strengths to achieve longer-term sustainability.

The Australian Government recognises that regional growth, development and sustainability will be achieved only when regional communities manage change at the local level, realise their potential and plan for and lead their own development with the support of the Government, the community and the private sector.

This will work best if there is an effective organisation in place to enable the Government to respond to each region’s needs and to encourage the community to take up Government programs designed to assist them to achieve their developmental goals. It is this role that ACCs fulfil as the Australian Government’s regional development network.
A core function of ACCs is to be the primary point of promotion, project identification and application development for the Regional Partnerships program (including the Rural Medical Infrastructure Fund), and the key provider of advice to the Australian Government on Regional Partnerships applications from their region.

The national network of ACCs provides an important link between the Australian Government, business and community. As volunteer community based organisations, ACCs are uniquely placed to respond to issues and opportunities in their regions and provide a vital conduit to government on local social, economic and environmental conditions. ACCs are also well placed to assist Australian Government agencies in the delivery of their programs.

The Regional Partnerships program constitutes an important component of the Australian Government’s ‘whole of Government’ policy approach, which is based on collaboration, regional need, flexibility, accountability and leadership. ACCs therefore have a critical role in implementing this approach.

The Chairs and Deputy Chairs of the ACCs, who are appointed by the Minister for Transport and Regional Services, are leading members of the community. They and their committee members are drawn from the community, business and government to reflect the economic, social and cultural diversity of the region. These members collectively have a strong understanding of the economic social and environmental opportunities and challenges facing their region and they provide strategic leadership and direction to ACCs in fulfilling their charter and functions.

*Note: This Charter should be read in conjunction with the Operational Funding Contract between the Australian Government and the ACCs, the ACC Handbook and the Regional Partnerships program guidelines.

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**ACC Core Responsibilities**

The ACC Charter comprises three core responsibilities from which all activity is derived.

1. ACCs are key facilitators of change and development in their region.

   ACCs demonstrate knowledge of their regions and communities by:
   - identifying issues that are affecting their communities and how the Regional Partnerships program can address these issues;
   - understanding the dynamics of their communities and region in terms of investment patterns and demographics;
   - searching out unique strategic advantages in the region that generate growth and development; and
   - identifying and working in partnership with leaders in the community.

2. ACCs are the link between Government, business and the community.

   ACCs create and sustain regional, cross-sectoral networks by:
   - fulfilling their responsibilities under the Regional Partnerships program;
   - promoting and disseminating information on Government policies and programs, particularly those orientated towards business and communities;
   - informing Government of the impact of policies and programs on business and the community;
   - providing constructive and regular advice and feedback to Government on community needs, service and development requirements; and
   - facilitating the development of suitable project proposals by local proponents and their submission to the Regional Partnerships program and where appropriate to other Australian Government programs.

3. ACCs facilitate Whole of Government responses to opportunities in their communities.
• ACCs act as a catalyst to encourage and facilitate a collaborative approach by government departments and agencies to achieve integrated regional development responses by:
  • drawing together the range of avenues and resources through which communities and regions can foster development;
  • working to maintain constructive alliances with the community, business, local development organisations and all levels of government;
  • actively identifying opportunities to bring Whole of Government solutions to community and regional issues; and
  • engaging the community, business, local development organisations and all levels of government in coordinating strategic regional plans and solutions.

In pursuing their core responsibilities ACCs will contribute to regional development by actively seeking opportunities to:
• promote a planned and co-operative approach to regional development;
• encourage the growth of regional business and employment;
• identify pressing social and economic issues; and
• sustain our natural resources and environment.

The Minister for Transport and Regional Services will periodically write to ACCs issuing a Statement of Priorities as a guide to ACCs on the Australian Government’s priorities in their contribution to the Regional Partnerships program.

Warren Truss
Minister for Transport and Regional Services
Deputy Leader of The Nationals
Media Release
DOTARS05/051WT 15 November 2005

Changes to make Regional Partnerships stronger
The Australian Government’s delivery of regional services funding will be streamlined, and the role of local advisory committees strengthened, through changes to the Regional Partnerships program announced today by the Minister for Transport and Regional Services, Warren Truss.

Mr Truss said the changes were aimed at making a good program even better.

“The Regional Partnerships program had been running for just on two years when I became Minister [in July], so it is timely to review its operation and see how we can make it even better.”

“The changes will make the application process simpler and faster, and provide clearer guidance on what kind of projects will be approved.

“Department officers in the regions will work closely with local Area Consultative Committees (ACCs) to develop quality applications, which will then go through a single assessment process in Canberra.

“This streamlining will mean that any problems with project applications can be identified locally and dealt with quickly, and final decisions on projects will be made sooner,” he said.

ACCs will receive annual letters identifying the Government’s Regional Partnerships priorities and there will be wider consultation in the development of strategic plans.

Final decisions on projects would now be made by a committee of Ministers: Mr Truss; the Minister for Local Government Territories and Roads, Jim Lloyd; and the Parliamentary Secretary to the Prime Minister, Gary Nairn.

QUESTIONS ON NOTICE
Mr Truss said he also wanted to strengthen and develop the role of 56 Area Consultative Committees around Australia.

“The ACCs are a great resource, and we should be making more use of them to help in the delivery of a broad range of Australian Government programs, not just the Regional Partnerships program.

“From next year, the operational budget allocations for ACCs will be separated from the overall Regional Partnerships program allocation, and ACC budget will be provided as a three-year funding contract.

“This funding separation will make it easier for ACCs to attract and retain quality staff, to institute longer-term strategic plans, and to develop strategies to facilitate other Australian Government programs.

“A review will be held into the boundaries of the ACCs and the Government will provide guidelines for the appointment of ACC members.

“These and other changes will reinforce the relationships between ACCs and local communities, improve access to a variety of government programs, and make it easier for regional communities to pursue projects to build economic and social capital.

“The Regional Partnerships program has already played a valuable role in building local communities, and I am confident that these changes will build on that success,” Mr Truss said.

*See attachment for details of changes and backgrounder for history of the Regional Partnerships program.

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Warren Truss
Minister for Transport and Regional Services
Deputy Leader of The Nationals
Media Release

Regional Partnerships program: measures announced on 15 November 2005

Applications for Regional Partnerships program funding will no longer be assessed by Department of Transport and Regional Services (DOTARS) regional offices. DOTARS regional staff will work with local Area Consultative Committees (ACCs) to promote and facilitate the development of quality projects with local ACCs. There will be a single assessment of projects by DOTARS staff in Canberra, with a recommendation to Ministers.

ACCs will continue to rate nominated projects against the priorities identified in their strategic plans.

DOTARS will issue guidelines setting out the roles and responsibilities of regional office staff in relation to the development of RP projects, including clarification of the key criteria for project approval.

The Minister (for Transport and Regional Services) will provide written advice and guidelines each year to ACCs outlining the Government’s broad policy priorities for the RP program, along the lines of that which is currently provided to the Research and Development Corporations.

Local communities and Local Members of Parliament will be consulted more extensively by ACC committees in the process of developing each ACC’s strategic plan.

The Government, may from time to time, direct a pool of funds within the RP program for a specific investment priority which may not otherwise be brought forward by ACCs.

Greater emphasis will be placed on assessment of competitive neutrality issues associated with applications. Projects where assistance greater than $25,000 is sought for a business or commercial venture will require a statement from the ACC chair that identifies any competitive neutrality risks posed by the project, prior to assessment of the project for funding approval.

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QUESTIONS ON NOTICE
Guidelines will be developed to clarify the role of Members and Senators in the development and sponsorship of projects to avoid any perception that their role reflects a political rather than electorate interest.

Funding approval will be subject to decision by a new committee comprising the Minister for Transport and Regional Services, the Minister for Local Government Territories and Roads, and the Parliamentary Secretary to the Prime Minister. The Ministerial committee will also be responsible for developing and approving program guidelines and administrative arrangements.

Funding to meet the annual operating costs of ACCs, currently met from within funds appropriated to the RP program as a whole, will be separately identified and ACCs will be allocated funds in accordance with a three-year contract. The contract will give the ACCs greater capacity to facilitate other Australian Government programs, and to retain good quality staff. The operational funding appropriation for ACCs will be indexed within existing appropriations.

The Government will appoint the chair and deputy chair of each ACC, and provide guidelines for the appointment of other members to help committees to be representative of the communities they serve.

ACC boundaries will be reviewed to ensure boundaries of rural ACCs reflect areas of common interest, and consider whether the boundaries and number of metropolitan ACCs are appropriate.

**BACKGROUND ATTACHED**

**BACKGROUND**

**REGIONAL PARTNERSHIPS PROGRAM**

The Regional Partnerships program is based on an approach of working with local communities to support them in implementing their ideas. The program was established in 2003 to assist Australia’s communities to strengthen growth and opportunities, improve access to services, support planning and provide assistance for structural adjustment.

The Regional Partnerships program integrated several former regional funding programs, including rural Transaction Centres, the Dairy Regional Assistance Program, the Regional Solutions Program, the Regional Assistance Program and the existing structural adjustment programs for the Wide Bay Burnett (Qld), Namoi Valley (NSW), Weipa (Qld) and the South West Forests (WA) regions.

There is $360.9 million available under the Regional Partnerships program from 2005-06 to 2008-09.

Since its inception in July 2003, more than $170 million in funding under the Regional Partnerships program has been approved for over 750 community projects across Australia up to October this year.

Funding has been made available for non-profit organisations such as charities, community and indigenous councils, cooperatives, local government and state-funded agencies. Funding is also open to the private sector. Organisations seeking assistance can apply at any time rather than waiting for a round of funding.

The Regional Partnerships program has a partnership philosophy and has successfully leveraged three dollars from others for every dollar of funding the Australian Government has contributed.

Area Consultative Committees (ACCs) are a national network of volunteer community-based committees, act as an important link between the Australian Government and rural and regional communities. The ACCs work in partnership to identify opportunities, priorities and development strategies for their regions. The 56 ACCs have a key role in promoting and assessing applications for the Regional Partnerships program but also have responsibilities in the delivery of other government programs.
Before today’s changes a Regional Partnerships proponent developed an application, sometimes with the help of their local ACC. The application was then assessed by the DOTARS regional office who asked the ACC for advice. At that stage, the ACC assigned a priority to the project. The national office reviewed the application before it came before the Minister for Transport and Regional Services for a decision. The Minister took the ACC’s advice into consideration in deciding whether or not to approve the applications.

ENDS