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SITTING DAYS—2006

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RADIO BROADCASTS

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

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- **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

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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
Minister for Trade and Deputy Prime Minister
Treasurer
Minister for Transport and Regional Services
Minister for Defence
Minister for Foreign Affairs
Minister for Health and Ageing and Leader of the House
Attorney-General
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 Hon. John Winston Howard MP
The Hon. Mark Anthony James Vaile MP
The Hon. Peter Howard Costello MP
The Hon. Warren Errol Truss MP
The Hon. Dr Brendan John Nelson MP
The Hon. Alexander John Gosse Downer MP
The Hon. Anthony John Abbott MP
The Hon. Philip Maxwell Ruddock MP
Senator the Hon. Nicholas Hugh Minchin
The Hon. Peter John McGauran MP
Senator the Hon. Amanda Eloise Vanstone
The Hon. Julie Isabel Bishop MP
The Hon. Malcolm Thomas Brough MP
The Hon. Ian Elgin Macfarlane MP
The Hon. Kevin James Andrews MP
Senator the Hon. Helen Lloyd Coonan
Senator the Hon. Ian Gordon Campbell

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

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<td>Senator the Hon. Christopher Martin Ellison</td>
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<td>Minister for Fisheries, Forestry and Conservation</td>
<td>Senator the Hon. Eric Abetz</td>
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<td>Minister for the Arts and Sport</td>
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<td>Minister for Human Services and Minister Assisting the Minister for Workplace Relations</td>
<td>The Hon. Joseph Benedict Hockey MP</td>
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<tr>
<td>Minister for Community Affairs</td>
<td>The Hon. John Kenneth Cobb MP</td>
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<td>Minister for Revenue and Assistant Treasurer</td>
<td>The Hon. Peter Craig Dutton MP</td>
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<td>Special Minister of State</td>
<td>The Hon. Gary Roy Nairn MP</td>
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<td>Minister for the Arts and Sport</td>
<td>The Hon. Gary Douglas Hardgrave MP</td>
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<td>Minister for Ageing</td>
<td>Senator the Hon. Santo Santoro</td>
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<td>Minister for Small Business and Tourism</td>
<td>The Hon. Frances Esther Bailey MP</td>
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<tr>
<td>Minister for Local Government, Territories and Roads</td>
<td>The Hon. James Eric Lloyd MP</td>
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<td>Minister for Veterans’ Affairs and Minister Assisting the Minister for Defence</td>
<td>The Hon. Bruce Frederick Billson MP</td>
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<td>Minister for Workforce Participation</td>
<td>The Hon. Dr Sharman Nancy Stone MP</td>
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<td>Parliamentary Secretary to the Minister for Finance and Administration</td>
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<td>The Hon. Patrick Francis Farmer MP</td>
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<tr>
<td>Parliamentary Secretary (Foreign Affairs)</td>
<td>The Hon. Teresa Gambaro MP</td>
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SHADOW MINISTRY

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

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

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Debate resumed from 4 September, on motion by Senator Minchin:

That this bill be now read a second time.

Senator LUDWIG (Queensland) (12.31 pm)—In continuing my remarks on the Migration Amendment (Employer Sanctions) Bill 2006, in the short time I have left available I want to reiterate a point that is germane to this debate—that it should have been concluded sometime in 2000, not in 2006. The report on this bill certainly highlighted that this area needed effective government action. The government dragged its heels and it has taken quite a while for this matter to finally be put before this chamber. Labor supported and pushed for this matter during 2004 and continues to push for it. The government has finally acceded to the need for change.

That need for change was highlighted in the original report. Had the government been more diligent in reading that report in 1999, we would have had the ability to have employer sanctions against the company that got raided yesterday for breaches with regard to 457 visa holders—where the company was warned about immigration breaches. That company cannot find itself in the position of being prosecuted under this bill or legislation, because it will not come into force for another six months after enactment, after passing through this chamber.

In other words, whilst the Prime Minister might make much to-do about a company in that circumstance being brought to task, it is certainly not going to be brought to task by an employer sanctions regime under this legislation. That is because this bill, which should have been in place, was not in place, is still not in place and is not going to be in place until six months down the track. When the government says—or Mr Howard concedes—that there are failings in this area that obviously need correction, we find of course that under this legislation it is not going to be the department of immigration that will be able to fix it.

There might be significant other breaches to be found, but we are going to have to wait for this bill to pass and to come into operation before it can assist in stopping illegal workers being employed by businesses under such visas as the 457 visa and before it can prevent holders of those visas from being exploited or those visas being used to create situations which it seems from the reports could be quite dangerous, especially where visa holders do not speak English or fail to understand directions. There might be actions for breaches available under other legislation, but it is clear that the government’s attention to this area has been lacking. It has been lacking not only in this area of ensuring that there are effective sanctions for employers but also, by and large, in dealing adequately with the 457 visas.

The government has failed to address this whole area by looking at how it can adequately address skills shortages; 457 visas are not the solution. They are not going to create a position where the solution will be brought about by guest workers, which is the phrase I use. The government objects to that phrase but, when you look at their program, you see that it really does smack of nothing short of a guest worker program. The government has ensured that the test that normally would and should be applied to 457 visa holders is absent.
And, looking at the continuum, we must then ask, ‘What tests apply to the employers to make sure that they do not incorrectly or badly’—or any word that might come to mind—‘employ people under 457 visas?’ The answer is that there are not many sanctions available. Certainly, there are none current under this legislation because, of course, the bill has not been enacted. So, by and large, the government have failed miserably in this area, but it is pleasing to see that at least they are now starting to address it, although belatedly.

Senator BARTLETT (Queensland) (12.36 pm)—Mr Acting Deputy President, the Democrats support—

The PRESIDENT—I have been demoted, have I?

Senator BARTLETT—I beg your pardon, Mr President. I am sorry to inadvertently demote you! It is nice to see you sitting there listening to the debate. The Democrats support the Migration Amendment (Employer Sanctions) Bill 2006. As has been said, it is very unfortunate that it is the bill of 2006 and not the bill of 1999 or 2000.

You really have to look at the contrast in the levels of urgency that this government has given to different migration issues. When there are 43 people seeking protection from persecution, arriving in Australia seeking asylum, the government acts almost instantly to announce more draconian legislation to restrict those people’s rights, to further pervert our Migration Act, to further remove basic rights and justice and to give the government the power to take people completely outside the rule of law; and the government attempts to push it all through in a matter of days or weeks. Yet, when we have comprehensive evidence of tens of thousands of people working illegally in Australia year after year, the government takes seven years to act.

This legislation was tabled, we had the Senate committee inquiry and the report was tabled—I think, nearly four months ago—but it has been left to sit there for that whole period of time. Suddenly it became more urgent to try and push through legislation to persecute asylum seekers than it was to address the reality of thousands of people working illegally in Australia. That, more than anything, says all you need to say about this government’s priorities in the area of migration law.

Any time there is a chance to scapegoat an asylum seeker or use boat arrivals to tap into community fears and concerns, this government will act in a flash. There are major announcements and attempts to whip up community concern and moral panic, and there is a sense of massive urgency, that it is absolutely crucial, that this legislation is pushed through without delay for border protection reasons, even though asylum seekers are the group of people—amongst the literally millions of people who arrive in Australia each year—who are most thoroughly assessed and checked and whose background and details are most comprehensively examined. There is no border protection issue when it comes to asylum seekers. They do not threaten our borders.

People who do threaten our borders and aspects of the Australian economy and society are people who live here illegally for prolonged periods of time and work here illegally, under the radar. I am not saying that they are a threat in the way that the government likes to paint any of these people as threats, in the sense of being potential terrorists or anything like that, but they are people in the community, under the radar or in the black market, and we are not aware of where they are or who they are. That does not apply, I would have to say—and I have to emphasise this—to asylum seekers, whether they are in the community or elsewhere.
There are, of course, many asylum seekers in the community. We know who all those people are, where they are and what they are doing. Some of them have work rights and some of them do not. That is a separate issue that I will get to in a moment.

The simple fact is that tens of thousands of people are working and living illegally in Australia for prolonged periods of time. Quite clearly, that is a much greater risk to any meaningful sense of the term ‘border protection’. It is certainly a much greater risk when we have people operating and living in the community and we do not keep track of them and we do not know who they are or what they are doing. Yet a very simple and essential measure to try and put more focus on people who deliberately employ illegal migrants has just languished for seven years. That is a clear example of how this government is not serious about genuine border protection or the integrity of our migration system. It is serious about looking for political opportunities to vilify and stereotype people for short-term political gain, regardless of the personal suffering or the social divisions that it causes, the perversion of our Migration Act and, I might say, the culture of the implementation and administration of our migration law.

Let us not forget that the period of complete inaction, more than seven years, was precisely the period that has been recognised and acknowledged by comprehensive inquiry reports—by the Ombudsman, amongst others—as the period when the culture of our migration department was perverted, distorted and clearly made very sick. This government cannot step away from the fact that it has to bear primary responsibility for that destructive and negative culture in the migration department. This is a clear example of why that culture was so perverted: all of the energy and focus was honed in on asylum seekers and people who might be perceived to be here for those sorts of reasons. When it came to people generally working illegally in the community, then simple legislative amendments—important legislative amendments anyway—were just not undertaken. That message cannot be made strongly enough with regard to this legislation.

The legislation itself is welcome. The committee inquiry into the legislation was constructive—once again a reminder of the value of Senate committee inquiries when they are given the opportunity to actually do their job. It provided information and guidance as to ways to make measures like this legislation more effective and make the goals that are part of this legislation more effective. Now there certainly can be no excuse for employers in Australia to deliberately and knowingly employ people who do not have work rights. I acknowledge that sometimes it is hard to determine exactly who has work rights and who does not, and that is another argument for broad-ranging and sweeping reform of our Migration Act. It is incredibly complex. There are 150 different visa subclasses, each of which has different work rights attached. Some of them have no work rights and some have only limited work rights for certain periods of time. For some student visas it is 20 hours a week, for some people on working holiday visas it is three or six months in one particular job with the same employer, and there are rollover provisions and renewal provisions. There are a range of different components and criteria that determine who has work rights and who does not. That makes life complex for employers, and I appreciate that.

We need to get as much information as possible out into the community and make it as easy as possible for employers to be confident that the person they are employing has work rights. The one potential negative of this legislation that I think we need to guard against—an unintended consequence, if you
like—is employers becoming fearful of employing people because they may not have work rights and therefore not employing them at all. I use the obvious example, again, of refugees who are here on temporary protection visas or asylum seekers who are in the community on bridging visas. Some of them have work rights; some of them do not. I think all of them should have work rights after a period of time, but that is a separate matter. As the law stands, some of them do and some of them do not.

It is not surprising to hear reports—and I hear them regularly—of refugees who have been given only temporary protection visas, three-year or five-year visas, who have difficulty getting employment because an employer is not sure if they have the right to work. When it comes to refugees and people on protection visas, there is a subconscious undercurrent that there is something suss about them because these are the people that the government kept saying were bad in some way. It heightens that general sense of unease and uncertainty about whether these people are okay to employ.

That is a direct consequence of a calculated campaign of vilification by the government towards asylum seekers over quite a number of years now. All we can do is try and undo that slowly and make people recognise—as is now finally happening—that many of these refugees are amongst the hardest working people in the community and they are so desperate to get on with rebuilding their lives that they will take on jobs that other people will not do, and they will work hard at them. Of course, as has been mentioned by a number of people in this place, me included, many of those refugees on temporary protection visas have actually kept businesses operating, most notably abattoirs in some regional communities as well as other agricultural businesses that rely very heavily on that labour.

In bringing in this legislation which has stronger sanctions for employers who knowingly employ people without work rights, it is important that it does not create unnecessary apprehension on the part of employers who employ migrants or refugees, particularly if they are on various forms of temporary visas. We need to ensure that that does not happen, and the Senate committee inquiry report addresses some of those issues.

I would like to also emphasise that I think it is important—and I am again repeating things that I have said in this place before—that the government look at ways to do more with settlement assistance for migrants, not just brand new arrivals and people on permanent visas but also people who are here on long-term temporary residency visas. People can now get four-year temporary residency visas, temporary work visas, which can be renewed. Many people who are here for long periods of time without being a migrant, in the traditional sense of the word—that is, a person on a permanent residency visa—fall outside the traditional scope of settlement assistance because they are not seen as settlers. Without suggesting that there have to be myriad programs foisted upon these people, I think we need to put more effort into identifying them and providing that general support. Sometimes those small but important connections can mean the difference between someone remaining isolated or being exploited and someone integrating more effectively into the community.

We have heard some talk more widely from members of the government in recent days about the importance of people integrating when they migrate to Australia—a principle that nobody disagrees with. However, singling that out in a critical way only with regard to Muslims is a practice that I think is abhorrent. But the principle of encouraging people to be able to more effectively integrate is a key part of a practical and effective
policy of multiculturalism. The fact is we are now bringing in around half a million people each year on residency visas—whether it is permanent residency or long-term residency; the majority with work rights—and with that larger number of people I think we need to look at investing extra amounts of money and resources and re-examine the way we do things to ensure those people are more able to effectively integrate.

Of course, a key mechanism for people integrating effectively into Australia is through employment. We do not want to put in place unnecessary barriers to employment, even if they are psychological barriers, either for the migrant or refugee or for the employer. I call on the government to monitor the operation of these provisions, not just in a legal sense but also in the sense of a broader monitoring of any impact they may have on the behaviour of employers and migrant and refugee employees. Hopefully, these provisions will have a positive impact.

As I said before, there really can be no excuse now for deliberately employing people without work rights. Whilst there are still labour shortages—and we know that—the fact is that a significant number of people are coming into this country each year specifically for the purpose of obtaining work. That number is quite enormous, and I would suggest it is as high as it has ever been in our country’s history once you include the people on temporary residency visas of various types. In that circumstance, there really should be no excuse for employers resorting to employing people who do not have work rights.

I do want to take the opportunity to make the point, though, that there are people in the community who should have work rights but do not. I particularly mention those on bridging visas, and bridging visa E is the one most widely referred to. Many asylum seekers have to wait in the community, sometimes for years, for their claims to be assessed or to go through the process, in many cases without any work entitlements at all—no entitlements to Medicare or to any form of income support. They have to live totally off charity for literally years in some cases. This can include families with children. That is simply unacceptable.

I recognise there are balances there. I recognise that there is a problem in that potentially people can get work rights and then string out an application for a visa for a prolonged period of time and just keep working in the meantime. That is a problem and I acknowledge that. But if you balance that problem against the problem of a family with children, particularly ones who clearly have grounds worth considering with regard to fleeing persecution, to leave them without any support whatsoever for years is a far greater social and ethical ill than someone who might be stringing out a visa application so that they can work for a bit longer, particularly in the context of the current labour market here in Australia. If we had extremely high unemployment at the moment it might be more understandable to be more hardline there, although I still doubt I would support it. But, when we do not have high unemployment, I think it is even less excusable to put people in compulsory penury, particularly children, for years at a time.

It is important in the employer arrangement, particularly when it comes to migrants, to ensure that there is not exploitation. We need to do better at coordinating and recognising the skills of people that come here and seek to come here. I do not want to go off too widely into other debates, although I am sure that other contributors will, but there is also a balance here. We have had other debates in this place already about the 457 visa, the business skills visas and the long-stay temporary skilled visas. As I have said previ-
ously, I support aspects of the concerns about those visas with regard to people being open to exploitation if the scheme is not administered properly, and I have concerns about inadequate recognition of skills and the sloppy administration of the program, allowing people to pour in who do not have the requisite skills or adequate English language levels for the tasks that they are going to do. Those are all valid concerns and it is appropriate to draw attention to these problems and to continue to pressure the government to act on them.

But that should not be used as an excuse to attack or gut the whole scheme or to rerun the old Hansonite antimigrant, protectionist argument, and that is what is being done in some quarters. I would not say it is being done by Senator Ludwig, for I think he puts his contribution in a reasonably measured way. But certainly in past debates—and Senator Carr is one who springs to mind—it is quite clear that some arguments are just a Hansonite, xenophobic dog whistle, trying to repeat the same old myths that migrants are taking Aussie workers’ jobs and we should be scrapping the skilled visa programs or winding them right back. Firstly, it is a myth that is inappropriate and unhelpful and divisive to propagate; and, secondly, it is quite economically destructive, given the current reality.

Of course, this government has failed to properly resource and invest in education and training; it has terribly underinvested in those areas. But that should not be used to punish and penalise and attack migrants who simply seek to come here to fill jobs that are available and contribute to our community. That is an important part of the whole purpose of this legislation and the whole broader issue. That is why I support this legislation. Migrant workers working within an effective system where people’s rights are protected and where people do have work rights contribute to the building of the Australian society. That is the migrant story of Australia and this is part of building it. (Time expired)

Senator NETTLE (New South Wales) (12.56 pm)—Unlike the United States, the labour market in Australia has never relied on a large pool of migrant workers working in the so-called black market or unauthorised economy. Despite this, at various times the government, supported by the tabloid media, has sought to whip up fears of ‘illegals’ taking Australians’ jobs. There is a serious issue in Australia with the exploitation of migrant workers who do not have the correct visa—and, indeed, exploitation of people who do have the correct visa. Many of them are employed on substandard wages or, in some cases, held in what amounts to servitude because of the fear of discovery by immigration authorities, and we see unscrupulous employers employing such people in order to reduce the wages bill and to have a subservient workforce. The Greens support the Migration (Visa Application) Charge Amendment Bill 1998 because it seeks to shift some responsibility for this issue onto employers, rather than targeting workers. We do not want to see migrant workers criminalised. However, we do have some concerns about the possible implications of this bill and hope that the implementation of these changes will be closely monitored to ensure that there are not adverse impacts on employers who are not attempting to exploit their workers but rather are assisting people who deserve to be able to work.

The recent scandals that we have seen in the actions of the Department of Immigration and Multicultural Affairs around people such as Vivian Solon have resulted from the current government’s propensity to divide people into ‘legal’ and ‘illegal’ with a zealosity that has been very destructive to people’s lives and has seen frequent mistakes made. Labelling people as ‘illegal’ and treat-
ing them like criminals by putting them in detention centres has been a massive failure that continues to this day. We hope that this bill does not lead to an attitude where people who are found working without the correct visa are treated as hardcore criminals. We need to have some perspective about the kinds of offences we are talking about. We do see illegal workers who contribute to the economy. Their paperwork is not regular but they often do a regular day’s work for a regular day’s pay—or sometimes less—and they lead fairly regular lives.

Recently, in the United States of America, hundreds of thousands, perhaps millions, of illegal workers took to the streets against harsh new immigration laws being brought in by the Bush administration. Many chose to withdraw their labour for a day, which forced the closure of many factories and services. Senator Hillary Clinton told a rally of thousands in New York:

"Your faces are the faces of America."

Whilst the scale of illegal workers in America is very different from that in Australia, both countries have been built on immigration and we must be careful not to demonise new arrivals based on their visa status.

The Australian Greens are also concerned about the potential for increased discrimination against migrant workers as a result of this bill. We are concerned that employers may be more reluctant to employ people from certain backgrounds because of fears about their visa status and their work rights position. We do not want this bill to inadvertently lead to discrimination against already disadvantaged workers in our community. During the Senate Legal and Constitutional Legislation Committee inquiry into this bill, these concerns were raised by the Australian Catholic Migrant and Refugee Office. They stated:

With the amendment stating that it is an offence to knowingly or recklessly allow those without work rights to work in Australia illegally people who might look or sound differently are likely to find themselves not only questioned but also suspected of breaking the law. This might further fuel prejudices, racism and xenophobia and result in further exclusion for a group that is already experiencing disadvantages and discrimination in the labour market.

The Greens urge the government and the Department of Immigration and Multicultural Affairs to educate employers and carefully monitor the implementation of this legislation to ensure that it does not lead to any increase in discrimination against migrant workers in Australia.

Unfortunately, the government’s policy in relation to refugees also contributes to the problem that this bill is seeking to address. Many asylum seekers who live in the community are barred from working by their visa status. Therefore, many of them may feel that they have no choice but to seek employment on the black market. I will move to these issues later in my comments.

First I want to deal with one other issue raised and dealt with in this legislation. Right now, in detention centres across the country, the government’s privatisation of immigration detention has allowed the prison corporation GSL, which runs these immigration detention centres, to exploit detainees who want to work while they are locked up behind the razor wire. Currently, detainees who perform work in immigration detention centres, whether it is gardening, cleaning or in the kitchens, receive the equivalent of $1 an hour. The equivalent of one measly dollar an hour is how much this private company, GSL, which has a background in running private prison facilities, pays some of its detainee employees. These workers are probably the lowest paid workers in Australia. They clean rooms, work in the kitchens,
maintain the grounds and provide other work around immigration detention centres.

Earlier this year the detainees who were working in the kitchen at Villawood detention centre went on strike. They were being paid the equivalent of $70 a week for a seven- to eight-hour day. They were cooking and serving three meals a day and cleaning for over 300 people and receiving $70 a week. When they started their strike action they were asking for $175 a week, which is still way below the minimum wage. It is scandalous that, on top of everything else that detainees experience in immigration detention centres, they are slaving away for virtually nothing—$1 a day—just so that they can earn the right to buy cigarettes or phone cards. During this strike at Villawood detention centre, the management, of course, was trying to get other detainees to work at the old rate of $1 an hour. Meanwhile, the private company brought in casual contract workers, who were being paid $15 an hour to do the work that detainees in Villawood do for $1 an hour.

We have heard a lot in this place and in the community about the government’s industrial relations laws—how workers can be more easily sacked and wages and conditions are being driven down. The Greens have been a part of this opposition in the community to these laws. But the situation in Villawood is perhaps even worse than many of the cases that we have heard talk of—where employers use the government’s new industrial relations laws to attack workers.

What we have in Villawood is a workforce that is locked behind razor wire, that is often subject to brutal treatment by private prison guards and that needs to work in order to get access to some basic entitlements such as the use of the telephone. This is a workforce that is being ruthlessly exploited by the private prison contractor with the assistance and support of this government. We see that in this legislation. This is not a new problem. It has been going on for some time. The minister, the department and the government are well aware of it. Last September, Unions NSW called for a full review of working conditions at Villawood Immigration Detention Centre following claims from detainees that the detention centre was profiting from using detainees as slave labour.

GSL, the private company running these detention facilities, and the government are in legal hot water over this situation. On the one hand, they may be breaching industrial relations laws by paying these workers so little. On the other hand, they may be breaching immigration law by employing the people who are held in these detention centres. This situation has meant that the department of immigration, the government and the private company running the detention centres have redefined what the detainees have been doing as an activity rather than as work in order to get out of this legal hot water. It is reflected in the Orwellian language that is issued on the time sheets in Villawood detention centre and also in the statements made by department of immigration officials and staff from GSL. But a mere name change does not change the fact that these workers are being exploited by the private company running this detention facility, and the company is being aided and abetted in this by the government.

The Federal Court is currently considering these issues in a case that has been brought by a detainee from Villawood detention centre against the department of immigration, the government and GSL, the private contractors who run the immigration facility. Of course, his claim is only one amongst potentially hundreds from detainees at Baxter detention centre and other detention centres.
around the country who are in similar situations.

Perhaps the current court case in the Federal Court explains the clause in this bill that seeks to exempt immigration detention centres from the sanctions to be used against employers who employ a person who does not have a work visa. Proposed section 245AF of the bill states in part that the penalties do not apply:

… where … a detainee in immigration detention voluntarily engages in an activity of a kind approved in writing by the Secretary for the purposes of this paragraph.

This clause will legally sanction the employment of detainees in detention centres. The Greens support the clarifying of the legal status of detainees, who we say should be able to work; however, they should not be exploited, and the government must ensure that these detainees are properly remunerated for the work that they do. It could be doing so in this piece of legislation we are debating but, instead, it is seeking to protect itself from the current Federal Court case.

While the government in this legislation and by its actions wants to allow work to be done by asylum seekers in detention centres, when they are released from detention centres and allowed to live in the community it is not allowing these people to work. It is fine for them to work in detention centres and be paid a dollar an hour; but, through the government’s bridging visa E system, people are released from detention and are told that they cannot work and they must rely on the services of charity organisations.

There is no provision in this bill to expand work rights for some of these visa categories when the people in these categories desperately need work rights. Bridging visa Es are issued to asylum seekers who are allowed to live in the community while their asylum claims are assessed. People on bridging visa E must get special permission from the department of immigration to be able to work and most of them do not have work rights. They have limited access to social services and Medicare and are forced to live off charity from friends, family or church and other community groups. Some may be on a bridging visa E for many months or even years at a time. These people often want to work but know they will be breaking the law if they do.

The Melbourne Catholic Migrant and Refugee Office, during the inquiry into this legislation, told the Senate committee:

Research has found that ineligible asylum seekers live in abject poverty with virtually no mainstream supports available to them. The impact of this coupled with prolonged passivity has caused high levels of anxiety, depression, mental health issues and a general reduction in overall health and nutrition. Though [Bridging Visa Category E was] originally intended to be of only three months duration, there are some asylum seekers who have been on a bridging visa E for over eight years. The burden to support these people has been left to underresourced community and church groups and is unsustainable, particularly for the needs of growing children. Most people seeking Australia’s protection in this situation are completely reliant on charity.

The Uniting Church recently commissioned independent research into people who are living on bridging visa E. They found that, of the 211 adult working-age asylum seekers interviewed living in Victoria and New South Wales, 71 per cent had skills Australia needs and almost half had skills that are in very high demand according to the government’s own migration occupations in demand list. The same study concluded that the ‘denial of work rights to asylum seekers in Australia equates to a potential loss of $188 million to the Australian GDP over a three-year period’. The solution is simple, according to Reverend Gormann from the Uniting Church, who says:
… providing work rights to asylum seekers whilst they await a decision on their protection or humanitarian visa, would enable individuals and families to live independently, save the community millions of dollars, and would contribute to the Australian economy.

During the recent Senate inquiry into the administration and operation of the Migration Act, the inquiry was told by Ms Turner, a volunteer who helps people on bridging visas:

These people in contemporary Australia are literally starving, dependent on charity for food and a roof over their heads, for an unlimited and uncertain period of time.

The Senate inquiry recommended that all holders of bridging visa E should be given work rights. The Australian Greens hope the current departmental review of these matters will make the same recommendation. However, given the record of this government in responding positively or even at all to Senate inquiries, we are not prepared to wait while people on bridging visa E continue to struggle in the community. For that reason, I will be moving in the committee stage of this bill an amendment to implement the recommendation from the Senate inquiry that people holding bridging visa E in the community should be able to work.

The effect of this amendment will be to relieve the burden on asylum seekers and others on bridging visa E, the burden on welfare agencies such as the Red Cross that are forced to look after the asylum seekers, the burden on Centrelink and other government welfare agencies, and to relieve in a small way some of the skills shortages that are a major problem for the Australian economy. It is a sensible amendment implementing the recommendations of the Senate inquiry into the Migration Act, and I hope the Senate will support it.

The Australian Greens will support this bill because we do not want to see shonky and unscrupulous employers and rapacious businesses exploiting vulnerable people who are criminalised by the immigration department. However, we do not accept the hypocrisy of this government that is allowing prison companies to exploit immigration detainees in detention centres but locking asylum seekers in the community out of the workforce. We intend to monitor the effects of this bill and, if it is used to further criminalise and discriminate against migrants, we will be holding the government to account.

Senator IAN MACDONALD (Queensland) (1.15 pm)—The debate on the Migration Amendment (Employer Sanctions) Bill 2006 allows us to reflect on the generous, sensitive and very welcoming migration policy that Australia has adopted over many years. I suggest that the Menzies era of Australian government was the era when Australia opened its doors and welcomed in migrants from all over the world. Mr Acting Deputy President, you may recall that, when Australia first became a Commonwealth, much to its shame this nation had in place what was loosely referred to as the ‘White Australia policy’, a policy that the Labor Party and no doubt the Greens—had they been around then—and certainly the communists, who were the forerunners to the Greens, would have supported. It was the enlightened Menzies government that opened up the doors to immigration. I have to say, though, that the recent debates on the 457 visas have shades of the White Australia policy coming back into those arguments. I am sometimes concerned that those opposing the 457 visas do so on the basic premise that certain classes of people should not be allowed into Australia because they might be working harder than some Australian workers.
The government's generous, sensitive and welcoming migration arrangements are world-class. I congratulate the current Minister for Immigration and Multicultural Affairs, Senator Vanstone, and the previous minister, Mr Ruddock, on the work they have done in very difficult circumstances to encourage people to our shores. We have one of the most generous refugee schemes in the world. I think that, per capita, Australia is right up there amongst any other nation in terms of the generosity of our refugee schemes. What we do not encourage are those who queue jump, those who do not follow the processes, those who try to get an advantage by turning up on our doorstep and not waiting their turn as hundreds of thousands do around the world.

The bill before us will provide for sanctions against those employers, labour suppliers and others who knowingly and recklessly employ illegal workers or refer them for work. So I would imagine there could be no opposition whatsoever to this bill. The bill deals with some very serious issues in Australian society but it does so with an eye to ensuring that only those employers and labour suppliers who are of genuine concern will be affected by the offences for which this bill provides. The bill is the product of a long period of consultation and development and deserves the support of all senators in this chamber. The arrangements provided for in the bill prevent the majority of potential illegal workers from entering Australia in the first place. Australia has a very good system of dealing with issues before they become problems. This bill simply adds to the good work that the Australian government has done in recent years in all areas of the immigration debate.

Some speakers in this debate have made the sorts of wild claims that we have come to expect from the Labor Party, the Greens and the Democrats. Senator Bartlett said that education and training for immigrants was grossly underfunded. That is simply contrary to the facts. These are the sorts of words that fall out of the mouths of those trying to make a political point, but rarely do they look at the facts. Under this government, education and training has been substantially increased over many years. This is no better emphasised than by the technical colleges bill that was recently passed by the Senate.

Senator Nettle, in her usual emotive language, which usually lacks a bit of fact—you have to give her credit for her use of English language and the adjectives she uses—talked about 'brutal treatment' in detention centres, people being 'ruthlessly exploited' and used as 'slave labour'. The use of such Orwellian language will engender the closed fist salute from some of the rallies that Senator Nettle attends but it is quite contrary to the basic arrangements for immigration detainees in Australia. If there had been brutal treatment of these workers in detention centres, one would think that that brutal treatment would have been investigated by the authorities and the police and something would have been done about it. Of course, the detention centres are very well run. They have been the subject of quite a deal of inspection and investigation over recent years. In nearly every case, with some very minor exceptions, they have come up with a clean bill of health.

Senator Nettle used an argument that these people are employed as slave labour and she quoted from the act, which says that they may 'voluntarily engage in employment in a detention centre'. If they are being treated as slave labour, if they are being brutally treated or ruthlessly exploited, one wonders why these detainees would volunteer for work in the detention centres. So one wonders at the agenda of some of those who use this sort of inflammatory and emotive language to talk about an issue which has in fact been very well run, very sensitively run, by a succes-
sion of Australian government ministers since 1996.

I mentioned before that in the debate on the section 457 visas shades of the White Australia principle were coming through in some of the speeches opposing the section 457 visas. That arrangement is an exceptionally good one for Australia, and I raise as often as I can the situation of a couple of meat processing factories—a goat processing factory in Charleville and a wild pig and kangaroo processing factory next door to it—that have enormous export markets available. The goat processing factory can sell everything it produces to very good markets in the United States and there is no worry about tariffs; the free trade agreement looks after that. It is a great business and a huge fillip for that small town of Charleville in south-west Queensland, which is part of my electorate.

The factory currently employs 150 people, and 25 of those people are Vietnamese families who have been brought in on section 457 visas. They have been brought in simply because the owners of the factory could not get enough labour to continue to process the demand for their product. The organisation has applied for additional section 457 visas and, although the minister and the department have been slow in processing them, I certainly hope they will eventually get there and allow additional Vietnamese workers to enter Australia to help out the company and to help out and contribute to life in that small western town of Charleville in Queensland. Next door to the goat processing factory is a kangaroo and wild pig processing factory. Again, they have more export demand than they can cope with, but the only thing holding them back is the availability of labour. If there are people who are genuinely seeking work, I am sure they would be welcomed with open arms in just these two establishments in south-western Queensland.

I certainly urge the minister and the department to process the section 457 visas as quickly as possible. I understand that, because they have been under some unrelenting attacks from the opposition in all of its forms in recent times, the department hastens slowly to make sure they carefully assess all the applications, and that, of course, takes time.

Senator O’Brien—Don’t they normally carefully assess them?

Senator IAN MACDONALD—Of course they would normally carefully assess them, but the minister then has to come here and put up with the sorts of attacks the Labor Party and their union mates continue to make. You could get some of your union mates to slip out to Charleville and look for a job, if you are so concerned about their welfare. Charleville is a great little town; you should go there some day. It is a western Queensland town. It is one of those towns that, because of the nature of things—dying is too strong a word—was not progressing as much as the people there might have liked. But then these two meat processing factories came along and, almost overnight, revolutionised the town, the employment opportunities and the community involvement. The Vietnamese families who are there, I am told, have become very much involved in the community. They are very much a part of the community and demonstrate how everyone can benefit from this scheme. I just wish the opposition would stop the nitpicking and the continuous attacks on the department, its officers and the minister—although the minister can put up with it. The continual nitpicking from the opposition is debilitating to the people who are doing their work and doing it in a very competent way with Australia’s interests in mind. Having said that, I again urge the minister and the department to deal with the visa applications as quickly as they can, and I urge the opposition to stop
the baseless attacks on this proposal so that the department can get on with its work so that all Australians can benefit.

This bill is another step in ensuring that the right arrangements apply, that those who want to come to Australia to work are properly dealt with and that any offences and any breaches of the very strict regulations that the Australian government puts in place are very substantially penalised. This bill is a product of very long consultation and of development and, as I said earlier, deserves the support of all members of the parliament. I commend the bill to the chamber.

Senator WEBBER (Western Australia) (1.28 pm)—The Migration Amendment (Employer Sanctions) Bill 2006 provides, as has been outlined before, for sanctions against employers, labour suppliers and others who knowingly or recklessly employ illegal workers or refer them for work. As such, the main provisions of this bill are to be supported. We have a long tradition in this country of ensuring that people who are not entitled to work here due to their visa conditions do not work. The Commonwealth is well aware that each illegal worker in this country is at risk of exploitation. The Commonwealth revenues are at risk and our fellow Australians are denied the opportunity to work.

Although we hear a lot about how we are nearly at full employment in our economy, the reality is that about five per cent of people are unemployed and many more are vastly underemployed, considering the fact that, for government statistics these days, you have to work for only one hour a week to be considered to be employed. We must, therefore, have a system that prevents people who are not eligible to work from doing so.

There are a number of reasons why we must improve the system we currently have in place. And, as even Senator Ian Macdonald has said, this amendment bill is a step in the right direction. This bill contains eight new fault based criminal offences relating not only to employing illegal workers but also to referring noncitizens for work. This is a vital step in policing this problem as many people now are employed in a labour hire situation, and now the organisation that refers the applicant is also to be liable.

It is also true that now in the Australian labour market there are many non-traditional work relationships. Taxi driving is a case in point. Often the owner of the taxi leases the cab to the driver. In the past those engaging illegal noncitizens in such situations would not have been able to be prosecuted as this relationship was not defined under the law. Now, however, if you knowingly allow a noncitizen to work, you are liable. The new offences are to be: allowing an unlawful noncitizen to work—and this is to be considered an aggravated offence if the illegal worker is being exploited; allowing a noncitizen to work in breach of a visa condition—again, this is to be considered an aggravated offence if the illegal worker is being exploited; allowing a noncitizen to work in breach of a visa condition—again, an aggravated offence if the illegal worker being referred is exploited; and referring a noncitizen for work in breach of a visa condition. An aggravated offence will be committed if the prospective illegal worker will be exploited.

Unfortunately, those employers and referral agencies that employ noncitizens are likely to be the very same people who exploit the workers. There is no more specific example of this than in the sex industry. In the many cases that have been reported over the years it is obvious that the people engaged in the sex industry come into this country illegally, are treated in the most disgusting way by their employers, and are reluctant in any case to approach authorities,
even if they have the language skills to do so.

It is clear that employing illegal noncitizens for any kind of work is just the starting point, however. By the very nature of these so-called employment relationships the door is always open to exploitation. Whether it is through underpayment, unsafe work practices or, in extreme cases, slavery, any person who is prepared to employ illegal noncitizens is exploiting those individuals. Tougher sanctions are required to ensure not only the integrity of the Australian labour market but also the basic human rights of individuals concerned.

However, like many others in this debate I would like to turn to another area of immigration practice in this country, its application and the ramifications for the integrity of our Australian labour market. I am glad Senator Ian Macdonald raised the issue of the Australian meat industry, because I recently investigated the situation of people working in abattoirs in Western Australia. I did this because I was informed by the Meat Workers Union in my home state that there were several hundred unemployed or underemployed members of their union.

When the situation was investigated I found that there were five abattoirs in Western Australia employing people who were classified as noncitizens but were holding 457 visas. On the surface, that did not seem too bad. However, when I found out that those five abattoirs were employing 356 people in total, I thought there was a serious problem. I was told that the union knew of hundreds of qualified skilled workers who were not able to secure employment. And at the same time the immigration department had granted 356 people 457 visas to work in Western Australia. Well, I for one fail to understand how a situation can arise where hundreds of qualified meat workers are unable to secure positions in the industry that they have worked in for some time, yet the immigration department can allow 356 people in from overseas to do that work.

My examination of the relevant immigration forms and policies did not find any reference to the need to determine whether suitable citizens or permanent residents are available in the Australian labour market before a 457 visa is granted. The only reference I could find was on form 1110—the business sponsorship monitoring form—that says:

Accept as good practice the desirability of creating appropriate career opportunities for Australian citizens and permanent residents ...

The next point reads:

Accept that the recruitment of labour ... must not counter Australian Government training policies and objectives of producing a highly skilled and flexible Australian workforce.

So there is no checking being undertaken to see whether there are suitable Australian citizens or permanent residents who are available to do the work, as is evidenced by the meatworkers having hundreds of unemployed or underemployed members of their union.

The objective of producing a highly skilled and flexible Australian workforce in this day and age of Work Choices simply means a race to the bottom in terms of pay and conditions. There is something very wrong with an immigration system and government policies that allow employers to source foreign labour on the basis of a skill shortage when there are hundreds of Australian meatworkers who cannot secure work in their industry. All their skills and experience
count for nothing it seems. Instead, the government has created a system that allows employers to source foreign labour and do our fellow citizens out of work.

We need look no further than the cafe and restaurant businesses around the nation's capital to see the excesses of the 457 visa system. And I am sure my colleague Senator Lundy will have plenty to say on that matter. Cooks and chefs are sourced from overseas—working for rates of pay and with conditions that no decent Australian employer would offer—and then when they have the temerity to complain they are treated as less than human. The 457 system is completely out of kilter with normal employment practices and the need to overcome short-term skill shortages in our labour market. Instead, it is being used by some employers, in conjunction with Work Choices, in a race to the bottom in pay and conditions.

I am also aware, thanks to my colleagues at the AMWU, of boilermakers being recruited in South Africa who were promised work on projects in the north-west of Western Australia. They were promised good Australian pay and conditions and were loaned money to get to Australia—paying interest rates of over 18 per cent on those loans in the expectation of being able to discharge the loan quickly because of the high wages they would receive and then being able to send money back to their families in South Africa—only to be cruelly misinformed. When they arrived they did not work on projects in the north-west at all. No, they were put to work in metal fabrication shops in the suburbs of Perth. There were no big wages and no decent conditions. After living expenses, usually provided and billed by the employer, and the cost of their loans were taken into account, they were not able to send any money at all back to their families in South Africa. Chalk up yet another failing of the 457 visa system.

The facts are simple: those employers who wish to exploit the 457 visa for the simple reason of reducing their labour costs are able to do so. If you want to act in this manner then the only conditions you have to meet are that you accept that it is ‘desirable’ to create career opportunities for Australian citizens. Of course, you can do that. If an Australian citizen wants to work for you, they can do so on the same basis as you employ foreign workers—after all, it is only required that the employer accepts that it is desirable, not that they actually have to do anything about it. And you must ensure you do not counter government training policies. That, as I have said before, is a joke. If there are no government training policies to counter then you do not have to do much of anything at all.

The system is condemning to unemployment Australian citizens who want to work in an industry but who are not prepared to do so at the reduced pay and conditions, while the Commonwealth government, through the policies and practices of its immigration department, accepts with open arms foreign workers to do work that could be done by Australians. It is time that the balance in this visa class changed. It is time to ensure that no further 457 visas are granted unless there is a demonstrated shortage of labour.

Whilst I hear from those opposite—and in fact we have heard very often from the minister—that the slightest thought of questioning the 457 visa category is deemed to have a hint of the White Australia policy about it, and whilst people therefore seek to cast anyone who questions this policy as racist, I challenge those opposite to name a country in the world where it is not the policy of their government that the local labour market gets first preference. The only country that I can find that has that policy at the moment is this country, through the 457 visa system.
From my attempts to research this issue, I cannot find any state based information on the numbers or classifications of those coming in on 457 visas. This issue has been pursued at estimates, and from answers to questions on notice we may get that information. However, as a general rule of thumb with things happening in Western Australia, whenever it comes to population based allocation of funding or the like, it is deemed that Western Australia gets about 10 per cent of the total. I therefore presume that in the last year in Western Australia some 8,000 or more 457 visas have been issued to people working in our state. However, we have no real idea of where they work, what amounts of money they are paid, what conditions they work under and the like. Whenever employers wanting to sponsor 457 visa holders in the country seek a variation to the employment conditions of workers employed under state conditions, they must consult the state government. So far, less than 400 of those applications have been made.

While considering employment conditions in the meat industry, I learnt of a particularly stark example of how 457 visas, and in fact immigrants to this country, can be exploited. There is an abattoir down near the town of Albany called Fletchers. It is an abattoir surrounded by razor wire and CCTV, an abattoir that employed a lot of Afghan TPV holders—people who had obviously gone through an enormous amount of trauma to settle in Australia and had chosen Australia as a place that they would be safe. These people were housed in sea container type accommodation and kept behind the razor wire with the CCTV on them the whole time they were employed. It is little wonder, then, that as soon as they were legally able to they all left the employer, and Fletchers are now seeking to bring in some Filipino workers.

This is at a time when we have some regional unemployment, when we have meat workers in Western Australia who are unemployed or underemployed. These people of Afghan origin did not say they did not want to live in regional Australia or Western Australia, but they sought to flee from that employer as soon as they were legally able to. Those are the kinds of conditions that employers are seeking to exploit at the moment. Hopefully this piece of legislation will seek to redress some of those issues, but we are a long way behind in the fight. As I say, the current 457 visa system is open at the moment to the worst kind of rorting. If you have a problem with your labour force, don’t worry about it: you can go to the immigration department, it would seem, source your labour from overseas countries—which always have their own labour as their first priority—and then engage in a race to the bottom with your competitors.

The skills shortage that is often alluded to by this government as the reason that we have to have this special visa category is actually one of the government’s very own making. This government has had 10 long years to do something about the impending skills shortage, and yet it did nothing. Australian industry failed to train enough apprentices to replace skilled workers leaving the workforce and yet they too did nothing. As has been discussed in this place often before, skills shortages do not spring fully formed from nowhere overnight. This is a skills shortage that has been 10 years in the making.

There are leading indicators—and, in fact, a whole department of the Commonwealth: the Department of Employment and Workplace Relations—to ensure that forward planning in skills training and skills development takes place. Unfortunately for Australians seeking long-term careers, it would seem that that department has been so busy implementing the Job Network in its various guises, new workplace agreements and now
Work Choices that it obviously dropped the ball on identifying skills shortages.

This government, even in their latest budget in May this year, have failed to deliver any kind of measures to address the skills shortage crisis that the Australian economy faces. Instead, their only solution is that we have a 457 visa system to overcome the problem. There is no long-term solution or vision from this government. Instead, we have a 457 visa system that does not address the needs of Australians with the necessary skills or experience who could do the work but who are cut out of the system because an employer can source foreign labour instead. Employers can source foreign labour quickly and without effort thanks to the system of visas that clearly does not take into account unemployment or underemployment of Australians.

It is all well and good for the government to debate this bill today aimed at introducing sanctions against employers who employ illegal foreign workers. However, this government need to get serious about the five per cent of our workforce who are unemployed or underemployed and nowadays do not even get a chance at work because the 457 visa is operating at full speed. Prime Minister Howard was in fact correct when he said that he would determine who came to this country and the circumstances in which they came. Clearly, if you are coming to work for an employer under a 457 visa, there are no checks undertaken to see whether an Australian can actually do the work. This is a system that must be changed.

Senator Lundy (Australian Capital Territory) (1.47 pm)—Labor has long argued for sanctions for employers when non-visa holders are employed, but we are also pleased to see a focus on sanctions relating to the breaching of visa conditions in the Migration Amendment (Employer Sanctions) Bill 2006. I refer specifically in the bill to point 3 in the list of offences, allowing a non-citizen to work in breach of a visa condition, and also point 7, referring a noncitizen for work in breach of a visa condition. These are very important points and relate to what those visa conditions are. As we have seen with the experience in Canberra of migrant workers on 457 visas, those visa conditions include the payment of the award and meeting occupational health and safety requirements. Putting penalties in place to protect workers against a breach of visa conditions can in fact have the effect of protecting them against underpayment of the award wage.

Following the raising of these problems in this parliament, as I did earlier this year, I pursued the issue with the Minister for Immigration and Multicultural Affairs at Senate estimates. It became clear back then that there was no sanction of any substance under the Migration Act at all. The minister had the capacity to prevent employers found to be exploiting workers in this way from being host employers again, but there was nothing further than that. It was only after pressure from Labor, I believe for many years, that action has finally been taken, albeit now there is some waiting period as well.

At the time, the government appeared to have no choice but to pursue those breaches through the Workplace Relations Act and certainly the Office of Workplace Services was charged with the responsibility to conduct those investigations. In other words, the only way any penalty or disincentive could be pursued on behalf of migrant workers working under a 457 visa was through an investigation and prosecution mounted by the Office of Workplace Services. I am pleased to say that the Office of Workplace Services has followed through with its prosecutions and Federal Court decisions are now pending in two cases of two restaurants here. But, as we know, the only thing Senator
Vanstone had to offer under the Migration Act was that these businesses would no longer be permitted as sponsoring businesses for the purposes of employment of 457 visa holders. That was clearly a gap and I think that has been acknowledged by inclusion of the two points in this bill which I mentioned earlier.

In this bill, the sanctions relate specifically to employers who are in breach of a visa condition. The regulations provided for by the act that I mentioned before do include the payment of the appropriate minimum wage in the award. So, in the future, once this bill comes into effect, DIMA will be able to pursue the prosecutions of employers who employ workers under 457 visas in breach of the award and the standards applying. That is the theory anyway.

I want to reflect on what I presume was a very frustrated minister when it was discovered that visa conditions could effectively be ignored and workers exploited under the auspices of the Migration Act. The Howard government, while they could stop an employer from using the Migration Act, could not recover any payments nor could they sanction an employer in a meaningful way. I think it was quite ungracious of the minister for immigration to reflect poorly on Labor’s role in bringing these matters to her attention because it appears to have had a tangible effect, given these new penalties. I particularly note the aggravated offences where exploitation has occurred. I think that is a reflection and an acknowledgement that exploitation has occurred and that it will be viewed particularly harshly.

Going back to workplace relations, I would also hope that the immigration minister stays on the back of the Minister for Employment and Workplace Relations to ensure that the Office of Workplace Services pursues these breaches in an ongoing fashion. I applaud what I perceive as being enthusiasm on the immigration minister’s part but note the motivation is probably to give the Howard government some political cover on a mismanaged 457 temporary migrant worker visa scheme that is currently, as we know, capable of being ruthlessly rorted at the expense of the rights and wellbeing of temporary migrant workers.

But I do not think that was enough for the minister. I presume that she kept pushing the investigations and they were expanded to cover many other restaurants here as well. It seems to me that the Howard government was seeking even more political cover for the crumbling credibility of the 457 visa scheme under her stewardship. What better way to do this than to demonstrate that it was not just 457 visa holders that were being ripped off but local workers as well? This was quite a brilliant own goal by Senator Vanstone, which I dutifully acknowledged at the time. Senator Vanstone came ripping in here full of personal vitriol against me, saying that heaps of workers have been ripped off and that that was proof that incorrect and illegal payment of wages was not peculiar to temporary migrant workers. As I did then, I thank Senator Vanstone for pushing the Office of Workplace Services to follow through with these investigations. What she has achieved appears to be quite comprehensive. She has demonstrated that, under the Howard government’s industrial relations laws, many workers—and many young workers in hospitality, in particular—have been underpaid over a long period of time. She has demonstrated that this is not peculiar to the plight facing many temporary migrant workers but is affecting local workers as well. This of course is a devastating outcome for those workers who now presumably will have their case followed through and that underpayment repaid.
I noted at the time, when the minister was hastily constructing some political cover for her failure to protect temporary migrant workers from exploitation, that a joint press release with DEWR was issued which sought to reassure the Australian people that the Office of Workplace Services would act on bad practice. I think she has demonstrated that unscrupulous employers are motivated to rip off both local and migrant workers. When bringing these revelations of widespread problems to the parliament through a question from a Liberal colleague in question time, the minister highlighted the absolute folly of the Howard government's extreme IR changes. She said at the time that unions ought to have done more for these local workers, when it was the unions that brought forward the original complaints, unions that require access to workplaces to represent their members and unions that the Howard government has sought so comprehensively to smash.

I do not believe the Howard government can have it both ways. The fact is that, under this government, employers have felt emboldened to exploit vulnerable workers. The situation in Canberra shows that that does extend beyond vulnerable temporary migrant workers here to help us fill a skills shortage—and there is a genuine shortage of chefs in Canberra and the surrounding region. Employers have felt that they are able to further exploit workers because of the rhetoric and nature of the industrial relations laws that the Howard government has introduced. I think that is a very poor reflection on the changes and is testimony to the necessity of the ongoing campaign of the Labor opposition and the ACTU.

The real test of Senator Vanstone will be whether she now chases the Office of Workplace Services to undertake similar investigations in the hospitality sectors of other cities and whether, when this bill is implemented, she will pursue investigations, prosecutions and penalties for employers found to be breaching and breaking the law in the future. If this level of activity does not continue, that will reinforce the fact that it was mere political expediency to make a lot of noise now and to hope that it all goes away. I do not think it will, for this reason: many people do not realise that, although the government has been happy to publicise the restaurant prosecutions to date, those prosecutions have related to offences prior to the new extreme industrial relations Work Choices legislation being put in place. They in fact relate directly to the industry award in place at the time and, I might say, an industry award that continues.

Since that time, the opportunities for exploitation have worsened and the government has undermined its own ability to use the industry awards as a base to enforce a minimum standard. That ought to give Senator Vanstone something to think about. How on earth do you maintain those minimum standards under a 457 temporary migrant worker visa scheme when there are no minimum standards in place and individual contracts prevail? I do not think both schemes can operate in conjunction without undermining the very intent and capacity for us to successfully utilise the temporary migrant scheme and prevent it being exploited. That is the dilemma facing the Howard government and it is a dilemma that will accompany it until it is kicked out of office at the next federal election.

To recap what I said at the beginning, the most important thing about this bill is that it finally identifies sanctions and penalties for employers who are in breach of visa conditions. There are obviously penalties applying to other aspects as well, such as employers allowing noncitizens to work. None of those have ever been there before. That has, as I said, allowed exploitation to run rife amongst
unscrupulous employers and they should have been brought to heel many years ago. It is ridiculous that it is now 2006, the cat is already out of the bag, exploitation is occurring and this government is playing catch-up after many years of chronic neglect. I condemn it for that because it has brought the genuinely needed temporary migrant worker scheme into disrepute and has caused a great deal of conflict and angst amongst many Australian workers and, indeed, for the employers out there who are trying to compete and do the right thing by paying their workers well. How do those employers compete fairly against employers who are undercutting wages and exploiting migrant workers? That is not good for business and it is particularly not good for small business in Australia if those employers doing the right thing are the ones to suffer and have their businesses damaged by the dodgy operators in the Australian market at the time. I commend the bill to the Senate and I look forward to hearing further discussion.

Debate interrupted.

QUESTIONS WITHOUT NOTICE
Telstra

Senator WONG (2.00 pm)—My question is to Senator Minchin, the Minister for Finance and Administration. Does the minister recall saying on the Sunday program that the government was ‘contemplating some form of entitlement for existing Telstra shareholders’? As a result of the minister’s comments, haven’t all major newspapers carried reports to say that existing Telstra shareholders would get a discount on T3 shares? Can the minister now confirm that the government will offer a discount to existing shareholders? Or, if that is not the case, has the minister done anything to correct the misleading media reports? Is the minister aware that stockbroker Mr Ivor Ries has expressed his dismay about the minister’s comments and the media reports, saying that they created ‘chronic uncertainty’ for Telstra and led to the shares trading ‘in an information vacuum’? Is it not the case that the government’s incompetent and panicked announcement of T3 has created ‘chronic uncertainty’ and led to uninformed trading in Telstra shares?

Senator MINCHIN—Can I first reject the premise that this is an incompetent handling of T3; this has been a most professional approach to the handling of T3. Senator Wong says that, but we have approached this extraordinarily professionally. There has been some two years preparation for this.

The PRESIDENT—Order! Senators on my left are well aware of the standing orders.

Senator Conroy—We are not allowed to read the newspaper?

The PRESIDENT—No.

Senator MINCHIN—Exhaustive and professional care has been taken in our approach to this very important further disposal of shares in Australia’s biggest telecommunications company, Telstra. It is being professionally handled both by the officers in my department and by the joint project coordinators—three extremely professional global investment banks that are handling this in an extremely professional manner.

As to the specific question, which related to remarks I made in an interview on the Sunday program, I did indeed state in that interview that, as part of the offer structure for T3, the government was contemplating some form of entitlement with respect to existing Telstra shareholders. I did not go into any detail as to that entitlement. I made it clear that details of that entitlement were being considered and would be revealed when the offer structure was announced. It was critical that we made the announcement as to T3 at the time we did so that the logistics for a very substantial offer of this kind—
it will be the biggest offer since 1999—could be prepared. I indicated then that the offer itself would occur in October-November and that at that stage we would give details of the offer.

The only items identified by us were that there would be some form of entitlement for existing Telstra shareholders and that, as in T2, there would be an instalment procedure adopted, with the full dividend payable on the first instalment. I cannot help those in the financial community and others speculating about what the entitlement might be. I am not going to respond to every single speculative remark by every single financial journalist, commentator or stockbroker in this country. My words were clear. My words were to the effect that the government had contemplated some form of entitlement, details of which would be revealed when the offer structure was announced.

Senator WONG—Mr President, I ask a supplementary question. Can the minister inform the Senate whether anyone in the government was involved in briefing any journalists as to the possibility of a discount? Is the minister aware that the Corporations Law prohibits false or misleading statements to increase or stabilise a share price? Will the minister ask ASIC to investigate whether any breaches of the law were associated with news reports of a T3 shareholder discount? Or, alternatively, was the Australian newspaper correct when it said ‘share market rules for honesty and full disclosure do not appear to extend to the spin surrounding the fire sale of Telstra’?

Senator MINCHIN—The Australian is entirely wrong in suggesting that this is a fire sale. This is an appropriate response to the overweight position which the government has in Telstra as a result of the opposition’s utterly irresponsible troglodyte opposition to the further sale of Telstra for the whole of its period in opposition.

In answer to the first part of Senator Wong’s question—no, I am not aware of any direction or instruction or commentary by anyone on the government’s part as to the details of the entitlement, because I specifically said that details of the entitlement will be made clear when the offer structure is announced.

Aged Care: Indigenous Australians

Senator EGGLESTON (2.05 pm)—My question is to Senator Santoro, the Minister representing the Minister for Ageing. Will the minister outline to the Senate what the Howard government is doing to help the elderly Indigenous in our community? Could the minister also inform the Senate of any recent announcements specific to my home state of Western Australia?

Senator SANTORO—In stating from the outset that this is very good news, could I acknowledge the longstanding and sincere interest and advocacy by Senator Eggleston in relation to the interests and affairs of Indigenous communities, particularly in his home state of WA.

The Howard government will provide an additional 150 places and $15.1 million over four years under the recently announced expansion of the National Aboriginal and Torres Strait Islander Aged Care Strategy. This national strategy provides a culturally appropriate and flexible approach to the delivery of aged care services for Indigenous Australians, many of whom reside in rural and remote Australia. The contractual arrangements ensure the delivery of culturally appropriate, quality care that is provided in consultation with the target community.

This arrangement is consistent with the views expressed by Aboriginal and Torres Strait Islander communities that were consulted when the national strategy com-
menced, and which emphasised their desire for autonomy and self-management in the planning and operation of aged care services for their communities. I intend visiting Indigenous communities to discuss the national strategy and consult with providers about possible changes to ensure that the program remains responsive and continues to deliver quality, appropriate aged care to Indigenous Australians.

In response to the second part of Senator Eggleston’s question, I was pleased to announce earlier today that the Kimberley region in Western Australia will benefit from a new Indigenous 55-bed high- and low-care facility to be built in Broome. The Howard government will provide $12.83 million and the Western Australian government will provide $1.52 million towards the cost of construction. I would like to publicly acknowledge the role that Senator Eggleston played in advocating for the establishment of this facility. In fact, his was one of the very first representations that I received shortly after I was appointed minister. The member for Kalgoorlie, Barry Haase, also deserves credit for his advocacy in this matter, as do all other senators, including my ministerial colleagues, representing Western Australia. They have backed up Senator Eggleston’s advocacy and that of Mr Haase very strongly.

I was also pleased to announce today that the Howard government will provide $4.353 million towards the construction of a 64-bed high- and low-care residential aged care facility in Collie in Western Australia. I would like to acknowledge in this place the strong representations by the member for Forrest, Geoff Prosser, made to me on behalf of the Collie community, which he represents with great vigour and distinction. I would also like to acknowledge—as I always do whenever anybody on the other side makes a contribution—that the Labor government in Western Australia will contribute $4 million towards the project. I think that that is a significant and welcome contribution to the people within that community. These commitments recognise the fact that some aged care facilities in rural and remote Western Australia need assistance to ensure their financial viability. These announcements are good examples of the Howard government working constructively with the states to provide world-class, affordable and accessible services that meet the needs of older Australians and, in this particular case, with a very strong emphasis on Indigenous older Australians.

Telstra

Senator CONROY (2.09 pm)—My question is to Senator Minchin, the Minister for Finance and Administration. Does the minister recall saying yesterday that Telstra’s ‘dividend policy is entirely a matter for the board’? Given this claim, can the minister explain the numerous recent news reports of the government demanding that Telstra maintain dividend payments at forecast levels for T3? Doesn’t the government’s majority stake in Telstra give it the power to appoint and sack board members? Is it also true that the government has coerced the board to keep Telstra dividends at forecast levels to prop up the price for the sale of T3? Won’t Telstra again be forced to borrow to pay these inflated dividends? In light of this, how can the minister possibly suggest that the government played no part in Telstra committing to pay dividends that the financial experts at Moody’s and Standard and Poor’s describe as unsustainable?

Senator MINCHIN—In response to that question, I reiterate that it is indeed the board which has the sole authority in relation to the dividend policy of the company. It is a matter that they take very seriously and they do so in accordance with Australia’s corporations
laws. It is certainly the case—and it is something that we made very clear in the public arena—that, in relation to the question of whether or not the government proceeded with any further retail offer of Telstra at the current time, the government as a potential seller of shares would require before it could proceed, as a precondition to a further offer of shares, clarity in relation to dividend policy going forward and some understanding from the company as to the nature of the commentary that it might or might not be making with respect to the regulatory arrangements during an offer period.

Those preconditions for the government to proceed were of course conveyed to Telstra, indicating that we were in the situation where the clear advice to us from our professional advisers was that we should not go to the market unless there were those preconditions. They were entirely, of course, a matter for the board. It was reiterated in my meetings with Mr McGauchie that these were matters entirely for the board. It was my task to convey to Mr McGauchie that these were matters entirely for the board. It was my task to convey to Mr McGauchie, representing the board, that we could not proceed if they were not in a position to provide that clarity in relation to dividend policy or indeed to provide assurances to the government as to the nature of their commentary on regulatory matters during the offer period. The board considered those two matters.

The board then, of its own volition and in accordance with its authority, issued a statement based on its financial advice and its perspective on the position of the company that it would be paying the same dividend that it has been paying—28c per share in 2007—but it could not give specific guidance in relation to 2008. The government received requisite assurances with respect to the company’s position on its commentary on regulatory matters during the offer period. On that basis, the government felt that it was in a position to make the announcement that it made some 10 days ago that it would proceed with its offer. I reiterate that this is a matter entirely for the board. Indeed, what Senator Conroy is at the very least implying is an utter slur on the board—that the board has ignored its corporate responsibilities by being coerced by the government. That is a slur on every single one of the board members at Telstra, and Senator Conroy should withdraw it.

Senator CONROY—Mr President, I ask a supplementary question. Does the minister recall the secret briefing document that Telstra management provided to the government in August last year? Didn’t Telstra admit in this document that its past practice of borrowing to pay dividends was unsustainable in the future? Given Telstra’s stated opposition to borrowing to pay dividends, is the minister seriously suggesting that the government’s public heavying of the Telstra board did not contribute to its U-turn on this issue?

Senator MINCHIN—I utterly and totally deny the implication in Senator Conroy’s question. The matter of the dividends of the company is absolutely a matter for the board and it would be irresponsible of the board to act in any other way than in accordance with the interests of all shareholders of this company and its legal obligations. The company, I would note, does have a very healthy balance sheet and therefore is in a position, according to the company’s testimony to us, to continue to pay this 28c a share dividend, at least for 2007, and many commentators have recognised that fact. The company has indicated that, going forward, its future dividend policy will be a matter of the performance of the company and it will make a decision accordingly.
ence in the President’s gallery of a parliamentary delegation from the National Assembly of the Socialist Republic of Vietnam, led by Mrs Nguyen Thi Bac, Vice-Chair of the Committee on Legal Affairs. On behalf of all senators, I wish you a warm welcome to Australia, particularly to our Senate.

Honourable senators—Hear, hear!

QUESTIONS WITHOUT NOTICE

People Trafficking

Senator PARRY (2.15 pm)—My question is to Senator Ellison, the Minister for Justice and Customs. Will the minister please update the Senate on the Howard government’s efforts to combat the abhorrent crime of people trafficking?

Senator ELLISON—I thank Senator Parry for what is a very important question. This is a very topical issue and it has been covered by the press in recent times. I think it is important to look at the good work that is being done in relation to the fight against people trafficking not only in our region but in Australia. Unfortunately, Australia remains a destination country. Whilst debate goes on as to the number of victims, the government’s firm position is that one victim of people trafficking is just one victim too many.

I can advise the Senate that the AFP has undertaken over 112 investigations and assessments of allegations of trafficking related offences since 2004. Twenty-two people have been charged and there have been four convictions to date. Those convictions have involved sentences of up to 10 years imprisonment. It was in August last year that this parliament passed laws in relation to the trafficking in children. The increased range of offences was a result of experiences learnt in the investigation of what is a really vile trade.

As well as federal law enforcement and the very good work being done the Federal Police and its strike team, which deals with not only people trafficking but also sex tourism in the region, we also have the Department of Immigration and Multicultural Affairs and, of course, the Department of Foreign Affairs and Trade involved in this. My colleague Senator Vanstone, the Minister for Immigration and Multicultural Affairs, has overseen the introduction of new visa arrangements which involve both witness protection and a bridging F visa. That is coupled with the criminal justice stay visa, which allows us to have victims stay in Australia and, at the same time, receive support whilst they are here to assist authorities in relation to their investigations, particularly in relation to prosecutions. It is very important that we have victims available to give evidence. Of course, to do that we need the necessary visa requirements met and the backup for those people. We provide backup with intensive support and assistance in the form of income support, secure accommodation, access to medical services and other training involving the English language—and that, of course, is essential.

AusAID has also been involved in projects in the region. In 2003, we announced a $12 million program, Asia Regional Cooperation to Prevent People Trafficking, and that involved work in Thailand, Cambodia, Laos and Burma, and indirectly in Indonesia, China and Vietnam. That was recently replaced by a five-year $21 million project, the Asia Regional Trafficking in Persons Project, which will build on the achievements of the previous project and facilitate a more effective co-ordinated approach in the region. It is very important that, once the victims of this trade have given evidence and assisted law enforcement in bringing those who are guilty to justice, we reintegrate them into their
home countries and also that we work with countries in the region.

With the presence of the Vietnamese delegation in the Senate today, I want to acknowledge the cooperation that we get from law enforcement in Vietnam, and generally in the region, in the fight against what is an appalling trade—the trafficking of people for sexual servitude and the targeting of children for what is a vile trade. This effort is coupled with the work we do in fighting child sex tourism. It is very important work being done by Australian authorities and they are to be applauded.

**Telstra**

**Senator WORTLEY** (2.19 pm)—My question is to Senator Minchin, the Minister for Finance and Administration. Does the minister recall the Prime Minister saying in November 2002, when the government was considering the full sale of Telstra, that, ‘We’ve got to be satisfied that we sold at a time and a price that would maximise the return to the Australian public’? Wasn’t the Prime Minister justifying the government’s decision to postpone a possible full sale in 2003? Wasn’t the price of Telstra shares at the time $4.50? If, in 2002, the Prime Minister was not satisfied that $4.50 a share was a good return to the Australian public, why should we now be rushing into a fire sale of shares at $3.60?

**Senator MINCHIN**—The tragedy for Australian taxpayers is that the Labor Party opposed the full sale of Telstra in 1999. That ideological position has cost the Australian taxpayers $50 billion. The Labor Party have cost Australian taxpayers $50 billion by requiring the government, through this place, to remain locked into a shareholding in a telephone company which they corporatised, which they required to operate commercially, which they set up for privatisation—and we know they contemplated privatising it in their time in government.

We did not obtain the necessary legislative authority for a further sale of our shares until late last year. So there was no possibility of us contemplating any further sale, obviously, until that legislative authority had finally been obtained, despite the Labor Party’s consistent ideological opposition to a further sale of Telstra. We have now been in a position for some 12 months to be able to contemplate a sale. We have indicated for some time that October-November is the period in a calendar year that our professional advisers regard as the best time to make a retail offer. We have been preparing for a retail offer for some time. We have been considering the advice provided to us. It was the overwhelming advice—indeed, the unanimous advice—of our professional advisers that this was an appropriate time to offer to the Australian public and the international public a further $8 billion of our shares, that the pricing was appropriate, that the market price fairly reflects the fundamentals of this company and that Telstra is trading at a price which is roughly equivalent to its peers—and certainly as good as its peers internationally. To suggest otherwise is to suggest that the market has the matter entirely wrong.

We do not believe that. The market for Telstra shares is deep and liquid. It is one of the most highly traded stocks in the Australian market. We do not have any evidence available to us that the market has got the price of Telstra completely wrong. We see no point in not proceeding with an offer of shares at this time. Of course, to the extent that there is an upside in the Telstra share price, which of course we hope will be the case as a result of Mr Trujillo’s transformation strategy for the company, then those who do participate in T3 will be the beneficiaries and, indeed, to the extent that there remains a shareholding in Telstra in the Future
Fund, then taxpayers indirectly will be the beneficiaries of any upside in that share price.

**Senator WORTLEY**—Mr President, I ask a supplementary question. Does the minister recall his spokesman saying in November 2002, following comments of the Prime Minister, that no further Telstra shares would be sold until the share price improved? Given the price of the shares has fallen by a further 20 per cent since then, from $4.50 to $3.60, was that another broken promise from this government? Isn’t this panicked fire sale all about selling before an election year and nothing to do with getting a good return for taxpayers?

**Senator MINCHIN**—That is a completely bizarre question. They are accusing us of breaking promises. What we are trying to do is honour a promise we made to the Australian people to relieve them of this shareholding in Telstra. It is this mob over here that is trying to make us break our promise. They have been doing that for the last eight years by opposing our proposals for a further sale of Telstra and by so doing they have cost taxpayers $50 billion already. Mr Swan is out there talking down Telstra, trying to sabotage this sale.

**Opposition senators interjecting—**

**The PRESIDENT**—Order! Senators on my left!

**Senator MINCHIN**—This will cost taxpayers even more money. They have $50 billion hanging around their necks. We want to get Telstra out of government ownership and allow it to prosper as a fully privatised corporation.

**Child Obesity**

**Senator BARNETT** (2.24 pm)—My question is to Minister for Communications, Information Technology and the Arts, Senator Helen Coonan. Will the minister inform the Senate about the positive steps the government has taken to tackle childhood obesity in Australia? Is the minister aware of any alternative policies?

**Senator COONAN**—Thank you to Senator Barnett for his question and for his very significant ongoing interest in the health of Australian children. The Australian government takes very seriously the issue of childhood obesity. In June the Prime Minister launched the $116 million Building a Healthy, Active Australia initiative, which will tackle the growing problem of declining physical activity and poor eating habits of Australian children. In July the Healthy Living initiative was launched to provide national leadership in combating the growing incidence of obesity.

Part of the Healthy Living initiative is the creation of a task force—comprising the minister for health, the minister for education, and Senator Kemp, the Minister for the Arts and Sport, and me—to take a whole-of-government approach to improving the health of Australian children. The ministerial task force will coordinate the anti-obesity campaign involving government, industry and the community and will hold its inaugural meeting tomorrow.

Helping consumers make informed choices about their lifestyle, particularly about the food they eat, is an important role for industry as well as government. In my own portfolio area we have taken significant action to ensure that we take a balanced approach to tackling obesity in Australia, including ensuring that the media industry acts responsibly when it markets to children and young people. Currently broadcasters are prohibited from showing ads designed to place pressure on kids to ask their parents for a particular product, and food advertising must not contain any misleading or incorrect information about the nutritional value of a
product. A review of the children’s television standards currently underway will ensure that any contribution advertising makes to obesity levels will be addressed through well-grounded and evidence based research.

This government wants to support, motivate and educate Australians to build a healthy, active life, and that certainly will not be achieved through regulation or bans. The government, having considered carefully the arguments around these sorts of issues, does not believe that simply banning junk food advertisements will provide the silver bullet to arrest the increasing rates of childhood obesity. It would be good if it were that simple.

The issues surrounding childhood obesity are indeed complex and cannot be attributed to just one factor. The opposition and the Greens and the Democrats want to ban junk food advertising to children and that appears to be their only response to the issue. Yet this conveniently ignores the fact that such a ban would be ineffective. Quebec and Sweden banned food advertising to children 25 and 12 years ago respectively without any appreciable impact at all on obesity rates. Bans are really a soft option for those in this place who are more interested in looking good than doing good. Governments on the other hand need to provide parents with long-term assistance to tackle the issue of childhood obesity. This includes information and support rather than simple political rhetoric or heavy-handed regulation.

Environment: Burrup Peninsula

Senator SIEWERT (2.28 pm)—My question is to the Minister for the Environment and Heritage, Senator Ian Campbell. I refer to the minister’s deliberation on how to protect the heritage values of the Burrup Peninsula. Is the minister aware of other appropriate sites for development in the Pilbara region? Does the minister believe that the best way to promote development and return to the heritage values on the Burrup is for heavy industry to be encouraged to alternative sites such as Onslow or Maitland or the joint venture site on the Burrup? If so, is the federal government willing to support measures encouraging industry to set up in alternative locations?

Senator IAN CAMPBELL—I thank Senator Siewert for the question, which relates to an incredibly important part of Western Australia and, of course, Australia—that is, the Burrup Peninsula. A number of companies are proposing expansions of operations in this area. It is the home of a multibillion-dollar export business around liquefied natural gas—a business that obviously creates massive employment for Australians and underpins a lot of our gross domestic product. Very importantly—and this has been missed by a lot of commentators—it also makes a fantastic contribution to lowering the world’s greenhouse gas emissions.

A lot of the gas that comes from the North West Shelf and will come from the proposed expansions of the LNG facilities at the Burrup will go to China and hopefully North America. I think we need to remember that, whenever you substitute good, clean northwest Australian LNG for coal or oil, you get an immediate benefit in the order of a 40 per cent to 60 per cent reduction in greenhouse gas emissions into the atmosphere which will, of course, help us to address the significant global challenge of climate change. Here on the Burrup, alongside that phenomenal environmental and economic benefit, you also have some quite historic and incredibly important Aboriginal rock art, known to the experts as petroglyphs, going back up to 10,000 years.

These operation expansion proposals—for example, for the Pluto project—are looking at a footprint area of around 20 hectares. I
remind the Senate that I think this does need to be put into context, because I happen to believe very passionately and firmly that you can balance the economic development interests of Australia with what I am currently considering for the National Heritage List—and which on the face of it looks like incredibly important heritage—in that unique part of Western Australia. To put it into context, the Burrup Peninsula itself is an area 27 kilometres long and four kilometres wide; so just the Burrup Peninsula, which is only one part of the precinct, is 108 square kilometres. I go back to the Woodside expansion proposals, which have a footprint of disturbance of around 20 hectares—that is, 20 hectares as part of 108 square kilometres.

One of the National Heritage List areas proposed by the traditional owners comprises an area of 220,000 hectares. Again, I say that this is a 20-hectare area of potential disturbance of rock art that is spread out over an area in excess of 220,000 hectares. The area of the Dampier Archipelago, which comprises 42 islands, islets and rocks ranging from two hectares up to 3,290 hectares in size, covers an area of something like 4,000 square kilometres. The rock art, I remind all senators through you, Mr President, is spread across this area. It ranges from 7,000 to 10,000 years old. It is incredibly important archaeology. That is why the government has spent so much on it. Senator Siewert asked about alternative—

Senator Bob Brown—Mr President, I raise a point of order. Senator Siewert did indeed ask about Maitland, Onslow and alternatives where there is no rock art. The minister should have addressed that question, and he has failed to do so. He should get on with answering the question before his time runs out.

The PRESIDENT—The minister has 25 seconds to complete his answer.

Senator IAN CAMPBELL—Before I was so rudely interrupted, I was about to talk about the alternative question that Senator Siewert asked, which was about the alternative sites. Maitland, Senator Brown seems to think, has no rock art involved. I am sure that, when Senator Siewert asks her supplementary question, it will give me the opportunity to go into some detail about the impact of the development of Maitland on rock art.

Senator SIEWERT—Mr President, I ask a supplementary question. I refer to the minister’s comment in this morning’s Australian Financial Review. He said, ‘No-one in their right mind would propose saving every single last bit of heritage on the peninsula unless they want to close down the economic development of Australia.’ Does the minister actually believe that locating industry at alternative sites, as BHP has done at Onslow, will really close down economic development in Australia? If so, what process will the minister be following to decide what proportion of Australia’s heritage is expendable?

Senator IAN CAMPBELL—Unlike the Australian Greens, you do need to be very honest and frank about this and you need to put it into context. The context is that Senator Bob Brown, Senator Siewert’s colleague, was on the radio this morning saying that you could relocate to Maitland. The reality about the Maitland site, for example, is that you would need to develop a new port if you were to put industrial development on the Maitland estate. The site for the new port is on West Intercourse Island, which is a site that has petroglyphs all over it. Wherever you move in this area, you will have an impact on Aboriginal rock art. There is no simple solution.

The Greens solution is to have no development and not to have the environmental benefits of exporting Australian greenhouse-
reducing natural gas into China. We want to export gas into China to reduce greenhouse gas emissions for the world and create a multibillion-dollar industry. We want to do it by minimising the impact on the rock art and we want to do it through a good management process. (Time expired)

Australian Institute of Sport

Senator BERNARDI (2.35 pm)—My question is to the Minister for the Arts and Sport, Senator Kemp. As the minister is aware, the Australian Institute of Sport celebrated its 25th birthday recently. Will the minister update the Senate on the impact that the Australian Institute of Sport has had on sport in Australia?

Senator KEMP—I thank my colleague Senator Cory Bernardi for his question. Senator Bernardi, as we all know, was a member of the Australian Sports Commission and he did an excellent job in that role before he entered the Senate. I can further point to his expertise by recording the fact that I believe that Senator Bernardi was a member of the Australian rowing team. So it is not surprising that the senator has a particular interest in the AIS.

Last week I was fortunate enough to attend the AIS 25th anniversary dinner in Canberra along with some 1,100 other people including, I am delighted to say, Senator Lundy. Senator Lundy said to me what an outstanding occasion it was. Indeed, this is probably the first occasion that I can say in this chamber that Senator Lundy was absolutely right. As we all know, the Australian Sports Commission and the AIS have much to be proud of in helping Australia as a powerful force on the international sporting stage.

The Australian government understands the importance of sport at all levels, and that is why our sports sector is enjoying unprecedented levels of government support. From its beginnings in 1981, following poor results at Montreal, the AIS has developed into an internationally acclaimed national centre of sports excellence for the training and development of elite athletes and teams. It has grown in quite a number of ways. The AIS originally offered scholarships in eight sports, all based in Canberra. Today I am happy to report that there are around 700 sportsmen and sportswomen in 35 separate programs covering 26 sports, on scholarships. Our athletes also have access to about 75 coaches, world-leading sports science services, state-of-the-art sports facilities, and opportunities for national and international competition, as well as the chance to work and study. For life after sport, Senator Bernardi will be pleased to know athletes have access to education guidance, career planners and personal development officers.

There are some important statistics to share with the Senate from the AIS after 25 years: more than 6,000 sportsmen and sportswomen have passed through the AIS since its establishment in 1981; AIS athletes, past and present, have contributed 10 gold, 10 silver, 12 bronze medals—65 per cent of Australia’s tally of 49 medals at the 2004 Olympic Games; and 47 current and former sportsmen and sportswomen won 13 gold, 27 silver and 23 bronze medals at the Athens Paralympic Games. In fact, if the AIS had competed as a country at the Melbourne Commonwealth Games this year, I am advised they would have finished second on the gold medal table—a truly great record.

In May 2002, the Australian government committed some $70 million in funding over four years to the upgrade and expansion of the AIS, a proposal which I think was welcomed in this chamber. The Australian government has also funded an AIS European training base in northern Italy which allows AIS Australian athletes and teams to live, train and compete from a European base. I
am happy to give credit to all the ministers for sport who have strongly supported the AIS over its 25 years. The results of the AIS are an example of how governments of all persuasions can work together. (Time expired)

Skilled Migration

Senator MARSHALL (2.40 pm)—My question is to Senator Vanstone, the Minister for Immigration and Multicultural Affairs: can the minister confirm that ABC Tissues has been found to be in breach of immigration, industrial, workplace safety and taxation laws in its employment of temporary foreign workers? Can the minister confirm that her department investigated this company in August 2005 and found breaches under the Migration Act? In response to concerns I raised directly with her in June this year, didn’t the minister say that her department was investigating the company again? How is it possible that ABC Tissues were able to continue to exploit 457 visas and breach a raft of other laws after two investigations by the minister’s department in less than one year? Can the minister now release the department’s reports on its investigations into ABC Tissues and explain why in over a year the exploitation of workers on 457 visas by this company has not stopped?

Senator VANSTONE—Although I do not accept and agree necessarily with the assertions Senator Marshall puts in his question, which is a common practice these days, there are a number of things I can help the senator with—

Senator Carr—Do you not agree?

Senator VANSTONE—Senator, you have not asked the question and, if you can manage to button up, I will give the good senator who did ask the question an answer.

Senator Carr interjecting—

The PRESIDENT—Minister, ignore the interjections and address your remarks through the chair—and, Senator Carr, come to order.

Senator VANSTONE—On 28 July of this year, the department issued the Hunan industrial company with a notice of intention to sanction on a number of grounds, including failing to pay the minimum salary level, comply with other immigration laws, comply with workplace relations laws, ensure necessary licensing of workers, notify Immigration of relevant changes of circumstances and deduct tax instalments. A response was received from the Hunan company late on 4 September, and my department is still assessing the claims of that company.

You may or may not be aware, Senator, that in relation to ABC Tissues there are three companies involved: ABC Tissues, a Chinese company and an Italian company. I am therefore giving you this answer because I think it relates to the ABC issue generally, but those remarks obviously relate to the Hunan workers. Depending on the findings of the department, we will decide what sanctions will be applied. That might include barring Hunan from any further participation in the 457 program for a considerable period. If that happens, we will contact the visa holders and determine what their options might be.

On 16 August, some months after the matters I have just referred to, my department sent a notice of intention to sanction to ABC Tissues on the grounds that two 457 workers were not carrying out the duties of the nominated positions. Their response was received on 1 September, and that is being reviewed by the department. Referrals on these matters have also been made to a number of agencies, including WorkCover, OWS and the tax office. These agencies have the authority to sanction within the terms of their own legislation, but it is relevant and that is why they
have been notified. Subject to the determinations of these agencies, my department might take further action as appropriate.

As a matter of interest, I am advised that WorkCover has conducted approximately 15 visits to the sites since January 2006 and about seven of those have been since June 2006. WorkCover has issued nine improvement notices and one notice in relation to workers compensation. Work ceased at the site in mid-August but recommenced on 4 September. WorkCover visited the site on the same day and was satisfied that it was then compliant. As WorkCover is the responsible agency with regard to OH&S legislation in New South Wales, the above advice from them suggests that they are managing the issue responsibly.

Senator MARSHALL—Mr President, I ask a supplementary question. Given the minister has acknowledged that the department is considering sanctions against the companies involved, and has in fact notified them that other actions may be considered, can the minister tell me how many 457 visas have been issued to workers for work at these companies since concerns were first raised with either the minister or her department, and can the minister confirm the claim by the company that it has recently had a further twenty-one 457 visas approved? Will those visas now be reviewed in light of the breaches that have occurred and that she has admitted to?

Senator VANSTONE—I cannot give you information that relates to from the date of any notification, but I can give you some information in relation to both of those companies. To 5 September 2006, in relation to ABC Tissues, there were 12 visas granted. There were 10 visa holders on-shore and none of those visas had been cancelled. On 18 August sponsorship was approved for a further 12 nominations in relation to ABC Tissues. Of these, only one nomination has been lodged, and was approved on the same day, for the position of plant manager. The related visa application for this nomination is still pending. No visas will be granted until a notice of intention to cancel is finalised.

In relation to the Hunan Industrial Equipment Installation company, what is happening here is that a new plant is being built. As I understand it, the plant is Italian and its Chinese workers are putting it together. (Time expired)

Health and Safety

Senator MURRAY (2.47 pm)—My question is to Senator Santoro, the Minister representing the Minister for Health and Ageing. Minister, Australia has massively reduced road deaths through black spot roadworks and ongoing national public education campaigns. Will the government now consider taking equivalent action to reduce the 4,900 work related deaths a year in workplaces, which is double that of road deaths, and the 9,000 deaths a year from preventable hospital mistakes, which is four times that of road deaths? What is the government doing to replicate road safety type activity in workplace deaths and preventable hospital deaths, such as regular totals by state publicised on the nightly TV news, publicity on black spots, more funded public campaigns to reduce these totals and concerted coordinated national campaigns? If we as a community are rightly appalled by road deaths and injuries, and if governments have tried so hard to attack the road deaths problem across Australia, when will we see the same sort of energy and commitment on workplace deaths and preventable hospital deaths?

Senator SANTORO—I thank Senator Murray for his question because it provides me with an opportunity to say on behalf of the government that the matters that he raises are indeed very serious and this is not a doro-
thy dixer. I will try to tackle each of the three points made by Senator Murray. In terms of deaths in hospitals, Senator Murray would appreciate, perhaps more than most in this place, that the administration of hospital systems falls very much under state jurisdiction. I could take this opportunity to launch another attack on the Beattie Labor government and undoubtedly other Labor governments who, in my view and in the view of the government, as expressed by the Prime Minister on Sunday, are derelict in fulfilling their responsibilities towards the public they should be looking after, particularly those who are in hospital.

Senators opposite—and I am sure Senator Murray would agree with me—just do not take these matters seriously. They are representatives of parties that are responsible, in government, for fixing problems which Senator Murray quite rightly highlights in this chamber, and they are not being fixed. All I can say to senators opposite is that until they take their responsibilities seriously—and one of those responsibilities is to make their colleagues act responsibly as they administer the health system—they will never be taken seriously. One of their responsibilities is to make their colleagues act responsibly as they administer the health system—they will never be taken seriously. One of their responsibilities is to ensure that they continually represent their constituents. All of those opposite—including, in particular, Queensland senators—are responsible to their constituents. I have not seen one Queensland senator get up in this place and condemn the atrocious performance of the Beattie Labor government.

Senator Murray—Mr President, I rise on a point of order. I did not refer to Queensland at all and I am concerned about 13,900 preventable deaths a year. I would appreciate it if the minister treated the question with the respect it deserves.

The PRESIDENT—Minister, you have two minutes left to complete your answer. I ask you to return to the question.

Senator SANTORO—Mr President, I am sorry if Senator Murray believes I am not treating his question with respect. I am sorry that is your attitude, Senator Murray. You cannot deny—no-one in this place can seriously deny—that state governments are not responsible for what happens in their public hospitals. I will stop there, Senator, and move on to occupational health and safety.

As Senator Murray would know, this government does not have overwhelming responsibility, or major responsibility, for occupational health and safety. Again, Senator Murray would be aware—

Opposition senators interjecting—

Senator SANTORO—I hear those opposite object violently to the truth, but it happens to be the truth. We will again seek to make state governments accountable and responsible. In terms of programs and federal government funding for workplace initiatives, I will get some specific information for you, Senator Murray, because I do not have the figures available. But I again stress that occupational health and safety systems are administered by state governments. I will seek to get further information on funding.

Senator Allison—It is about roads.

Senator SANTORO—Senator Allison talks about roads. Senator Murray, in his question to me, acknowledged that much has been achieved through the funding of black spot programs.

Senator Abetz interjecting—

Senator SANTORO—It is important to take the interjection by Senator Abetz that state governments have cut and have not reinstated these programs. I acknowledge the good grace of Senator Murray when he says
that some achievements have been made. *(Time expired)*

**Senator Murray**—Mr President, I ask a supplementary question. Mr President, you would know that I do not agree that members opposite do not take these matters seriously, as I do not agree that the government do not take these matters seriously. But the fact is that we have 13,900 deaths in work related injuries and preventable hospital mistakes which are just not being addressed with the same energy that road deaths have been addressed, and I think the government can take national leadership in the area. So my supplementary question is this: is the minister aware that it was reported in at least one hospital in Geelong that the rate of adverse medical events which lead to preventable deaths has been massively reduced by more effective reporting, communication and management systems? Why is this not being replicated elsewhere? If the minister is not aware, perhaps he could take that back to the Minister for Health and Ageing and give us an answer.

**Senator Santoro**—I am not aware of the incident that Senator Murray has brought to the attention of the Senate. I will acquaint myself with that example, but I reiterate for the benefit of senators that, if a good example of best practice within a state-run hospital has been identified, it is up to the state governments to replicate that good practice and that good experience.

In response to Senator Murray’s statement that he does not believe that those opposite do not take their responsibilities as seriously as they should, as I claim they should, I will have to disagree, because I again say to you, Senator Murray, that I have not heard one of the senators opposite representing any state government get up and criticise the atrocious performance of state governments in relation to the administration of the public health system.

**Senator McLucas interjecting**—

**Senator Santoro**—The interjection by Senator McLucas is a very relevant one. *(Time expired)*

**Great Barrier Reef Marine Park Authority**

**Senator McLucas** (2.54 pm)—My question is to Senator Campbell, the Minister for the Environment and Heritage. Is the minister aware that the Queensland shadow minister for the environment has called for the abolition of the Great Barrier Reef Marine Park Authority, with its functions to be transferred to the state government? Does the minister agree with Mr Rob Messenger when he claims that the authority has been taken over by an elite, ideologically driven minority? Can the minister also tell the Senate if he agrees with statements by another Queensland coalition candidate, Dr Paul Joice, that the authority is ‘totally out of control and has lied to fishermen’? Given that Dr Joice has urged him to get on with it by abolishing the authority, can the minister give a guarantee that the government has no plans to abolish the Great Barrier Reef Marine Park Authority and no plans to transfer its functions to the state government?

**Senator Ian Campbell**—It is nice to get a question from the Labor Party on an issue of the environment. I think it has been a very long time since they took an interest in the environment.

**Opposition senators interjecting**—

**The President**—Order!

**Senator Minchin**—Mr President, on a point of order: they asked the question; I cannot hear the answer. Could you please bring them to order.

**The President**—I just did. I must say that the performance in the chamber today
has been much better than it has been in the last couple of weeks.

Senator IAN CAMPBELL—As I said, it has been a very, very long time since the Labor Party took an interest in environmental issues. They certainly take an interest in building industrial facilities on the Gippsland coast—they are very keen to build industrial facilities around the coast—but it has been a long time since they took an interest in an environmental issue.

I am always very happy to receive questions about the Great Barrier Reef, because, when you compare the coalition government’s record on protecting the Great Barrier Reef with what that mob did in their time, and what they proposed under their existing Latham-Beazley policy on the Great Barrier Reef, you see a phenomenal contrast between the Labor Party and the record of the Howard government on protecting one of the great Australian icons of the environment, the Great Barrier Reef—a distinguished record of environmental protection for the Great Barrier Reef going back to the years of Malcolm Fraser, who established the Great Barrier Reef Marine Park Authority and nominated it for the World Heritage List.

There is a stark contrast between the Labor Party and the coalition, which only two years ago put in place a policy of increasing the protection for the reef from the four per cent of the reef area that was protected under the previous Labor regime. As a result of the coalition’s policies we have improved the protection of the reef, the no-take zones and the marine protected areas to 34 per cent of the reef, a massive achievement.

Senator McLucas—Mr President, on a point of order: this is a very serious question. We are three days out from the state election, and we have two candidates in the Queensland parliament trying to work out what they are going to do, with a federally run authority—

The PRESIDENT—Order! What is your point of order, Senator?

Senator McLucas—Relevance, Mr President.

The PRESIDENT—I remind the minister of his question; he has two minutes to complete his answer.

Senator IAN CAMPBELL—I am drawing a distinction between the protection the coalition government has put in place for the reef under the auspices of the Great Barrier Reef Marine Park Authority, an increase to 34 per cent, and that of the previous Labor regime. When you focus on the issue of the protection of the reef and the role the Great Barrier Reef Marine Park Authority plays in that—and, of course, it was very contentious along the Queensland coast—and when you move from protection of four per cent to 34 per cent and remove the fishing effort that was involved there, at a cost of in excess of $100 million to date, you create a lot of angst in the local community.

Of course, the key issue on that coast, leading up to the last election was: just what would Labor do in relation to the park and the boundaries? And the Australian Labor Party’s policy on protection of the reef stands in stark contrast to ours. When I was asked the question: ‘What would you do?’ I said, ‘We will stand by the boundaries and we will pay structural adjustment to the fishing industries and the tourism industries.’ Of course, when Labor was asked the question—

Senator Conroy—Mr President, I rise on a point of order on relevance. The minister has yet to actually mention the authority in 3½ minutes of blathering about it. Could you draw him to the question?
The PRESIDENT—Senator, I hear what you say but the minister still has a minute to complete his answer and I remind him of the question.

Senator IAN CAMPBELL—Mr President, I have mentioned the Great Barrier Reef Marine Park Authority on at least half a dozen occasions. I think perhaps Senator Conroy should go and get a cotton bud and get his ears cleaned out. When Labor were asked what they were going to do about protection of the marine park under the auspices of the marine park authority, Mr Latham said he was going to review the boundaries—tear up the boundaries. And that remains their policy.

The coalition have a policy of protecting the reef and giving structural adjustment to those who have been affected by the massive increase in the protection of that reef to make it the most well-protected reef in the world. It is the best managed reef in the world. That is our policy. Labor’s policy is to tear up the boundaries and leave the protection of the reef—which was put in place by the Howard government—at risk. I challenge Senator McLucas to get up and say that they have now torn up the Latham policy and that they will stand by the Australian government’s boundaries. (Time expired)

Senator McLucas—Mr President, I ask a supplementary question. I note that the minister gave no guarantee about the future of the Great Barrier Marine Park Authority. Can the minister confirm that a proposal for the abolition of the authority will go to cabinet in the next few weeks?

Hasn’t the government been careful to avoid announcing this change prior to the Queensland election? Can the minister confirm that these coalition candidates have, in fact, let the cat out of the bag? Finally, will the minister come out and tell us who is right: Dr Joice, who wants the authority’s functions sent to Canberra, or Mr Messenger, who wants the functions sent to the Queensland government?

Senator IAN CAMPBELL—What we do know is that the Labor Party will tear up the boundaries to protect the Great Barrier Reef. This is their policy.

Honourable senators interjecting—

The PRESIDENT—Senators on my left, your colleague has asked a supplementary question. I think you should at least allow the minister to answer it with some peace in the place.

Senator Forshaw—I rise on a point of order. My point of order is that the reason for the reaction from the opposition is clearly that a very direct, straightforward supplementary question was put to that minister. He commenced by saying, ‘The Labor Party ...’ The point of order is on relevance.

The PRESIDENT—There is no point of order.

Senator Forshaw—The minister is treating the question with contempt.

The PRESIDENT—There is no point of order. The minister has had nine seconds only to answer the supplementary question. At least I think he should, in quietness, be allowed to complete the supplementary answer.

Senator IAN CAMPBELL—It is very embarrassing for Labor because the Latham-Beazley policy is to tear up the 34 per cent of green zones. Senator McLucas knows very well that I have said in estimates committees and on Townsville radio—on Townsville ABC—that the Great Barrier Reef Marine Park Authority has served Australia and the reef well for 30 years. And it will continue to serve Australia well for the next 30 years. If Senator McLucas wants to go and scare the people at the Great Barrier Reef Marine Park Authority, she can continue to do that, but...
the government’s intention is to ensure that we have a well-funded Great Barrier Reef Marine Park Authority, based in Townsville, continuing to do the brilliant work it is doing at protecting Australia’s No. 1 environmental icon. Senator McLucas should be absolutely ashamed of herself for this outrageous scare campaign that she seeks to run.

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

QUESTIONS WITHOUT NOTICE:
ADDITIONAL ANSWERS
Pregnancy Support

Senator SANTORO (Queensland—Minister for Ageing) (3.04 pm)—Yesterday, Senator Stott Despoja asked me, in my capacity as the Minister representing the Minister for Health and Ageing, a number of questions relating to pregnancy counselling services. I informed the senator that I would get back to her with further information. Mr President, I seek leave to have this further information incorporated in Hansard, not just for the benefit of Senator Stott Despoja but also for the Senate as a whole.

Leave granted.

The answer read as follows—

Question (1)
In answer to Senator Stott Despoja’s request for me to 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;
Answer (1)
The pregnancy support counselling MBS items are being developed in consultation with medical and allied health professions. The Government is currently considering feedback from the professions and on various aspects of the initiative including its scope and how best to implement it.

Question (2)
Senator Stott Despoja asked me to outline the timeline of the tender process for the government’s pregnancy support telephone hotline and whether the hotline is still due to begin operating by the end of this year. She also asked me to elaborate on my comment regarding the provision of non-directive pregnancy counselling information.
Answer (2)
The Department of Health and Ageing is developing the Request for Tender documentation for the National Pregnancy Support Helpline, under the guidance of a specialist advisory committee comprising relevant experts in the field of telecounselling, counselling, reproductive health and primary care. The Department is working towards an end of 2006 deadline.

The Department of Health and Ageing has received advice from the Pregnancy Counselling Expert Advisory Committee that non-directive (or client/patient-centred) counselling is based on the understanding that in many situations, people can resolve their own problems without being provided a solution by the counsellor. The counsellor encourages the person to express their feelings but does not suggest what decision the person should make. By listening and reflecting back what the person reveals to them, the counsellor helps them to explore and understand their feelings. With this understanding, the person is able to make the decision which is best for them. In relation to pregnancy, this includes:

- proceeding with the pregnancy and raising the child;
- proceeding with the pregnancy and adopting; and
- terminating the pregnancy.

Counselling, whether it is directive or non-directive, is about supporting decision making—it does not necessarily involve continued support or specific referral to a specific service after a decision has been made. In directive counselling, the counsellor actively participates in the decision making process; non-directive counselling leaves the responsibility for the decision with the client.
QUESTIONS WITHOUT NOTICE:
TAKE NOTE OF ANSWERS

Answers to Questions

Senator CONROY  (Victoria)  (3.04 pm)—I move:

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

Once again we have seen today the government’s off-handed, arrogant treatment not only of question time and the questions that have been put to it but of Australian shareholders. Senator Nick Minchin has been pinged, well and truly, today. Terry McCrann, no fan of the Labor Party, has published an article today, with the title ‘Nick Minchin’s idiotic grasp of finance’. Mr McCrann writes:

In his own words yesterday, Minchin effectively “announced” he was not competent to be finance minister.

“And of course, if they haven’t sold, they haven’t lost their money,” were his words of astonishing stupidity.

This is Mr Terry McCrann:

In very simple terms, if Minchin does not understand that you have lost real money even if—especially if—you haven’t sold, the nation’s finances should not be entrusted to his care. He should be liberated to take his idiosyncratic views to the investment, corporate, accounting and banking worlds: that they’ve all been "doing it" exactly wrong.

He goes on to say:

Did I describe his “analysis” as idiosyncratic? I used far too many letters. Idiotic would be crisper.

Not simply for the asinine financial interpretation, but the raw politics.

That is what has been written today. That is what we are seeing from this government. We are seeing a government that is out of touch. It is arrogant and it is desperate to avoid facing the music when the T3 share price goes exdividend. That is why we have an instalment process: for those senators and people like Senator Barnaby Joyce’s mum and dad—and for Senator Minchin’s own mum, whom he cut off yesterday. He cut off his mum yesterday. He put the phone down. He hung up on his own mum yesterday. How disgraceful!

Senator Minchin stands condemned for deceiving and misleading this chamber about what has been going on in the financial markets in this country for the last week. What we have seen is article after article talking about a discount being available to existing Telstra shareholders, and I am going to quote from them. Where did all of these journalists get this idea from? We have Jesse Hogan from the Age saying:

Options for the Government include a combination of a price discount, bonus shares or a guaranteed share allotment.

David Humphries, from the Sydney Morning Herald, in the article ‘Minchin plans sweeteners in Telstra sale’ says:

Lobbied by his back bench to give a discount on new stock sold to existing shareholders …

Possible sweeteners include a discounted share price …

Where did this come from? Jane Schulze and Michael Sainsbury, in ‘Bonus to stop T3 free-fall’, say:

It is not known when details of the entitlement offer will be announced, but market rumours suggested it could be a one-for-five offer, with existing Telstra shareholders gaining one discounted share for every five Telstra shares they now own.

But the general retail offer is also likely to include a discount of up to 5 per cent to Telstra’s market price at the time of the offer launch.

Michelle Grattan is a journalist famous in this building for her attention to detail. She will phone you at 12 o’clock at night to make sure she has the story right. Michelle says the government: 
… is not revealing how they will benefit but options include the right to subscribe for additional shares, a discount on the share price…

Where did Michelle Grattan get that idea from? Where did David Crowe and Tony Boyd from the Australian Financial Review get the idea that there would be ‘generous discounts to existing shareholders to encourage them to take part in the sale’? In fact, they go on to say:

Existing Telstra shareholders will be offered a guaranteed allocation of shares at a discount price in order to shore up demand for Telstra shares.

What is going on in this country at the moment is a scandal. This government is rigging the market in Telstra shares. It is deliberately allowing the opportunity for trading while the market is uninformed in Telstra shares, and two people stand condemned for this: Senator Nick Minchin and Senator Helen Coonan. They should put to bed this rumour that they and their staff have circulated, that their market gurus have circulated, that, as the Financial Review article says:

One executive involved in the sale said the discount was “in the mix”…

That is what is going on. We have a rigged share offer and ASIC is missing in action again. (Time expired)

Senator McGauran (Victoria) (3.09 pm)—It is pretty pathetic when the previous speaker relies for the best part of his address—

Senator Conroy—On every journo!

Senator McGauran—on Terry McCrann. If that is where you are getting your advice from, if that is where you are getting your policy substance from, let alone your addresses, Senator—as he leaves the chamber; he is not really interested in this—

Senator Conroy interjecting—

Senator McGauran—We know you are not interested. Absolutely you are not interested in this subject, because you are a privatiser yourself. We have you on record for that—as you scuttle out of the chamber. He was relying solely on Terry McCrann as his source of advice—the great grasshopper, Terry McCrann. I think the Labor Party will find that Terry McCrann bites back at them more than they will ever have the opportunity to quote him.

But I will go to the substance of this debate. Probably no issue has dominated this parliament and certainly the minds of the opposition in the past 10 years more than the privatisation of Telstra. This is the essence of the debate today. They are clinging on to some failed policy of objecting to the government’s mandate. When I say mandate, I mean not just from the two houses of parliament, which on three occasions now have mandated the government to sell Telstra—T1, T2 and now T3—but from four occasions at elections.

It is quite obvious the Labor Party are now heading into their fifth election with the same failed policy. You have to wonder: have they learnt anything from the last election at all? There were so many lessons to learn, let alone the failed leader you decided to put up, your economic credentials and four failed Telstra policies. Have you learnt anything? Are you going to get about with new, refreshed policies or are you going to go to the fifth election with the same policy? We enter an election year very soon—it will be this time or late next year. Have you learnt anything about refreshing your policies? Are you so contemptuous of the electorate after four occasions with a policy of having no privatisation of Telstra that you are going to front up to the electorate one more time with those sorts of failed policies? You have learnt nothing. You are across there in opposition and the whole perception you are giving to the electorate is of opposition for opposition’s
sake, that you have really learnt nothing at all.

Your questioning all this week has been devoted to the sale of Telstra. I dare say that, with a couple more days to go, it will continue to be so. Your whole week has been based on the fact that the government are engaging in a fire sale.

Senator George Campbell—When’s your brother joining the Libs?

Senator McGauran—A fire sale, Senator Campbell. Before I answer that outrageous accusation—and Senator Conroy threw it across the chamber yet again—let me say to the opposition: do not come in here and talk about fire sales of government assets, because when you were in government everything was in a fire sale, from the Commonwealth Bank to Qantas. It was just outrageous how cheap and nasty your sale of those assets was.

Let us take the Commonwealth Bank—talk about needing to be locked up! Talk about misleading the market. Talk about a Treasurer who, had he been the director of a company, would have breached the Corporations Law. The then Treasurer went to the election saying that there would be no sale of the Commonwealth Bank, and of course there was. This was a false prospectus from the start. Talking about fire sales, what did you ever do with your asset sales, other than try to plug the hole of budget deficits? There is much to be said about that, and we have reiterated many times the falseness and the hypocrisy of the opposition when it comes to privatisation.

But in the limited time I have I would like to quickly address the part where they are accusing us of having a fire sale of the T3 shares of Telstra. Let us make it quite clear that the taxpayers and the market will make their own financial judgements. They are quite capable of that. Investors make their own judgements as they consult their financial advisers. But the government has consulted financial advisers with regard to putting some $8 billion of the Telstra shares on the market. Firstly, we believe from advice that this is what the market can digest and, secondly, we are told that now is as good a time as any to sell the shares. (Time expired)

Senator Wortley (South Australia) (3.15 pm)—Again we see, in the answers provided today, an out-of-touch government, a government grappling for answers, a government demonstrating arrogance. On this issue of Telstra, we see the Howard government again putting its own ideology ahead of the national interest. We see a government out of touch with the Australian people, out of touch with the innocent mum and dad shareholders who listened when the Prime Minister told them T2 was a great deal and when he said that it was a marvellous opportunity for more of the mums and dads in Australia to buy shares in this great enterprise. We know many believed him. Senator Joyce’s mum and dad did and so too did Senator Minchin’s.

Senator McGauran—Mr Deputy President, I rise on a point of order going to relevance. I think we are raising an unfortunate precedent in this parliament of bringing people’s families into this matter. There is constant mentioning by the other side of people’s parents, what they own and otherwise. I just caution those from the other side. It is a very poor precedent. It is utterly unnecessary to do so. It is a cheap shot.

The DEPUTY PRESIDENT—There is no point of order, Senator McGauran.

Senator Wortley—The government has bungled this misguided fire sale from the very beginning and the mum and dad shareholders and the Australian taxpayers will suffer the consequences. Now the government is trying to shine the torch on Telstra
executives, making them the issue in this debate. It is completely unacceptable for the Howard government to now gag the management of this public company. The market should be kept informed of Telstra’s situation. The public will not wear it and the mum and dad shareholders will not wear it. They will simply see it as an attempt to deflect attention from the government’s bungling of the Telstra sale process.

This is a company in which 1.6 million Australians own shares. These are 1.6 million Australians who should be kept properly informed about the company’s prospects. They pick up the newspapers each day, watch the nightly news bulletins searching for information, listen to the radio, only to be disappointed. These are Australians who have invested their nest eggs, their hard earned savings. What do they find out? They read about a document circulated by Senator Minchin’s office to government backbenchers. It is a document referred to in the media as a T3 cheat sheet, one that gives government members answers to tricky questions from voters about the sale. An article in the Australian said:

Some of the suggested answers even have a whiff of the spruik, although the law, of course, forbids this.

I am sure the mum and dad Australian shareholders would like to cast their eyes across this document—but, of course, the document is not for members of the public and, to date, not for publication by the media, and the minister refuses to table it. Today in the minister’s answers, we had the government trying to shift the blame, trying to deflect from their own bungling of the sale. Labor’s view is that Telstra and its operations should be about nation building and we are opposed to the sale. But the Howard government have their own ideology and they disregarded the views of more than 70 per cent of Australians when they voted to go ahead with the privatisation of Telstra. John Howard has said in the past that a fire sale of Telstra would be unfair. I quote from what he said:

... we have never said that we are going to sell the shares just for the sake of getting rid of them. That would be unfair to the body of Australian taxpayers and it would certainly be unfair to existing Telstra shareholders.

Now the government are so exposed on Telstra, they have decided to sell at the bottom of the market. In 1999 John Howard said Telstra was a great deal at $7.40 and in 2002 he said that he was not satisfied that $4.50 a share was a good return to the Australian public. But now he is rushing into a fire sale of shares at $3.60. In November 2002, following the Prime Minister’s comments that he was not satisfied that the $4.50 a share was a good return to the Australian public, the minister’s spokesperson said that no further Telstra shares would be sold until the share price improved. Since then the share price has fallen from $4.50 to $3.60 and it appears now that this government is again walking a familiar path, the path of broken promises. It is the Australian public who will be left by the wayside. Why has the government broken another promise? Why is the decision to sell at $3.60 acceptable now? (Time expired)

**Senator NASH** (New South Wales) (3.20 pm)—There we see it again: carping from the other side about anything to do with telecommunications that this government puts forward. What is extraordinary is that we hear nothing but carping and negativity from the other side when they have absolutely no plan for the future of telecommunications services in this nation. Now, it might have escaped the notice of those on the other side that this government has gone to the last four elections with a policy to sell shares in Telstra. At those elections the people of Australia voted for this government. I know that might be hard to grasp, but we have taken
that policy to the people and they have agreed with it. It was a very clear policy that we would be selling further Telstra shares and the Australian people have voted for us on that basis.

This government should not be in the job of running businesses. This government is here to run the country; businesses should be running businesses. We recognise that. Unfortunately, those on the other side are a little slow on the uptake, but we recognise that that is the best thing in the interest of Australia. I would like to quote something for senators here:

... there are broader benefits to be gained from moving the ownership of assets into the private sector, most notably in achieving greater efficiency, stronger performance and improved competitiveness in some of our key national enterprises.

I think that sounds pretty good and probably everybody on this side of the chamber would think that sounds pretty good as well. It is very interesting to see that the quote actually comes from the Leader of the Opposition, Kim Beazley. So the opposition are flip-flopping all over the place. On the one hand, they are standing over there carping about our intention to privatise and to sell further shares but, on the other hand, they have a leader who is putting forward comments like that. They are flip-flopping all over the place. They have no idea where they are and no plan to take telecommunications forward.

Senator George Campbell—And you have?

Senator NASH—We do, and we will. We have a very good plan to take telecommunications forward. Not only are we going to sell the remaining shares in Telstra to allow that business to run as a business but also concurrently we have $3.1 billion in place to ensure that telecommunications are of a sufficient standard right across this nation. That has come from this side of the chamber, not the other side.

Senator George Campbell—You welshed on it.

Senator NASH—We welshed on nothing. We are taking a plan forward for this nation. We have a plan and they have not.

Senator George Campbell interjecting—

The DEPUTY PRESIDENT—Senator George Campbell, resume your seat.

Senator NASH—It is interesting to note that over the past 10 years, as we have moved forward towards the full privatisation of Telstra, the reliability and availability of telecommunications services have improved. They have not gone backwards; they have improved and the average price of services has fallen by more than a quarter. It does not take a rocket scientist to figure out that there has been less government ownership and better services delivered. It does not take long to figure that out, if you can concentrate for a moment or two.

I would like to return to the privatisation itself. We have taken this decision in the best interests of the people of this nation. I challenge those on the other side of the chamber to come up with some kind of a plan, instead of being negative and carping and doing nothing but denigrating what the government is trying to put in place—which are very good measures. The opposition has no plan whatsoever. It would be great if they could come up with one, don’t you think, Senator McGauran, and then we could judge what they would do. But we have not seen anything. We saw a bit of a half-baked idea from Senator Conroy some months ago which really did not seem to make much sense at all. Apart from that, there really has not been a lot. Do not sit on the other side of the chamber and argue about what we are doing and what we are taking forward when you have no plan of your own. It is very easy to
sit and criticise and carp and it is very easy for Senator Conroy to sit on the other side of the chamber and read article after article. I thought he would have put in a few more of his own comments and his own ideas. It is not too hard to sit over there and read and read. The opposition need to come up with a plan, to come up with some of their own ideas. We have one, we are going to take the nation forward and we will continue to take the best decisions in the interests of telecommunications right across this nation.

Senator McLUCAS (Queensland) (3.25 pm)—I am speaking this afternoon to take note of the appalling response that we heard today to the questions I asked Senator Ian Campbell about the future of the Great Barrier Reef Marine Park Authority—the entity which is charged with the management of the most significant environmental icon in this country. The government has allowed its future management intentions for this significant piece of environmental infrastructure to languish. Not only is the Great Barrier Reef an important environmental icon but also it is the most significant economic icon in this country. The Great Barrier Reef is worth more than $5 billion to the Australian and Queensland economies. That is why I took the opportunity today to ask Senator Ian Campbell a very straightforward question: what have the federal Howard government in store and what are they planning to do about the future of the authority? There have been rumours in North Queensland since the last election and today was the opportunity for the minister to set us straight.

The other motivation for today’s question was the fact that in today’s Courier Mail there was an article which described Mr Rob Messenger, the coalition shadow minister for the environment in Queensland, calling for the Great Barrier Reef Marine Park Authority to be abolished and for control to be handed over to the state of Queensland. Senator Ian Campbell spent a lot of time in his response to my question—I cannot call it an answer—talking about stark contrasts. He was actually talking about a completely different matter; he was not answering my question at all. Mr Messenger’s policy is in stark contrast to the coalition candidate for the Queensland state seat of Whitsunday, who yesterday called for the Great Barrier Reef Marine Park Authority to be abolished and for its powers to be handed to the federal Department of the Environment and Heritage.

We have in the paper today two candidates for the same coalition—in fact, the same party—calling for completely different responses to the management of the Great Barrier Reef, so I thought it was quite timely to ask a sensible question: what do you intend to do about it, Minister? He talked for 3½ minutes and two people had to take a point of order before he got anywhere near talking about the authority. He did that for half a sentence and then still did not take this opportunity. This was an opportunity that we had given the minister to give some certainty and surety to the people of North Queensland, the science community and the tourism industry about what the government intends to do about the management of this incredibly significant environmental icon, and he did not take it. He missed that opportunity.

There is very strong concern in North Queensland about what is going to happen to the Marine Park Authority. Following the adoption of the Representative Areas Program there was consternation, and the Fishing Party did a deal with the National Party in the lead-up to the 2004 election that they would transfer their preferences to the National Party—in the Senate, particularly—if there was a review of the Great Barrier Reef Marine Park Authority and its operation and consultation process leading up to the estab-
lishment of the Representative Areas Program. That happened; that is a fact and it is out there.

So the deal was done on preferences, and we got the Borthwick review. For all of that time the authority and its future have been in limbo. People do not know what is going to happen in terms of the management of this absolutely significant icon, and they are still waiting. The minister had the opportunity today to clear the air and tell us who is going to manage the authority; whether or not a cabinet submission is going to go to cabinet next week, or in a few weeks time; and what the government intends to do—to leave it as it is or for the powers to be assumed by the Department of the Environment and Heritage, where decisions about management can be politically manipulated. That is not the way it was established. Decisions about the authority should be made at arm’s length from the political process. It is that important, and that is why an authority type structure is the appropriate way to go.

Can I also put on the record for the minister—because he uses all the time he can to attack the Labor Party—that, in its coastal policy, to quote the policy itself, Labor is committed—(Time expired)

Question agreed to.

Environment: Burrup Peninsula

Senator SIEWERT (Western Australia) (3.30 pm)—I move:

That the Senate take note of the answer given by the Minister for the Environment and Heritage (Senator Ian Campbell) to a question without notice asked by Senator Siewert today relating to a rock art site on the Burrup Peninsula, Western Australia.

It looks like the minister has adopted the Western Australian government’s approach to the Burrup, which is to say that unless we develop the Burrup the Australian economy is going to collapse. I wonder if Woodside knows that it is sustaining the whole of the Australian economy through its project—of course, that is utter nonsense.

This area is an extremely important cultural site in Australia and in the world. It is up to 20,000 years old, with a million petroglyphs. From the minister responsible for heritage protection, the Minister for the Environment and Heritage, we are hearing that we in Australia need to compromise our cultural heritage at this extremely important site. This is the minister whose job it is to look after our heritage and yet, before the National Heritage List is even considered, he is talking about compromise. He is talking about compromise when there are a number of alternative sites for this proposal.

It is nonsense to say that if this site on the Burrup does not go ahead then the Australian economy will collapse. The gas is not going to go away. It is interesting to note that BHP Billiton are undertaking feasibility studies for the Scarborough gas development in the north-west. BHP have run a pretty good site selection process, and they have decided that the Burrup is not the place for their development; they are going up to look at Onslow. And guess what? So far there is no sign of any economic collapse because they are moving from the Burrup to Onslow.

The minister also ran the fallacious argument that if the development goes down to Maitland then it will compromise other rock art. Well, he is right. West Intercourse Island is an extremely important island for rock art. But the minister need not think that the state government is not going to develop that; it just has it further down the line. However, there have been surveys undertaken for the Shire of Roebourne, by a company called Astron Engineering, that have identified other port sites that can be used by a development at Maitland. So to run the argument that if we do not go to Burrup and instead go
to Maitland we are going to trash other rock art is absolute nonsense. I wish the minister would actually look at some of the information that is readily available.

And to argue that the Burrup is just 20 hectares is, again, a load of nonsense. The minister knows full well that there are sites, for example, that have already been developed on the Burrup, and that there have already been up to 10,000 petroglyphs lost. That is a guesstimate. No-one has done a full, proper survey of the Burrup and of what has been lost, so we do not know what has been lost. The minister knows those sites have already been lost—or he should know that, being the minister for heritage. To argue that the Burrup is only 20 hectares and that nobody is ever going to go there is, again, nonsense. This will be, as it has been in the past, development by creep. The minister cannot guarantee, unless he takes action, that the other heritage values will be protected. The minister has been up to the Burrup. He has stood on the Burrup and acknowledged that there is something special there that should not be auctioned off a bit at a time when there are perfectly acceptable development sites nearby.

And then there is this whole concept that it is okay to take a bit. This is death by a thousand cuts. Is it all right to take one of the pyramids for road making? Is it all right to take half of Stonehenge for road making? Did we not express outrage when the Taliban destroyed priceless cultural heritage sites? Yes, we did, but of course that was overseas. Australia appears to still have a cultural cringe. It is all right to look after other cultures and lands, but not when it comes to our own culture, which has a unique, and one of the best, heritage in the world—our Aboriginal heritage. The Burrup rock art, at 20,000 years old, is five times as old as the pyramids. It is okay for us to try to get the international community to protect the pyramids but not our own culture.

And now we come to the old argument, which is always being used nowadays—that is, greenhouse benefits. It is argued that it is okay, that we have to trash the Burrup because we have done nothing about climate change for years and years—that now we have discovered it is a problem we will, yet again, use the straw man that we have to have gas to deal with climate change to explain away the need to develop the Burrup. What an unsavoury argument it is to say, ‘We have to sacrifice 20,000-year-old rock art so that we can have a development on the Burrup.’ It ignores the fact that there are at least three other easily identifiable sites where the gas facility could be built.

The minister has some of the most important decisions to make on some of the most culturally important heritage in the world. He got a report yesterday—*time expired*

Question agreed to.

**PETITIONS**

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

**Health**

To the Honourable the Speaker, all Elected Representatives Federal or State, Government, Opposition, Minor Party, Independent, Senate or House of Representatives.

The petition of residents of Australia.

The health care systems, aged care, mental health, hospital, aboriginal health, preventative medicine are effectively disabled. As such we need a totally new approach to effect a workable effective outcome.

Your Petitioners Humbly request your Honourable House

(1) That public monies be allocated to provide quality care and protection to the vulnerable—regardless of their social status, colour, ethnicity or financial situation.
(2) Reporting mechanisms, including mandatory reporting be put in place for all vulnerable persons in residential care, institutions or the community.

(3) That vulnerable persons receive necessary care in their own localities near family and friends.

(4) That a local guardian be appointed for all vulnerable persons institutional care—a guardian who will ensure adequate care, protection, and negotiate on their behalf.

(5) That there be transparency in all policies and procedures governing vulnerable persons concerning surgery issues, dementia residents, difficult residents, and other contentious concerns whereby the vulnerable person and their family members are aware.

(6) That any transfer of a vulnerable person be discussed with family members prior to the transfer or as soon as possible in event of an emergency.

(7) That more monies be allocated to the actual care of vulnerable persons, rather than into the salaries of management and owners.

(8) That urgent steps be taken to restructure the accreditation system, the complaints resolution scheme, incident reporting requirements, and recruitment and training of staff.

(9) That mediation “courts” consisting of local volunteer groups be enacted to look at complaints, problems, and come up with solutions. That these same groups have the power to hand cases on to relevant authority if necessary.

(10) That spot checks be completely unannounced, and the backbone of accreditation.

(11) That the emphasis in future health policy be on actual care.

(12) That no more local hospitals or services are closed without local majority support for closure.

(13) That Private hospitals etc be required to carry a percentage of the public emergency load if they are to attract continued funding from the public purse.

(14) That vulnerable persons should not be discharged from care of health facility without prior notification of next of kin/guardian.

by Senator Allison (from 1,582 citizens).

**Health**

To the Honourable the Speaker, all members of parliament —government, opposition, minor party, independent, State or federal, Upper or Lower House, Legislative assembly, Senate or House of Representatives.

The petition of residents of Australia. The health system is disabled. People are suffering as a result, staff and patients are becoming demoralised and fearful as a consequence. We the people of Australia humbly request your honourable house

(1) That urgent steps be taken to restructure:-
   - the accreditation system
   - incident reporting requirements
   - complaint handling
   - Staff recruiting and training

(2) That mediation “courts” consisting of local volunteer groups be enacted to look at complaints, problems and come up with solutions. That these same groups have the power to hand cases on to relevant authority if necessary. We suggest those local volunteer groups “adopting” just one unit to oversee for a year or two then random rotations.

(3) That the emphasis of all future health policy be on actual care.

(4) That private hospitals be required to carry some percentage of the public health “emergency” load if they are to attract continued funding from the public purse.

(5) That public monies be directed to actual care rather than increased salaries or personnel for administration. That if reasonable costs be paid to volunteers/organisations involved in complaint resolution, these payments be public knowledge.

(6) That spot checks be completely unannounced, and the backbone of accreditation.
(7) That no more local hospitals or services are closed without community consultation and support for same.

by Senator Allison (from 90 citizens).

Whistleblowers

To the Honourable Speaker and elected representatives Federal and State, Government or opposition, minor party or independent Upper or Lower House.
The petition of residents and citizens of Australia.
We would bring to the attention of the house that the culture of cover up and suppression of moral integrity is repugnant to the majority of citizens.

We the undersigned Humbly request that your honourable house:
(1) Institute a special “award for integrity and moral bravery” to be given to persons in any profession who have the moral courage to stand up against the system for the good of others.
(2) That the derogatory term “Whistleblower” be eliminated with regard to these persons.

by Senator Allison (from 1,503 citizens).

Petitions received.

NOTICES

Presentation

Senator Robert Ray to move on the next day of sitting:
(1) That there be laid on the table, no later than Thursday, 19 October 2006, documents held by Telstra Corporation relating to shareholder attitude surveys conducted for the corporation by Crosby/Textor, including contracts between Telstra Corporation and Crosby/Textor and the results of such surveys, in regard to the impact on the performance of the corporation and its share price of telecommunications regulations and the Government’s intention to sell part or all of its Telstra shareholding.
(2) That the contracts referred to in paragraph (1) may be provided to the Senate with any genuinely commercially-sensitive information deleted.

Senator Kemp to move on the next day of sitting:
That the following bill be introduced: A Bill for an Act to amend the Archives Act 1983, and for related purposes. Archives Amendment Bill 2006.

Senator Allison to move on the next day of sitting:
That the Senate—
(a) congratulates Australian Professor Terence Tao for being the first Australian to be awarded the world’s most prestigious mathematics honour, the Fields Medal, which is considered to be the mathematics equivalent of a Nobel Prize;
(b) notes the contribution of Professor Tao’s work to progressing understanding of partial differential equations, combinatorics, harmonic analysis and additive number theory;
(c) trusts that the awarding of the prize will increase the profile of mathematics in Australia;
(d) notes the remarks of the Minister for Education, Science and Training (Ms Bishop) that the lesson to be learnt from Professor Tao’s experience is the need for an effective early childhood learning environment; and
(e) calls on the Government to remove the higher burden of the higher education contribution scheme debt applied to teachers of science and mathematics and work with the states to ensure:
   (i) public funding is available for high quality maths and science infrastructure in primary and secondary schools, and
   (ii) that teachers of mathematics and science have degree qualifications in these disciplines.

Senator Allison to move on 7 September 2006:
That the Senate—
(a) notes that:
(i) 9 September 2006, is International Foetal Alcohol Spectrum Disorders Awareness Day, and
(ii) there is no cure for foetal alcohol spectrum disorders (FASD) but they are 100 per cent preventable;
(b) recognises that:
(i) those born with FASD have mild to profound, lifelong disabilities, usually intellectual developmental disorders, and
(ii) early diagnosis can lead to better outcomes if services and programs are available to support children and families; and
(c) calls on the Government to:
(i) promote awareness of the effects of prenatal exposure to alcohol through warning labels on all alcohol products,
(ii) reconsider recommendations in the document, National clinical guidelines for the management of drug use during pregnancy, birth and the early development years of the newborn, in relation to alcohol consumption during pregnancy given the compelling international evidence that mothers who drink even small amounts of alcohol during pregnancy could unwittingly harm their unborn children, and
(iii) provide specific resources to help identify and support children who have FASD.

Senator Allison to move on the next day of sitting:
That the Senate—
(a) calls on the Government to act on calls by Amnesty International, with respect to the 34 day war between Israel and the Lebanese-based Hezbollah militia, for:
(i) the United Nations (UN) Security Council to immediately establish a comprehensive, independent and impartial inquiry into violations of international humanitarian law by both sides in the conflict, including violations which may amount to war crimes,
(ii) justice proceedings in line with international standards of fair trial for any person against whom there is evidence of war crimes, and
(iii) Israel to disclose maps of the areas of Lebanon into which it fired cluster bombs to enable the clearance of what the UN Mine Action Coordination Centre estimates to be 100 000 unexploded bomblets thereby preventing further civilian casualties;
(b) notes that no map has yet been provided for the land mines planted by Israel in southern Lebanon in 1988 resulting in recent death and injury to Israeli military personnel;
(c) urges the Government to also request that maps for the above-mentioned land mines are disclosed;
(d) requests the Government to provide Lebanon with a small team of Australian munitions experts to assist in the removal of unexploded munitions;
(e) notes that the current ceasefire agreement between Israel and the Lebanese-based Hezbollah includes no reference to the necessity to uphold requirements under international humanitarian law, namely the need to establish accountability for violations by both sides in the conflict;
(f) urges the Government to remind the parties to the ceasefire agreement of the need to uphold international humanitarian law; and
(g) calls on the Government to appeal to Israel to remove its blockade on Lebanon.

Senators Allison and Moore to move on the next day of sitting:
That the Senate—
(a) recognises that:
(i) a report from the United Nations Population Fund, State of the World Population 2006: A Passage to Hope, in relation to women and international migra-
tion, was released on 6 September 2006,

(ii) women constitute almost half of all international migrants worldwide, that is 95 million or 49.6 per cent,

(iii) in 2005, roughly half the world’s 12.7 million refugees were women,

(iv) for many women, migration opens doors to a new world of greater equality and relief from oppression and discrimination that limit freedom and stunt potential,

(v) in 2005 remittances by migrants to their country of origin were an estimated $US232 billion, larger than official development assistance and the second largest source of funding for developing countries after foreign direct investment,

(vi) migrant women send a higher proportion of their earnings than men to families back home,

(vii) migrant women often contribute to their home communities on their return, for instance through improved child health and lower mortality rates,

(viii) the massive outflow of nurses, midwives and doctors from poorer to wealthier countries is creating health care crises in many of the poorer countries, exacerbated by massive health care needs such as very high rates of infectious disease,

(ix) the intention to emigrate is especially high among health workers living in regions hardest hit by HIV/AIDS,

(x) the rising demand for health care workers in richer countries because of their ageing populations will continue to pull such workers away from poorer countries,

(xi) millions of female migrants face hazards ranging from the enslavement of trafficking to exploitation as domestic workers,

(xii) the International Labour Organisation estimates that 2.45 million trafficking victims are toiling in exploitative conditions worldwide,

(xiii) policies often discriminate against women and bar them from migrating legally, forcing them to work in sectors which render them more vulnerable to exploitation and abuse,

(xiv) domestic workers, because of the private nature of their work, may be put in gross jeopardy through being assaulted, raped, overworked, denied pay, rest days, privacy and access to medical services, verbally or psychologically abused, or having their passports withheld,

(xv) when armed conflict erupts, armed militias often target women and girls for rape, leaving many to contend with unwanted pregnancies, HIV infection, and reproductive illnesses and injury,

(xvi) at any given time, 25 per cent of refugee women of child-bearing age are pregnant,

(xvii) for refugees fleeing conflict, certain groups of women such as those who head households, ex-combatants, the elderly, disabled, widows, young mothers and unaccompanied adolescent girls, are more vulnerable and require special protection and support,

(xviii) people should not be compelled to migrate because of inequality, insecurity, exclusion and limited opportunities in their home countries, and

(xix) human rights of all migrants, including women, must be respected; and

(b) encourages:

(i) governments and multilateral institutions to establish, implement and enforce policies and measures that will protect migrant women from exploitation and abuse, and

(ii) all efforts that help reduce poverty, bring about gender equality and enhance development, thereby reducing the ‘push’ factors that compel many migrants, particularly women, to leave
their own countries, and at the same time helping achieve a more orderly migration program.

Senators Stott Despoja and Kemp to move on the next day of sitting:

That the Senate—

(a) notes the death of Colin Thiele, a children’s writer from South Australia;

(b) recognises that Mr Thiele helped form children’s respect and love for the Australian landscape as well as telling good stories; and

(c) notes that Mr Thiele loved writing for children and did a great deal to continue a very fine tradition of Australian writing for the young.

Senator Payne to move on the next day of sitting:

That the time for the presentation of the report of the Legal and Constitutional Legislation Committee on the examination of annual reports tabled by 30 April 2006 be extended to 7 September 2006.

Senator Milne to move on the next day of sitting:

That the Senate—

(a) notes:

(i) that according to the Australian Bureau of Meteorology, August 2006 was the driest month in 106 years,

(ii) the comments of the head of the Bureau of Meteorology’s National Climate Centre, Dr Michael Coughlan, on 4 September 2006, about the downward trend in rainfall and the upward trend in temperatures that ‘it’s very hard to find some other reason other than global warming for what is causing this’,

(iii) the comment of eminent scientist, winner of the Prime Minister’s 2001 Environmentalist of the Year prize and member of the National Water Commission, Professor Peter Cullen, on 4 September 2006, that climate change is affecting Australia faster than he anticipated, and

(iv) the comments by the Prime Minister (Mr Howard) on 28 August 2006 that ‘I accept the broad theory about global warming. I am sceptical about a lot of the more gloomy predictions’; and

(b) calls on the Prime Minister to acknowledge the urgency of action to address climate change and to start by setting national greenhouse gas emission targets.

Withdrawal

Senator GEORGE CAMPBELL (New South Wales) (3.37 pm)—Mr Deputy President, I withdraw notice of motion No. 3 for today, standing in the names of Senator Murray and the Leader of the Opposition in the Senate, Senator Evans.

CLUSTER BOMBS

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (3.38 pm)—I move:

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

Question put.

The Senate divided. [3.42 pm]

(The Deputy President—Senator JJ Hogg)

Ayes…………… 29

Noes…………… 33

Majority………. 4

AYES

GLOBAL WARMING

Senator MILNE (Tasmania) (3.45 pm)—
I move:

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.

Question put.

The Senate divided. [3.47 pm]

( The President—Senator the Hon. Paul Calvert)

Ay es........... 29
Noes........... 33
Majority........ 4

AYES

Allison, L.F. Bartlett, A.J.J.
Bishop, T.M. Brown, B.J.
Campbell, G. * Carr, K.J.
Conroy, S.M. Crossin, P.M.
Forshaw, M.G. Hogg, J.J.
Hurley, A. Hutchins, S.P.
Kirk, L. Ludwig, J.W.
Lundy, K.A. Marshall, G.
McEwen, A. McLucas, J.E.
Milne, C. Moore, C.
Nettle, K. O’Brien, K.W.K.
Ray, R.F. Siewert, R.
Stephens, U. Sterle, G.
Stott Despoja, N. Webber, R.
Wortley, D.

NOES

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. Coonan, H.L.
Eggleston, A. Ellison, C.M.
Ferris, J.M. * Fierravanti-Wells, C.
Fifield, M.P. Humphries, G.
Johnston, D. Kemp, C.R.
Lightfoot, P.R. Macdonald, I.
Macdonald, J.A.L. McGauran, J.J.J.
Minchin, N.H. Nash, F.
Parry, S. Patterson, K.C.
Payne, M.A. Ronaldson, M.
Santoro, S. Scullion, N.G.
Trood, R. Vanstone, A.E.

* denotes teller

Question negatived.

GLOBAL WARMING

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(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.

Question put.

The Senate divided. [3.47 pm]

( The President—Senator the Hon. Paul Calvert)

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Kirk, L. Ludwig, J.W.
Lundy, K.A. Marshall, G.
McEwen, A. McLucas, J.E.
Milne, C. Moore, C.
Nettle, K. O’Brien, K.W.K.
Ray, R.F. Siewert, R.
Stephens, U. Sterle, G.
Stott Despoja, N. Webber, R.
Wortley, D.

NOES

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. Coonan, H.L.
Eggleston, A. Ellison, C.M.
Ferris, J.M. * Fierravanti-Wells, C.
Fifield, M.P. Humphries, G.
Johnston, D. Kemp, C.R.
Lightfoot, P.R. Macdonald, I.
Macdonald, J.A.L. McGauran, J.J.J.
Minchin, N.H. Nash, F.
Parry, S. Patterson, K.C.
Payne, M.A. Ronaldson, M.
Santoro, S. Scullion, N.G.
Trood, R. Vanstone, A.E.
Watson, J.O.W.

(b) backs the Greens job-rich forestry transition policy for Tasmania instead”.

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

The Senate divided. [3.51 pm]
(The President—Senator the Hon. Paul Calvert)

Ayes........... 4
Noes........... 55
Majority........ 51

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

NOES
Abetz, E. Adams, J.
Bernardi, C. Bishop, T.M.
Boswell, R.L.D. Brandis, G.H.
Calvert, P.H. Campbell, G. *
Campbell, I.G. Chapman, H.G.P.
Colbeck, R. Conroy, S.M.
Coonan, H.L. Crossin, P.M.
Eggleston, A. Ellisson, C.M.
Ferris, J.M. Fielding, S.
Fierravanti-Wells, C. Fifield, M.P.
Forshaw, M.G. Hogg, J.J.
Humphries, G. Hurley, A.
Hutchins, S.P. Johnston, D.
Kemp, C.R. Kirk, L.
Lightfoot, P.R. Ludwig, J.W.
Lundy, K.A. Macdonald, I.
Macdonald, J.A.L. Marshall, G.
McEwen, A. McGauran, J.J.J.
McLucas, J.E. Minchin, N.H.
Moore, C. Nash, F.
O’Brien, K.W.K. Parry, S.
Patterson, K.C. Payne, M.A.
Ray, R.F. Ronaldson, M.
Santoro, S. Scullion, N.G.
Stephens, U. Sterling, G.
Trood, R. Vanstone, A.E.
Watson, J.O.W. Webber, R.
Wortley, D.

* denotes teller

Question negatived.

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

The Senate divided. [3.59 pm]
(The President—Senator the Hon. Paul Calvert)

Ayes............ 33
Noes............ 27
Majority........ 6

AYES

NOES

PAIRS
Barnett, G.  Ferguson, A.B.  Heffernan, W.  Joyce, B.  Mason, B.J.  Brown, C.L.  Troeth, J.M.  Evans, C.V.

* denotes teller

Question agreed to.

MATTERS OF URGENCY

Multiculturalism

The ACTING DEPUTY PRESIDENT (Senator Watson)—I inform the Senate that the President has received the following letter, dated 5 September 2006, from Senator Nettle:

Dear Mr President,

Pursuant to standing order 75, I give notice that today I propose to move:

“That, in the opinion of the Senate, the following is a matter of urgency:

(a) note the Prime Minister’s recent comments about the Muslim community needing to learn English and respect women; and

(b) call on all political parties and leaders to promote the values of multiculturalism in the Australian community and the need for all members of the community to respect women.

Yours sincerely,

Senator Kerry Nettle
Greens Senator for NSW

Is the proposal supported?

More than the number of senators required by the standing orders having risen in their places—

The ACTING DEPUTY PRESIDENT—

I understand that informal arrangements have been made to allocate specific times to each of the speakers in today’s debate. With the concurrence of the Senate, I shall ask the clerks to set the clock accordingly.

Senator NETTLE (New South Wales) (4.03 pm)—I move:

That, in the opinion of the Senate, the following is a matter of urgency:

CHAMBER
The need for the Senate to:

(a) note the Prime Minister’s recent comments about the Muslim community needing to learn English and respect women; and

(b) call on all political parties and leaders to promote the values of multiculturalism in the Australian community and the need for all members of the community to respect women.

The Greens want to see Australian political leaders speak loudly about the value of multiculturalism and the benefits that multiculturalism has brought to our community. But, unfortunately, we have heard in recent comments from the Prime Minister and the Treasurer that they are currently engaged in attacking one section of our community. That is the opposite to what true political leaders should be doing. We are now seeing that it is in fact the Prime Minister’s attitude that is more of a threat to multiculturalism in this community than any actions of the Muslim community that he has been targeting with his attacks. Comments that single out one element of the Australian community for criticism are damaging to multiculturalism and therefore to the whole, broader Australian community and our commitment to multiculturalism.

The Muslim community is no different from any other community. We see Muslims across the country making a great contribution to Australian society. Multiculturalism is an ongoing project for all Australians to be involved in. It is not a simple case of one group of Australians learning the language of another. The Prime Minister’s claim that he is raising honest concerns about this issue are simply not credible. What we have seen in his actions are all of the hallmarks of a cynical political campaign—a calculated fear campaign that is designed to exploit community concerns about terrorism at the expense of the Australian Muslim community. A letter writer to the Sydney Daily Telegraph today points this out when she writes:

In recent years Mr Howard has concentrated on exploiting the fear generated by September 11 by employing his faithful dog whistle to link all Muslims with terrorism. Having achieved a climate in which any criticism of the Australian Muslim community is favourably received in parts of the broader community, John Howard has now abandoned the dog whistle in favour of a siren blast that will deafen us right up until the 2007 election.

The Treasurer appears not to be aware of the hard work that leaders in the Muslim community have been involved in in recent years. On the weekend he called on Muslim community leaders to do the very things that they have been doing on almost a daily basis since September 11. In fact, the work that has been done within the Muslim community to calm tensions within their community and the broader Australian community has been incredible. They have been doing a fantastic job. I am sure that many members of parliament have been involved in activities and events put on by the Muslim and broader communities in which we have seen Muslim leaders in this country calling out for peace and unity. These are the sorts of things that true political leaders should be doing—calling for peace, unity and respect for multiculturalism in this country. But, unfortunately, we do not see it from our Prime Minister.

The Prime Minister claims that people are resisting integration by not learning English. Putting aside the underfunding of the Adult Migrant English Program run by this government, where is the evidence from the Prime Minister that migrants of the Islamic faith have a lower rate of learning English than any other comparable migrant group? I have not seen any. The Prime Minister has certainly not presented any evidence to that effect. It is a great shame to have to remind...
the Prime Minister that there are significant numbers of Australians who do not speak much English, if any, who are arguably more Australian than he will ever be—that is, the Aboriginal and Torres Strait Islander traditional owners of the land on which we are gathered. As a letter writer to the Age newspaper wrote yesterday:

Since when has not speaking English meant not being a good law-abiding Australian citizen?

It is a very good question indeed and a question that the Prime Minister should perhaps turn his attention to.

Perhaps the Prime Minister is offended by the sight of people demonstrating in the street against his policies in the Middle East. He must be careful here because Australian Muslims from the Middle East, along with other migrants and their descendants from these regions, have every right to be angry about the Australian government’s role in the mayhem in Iraq and about the Prime Minister’s uncritical backing of Israeli war crimes in Lebanon and continuing collective punishment of the Palestinian people. It is a political viewpoint that anybody is entitled to adopt. There is nothing un-Australian about being critical of Australia’s foreign policy; in fact, it is entirely consistent with Australian values to be a vocal critic of the government of the day, to exercise the right to free speech and political freedom of expression. Yet we see the Prime Minister singling out the Muslim community. He does so because of their poor treatment of women. We saw in the Daily Telegraph another letter, which says:

Mr Howard says women should be treated equally and with respect. High levels of domestic violence, the abuse of women in some police forces and in the armed services, the degrading of women by some sporting heroes and the lack of equal representation of women on corporate boards, in executive positions and in our parliaments seem to clash with the wholesome values espoused by Mr Howard.

Mr Howard should speak out about the value of multiculturalism. (Time expired)

Senator BRANDIS (Queensland) (4.10 pm)—Long before the Greens party was ever thought of in Australia, the Liberal Party, the party of which I am proud to be a member, was the pioneer of Australian multiculturalism. It was the Holt government that began the abolition of the White Australia policy, which was brought to fulfilment—to give credit where it is due—by the Whitlam government. It was the Whitlam government that began the introduction of multiculturalism in Australia, but that was fulfilled by the Fraser Liberal government. If you read, Senator Nettle, as obviously you have not, the histories that have been written of Australian multiculturalism, generally by authors of the Left, you will discover that in fact it was the Fraser government that bedded down multiculturalism and established the bipartisan consensus which has governed our public policy in this field ever since.

Although some credit is given to the late Mr Al Grassby as the founder of Australian multiculturalism, when it comes to actually implementing and bedding down that policy, do you know, Senator Nettle, who is entitled truly to be remembered as the founder of Australian multiculturalism? Mr Petro Georgiou, now the member for Kooyong, the man who as Malcolm Fraser’s senior adviser shepherded that policy in the early days of the Fraser government and who, as the architect and designer of SBS, established it and other vital multicultural institutions. So, Senator Nettle, please do not give any pious lectures from the Greens party to us, who were responsible for multiculturalism in this country, about the importance of multiculturalism; nor let us have any attacks on the current Prime Minister, during whose government, for the first time in our history, non-European migrants to Australian outnumber European migrants.
We have run a multicultural policy in this country for three decades. Both sides of politics are entitled to credit for it. The Greens party has had nothing to do with it. In the government party room today, I sit with members of parliament of Italian heritage, of Greek heritage, of German heritage, of Dutch heritage, of southern African heritage, of Palestinian heritage, of Chinese heritage and of Hungarian heritage—all part of the rich mixture of Australian society today. There is more ethnic diversity in terms of background among the members of the government parties than there is in any political party represented in the Australian parliament today—just as it was my party, the Liberal Party in Queensland, which was the first to elect to this Senate an Aboriginal Australian, the great Neville Bonner. It was again in Queensland that our coalition colleagues, the National Party, were the first to elect to the Queensland parliament in 1974 a Torres Strait Islander, the late Mr Eric Deeral, the member for Cook, the first member of his race to serve in a state parliament. So please do not tell us what we do not need to hear from you, Senator Nettle, about multiculturalism. Multiculturalism for the coalition is not only an essential value but a value which our side of politics has more responsibility for creating than any other political party in this land.

Senator Nettle, I see in your urgency motion—as in your speech—that you chastise the Prime Minister for making the observation, which I believe more than 90 per cent of Australians would regard as going without saying, that it is a desirable thing that people who come to this country should learn, if they do not already have the facility, to speak English. Why, Senator Nettle? Let me tell you why. Because English is the national language. Of course Australians should speak English. That is not to say that everyone who migrates to this country should already speak English. Many great Australians have not done so. Sir Arvi Parbo, one of our greatest industrialists, did not speak English when he came to Australia as a young man. Dr Victor Chang, another great Australian, did not speak English when he came to this country as a young man. Nor did the Belgiorno-Nettis family—another great Australian success story; a great success story of multiculturalism. My good friend Senator Santo Santoro tells me that when he came at the age of five to live in Australia from Italy, he did not speak a word of English.

These are all magnificent success stories—people who have come from other lands, from other cultures, and made a great success of and a great contribution to Australian life. None of them spoke English when they arrived in Australia, but do you know what, Senator Nettle? They all made it their business to learn. They all made it their business, as part of joining the mainstream of Australian life, to ensure that they did speak the national language and, had they not done so, of course they would not have enjoyed the success which their ability, their endeavour, their energy and their ambition subsequently gave them.

Senator Nettle, I sometimes think when I hear people of your point of view that you seem to think that a nation is nothing more than an accumulation of people who happen to live in a common territory at a given point in time. Your view of what a nation is is so impoverished. A nation is more than a few million people inhabiting a common territory and bringing nothing to the commonality of their experience. A nation is about a common language. A nation is about a common history and a shared future. A nation is about a common set of laws. I am pleased to notice that in an aside you acknowledged, Senator Nettle, that being a nation is also about having a common set of values. The citizenship oath or affirmation contains that declaration.
We have all heard it many times. We have seen new people come to our shores swelling with pride as they utter those great words, pledging themselves to the people of Australia “whose democratic beliefs I share, whose rights and liberties I respect and whose laws I will uphold and obey”.

We are fortunate in this country to be a liberal democracy—one of the only liberal democracies in the world in which liberal democratic values have lasted for as long as the story of our nationhood. We in Australia have always had certain fundamental precepts, among which has been the freedom of speech—which you rightly laud, Senator Nettle—and nobody says that the right to criticise government is not a fundamental value of we Australians. Of course the right to criticise government is an essential value—not in some of the states that you and your parliamentary leader defend so often in this chamber, I might say, Senator Nettle, but for we Australians. Another essential value for we Australians is the equality of the sexes, a principle which you and the party which you represent in this place have often declared to be a fundamental value.

I might refer Senator Nettle, if she did not hear it, to Senator Mason’s fine speech last night in which he also pointed out that the rights of gay people, now a fundamental value of we Australians, are not respected by some of the regimes which you and your leader come into this chamber to defend. The values of tolerance, liberty, respect for the individual, respect for people of other genders and other sexualities, free parliamentary debate, the freedom to criticise the government—all of these essential Australian values, all of them part of the rich multicultural texture of which we in the Liberal Party are so proud to have been progenitors—are the very values which are denied by the regimes for which you and your leader, Senator Brown, are so often cast in the role in this place as apologists. Senator Nettle, multiculturalism is alive and well in Australia today. It is part of our liberal democracy. It has been part of our liberal democracy for three decades and we in the government parties are proud to have been the principal authors of that great Australian story.

 Senator HURLEY (South Australia) (4.20 pm)—People all around Australia at the moment are suffering from the government’s triple whammy of rising interest rates, rising petrol prices and changes to industrial relations laws. One by one members of the government seek to deflect attention from that by raising other issues. This time it was the Prime Minister’s turn to raise the spectre of people coming into this country and resisting integration, as he put it. There has been an attempt to say that there are migrants to this country who are resisting the values of multiculturalism, about which Senator Brandis spoke so eloquently. Those values of multiculturalism are that people can practise their own culture and tradition provided they comply with Australian law and government and with Australian values.

The Prime Minister—backed up by the Treasurer, Mr Costello, who is always inclined to go further—has put the spotlight on the Muslim community in talking about this. He referred specifically to the Muslim community as resisting integration. He then spoke of the need for migrants to Australia to learn to speak English. This is a classic case of government members, and the Prime Minister in particular, seeking to make these sorts of statements and then doing nothing about them. The government makes statements that get broad approval in the public but then it does nothing to implement them. The Prime Minister is head of a government. If he feels that there is a problem in our community, and with our immigrant community in particular, perhaps he should do
something about it. However, the Prime Minister is doing nothing about it.

One of the problems that has developed in our immigrant community is that the adult English language program which is available to migrants and which has for many years been available to migrants is no longer keeping up with the strains of the population coming into Australia. The problem with the Adult Migrant English Program—AMEP, as it is called—is the inadequate number of contact hours to learn a language as complex as English. It is a very hard language to learn, and immigrants have 510 hours to reach a functional level of English. But the program is quite a rigid one, and the starting times are often quite rigid. Migrants have one year to complete the program, and class sizes are often too large.

One of the reasons the problems have started to develop is that AMEP is based on an English-as-a-second-language model, and English as a second language is not appropriate for a number of the refugees and humanitarian entrants that this government has brought into the country. I have no problem with the government fulfilling its rights and responsibilities by bringing in refugees and humanitarian entrants, but many of the entrants who have come in in the last few years are not literate in their own language, and the government knows this very well. The government has acknowledged this but has not kept up the level of resources to allow migrants to learn the English language effectively. One of the chief problems is that there is often not suitable child care for people who want to learn English, and if child care is not available people are unable to access the course. This is not a universal problem. Some providers, like ACL in Auburn, which I visited just recently, have child care in the building, virtually next door to where people are learning English. It is a good model but is by no means universal, and this is particularly so in rural and regional areas.

The presumed failings of migrants to learn English, mentioned by the Prime Minister, John Howard, is actually a failing of this government to provide more effective English language programs for migrants. This is probably the difference between Australia’s approach to multiculturalism and that of a lot of other countries. Australia has always taken the view that, in order to help migrants integrate, programs and resources should be available to help the migrants do that. That has always been supported in a bipartisan way, but it is starting to fall down. The February estimates hearings heard that AMEP had 2,200 additional migrant students at the same time as the government’s funding program decreased by $10.8 million. Andrew Robb, Parliamentary Secretary to the Minister for Immigration and Multicultural Affairs, took offence at this statement and said that the government had increased its Adult Migrant English Program funding by $36.8 million. What Mr Robb did not say was that this funding was over a four-year period and was announced in the same year as the Howard government increased its refugee intake from 4,000 in 2003 to 13,000 this year. So AMEP has had to cope with more refugees with fewer funds. The government is simply not keeping up with its own refugee program. Cutting programs while increasing the number of refugees by 9,000 people makes no sense at all and, after 10 long years of the Howard government, we are beginning to get a bit used to his, because common sense has not been a highlight in a number of their programs.

The failure of the Howard government to effectively manage its English program is also economically damaging to Australia. By not running an efficient English program, the Howard government is failing to capitalise on the economic benefits which all migrants
happily offer. This is poor financial management. I have not met a migrant yet who does not want to learn English and learn it well. All migrants should be given the opportunity to learn English so that they can contribute to our economy. Australians expect this. They also expect the government’s English language program, which costs taxpayers $153 million annually, to be producing results. But in 2005 only 11 per cent of the 36,405 people enrolled with AMEP exited with functional English—that is, only 11 per cent of the people met the aims of the program.

The government has an obligation to provide migrants with the opportunity to learn fully functional English through a flexible and well-managed program. It is true that many of our earlier migrants were not given the opportunity to learn English through such a program and have contributed greatly to this country—and Senator Brandis mentioned some of those people—but we live in different times now and people should have the opportunity to learn English effectively through a good program and to fully contribute to Australia’s society and economy. A country with a small population growth rate, such as ours, depends on immigration and the economic benefits it brings. If the government’s English language program is not working efficiently—and 11 per cent is not a very flattering result—these benefits are not captured and that has a financial knock-on effect for all Australians. It is interesting that, while the Prime Minister complains about some migrants not learning English, his own government is bringing in section 457 migrants who speak very little English and putting them into jobs that place their lives in danger, and that is a different set of circumstances.

In conclusion, I would like to say that, before he goes around singling out one particular community for their presumed failure to learn English, the Prime Minister should look at his own government’s failure to run an effective and economically sound English language program. He has had 10 long years to sort it out, and he appears not to be succeeding very well.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (4.30 pm)—The Prime Minister’s attack on the Islamic community in Australia—by claiming that while 99 per cent had integrated, one per cent practiced discrimination against women or had not learnt the language—was more than a dog whistle. It was divisive and xenophobic in a way that you do not expect the Prime Minister of this country to behave.

And it was full of double standards. The Exclusive Brethren, who support the Prime Minister and get ample return through legislative consideration, are 100 per cent discriminatory against women. They do not allow women who are married to work. They do not allow women who are not married to have any job where they have men in subsidiary positions. They do not allow boys or girls to go to university. And yet the Prime Minister never, ever talks about this group of 15,000 people in our community, who are repressed and have had their rights taken away. How much more productive it would be if the Prime Minister were to genuinely try to create the multicultural society we once had, and that Senator Brandis spoke about.

He has not done that, and I think I can add to this. Senator Brandis talked about Hezbollah. The Greens have strongly supported the Lebanese people and their right not to be bombed. I am appalled that just a moment ago Senator Brandis joined other members of the government in voting against the Greens motion not to have cluster bombs ripping apart little kids in Lebanon, who are totally
innocent. Really, the government should get its—(Time expired)

Senator FIERRAVANTI-WELLS (New South Wales) (4.31 pm)—Those opposite may rail against the Prime Minister’s recent comments regarding integration, but I am sure not only that they have been well received but that they are supported by an overwhelming number of Australians. It needs to be reinforced, as the Prime Minister has stated, that it is important for those who come to Australia to integrate. To integrate means to accept Australian values.

Australia today is a country forged from different cultures and tied by a set of common beliefs and values—a belief in a free and competitive market system, freedom of choice, respect for human life and respect for the rule of law. This means that those who come from societies which are less contemporarily progressive than our own need to have an acceptance of these values and beliefs. And those values and beliefs may be different from those in the country whence they came—for example, equality of men and women.

People who come from societies where women are treated in an inferior manner need to understand that this is not acceptable in Australia. Each person is entitled to full recognition and respect. The promotion of these values and beliefs across the diversity of our contemporary Australian society is vital to our continued social cohesion. When people come from a country with a dissimilar set of values the onus is on them to understand and respect the community that they have chosen to come and live in.

I have lived my life across the diversity that is Australia. And whilst cultural diversity has brought us many advantages, there have also been challenges. When my parents first came to this country they, like many others, experienced difficulties and prejudice. It was a fact of life. They got on with it. They integrated. They shared their culture, traditions and values. They accepted and they became accepted. Through this, they and many others have helped forge the unique Australian way of life that we enjoy today.

At the time my parents came there were no settlement services. Today we afford new migrants much more assistance. We are recognised as one of the world’s best practice countries in respect of the resettlement programs we offer. Each year we spend in excess of half a billion dollars helping people to settle into the Australian community. As a new arrival it is much easier to learn English today than it was in the past. Indeed, as the Prime Minister has said, integration today means not only accepting Australian values but learning English as quickly as possible. The English language is essential to understand the community you live in, and whilst Australia is a nation that boasts a population with over 200 ancestries, which speak over 200 languages, English is the common language that brings us together and allows us to understand one another.

While some seek to gloss over divisions in our society by affirming a desire for harmonious coexistence and religious tolerance, problems do exist. Unfortunately, there is a small section of the Islamic population which is resistant to integration. Indeed, this is clearly of as much concern to its own community as it is to the rest of Australian society. Having spent many years working in our culturally diverse community I know that many Islamic people, like millions of other migrants to Australia, have come to Australia to work hard and build a better life for themselves and their children. They, too, are appalled by the attitude of this small minority.

There are unfortunately some who try and distort these calls for people to fully integrate into the Australian community as some kind
of discrimination against them. Australia is a tolerant and compassionate society founded on understanding and respect for social and religious differences. Our success as a culturally diverse society comes from having put our commitment to Australia first. I note that following the Prime Minister’s comments a number of Muslim community leaders complained that Mr Howard had unfairly singled them out at the risk of further marginalising their community. Our response to this should be to reiterate the call for migrants to integrate no matter which country they come from.

The Treasurer echoed the Prime Minister’s sentiments in a recent interview. I share Mr Costello’s concerns that there is a minority in the Islamic community who have been radicalised and have sought to prey upon young people in particular. I support his call. It is very important that the moderate leaders speak out quite plainly and clearly against those radicals. The Parliamentary Secretary to the Minister for Immigration and Multicultural Affairs has also urged the Muslim leadership to get on the front foot, identify the problems and come up with solutions. Leaders of the Australian Muslim community must step up on this issue to assure the broader Australian community that most Australian Muslims are integrated and committed to the wellbeing of this nation.

Australia has a relatively small Muslim community of some 360,000 people. Most are hardworking, exemplary Australians. Most Australian Muslims respect Australian values and live very comfortably within the broader community. The Australian government recognises and respects the enormous contribution that has been made to the Australian nation through migration. We are a country that has embraced diversity. Our diversity has been our strength.

I am the daughter of migrants to this country and, as Senator Brandis said yesterday, we are very proud that on the coalition side we do have the diversity that those opposite lack. As the first woman into this Senate of Italian origin, I am indeed proud of our cultural diversity, as I am sure Senator Bernardi, Senator Santoro and others on our side are equally proud of their heritage. On my first day at school I did not speak a word of English. It was important for my parents and for their integration into Australian society that I did learn how to speak English. Today I am proudly completely bilingual and I think that I, like many people in our Australian community, have benefited from the cultural diversity of our roots. We have shared that cultural diversity, but first and foremost our commitment has been to this great country that has embraced millions of migrants like my parents.

Indeed, there have been almost seven million migrants welcomed into the Australian community since the Second World War. Together we have forged the great Australian society that we have today and the Australian society that is welcoming to people from other countries in the world. But one thing that my 25 years of involvement have taught me, particularly in the broader community, is that what is so important for their integration is not only the speaking of the English language but the acceptance of the values and beliefs of many of the communities that have come here, which are now mainstream—the strength of the family and the strength of their religion. Our cultural diversity has indeed been our strength.
book by its cover, of lending a hand and standing together. Those values are once again under threat from Mr Howard. The Prime Minister who told us that no Australian should have to choose between their history and their geography is now telling our fellow Australians that we will only accept them if we erase their childhoods, erase their grandparents, erase their past.

I will pass over the irony of the Prime Minister who leads the most un-Australian government that we have ever had actually advising anyone at all on what Australian values are. Mr Howard’s values are about a widening gap between rich and poor, about the invasion of another country based on a lie, about distorting our Australian democracy by using taxpayers’ funds to pay for massive advertising campaigns designed to manipulate voter opinion. They are Mr Howard’s values.

But I just cannot pass over the Prime Minister using the rights of Australian women as an excuse to attack part of our community. The position of women in fundamentalist Islamic states and the distinctive clothing of many Muslim women have led to the cheap and easy equating of Islamic faith with discrimination against women. This is a long-standing excuse for colonialism, which Gayatri Spivak famously described as ‘white men saving brown women from brown men.’ Here in Australia the behaviour of teenagers who practise gangster rap moves rather than religion is used to smear entire ethnic groups. When Mr Howard says that migrants ‘must be fully prepared to embrace Australian attitudes towards women’, that is the dog whistle he is blowing.

Ask yourself the question: what exactly are these attitudes? What exactly are the Australian attitudes towards women that migrants seeking to integrate and to fit in ought to adopt? There is no doubt that Australian women are full and equal citizens of our nation. There is no doubt that Australian women ought to be treated as the full and equal citizens they are. But there is also no doubt that far too often in places around our country that basic standard of decent behaviour has not been met.

There are workplaces, as we all know, where women have been harassed, underpaid and ignored when it comes to promotion. There are community organisations where women’s participation is limited to an auxiliary role. There are religious institutions where women are forbidden to play an equal part, banned from leadership and relegated to subservience. The Australian Bureau of Statistics found in 1996 that 23 per cent of women who had ever been married or in a de facto relationship had experienced violence in the relationship. Mr Howard, who claims ‘Australians ... do not tolerate women being treated in an inferior fashion to men’, has presided over a blow-out in the gender wage gap. In 1996 it was an average of $230 but today women earn on average $308 a week less than their male counterparts. Women’s total wages average just 66 per cent of male total earnings. Does this go to prove that John Howard is fundamentally un-Australian?

We still have a situation in Australia where 60 per cent of minimum wage workers are women although less than 45 per cent of the workforce are women. We still have a situation where women in our defence forces continue to suffer victimisation, bullying or harassment. In my view, it is long past the day where anyone can credibly argue that women’s unequal position in Australian society is due to the unequal distribution of talents and abilities. It is not credible to argue that. There is no gender bar, as we know, on intelligence; there is no chromosomal qualification for talent.
It is clear that women are not being treated, in the Prime Minister’s words, ‘fairly and equally and in the same fashion as men.’ So where should we look for the cause? Should we blame the less than one per cent of the Australian population who are Muslim migrants? Or should we look at ourselves: our workplaces, our streets, our homes, or perhaps senators might even care to look at our parliament. It is easy to find scapegoats in members of our community who look different. It is comfortable to pretend that the flaws in our society are all the fault of others: the different, the foreign, the strangely dressed. But if Australia falls into the easy comfort the Prime Minister advocates of blaming our problems on his latest bogeyman, not only will we do a grave injustice to those members of the community we make into scapegoats, we will actually fail to solve the problems themselves.

Australians of faith deserve better from their Prime Minister than to be demonised for their religion. And Australians who suffer discrimination deserve better from their Prime Minister than to have their real problems blamed on imaginary bogeymen.

Senator BARTLETT (Queensland) (4.49 pm)—This is a strange motion in some ways, and a strange debate, because it is a motion that most people would not disagree with. We note the Prime Minister’s comments. We express support for multiculturalism. I note that in Senator Brandis’s speech, in leading off for the government, there were significant components which I did not disagree with at all. Indeed, I am pleased to see it strongly on the record that multiculturalism is alive and well and an essential value. It is pleasing to have that so unequivocally on the record from a member of the government, of course, quite rightly noting the strong and proud record of the Liberal Party in regard to building up and maintaining multiculturalism.

Frankly, I think most of this debate, certainly what is driving the concerns expressed in the debate from this side of the chamber, is not about multiculturalism but about the concerted and clearly deliberate tactic on the part of senior members of the government, including the Prime Minister, Mr Costello and Mr Downer, to single out and target Muslims. That is the problem. It is not about multiculturalism; it is about demonising Muslims, it is about playing on people’s fears and prejudices and, apart from it being unfair for those people, my wider concern is that it is incredibly damaging and destructive for our community.

It is the classic tactic as was noted today in the Age—I would urge everybody to read the article by Amjid Muhammad about the clear tactic to incite moral panic—the use of which by political leaders goes back 2,000 years. When politicians need to divert attention from their own failings and community concern about their own failings, they pick on an easy target, a scapegoat and they whip up some moral panic, play on prejudices and fears and reap the political benefits. It is true there are political benefits to be reaped whether it is by attacking Muslims and playing on prejudices there or by attacking Aboriginal people—these seem to be the two targets of favour lately.

I am not disputing a lot of what has been said about multiculturalism from the government’s side of things—I am pleased it has been put on the record—but the problem is the selective application of it and the clearly deliberate singling out of Muslims, misrepresenting their beliefs and stereotyping and distorting their views.

One thing I found most disconcerting about this was a comment in Michelle Grattan’s article from 4 September reporting concern by Muslim representatives about the comments of Mr Costello. That was under-
standable. They said that Mr Costello did not communicate with them, that he has never bothered to talk with them. These comments were from an Islamic family and childcare agency in Victoria and people from the Muslim community reference group. The Treasurer of this country is happy to go out there and make extraordinarily ignorant comments about Islam and yet has not even bothered to talk to people in his own community and in his own state who are on the government’s own Muslim advisory reference group. What is the point of spending money putting up these bodies if you are not even going to listen to them? That is my core message to all of us in this debate: just listen. You do not have to agree with everything, but just listen. Try to understand how people feel when they are repeatedly singled out by the leaders of this nation and by people like Alan Jones, when they are continually targeted and when they know that community prejudice is being deliberately inflated. Just imagine how they feel. Mr Robb said that Muslim leaders are their community’s worst enemies because some of them foster the victim mentality. I say to him: if you target people and victimise them, it is no secret that some of them will adopt a victim mentality. In fact, it is extremely hard not to. So look at yourself and how you conduct yourself in this debate and look at the damage it is doing to Australia.

Senator BERNARDI (South Australia) (4.53 pm)—It was with a sense of hope and perhaps unbridled optimism that I read Senator Nettle’s urgency motion because I thought it was going to be an opportunity for us to talk about the wonderful work that this government has been doing in the field of multicultural affairs and certainly in providing a more prosperous, safe and stable nation for all Australians. However, my optimism was soon dashed when I heard Senator Nettle’s comments, because the motion turned out to be simply an ill-informed attack on perhaps the most successful prime minister we have ever seen in this country, which is also probably the most prosperous country within the Western world at the moment, I think.

I would like to put on record the quote from the Prime Minister relating to this issue, because Senator Nettle has called for us to note it and I think that, rather than note it, we should endorse it. He said:

And what I want to do is to reinforce the need for everybody who comes to this country to fully integrate and fully integrating means accepting Australian values, it means learning as rapidly as you can the English language, if you don’t already speak it, and it means understanding that in certain areas, such as the equality of men and women, the societies that some people have left were not as contemporary and as progressive as ours is. And I think people who come from societies where women are treated in an inferior fashion have to learn very quickly that that is not the case in Australia, that men and women do have equality and they’re each entitled to full respect. I think Australia has benefited enormously from immigration.

I was hoping that we could talk about the benefits to Australia of immigration; however, Senator Nettle has identified the Muslim related comments of our Prime Minister. Once again, let me put on the record that there is a very small section of the Islamic population—I say a small section, and I have said this before—which is very resistant to integration. There is nothing inflammatory or offensive about that comment. In fact, it is probably consistent with what Senator Nettle put out in a press release on 20 February 2006:

There are good and bad individuals in every religion.

What is wrong with that comment? When the Prime Minister makes it, suddenly it is a terrible slight upon the Muslim community in this nation, whereas, when Senator Nettle makes it, she is standing up for the minority
groups. This is an urgency motion from someone who also put out a press release on 6 October 2004, which is on her website, when she gave a speech at an essay prize giving ceremony for a group called ‘Australians against Australia’. What an outrageous proposition it is for a member of this parliament to go and endorse and support a group called ‘Australians against Australia’ and then happily submit a press release about it. I have to tell you, Senator Nettle, that I am a little bit disturbed that you want to get involved in those sorts of things.

The Prime Minister’s comments are, quite frankly, stating the bleeding obvious. People understand them; they accept the fact that we are a society that has built a very progressive, very stable and very safe and tolerant society based on the fact that we have assimilation. When people come to this country, they bring their unique cultures and values and they integrate them with those that are already here. That is what makes us Australian. The Greek and Italian people came to this country in the 1950s. They learnt how to speak English. My father was a proponent of it. He arrived in this country at 16 and could not speak any English. He got a job and learnt how to speak English. He has employed hundreds of people in the time since. These people add to our culture. They learn the Australian tradition of the barbecue and then they decide to put some octopus on it. We were not having octopus on our barbecue until those cultures came here and made part of Australia what it is today. We have since enjoyed the rest of it. We had the Indochinese immigration of the late 1960s, the 1970s and the early 1980s. They came here and their culture has given us fantastic food, tolerance, diversity of religious beliefs and a range of new experiences and new initiatives. These are the things that make us quintessentially Australian. We have an Australian culture which is an amalgam, a blend and a combination of a multiethnic society. Our culture is Australian.

Rather than scoring cheap shots, because I am quite disturbed by Senator Nettle’s unbridled attack on this government and what it has done for the people of Australia and particularly for the new migrants in this country, I want to highlight a bit of the hypocrisy of the Green movement. All of a sudden, they have picked up on these comments, but this is the same mob—and I say ‘mob’—that have criticised the government and, in particular, our Prime Minister because he supported the right of Muslim children to wear headscarves in schools. This for some reason outraged the Green movement because he referred to it as being impractical to ban it.

We have a policy of opposition from the Greens. They do not care what it is about and they do not really stand for anything. They simply want to oppose, rankle and contradict—and I find it quite offensive. But their hypocrisy does not stop there; it continues across the board. In January of this year, Senator Bob Brown condemned the Attorney-General, Philip Ruddock, because the Attorney-General apparently ‘inflamed’ the rest of Australia by saying, ‘When you are an Australian you have a responsibility to uphold the laws of this country.’ I am sure that the people of Australia were outraged to hear that they have a responsibility to uphold the laws of this country! That is what it means to assimilate. It means that, when you come to this country, where you have freedom, diversity, tolerance, organisation and a patient community, you accept the laws of this country, you participate and you contribute to the culture. First among these things is the ability to communicate with your fellow Australians. You need to be able to speak to them, you need to be able to order things in shops, you need to be able to use library books, and you need to be able to fill in forms, because you want to participate in the greatest de-
democracy on earth. For the Greens to rankle or attack our Prime Minister for such a senseless, pointless political argument is baseless.

Senator NETTLE (New South Wales) (5.01 pm)—I want to thank all senators for their contributions to this debate on the value of multiculturalism. It is a great shame that the Prime Minister of this country is not able to do the same thing. I also want to thank Senator Brandis for raising the Greens’ proud track record of defending people who have diverse sexuality. Unfortunately, the same cannot be said for his own party or for this government. The senator may be interested to know that when two young gay men were hanged in Iran last year, I raised the issue with the Minister for Foreign Affairs. The Department of Foreign Affairs and Trade responded that it had raised concerns with the Iranian government about the deaths of these two young men, on the basis of its opposition to the death penalty. I was pleased to hear that that had occurred. But the Department of Foreign Affairs and Trade was not able to provide me with any information to say that it had raised concerns with the government of Iran about the fact that homosexuality in Iran is a crime that is punishable by death.

If Senator Brandis, Senator Mason or, indeed, the foreign minister is able to provide me with that information, I would be more than happy to hear it. I commend this motion to the Senate, and I would now like to hear the Prime Minister speak about the value of multiculturalism. (Time expired)

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

The Senate divided. [5.08 pm]
(The President—Senator the Hon. Paul Calvert)

Ayes............ 32
Noes............ 36
Majority........ 4

AYES
Allison, L.F.  Bartlett, A.J.J.
Bishop, T.M.  Brown, B.J.
Campbell, G.  Carr, K.J.
Conroy, S.M.  Crossin, P.M.
Evans, C.V.  Forshaw, M.G.
Hogg, J.J.  Hurley, A.
Hutchins, S.P.  Kirk, L.
Ludwig, J.W.  Lundy, K.A.
Marshall, G.  McEwen, A.
McLucas, J.E.  Milne, C.
Moore, C.  Murray, A.J.M.
Nettle, K.  O’Brien, K.W.K.
Ray, R.F.  Siewert, R.
Stephens, U.  Sterle, G.
The ACTING DEPUTY PRESIDENT (Senator Kirk)—The President has received a letter from a party leader seeking to vary the membership of a committee.

Senator VANSTONE (South Australia—Minister for Immigration and Multicultural Affairs) (5.12 pm)—by leave—I move:

That Senator Crossin replace Senator Lundy on the Environment, Communications, Information Technology and the Arts Legislation Committee for the committee’s inquiry into Australia’s Indigenous visual arts and craft sector.

Question agreed to.

Senator VANSTONE (South Australia—Minister for Immigration and Multicultural Affairs) (5.13 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—

INDIGENOUS EDUCATION (TARGETED ASSISTANCE) AMENDMENT BILL 2006

The primary purpose of this bill is to amend the Indigenous Education (Targeted Assistance) Act 2000 by appropriating additional funding of $43.6 million over the 2006-2008 calendar years to improve opportunities for Indigenous students in the school and training sectors.

This funding will be used for additional tutorial assistance, support for community festivals for Indigenous youth for health promotion, activities addressing substance abuse by Indigenous youth in remote regions, and delivering school-based sporting academies and related activities for Indigenous students.

The Australian Government places great importance on achieving better educational outcomes for Indigenous students. To achieve this, new investment is necessary in the areas of schooling, vocational and technical education, and health-related strategies. The Australian Government is committed to developing the capacities and tal-
ents of Indigenous people so they have the necessary knowledge, understanding, skills and values for a productive and rewarding life.

$14.5 million will be used to extend tutorial assistance programmes to encourage Year 9 Indigenous students to continue with schooling to complete Year 12, thereby improving their educational and job prospects. This initiative has the benefit of engaging Year 9 students and reducing dropout rates from school at this critical transition point. Tutorial assistance for Indigenous Year 9 students will complement similar assistance already provided to Indigenous Year 10, 11 and 12 students.

Up to some 5,000 Indigenous vocational and technical education students annually will benefit from a tutorial assistance programme funded for $11.2 million. This initiative will be directed towards Indigenous students undertaking courses leading to the attainment of Australian Quality Framework Certificate Level III or above qualifications. Indigenous students are under-represented in courses at these levels. It is well recognised that attaining an AQF Certificate Level III or above qualification significantly increases the chances of employment.

Another initiative is directed towards giving young Indigenous girls and boys increased opportunities to engage in education and sports activities. Funding of $9.1 million is being sought for 18 school-based sporting academies and related strategies. This funding will build on successful models of sporting academies that help young Indigenous people engage positively in sport and succeed in education and later life.

In 2007 the initiative will enable more than 1,000 students to attend up to 12 sports academies, located within schools, offering a range of sports and recreation activities. With some 18 academies in place by the end of 2008, Indigenous participation will increase to an estimated 1,530 students from every state and territory.

Up to some 16,000 young people annually will benefit from the Australian Government allocating $7.3 million to the Indigenous Youth Festivals initiative, a component of the Community Festivals for Health Promotion programme. The aims of the Indigenous Youth Festivals initiative are to promote healthy and positive lifestyles, improve participation in education, increase vocational planning and reduce crime and drug abuse.

The Festivals will provide an opportunity to strengthen educational outcomes, such as attendance and school engagement, by integrating events of this nature into the core curricula and practices of schools, particularly in remote areas.

Funding of $1.5 million will be used as part of a whole of government regional approach announced in September 2005 to address substance abuse. Diversionary and preventative education based projects that build upon the successes of the Australian Government’s Partnership Outreach Education Model (POEM) pilot will be introduced in the central desert and two other remote regions. These projects will help combat the critical issues of petrol sniffing and substance abuse and will engage up to 1,000 young people over four years.

A further $100,000 from existing programme resources is being made available through the National School Drug Education Strategy to assist in stopping young people from becoming involved in substance abuse activities.

I commend the bill to the Senate.

Debate (on motion by Senator Vanstone) adjourned.

REMUNERATION AND ALLOWANCES FOR HOLDERS OF PUBLIC OFFICE AND MEMBERS OF PARLIAMENT

Motion for Disapproval

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (5.13 pm)—I move:

That clause 2.2 of Determination 2006/11: Remuneration and Allowances for Holders of Public Office and Members of Parliament, made pursuant to subsections 5(2A), 7(1), 7(3), 7(3D) and 7(4) of the Remuneration Tribunal Act 1973, be disapproved.

The reason that I have moved this motion is that the government announced a hike in the payment to members of parliament quite late on the Friday afternoon after we last left this place. In doing so, they gave recognition to the fact that it is wrong. They did not bring it
in here or announce it during the Senate or House of Representatives sittings but waited until we were all on our way home—or at home—and then announced the deliberation of the so-called Remuneration Tribunal. The Remuneration Tribunal has made two determinations on pay rises. The first was No. 9, which was made on 23 May and was for a 2.5 per cent rise for MPs, and the second was made on 20 June and was for a 4.4 per cent rise. These came into effect on 1 July because of the government’s motion and were effectively retrospective. This motion of disallowance is dealing with that 4.4 per cent rise, the second rise, and would, if successful, leave MPs with the 2.5 per cent increase.

Effectively what the government announced was a seven per cent pay rise. The latest pay increases would put the Prime Minister’s salary up by more than $20,000 to about $309,000, and the Leader of the Opposition’s salary would go up by $14,000 to about $220,000. It is very easy to roll these figures off our tongues, but I want to put that $20,000 pay rise for the Prime Minister into context. There was an article in the Sunday Tasmanian a couple of weeks ago about cleaners who come in at night and clean offices, including those of state and federal MPs. Those cleaners would be lucky, for all their work, to go home with $20,000 for the year, let alone a $20,000 increase to $309,000. It is very easy for us to line ourselves up against the extraordinary emoluments and payments to CEOs, which are outrageous by any standard in our society and are multiples of what the average worker takes home—they cannot be justified—but, to gauge how MPs representing average citizens are paid, we should be looking at what the average wage is rather than looking at the top end of the bracket.

Ministers will take home an extra $13,455 and backbenchers an extra $7,800. The series of pay rises will deliver MPs increases totalling 18 per cent over the last three years, according to a Financial Review article in which Mark Davis said that this represented annualised pay increases of six per cent, well ahead of the general wages growth, which has been running at about four per cent. So this is up 50 per cent, in percentage terms, on what the average Australian has been getting. The pay rise is also well ahead of inflation, which is running at about three per cent. So it is double the inflation rate. Over the years from 1996 to this year, while the consumer price index has risen by 23.2 per cent, MPs’ salaries have risen by 39.1 per cent—almost double that.

The decision to apply Remuneration Tribunal determinations to MPs is made by the Minister for Employment and Workplace Relations, Kevin Andrews, and there is no doubt he would never do anything without the Prime Minister vetting it. He also has the power to set MPs’ salaries. It is not, as is commonly thought, the power of the Remuneration Tribunal. The minister considers what is said by the Remuneration Tribunal—which I think is slavishly adherent to government policy on these matters and not independent at all—but it is up to the minister to rectify decisions coming out of the tribunal which are unfair to Australians in general, as this decision has been.

At the same time as the seven per cent pay rise was approved for MPs, 1.6 million Australians on the minimum wage had their wages frozen, effectively, due to a delay of four months in the annual wage rise, which is now determined—under the iniquitous industrial relations legislation of the government—by the Fair Pay Commission. Fair, my foot! This is unfair. It is not right. Obviously politicians have found a way, through the Remuneration Tribunal, to keep moving ahead of the pack. At a time when the government’s own industrial relations legislation has put the brake on a fair go for families, for
low-income earners and for medium-income earners, here we have the government putting a foot on the accelerator for politicians. It just is not right.

It is in the ability of the Senate to disallow this increase. My motion does not say, ‘Cut the seven per cent’; it says, ‘Put it back to 2.5 per cent,’ which is as close as possible to both inflation and the consumer price index, even though it is moving ahead of what low-income earners get—in percentage terms, not dollar terms. As I said before, just the increase in the Prime Minister’s salary is equivalent to the annual income of people on very, very low wages after 10 years of the Howard government. It is unfair. I know we will have calls from the opposite side of, ‘If you don’t like this, don’t take it; give your money back.’ If the disallowance motion fails, I can assure you I will be putting this extra money back into the community. I do not think it is right. I do not think this should be done in this fashion. I know that politicians feel very vulnerable with regard to debates like this, but the public has a right to have us debate and justify pay rises like this which accelerate us ahead at a time when the rest of the community has to deal with much more meagre increases indeed.

**Senator CHRIS EVANS** (Western Australia—Leader of the Opposition in the Senate) (5.21 pm)—Labor opposes the motion moved by Senator Brown to disallow the Remuneration Tribunal determination on this matter. Labor have had a consistent policy over a long period that determinations regarding politicians’ pay and conditions ought not be made by politicians. I think it is a very sound principle. It is one I have argued for for about 30 years in a number of employment contexts. The people who are being paid the wage ought not be involved in the determination of what that appropriate wage is. I think it is a principle that this parliament should continue to reassert. Whatever one thinks about the Remuneration Tribunal decision, the fact is that we set up an independent body to make decisions about these things. We set up an independent umpire to determine these things.

I regret the government’s attack on independent umpires more generally as represented by changes to the workplace laws. It will be interesting to see whether they are consistent in their industrial relations approach today in comparison to the industrial relations approach they have taken for other workers in this country. But the Labor Party is consistent, and our position is that these things ought to be determined by an independent tribunal at arm’s length from the parties that makes proper determination having heard the evidence. While there might be some cheap political points from saying people voted for a pay rise et cetera, the Labor Party will take the same position we have always adopted in recent times about these things, and that is that the determination of the tribunal should not be interfered with by politicians.

As I understand it, the effect of Senator Brown’s disallowance motion is a bit more complicated than he thinks. I am informed that, by supporting the disallowance motion, 90 senior public officials will also have their salaries reduced. I also understand that the effect of this disallowance is quite convoluted. Nevertheless, the principle at stake, as Senator Brown is arguing, is that parliamentarians ought not get the full benefit of a determination by the Remuneration Tribunal. That is the core issue. As I have said, it goes against the fundamental principle that Labor supports, which is that the salaries of parliamentarians and other remuneration matters ought to be set by the independent body, the Remuneration Tribunal. That principle is unambiguous. I think it is generally accepted in the community that that is true for other
groups—that they do not set their own salaries.

I know there is a great deal of concern in the community about directors’ fees and directors’ share offers, and the same principle applies. People do not believe that people should be setting their own remuneration. I think there are very strong reasons for us sticking to that principle. In terms of parliamentary pay, it is always easy to make a cheap political argument about whether or not increases should be paid or whether or not a particular allowance ought to be increased or what have you. I think that is a perfectly reasonable public debate to have. It is a perfectly reasonable thing for the public and others to engage in. I just think we are the least qualified people to make that judgement because we would have to declare self-interest. Everyone in this parliament has a pecuniary interest in that debate. We are the least well-placed people to make that decision.

As one knows, the argument about what politicians should be paid has raged back and forth in the community on many occasions. Some argue that we are overpaid and underworked, and others argue that we cannot attract the best people to politics because it does not pay enough. That might be a reflection on some of us already here—I will take that on the chin—but the point is that that is a debate for the community, an argument quite rightly that they are allowed to engage in. At the end of the day, we have set up a system whereby these decisions are made by an independent tribunal that looks at the conditions and movements in community standards and makes a decision.

As senators know, it is linked to a particular point in the public service salary range. It is adjusted by the Remuneration Tribunal in accordance with the principles that govern its actions. As I have said, Labor takes the view, as we have on past occasions, that we ought to let the Remuneration Tribunal do its work and not seek to second-guess or to establish ourselves as the arbiters of our wages and conditions. The motion by Senator Brown is misplaced. In its effect, it would have other consequential effects that perhaps Senator Brown has not envisaged. The bottom line is that I do not think Senator Brown should be determining the pay and conditions of parliamentarians. I do not think I should. I do not think Senator Abetz should and I do not think this chamber should. That is why we set up the Remuneration Tribunal. We ought to accept its decisions.

Senator MURRAY (Western Australia) (5.27 pm)—I want to commence my contribution to this debate by stating points of principle. Firstly, I and my party have always consistently and absolutely supported the view that an independent tribunal should determine matters of salary and allowances for parliamentarians. That means that we are very wary of a parliamentarian seeking by motion to determine an actual amount or percentage on the floor of the chamber, because that effectively means that you are not accepting the independent adjudicator’s view; you are accepting that there should be some increase and you are adjusting it accordingly.

I and my party, however, have always supported the view that these increases should be subject to tabling as a legislative instrument so that parliamentarians can express their views—and, of course, they can reject them. I think the option that should be before us is either to accept or reject an increase. It is open then for the parliament to say to the Remuneration Tribunal to think again.

I welcome this debate. I think Senator Bob Brown does us a service by bringing it on, because there is no doubt that the salary and
allowances and the general conditions of employment of parliamentarians are constant issues for both the media and the public. I think it is important that parties and individuals express their point of view. There too I probably disagree with other senators from other parties in that I think that because these matters affect each senator and member individually this is the sort of issue on which there should be a conscience vote, not subject to the party whip. Frankly, it is a matter of personal belief. Some of us might think we are vastly underpaid, some of us might think we are paid just right and some of us might think we are overpaid. It is a personal opinion. I would prefer it if this were a declared conscience vote. My own party of course takes the view that every vote is a conscience vote. I am sure that they will express themselves individually on this if they so choose.

The issues put to the debate by Senator Bob Brown are a contrast with government attitudes to wage increases in other sectors of the economy. Of course, as Senator Brown is aware, the non-government senators have expressed a very strong concern and in fact have opposed the government’s Work Choices changes and the effect they may have—and we do not know how they will turn out—on individuals’ wages and conditions as determined by the new Fair Pay Commission. Frankly, this is a separate issue. This is an issue as to what parliamentarians should be paid. As Senator Evans quite rightly said, there is a debate as to whether the way in which parliamentarians are remunerated, in state and territory parliaments as well as in the federal parliament, affects the calibre, quality and type of person willing to put themselves forward for public office. It is not as easy to say that it is just a job and that if it is properly rewarded the right people will turn up, because there are all sorts of other aspects which affect public life, including very intrusive public scrutiny and media attention, a much less private life and a somewhat insecure and short-term professional life for some parliamentarians as well, with the opprobrium that can go with political life and expressing your opinion on matters politic.

I think this debate has in its background a failure of policy by the Howard federal government. I think they missed an opportunity way back in the earlier years to refer matters as a whole affecting parliamentarians’ salary packages and so on to the Remuneration Tribunal. If they had done so, I think we might have avoided some of the difficulties that we are now faced with. I refer particularly to the fact that the changed superannuation regime has resulted in new politicians—if I can describe them as such—as opposed to former politicians who were there before that change, being effectively paid a lot less as a package than those who were there before that happened. I think that if the overall circumstances of parliamentarians’ remuneration had been addressed in a holistic manner before this we might have had a more balanced package.

I want to refer the chamber to the remarks I made with respect to these issues when the Members of Parliament (Life Gold Pass) Bill 2002 was before the chamber. There was a Senate inquiry into that and I made some additional comments to that Senate report in September 2002. I will lift some of those because I think they are germane to the points I wish to make again. I said:

Over time, the Australian Democrats, along with other Senators and Members, have called for a number of major changes to parliamentarians’ entitlements. These have included calling for a reduction in parliamentarians’ superannuation to more closely match community standards, and the cessation of parliamentarians’ retirement travel benefits.
The Senate has consistently expressed reluctance to take a policy position on these matters, claiming that these are the province of the Remuneration Tribunal. There are essentially three categories of entitlements afforded to Members and Senators. These are:

- their ‘salary package’
- what they need to do their job
- their ‘retirement package’

The first includes matters such as salary and fringe benefits (car and other benefits). The second includes electorate allowances, office expenses, and staff allocations. The third includes superannuation and retirement travel benefits, including entitlements available under the Life Gold Pass.

There has long been a great public clamour for parliamentarians’ entitlements to more closely match community expectations and standards. This has been a key feature of the inquiry into the proposed Bill, with submitters overwhelmingly opposed to travel entitlements as ‘perks’ that have no place in modern Australia.

Later on in my remarks I said:

As for any employee, the salary package of a parliamentarian should be assessed, first, in terms of the work a parliamentarian does (‘work value’), and, second, in terms of each member’s specific personal responsibilities.

Other factors bear consideration. A few come to mind. There is risk—for instance, the risk of not getting re-elected, or the risk of having greater difficulties in securing employment post-politics. There are community standards and expectations, and how to assess or determine them. In assessing an appropriate salary package, what are the community standards and expectations? Then there is comparative analysis—should entitlements be affected by international or federal benchmarking?

It does seem certain that the community will not judge the appropriateness of a parliamentarian’s salary package in isolation from other entitlements. The three categories outlined above do intertwine in the public mind. The public (and many parliamentarians) do seem to have the view that when the present superannuation entitlements are taken into account, overall, parliamentarians are well paid. This is probably true for long serving backbench parliamentarians, but it is less the case for parliamentarians serving a shorter term.

The public seem less convinced that members of the Executive are paid appropriately, taking the Prime Minister and the Treasurer as obvious examples. It is striking that the salaries of ministers are far below the salaries of senior executives in the private sector, (and even some in the public sector). Service as a Minister of the Crown is a great privilege and honour, and one expects it to be accompanied by a lower salary package than commensurate work in the private sector. However, if the objective of parliamentary entitlements is to reflect community standards, the point must be made that ministerial salaries are way out of touch with salaries paid to executives with far less responsibility than ministers.

This inquiry provided support for this view. The Department of Finance and Administration advised the Committee that federal members’ salaries were lower than might be expected. It referred to Parliament’s rejection of the recommendation by the Remuneration Tribunal to increase the salaries of federal members and the consequent introduction of the Parliamentary Remuneration and Allowances Act.

Mr Brian Moore referred to the results of work value studies undertaken for both federal and state members of parliament that found that rates of remuneration for members of parliament were not equivalent to their respective levels of responsibility.

Mr Moore and the W.A. Salaries and Allowances Tribunal advised the Committee that that body had undertaken a review of the overall remuneration of state members of parliament that found that rates of remuneration for members of parliament were not equivalent to their respective levels of responsibility.

Mr Moore and the W.A. Salaries and Allowances Tribunal advised the Committee that that body had undertaken a review of the overall remuneration of state members of parliament in that state. They advised that the Tribunal had taken the view that it was more appropriate for a person to be remunerated appropriately while giving service, rather than afterwards. It had, therefore, on the basis of work value studies, awarded a salary increase to state members in return for reducing and, finally, phasing out the retirement travel benefits to which former members had previously been entitled.
Later on in the remarks that I made to that Senate report I stated:

The Australian Democrats consider that, instead of providing for compensation post service members of parliament should be paid an appropriate salary for the work they do while in office. Except for transitional arrangements on leaving office, retirement benefits should be confined to superannuation at levels in accordance with community standards.

I concluded:

The introduction of this Bill provides an opportunity to address more than the excessively generous retirement package available to some former members through the Life Gold Pass. I agree with the Committee that it also provides an opportunity for an holistic re-examination of parliamentarians’ salary packages and entitlements on an objective basis. Crucially, this should provide an opportunity to bring superannuation entitlements into line with community standards.

I have gone at some length through those comments because that opportunity was missed. The Howard government saw it as the remarks of a minor party senator and wandered on without doing that job. We are still in a situation where a holistic review of the total package is not available.

It does seem, however, that the message has got through, largely because large segments of the public are opposed to any increase in salary or allowances for parliamentarians. My own view is that if parliamentarians’ salary entitlements and allowances—and I particularly refer to those of the states and territories, because it is better at the federal level—were properly audited and were transparent and open, you would get far less aggression, as people would know exactly what is going on and what things are worth.

In general, as for every other increase or change in salary and allowances that I have observed over the years, many members of the media and substantial numbers of voters will take a negative view. They are entitled to, of course, but our situation is that we have to decide whether we maintain the principle of an independent tribunal examining these matters and, if we do, whether we then decide that they have got it wrong and that we reject it—which we should do if we feel that way.

I note, in concluding my remarks, senior reporter Lenore Taylor’s article in the Australian Financial Review of Saturday, 2 September entitled ‘Legislate in haste ...’, which states:

There is a problem politicians are worried about but dare not raise in public, an issue upon which the major parties agree but haven’t had the stomach to act.
The problem is how to undo the cuts to parliamentary superannuation made after Mark Latham engaged in some populist pollie bashing early in 2004, and panicked Prime Minister John Howard into matching him.

I will not go through that whole article, but it essentially says that an inequity was produced. I stress that the Australian Democrats supported a reduction in superannuation entitlements for parliamentarians. I also stress that we believe it is better to reward people while they have the job rather than to excessively reward them after they have left the job. That is a particular opinion we have held for a long time. But it is undeniable that the outcome of those changes has caused consternation amongst a number of parliamentarians.

I recognise that, and I understand from Lenore Taylor’s article that in fact the Remuneration Tribunal is looking again at a number of these issues. If that is occurring, and I have not got information to hand that it is or is not, I think we should take the opportunity of this debate to request the Remuneration Tribunal to take a more holistic view so that they can start to think about settling this issue down, although I do not think you can ever settle it down completely.

Madam Acting President, I have circulated notice of a motion that I would like to be voted on tomorrow. I missed the cut today and I want to ask leave to get it put in the Notice Paper for tomorrow. I have circulated it, so it is in front of the chamber. I am not asking for a vote on that motion now. I am merely asking for leave to give notice now.

Leave granted.

Senator MURRAY—I thank the chamber. I give notice that, on the next day of sitting, I shall move:

That the Senate requests that, in an appropriate examination or review that is undertaken of the remuneration and entitlements of members and senators, the Remuneration Tribunal take a holistic view with respect to members’ and senators’ salary packages and allowances, what they need to do their jobs, and their superannuation entitlements.

Senator ABETZ (Tasmania—Minister for Fisheries, Forestry and Conservation) (5.46 pm)—The principal purpose of clause 2.2 of Remuneration Tribunal determination 2006/11, which Senator Brown’s motion seeks to disallow, is to set the framework for the remuneration of a range of Commonwealth public offices—the principal executive offices. The Remuneration Tribunal adjusts the maximum remuneration of each band in the Principal Executive Office structure and the reference salaries in the structure from 1 July each year. This particular determination reflects the outcome of the tribunal’s annual review of the PEO classification structure. The tribunal, having had regard for a range of factors, decided that an adjustment was justified to the PEO structure from 1 July 2006. If clause 2.2 of the determination is disallowed, Commonwealth office holders who hold PEO offices may not be able to receive pay increases that the Remuneration Tribunal considers justified. The government believes that the current arrangements for adjusting MPs’ pay, along with the pay of these PEOs, remains appropriate as it provides a mechanism consistent with that applying to Commonwealth office holders more generally.

I indicate to honourable senators that over the last 12 months the Remuneration Tribunal has made some 18 determinations. Why is it that it is only this particular determination that is being challenged for disallowance? Why is it that it is only this particular determination that is being argued against? If I might suggest, I get the whiff of some cheap populism—and, might I add, misguided populism—in relation to that. So the tribunal made some 18 determinations and
we then attack only one, the one that happens to include MPs’ salaries.

But, in his rush to disallow, Senator Brown will also catch, for example, the General Manager of Aboriginal Hostels Limited. Why isn’t that person entitled to a wage increase as determined by the independent Remuneration Tribunal? For that matter, why isn’t the General Manager of the Australia Council for the Arts or the Australian Electoral Officer in Tasmania or the Chief Executive Officer of the Australian Film Corporation or, indeed, the Managing Director of Australian Hearing Services? These are all people, all individuals, that would have their pay increase as determined by the independent Remuneration Tribunal taken away from them.

Similarly, there is the Director of the Australian Institute of Family Studies or the Managing Director of the Australian Postal Corporation or the Chief Executive Officer of the Australian Sports Drug Agency or the Chief Executive of the CSIRO or the Director of the Equal Employment Opportunity for Women in the Workplace Agency or the Managing Director of Film Australia or the General Manager of Indigenous Business Australia or the Chair of the Great Barrier Reef Marine Park Authority or the General Manager of the Indigenous Land Corporation or the Director of National Parks or the Managing Director of the Special Broadcasting Service or the Renewable Energy Regulator or, indeed, the General Manager of the Torres Strait Regional Authority. There are some 90 people that would be impacted.

Before we go and overturn these determinations by an independent body, I think it behoves the mover of the disallowance motion to actually say what the Remuneration Tribunal got wrong and what would be an appropriate substitute. But there has been no such consideration, just, if I might suggest, a bit of a cheap shot because parliamentarians are always an easy target in relation to that. At the end of the day what we have is an independent Remuneration Tribunal. Senator Brown sought to suggest that it is not an independent body—but it is set up by statute. I say to this chamber and to the Australian people that the government did not make a submission to the Remuneration Tribunal in relation to this. Each year the Remuneration Tribunal, of its own volition, considers the appropriate factors and then makes a determination.

We, as a parliament, quite rightly determined that we should not be masters of our own salary and, as a result, some time ago we gave that task to the Remuneration Tribunal. You cannot pass that task to the Remuneration Tribunal and then somewhere along the way make the assertion, for a cheap populist reason, that you will not agree with that decision. If we are genuinely concerned about the pay increase, when people ask, ‘Are you going to hand the money back to the Collector of Public Moneys?’—indeed, in my home state of Tasmania, and elsewhere, certain people have tried to take a cheap shot—the response should not be, ‘We’ll spend it in the community.’ I dare say that every parliamentarian spends the money in the community—unless they put it in the bank. Indeed, that is what most people do with their salaries. To try to fob it off by saying, ‘We will accept that which we think is inappropriate,’ does not hold much weight with me. If it is so immoral, if it is so wrong, you should not be accepting it or handing it back whence it came. You should not accept it and then determine to do with it as you will. In other words, you should not accept the pay increase but on the way try to distance yourself from it.

In fact, the increase is relatively modest. There is a bit of a catch-up provision because there was a lag, as determined by the Remu-
neration Tribunal. In all the circumstances, not a single argument has been put forward this evening as to why the Remuneration Tribunal’s determination should not be accepted. Indeed, not a single argument has been put forward as to why this particular determination is the standout of the 18 determinations the tribunal has made over the last 12 months and why only clause 2.2 should be knocked out in this circumstance.

Of course, even if you knock out only clause 2.2, Senator Brown is clear-felling the wages of a whole lot of people rather than undertaking the selective logging task of just trying to pin the parliamentarians. Senator Brown’s disallowance motion is ill conceived. He should explain to the general manager of Aboriginal Hostels Limited why he or she is not entitled to the pay increase. He should explain that to the 90 or so others in this particular band who have also been given a pay increase. Unless there is a cogent reason, a cogent argument, which we did not hear in the disallowance motion, I would suggest to all honourable senators that the determination by the independent body, the Remuneration Tribunal, be allowed to stand. I think that is the best way for the community to have a degree of confidence in the setting of parliamentary salaries.

It would be a retrograde step if from year to year we were to move in this place that we get either a wage increase or a wage decrease at the whim of a particular senator. It is important to leave the decision with an independent body. That is what the parliament has determined, and it has served us well. There is nothing untoward about this determination or, indeed, the Remuneration Tribunal’s other 18 determinations this year. As a result, the determination should stand.

Senator ALLISON (Victoria—Leader of the Australian Democrats) (5.56 pm)—We are facing a very difficult decision in this place today. I was one of those—as, I recall, was Senator Brown—who agreed that parliamentarians should not be setting their own wages and that it made sense for our pay to be linked to a public service position. You could argue about the level at which we might have been linked but, nonetheless, the idea was that we would not be responsible for determining when and if we were to receive wage increases. In that sense, we have a system which works reasonably well.

Our dilemma this time, however, is that the increase would appear to be out of proportion to wages generally and the CPI. In fact, it is more than double the CPI and it is almost double wage price indexation. That presents us with a real difficulty. We say the Remuneration Tribunal are the body that should determine this but, when they come up with an answer which is clearly out of step with what is going on in the community, that gives us a difficulty. We will be pilloried in the press and we will be criticised by members of the community, regardless of our vote. If we vote against this disallowance motion, we will be challenged to put into a charity the money that we would otherwise not have received. Maybe some of us will do that; I do not know. If we vote against this, we will be seen as greedy and self-serving.

The problem for me is that, over the last few years, we have seen great benefits flow to those who are on higher incomes. I regard parliamentarians as being on high incomes. As I said, I doubled my salary when I became a parliamentarian, because I was a mere teacher when I came into this place. There are people who do quite responsible jobs and receive around half the wage we receive.

Senator Carr—I think your wage relativities are wrong there.

Senator ALLISON—Senator Carr says I am wrong. Maybe I am wrong now, because,
fortunately, teachers’ wages have increased since I was in the profession. That is a good thing—a worthy and proper thing—because teaching is one of the most difficult jobs there is. We have also seen, over the last short while, massive tax cuts for parliamentarians. No doubt, others too noticed that there was a lot more in their monthly pay packet on 1 July than there had been in the past. We have also been given a very substantial handout in our retirement benefits. If we retire at age 60, no tax will apply to the benefit we derive from superannuation. That is also, I think, the community’s understanding of what is going on in industry. We have seen massive increases for CEOs of businesses. Even businesses that go really badly—that show a loss at the end of the day—seem to still reward their CEOs. So I am uncomfortable with an increase which is out of step with community expectations. I should not say ‘community expectations’, because there are many people who think we should not be paid at all or even that we should pay for the privilege of being in this place and that we do not deserve a decent wage at all. I also agree with my colleague who said that ministers, because of their responsibility, are underpaid in some people’s eyes, because you can compare them with business managers, who probably do not even make such substantial decisions. I would argue that we all in this place make substantial decisions. Even to decide on this disallowance is a substantial decision. So we do have a great responsibility in this place. If you were to argue that we should be rewarded appropriately for that, that is one thing; but, of course, on the other hand it is also a great privilege to be in this place. One can understand that in those jurisdictions where there were no wages for parliamentarians because the reward was the job—and that used to be the case in quite a few countries—that then attracted wealthy people to the role. So this is a complex issue.

It is problematic as well that, because of our links with public servants, to disallow this is to also disallow the increase for those public servants. Having not been party to the reasoning by the Remuneration Tribunal, I am certainly at something of a disadvantage. The minister says this is about catching up with a gap. If you look at the schedule of increases over time, it is hard to see that gap emerging. We have consistently tracked at a higher rate since being linked with public service wages. We have consistently tracked at a higher rate than CPI or wage price indexation. So I cannot see the sudden leap that the minister says explains why this was necessary and explains why this is a seven per cent increase and not a four per cent or a three per cent increase. I will continue to listen to the debate and will be in a position, I hope, to make up my mind by the time we come to this vote. Just to reiterate, this is a difficult question. I am pleased that my colleague has put a motion forward calling for a more holistic review, if you like, looking at entitlements across the board, because I think that is necessary.

I recall the debate about superannuation. We said it was not good enough just to ask the tribunal to reform the parliamentary superannuation system, because the tribunal will, more or less, keep with the current entitlement regime. They needed to be instructed at that time, we argued—and I still stand by that. The tribunal will effectively maintain the status quo but increase entitlements over time. With superannuation, what we were calling for was a major reform. We argued that the government would need to take the step of giving that very strong instruction. It did not happen. We had a kind of reform which affects those people who come into this place after the decision makers have already made the decision but it does not affect
them. But that is another story. I am expressing my thoughts on this bill and my difficulty with dealing with the decision making associated with it. I would much sooner have seen this increase more in line with wage price indexation; even CPI would have been sufficient I think. I will leave it at that. I will continue to listen to the contributions to this debate. My guess at this stage is that I probably will not support the disallowance.

Senator BARTLETT (Queensland) (6.04 pm)—I want to contribute to this debate as well because I think there are some wider issues that do need to be put into the mix and to be recognised in the wider community. There have been valid arguments put both for supporting this disallowance and for opposing it. I think that should be acknowledged. We should take the name-calling opportunities for either side out of it. The base issue here is the most recent determination, which this disallowance goes to, provides a seven per cent increase for federal parliamentarians plus flow-on increases for people with various positions such as committee chairs, ministries et cetera. It takes the base pay to just under $119,000 per annum. That rise is certainly significantly more than the CPI. It is a valid and understandable principle to state that the Remuneration Tribunal should set politicians wages rather than the politicians doing it. That is a very wise and sensible approach.

Nonetheless it does have to be acknowledged that we do still have the power as a parliament to reject that determination by the tribunal. Certainly, according to the research note put out by the Parliamentary Library on this topic—and it is on the internet, so I would suggest that anybody interested look it up; it gives useful background information—entitled The annual allowance for senators and members, parliament has in the past resolved to disapprove determinations by the Remuneration Tribunal, which has been in existence since 1973. The parliament disapproved the tribunal’s determination in 1974 increasing the annual allowance. According to the Remuneration Tribunal report from 1999-2001, in the 30 years of operation of the tribunal the parliament has also modified determinations, postponed increases and enacted reduced allowances previously determined by the tribunal as an exercise of wage restraint. The precedent is there, but I think it is wise for all sorts of reasons not to go dabbling around in it terribly often—and ideally not at all. There is an issue—and it is something that I think it is appropriate to clarify; it was not quite clear from the way the minister was telling it—about the flow-on effects to other positions. Certainly there is an issue that this disallowance does also affect the pay rates of people in other positions, such as those positions that the minister read out. That is a valid issue to take into account. I am not sure if Senator Brown is able to deal with that issue in his summing up remarks.

I also want to note the wider issue of current income levels of people in the general community. Obviously, it is desirable for parliamentarians not to determine our own pay rate, because it is understandable that people would assess that we cannot do so objectively. It is also worth noting the real context of pay rates for people in the general community and some of the flow-on issues, such as where the different tax levels kick in and other various allowances. It is, of course, no secret that there is a genuine and well-held belief by many people, myself included, that there is a significant prospect of many people in the Australian community having their pay rates—and that includes other flow-on allowances—being significantly reduced because of changes in the workplace relations laws in recent times.

I think there is also a need to just be more realistic about what most Australians are actually paid. I particularly wanted to speak in
this debate because there is an aspect in a lot of the media commentary about pay levels that creates an impression that people who earn $70,000 or $80,000 are, pretty much, average wage earners and around about the middle of the pack. It creates an impression amongst a lot of people in the community who do earn that amount that that is where they are—around about the middle of the pack—and that most people earn that amount and it is not really all that much. I think it is important to put on the record that, according to the most recent statistics from the ABS that I was able to get, the number of people that earn over $104,000 per annum is less than four per cent. Only four per cent of people in the paid workforce earn over $104,000. Federal parliamentarians, with this pay allowance, will be on $119,000, so we are talking about being in the top two or maybe three per cent of wage earners in the community.

I am not against federal politicians being reasonably well remunerated. I think there is a reasonable principle there and I do agree with the comments that have been made that, certainly, senior ministers and the Prime Minister could merit being paid significantly more. I think there is probably a discrepancy between the work levels of your average parliamentarian as well, which makes it difficult to determine so-called merit and productivity principles and all of those sorts of things. But the simple bottom line is that it is a very small minority of people who earn a six-figure annual salary, and I do not think that is recognised adequately in community debate.

I have to acknowledge that I am on record in this place in the debate regarding superannuation—I actually gave evidence on behalf of the Democrats to the Senate committee examining that legislation—and my view was that the general pay rate for federal politicians was adequate. That was even with the removal of the excessively—and some would say obscenely—generous superannuation entitlements which were then being sought to be removed. So, to have a significant leap at a time when many people, particularly those in less secure or part-time jobs or those who rely on allowances and bonuses, are at risk of significant reductions in their take-home pay is, I think, less than ideal for a whole range of reasons.

It is also worth putting on the record the actual average incomes. Personally, I believe the better measure when looking at average income is the median income of Australian wage earners rather than the mean, which is what is usually used when people talk about average weekly earnings in the mainstream media. The mean average weekly earnings for people in full-time jobs is about $55,000 a year, on the most recent statistics. For all workers, full-time and part-time—of course, many people are not able to obtain full-time work—that drops to $42,000. But the median, which is the midpoint—which means half the people earn less than that—of all people in full-time work is only $900 per week, or less than $47,000 per year. If you take that to include all people in all paid jobs, full or part-time, it drops to $36,500. So half of all Australians in paid work earn less than $36,500 a year. I think we need to be using those figures much more as reference points when we consider issues like tax scales, pay rates and pay levels. Only half of all Australians in paid work earn more than $36,500 a year, and it is about 3½ times that to get up to the level we are talking about for federal parliamentarians. I think those sorts of discrepancies are problematic when you are looking at issues of equality in society.

Of course, statistics can always be misleading, and there are factors of dual-income households, people consciously choosing to be in part-time work and all sorts of other things. I recognise that there are always different factors you can put into play. But the
bottom line is that the majority of Australians earn a lot less than is generally assumed, given the way average earnings figures are talked about in the mainstream media. The percentage of Australians who earn the level of salary that we are now talking about here is a very, very small minority. I think we should recognise that. We are talking about all of us being in the top two or perhaps three per cent of income earners in the country.

I am not into gratuitous politician-bashing for the sake of it, but I do think that we need to at least have a realistic perspective of where things sit with regard to all Australians, let alone the average Australian, when we are having debates like this.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (6.14 pm)—I thank all senators for their contribution to the debate on this disallowance motion. Senator Murray had it right in welcoming this debate. One of the things that has motivated it was the announcement—effectively, by the government—of this pay hike after we had left parliament last time so that the parliament could not debate it. It would be very healthy if these pay rises were announced on the Monday at the start of a sittings so that any MPs who wanted to could contribute to the debate in a more satisfactory way.

Senator Evans drew attention to the fact that some 90 senior public servants would also have their pay rises of seven per cent knocked back to 2.5 per cent. The same arguments that Senator Allison and I took up pertain here. If you look at the pay rises for MPs this decade—including since we have been tied with senior public servants—you will see they are double the wage price index or the CPI. We have not said, ‘Abolish the two rises we have received’; we have said, ‘Hang on to one but jettison the other,’ because it would bring us back much closer to the consumer price index. I do not think that will do any great harm to the senior public servants who are involved. Senator Abetz clearly does not know the rules applying to disallowance motions. You either take the regulation as a whole and reject it or accept it. It is a blunt instrument.

Those are the rules and we cannot alter that. If we could, I perhaps would have sectioned off the senior public servants from the MPs. I do not know. I have just given a good argument as to why they should be included and given a 2.5 per cent pay increase instead of a seven per cent increase. It is a specious argument. It is not a civilian shield argument, it is an executive officer shield argument that Senator Abetz and Senator Evans were bringing forward. Senator Abetz said, ‘There are 18 determinations; why is only this one being challenged for disallowance?’ He should wait for the next five minutes, because the outrageous increase in printing allowance that is coming next will also be the subject of a disallowance motion of not just the Greens but also Labor and the Democrats.

Senator Abetz then went on to say that the mover—that is, me—should say what the Remuneration Tribunal got wrong. Where is the Remuneration Tribunal’s argument? Senator Abetz has not produced it. Nobody in this chamber has seen it.

Senator Abetz—It’s on the website.

Senator BOB BROWN—Yes, I know. But, if you look at it, you will see that it is not reasoned, it is not available and it does not explain why MPs should be getting a pay increase double that of the general populace. It is not there, it is not explained and it is not justified. Let me say again: in my opinion, a politicised organisation ought to give such an explanation, but it has failed to do so. I think it would be a very healthy thing if the current members of the Remuneration Tribunal were
replaced. I think they have been there too long, and I think it would be healthy if there were a regular turnover so that they did not look to the government to feel comfortable when they are bringing down deliberations on what MPs, from the Prime Minister down, should be getting in terms of remuneration.

Senator Abetz said that most MPs spend their salary in the community. If he is meaning that they do not go shopping outside Australia in the main, I guess that is correct. But if he is meaning that most MPs spend their salary on the community—that is, helping other people in the community—that is simply a nonsense. It does not happen that way.

I value, as I say, the contribution of all senators. However, I think it is important that this matter is debated. Before I sit down, I would like to point out that staff of all of us have been negotiating for a parliamentary pay rise. It has been stalled for months. Under the current government offer, a quarter of them would actually go backwards and not receive a seven per cent increase. I do not think they are satisfactorily paid, and I think many MPs would agree with me on that. I think we should be speaking up for them.

The average wage of the people who work for us is less than half of our wage, if you do not add the electoral allowance and so on. They also work very hard. We employ them because they are intelligent and they have great skills. They could all be in the private sector getting more money but, effectively, they are serving the public as well. I am very unhappy with the fact that those pay talks have stalled and that such a miserly attitude is being taken to the proper remuneration of people who work very long hours and contribute greatly to the input we have in debates just like this. I recommend this disallowance motion to the Senate.

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

The Senate divided. [6.25 pm]

(The Acting Deputy President—Senator C Moore)

Ayes………… 5
Noes………… 52
Majority………. 47

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

NOES

* denotes teller

Question negatived.
SCHEDULES 1 AND 3 TO THE
PARLIAMENTARY ENTITLEMENTS
AMENDMENT REGULATIONS 2006
(NO. 1)

Motion for Disallowance

Senator BOB BROWN (Tasmania—
Leader of the Australian Greens) (6.30
pm)—I move:

That Schedules 1 and 3 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, be disallowed.

What an outrage this particular hike in ex-
penditure is! Here we have a regulation be-
ing put forward by the government in the
pre-election year to increase spending on
printing for incumbent MPs by millions of
dollars. Of course, we have to recognise that
this was last tried in the run to the last elec-
tion in 2004 and was blocked by the Senate
when I moved a similar disallowance mo-
dition. It was blocked by the Senate for good
reason: it was an outrageous hand in the
pockets of the Australian taxpayers in the run
to an election to advantage incumbents
against those other people who would stand
for election.

The biggest problem with the regulations
is that they hike the amount of printing that
members of the House of Representatives
can have by an extra $25,000 a year, from
$125,000 to $150,000. Moreover, there is
rollover provision so that, if that money is
not spent in the year running to an election,
in the year of the election that spending can
go up to between $180,000 and $200,000 for
the year for each member in every electorate
right across the country. Who does this ad-
vantag e most? The party with the most
members in the House of Representatives—
the government. This is a prime ministerial
decision to advantage the government
against the opposition but in particular
against all other comers in the electorate.

The Greens of course oppose the changes
to these printing entitlements, but we should
note that, as far as the Senate is concerned, it
is not going to make one difference. The en-
titlements have not been increased for the
Senate. The formula has been changed to
disadvantage the Greens, and we will live
with that. You can see the government and
the Prime Minister’s office think, think,
thinking: ‘How are we going to improve our
election capability as against people else-
where in the political spectrum that we are
opposed to?’ Have a listen to these figures.
The 86 coalition MPs will receive an extra
$12.9 million in the coming year in printing
allowance and the coalition senators an extra
$780,000—total, $13.7 million.

If you put that into perspective, and you
work it out at a generous 5c a printed sheet,
this gives government MPs enough money to
print 258 million flyers in the run to the next
election. That is equivalent to 25 pieces of
junk mail in every Australian household let-
terbox. It is just outrageous. It is well known
that the Howard government injects tens of
millions of dollars into advertising on televi-
sion and elsewhere in the run to an election
to advantage itself. This is a more direct lar-
gesse going to every MP to advantage them-
selves. The government has got over $13
million out of the taxpayers’ pockets in extra
money—and we are not talking about what
else is being done elsewhere in the political
spectrum. I remember some years ago it was
a $50,000 a year advantage to incumbents. It
has now moved to well over $100,000 a year.

In America there are figures showing that
90 per cent of incumbents get returned be-
cause everything is loaded so much by the
sitting members of Congress against those
who would take them on at the hustings.
That is the process that is occurring here. So
much of what is wrong with the American system is being imported under the Howard government. They have an opportunity here now that the government has got the control of the Senate, now that the brake is off and the Senate’s role is simply to be able to talk about the issue and not to act on it, to go for the money. We have to deplore it. We have to debate it and defy it as best we can. We have to draw public attention to it. In my view the expenditure of public money in this way simply to advantage sitting MPs against other candidates for election is quite wrong. It is just simply ethically wrong. It is morally wrong. It is undemocratic and we need a big check on that.

The best check on that of course has been the Senate. But the government has now got control of the Senate. The Prime Minister said that he would not show hubris and would not abuse that control. It is being abused here today. This is an effort to get what the Senate refused to give the government just three years ago, and it is wrong. So the three parties on this side of the chamber are moving to disallow this regulation. The money being spent through this regulation would be much better spent on hospitals, on schools, on the entitlements of poor people and on the 1.8 million pensioners who were totally ignored in the last budget. If the government has a slush fund for things like this it should be thinking of those citizens who could use this money instead of thinking how to disadvantage and abuse the electoral system on the way to the next election.

Senator MURRAY (Western Australia) (6.37 pm)—I am pleased to associate myself and my party with the disallowance motion for schedules 1 and 3 to the Parliamentary Entitlements Amendment Regulations 2006 (No. 1). As soon as I saw it come through I moved rapidly and Labor and my party put down a disallowance to schedule 1, but we needed time to examine all the schedules. We agreed that schedule 3 was also something to be disapproved. It was complicated by a number of motions so we came to an agreement with Senator Brown that we all jointly move this amendment. I am pleased that it is being presented on that basis.

The Parliamentary Entitlements Amendment Regulations 2006 are contained in Select Legislative Instrument 2006 No. 211 and made under the Parliamentary Entitlements Act 1990. These amendment regulations enhance existing entitlements where it is thought the current resources have proven inadequate or need a review and to be made clearer. They also make associated transitional and other technical amendments. Of note is that schedule 1 allows for an increase in printing entitlements for members of the House of Representatives from the current $125,000 to $150,000 and introduces the capacity to carry forward a portion of unused benefits into the following year.

Schedule 2 allows for mobile phone services as an additional benefit for the staff of party whips and clarifies administrative arrangements providing delegation of travel and travel by Inter-Parliamentary Union or Commonwealth Parliamentary Association delegations. There is no motion for disallowing schedule 2.

Schedule 3 sets the printing entitlements of senators at $20,000 per annum from 1 July 2007, which is currently set at 10 reams of paper for senators and 20 for specified office holders, which works out at approximately $1,000 per annum, with a pro rata amount of $16,667 for the period 1 September 2006 until 30 June 2007. Administration of the entitlements moves from the Senate to what we know as MaPS, the Ministerial and Parliamentary Services Division. Approval for guidelines on the use of entitlements now moves to the Special Minister of State, and
parts of entitlements can no longer be transferred between senators or taken in advance. Entitlements now cover all stationery requirements, newsletters and other printed materials, including Christmas cards for constituents. Senators can choose any commercial printer of their choice but should be mindful of government procurement policies and guidelines. Frankly, it was not an easy schedule to read and to determine exactly how it affected people.

Now in its second decade of incumbency, the Howard coalition government is displaying its determination to stay in office by these timely amendments to parliamentary entitlement regulations. They are timely, of course, because they are going to be very useful in the coming election year. Although they are being introduced under the guise of servicing the electorate, many are clearly about boosting electioneering activity by the government’s incumbent members. These manoeuvres will add and have added to a cynical view the public and the media have taken about politicians. There has been considerable adverse commentary already ranging from very forthright and quite often provocative remarks by Alan Ramsay—I am an avid reader of columns such as those written by Alan Ramsay—all the way to a more academic view taken by such people as Norm Kelly from the ANU.

Schedule 1 allows for an extra $25,000 a head for the printing entitlements of 150 members of the House of Representatives, which amounts to $3.7 million a year of taxpayers’ money being spent essentially to further the interests of the incumbents. If taken over a three-year parliamentary term, the figure is $11.25 million. At $150,000 per politician, that is $22.5 million a year, or $67.5 million over three years. Additionally, the rollover provisions are of concern as they will allow politicians to carry over an unused portion of an entitlement into the following year.

It should be strongly noted for the record that the government have attempted this manoeuvre in the past and the non-government senators unanimously rejected it. At that time we had the numbers in the Senate, and it is because we do not have the numbers in the Senate that this appalling extravagance is coming forward. I hope that when the Leader of the Opposition in the Senate speaks he will give a commitment to wind this back when Labor eventually take power, which I am sure they will do one of these days.

Senator Chris Evans—I hope they do.

Senator MURRAY—It is the way of the world, as you know. Things do change. The wheel turns. Whilst we are having this interchange, I think it was William Butler Yeats who spoke in his Irish poetry about the gyre and how it moves. I will turn back to the issue. It would appear that this increase is needed to make use of the recent increase in the postage or communications allowance for members of parliament, which is a separate entitlement and which, with Labor’s support, the government introduced in June 2005. This increase will prove most useful for how-to-vote information, which was previously funded by political parties but will now be capable of being funded by taxpayers through this allowance.

There are concerns for the new printing benefits for senators under schedule 3. Under these amendments, printing will now be self-vetting—a copy of the printed materials is not required to be submitted to the Ministerial and Parliamentary Services Division with a formal invoice of payment to the printing account. Massively increasing the entitlement to the House of Representatives is not matched by an equivalent massive increase to the Senate, but it does have the ability to cover items previously supplied by
the Senate outside the original entitlement. Figures from the Black Rod are available, and they indicate how the Senate entitlement was dealt with previously.

The big thing for our minor party—I am not sure about other minor parties—was that we used to share our Senate entitlement and so smooth out the demand. As far as I am aware we were the only party that used the entitlement to paper on this basis.

In the past, the average cost per senator per annum was $11,000 for newsletters and $5,700 for stationery. As the legislation currently stands, members of parliament are essentially able to determine their own entitlements—both the amount of money and how it is to be used—and auditing is minimal. In accountability terms this is unsatisfactory. What is required in the area of parliamentary entitlements is for them to be under the close scrutiny of a single, independent decision-making authority. In other democracies there are strict controls over the use of parliamentary allowances, and there should be here too.

Given that taxpayer money is already used to fund election campaigns—as provided for under public funding legislation—schedules 1 and 3 of these proposed amendment regulations are not in their interests. Questions certainly arise as to what I regard as an illegitimate use of incumbency to further political party interests.

Regardless of the outcome of this debate—and I suspect government numbers will be unanimous in advancing these regulations—it is time that the government and the parliament acted together to ensure the regular auditing of senators’ and members’ expenditure through these various entitlements. The last audit was opposed by the government and supported by the non-government senators. It was the only audit, I am aware of, since the foundation of the Federation.

It is true that the department carries out checks and keeps a much better eye on these matters than they used to in the past. It is true that there has been a significant improvement in accountability as expressed through the various reports that are now produced by the department that falls under the Department of Finance and Administration. Certainly, I regard the current presentation of material that is available concerning members of parliament’s allowances and entitlements as far superior to that which applied 10 years ago. But the fact remains that, from the Auditor-General’s perspective, these are not issues that are periodically and systematically audited. I think, particularly with an increase in taxpayer funds and incumbency entitlements, it would be a great improvement if that were to be introduced on a regular basis. That can easily be done.

The Democrats are deeply concerned about the nature of these additional increases. In particular, we are concerned about schedule 1. It is just outrageous that a House of Representatives member would be able to go into the next election in, say, November with a carryover plus their annual allowance, effectively having anywhere up to a quarter of a million dollars—probably closer to $225,000 if they are careful—available to them, being printing entitlements. That gives an incumbent a power and an ability to knock off competitors in the political field who are not incumbents, because of the sheer weight of available money and funds.

I applauded the Labor Party for unhesitatingly opposing this in the past. I applaud them again for unhesitatingly opposing it this time. It is obviously in their interest, in an incumbent sense, to have these funds available to them, but they recognise that the increases go far beyond the bounds of what is appropriate, decent and required in the
proper servicing of a constituency by a parliamentarian.

Debate interrupted.

NOTICES
Presentation

Senator Marshall to move on the next day of sitting:

That the following matter be referred to the Employment, Workplace Relations and Education References Committee for inquiry and report by the last sitting day in June 2007:

Workforce challenges in the Australian transport sector, with particular reference to the following:

(a) current and future employment trends in the industry;
(b) industry needs and the skills profile of the current workforce;
(c) current and future skill and labour supply issues;
(d) strategies for enhanced recruitment, training and retention; and
(e) strategies to meet employer demand in regional and remote areas.

DOCUMENTS

Treaty between Australia and China

Senator BARTLETT (Queensland) (6.51 pm)—I move:

That the Senate take note of the document.

I seek to take note of the bilateral category 2(e), the treaty between the government of Australia and the People’s Republic of China on mutual legal assistance in criminal matters. As with all of the treaties that are listed here—there are five in this category and another three in other categories—this treaty gets referred to the Joint Standing Committee on Treaties. That gives the public an opportunity to have input into those matters.

This is a treaty with the People’s Republic of China. It is worth taking the opportunity, in passing, to remind the multitudes listening at the moment that there is currently an examination by the Joint Standing Committee on Treaties of another pair of treaties seeking to enable uranium sales to China. I remind those members of the public who have an interest in it to explore that further or participate via a submission if they so desire.

This particular treaty, though, goes to mutual legal assistance in criminal matters. As is usually the case, I do not want to prejudge the whole thing here before it has been examined in detail by the treaties committee, but I do want to take the opportunity to highlight a couple of aspects. The general practice of enabling mutual assistance between countries in connection with investigations, prosecutions and proceedings relating to criminal matters is relatively widespread. It is not the only way in which Australia and other countries can cooperate with each other in investigating serious crime via mutual assistance, but there are a range of benefits to having a treaty. When you have a treaty, at least you have some certainty and some specific obligations contained within the treaty rather than much more of a non-treaty, free-flowing, less enforceable and less clear cut and transparent arrangement. In that sense, it is easy to see why a treaty may be more beneficial than a more ad hoc approach.

This debate does nonetheless provide the opportunity to explore a couple of the issues in there. The treaty, among other things, obliges the requested party to refuse to provide assistance with criminal investigations if the request relates to the prosecution or punishment of a person for an offence that is regarded by the requested party as a political offence. With respect to the People’s Republic of China, there is a fairly wide definition of what might constitute a political offence and there are certainly a number of examples of people who are able to be deemed in our Western eyes, if you like, as being charged with or under criminal investigation for political offences because they are seen as be-
ing enemies or opponents of the Chinese regime. It is not necessarily seen that way from the Chinese government’s point of view, where such people can sometimes be seen from their perspective as common criminals.

There has been a lot of focus and debate in this parliament in recent times on very serious allegations of extraordinarily horrendous human rights abuses being carried out towards Falun Gong practitioners, for example. In most people’s views I think they would come under other aspects of this treaty that deal with not providing assistance if there are substantial grounds for believing the request has been made for the purpose of prosecuting or punishing a person on account of that person’s race, sex, religion, nationality or political opinions. Again, whilst that would clearly be the case with regard to some of the undoubtedly established persecution of Falun Gong practitioners, pro-democracy advocates and people seeking greater autonomy for Tibet, in seeing some of the statements that are made by the Chinese government, they certainly do not appear from their perspective to be being punished or prosecuted for those reasons.

This treaty does, as it should, have scope for a request for assistance to be refused where the provision of assistance may result in the death penalty being imposed. It is pleasing to see that in there because China executes more people than every other country put together, at least in official terms. But we have seen with the case of the Bali nine that there are very much grey areas about how that sort of arrangement and that sort of clause is interpreted. I have not been convinced that those grey areas have been clarified any further. I think this treaty provides an opportunity, given the record of the Chinese government with regard to some human rights issues and certainly with regard to executions, for that issue to be further explored. (Time expired)

Question agreed to.

**Protocol on Explosive Remnants of War to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be Excessively Injurious or to have Indiscriminate Effects (Protocol V)**

**Senator BARTLETT** (Queensland) (6.56 pm)—I move:

That the Senate take note of the document.

This particular treaty is a multilateral one. It deals with a new protocol on explosive remnants of war, a protocol to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be Excessively Injurious or to have Indiscriminate Effects. It certainly seems to me very positive that the Australian government is moving to sign up to this particular treaty and to be bound by the protocol. The protocol, according to the document that has been tabled, will enter into force on 12 November this year, having recently received the required 20 notifications to the secretary-general of consent to be bound in accordance with the various articles of the convention. It will enter into force for Australia six months after our country’s notification of consent is received, and that will be at the end of the treaties committee’s process, assuming it is recommended and accepted that the proposed action is taken, and I expect that would be the case—certainly at first glance I very much hope it would be the case.

But it is quite apt to examine the obligations here and to note again the positive components and the scope for positive action when countries get together and agree to be bound by protocols that seek, for example, to oblige parties as soon as feasible after the cessation of active hostilities to assess, mark,
clear or remove and destroy explosive remnants of war from territory under their control. Parties are also obliged to cooperate where appropriate with other states and regional and international organisations to fulfil this obligation. Parties are obliged to record and retain information on the use or abandonment of explosive ordnance in order to facilitate its post-conflict clearance. On the cessation of active hostilities, state parties are obliged to provide this information to other parties in control of the affected area or to other organisations relevant to clearance obligations.

There are a range of other aspects there, including the protection of humanitarian missions, precautions for the protection of the civilian population and generic preventative measures such as munitions reliability. All, I would suggest, are positive measures in trying to reduce one of the many serious consequences of war. It is a bit hard to overstate the serious consequences of war, but one of the many and perhaps more clear examples of the absurdity of war sometimes are the injuries and deaths that can occur after the cessation of hostilities, just by virtue of unexploded ordnance, uncleared landmines or other remnant weapons.

We have a live example at the moment that is getting coverage in our country in regard to leftover explosive ordnance in the south of Lebanon in that area that has been subject to a conflict. For some reason it has become the new political correctness that if you in any way criticise any action of the Israeli government then you are immediately labelled as a supporter of Hezbollah and global terrorism. Nonetheless I will surge through such attempts at censorship and point out the serious problem of significant amounts of unexploded ordnance and leftover weapons that are exploding and killing Israeli as well as Lebanese people in that area. Most unfortunately, in some respects, it is due to cluster bombs dropped just in the last few days of hostilities, but it is also from mines that have been leftover for longer periods of time that have not been cleared.

It is appropriate to express concern about that. It is appropriate to put public pressure on relevant parties to do more to address that problem. This treaty will not affect it, I would imagine, as I suspect relevant parties are not signing up to it, but it is pleasing that Australia is signing up to it. Part of the benefit of signing up to it is not only holding ourselves honest to these things but giving ourselves greater moral authority to urge other countries and parties to live up to these standards. There is no greater example of innocent people being killed than being killed by explosions of leftover weapons and unexploded ordnance. I really would hope this provides a mechanism for more action in this area.

Question agreed to.

ADJOURNMENT

The ACTING DEPUTY PRESIDENT (Senator Troeth)—Order! There being no further consideration of documents, I propose the question:

That the Senate do now adjourn.

Childhood Obesity

Senator BARNETT (Tasmania) (7.02 am)—Tonight I wish to advise the Senate that I had the pleasure of speaking about the issue of obesity, including in a debate at the 10th International Congress on Obesity in Sydney. The congress was co-chaired by my friend and internationally renowned expert Professor Paul Zimmet of the International Diabetes Institute, together with Professor Ian Caterson and Associate Professor Kate Steinbeck. Having such a prestigious congress in Australia does the organisers and indeed our nation great credit. The organisers included Professor Boyd Swinburn, Presi-
dent of the Australasian Society for the Study of Obesity, Professor Joseph Proietto, Scientific Program Committee Chair and Claude Bouchard, President of the International Association for the Study of Obesity. Professor Zimmet, in his opening speech to the congress, said of obesity:

We don’t have the luxury of time to deal with this issue—it’s as big a threat as global warming and bird flu ...

That is what he said. We have all seen much media coverage of the congress. I hope we are likewise concerned to learn that Australia remains in the top four in the world behind the United States, United Kingdom and Mexico in terms of overweight and obesity and that we are now leading the world in the rate of increase in childhood obesity.

In this context of obesity as a world threat, I was shocked and dismayed when I discovered upon visiting a very significant and prominent secondary school in Hobart that at lunchtime the children were sitting on the grass eating their lunch but there was nobody on the oval or on the playground enjoying sport, football, soccer, cricket, hockey and the like. Those areas were empty. It is a little bit like the proverbial hospital without any patients. I made some inquiries subsequently and, in a recent meeting of a few weeks ago in my office with the most senior executive members of the Australian Sports Commission, I asked about this predicament and whether or not it was uncommon across Australia. They advised that it was not an uncommon predicament to have our school grounds empty of children during lunch and break times.

Why can’t our children play sport—football, soccer, cricket or whatever it may be—during the lunch hour, during recess or after school? I am advised that it is because of public liability insurance and the cost of supervision for teachers. Apparently, many teachers will not supervise sport at lunchtime or during breaks in the school day. Is there some sort of demarcation line being drawn between the roles of supervision and contact teaching?

I would have thought that for every state government around Australia there was a duty of care to Australia’s children because the state governments own, operate and manage our schools. They have a duty of care to ensure that all our children have an opportunity to play and be physically active at lunchtime and during those breaks. When I was a kid at school, I played all sorts of sports on the playground without supervision, but if the state governments require and desire supervision then it should be provided for our children. Each day there is about a one-hour lunchtime and about 20 to 30 minutes break time during the day. That is up to two hours a day. What does that mean? It means, if you draw that to its logical conclusion, that there is an equivalent of nearly 250 hours per year in precious physical activity that is being lost through schools’ and state governments’ reluctance to ensure supervision of our students or, indeed, to ensure that they can play appropriately and safely on the school oval and in the school playground.

Childhood obesity is getting worse, not better. We seem to be letting down our children here in Australia. Obesity and diabetes are now recognised as the worst health epidemics in history, as recently indicated by Professor Paul Zimmet, with more than 100,000 Australians contracting diabetes and 200,000 Australians becoming obese each year. The rate of childhood obesity has tripled in just over 10 years and half of those children who are now overweight or obese will remain so into adulthood and become vulnerable to diabetes, heart disease, cancer and a range of other complications. There are an estimated 12,000 deaths per year resulting from weight related problems in Australia,
according to a recent report, and as I indicated the crisis is getting worse.

If one considers the bare minimum of two hours PE a week in schools which was forced on the states by the Australian government just last year, then the end result is 80 hours a year scheduled PE. You can offset that with approximately 250 hours a year in lost recreational sport time as a result of state government negligence. That is what I call it—state government negligence. It is a breach of duty of care to our children. The state governments have let our children down as a result of an inappropriate school system and a teaching system which baulks at supervising student sport time out of what would perhaps otherwise be considered contact hours. I want to know how many schools there are like this around Australia today, not just in Tasmania, and what is being done about it. I am sure that the parents, friends and parents’ councils would express equally their concerns about this.

With respect to another matter, I would like to pay a compliment to the Australian Beverages Council for their decision last month to withdraw fizzy, sugary soft drinks from primary schools. In my view, that is a good step forward. I spoke to the chief executive officer of the Australian Beverages Council, Tony Gentile, some years ago and have had some contact with him about this issue, making representations to do exactly that. They have now adopted a policy to not engage in any direct commercial activity in primary schools unless otherwise requested by school authorities. What does that actually mean? It means that the ball is now in the court of the schools. The schools must decide, and the state governments around Australia must decide, whether they will accept that or introduce fizzy, sugary carbonated soft drinks into primary schools in Australia. That is their decision. What is their response? I would like to know what they are going to do in the interests of children. Ninety-five per cent of the non-alcoholic beverage industry in Australia includes Coca Cola and Cadbury Schweppes. It is now time, in my view, for the states and territories to remove fizzy sugary soft drinks from schools and phase out self-indulgent food. Some of the states have acted, and I congratulate those states that have, but in Tasmania the education minister, David Bartlett, keeps passing the buck to schools and says it is up to each individual school.

I would also like to refer to what happened just a few days ago when I opened the International Federation for the Surgery of Obesity in Sydney where I supported the commonly called lap banding, or bariatric surgery, as a cost-effective preventative health procedure which saves lives. Professor Paul O’Brien was a key organiser for this international conference based in Sydney and I have enjoyed working with him and his colleagues on this matter. I am now convinced, as a result of reading the research and evidence, some of which has been released just this week, that the bariatric lap band surgery actually works. Not only does it work but it is cost-effective for the taxpayers of Australia, with many thousands of dollars in savings over a period of time.

Finally, I would like to advise the Senate that on 18 October this year I will be holding in Parliament House my seventh healthy lifestyle forum to help combat childhood obesity—featuring a range of experts from industry, the health sector, the food sector and the like. I do it because I believe obesity is and should be recognised as a national health priority and given the status of a chronic disease like diabetes. I will keep promoting the cause. I do it because we owe it to our children to use our maturity and expertise to give them the gift of a long and healthy life—

(Time expired)
Tuesday, 5 September 2006

SENATE

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CHAMBER

Tasmanian Forestry Industry

Senator O'BRIEN (Tasmania) (7.12 pm)—I would like to address the Senate tonight to correct the record regarding the Labor Party’s support for the Tasmanian forestry industry and, in particular, the Tasmanian Community Forest Agreement. First, let me say that the media release issued today by Senator Abetz is just plain wrong. The Labor Party categorically supports the Tasmanian Community Forest Agreement reached between the Commonwealth and Tasmanian governments. As far as we are concerned, the war about Tasmanian forestry is over. On 12 May 2005 that is effectively what the opposition leader said. I quote:

Federal Labor accepts the agreement announced today by the Prime Minister and the Labor Premier of Tasmania, and broadly supported by industry, unions, and timber workers.

I sincerely hope this can be the beginning of an end to conflict in Tasmania.

While we have not yet had the opportunity to fully examine the details of the agreement, we understand another 148,000 hectares of Tasmania’s forests will be preserved for future generations, most of it old growth forest.

I particularly welcome the announcement of an end to clearfelling of Tasmania’s old growth forests.

Importantly, affected sawmills cooperated in an industry restructuring exercise that will move them to alternative wood supply sources, create more jobs, allow them to introduce better technology, and upskill their workers.

Labor has long advocated this approach, emphasising value adding in forest industries.

This agreement is not perfect, and it does not give everyone everything they want ...

I hope that this agreement will secure once and for all the long term sustainability of Tasmania’s tourism and forest industries, and a better future for all Tasmanians.

That is what Mr Beazley said.

Whilst it is true that this afternoon Labor voted against the motion moved by Senator Watson, the Labor Party intends to move its own motion tomorrow in support of the Tasmanian forest industry and in support of Gunns, which, as Senator Watson noted in his motion, has been falsely represented by the Rainforest Action Network. It is our view that the motion moved by Senator Watson did not go far enough. Labor’s motion will make the point that the Rainforest Action Network has been writing to Gunns’ customers in Japan saying:

You must know that these parties can profit from deceiving you. Also they may indeed intend to compete with you if they build the new pulp mill.

In other words, ‘Let’s take action against a potential competitor’—an action against Australia’s interests. The Rainforest Action Network clearly believes that it is the judge and juror for the global community when it comes to determining what are acceptable social and environmental practices in the forest industry. In the same letter to customers, it says:

You should be aware that by refusing to engage in constructive dialogue with RAN—Rainforest Action Network—you could be misinterpreted as implicitly supporting egregious social and environmental practices.

That sounds awfully like a threat to me and to Labor. Clearly, as far as the Rainforest Action Network is concerned, no-one else in the world is capable of determining or competent to determine appropriate social and environmental practices. This is typical of parts of the green movement.

No industry is under as much pressure from our trading partners as the forest industry. Australia has 164 million hectares of native forests—four per cent of the world’s forests—and it has 1.7 million hectares of plantations. About 10 per cent of our native
forests are managed for wood production, with less than one per cent being harvested in any one year. That small proportion of forests harvested annually is regenerated so that a perpetual supply of native hardwood and softwood is maintained in this country. Australia’s rigorous forestry standard, the Australian Forestry Standard, has global mutual recognition under the Program for the Endorsement of Forest Certification, the largest international sustainability recognition framework for forestry in the world. But the environmental movement is running a duplicitous campaign around the globe to undermine the status of the standard. At the same time as the greens are trying to discredit Australian forestry, they are running a campaign against illegal logging in Third World countries, a problem they are directly fuelling by their failure to back responsible forest industries in places like Australia.

Make no mistake: these are not environmental campaigns; they are political and they are commercial. Increasingly, environmental NGOs around the world, with the complicity of governments, are embedding themselves in policy and regulatory frameworks in which they have commercial interests. They do so with no mandate from the people and with no accountability. The forest industry provides a classic example. Instead of endorsing the AFS—developed in accordance with the usual rigorous standards processes used in Australia and New Zealand to govern all kinds of industries and products—green groups have been lobbying to discredit the standard internationally. Instead, they favour accreditation under the Forest Stewardship Council, or FSC, an organisation created by the World Wide Fund for Nature with the clear intention of sideling elected governments when it comes to forest policy. Beyond its foray into the forest certification business, the WWF has a history of establishing buyer groups that effectively boycott timber products that are not FSC certified. Consequently, producers and suppliers are pressured to obtain FSC certification to maintain market access. The FSC’s business interests are effectively protected by environmental NGOs, who have mounted a concerted attack over recent years on other certification schemes. The AFS is just one of those.

It is instructive to take a look at the membership and governance of the FSC if there is any doubt about this. In Australia, there are just 10 members, including five environmental NGOs—Friends of the Earth, the Wilderness Society, Friends of Gippsland Bush, the Western Australian Forest Alliance and WWF Australia. The executive director of the FSC hails from the WWF and the members of the board are a very interesting group from Greenpeace, a cardboard manufacturer in Colombia, two members described as ‘individuals’ from Bolivia and Argentina—and the list goes on. While there is some industry representation, it is very limited and multilateral organisations and governments are excluded despite the fact that governments are major funding donors. Furthermore, it is our view that the FSC certification does not provide the guarantee of sustainable forestry that is claimed. For example, over 40 per cent of the total area of forest certified by the FSC is certified without any approved standards and over 80 per cent of the countries with FSC certifications do not have FSC approved standards. Despite the fact that 550,000 hectares of plantations in Australia are FSC certified, as of June this year there was no Australian FSC standard against which to certify.

It is also my contention that the vast majority of FSC national standards and forest certifications would simply not withstand scrutiny by the International Accreditation Forum or by the International Organisation for Standardisation, recognised by the United
The body which recognises FSC principles, the International Social and Environmental Accreditation and Labelling Alliance, has seven full members, none of whom are national or international standards bodies but two of whom are the Rainforest Alliance and the FSC itself.

The Australian Forestry Standard is proceeding through the very rigorous processes of Standards Australia and the PEFC towards full recognition, however rocky the road may be towards consensus, and the organisation and its members are to be congratulated on their perseverance against the odds. We would equally welcome an Australian FSC standard were the FSC prepared to meet the same rigours of Standards Australia, the JAS-ANZ, the ISO and the IAF. But we will not support it while it makes its own standards, accredits its own people as certifiers and switches hats with environmental NGOs when it needs to protect its business from competition. The FSC logo can be used for woodchip and fibre products when only 17½ per cent of the total wood fibre or 30 per cent of virgin wood fibre is FSC certified. It does not matter where the rest of the timber comes from! And the ‘FSC mixed’ label can be used on any wood product even if only 10 per cent of the total material is FSC certified.

The sustainable expansion of Australia’s forest industry is very important to meet global demand and to contribute to our own economic prosperity. Most estimates are that a third to a half of the world’s forests have already been burnt or chopped down. That makes it more critical than ever that the world’s remaining forests are managed sustainably for conservation, for the world’s future forest product needs and for the enormous environmental services that they perform in maintaining global biodiversity and providing carbon sinks to manage climate change.

Madam Acting President, I seek leave to give notice of a motion in relation to what occurred today. I am happy to give notice of that motion now if leave is granted. If leave is not granted, I will give notice of that motion tomorrow. I now seek that leave.

Leave granted.

Senator O’BRIEN—I give notice that, on the next day of sitting, I shall move:

That the Senate—

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

(b) condemns the misrepresentation of Gunns Limited by the Rainforest Action Network which has been actively campaigning against Tasmania’s forest industry in its overseas markets, notably Japan, and which has been:

(i) portraying to Gunns’ Japanese customers that a Tasmanian pulp mill will be a competitor for Japanese industry and actively lobbying to keep Japanese pulp mills producing at the expense of Australian investment, Australian jobs and import replacement to offset the $2 billion trade deficit in the forest and forest products sector,

(ii) falsely claiming that Gunns’ logging practices are listed amongst the worst in the developed world according to the World Conservation Union (IUCN), when in fact this is the claim made by environmental non-government organisations (NGOs) in a submission to the IUCN, and

(iii) implicitly threatening Gunns’ Japanese customers if they do not engage in constructive dialogue with the Rainforest Action Network about their serious concerns about Gunns as a woodchips supplier;

(c) calls on the Government to take urgent measures to address the dishonest campaigns and secondary boycott practices of...
environmental NGOs being used against the Tasmanian and the Australian forest and forest products industries in their Australian and international markets; and

(d) condemns the Government for failing to move quickly enough to provide a fair and level playing field for Tasmanian and Australian forest products in both their Australian and international markets and for failing to take action against illegal timber imports into Australia.

**Multiculturalism**

Senator BARTLETT (Queensland) (7.22 pm)—I want to speak about an issue that has been debated today and last night in this chamber and in the wider community—that is, commentary by senior members of this government, and by others in the Australian community, targeted specifically at Muslim Australians. At the outset, I want to emphasise that nobody disputes the benefits of people who come to this country integrating effectively, and nobody disputes the benefits of learning English. But what should also not be disputed is the cumulative consequences of the range of comments made by the Prime Minister, Mr Howard, and more particularly by his senior acolytes, such as Mr Costello and Mr Downer, and others down the ranks. The damage being done to the Australian community, and the hostility that has been generated, is potentially very severe—and that too should be beyond dispute.

Mr Howard is widely recognised as one of this country’s experts at dog whistling. He is very good at giving very precise statements that he can step away from, point to in isolation and say, ‘How can anybody disagree with that?’ As I said, I do not disagree with the literal content of much of what he has said, but I do disagree with the specific and deliberate isolation of applying those common-sense principles specifically to Muslims as if they are somehow more at fault in this regard than everybody else.

Whilst Mr Howard is good at dog whistling, two other points need to be made: firstly, when you blow the same dog whistle more than once, it becomes louder and louder; and, secondly, whilst Mr Howard might be blowing the dog whistle, Mr Costello, Mr Downer and others are breaking out the full brass band. I do not know if it is just that they are less clever, more clumsy and more crass, or whether this is part of a deliberate strategy to allow Mr Howard to look a bit more statesmanlike at the top. Whatever it is, it is not feasible to have all Mr Howard’s lieutenants and backbenchers continually repeat and reinforce a range of messages which home in on Muslims and for Mr Howard to then say: ‘What’s the problem? It’s nothing to do with me. Of course we are not attacking Muslims!’ He cannot disassociate himself from the cumulative actions of the multitude of members of his government who repeat and reinforce this message.

As I said earlier today to those who get up in this place and in the wider community and insist on getting their particular message across and do the finger-pointing and make all the so-called common-sense observations and demand that the Muslim community stand up more firmly on issues: pause for a bit and actually listen. Listening does not mean you have to agree, but you should at least put yourself in their shoes and try to understand the impact of your comments. The most damning response to Mr Costello’s clear-cut targeting of Australian Muslims, and his offensive and ignorant attacks on Islam in general—and not for the first time—was not Muslim leaders disagreeing and criticising it per se, although they certainly did that. It was a response from Yasser Solomon, President of the Islamic Family and Childcare Agency in Victoria, who is involved with the government’s Muslim Community Reference Group. His response
was that Mr Costello had never bothered to talk to them. That, to me, is the most damning response of all. Mr Costello is quite happy to puff his chest up and present himself as the leader in waiting, but he is passing ignorant judgement on people’s most personal beliefs while not even bothering to talk to them. That, to me, particularly from somebody who holds himself up as the prime minister in waiting, is simply unforgivable—and, of course, it is not the first time.

I suggest to Mr Costello and others that they do a bit of listening and a bit of reading as well. Mr Costello commented that Muslims need to make it clear to would-be converts that, when they join the religion, they are not joining a radical political ideology. Imagine if you turned that around and said that to people in any other religion. How patently offensive! We have had continual repetition—and we have had it from Mr Downer as well—that the Muslim community in Australia is not condemning terrorism. How many times do they have to condemn it? If it is 24 hours since they last did it, are they under suspicion again? How offensive can you get—continually telling people that they have to condemn terrorism. Each time you say that, you once again imply that they are somehow associated with it. It is incredibly offensive and it is incredibly destructive. It is not good enough for members of the government to complain about Muslims adopting a victim mentality. It is almost impossible not to adopt a victim mentality when you are being made the victim the whole time—when you are having the finger of blame pointed at you the whole time.

I say to people like Mr Downer: this is a two-way street. Honesty is a two-way street. And openness is a two-way street. If you are continually calling on people in the community to condemn acts of terrorism—completely dismissing the fact that they have done so time and time and time again—and yet you are prepared, as representatives of our nation, to turn a blind eye to major human rights abuses and atrocities by our key allies and by major trading partners, then people do not just get a bit annoyed and think that you are a bit of a hypocrite; people get very angry. When you are dealing with issues like this, it is not very helpful to deliberately make people angry.

Senator Mason in his contribution last night criticised an Islamic leader in Australia, a former chairman of the Australia Federation of Islamic Councils, saying that he was playing ‘the race riot card’ by expressing concern that allowing these sorts of inflammatory comments to keep going might lead to another Cronulla. Ironically, at the start of his speech Senator Mason said that ‘the time for debonair self-censorship is over’ and that it was time to move on from polite topics of conversation at chic dinner parties. I suspect that Senator Mason goes to a lot more chic dinner parties than the average Australian Muslim. When Australian Muslims do not self-censor, when someone says, ‘Look, this is causing problems. This is causing division. We’ve already had the incident in Cronulla which caused headlines around the world. This same sort of thing can cause it again,’ he gets attacked and told that he is playing the race riot card. Whatever happened to free speech and the end to self-censorship and the end to political correctness that Senator Mason proclaimed at the start of his speech? It is the same thing. It is a one-way thing. There is a blanket of political correctness continually put over the entire community. Anything that is deemed to be outside this government’s perceived correct world view is not polite conversation; is not a correct topic; will leave you open to being vilified, slandered and targeted by this government and their mouthpieces in the mainstream media.
So let us have a true end to political correctness. Let us not just shift it from one section of the community to another; let us have a true end to self-censorship. If we do not listen to the reality of the impact of these irresponsible comments made time and time again by government ministers—which always work a treat for them politically—then we cannot act with surprise if more division happens. We all know how the Cronulla riots happened. I suggest that anybody who does not should have a read of David Marr’s article in the Age on 13 December about the way things were whipped up and Alan Jones saying, ‘I’m the person that’s led this charge here,’ reading out the text messages about the gathering at Cronulla coming up that weekend. When people whip up prejudice, these things do have a way of coming back to bite. The role of true leaders is to actually try and reduce prejudice not inflame it for short-term political gain.

**John Cummins**

**Senator MARSHALL (Victoria) (7.33 pm)**—Tonight I rise to pay tribute to an inspirational leader of working men and women. ‘Dare to struggle. Dare to win. If you don’t fight, you lose’ was the often-used catchcry by which John Cummins lived a life dedicated to the working class and to the underdog. He certainly did dare to struggle, and he most definitely dared to win. John Cummins died aged 58, after a 12-month battle with cancer, last Tuesday, 29 August 2006. John Cummins, who was affectionately known as Cummo, was a key strategist in the union movement and the president of the Victorian Branch of the Construction, Forestry, Mining and Energy Union. Like many others, he became part of the CFMEU when it amalgamated with the former Builders Labourers Federation.

John was born to parents Mary and Jack and grew up in Melbourne’s inner north. He supported the Fitzroy Lions until the club was sold to Brisbane. Attending Parade College, he played football for his school and captained their firsts team in his final year. John went on to a tertiary education, and struggles of the times brought profound changes to John’s outlook and ambitions. Working in blue-collar jobs like the production line at Northcote Pottery accelerated these changes. So it was no surprise when he rejected a career in teaching and looked to a more radical political and working life. He began working in the building industry in 1972, immediately joining the Builders Labourers Federation, an organisation which he remained an active and influential member of until it amalgamated with the CFMEU in 1994.

John worked as a labourer and a scaffolder on some prominent jobs in Melbourne, including Collins Place and the Westgate Bridge, where he became a union activist. His determination and considerable skills on the job came to be noticed as he gained the position of organizer for the BLF in Melbourne. His next stint was in the Pilbara region of Western Australia, where he succeeded the late Jim Bacon as an organizer in 1980. As most would know, Jim was later to become the Premier of Tasmania. John’s wife, Dianne, and young son, Mick, made the move to the remote area with him. It was a wild time there during the last big minerals boom, and the industrial climate put the calm, self-reliant young organizer under extreme pressure. He thrived on the challenge and became a popular and effective organizer. It was during this time in the west that his second son, Shane, was born.

John Cummins quickly became a respected mentor in the construction industry as his experience grew. A favourite piece of advice from him was to ‘stop sooking’ and ‘you’re only as good as your last blue’. Although this was often said in jest, his work
exemplified the truth contained in it. He returned to Melbourne and took up organising in the increasing rough and tumble of an industry under pressure from the Fraser Liberal government. His work continued under the Hawke Labor government and he worked even harder throughout the deregistration of the BLF and the de-recognition of the union by the Cain government in 1986. Cummo stood up to the police harassment of workers. He was prosecuted for trespassing on sites and imprisoned for these activities and for breaching court orders. Many times he was physically removed from site by police but continued to return to service union members. As Cummo explained why he was in jail to his sons, ‘I reckon if I don’t tell the judge how to do his job then he shouldn’t tell me how to do mine.’

John Cummins led by example, helping other BLF members resist the intimidation tactics. He was integral to the BLF resistance to the assault on the union, and many construction workers saw him as the front line. However, in the early 1990s, faced with a second five-year deregistration of the BLF, Cummo and other BLF members around Australia were forced to choose between continuing to fight an increasingly onerous battle on their own or amalgamating with the new CFMEU, a union which included its old political and industrial rivals, the Building Workers Industrial Union. Cummo and those supporting amalgamation won the argument, and the merger took place in 1994. CFMEU organiser and former BLF official John Setka recalls many in the labour movement were surprised at Cummo’s willingness to be a part of the team with people who had been opposed to him. John Setka asked him once how he could forgive people who had fought hard against him in the past and he said, ‘You can’t hold it against them for being loyal to their union.’ John had the ability to rise above the personal if it was in the best interest of the workers.

In 1996 Cummo was elected President of the Victorian branch of the CFMEU. In this role John played a major part in building a strong team under a new leadership drawn from all parts of the new union. As part of this team, Cummo played an influential and positive role in developing the wages policy and strategies that saw wage increases, shorter hours and improved long service leave entitlements for Victorian construction workers. Like salt and pepper, he was in everything. The success was ongoing and it resulted in the Howard government singling out the CFMEU for special attention in the form of legislative attacks. Cummo faced the Cole royal commission and conducted himself in the dignified but combative manner that such a politically motivated witch-hunt deserved.

Cummo will be remembered for his tenacity, principle and strategic brilliance. Few union officials could hold a candle to John at a mass meeting of workers. He was charming, charismatic and possessed a wicked sense of humour, with a collection of quotations and sayings to rival that of Chairman Mao. John loved a beer, a bet and the Fitzroy and North Heidelberg football clubs, and he loved the building industry. But most of all he loved his family.

We will mourn Cummo because he did so much for so many, without any fanfare. If someone died and there was no money for the funeral, John would raise the money. He looked after widows and he looked after the kids. And all this was separate from his official duties. He was right in the middle of the struggle against Howard’s anti-union task force and legislation when he was struck down in July 2005 with a brain tumour. Cummo fought the illness for over 12 months and reached his 58th birthday on
26 August just before dying peacefully on the 29th, surrounded by his loved ones: Diane, Mick and Shane, and his brother Geoff, sister Jan and their families.

Although much has been said about Cummo’s political life, he was also a private family man who enjoyed all the time he spent with his family. He particularly enjoyed going to the footy and watching his sons play at North Heidelberg. As with much in his life, he could not help but pitch in around the club. He was a regular, from ferrying the boys and their mates around to manning the canteen. Famously, when a young player asked for a Lift—actually a brand of soft drink—Cummo immediately grabbed his car keys and asked where the young lad needed to go. As a mark of his commitment to the club, they recently dedicated the John Cummins Room in his honour. He also enjoyed time with Di down at their holiday house away from the hustle and relentless bustle of the construction industry.

His memorial service yesterday was a testament to the man. Over 2,500 workers, friends, comrades and employers filled the Regent Theatre in Melbourne, which was saved by the BLF green bans of the 1970s. It was a great honour to farewell him alongside so many of our comrades and to be part of the collective tribute to such a hardworking example of the struggle of the labour movement. After the service the crowd marched behind the hearse back to Trades Hall, in which Cummo stopped the city for one last time. As Ralph Edwards, Acting President of the CFMEU and long-time friend of Cummo, said, ‘We built this city and Cummo has a right to check out a bit of our handiwork on this, his last march.’ While I do not claim to be a close personal friend of Cummo—a claim I wish I could make—he was a good comrade and someone I could always talk to and seek advice from. He was good counsel, always willing in his contribution.

John Cummins was the most respected unionist of this generation: an inspirational leader of construction workers, a mentor to many others and a man who served his union and the working class like few others ever have. He will be sorely missed in the continuing struggle against the conservatives and their latest wave of anti-union attacks. Vale John Cummins: dare to struggle, dare to win—if you don’t fight, you lose. In Cummo’s own words: ‘You’ve done yourself a treat.’

**Gunns Ltd**

Senator WATSON (Tasmania) (7.43 pm)—Gunns Ltd is the largest hardwood chip operator in the world. In fact, it is Tasmania’s largest private landowner and a major employer in Tasmania, employing over 1,200 people. As the Senate would no doubt be aware, this company from time to time attracts a lot of attention. I am concerned about and will address tonight some of the inaccurate green group slander that is directed towards the customers of Gunns in Japan. I think it is quite abhorrent and quite un-Australian. I have here a letter sent to a Japanese customer of Gunns Ltd by one of these so-called green groups. An extract of the letter reads:

> We are writing to you to reiterate our request to hold a meeting with your company during our upcoming visit to Japan on August 2nd - August 8th. Rainforest Action Network is very concerned that we have been unable to arrange a meeting with your company and hope that this issue can be resolved prior to our scheduled time in Japan. Rainforest Action Network … would like to be able to engage in constructive dialogue with your company to address some serious concerns related to your supply of wood products, especially from Gunns Limited in Tasmania, Australia. You should be aware that Gunns currently engages in logging practices that are listed amongst the worst in the developed world according to the World Conservation Union.
This comment is a complete misrepresentation of both Gunns and the World Conservation Union. In fact, Gunns has some of the best logging practices anywhere in the world, so it is a complete fabrication from this group. The letter continues:

As an honourable company—that is, a company in Japan—who we trust is interested in maintaining responsible practices and protecting your company’s reputation, it would seem as though your company would make constructive dialogue regarding a controversial supplier like Gunns a top priority. RAN has worked with many of the world’s largest timber and paper companies to help find solutions to problems such as these in the past.

This so-called pressure green group, RAN, boasts of bullying other corporations with disruptive and misleading protests. They not so much work with companies as force them to accept their views—or else! Sheer thuggery. The letter continues:

Although you appear to believe all the statements of your suppliers and supporting governments, you must know that these parties can profit from deceiving you.

How outrageous! The letter goes on:

Also they may indeed intend to compete with you if they build the new pulp mill. Thus, you could only benefit from listening to the voices of important stakeholders.

Who are these important stakeholders? Rubbish! Previously, I had never heard of RAN, and certainly none of their 35 permanent staff live in Tasmania. This group is based in North America. They do not represent Tasmanians, so I think it remarkable that they describe themselves as important stakeholders. The letter continues:

As one of the primary purchasers of Gunns’ woodchips you are inevitably connected to concerns about the company’s practices and are responsible for your own procurement policy purchasing woodchips from sustainably managed forests. You should be aware that by refusing to engage in constructive dialogue with RAN you could be misinterpreted as implicitly supporting egregious social and environmental practices.

Here we have blatant threats. They might as well have said, ‘If you do not agree to meet with us and our demands, you will be slandered, misrepresented and become the focus of rent-a-crowd protests,’ because that is most certainly what they meant in that letter. This letter clearly misrepresents Gunns as having logging practices amongst the worst in the world, which is untrue. This is a blatant untruth. In fact, Gunns is described as such in a paper sent to the World Conservation Union, but they make no such claim. Somebody sent them a letter and then they alleged that it was part of the union’s statements. Unfortunately, this sort of misrepresentation happens all too often. RAN has two campaigns specifically targeting corporations. Those two corporations are Gunns and Weyerhaeuser. Gunns, as senators know, operates out of Tasmania; Weyerhaeuser operates out of North America.

The question I ask the supporters of RAN is: ‘If Japanese companies are not sourcing their timber products from Tasmania or North America, where do you think they will source them from—Brazil, Papua New Guinea or other countries which have less responsible practices than those operating in Tasmania or even North America?’ The simple fact remains that global demand for woodchips and other timber products will continue to rise, and preventing companies from sourcing from Tasmania inevitably means that they will source from other areas, with fewer government oversighting practices and lower logging procedures and standards than those which prevail in Tasmania.

This is important because, no matter what you may think of Tasmanian forestry practices, they are far and above any of those in the Amazon, Papua New Guinea, Indonesia or many of these newly emerging countries.
If you drive away customers from Tasmania, as these groups pretend to do, all you are really doing is marginalising our ability to effect forestry policy. The Australian and Tasmanian governments have shown time and time again that they will at least listen to the concerns of environmental groups and that they are concerned about the sustainability of the environmental industry. Unfortunately, governments in Brazil and Indonesia have shown that they are not.

These attacks do hurt industry; they hurt people. By attempting to drive customers away from high-quality Tasmanian timber products, green pressure groups are, in effect, promoting exploitative and unsustainable forestry practices in other parts of the world. I can accept the fact that not all people are happy about the way some forestry operations take place in Tasmania. But what we should not accept is lying about our industries and driving our customers towards countries that have no environmental sensitivity at all.

The second matter I want to speak about tonight is the proposed pulp mill. This will be of great benefit to Tasmania. Gunns is planning to develop a bleached Kraft mill in the Bell Bay major industrial zone in northern Tasmania. It will incorporate the best available technology and set new global standards for mill design. This mill will be the largest ever investment by the private sector in Tasmania and the largest ever investment within the forestry sector in Australia. It will cost $1.4 billion. This will add $6.7 billion to the Tasmanian economy, an increase of 2.5 per cent. It will add an additional $894 million in extra tax revenue for the period 2008 to 2030. It will add $1.5 billion to the gross state product during construction. Some 3,400 jobs will be created during the construction, with an additional $39 million annual expenditure by the construction workforce in northern Tasmania. Once the mill is operational, there will be a projected extra 1,617 jobs on average than there would be otherwise—a great project for Australia, a great project for Tasmania. It is expected that 40 per cent of jobs during construction and 80 per cent of jobs once operational will be filled by Tasmanians. It will also generate up to 100 megawatts of surplus power, which will be sold into the Tasmanian power grid.

This project is vital for the growth and continued prosperity of the Tasmanian economy. There are some who would like to see Tasmania perpetually frozen in time, as these green groups do, so that they can feel good about themselves. But there is a huge human cost to that attitude. Those 1,600 extra jobs will mean 1,600 extra families can live in our great state and benefit from our wonderful lifestyle and environment. Those 1,600 extra jobs will mean that many people will not have to move to the mainland looking for work, and will mean much more money in the Tasmanian state coffers.

I strongly recommend this project to the Senate, and urge all senators to give it their support. At the same time, I condemn the negative attitude of certain green groups who are acting in a most un-Australian way.

Defence

Senator MARK BISHOP (Western Australia) (7.52 pm)—This evening I rise to raise concerns about how the government is doctoring the facts when it comes to some embarrassing truths from the Department of Defence. The government’s sultans of spin have been working overtime, smoothing over some relatively recent rough patches that Defence has been going through.

I want to talk in particular about three press releases that were released in the month of August. One was headed ‘Defence ahead of schedule on military justice reform’; the second, ‘A new era in Defence
logistics'; and the third, ‘The 2005 Defence Attitude Survey shows positive trends’—three rather interesting documents, put out by the Department of Defence on behalf of government in the last three or four weeks.

It will be a surprise to those who are listening, but the public relations section of the Department of Defence in the last financial year pumped out some 1,500 press releases and had a budget of over $18 million. It employs dozens of media types, dozens of journalists, to spend that $18 million and pump out those 1,500 press releases.

The three press releases I want to discuss, concerning poor morale, military justice and cost blow-outs, are very useful examples of government spin-doctoring and of how the government manages to get across a serious propaganda message whilst covering up or hiding from us a range of facts that it does not want to disclose and does not want on the public record.

The first press release I want to talk about is the one headed ‘The 2005 Defence Attitude Survey shows positive trends’, released on Friday, 18 August; CPA 205/06. The Defence Attitude Survey, not the media release, disclosed significant low morale throughout the armed forces. It found that just over one-third of personnel in the armed forces were considering leaving, two-thirds complained they did not have the resources to properly do their work, and a half showed a lack of confidence in their senior officers.

So those were remarkable findings in that survey. To some extent it reflects credit on the ADF for releasing it. When you think about it, a third of personnel were considering leaving, two-thirds complained they did not have the resources to do their work properly and almost a half did not have confidence in their senior officers.

But the media release that was put out by the government did not disclose any of that material; you only got that material if you went to the survey itself, went through the pages and pages of it and were able to pull out those facts. What the media release showed was that troops in boots have increasing confidence in Defence’s senior leadership and that there was a pleasing result in the proportion of people who say they serve with pride and think the service life is enjoyable. So this was completely ignoring the facts from the survey, but extrapolating some minor matters and making them the subject matter of a two-page press release.

In addition, in that press release there was a series of percentage statistics showing alleged improvements in the level of satisfaction relating to various matters. For example, the proportion of ADF personnel who believe they are well prepared for operational duties increased by 28 per cent for Army, 36 per cent for Air Force and 28 per cent for Navy personnel. On the surface of it, these were significant improvements. If those statistics were true, people could be proud of those results. But when you choose to think about statistics in percentage form, these are absolutely meaningless. They are designed to cover up, to obfuscate, not to disclose.

A simple example will explain the point. If there is an increase in the number of people who show satisfaction with a particular outcome from two to four, that is a 100 per cent improvement and appears to be a great result. But an increase from two to four, out of 10,000 people, is absolutely meaningless as a significant percentage increase. It can be the subject of a useful press release but, in terms of objective reporting of the results or an objective outcome, it is absolutely meaningless. And that is the type of spin put out by Defence. It is a disturbing trend that the government is now regularly engaged in this, because it is essentially propaganda. It does not disclose the truth; it does not disclose the real numbers. People who are interested in
those sorts of outcomes are unable to get a clear and accurate picture of what might be going on.

The second media release I referred to was headed ‘Defence ahead of schedule on military justice reform’. That press release was also put out on 18 August—the day that a Senate review committee put out its first six-monthly report on the progress of the implementation of a series of reforms to military justice.

A little trip down memory lane will help us. There had been an intensive and extensive Senate inquiry into military justice. That found a whole range of things going on which were unacceptable by any standards, and made a series of recommendations to government. Government considered those recommendations and came up with a response. Part of that response was change to various institutions and involved legislative reform, and the government is in the process of implementing that.

As part of that package of responses, the government asked the Senate Foreign Affairs, Defence and Trade Legislation Committee to oversee the legislative change and to report every six months on the progress of military justice reform. In the first six months that Senate committee was active, it reviewed what the government had done and, two or three weeks ago, it came down with a fairly lengthy report. That report found that there had not been significant change, that attitudes within Defence were poor and that matters of process were attended to but that those matters of process were not sufficient to warrant, guarantee or ensure significant reform of the kind we are told is being sought by the government and which was recommended by that previous Senate committee. Strong words were used in that Senate review report when it stated that there needed to be significant cultural reform.

But the media release put out by Defence gave a very different slant. It said that Defence was ahead of schedule on military justice reform. That ‘ahead of schedule’ referred to a series of minor reforms, such as five changes to the manual. Again, in that report, there was no conclusive evidence of change. The press release put out by government gave an indication of significant change and significant improvement, but it was contrary to the findings of that Senate review committee and it was contrary to all objective evidence. So, again, we have the practice of ignoring the truth, not disclosing the facts and attempting to put a propaganda spin on change when there has been no change and people continue to be disadvantaged.

The third press release I want to refer to was headed ‘A new era in Defence logistics’ and was released on Wednesday, 2 August. That was a good news story—again from the government—about a new $100 million computer system. It talked about how the government was on track with the system, tracking Defence’s inventory and how in the future there would be much better asset management of various things owned by Defence. What the media report did not say was that the project was originally slated to cost some $15.8 million, that the cost would blow out from $15.8 million in 2001 to $650 million in 2014, that what was originally slated as a one-stage process was going to take four or five stages, and that, because the inventory, the accounts and the asset identification issues were not going to be suitably resolved until at least 2014, by implication the responsible officers in Defence would not be able to sign off on Defence accounts. But if you read that press release you would be of the view that there had been instant action—a new system was in place and, sure, it was
going to cost $100 million, but in the end we would have fine results.

What we were not told in that press release—and what Defence has since refused to confirm—although the figures are available in a combination of the annual report, the PBS and the defence capability plan—is that this new inventory system and asset management tool is going to cost $650 million, not $15 million; it is going to take at least 10 years, not two years; and, even when the system is up and running, there is still the possibility that there will have to be further phases introduced after 2014. *(Time expired)*

**United Nations International Day of Support for Victims of Torture**

*Senator MOORE (Queensland) (8.00 pm)—*This evening I want to talk about an event that was held in Brisbane on 25 June for Amnesty International—an organisation which many people in this chamber know and respect. The event was the Amnesty International candle display. Over 11,809 candles were lit to spell out the ‘stop torture’ theme and that well-known and quite beloved image of the Amnesty International candle with the wire twisted around it. That effort will be lodged with the Guinness Book of Records and, if accredited, will be recognised as the world’s largest image created by candles. And I do know the exact number of candles, because I was one of the people who had to go around and count them all. So I can actually say in this place that 11,809 candles were lit, set up on the wonderful Seventeen Mile Rocks gardens area in Brisbane and were able to burn brightly in the sunset in Brisbane to commemorate such an important issue. People would understand that the accreditation process for the Guinness Book of Records is a very lengthy one, involving statements from a range of people—and we are still waiting and hoping to have that effort acknowledged.

The event was devised and coordinated by my friend Dave Copeman, who is the community campaigner for Amnesty in Queensland and northern New South Wales. This was a project that was dear to his heart. He is an enthusiast and he loves planning things. His own experience working for several months in Zimbabwe brought him very close to the issues of torture and imprisonment without trial and he knew that we as an international community must band together to bring these issues to the world’s knowledge so that we can stop this kind of activity.

It takes a very detailed effort to put together one of these outdoor events. The actual image was designed by a Hervey Bay artist, Jorge Pujol—a wonderful, enthusiastic man who had detailed planning that allowed the whole process to work very well. Over 200 people were involved in the day’s event. We had a contingent of 50 people who came down from Hervey Bay, several hours away, and a number of volunteers—people from the local community and church groups and people who were out spending their afternoon at the beautiful Seventeen Mile Rocks establishment and just got caught up in the excitement and came along to see what was happening. The very first candle for the evening was lit by Terry Hicks, the father of David Hicks. He was able to talk with all of us about his feelings as a parent who is separated from his child and whose child is, we believe, a possible victim of torture.

The event on 25 June was held to commemorate the United Nations International Day of Support for Victims of Torture. In 1998, while proclaiming this day into the international calendar, Kofi Annan said: This is a day on which we pay our respects to those who have endured the unimaginable. This is an occasion for the world to speak up against the unspeakable. It is long overdue that a day be dedicated to remembering and supporting the
many victims and survivors of torture around the world.

The UN declares its concern about torture as follows:

Torture is one of the most profound human rights abuses, taking a terrible toll on millions of individuals and their families. As terrible as the physical wounds are, the psychological and emotional scars are usually the most devastating and the most difficult to repair. Many torture survivors suffer recurring nightmares and flashbacks. They withdraw from family, school and work and feel a loss of trust.

The event—our activity in Brisbane—was part of Amnesty International’s campaign entitled ‘Stop torture and ill-treatment in the “war on terror”—Cruel. Inhuman. Degrades us all.’ This campaign is being run across the world and is focused on upholding the principle in the UN Declaration on Human Rights that ‘No-one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment’. Amnesty is deeply concerned that this principle is being undermined across our world and that a number of nations proclaiming to be doing the right thing are in fact doing exactly the wrong thing to their citizens. We talked about this while we were putting the candles out. The processes involved the physical activity of working with the community to put together something that would last for a period of hours, but we were learning as we were doing it, and I think this is one of the real strengths of the Amnesty process: it is not just talk; it is community building and learning.

Through our process we are trying to make sure that the public face is out there so that no longer are these acts of horror hidden away. We are trying to make sure that people who suffer these acts of horror can have the support and strength to bring their stories to us all to ensure that somehow we can work with our governments and international governments to ensure that we know across the world that these actions are wrong. Amnesty has a strong reputation across the world, and we have our Amnesty group here in parliament. We encourage people to look at the web to find out how Amnesty puts a face on these stories, which it does so well. When you go to the web you can find out more about people and their experiences and work individually and as a community to address this situation and somehow make change.

Our event, the 11,809 candles that formed this national display, was a real success in planning and gained impressive media attention in Brisbane and across Queensland. Some of us were able to share in the experience down here last year outside parliament, where a similar activity was formed. We lit the Amnesty candles in the area between Old Parliament House and new Parliament House and stood there together to see the candles burn. We later saw the wonderful photographic images of that activity which were taken from above, and those memories and images still live on. With those images comes the message that torture is wrong, that it still exists across the world and that torture often happens in the dark. But we can work to address it. The lighting of the candles—the bringing of light—the standing together and the seeing of that brings light to these issues. That is why groups like Amnesty must continue to exist. That is why all of us can have a role to play, and that is why we continue with the message that these things must stop.

Queensland Election

Senator IAN MACDONALD (Queensland) (8.10 pm)—Tonight I want to talk about the Queensland election, but not in the way of talking about who is going to win, which party is best or which party has the best policies. Tonight I want to spare a thought for and to wish well all the wonder-
ful people who have nominated for the Liberal Party in the state of Queensland. In talking about these people can I say that my comments also relate to any candidate, be they in the Liberal Party, the National Party, the Labor Party or any other party, contesting this or any other election.

Those of us in this chamber know what it is like to stand for preselection and then election and to at times feel powerless to pursue your cause because of things that are happening around you over which you have no control. This time there will be many wonderful people who are Liberal Party candidates but, quite frankly, if you believe the opinion polls being published by the papers, very few of them have any chance of being elected. I am greatly distressed by and despair of that fact, because as a group the Liberal Party candidates contesting the Queensland election are an exceptional group of people in that they come from all walks of life. They are successful in their own right and leaders in their community. But because of the vagaries of politics, if you believe the opinion polls, I suspect that few of them will be elected, and I feel for them.

Those of us who have been candidates know what it is like to put yourself up, get your supporters there and do all the hard work—up early doorknocking, doing street walks, standing at railway stations or standing on the roadside. You go through a period of emotional highs and lows. When you are first preselected you are on a very great high, then, as the election campaign drags on, you have lows and doubts and then, as it comes towards election day, you get excited. But, if you believe the opinion polls, many of these people in the Liberal Party know in their own hearts that they are not going to make it. To me, it is a shame that the collective wisdom and the collective contribution these people could make to good government in Australia, and in Queensland, in particular, will be lost.

I do not want to identify particular candidates, because I cannot identify them all, but I want to mention and wish good luck to all the Liberal Party candidates—indeed, to any candidate contesting the election. I want to particularly wish good luck to William Tan in Algester, Tracy Davis in Aspley and Craig Thomas in Brisbane Central. Craig has taken on the Premier—talk about David and Goliath, but he is a great man and, I have to say, would make a far better local representative than Mr Beattie; at least Mr Thomas is honest. One could expect that Mr Thomas will not be elected but he will have a good go, and he has run a good campaign. I also want to mention John Caris in Broadwater, Michael Hart in Burleigh, Trish Symons in Capalaba, Tim Nicholls in Clayfield, Andrew Trim in Cleveland and Peter Matic in Inala, which I think is Labor’s safest seat, if I read the pendulum correctly—but Peter Matic is out there making a stand for his community.

Peter Turner is standing in Indooroopilly, Sean Choat in Ipswich West, Steve Dickson in Kawana, Nick Monsour in Mount Gravatt, and Bob Harper is standing in Mount Ommaney. He is a former member and a great guy. James Mackay, standing in Mt Cout-tha, is a young computer programmer; the sort of person you really need in the Queensland parliament. These are people who have achieved things.

Ros Bates is standing in Mudgeeraba, Reg Gulley in Murrumba, Glen Elmes in Noosa, and Shane Moon in Pumicestone. I had the honour and privilege of being with Shane and opening his office on the weekend. Ray Stevens is standing in Robina. He is a former mayor of the Gold Coast and is an exceptionally qualified person. Alan Boulton, the former mayor of Redcliffe is standing in Sandgate. Lynne Jennings is standing in
South Brisbane. Peter Collins, a councillor on the Logan City Council, is running in Springwood. Brad Carswell is running in Stafford.

And so the list goes on. There are many other candidates standing. They are all quality people and I wish them all the very best for Saturday. But tonight I particularly want to talk about the four Liberal Party candidates in the north of our state. Again, they are quality people who could make a magnificent contribution to Queensland and Australia were they to be elected on the weekend.

I do not want to be a commentator or a pollster—everyone has their own opinions—but I think some of these people could surprise the pundits from the papers and actually end up in parliament after Saturday. The difficulty for these candidates is that the media have trivialised the campaign. In the first few days, when a lot of policies were being issued by the coalition, the media chose to concentrate on the fact that the Liberal leader did not know after whom the City of Brisbane was named. As it turns out, I know that—but what has that got to do with good government for Queensland? Yet the media trivialised that and many other aspects, concentrating on the man rather than the ball. Then the media had the hide to criticise the Liberal Party for not having serious policies and for running a light election campaign when the policies were there; it was just that the media chose to ignore them and to trivialise the early days of the campaign.

But as politicians we cannot complain about the media. We all know what it is all about. We all accept that they have the last word so we would never dare to suggest that they are being very trivial in much of their reporting of elections. But I guess this election is no different to any others, and at other times it has been the Labor Party that has been trivialised. It is across the board, I guess, but in this instance they have certainly made it difficult for all those wonderful people I mentioned.

I particularly want to wish well Stephen Welsh, the Liberal Party candidate in Barron River. He is a tourist operator who has lived in the Far North for many, many years. He ran last time and almost won that seat against a sitting minister, and he is running again. He is aged 39 and married to Colleen. They have three young children. He is very much involved in the tourist industry, which really makes Far North Queensland tick. He is involved with backpacker hostels, the Cairns Rugby Union Club and the Cairns and District Junior Eisteddfod. He is also on the Cairns City Council’s Safety Committee. He could make a wonderful contribution to Queensland.

Wendy Richardson is running in Cairns. She is a fourth-generation Cairns person, mother of four, and daughter of a local identity, Sir Robert Norman. She is the coordinator of the North Queensland Advocacy Group and is also a member of Australia’s National Literacy Consultative Group. She is on the Board of Anglicare, which conducts a range of services for youth. She is a speech pathologist. Again, she could make a wonderful contribution to Queensland politics.

In the seat of Townsville, young Jessica Weber is a home-grown Townsville resident who is passionate about local issues. She and her parents and grandparents have lived for three generations in the one seat in South Townsville, usually thought to be a Labor suburb. But there is a young person on the go—very keen, very active and independent. She joined the Liberal Party. She was elected head of the James Cook University Student Association. She did great work there and was the one student union leader that supported voluntary student unionism. She is a
real goer and she will make a great member of parliament.

In the seat of Mundingburra—everyone knows Mundingburra—we have Mick Reilly. He is a former lieutenant colonel in the Army and now in the Army Reserve. He is the immediate past president of the Townsville Chamber of Commerce. He only resigned when he was preselected. He has been director of Townsville Enterprise Limited, chair of the Museum of Tropical Queensland Advisory Committee and a member of Rotary International. He and all of these candidates are community people. They are involved in the community. They are community leaders who could make a great contribution to the north. I am very proud of the four of them in the north and I am confident they will do well in the future in the government of Queensland. (Time expired)

Domestic Violence

Senator WEBBER (Western Australia) (8.20 pm)—Earlier today I received an invitation, as did everyone in this place, to attend the Canberra launch of White Ribbon Day. The Canberra launch will be a preview of the advertising materials and will kick off the campaign for White Ribbon Day, which will actually be held on 25 November.

White Ribbon Day is the International Day for the Elimination of Violence against Women. I urge all in Parliament House to find time in their busy schedules to attend the Canberra launch. This invitation particularly caught my attention, not only because violence against women is something that I have always had concerns about but also because of some recent events in my home town of Perth.

Last week, my good friend and colleague, the state member for Victoria Park, Ben Wyatt, raised an alarming issue in the state parliament. The issue concerned the role of GPs in treating violence and assault. Mr Wyatt, in raising the issue in parliament, got hold of a copy of the Canning Division of General Practice’s guide entitled Identifying and responding to family violence: A guide for general practitioners. It stated on the front of their brochure:

Family violence is coercive and controlling behaviour by a family member that causes physical, sexual and/or emotional damage to others in the family, including causing them to live in fear and threatening to harm people, pets or property. Family violence is most commonly perpetrated by one partner towards another (when it is sometimes called ‘domestic violence’ or ‘intimate partner abuse’) and/or by an adult towards a child or children (often referred to as child abuse). Other forms include elder abuse or sibling abuse. Whether the violence is physical, sexual or emotional, it may have long term detrimental effects.

It sounds like a very compassionate, good brochure, one that we should all find the time to read. It goes on to state:

The medical profession has key roles to play in early detection, intervention and provision of specialised treatment of those who suffer the consequences of domestic violence, whether it be physical, sexual or emotional. Imagine, therefore, my surprise and Mr Wyatt’s surprise when it was revealed last week in Perth that a number of local GPs within that division and more widely actually refused to see people who had suffered some form of assault or violence. Indeed, there are signs up in the receptions of a number of GP clinics saying: ‘Assault victims will not be seen. Please go to your local hospital.’ It would seem some local GPs in that region need to get hold of the brochure and re-educate themselves about the important role that the Canning Division of GP says they can play in the treatment of violence.

Mr Wyatt, a former DPP prosecutor and, as I say, the new member for Victoria Park, was so concerned about this attitude of a number of local GPs in one particular clinic that he went to the trouble of raising the mat-
ter in the state parliament last week. It was heartening, therefore, to see that our state Minister for Health, Jim McGinty, was immediately supportive of Mr Wyatt’s concerns. In fact, he said when the matter was raised in parliament that he ‘urged all medical practitioners who may be contemplating this type of action’—the action of putting up a sign saying ‘please go to your local hospital’—‘to place the care of their patients ahead of any short-term financial gain’.

I mention short-term financial gain because apparently the issue that was raised when Mr Wyatt inquired into this after a number of his constituents had been refused medical treatment by their local GPs was that:

… doctors believed the reporting requirements of domestic violence disrupted the commercial activities of operating a general practice …

I find that, in the year 2006, absolutely astounding. It would seem to me that we need more than one White Ribbon Day to deal with what is still an insidious problem in our community which some members of one of the most elite and trusted professions still cannot come to terms with.

One practice in particular say they will not treat these people because it ‘disrupted the commercial activities of operating a general practice, particularly given the doctor could end up having to give evidence in court’. Nothing has staggered me more than that. It is absolutely outrageous that a medical practitioner could say they would prefer not to see someone in need because they might have to give evidence in court about a crime that had been committed against that person.

Mr Wyatt went on to tell parliament that two women had been refused treatment for domestic violence injuries by their long-term GPs. Usually when you have a long-term GP it is a relationship of trust, and I presume those two women in particular have no trust or respect for those GPs. The GP had told them: ‘I’m sorry; I don’t see victims of domestic violence. You have got to go to Armadale or Royal Perth Hospital.’ So a woman in this case turned up in need to see her long-term GP and was told instead she must go to accident and emergency at her local hospital and take the care there when she could get it rather than turn up in need to see her local GP.

The Western Australian branch of the Australian Medical Association has told Mr Wyatt that it is up to an individual doctor to decide how his or her surgery is run. The Western Australian president of the Australian Medical Association has refused to condemn this practice of refusing treatment to people who are victims of violence or assault, and that is appalling in and of itself. In my view, the AMA, if it wishes to maintain its professional standing and reputation in this place and in the wider community, must intervene to force change upon those doctors who are refusing to see assault victims. Lame excuses about hospitals being more able to deal with these patients are clearly unacceptable. If the patient feels that the doctor is able to deal with them and has that long-term relationship of trust, surely it is up to the doctor to provide that treatment.

The Medical Board of Western Australia must also be willing to step in if those measures are not enough. As I say, it is heartening to see that the state Minister for Health, Mr McGinty, is supportive of such intervention. It is an irony indeed that the police service in Western Australia has undergone significant cultural change, intervenes a lot more readily and is a lot more thoughtful in the way it handles domestic violence matters. Now it is actually the medical profession—the so-called caring profession—that is leaving our community in the lurch.
The main medical centre at the heart of these complaints is a centre called HealthPoint Belmont Medical Centre. It is in Cloverdale. The centre is owned by a company called IPM, and their state director, Mr Dale Brown, has said that there was a social problem in the Belmont area and staff at HealthPoint were often exposed to violent situations, including a recent stabbing, so the sign had been put up to try and prevent such situations occurring. I am sure we all have deep sympathy and concern for any staff who would be in a situation of being exposed to any form of violence or threatening behaviour. But, if your way of managing this crisis in our community is to refuse service to others in need who have already suffered that assault because it is not commercially viable and because you do not want to give evidence in court, that is completely inexcusable. These people really need to think about whether medicine is the practice for them.

**Senate adjourned at 8.30 pm**

**DOCUMENTS**

**Tabling**

The following government documents were tabled:

- Australian Postal Corporation (Australia Post)—Statement of corporate intent 2006-07 to 2008-09.
- Treaties—
  - **Bilateral**—Text, together with national interest analysis and annexures—
    - Treaty between Australia and the People’s Republic of China on Mutual Legal Assistance in Criminal Matters (Canberra, 3 April 2006).
  - **Multilateral**—Text, together with national interest analysis and annexures—
    - Protocol V on Explosive Remnants of War, to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be Excessively Injurious or
to have Indiscriminate Effects (Geneva, 28 November 2003).

Tabling

The following documents were tabled by the Clerk:

*Legislative instruments are identified by a Federal Register of Legislative Instruments (FRLI) number*

Civil Aviation Act—Civil Aviation Safety Regulations—Airworthiness Directives—Part 105—
AD/BEECH 1900/48—Wing Rear Spar Lower Cap Inspection [F2006L02963]*.
AD/ECUREUIL/121—Oxygen Cylinders [F2006L02896]*.
AD/SA 315/1—Oxygen Cylinders [F2006L02897]*.

Class Rulings—
Erratum—CR 2006/78.


Financial Management and Accountability Act—Financial Management and Accountability Determinations—
2006/41—Australian International Education Foundation International Marketing Account Variation and Abolition 2006 [F2006L02891]*.
2006/43—Aboriginal Tutorial Assistance Superannuation Special Account Variation 2006 [F2006L02894]*.
2006/44—National Youth Affairs Research Scheme Account Variation and Abolition 2006 [F2006L02895]*.
2006/46—Supported Accommodation Assistance Program Data and Program Evaluation Fund Special Account Variation 2006 [F2006L02899]*.
2006/47—Centrelink Special Account Variation and Abolition 2006 [F2006L02901]*.

2006/49—Australian Valuation Office Account Variation and Abolition 2006 [F2006L02900]*.
2006/55—Intergovernmental Nutrition Special Account Establishment 2006 [F2006L02908]*.
2006/57—Australian Childhood Immunisation Register Special Account Establishment 2006 [F2006L02910]*.
2006/58—Australian Archives Projects and Sponsored Activities Account Variation and Abolition 2006 [F2006L02914]*.

Product Rulings—
PR 2006/124.

Superannuation Guarantee Determination—Notice of Withdrawal—SGD 95/1.

Taxation Determinations—
Notices of Withdrawal—
TD 93/15.
TD 2004/52.
TD 2006/50.

* Explanatory statement tabled with legislative instrument.

Indexed Lists of Files

The following documents were tabled pursuant to the order of the Senate of 30 May 1996, as amended:

Indexed lists of departmental and agency files for the period 1 January to 30 June 2006—Statements of compliance—
Australian Taxation Office.
Department of Prime Minister and Cabinet.
Industry, Tourism and Resources portfolio agencies.
QUESTIONS ON NOTICE
The following answers to questions were circulated:

Conclusive Certificates
(Question No. 1946)

Senator O’Brien asked the Minister representing the Treasurer, 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 Minchin—The Treasurer has provided the following answer to the honourable senator’s question:

Australian Bureau of Statistics
(1) No conclusive certificates under the Freedom of Information Act 1982 have been issued in respect of information held by the Australian Bureau of Statistics since October 1996.

(2) Not applicable.

Australian Competition & Consumer Commission
(1) No conclusive certificates under the Freedom of Information Act 1982 have been issued in respect of information held by the Australian Competition & Consumer Commission since October 1996.

(2) Not applicable.

Australian Office of Financial Management
(1) No conclusive certificates under the Freedom of Information Act 1982 have been issued in respect of information held by the Australian Office of Financial Management since October 1996.

(2) Not applicable.

Australian Prudential Regulation Authority
(1) No conclusive certificates under the Freedom of Information Act 1982 have been issued in respect of information held by the Australian Prudential Regulation Authority since October 1996.

(2) Not applicable.

Australian Securities and Investments Commission
(1) No conclusive certificates under the Freedom of Information Act 1982 have been issued in respect of information held by the Australian Office of Financial Management since October 1996.

(2) Not applicable.

Australian Taxation Office
(1) Since October 1996, no Conclusive Certificates under the Freedom of Information Act 1982 have been issued in relation to any documents held by the Commissioner of Taxation.

(2) Not applicable.
Corporations & Markets Advisory Committee

(1) No conclusive certificates under the Freedom of Information Act 1982 have been issued in respect of information held by the Corporations & Markets Advisory Committee since October 1996.

(2) Not applicable.

Inspector-General of Taxation

(1) Since October 1996, no Conclusive Certificates under the Freedom of Information Act 1982 have been issued in relation to any documents held by the Inspector General of Taxation.

(2) Not applicable.

National Competition Council

(1) No conclusive certificates under the Freedom of Information Act 1982 have been issued in respect of information held by the National Competition Council since October 1996.

(2) Not applicable.

Productivity Commission

(1) Since October 1996, no Conclusive Certificates under the Freedom of Information Act 1982 have been issued in relation to any documents held by the Productivity Commission.

(2) Not applicable.

Royal Australian Mint

(1) No conclusive certificates under the Freedom of Information Act 1982 have been issued in respect of information held by the Royal Australian Mint since October 1996.

(2) Not applicable.

Treasury

(1) The Department of the Treasury has issued four conclusive certificates since October 1996.

(2) The Treasurer made the decision to issue two conclusive certificates in relation to an FOI request made to the Department of the Treasury. The certificates were issued on 1 December 2003 and 13 January 2004, respectively.

The documents consisted of Treasury estimates, briefings and question time briefs prepared for the policy formulation or advice on the first home owners scheme or on income tax bracket creep. The decision to issue the conclusive certificates was appealed to the Administrative Appeals Tribunal and the case name is McKinnon and the Secretary, Department of the Treasury No Q2003/689 & 809. The Tribunal decided two documents should be released to the applicant and that the remainder of the documents covered by the conclusive certificates were within section 36(1)(a) of the Freedom of Information Act 1982 and that there existed reasonable grounds for the claim that disclosure of each of those documents would be contrary to the public interest.

McKinnon appealed against the Tribunal’s decision to the Federal Court of Australia in 2005, but was unsuccessful and costs were awarded to Treasury. He then appealed to the High Court of Australia. The appeal was heard in Canberra on 18 May 2006 by a bench of 5 justices. The Court reserved its decision in this matter. It is expected a decision will be handed down in the next 2-6 months.

The Secretary issued two conclusive certificates in relation to an FOI request made to the Department of the Treasury on 12 July 2006.

The documents consisted of Treasury estimates, briefings and question time briefs prepared for the policy formulation or advice on tax reform (bracket creep and top tax rate). The decision to with-
hold documents was appealed to the Administrative Appeals Tribunal and the case name is: The Australian and the Department of the Treasury No V2005/1104.

Conclusive Certificates
(Question No. 1952)

Senator O’Brien asked the Minister for Communications, Information Technology and the Arts, 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 Coonan—The answer to the honourable senator’s question is as follows:

(1) Neither the Department of Communications, Information Technology and the Arts, nor any of the agencies within my portfolio, have any record of issuing a conclusive certificate to exempt documents from disclosure under the Freedom of Information Act 1982 since October 1996.

(2) Does not apply.

Conclusive Certificates
(Question No. 1960)

Senator O’Brien asked the Minister representing the Minister for Education, Science and Training, 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 Vanstone—The answer to the honourable senator’s question is:

The Department of Education, Science and Training was created by the Administrative Arrangements Order signed by the Governor-General on 26 November 2001.


Compensation for Detriment Caused by Defective Administration Scheme
(Question No. 1969)

Senator O’Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 8 June 2006:

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 Transport and Regional Services has provided the following answer to the honourable senator’s question:
One payment of $5,580.11 was made under the Compensation for Detriment Caused by Defective Administration Scheme by the Department of Transport and Regional Services in 2004-05.

**Compensation for Detriment Caused by Defective Administration Scheme**
(Question No. 1972)

Senator O’Brien asked the Minister for Communications, Information Technology and the Arts, upon notice, on 18 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 Coonan—The answer to the honourable senator’s question is as follows:
Neither the Department of Communications, Information Technology and the Arts nor any of the relevant agencies for which I am responsible have any record of making payment under the Compensation for Detriment Caused by Defective Administration Scheme since October 1996.

**Transport and Regional Services: Monetary Compensation**
(Question No. 1990)

Senator O’Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 8 June 2006:
What is the quantum of payments made as settlements to claims for monetary compensation by the departments 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 Transport and Regional Services has provided the following answer to the honourable senator’s question:
Department of Transport and Regional Services
The Department settles monetary claims consistent with the Legal Services Directions and has provided the following details:

<table>
<thead>
<tr>
<th>Financial Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1999/2000</td>
<td>data not accessible</td>
</tr>
<tr>
<td>2000/2001</td>
<td>$281,481.70</td>
</tr>
<tr>
<td>2001/2002</td>
<td>$1,259,089.59</td>
</tr>
<tr>
<td>2002/2003</td>
<td>$157,310.27</td>
</tr>
<tr>
<td>2003/2004</td>
<td>$244,540.45</td>
</tr>
<tr>
<td>2004/2005</td>
<td>$448,970.91</td>
</tr>
<tr>
<td>2005/2006</td>
<td>no payments</td>
</tr>
</tbody>
</table>

The Department changed financial systems in 1999-2000 and data from that year is not now available without the diversion of significant resources.

National Capital Authority
The Authority settles monetary claims consistent with the Legal Services Directions and has provided the following details:

<table>
<thead>
<tr>
<th>Financial Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1999/2000</td>
<td>$3,084.72</td>
</tr>
<tr>
<td>2000/2001</td>
<td>$43,299.72</td>
</tr>
<tr>
<td>2001/2002</td>
<td>$300.00</td>
</tr>
</tbody>
</table>
Senator O’Brien asked the Minister representing the Minister for Education, Science and Training, upon notice, on 8 June 2006:

What is the quantum of payments made as settlements to claims for monetary compensation by the departments 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 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.

Appendix C of the Legal Services Directions provides directions on handling monetary claims against the Commonwealth or a Financial Management and Accountability Act 1997 agency - other than claims that need to be determined under a legislative mechanism (eg a Comcare benefit), or under a mechanism provided by contract (eg an arbitration of a disputed contractual right).

Since the Department of Education, Science and Training was created, it has made the following settlements of monetary claims against the Commonwealth in accordance with Appendix C of the Legal Services Directions:

<table>
<thead>
<tr>
<th>Financial Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2001-2002</td>
<td>$7,095.57</td>
</tr>
<tr>
<td>2002-2003</td>
<td>$70,000.00</td>
</tr>
<tr>
<td>2003-2004</td>
<td>$120,000.00</td>
</tr>
<tr>
<td>2004-2005</td>
<td>$595.00</td>
</tr>
<tr>
<td>2005-2006</td>
<td>$82,000.00</td>
</tr>
</tbody>
</table>

Apart from the Department of Education, Science and training, the only Financial Management and Accountability Act agency in the Education, Science and Training Portfolio is the Australian Research Council. The Australian Research Council, which was established by the Australian Research Council Act 2001, has not paid any monies by way of settlements of monetary claims against the Commonwealth in accordance with Appendix C of the Legal Services Directions.

Senator O’Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 15 June 2006:

With reference to the failure on 14 June 2006 of a flight data computer at the Melbourne traffic control centre causing the grounding of flights in Southern Australia:

(1) How many flights were airborne in the Melbourne Flight Information Region at the time of the failure;

(2) How many flights were delayed due to the failure;
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(3) How many passengers were affected by the failure;
(4) Was there compensation or waiver of fees and charges to any airline; if so, can details be provided;
(5) Was compensation made to any passenger affected by the failure.

Senator Ian Campbell—The Minister for Transport and Regional Services has provided the following answer to the honourable senator’s question:

(1) 130 aircraft were airborne in the Melbourne FIR at the time of the system degradation. These aircraft continued to be processed to their flight planned destinations by air traffic control.
(2) Approximately 90 aircraft due to depart in the period between 2.50 PM and 3.45 PM EST experienced a delay.
(3) Airservices does not record airline passenger numbers.
(4) Airservices Australia did not compensate or waive fees and charges to any airline.
(5) Airservices Australia did not compensate any passenger affected.

Airport Security
(Question No. 2074)

Senator O’Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 16 June 2006:


(2) For those airports without passenger and baggage screening systems in place, can the Minister advise of any plan to introduce such aviation security enhancements.

Senator Ian Campbell—The Minister for Transport and Regional Services has provided the following answer to the honourable senator’s question:

<table>
<thead>
<tr>
<th>Airport</th>
<th>(a) Passenger and Carry-On Baggage Screening in Place</th>
<th>(b) Checked Baggage Screening Systems in Place</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hobart Airport</td>
<td>Yes</td>
<td>No³</td>
</tr>
<tr>
<td>Alice Springs Airport</td>
<td>Yes</td>
<td>No⁷</td>
</tr>
<tr>
<td>Townsville Airport</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Newcastle (Williamtown) Airport</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Broome Airport</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Launceston Airport</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Norfolk Island Airport</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Hamilton Island Airport</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Port Hedland Airport</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Ayers Rock Airport</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Christmas Island Airport</td>
<td>Yes</td>
<td>Yes</td>
</tr>
</tbody>
</table>
(1) Has an interim funding agreement been signed for Darwin’s first technical college; if so when.

(2) Has a final funding agreement been signed; if so, when.

(3) Can information be provided about the likely funding from the Australian Technical Colleges budget for this proposal and the expected purposes, including but not restricted to the associated capital, consultants, and the recurrent operation.

(4) Will the college be a ‘new’ non-government school and therefore receive its assessed socio-economic status (SES) per capita grant; if so: (a) what is its expected SES score and grant; and (b) how does this compare with existing non-government schools in the area.

**Darwin Technical College**

(*Question No. 2115*)

Senator Crossin asked the Minister representing the Minister for Vocational and Technical Education, upon notice, on 23 June 2006:

- (1) Has an interim funding agreement been signed for Darwin’s first technical college; if so when.
- (2) Has a final funding agreement been signed; if so, when.
- (3) Can information be provided about the likely funding from the Australian Technical Colleges budget for this proposal and the expected purposes, including but not restricted to the associated capital, consultants, and the recurrent operation.
- (4) Will the college be a ‘new’ non-government school and therefore receive its assessed socio-economic status (SES) per capita grant; if so: (a) what is its expected SES score and grant; and (b) how does this compare with existing non-government schools in the area.
(5) If this information cannot be provided, does it mean that the application was assessed without a business plan projecting its expected sources of income.

(6) Will the college be an extension of existing non-government schools; if so, which schools and what is their current SES funding.

(7) What is the expected state per capital funding.

(8) If the department expects industry or community contributions, of the total funding allocated, what percentage of the total funding will be derived industry/community contributions.

(9) What is the projected total recurrent per student expenditure at the college, from Commonwealth, state and private sources, and how does this compare with the national average of a Year 11 and 12 school of over $13,000 per student.

(10) What are the projected student enrolments over the first 4 years of the college’s operations from 2007 for: (a) Year 11; (b) Year 12; and (c) each campus.

(11) From which schools will these students be taken.

(12) Have the views of these schools been sought or taken into account.

(13) Will the educational viability of these schools be compromised by the new college.

(14) Will the college be simply a centre for coordinating and providing some vocational courses.

(15) Will all students at the college be enrolled in Vocational Education and Training courses as part of their Year 12 credential.

(16) How many of these students will be enrolled as school-based new apprentices and in what areas.

(17) What are the projected number of staff to be employed at the college.

(18) Will these staff be required to be ‘offered’ Australian Workplace Agreements.

(19) (a) What planned employment conditions at the new school will be offered to teachers; and (b) how will these differ from the state award.

(20) Will the teaching staff for the college, in fact, be employed by other public and private schools under separate conditions.

(21) With whom is the Commonwealth negotiating, and who will sign off on the proposal for ownership.

(22) Which schools will be delivering the curriculum.

(23) Who will be the registered training organisation delivering the accredited training.

Senator Vanstone—The Minister for Vocational and Technical Education has provided the following answer to the honourable senator’s question:

(1) An Interim Funding Agreement was signed on the 21 April 2006

(2) No.

(3) (4), (6), (7), (8), (9), (10), (11), (12), (13), (14), (17), (19), (20), (22) and (23) A funding agreement for the Australian Technical College – Darwin is still under negotiation and so the detail of arrangements cannot be provided as they are yet to be confirmed.

(5) The Business plan has not yet been finalised.

(15) All Australian Technical Colleges are required to offer curriculum which will enable students to complete the State or Territory Senior Secondary Certificate of Education and trade training which leads to a Certificate III qualification.

(16) It is expected that all students would commence an Australian School-based Apprenticeship.

(18) Yes.
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(21) The Department is negotiating with a consortium of industry groups. A new entity is being established which will sign the funding agreement.

**Commonwealth Scientific and Industrial Research Organisation**  
(Question No. 2125)

Senator Bob Brown asked the Minister representing the Minister for Education, Science and Training, upon notice, on 7 July 2006.

With reference to the article about the Commonwealth Scientific and Industrial Research Organisation (CSIRO) in the July 2006 issue of Australasian Science:

1. (a) Can the full text of the email warning staff of possible Australian Federal Police (AFP) investigations be provided; and (b) who sent the email.

2. Was the CSIRO executive consulted, as stated; if so, what decision was made by the executive in response.

3. Under what circumstances would the AFP be called in to respond to such a media article about CSIRO.

4. Has the AFP investigated the CSIRO in the past 10 years; if so, why.

Senator Vanstone—The Minister for Education, Science and Training has provided the following answer to the honourable senator’s question:

1. (a) No email from CSIRO management warning staff of possible AFP investigations was issued. The Senator may be referring to a message sent to an internal staff discussion forum by a CSIRO staff member which expressed the personal opinions of that staff member. (b) n/a.

2. No. Refer to 1(a).

3. The AFP would not be called in to investigate the contents of a media article. The AFP would be called in by any government department or agency when serious breaches of the law are suspected.

4. The AFP has not been asked by CSIRO in the past ten years to investigate any media articles.

**Red Meat Industry**  
(Question No. 2126)

Senator O’Brien asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 7 July 2006:

Since 1996, by state and territory, and year, how many workers in the red meat processing sector were employed as, or in: (a) slaughtermen; (b) boners and slicers; (c) value adding and trimming; (d) chilling and warehousing; (e) cleaning and maintenance; and (f) administration.

Senator Abetz—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:

The Department of Agriculture, Fisheries and Forestry does not collect employment data on the red meat industry.

**Cane Toads**  
(Question No. 2143)

Senator Mark Bishop asked the Minister representing the Minister for Defence, upon notice, on 12 July 2006:

With reference to ‘Send in the Army’ in the Sunday Times of 18 June 2006:

QUESTIONS ON NOTICE
(1) (a) What assessment has been made of the number of cane toads that have infiltrated the Bradshaw Training Base in the Northern Territory; (b) which agency conducted the assessment; and (c) how often are cane toad numbers assessed at the base.
(2) What action, if any, is being taken to reduce cane toad numbers at Bradshaw Training Base.
(3) Has Defence sought advice on eradication programs for cane toads at defence bases; if so: (a) which agencies are involved in the development of such programs; (b) when did the eradication programs commence; and (c) what are the results.
(4) What action is being undertaken at other Defence facilities in the Northern Territory to combat the cane toad problem.
(5) What strategies, if any, are in place for the eradication of cane toads at Defence facilities in Queensland.
(6) Is access to defence land open to civilian groups to assist with cane toad eradication programs; if not, why not; if so: (a) which group are granted access; (b) how often is access granted; and (c) at which Defence sites is access granted.
(7) What is the estimated cost of upgrades to the Bradshaw Training Base.
(8) What is the nature of upgrades to the Bradshaw Training Base.
(9) What strategies have been put in place to monitor cane toad migration during upgrades to the base.
(10) What strategies have been put in place to restrict the migration of cane toads during construction phases at the base.
(11) What impact will the expanded capacity for training and operational exercises at the base have on cane toad migration in the Northern Territory.
(12) What funding has been allocated to: (a) Bradshaw Training Base; and (b) other Defence sites in the Northern Territory, for eradication of cane toads.

Senator Ian Campbell—The Minister for Defence has provided the following answer to the honourable senator’s question:

(1) (a) Monitoring for the presence of cane toads on Bradshaw Field Training Area (BFTA) occurs as part of Defence’s on-going fauna monitoring program and qualitative assessments of cane toad numbers are made through visual observations by Defence staff and contractors.

(b) Fauna surveys were undertaken in 2003 by consultants, EWL Sciences. A representative from the Cane Toad Exclusion Consultancy also undertook a visual assessment of cane toads at BFTA during 15-16 November 2005. Anecdotal evidence of cane toad numbers and distribution is noted and recorded by the full-time on-site caretakers, and range control and environmental staff, who visit the base on a semi-regular basis.

(c) Fauna surveys were undertaken at BFTA in 1997, 2002 and 2003, and are scheduled to occur every three to five years as part of the ongoing environmental monitoring program.

(2) Action to reduce cane toad numbers has focused on not exacerbating the natural incursion of cane toads into the area, by ensuring that no artificial breeding habitats are created and preventing the transport of cane toads in and out of BFTA.

(3) Defence sought advice from the Commonwealth Scientific and Industrial Research Organisation (CSIRO) on eradication programs for cane toads. CSIRO advised that it had not been able to find a practical eradication agent to date.

(4) Defence has engaged with Northern Territory (NT) Government initiatives through involvement in community environmental committees such as the Rapid Creek Advisory Committee, in the development of cane toad control programs. Frog Watch NT is one of the community programs that Defence is working with, in attempting to control cane toads around built-up areas.
The control program in the NT is under development and trap sites have been identified for the Rapid Creek area, including Royal Australian Air Force (RAAF) Darwin. Defence is waiting on the delivery of cane toad traps to commence the control program. HMAS Coonawarra’s naval fuel installation, in the Darwin urban area, also actively monitors for the presence of cane toads.

The program is in development, awaiting the delivery of traps and, therefore, no results are yet available.

Action to combat the cane toad problem at Defence facilities in the NT also focussed on education of Defence personnel and contractors through environmental induction programs and the distribution of cane toad fact sheets.

(5) No eradication programs are implemented at Defence facilities in Queensland, as the results would be negligible at best and, consequently, not good value for money. Defence monitors the emergence of new technologies, and would apply those technologies as they become available.

(6) Defence land may be open to civilian groups to assist with cane toad eradication. Any request for access to Defence land by civilian groups to assist with cane toad eradication programs will be considered against intended training use, safety considerations and appropriate environment and heritage clearances. For access to BFTA, the requirement exists to obtain Traditional Owner support prior to granting access.

(a) (b) and (c) Regular access to Defence sites within the NT/Katherine region has been granted to the Rapid Creek Catchment Advisory Committee and NT Government Toad Busters at RAAF Darwin to undertake cane toad trapping. The Cane Toad Exclusions Consultancy group at BFTA was granted access in November 2005.

(7) The budget for BFTA Infrastructure Project is $64.783 million (GST exclusive).

(8) The scope of works for BFTA Infrastructure Project includes an access bridge, 100 kilometres of unsealed access roads, range control facilities, caretaker’s residence, task force maintenance area and 250 person camp. The project was considered by the Joint Standing Committee on Public Works and approved by the Government in 1997. The project has been reported to the Government since 1997.

(9) and (10) Defence and its contractors are committed to managing its impact on the environment in accordance with the Environmental Protection and Biodiversity Conservation Act 1999. A Construction Environmental Management Plan is produced for each construction activity undertaken on BFTA and includes procedures to monitor and minimise the migration of introduced species, such as the cane toad.

(11) Due to Defence’s strict requirements for wash-down and inspection of vehicles prior to entry and exit from BFTA, operational exercises are expected to have minimal impact on the assisted migration of cane toads in the NT.

(12) The management of feral animals on the Defence Estate is guided by the “Management of Feral Animals, Weeds, and Overabundant Native Species on the Defence Estate: National Guidelines”, and includes the control of the cane toads. The program monitors and manages the Estate as a whole, enabling effective and efficient use of available funding. The cane toad program includes education, awareness training, publications, controlled trials using traps, strategies to reduce artificial breeding habitats and preventing movement and the transportation of the pest on Defence vehicles. Funding received for 2006-07 feral animal management in the Northern Territory and Kimberley region totals $211,300 of which $91,300 has been allocated specifically for the BFTA.
Australian Government Secretaries Group on Indigenous Affairs  
(Question No. 2153)  
Senator O’Brien asked the Minister representing the Prime Minister, upon notice, on 14 July 2006:  

(1) Is the Prime Minister aware that on 13 February 2006 I asked the Secretary of the Department of Transport and Regional Services for a schedule of meetings of the Australian Government Secretaries Group on Indigenous Affairs and was advised that ‘the appropriate place to direct that question is the Department of the Prime Minister and Cabinet [which] convenes them’.

(2) Why did the Prime Minister fail to provide details of the dates on which this group has met in answer to question on notice 1582.

(3) Will the Prime Minister now advise the dates on which this group has met.

(4) Are these meetings minuted; if so, by whom; if not, why not.

(5) Is a record of attendance at these meetings kept if so, by whom; if not, why not.

(6) At which meetings has the Secretary of the Department of Transport and Regional Services been absent.

Senator Minchin—The Prime Minister has provided the following answer to the honourable senator’s question:

(1) to (6) I have nothing to add to my answer to Question on Notice 1582.

Estimates Training Sessions  
(Question No. 2171)  
Senator O’Brien asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 14 July 2006:  

(1) What Senate estimates training sessions have officers of the Minister’s departments and agencies attended in the past 3 financial years, by year.

(2) For each of the past 3 financial years: (a) how many officers participated in; and (b) what was the total cost of, training for Senate estimates, by department and agency and by financial year.

(3) Where training has been provided by a private provider, what was the name of the provider and the associated cost.

Senator Abetz—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:

(1) 2003-04 – Nil  
2004-05 and 2005-06 – SES officers attended “Preparing to Appear Before Parliamentary Committees” and a session run by Department of Prime Minister and Cabinet.

Officers of the Department’s Portfolio Agencies have not attended Senate Estimates training sessions over the past three financial years.

(2) 2003-04

(a) Nil

(b) N/A  
2004-05

(a) 1

(b) $1565
(3) Stone Wilson Consulting at a total cost of $1980.

Estimates Training Sessions
(Question No. 2172)

Senator O’Brien asked the Minister representing the Minister for Families, Community Services and Indigenous Affairs, upon notice, on 14 July 2006:

(1) What Senate estimates training sessions have officers of the Minister’s departments and agencies attended in the past 3 financial years, by year.

(2) For each of the past 3 financial years: (a) how many officers participated in; and (b) what was the total cost of, training for Senate estimates, by department and agency and by financial year.

(3) Where training has been provided by a private provider, what was the name of the provider and the associated cost.

Senator Kemp—The Minister for Families, Community Services and Indigenous Affairs has provided the following answer to the honourable senator’s question:

In the 2005/06 financial year, eleven officers from the Department of Families, Community Services and Indigenous Affairs attended Senate estimates training sessions. Stone Wilson Consulting provided the sessions at a total cost of $6,600 (GST inclusive). No sessions were conducted in the 2003/04 or 2004/05 financial years.

Estimates Training Sessions
(Question No. 2175)

Senator O’Brien asked the Minister for Veterans’ Affairs, upon notice, on 14 July 2006:

(1) What Senate estimates training sessions have officers of the Minister’s departments and agencies attended in the past 3 financial years, by year.

(2) For each of the past 3 financial years: (a) how many officers participated in; and (b) what was the total cost of training for Senate estimates, by department and agency and by financial year.

(3) Where training has been provided by a private provider, what was the name of the provider and the associated cost.

Senator Ian Campbell—The Minister for Veterans’ Affairs has provided the following answer to the honourable senator’s question:

(1) Senate Budget and Estimates Process Seminars –Department of the Senate

(2)

<table>
<thead>
<tr>
<th>Department of Veterans’ Affairs</th>
<th>2003-04</th>
<th>2004-05</th>
<th>2005-06</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(a)</td>
<td>(b)</td>
<td>(a)</td>
</tr>
<tr>
<td>Department of Veterans’ Affairs</td>
<td>0</td>
<td>$0</td>
<td>3</td>
</tr>
<tr>
<td>Australian War Memorial</td>
<td>0</td>
<td>$0</td>
<td>0</td>
</tr>
</tbody>
</table>

(3) N/A.
Surface Transport Security Review
(Question No. 2176)

Senator O’Brien asked the Minister for Transport and Regional Services, upon notice, on 14 July 2006:

With reference to evidence given by the Inspector of Transport Security to the Rural and Regional Affairs and Transport Legislation Committee on 23 May 2006:

(1) Can details be provided of the membership and itinerary of the seven member party that visited the United Kingdom, Spain, France and Israel as part of the surface transport security review.

(2) Can details be provided of the cost of this visit, disaggregated to show airfares, surface transport, accommodation, meals and other costs.

(3) Did the Inspector of Transport Security and others visit Canada and Hong Kong in late May; if so, can the following details be provided: (a) the membership and itinerary of this party; and (b) the full cost associated with the visit, disaggregated to show airfares, surface transport, accommodation, meals and other costs; if not, why not.

(4) Has the planned visit to the United States been rescheduled; if so, to when; if not, why not.

Senator Ian Campbell—The Minister for Transport and Regional Services has provided the following answer to the honourable senator’s question:

(1) The membership of the overseas mission that visited the United Kingdom, Spain, France, Israel and Singapore as part of the surface transport security review, included:
Mr Mick Palmer, Inspector of Transport Security, DOTARS
Mr Peter Pearsall, Section Head, Office of Transport Security, DOTARS
Ms Pia David, Secretariat, Office of Transport Security, DOTARS
Mr Gregg Nott, Ministry of Transport, NSW
Mr Jack Noye, Transport Security and Emergency Management, Department of Transport, Queensland
Mr Tony Negus, Australian Federal Police; and
Mr Peter Jones, Company Director, Jones Bros Coaches Pty Ltd, NSW.

The mission’s itinerary included meetings in:
• the United Kingdom, between 18-21 April 2006 with:
  Home Office
  Permanent Secretary, Counter-Terrorism & Crisis Management
  London Underground
  Anti-Terrorist Branch, Metropolitan Police
  Dr Kevin O’Brien, Counter-Terrorism Consultant
  Land Transport Security Compliance, TRANSEC, Department for Transport
  Land Transport Security Policy, TRANSEC, Department for Transport
  Cabinet Office
  Counter-Terrorism Security - Metropolitan Police
  Port Security, Home Office
  Transport for London
  British Transport Police
City of London Police
Metropolitan Police Special Branch
Eurostar Security;
• Israel, between 23-25 April 2006, with:
  Israel Police, Chief Security Officer, Central Bus Station, Jerusalem
  Executive of Security and Safety, Israel Export & International Cooperation
  Mer Group
  Head of Security Department - State of Israel, Ministry of Transport
  Israel Police
  Security & Maintenance Department - Egged Bus Company
  HLS Directorate, Ammunition Group – Israel Military Industries;
• Spain, between 26-28 April 2006, with:
  ADIF, Spanish Rail Network
  Metro Madrid
  Madrid Transport Consortium
  Secretariat of State for Security, Ministry of the Interior
  Depart for Madrid City Council
  Security and Community Services, Madrid City Council
• France, between 1-3 May 2006 with:
  Ministry of Transport
  SNCF (National Corporation of the French Ironways)
  RATP (Bus, Subways and Tramway Operators)
• Singapore, on 5 May 2006, with:
  Land Transport Authority
  Ministry of Home Affairs
  National Security Coordination Centre
  Civil Defence Academy

(2) The cost of the visit to the United Kingdom, Spain, France, Israel and Singapore included:

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Airfares (ITS Staff)</td>
<td>$34,728.37</td>
</tr>
<tr>
<td>Airfares (Private Industry Representative)</td>
<td>$11,531.21</td>
</tr>
<tr>
<td>Surface transport</td>
<td>$2,848.36</td>
</tr>
<tr>
<td>Accommodation</td>
<td>$15,982.99</td>
</tr>
<tr>
<td>Meals and other costs</td>
<td>$6,422.13</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$71,513.06</td>
</tr>
</tbody>
</table>

1 DOTARS paid for the airfare only of a private industry representative to accompany the Inspector on his overseas mission.

(3) Yes, the ITS visited Canada and Hong Kong in early June 2006.

(a) The membership of the overseas mission to Canada and Hong Kong as part of the surface transport security review included:
  Mr Mick Palmer, Inspector of Transport Security, DOTARS
  Mr Peter Pearsall, Section Head, Office of the Inspector of Transport Security, DOTARS

QUESTIONS ON NOTICE
Mr Greg Nott, Ministry of Transport, NSW
Matthew Graham, Australian Federal Police
Peter Jones, Company Director, Jones Bros Coaches Pty Ltd, NSW

The mission’s itinerary included meetings in:

- Canada, between 4-9 June 2006 with:
  - British Columbia Ferries Corporation – Vancouver
  - Cruise Ship Facilities and Security – Vancouver
  - Urban Transport Security – Vancouver
  - Trans Link – Greater Vancouver
  - Greater Vancouver Transportation Authority Police
  - Transport Canada – Toronto
  - Union Rail – Toronto (Including major transport hubs)
  - Transport Canada – Ottawa (Federal overview)
  - Royal Canadian Mounted Police - Ottawa
  - Emergency Management and National Security – Transport Canada
  - Public Safety and Emergency Preparedness – Transport Canada
  - Rail Association of Canada
  - Canadian Bus Association
  - Ministry of Transport – Ontario
  - Go Transit – Ontario
  - York region Transit – Ontario
  - Ontario Provincial Police - Ontario
  - The Toronto Terminals Railway Company Limited; and
- Hong Kong, on 11 June 2006, with:
  - Transport Department
  - Hong Kong Police Force
  - Security Bureau – Government Secretariat
  - Marine Department
  - Tsing Ma Management Limited

(b) Costs of the visit to Canada and Hong Kong, included:

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Airfares (ITS Staff)</td>
<td>$23,886.90</td>
</tr>
<tr>
<td>Airfares (Private Industry representative)</td>
<td>$11,426.80</td>
</tr>
<tr>
<td>Surface transport</td>
<td>$840.90</td>
</tr>
<tr>
<td>Accommodation</td>
<td>$9,292.33</td>
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<tr>
<td>Meals and other costs</td>
<td>$678.55</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$46,125.48</strong></td>
</tr>
</tbody>
</table>

DOTARS paid for the airfare only of a private industry representative to accompany the Inspector on his overseas mission.

(4) The planned visit to the United States has been rescheduled to early September 2006.
Single Vision Grains Australia
(Question No. 2190)

Senator O’Brien asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 14 July 2006:

With reference to a report in the Weekly Times of 5 July 2006 about the release of the Single Vision Grains Australia (SVGA) report Towards a single vision for Australian grain marketing: Did the Minister meet with the SVGA in May 2006; if so:

(a) was this meeting minuted and by whom; if not, why not;
(b) did the Minister urge a delay in the release of the SVGA report until after the release of the Cole Commission report on the wheat for weapons scandal; and
(c) did the Minister advise the SVGA that an earlier release would ‘divide the industry, weaken support for the single desk and have [such] drastic consequences that SVGA may not survive’.

Senator Abetz—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:

(a) A summary of the meeting was prepared by Mr Russell Phillips, General Manager of the Wheat Sugar and Crops Branch of the Department.

(b) I do not comment on the content of private discussions held in carrying out my Ministerial responsibilities.

(c) I do not comment on the content of private discussions held in carrying out my Ministerial responsibilities.

Oil for Food Program
(Question No. 2197)

Senator O’Brien asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 14 July 2006:

(1) When and how did: (a) the Minister; (b) the Minister’s office; (c) the department; and (d) the Wheat Export Authority, become aware that a legal claim had been filed in the United States of America (US) alleging that AWB Limited and/or its subsidiaries have engaged in racketeering activity in breach of the Racketeer Influenced and Corrupt Organisations Act (US).

(2) In each case, what was the source of the information.

(3) When and how did: (a) the Minister; (b) the Minister’s office; (c) the department; and (d) the Wheat Export Authority, obtain a copy of the statement of claim.

(4) Does the statement of claim allege that AWB Limited: (a) abused the UN Oil-for-Food Program; (b) bribed Iraqi officials; (c) fraudulently inflated the cost of a wheat shipment to recover costs on behalf of Tigris Petroleum; (d) bribed Yemeni officials to secure a wheat contract in 1999; (e) bribed Pakistani officials to secure a wheat contract in 2000; and (f) sabotaged the Indonesian wheat market in 2002 by fraudulently manipulating a US export credit program, as reported by the Age on 11 July 2006.

(5) What damages do the US plaintiffs seek.

(6) Has the Government referred to the Cole Commission each allegation made in the statement of claim in relation to AWB Limited’s alleged abuse of the UN Oil-for-Food Program; if not, why not.

(7) Has the Government investigated each allegations made in the statement of claim related to alleged activities by AWB Limited not related to the UN Oil-for-Food Program: (a) if so, in relation to each...
allegation: (i) when did the investigation commence, (ii) how was the investigation undertaken, (iii) when did the investigation conclude and what was its outcome; and (b) 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) (a) to (d) The Minister, the Minister’s Office and the Department of Agriculture, Fisheries and Forestry (the Department) and the Wheat Export Authority first became aware that a legal claim had been filed in the US alleging that AWB Limited and/or its subsidiaries have engaged in racketeering activity in breach of the Racketeer Influenced and Corrupt Organisations Act (US) from a report in The Age on 11 July 2006. A cable from the Australian Embassy in Washington, received on 11 July 2006, confirmed that a legal claim had been filed.

(2) (a) to (d) See above.

(3) (a) to (c) The Minister, the Minister’s Office and the Department obtained a copy of the class action complaint on 12 July 2006 as an attachment to a cable from Australian Government officials at the Australian Embassy in Washington. (d) The WEA obtained a copy on 27 July 2006 from the Electronic Case Filing System for the US Federal Courts.

(4) The class action complaint is publicly available from the Electronic Case Filing System for the US Federal Courts and is attached.

(5) The damages which the US Plaintiffs seek are detailed in the class action complaint which is attached.

(6) It is for the Hon TRH Cole AO RFD QC to determine whether the allegations raised in the class action complaint are issues which he wishes to consider under the terms of reference of the Inquiry into certain Australian companies in relation to the UN Oil-For-Food Programme.

(7) (a) No. (b) The Australian Government encourages anyone with information relating to acts of illegality and impropriety by any Australian company to inform the relevant authorities.

Question 2197 attachment – Class Action Complaint (Hard copies are available from the Senate Table Office).

Wheat Exports
(Question No. 2198)

Senator O’Brien asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 14 July 2006:

(1) Can an outline be provided of the role played by departmental officials in negotiations with representatives of the Government of Yemen in 1999 to secure Australian wheat sales to Yemen.

(2) How did officials work with the Australian Wheat Board/AWB Limited during these negotiations.

(3) (a) When did these negotiations commence; and (b) when did they conclude.

(4) (a) What was the outcome of the negotiations; and (b) if a contract for the sale of wheat was secured, what was the term and value of the contract.

(5) What knowledge did: (a) the Minister; (b) the Minister’s office; (c) the department; and (d) the Wheat Export Authority, have of any related agency payments authorised by the Australian Wheat Board/AWB Limited in relation to wheat sales to Yemen.

Senator Abetz—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:

(1) A review of departmental files indicates that department officials were not involved in securing wheat sales to Yemen in 1999.
During this period the Australian Government made several representations to the US administration regarding alleged inappropriate use of the US Food Aid programme. However this was not wheat specific and was not related to any particular contract.

(2) See above
(3) See above
(4) See above
(5) The Minister, the Minister’s Office, the Department and the Wheat Export Authority have no evidence of improper payments to Yemen in relation to the sale of wheat.

Wheat Exports
(Question No. 2199)

Senator O’Brien asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 14 July 2006:

(1) Can an outline be provided of the role played by departmental officials in negotiations with representatives of the Government of Pakistan in 2001 to secure Australian wheat sales to Pakistan.
(2) How did officials work with AWB Limited during these negotiations.
(3) (a) When did these negotiations commence; and (b) when did they conclude.
(4) (a) What was the outcome of the negotiations; and (b) if a contract for the sale of wheat was secured, what was the term and value of the contract.
(5) What knowledge did: (a) the Minister; (b) the Minister’s office; (c) the department; and (d) the Wheat Export Authority, have of any related agency or other payments authorised by AWB Limited in relation to wheat sales to Pakistan, including payments to secure the repayment of debt.

Senator Abetz—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:

(1) A review of departmental files indicates that department officials were not involved in securing wheat sales to Pakistan in 2001.

During this period the Australian Government made several representations to the US administration regarding alleged inappropriate use of the US Food Aid programme. The Australian Quarantine Inspection Service also wrote to the Pakistan High Commission in 2001 seeking clarification of labelling requirements (relating to fit for human consumption). However this was not wheat specific and was not related to any particular contract.

(2) See above
(3) See above
(4) See above
(5) The Minister, the Minister’s Office, the Department and the Wheat Export Authority have no evidence of improper payments to Pakistan in relation to the sale of wheat.

AWB (USA) Ltd
(Question No. 2206)

Senator O’Brien asked the Minister representing the Minister for Trade, upon notice, on 14 July 2006:

(1) For each financial year since 1996-97, what subsidies has AWB (USA) Limited, a wholly-owned subsidiary of AWB Limited, received under the United States Department of Agriculture export credit program.
(2) What subsidies did AWB (USA) Limited receive under the program in 2002 as a result of the alleged default on a soybean contract by an Indonesian company.

(3) (a) When was the Minister and/or his department informed of the suspension of AWB (USA) Limited from the program in 2005; (b) what was the source of the advice; and (c) on what basis was AWB (USA) Limited suspended.

(4) (a) When was the Minister and/or his department informed that the suspension was lifted; (b) what was the source of the advice; and (c) on what basis was the AWB (USA) Limited suspension lifted.

Senator Coonan—The following answer has been provided by the Minister for Trade to the honourable senator’s question:

(1) This is a commercial matter for AWB (USA) Ltd and the United States Government. The Australian Government is not a party to the export credit program run by the US Government. AWB (USA) Ltd was established on 20 July 1999.

(2) See (1) above.

(3) (a) 14 November 2005.

(b) AWB Ltd.

(c) As was reported at the time, the suspension was based on allegations contained in the final report of the Independent Inquiry Committee into the United Nations Oil for Food Programme.

(4) (a) The Embassy of Australia in United States of America was informed on 15 November 2005.

(b) United States Department of Agriculture.

(c) The suspension was lifted pending the outcome of the Cole Inquiry.

AWB (USA) Ltd

(Question No. 2207)

Senator O’Brien asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 14 July 2006:

(1) For each financial year since 1996-97, what subsidies has AWB (USA) Limited, a wholly-owned subsidiary of AWB Limited, received under the United States Department of Agriculture export credit program.

(2) What subsidies did AWB (USA) Limited receive under the program in 2002 as a result of the alleged default on a soybean contract by an Indonesian company.

(3) (a) When was the Minister and/or his department informed of the suspension of AWB (USA) Limited from the program in 2005; (b) what was the source of the advice; and (c) on what basis was AWB (USA) Limited suspended.

(4) (a) When was the Minister and/or his department informed that the suspension was lifted; (b) what was the source of the advice; and (c) on what basis was the AWB (USA) Limited suspension lifted.

Senator Abetz—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:

(1) This is a commercial matter for AWB (USA) Ltd and the US Government. The Australian Government is not a party to the export credit program run by the US Government. AWB (USA) Ltd was established on 20 July 1999.

(2) See above.

(3) (a) The Department was informed of the suspension on 15 November 2005.

(b) The advice was received by the Department via an email from Australia’s Embassy in Washington.
(c) The United States Department of Agriculture (USDA) decision to temporarily suspend AWB Limited (AWB) followed the release of the report of the Independent Inquiry Committee into the United Nations Oil-For-Food Programme (the Volcker Report).

(4) (a) The Department was informed that the suspension had been lifted on 16 November 2005.
   (b) The advice was received by the Department in an email from the Office of Agricultural Affairs at the United States Embassy in Canberra.
   (c) The notification states that ‘USDA has lifted the temporary suspension of AWB Limited pending the outcome of the [Cole Inquiry]’.

Treasury: Travel Entitlements
(Question No. 2209)

Senator O’Brien asked the Minister representing the Treasurer, upon notice, on 14 July 2006:

(1) What entitlement do partners or family members of senior officers of the department, or agencies for which the Minister is responsible, have to travel at government expense.

(2) If an entitlement exists, by department and/or agency: (a) what process is used to assess whether the travel costs of partners or family members are met by the Government; (b) who undertakes such an assessment; and (c) who approves funding for partner or family travel.

Senator Minchin—The Treasurer has provided the following answer to the honourable senator’s question:

Australian Bureau of Statistics

(1) The only entitlement to travel at government expense for partners or family members of ABS senior officers is in cases where an officer is relocated to another ABS office, and this relocation is deemed to be in the interest of the APS. In these circumstances, the ABS will meet reasonable costs of transporting the officer and his/her dependants to the new location, by the most efficient and economical means.

(2) (a) The ABS delegate determines whether relocation of an officer is in the interest of the APS using criteria set out in the ABS relocations guidelines. If it is determined to be in the APS interest, an assessment is made as to whether family members are defined as a spouse and/or dependants. If they are defined as spouse and/or dependants, their travel costs are met by the most efficient and economical means, as set out in the guidelines.

(b) and (c) The Director of the ABS’ Pay and Entitlements Section.

Australian Competition & Consumer Commission

(1) There is no entitlement for partners or family members of senior officers of the ACCC to travel at government expense. However, senior executive officers may be accompanied by spouse or partner for overseas travel, at the discretion of the Chairman of the ACCC.

(2) An assessment is made by the Chief Executive Officer of the ACCC, generally using as a guideline the former Public Service Regulations which permitted one accompanied trip every 7 years for senior executive officers. Funding for any such travel would be approved by the Chairman or his delegate.

Australian Office of Financial Management

(1) Partners and family members of staff of the Australian Office of Financial Management (AOFM) may be provided with travel at government expense where the senior officer has been relocated for work purposes (assignment of duties or on engagement) where the relocation is for an extended period (more than 13 weeks).
Australian Prudential Regulation Authority

(1) None.

(2) Not applicable.

Australian Securities and Investments Commission

(1) There is no entitlement per se for partners or family members to travel internationally at ASIC expense, however, all international travel by ASIC staff is approved by the Chairman of ASIC in accordance with ASIC’s current travel policy, which states ‘Where a staff member intends to have a partner accompany them on an overseas visit, that fact should be advised on the Overseas Travel Proposal pro forma’.

   The travel proposal pro forma is required to be approved by the Chairman prior to booking any international travel and therefore partner travel (even at the personal expense of the employee) is subject to express approval by the Chairman.

(2) The Chairman may exercise his discretion to approve ASIC meeting the cost (or some portion of the cost) of partner travel for an international event in circumstances where:

   • The ASIC staff member is representing ASIC at the event and the travel is clearly justified for business reasons; and

   • There is an expectation amongst a reasonable number of participants that partners will participate in the event; and

   • Such partner travel would not occur more than once in any calendar year.

   All international travel undertaken by the Chairman is referred to the Parliamentary Secretary to the Treasurer including the purpose of the travel for his approval.

Australian Taxation Office

(1) Ongoing SES staff who are required to travel on official business within Australia are eligible to have their spouse accompany them at office expense, once in a twelve month financial year period.

(2) All decisions are made by the manager of the SES employee, who determines whether the spouse accompanied travel is appropriate and also approves the funding.

   Where overseas travel is required, the Commissioner may approve applications from ongoing SES to be accompanied by their spouse at official expense on short term overseas missions subject to the following criteria:-

   Band 1 SES – after 9 years service

   Band 2 SES – after 7 years service

Corporations & Markets Advisory Committee

(1) None

(2) Not applicable

Inspector-General of Taxation

(1) None.

(2) Not applicable.

National Competition Council

(1) Partners or family members of senior staff of the National Competition Council do not have an entitlement to travel at government expense.

(2) Entitlement does not exist.

QUESTIONS ON NOTICE
Productivity Commission
(1) None.
(2) Not applicable.

Royal Australian Mint
(1) None.
(2) Not applicable.

Treasury
(1) Partners or family members of senior officers of the Treasury, other than the Secretary to the Treasury, have no entitlement to travel at government expense. The Secretary to the Treasury may be entitled to have his spouse accompany him for the purposes relating to official business at Commonwealth expense when travelling within Australia or overseas (Remuneration Tribunal 2004/03: Part 1, 1.10 and 1.10.1).
(2) If travel entitlement falls within the Remuneration Tribunal guidelines, costs would be met by the Government.
(b) and (c) The Treasurer would assess and approve this travel.

Agriculture, Fisheries and Forestry: Travel Entitlements
(Question No. 2221)

Senator O’Brien asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 14 July 2006:
(1) What entitlement do partners or family members of senior officers of the department, or agencies for which the Minister is responsible, have to travel at government expense.
(2) If an entitlement exists, by department and/or agency: (a) what process is used to assess whether the travel costs of partners or family members are met by Government; (b) who undertakes such an assessment; and (c) who approves funding for partner or family travel.

Senator Abetz—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:
(1) None
(2) Nil

Wheat Exports
(Question No. 2227)

Senator O’Brien asked the Minister representing the Minister for Trade, upon notice, on 14 July 2006:
(1) Can an outline be provided of the role played by departmental officials in negotiations with representatives of the Government of Pakistan in 2001 to secure Australian wheat sales to Pakistan.
(2) How did officials work with AWB Limited during these negotiations.
(3) (a) When did these negotiations commence; and (b) when did they conclude.
(4) (a) What was the outcome of the negotiations; and (b) if a contract for the sale of wheat was secured, what was the term and value of the contract.
(5) What knowledge did: (a) the Minister; (b) the Minister’s office; (c) the department; and (d) the Wheat Export Authority, have of any related agency or other payments authorised by AWB Limited in relation to wheat sales to Pakistan, including payments to secure the repayment of debt.
Senator Coonan—The following answer has been provided by the Minister for Trade to the honourable senator’s question:

(1) Departmental officials do not have a role in the negotiation of commercial wheat contracts.
(2) to (5) See Answer to (1).

Malu Sara
(Question No. 2228)

Senator O’Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 19 July 2006:

With reference to the role of AusSAR (Australian Search and Rescue) in the unsuccessful search for the Department of Immigration and Multicultural and Indigenous Affairs vessel the Malu Sara in October 2005: Can the following details be provided: (a) all search area calculations; (b) all search aircraft allocation calculations; (c) all aircraft and surface vessel search briefings; (d) all search aircraft and surface vessel debriefings; and (e) all the charts relating to the above.

Senator Ian Campbell—The Minister for Transport and Regional Services has provided the following answer to the honourable senator’s question:

(a) No. The search area calculations are based on data generated by AMSA computer systems and other data sources. The retrieval of these records represents a significant diversion of resources from AMSA’s safety responsibilities that I am not prepared to authorise.

(b) No. The search aircraft allocation calculations are based on data generated by AMSA computer systems and other data sources. The retrieval of these records represents a significant diversion of resources from AMSA’s safety responsibilities that I am not prepared to authorise.

(c) No. The briefings for search aircraft and two of the surface search vessels are available on AMSA’s incident file. Senator O’Brien has made an application for a copy of the file under the Freedom of Information Act 1982. I consider that it is appropriate for that application to be processed and the material on the file made available in accordance with the requirements and protection for other parties available under that Act. The Queensland Police coordinated the surface search and undertook most of the surface vessel search briefings. AMSA has no record of the Queensland Police briefings.

(d) No. The debriefings for search aircraft are available on AMSA’s incident file. Senator O’Brien has made an application for a copy of the file under the Freedom of Information Act 1982. I consider that it is appropriate for that application to be processed and the material on the file made available in accordance with the requirements and protection for other parties available under that Act. The Queensland Police coordinated the surface search and undertook the surface vessel search debriefings. AMSA has no record of the Queensland Police debriefings.

(e) No. AMSA’s search operations are computer based and no longer use paper charts to record search areas or the allocation of search aircraft.

Malu Sara
(Question No. 2271)

Senator O’Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 31 July 2006:

With reference to the role of AusSAR (Australian Search and Rescue Service) in the unsuccessful search for the Department of Immigration and Multicultural and Indigenous Affairs vessel the Malu Sara in October 2005: During the course of its investigation into the loss of the Malu Sara did the Australian Transport Safety Bureau: (a) interview any AusSAR officers; if not, why not; (b) inspect the full
Senator O’Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 31 July 2006:

With reference to the role of AusSAR (Australian Search and Rescue) in the unsuccessful search for the Department of Immigration and Multicultural and Indigenous Affairs vessel the *Malu Sara* in October 2005:

1. Can the Minister confirm the claim on page 26 of the Australian Transport Safety Bureau (ATSB) report into the loss of the *Malu Sara* that the conditions on the morning of 15 October 2005 ‘precluded the use of a helicopter’.

2. Who made the decision that a helicopter could not operate and what aviation experience and qualifications did that person have.

3. Were aviation weather forecasts valid for the time in question obtained and considered; if not, why not.

4. In the making of the decision that a helicopter could not operate, was the decision made after consultation with the pilots of helicopters available for use; if so, which pilots were consulted; if not, why not.

5. Which helicopters were considered in the making of the decision that a helicopter could not operate.

6. Was a twin engine Bell 412 helicopter under contract to Coastwatch in the Torres Strait area considered in the making of this decision; if so, was the pilot of this helicopter consulted before the decision was made that a helicopter could not operate; if not, why not.

7. Was the use of a helicopter for a purpose other than rescue, such as confirming the position of the Emergency Position Indicating Radio Beacon (EPIRB), considered; if so, can details be provided; if not, why not.

8. With reference to the claim on page 26 of the above ATSB report that ‘a number of options to assist the *Malu Sara*’ were considered: (a) what options were considered; and (b) did consideration extend to the use of fixed wing aircraft capable of operating under Instrument Flight Rules (IFR) to confirm the position of the EPIRB and look for lights and flares; if not, why not.

9. What was the aviation terminal area forecast for Horn Island and the aviation area forecast valid for the period 0000 hours Eastern Standard Time (EST) until 0700 hours EST on 15 October 2005 and

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**QUESTIONS ON NOTICE**
any weather observations from the Torres Strait area for the period 0000 hours EST until 0700 hours EST on 15 October 2005.

(10) Can the Minister provide the night Visual Flight Rules lowest safe altitude and the IFR lowest safe altitude from Horn Island to the position where the EPIRB from the Malu Sara was first located.

(11) With reference to the conclusion on page 84 of the above ATSB report that ‘the weather conditions which existed in the early hours of the morning on 15 October precluded the use of a helicopter in response to the skipper’s distress message’: Can the Minister provide detailed advice about the information relied on by the ATSB, including a schedule of documents.

(12) Did the ATSB obtain relevant aviation forecasts from the Bureau of Meteorology (BOM); if so, can a copy of the correspondence with BOM, including any BOM-supplied forecasts, be provided; if not, why not.

(13) Can details be provided of the aviation expertise, qualifications and experience of the ATSB officers who investigated the incident and formed this conclusion.

(14) In carrying out the investigation and arriving at this conclusion did the ATSB seek advice from aviation experts; if so, what was the number of experts consulted and their aviation expertise, qualifications and experience; if aviation experts were not consulted, why not.

(15) Did ATSB make an independent assessment of the availability and capability of helicopters that could have responded to the skipper’s distress message; if so: (a) how did the ATSB make this assessment; (b) did ATSB assess the availability and capability of a twin engine Bell B412 helicopter under contract to Coastwatch in the Torres Strait; and (c) did ATSB make an assessment of the practicality of using a helicopter for a purpose other than rescue, such as confirming the position of the EPIRB; if ATSB made no independent assessment, why not.

(16) Did ATSB investigate the reason for the non-use of fixed wing IFR aircraft that could have confirmed the position of the EPIRB and looked for lights and flares soon after 0215 hours on 15 October when the Malu Sara was reported to be taking on water and sinking fast if so, how and what conclusions were formed; if not, why not.

Senator Ian Campbell—The Minister for Transport and Regional Services has provided the following answer to the honourable senator’s question:

(1) The ATSB has advised that this statement is correct in the report’s context of a rescue operation.

(2) The decision was made by the search and rescue mission coordinator of the Queensland Police Service. At the time of the incident that person held State and National search and rescue qualifications.

(3) No. Aviation weather forecasts were not obtained and were not required as the mission coordinator was stationed on Thursday Island and was able to observe the prevailing conditions at the time. He realised from past experience that the weather precluded a night time helicopter rescue operation given the available helicopter resources.

(4) No. The observed cloud base precluded visual flight rules operations so any helicopter operation would be under instrument flight rules with minimum speed and altitude restrictions. Winching was not possible in these conditions.

(5) See (3 and 4).

(6) See (3 and 4).

(7) No. The position of the emergency position indicating radio beacon was known and being regularly updated by successive satellite passes.
(8) (a) Options considered included the Volunteer Marine Rescue boats on Thursday Island and St Pauls (Moa Island); the Thursday Island Police patrol vessel; local craft; helicopter operations. (b) No. See (7).

(9) See attachment A.

(10) The lowest safe altitude for both VFR and IFR was 1804 ft.

(11) The ATSB relied upon the following in addition to its internal aviation expertise: Aeronautical Information Publication, Visual Flight Rules (AIP ENR 1.2), observed weather including temperature and dew point, witness information, Queensland Police and Thursday Island Volunteer Marine Rescue personnel.

(12) Yes, see (9).

(13) The ATSB marine investigators who investigated this accident had no aviation experience but they consulted an ATSB aviation investigator.

(14) Yes. A Senior ATSB Transport Safety Investigator, who is an ex military helicopter pilot/instructor, with 6000 hours various aircraft types, including flight over water at night, advised on flight rules and operations.

(15) No, see (3, 4 and 7). The ATSB analysed the information available to the mission coordinator at the time and concluded that his decision to dispatch surface craft to perform the rescue was sound based on the reasonable assumption that the vessel was still afloat, albeit in a swamped condition (cockpit full of water), with the EPIRB still attached.

(16) No, see (3, 4, 7 and 15).

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Attachment A

Area 45 Forecasts
12:38 14/10/2005
(UTC)
AIFS_ID=40007
AMEND AREA FORECAST 140300 TO 141700 AREA 45
OVERVIEW:
ISOLATED SHOWERS AND THUNDERSTORMS SW YD LT TO YGTN AFTER 04Z.
ISOLATED SHOWERS EAST COAST AND SEA, BECOMING SCATTERED TORRES STRAIT AFTER 14Z. AREAS OF SMOKE.
SUBDIVISIONS:
A: N OF 15S
B: S OF 15S
WIND:
2000 5000 7000 10000 14000 18500
A: 100/20 080/30 080/25 100/15 PS10 050/15 PS02 300/10 MS05
B: 080/15 080/20 070/15 050/15 PS08 360/15 PS02 310/20 MS06
AMD CLOUD:
ISOL CB 3000/35000 SW OF YD LT TO YGTN AFTER 04Z.
BKN ST 1000/3000 IN PRECIPITATION.
SCT CU SC 1800/9000 SEA COAST RANGES 4000/12000 LAND.

QUESTIONS ON NOTICE
ISOL CU TOPS 20000 IN SW.
SCT SC 3500/7000 EAST SEA COAST RANGES. BKN SC 5000/7000 N OF 13S.
SCT AC/AS 10000/15000.
BKN AC/AS ABOVE 10000 WITH CB.
WEATHER:
SHRA, TSRA, SMOKE.
VISIBILITY:
4000M SHRA, 2000M TSRA, 7 KM SMOKE REDUCING TO 2000M IN THICK SMOKE
FREEZING LEVEL:
15000FT.
ICING:
MOD IN LARGE CU AND BKN AC/AS ABOVE 15000.
TURBULENCE:
OCNL MOD BELOW 7000FT N OF 16S, ISOL MOD S OF 16S.
MOD THERMALS TO 9000 INLAND DURING DAYLIGHT HOURS.
MOD IN AC AND LARGE CU.

18:37 14/10/2005
AIFS_ID=40007
AMEND AREA FORECAST 140900 TO 142300 AREA 45
AMD OVERVIEW:
ISOLATED SHOWERS EAST COAST AND SEA, BECOMING SCATTERED TORRES STRAIT
AFTER 14Z. AREAS OF SMOKE.
SUBDIVISIONS:
A: N OF 15S
B: S OF 15S
WIND:
2000 5000 7000 10000 14000 18500
A: 100/20 080/25 080/25 080/15 PS10 050/15 PS02 340/10 MS05
B: 080/15 100/15 060/15 030/10 PS08 310/15 PS02 300/15 MS06
AMD CLOUD:
BKN ST 1000/3000 IN PRECIPITATION.
SCT CU SC 1800/9000 SEA COAST RANGES 4000/12000 LAND.
ISOL CU TOPS 18000 TORRES STRAIT.
SCT SC 3500/7000 EAST SEA COAST RANGES. BKN SC 5000/7000 N OF 13S
AFTER 14Z.
SCT AC/AS 10000/15000.
AMD WEATHER:
SHRA, SMOKE.
AMD VISIBILITY:

QUESTIONS ON NOTICE
4000M SHRA, 7 KM SMOKE REDUCING TO 2000M IN THICK SMOKE
FREEZING LEVEL:
15000FT.
ICING:
MOD IN LARGE CU.
TURBULENCE:
OCNL MOD BELOW 7000FT N OF 16S, ISOL MOD S OF 16S.
MOD THERMALS TO 9000 INLAND DURING DAYLIGHT HOURS.
MOD IN AC AND LARGE CU.
00:47 15/10/2005
AIFS_ID=40007
AMEND AREA FORECAST 141430 TO 150800 AREA 45
AMD OVERVIEW:
ISOLATED SHOWERS N OF 13S, TENDING SCATTERED TORRES STRAIT. ISOLATED SHOWERS EAST SEA COAST ELSEWHERE, MAINLY TILL 23Z. ISOLATED SHOWERS AND THUNDERSTORMS LAND SW OF YNTN TO YCRY AFTER 04Z. AREAS OF SMOKE. ISOLATED FOGS FROM 17Z TILL 21Z, MAINLY COASTAL S OF YBCS.
SUBDIVISIONS:
A: N OF 15S
B: S OF 15S
WIND:
2000 5000 7000 10000 14000 18500
A: 100/20 090/30 090/25 090/15 PS09 050/15 PS02 VRB/10 MS05
B: 100/15 100/15 070/15 VRB/10 PS08 320/15 PS02 320/15 MS06
CLOUD:
ISOL CB 4000/35000 LAND SW OF YNTN TO YCRY FROM 04Z.
BKN ST 1000/3000 IN PRECIPITATION.
SCT CU SC 1800/9000 SEA COAST RANGES 4000/12000 LAND.
ISOL CU TOPS 15000 TORRES STRAIT, AND FROM 03Z OVER LAND.
BKN SC 3500/8000 N OF 14S, SCT SC 3500/7000 EAST SEA COAST RANGES S OF 14S.
SCT AC/AS ABV 10000, BKN WITH CB.
AMD WEATHER:
SHRA, TSRA, SMOKE, FOG
AMD VISIBILITY:
4000M SHRA, 2000M TSRA, 7 KM SMOKE REDUCING TO 2000M IN THICK SMOKE,
LESS THAN 1000M FOG.
FREEZING LEVEL:
16000FT.

QUESTIONS ON NOTICE
ICING:
MOD IN LARGE CU, AC AS.

TURBULENCE:
OCNL MOD BELOW 7000FT N OF 16S, ISOL MOD S OF 16S.
MOD THERMALS TO 9000 INLAND DURING DAYLIGHT HOURS.
MOD IN AC AND LARGE CU.

**Horn Island TAF**
15:17 14/10/2005
AIFS_ID=53800
TAF YHID 140516Z 0820 12016G27KT 9999 -SHRA SCT025 BKN040
INTER 0820 4000 SHRA BKN012
T 27 26 25 24 Q 1009 1011 1011 1010

22:04 14/10/2005
AIFS_ID=53800
TAF YHID 141203Z 1402 13016G26KT 9999 -SHRA SCT018 BKN040
INTER 1402 4000 SHRA BKN010
T 25 25 28 24 Q 1011 1011 1010 1012

04:03 15/10/2005
AIFS_ID=53800
TAF YHID 141803Z 2008 12019G28KT 9999 -SHRA SCT018 BKN040
INTER 2002 4000 SHRA BKN010
T 25 28 30 29 Q 1010 1012 1010 1008

**Weipa TAF**
15:18 14/10/2005
AIFS_ID=53700
TAF YBWP 140518Z 0820 11015G26KT 9999 FU SCT035 BKN060
FM09 10012KT 9999 FU SCT030 BKN060
T 28 26 24 22 Q 1011 1013 1013 1012

22:03 14/10/2005
AIFS_ID=53700
TAF YBWP 141203Z 1402 10009KT 9999 FU SCT025 BKN060
FM23 09015KT 9999 FU SCT045 SCT060
T 25 24 23 29 Q 1012 1011 1012 1013

04:09 15/10/2005
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Weather observations Horn Island automatic weather station 0000 to 0700, 15 October 2005
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<th>Wind Dir</th>
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Weather observations Coconut Island automatic weather station 0000 to 0700, 15 October 2005

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