**INTERNET**

The Journals for the Senate are available at

Proof and Official Hansards for the House of Representatives,
the Senate and committee hearings are available at

For searching purposes use
http://parlinfoweb.aph.gov.au

**SITTING DAYS—2006**

<table>
<thead>
<tr>
<th>Month</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>February</td>
<td>7, 8, 9, 27, 28</td>
</tr>
<tr>
<td>March</td>
<td>1, 2, 27, 28, 29, 30</td>
</tr>
<tr>
<td>May</td>
<td>9, 10, 11</td>
</tr>
<tr>
<td>June</td>
<td>13, 14, 15, 16, 19, 20, 21, 22, 23</td>
</tr>
<tr>
<td>August</td>
<td>8, 9, 10, 14, 15, 16, 17</td>
</tr>
<tr>
<td>September</td>
<td>4, 5, 6, 7, 11, 12, 13, 14</td>
</tr>
<tr>
<td>October</td>
<td>9, 10, 11, 12, 16, 17, 18, 19</td>
</tr>
<tr>
<td>November</td>
<td>6, 7, 8, 9, 27, 28, 29, 30</td>
</tr>
<tr>
<td>December</td>
<td>4, 5, 6, 7</td>
</tr>
</tbody>
</table>

**RADIO BROADCASTS**

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

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

Governor-General

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

Senate Officeholders

President—Senator the Hon. Paul Henry Calvert
Deputy President and Chairman of Committees—Senator John Joseph Hogg
Leader of the Government in the Senate—Senator the Hon. Nicholas Hugh Minchin
Deputy Leader of the Government in the Senate—Senator the Hon. Helen Lloyd Coonan
Leader of the Opposition in the Senate—Senator Christopher Vaughan Evans
Deputy Leader of the Opposition in the Senate—Senator Stephen Michael Conroy
Manager of Government Business in the Senate—Senator the Hon. Christopher Martin Ellison
Manager of Opposition Business in the Senate—Senator Joseph William Ludwig

Senate Party Leaders and Whips

Leader of the Liberal Party of Australia—Senator the Hon. Nicholas Hugh Minchin
Deputy Leader of the Liberal Party of Australia—Senator the Hon. Helen Lloyd Coonan
Leader of The Nationals—Senator the Hon. Ronald Leslie Doyle Boswell
Deputy Leader of The Nationals—Senator the Hon. John Alexander Lindsay (Sandy) Macdonald
Leader of the Australian Labor Party—Senator Christopher Vaughan Evans
Deputy Leader of the Australian Labor Party—Senator Stephen Michael Conroy
Leader of the Australian Democrats—Senator Lynette Fay Allison
Leader of the Australian Greens—Senator Robert James Brown
Leader of the Family First Party—Senator Steve Fielding
Liberal Party of Australia Whips—Senators Jeannie Margaret Ferris and Stephen Parry
National Whip—Senator Nigel Gregory Scullion
Opposition Whips—Senators George Campbell, Linda Jean Kirk and Ruth Stephanie Webber
Australian Democrats Whip—Senator Andrew John Julian Bartlett
Australian Greens Whip—Senator Rachel Siewert

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

<table>
<thead>
<tr>
<th>Senator</th>
<th>State or Territory</th>
<th>Term expires</th>
<th>Party</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abetz, Hon. Eric</td>
<td>TAS</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Adams, Judith</td>
<td>WA</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Allison, Lynette Fay</td>
<td>VIC</td>
<td>30.6.2008</td>
<td>AD</td>
</tr>
<tr>
<td>Barnett, Guy</td>
<td>TAS</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Bartlett, Andrew John Julian</td>
<td>QLD</td>
<td>30.6.2008</td>
<td>AD</td>
</tr>
<tr>
<td>Bernardi, Cory (3)</td>
<td>SA</td>
<td>30.6.2008</td>
<td>LP</td>
</tr>
<tr>
<td>Bishop, Thomas Mark</td>
<td>WA</td>
<td>30.6.2008</td>
<td>ALP</td>
</tr>
<tr>
<td>Boswell, Hon. Ronald Leslie Doyle</td>
<td>QLD</td>
<td>30.6.2008</td>
<td>NATS</td>
</tr>
<tr>
<td>Brandis, George Henry</td>
<td>QLD</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Brown, Carol Louise (4)</td>
<td>TAS</td>
<td>30.6.2008</td>
<td>ALP</td>
</tr>
<tr>
<td>Brown, Robert James</td>
<td>TAS</td>
<td>30.6.2008</td>
<td>AG</td>
</tr>
<tr>
<td>Calvert, Hon. Paul Henry</td>
<td>TAS</td>
<td>30.6.2008</td>
<td>LP</td>
</tr>
<tr>
<td>Campbell, George</td>
<td>NSW</td>
<td>30.6.2008</td>
<td>ALP</td>
</tr>
<tr>
<td>Campbell, Hon. Ian Gordon</td>
<td>WA</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Carr, Kim John</td>
<td>VIC</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>Chapman, Hedley Grant Pearson</td>
<td>SA</td>
<td>30.6.2008</td>
<td>LP</td>
</tr>
<tr>
<td>Colbeck, Hon. Richard Mansell</td>
<td>TAS</td>
<td>30.6.2008</td>
<td>LP</td>
</tr>
<tr>
<td>Conroy, Stephen Michael</td>
<td>VIC</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>Coonan, Hon. Helen Lloyd</td>
<td>NSW</td>
<td>30.6.2008</td>
<td>LP</td>
</tr>
<tr>
<td>Crossin, Patricia Margaret (3)</td>
<td>NT</td>
<td></td>
<td>ALP</td>
</tr>
<tr>
<td>Eggleston, Alan</td>
<td>WA</td>
<td>30.6.2008</td>
<td>LP</td>
</tr>
<tr>
<td>Ellison, Hon. Christopher Martin</td>
<td>WA</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Evans, Christopher Vaughan</td>
<td>WA</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>Faulkner, Hon. John Philip</td>
<td>NSW</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>Ferguson, Alan Baird</td>
<td>SA</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Ferris, Jeannie Margaret</td>
<td>SA</td>
<td>30.6.2008</td>
<td>LP</td>
</tr>
<tr>
<td>Fielding, Steve</td>
<td>VIC</td>
<td>30.6.2011</td>
<td>FF</td>
</tr>
<tr>
<td>Fierravanti-Wells, Concetta Anna</td>
<td>NSW</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Fifield, Mitchell Peter (2)</td>
<td>VIC</td>
<td>30.6.2008</td>
<td>LP</td>
</tr>
<tr>
<td>Forshaw, Michael George</td>
<td>NSW</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>Heffernan, Hon. William Daniel</td>
<td>NSW</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Hogg, John Joseph</td>
<td>QLD</td>
<td>30.6.2008</td>
<td>ALP</td>
</tr>
<tr>
<td>Humphries, Gary John Joseph (3)</td>
<td>ACT</td>
<td></td>
<td>LP</td>
</tr>
<tr>
<td>Hurley, Annette</td>
<td>SA</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>Hutchins, Stephen Patrick</td>
<td>NSW</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>Johnston, David Albert Lloyd</td>
<td>WA</td>
<td>30.6.2008</td>
<td>LP</td>
</tr>
<tr>
<td>Joyce, Barnaby</td>
<td>QLD</td>
<td>30.6.2011</td>
<td>NATS</td>
</tr>
<tr>
<td>Kemp, Hon. Charles Roderick</td>
<td>VIC</td>
<td>30.6.2008</td>
<td>LP</td>
</tr>
<tr>
<td>Kirk, Linda Jean</td>
<td>SA</td>
<td>30.6.2008</td>
<td>ALP</td>
</tr>
<tr>
<td>Lightfoot, Philip Ross</td>
<td>WA</td>
<td>30.6.2008</td>
<td>LP</td>
</tr>
<tr>
<td>Ludwig, Joseph William</td>
<td>QLD</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>Lundy, Kate Alexandra (3)</td>
<td>ACT</td>
<td></td>
<td>ALP</td>
</tr>
<tr>
<td>Macdonald, Hon. Ian Douglas</td>
<td>QLD</td>
<td>30.6.2008</td>
<td>LP</td>
</tr>
<tr>
<td>Macdonald, John Alexander Lindsay (Sandy)</td>
<td>NSW</td>
<td>30.6.2008</td>
<td>NATS</td>
</tr>
<tr>
<td>McEwen, Anne</td>
<td>SA</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>McCauran, Julian John James</td>
<td>VIC</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>McLucas, Jan Elizabeth</td>
<td>QLD</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>Marshall, Gavin Mark</td>
<td>VIC</td>
<td>30.6.2008</td>
<td>ALP</td>
</tr>
<tr>
<td>Senator</td>
<td>State or Territory</td>
<td>Term expires</td>
<td>Party</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>--------------------</td>
<td>--------------</td>
<td>-------</td>
</tr>
<tr>
<td>Mason, Brett John</td>
<td>QLD</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Milne, Christine</td>
<td>TAS</td>
<td>30.6.2011</td>
<td>AG</td>
</tr>
<tr>
<td>Minchin, Hon. Nicholas Hugh</td>
<td>SA</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Moore, Claire Mary</td>
<td>QLD</td>
<td>30.6.2008</td>
<td>ALP</td>
</tr>
<tr>
<td>Murray, Andrew James Marshall</td>
<td>WA</td>
<td>30.6.2008</td>
<td>AD</td>
</tr>
<tr>
<td>Nash, Fiona</td>
<td>NSW</td>
<td>30.6.2011</td>
<td>NATS</td>
</tr>
<tr>
<td>Nettle, Kerry Michelle</td>
<td>NSW</td>
<td>30.6.2008</td>
<td>AG</td>
</tr>
<tr>
<td>O’Brien, Kerry Williams Kelso</td>
<td>TAS</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>Parry, Stephen</td>
<td>TAS</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Patterson, Hon. Kay Christine Lesley</td>
<td>VIC</td>
<td>30.6.2008</td>
<td>LP</td>
</tr>
<tr>
<td>Payne, Marise Ann</td>
<td>NSW</td>
<td>30.6.2008</td>
<td>LP</td>
</tr>
<tr>
<td>Polley, Helen</td>
<td>TAS</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>Ray, Hon. Robert Francis</td>
<td>VIC</td>
<td>30.6.2008</td>
<td>ALP</td>
</tr>
<tr>
<td>Ronaldson, Hon. Michael</td>
<td>VIC</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Santoro, Hon. Santo (1)</td>
<td>QLD</td>
<td>30.6.2008</td>
<td>LP</td>
</tr>
<tr>
<td>Scullion, Nigel Gregory (3)</td>
<td>NT</td>
<td></td>
<td>CLP</td>
</tr>
<tr>
<td>Sherry, Hon. Nicholas John</td>
<td>TAS</td>
<td>30.6.2008</td>
<td>ALP</td>
</tr>
<tr>
<td>Sievert, Rachel</td>
<td>WA</td>
<td>30.6.2011</td>
<td>AG</td>
</tr>
<tr>
<td>Stephens, Ursula Mary</td>
<td>NSW</td>
<td>30.6.2008</td>
<td>ALP</td>
</tr>
<tr>
<td>Sterle, Glenn</td>
<td>WA</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>Stott Despoja, Natasha Jessica</td>
<td>SA</td>
<td>30.6.2008</td>
<td>AD</td>
</tr>
<tr>
<td>Troeth, Hon. Judith Mary</td>
<td>VIC</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Trood, Russell</td>
<td>QLD</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Vanstone, Hon. Amanda Eloise</td>
<td>SA</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Watson, John Odin Wentworth</td>
<td>TAS</td>
<td>30.6.2008</td>
<td>LP</td>
</tr>
<tr>
<td>Webber, Ruth Stephanie</td>
<td>WA</td>
<td>30.6.2008</td>
<td>ALP</td>
</tr>
<tr>
<td>Wong, Penelope Ying Yen</td>
<td>SA</td>
<td>30.6.2008</td>
<td>ALP</td>
</tr>
<tr>
<td>Wortley, Dana</td>
<td>SA</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
</tbody>
</table>

(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 Transport and Regional Services and Deputy Prime Minister
Treasurer
Minister for Trade
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

Minister for Justice and Customs and Manager of Government Business in the Senate
Senator the Hon. Christopher Martin Ellison

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

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

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

Minister for Community Services
The Hon. John Kenneth Cobb MP

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

Special Minister of State
The Hon. Gary Roy Nairn MP

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

Minister for Ageing
Senator the Hon. Santo Santoro

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

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

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

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

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

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

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

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

Parliamentary Secretary to the Minister for Transport and Regional Services
The Hon. De-Anne Margaret Kelly MP

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

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

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

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

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

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

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

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

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

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

Shadow Minister for Transport Shadow Minister for Sport and Recreation
Senator Kerry Williams Kelso O’Brien Senator Kate Alexandra Lundy

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

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

Shadow Minister for Defence Industry, Procurement and Personnel Shadow Minister for Immigration
Senator Thomas Mark Bishop Anthony Stephen Burke MP

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

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

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

Shadow Minister for Citizenship and Multicultural Affairs
Senator Annette Hurley

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

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

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

Shadow Parliamentary Secretary for Education
Kirsten Fiona Livermore MP

Shadow Parliamentary Secretary for Environment and Heritage Jennie George MP

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

Shadow Parliamentary Secretary for Immigration
Ann Kathleen Corcoran MP

Shadow Parliamentary Secretary for Treasury
Catherine Fiona King MP

Shadow Parliamentary Secretary for Science and Water
Senator Ursula Mary Stephens

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

MONDAY, 16 OCTOBER

Chamber
Aged Care Amendment (Residential Care) Bill 2006—
Second Reading................................................................. 1
Ministerial Arrangements .................................................. 20
Questions Without Notice—
Iraq ................................................................................. 20
Government Policy .......................................................... 22
Communications: Broadband ....................................... 23
Drought ........................................................................... 24
Australian Broadcasting Corporation .......................... 25
Aged Care ....................................................................... 27
Mr David Hicks .................................................................... 28
Southern Bluefin Tuna ................................................... 29
Wind Farms ......................................................................... 30
Water ............................................................................. 31
Civil Aviation Safety Authority ...................................... 32
Law Enforcement Agencies ............................................. 33
Questions Without Notice: Take Note of Answers—
Answers to Questions ....................................................... 34
Notices—
Presentation .................................................................. 41
Leave of Absence ............................................................. 43
Indigenous Governance Awards .................................... 43
Reports of Incidents in the Himalayas ............................. 43
Carers Week ...................................................................... 44
Committees—
Intelligence and Security Committee—Report .................. 44
Child Support Legislation Amendment (Reform of the Child Support Scheme—New
Formula and Other Measures) Bill 2006—
First Reading ............................................................... 51
Second Reading ............................................................. 51
Defence Force (Home Loans Assistance) Amendment Bill 2006, and
Tax Laws Amendment (2006 Measures No. 4) Bill 2006—
First Reading ............................................................... 53
Second Reading ............................................................. 53
Corporations (Aboriginal and Torres Strait Islander) Bill 2006,
Corporations Amendment (Aboriginal and Torres Strait Islander Corporations) Bill 2006, and
Corporations (Aboriginal and Torres Strait Islander) Consequential, Transitional and Other
Measures Bill 2006—
First Reading ............................................................... 55
Second Reading ............................................................. 55
Trade Marks Amendment Bill 2006—
Returned from the House of Representatives .................. 60
Members of Parliament Entitlements ............................... 60
Crimes Amendment (Bail and Sentencing) Bill 2006—
Report of Legal and Constitutional Affairs Committee .... 71
Leave of Absence ............................................................. 71
CONTENTS—continued

Aged Care Amendment (Residential Care) Bill 2006—
Second Reading .................................................................................................................................................... 71
In Committee ..................................................................................................................................................... 78
Third Reading ................................................................................................................................................... 93
Business—
Rearrangement .............................................................................................................................................. 93
Higher Education Legislation Amendment (2006 Budget and Other Measures) Bill 2006—
Second Reading ............................................................................................................................................... 93
Adjournment—
World Rural Women’s Day ................................................................................................................................. 119
Independent Contracting: Owner-Drivers ........................................................................................................... 121
Child Abuse ....................................................................................................................................................... 123
Vietnam and Singapore Study Tour .................................................................................................................... 126
Millennium Development Goals ...................................................................................................................... 126
Documents—
Tabling ............................................................................................................................................................... 128

Questions on Notice
Polio Vaccine—(Question No. 1300) ....................................................................................................................... 130
Marnic Worldwide Pty Ltd—(Question No. 2177) ................................................................................................. 130
Single Vision Grains Australia—(Question No. 2189) .......................................................................................... 131
Single Vision Grains Australia—(Question No. 2191) ......................................................................................... 132
Single Vision Grains Australia—(Question No. 2192) ......................................................................................... 132
Single Vision Grains Australia—(Question No. 2193) ......................................................................................... 133
Single Vision Grains Australia—(Question No. 2194) ......................................................................................... 133
Single Vision Grains Australia—(Question No. 2195) ......................................................................................... 134
Single Vision Grains Australia—(Question No. 2196) ......................................................................................... 134
Foreign Affairs and Trade: Travel Entitlements—(Question Nos 2208 and 2210) .................. 135
Australian Council of Trade Unions Advertisements—(Question No. 2315) .......................... 137
Australian Council of Trade Unions Advertisements—(Question No. 2321) .......................... 137
Parliamentary Departments: Overseas Travel—(Question No. 2392 supplementary) .... 138
Commonwealth Disability Strategy Evaluation—(Question No. 2458) ......................................................... 139
Family Planning Organisations—(Question No. 2467) ..................................................................................... 140
Zeng Aihua—(Question No. 2471) ..................................................................................................................... 141
Lebanon—(Question No. 2479) ........................................................................................................................ 142
Fuel Consumption Labelling for Light Vehicles—(Question No. 2485) ....................................................... 142
Attention-Deficit Hyperactivity Disorder Treatment—(Question No. 2486) ...................................... 143
Chiropractic Services—(Question No. 2488) ................................................................................................. 144
Western Australia: Alcoa—(Question No. 2492) ......................................................................................... 145
The PRESIDENT (Senator the Hon. Paul Calvert) took the chair at 12.30 pm and read prayers.

AGED CARE AMENDMENT (RESIDENTIAL CARE) BILL 2006
Second Reading

Debate resumed from 13 September, on motion by Senator Minchin:

That this bill be now read a second time.

Senator ELLISON (Western Australia—Minister for Justice and Customs) (12.31 pm)—I table a correction to the explanatory memorandum relating to the Aged Care Amendment (Residential Care) Bill 2006.

Senator McLUCAS (Queensland) (12.31 pm)—Labor welcomes discussion on the Aged Care Amendment (Residential Care) Bill 2006. It is largely technical in nature but has some policy implications which we need to discuss. Schedule 1 of the bill is to amend the Aged Care Act 1997 to harmonise aged care and pension assets tests in relation to income streams and gifted assets under the asset test for entry into permanent residential aged care. This was announced in the 2006-07 budget and is largely non-controversial, and Labor will support the measure. Schedule 2 of the bill amends the act to allow the secretary to delegate specific members of the aged-care assessment teams—the ACATs, as they are known—the powers under the Residential Care Subsidy Principles 1997 to increase the maximum number of days allowed for a care recipient to receive residential respite care. This is also non-controversial, and Labor will support this amendment. The measure to delegate authority to specified members of the ACATs allows those members to react in a timely way to events that individual families are facing. Often families in respite are, for a range of reasons, in somewhat of a crisis, and people need extended care for all sorts of emergency situations, so we support this measure.

The bill was referred by the government to the Senate Standing Committee on Community Affairs for inquiry. The sector, I have to say, was somewhat bemused by the fact that the reference was made by the government, given the largely non-controversial intent of the legislation. But the committee did its job, undertook an inquiry and recommended passing the bill without amendment. But during the course of the inquiry it was recognised that a very small number of people—people who will move from one facility to another during the course of this legislation taking effect—will receive a different assets assessment when they move to the second facility. I recognise that that is a very small number of people, but I think the sector should be alive to that and alive to the fact that it may cause a little bit of confusion for some people.

The move to align asset testing with pension asset testing was recommended by Professor Warren Hogan in his Review of pricing arrangements in residential care, a report that was handed down in 2004. We know the government provided what was called the short-term response to Hogan in the 2004-05 budget, but along with that was a commitment by the government to develop what is now commonly known as the long-term response to Professor Hogan’s report. That long-term response was intended to address issues of strategic financing of the residential aged-care sector. We know that the government established a committee and that committee undertook a range of consultations, and it is well known in the sector that the long-term response to Hogan—the report developed by that committee—was handed to the previous minister in August 2005.
Here we are, 14 months later, after $1.3 million was spent on that activity, and we have still not seen the report. It is the result of hours of work—from not only departmental officials and the committee itself but volunteer time from the sector—and, in this policy vacuum, frustration in the residential aged-care sector has grown, and it is frustration that the Labor Party shares. It is essential that the government release this paper so that the discussion can be reinvigorated in an informed environment and consensus about the direction we need to take can be found.

Late on Thursday afternoon, a government amendment was circulated in this chamber, and there was a supplementary explanatory memorandum which states that the government’s amendment to its bill is in response to ‘concerns raised in consultations with the community that prospective aged-care residents who purchased an income stream on or after 20 September 2004’ could be financially ‘disadvantaged by the new subsections 44-10(1A) and (1B)’ that were originally proposed. The supplementary explanatory memorandum states:

Changes to pension arrangements announced in February 2004 mean that the then 100 percent aged pension asset test exemption for purchased complying income streams was reduced to 50 percent for products purchased from 20 September 2004.

New subsections 44-10(1A) and (1B) originally proposed would align the aged care asset test with the current aged pension asset test, such that 50 percent of the asset value of the complying income stream would be assessable upon entry into residential aged care.

Currently people entering residential aged care have 100 per cent complying income exemption for income streams. If these assets are now tested at 50 per cent to bring them in line with the aged-care pension assets test and they already have an aged-care assessment that is current for 12 months, they will be disadvantaged. Given the time that we have had to deal with this very late amendment, it is our view that this amendment removes the disadvantage. As a consequence—but we do need to hear the debate on this—it will be supported by the Labor Party.

I cannot let this pass without making some comments about the process by which this amendment and the explanation of this amendment came before the chamber. As I said, the amendment first appeared in the chamber on Thursday and then we had no supplementary explanatory memorandum until mid-afternoon on Friday. In the committee stage of this bill I will want to have from the minister an explanation as to why the amendment was so late. I will want to know when the consultations occurred and with whom. I want to note that this issue was not raised during the inquiry, and it was an opportunity for the department surely to indicate at that time that an amendment was required.

The Labor Party are also moving an amendment today to this legislation. The amendment we are moving will ensure that all aged-care facilities in Australia do actually receive one unannounced support contact every year and that, during this spot check, the facility will be assessed against all of the 44 quality outcomes of the Aged Care Standards and Accreditation Agency. The reason I am moving this amendment is to ensure that the government does its duty by the 166,000 frail older Australians who reside in residential aged care, who deserve the best our society can give, and to ensure the confidence of residents, their families and the Australian public in Australia’s residential aged-care system. Following the revelations of elder abuse earlier this year, the minister indicated that each residential aged-care facility would have one unannounced spot check annually. It has been brought to my attention though that the government intends
doing the spot checks on a reduced number of the 44 quality outcomes of the Aged Care Standards and Accreditation Agency. This is equivalent in my view to taking your car in for a service and the mechanic only kicking the tyres. The newsletter to members of Aged and Community Services Australia on 7 September 2006 carried a report which stated:

In response to the issue of abuse of older people, the [Aged Care Standards and Accreditation] Agency will be conducting more spot checks and it is expected that every facility will receive at least one spot check each year. The procedure for support contacts and spot checks will change from the previous process. The Agency will decide which outcomes are to be assessed prior to the visit and the assessors will be required to keep within this framework. The decision of the outcomes to be assessed will most likely relate to issues raised in the additional information part of the accreditation report and specific outcomes as determined by the Agency. In preparing for a support visit or spot check, members should review the additional information in their report and highlight for action any issues that may have been mentioned.

So not only are spot checks going to be undertaken on a reduced number of quality outcomes but any aged-care facility will have a fair idea of what they will be checked on. The vast majority of residential aged-care providers in Australia deliver excellent care, but this gives poor providers the opportunity to put on their Sunday best in anticipation of a visit. The Australian public deserve to know what the government is planning. At the end of the year the government will be telling the people of Australia how fantastic they are because they were able to undertake all of these spot checks. What the public will not know is that the spot checks will only be done on a reduced number of the current 44 quality outcomes.

Under this government, we have seen a series of scandals in some aged-care facilities. The kerosene baths incident in 2002 and the appalling sex abuse scandal that came to light this year are two that come to mind. After the kerosene baths incident, the then Minister for Ageing, Mrs Bronwyn Bishop, announced ‘a stepped up program of random spot checks’. It is important to ask: what happened? There are about 3,000 residential aged-care facilities in Australia. In 2000-01 we saw 360 spot checks. In 2001-02 we saw 449. In 2002-03 there were 242 spot checks, out of a total of around 3,000 aged-care facilities in Australia. In 2003-04 we saw 553 spot checks and the following year 563. In 2004-05 this meant that one in five aged-care facilities in Australia received a spot check. In my view, and in the view of many residents and their families, this is not good enough. Mrs Bishop said that random spot checks would be ‘stepped up’. Those were her words. Has that been the case? I do not think so. The government should be given one out of five for their effort.

The current Minister for Ageing repeated a similar promise earlier this year. He said that every home will receive one announced visit each year. He went on to say, ‘These spot checks will focus on care standards and provide an incentive for consistent delivery of high-quality care.’ Labor called for one spot check on every facility every year back in 2001. Finally the government seems to have picked up Labor’s policy, even though it is five years too late and after several appalling incidents in residential aged-care facilities. Labor want to ensure that these spot checks actually happen and that facilities are checked with regard to all of the care services that residential aged-care providers provide. That is the basis for our amendment. It puts the government’s rhetoric into legislation. Since the minister’s announcement at the May budget this year, we saw 142 spot checks in May and 139 in June. But it seems we have a new category of spot check: a partial spot check. The minister wants to do
these spot checks on a reduced number of the 44 quality outcomes of the accreditation agency—for example, you might look at privacy and dignity but not look at nutrition and hydration; maybe you assess infection control but not the issue of adequate staffing.

I would have thought the public’s expectation would be that spot checks would be undertaken on all 44 quality outcomes—that a spot check actually means an assessment of the facility’s compliance with all elements of quality care. If the minister wants to ensure that all aged-care facilities receive a spot check every year, instead of cutting the number of quality outcomes inspected he needs to work with the accreditation agency to ensure this can be undertaken against all 44 quality outcomes. Yet again, we see the Howard government and the Minister for Ageing trying to pull the wool over the eyes of the public.

Only recently, an aged-care facility in Victoria failed 30 of the 44 quality outcomes. The accreditation agency said in its report on the facility: ‘Given the widespread non-compliance against the accreditation standards, the agency considered whether the home should have its accreditation revoked.’ Instead, the only penalty the facility received was a reduction in its accreditation period by four months. What sort of confidence does this give the Australian community in the delivery of quality care in our community?

The minister needs to come clean and tell the Australian public what his real intentions are. These frail Australians and their families are reliant on his government to provide quality care in Australia’s residential aged-care facilities. But all the minister is requiring the agency to do is to kick the tyres and not do a thorough assessment that would go some way towards assuring that quality care is provided to the 166,000 residents in aged-care facilities when they require it most—when they are frail and feel powerless.

I will be moving an amendment to ensure that each residential aged-care facility has at least one unannounced spot check annually, that no notice of the spot check is given and that the facility is assessed against all 44 expected outcomes of the Aged Care Standards and Accreditation Agency. This is only what frail older Australians and their families would expect of our government at the time of their greatest need. The minister must ensure that residents, their families and the public can have greater confidence in the quality of care. The Howard government needs to be held to account, and this amendment will ensure that the rhetoric of this minister and previous ministers is delivered upon.

Senator BARNETT (Tasmania) (12.47 pm)—I rise to speak in support of the Aged Care Amendment (Residential Care) Bill 2006 and to respond to some of Senator McLucas’s comments and quotes. Firstly, I congratulate and thank the members of the Senate Standing Committee on Community Affairs on their report which has been tabled in this place. I thank the chair of the committee, Senator Gary Humphries, and I acknowledge the deputy chair, Senator Claire Moore, and Senator Judith Adams. I had been a member of the committee for a long time until recently. I was a substitute member during the inquiry into this legislation, although I did not appear at the hearings that were undertaken by the committee. I note that the report recommends that the bill be supported, and that is certainly to be noted.

We have a vastly improved aged-care environment and system in Australia today because of the many initiatives undertaken by the Howard government since 1996. Senator McLucas was happy to criticise and attack the government for doing this or for not do-
ing that. She specifically referred to Professor Warren Hogan’s report, which was tabled publicly in 2004. I want to respond to that by saying that, in response to the Hogan report, the government committed $2.4 billion to the aged-care sector, the biggest commitment ever undertaken by an Australian government in support of the aged-care sector. So Senator McLucas’s claim that the response was inadequate and unsatisfactory is entirely baseless.

The government’s response to the Hogan report was provided in the 2004-05 budget. I want to touch on a few of those things, because it was a very important response which now provides the foundation for the excellent aged-care system and arrangements that we have in Australia today. The government’s response carefully targeted and addressed the most immediate challenges, including making more places available; it increased capital investment; it improved education and training for aged-care workers; and it developed a new funding model that streamlined administration and ensured that providers must meet more transparent financial reporting requirements. Of the government’s 31 new initiatives, 28 are already in place—benefiting residents, their families, aged-care providers and nursing and care staff—and the remaining three initiatives are on track for implementation.

I remind senators on the other side—and, indeed, members of the public—of the comparison between Labor’s funding for aged care in 1995-96 and the coalition’s funding for aged care in 2006-07. Aged-care funding under Labor was $3 billion and it is $7.8 billion under the coalition. The total number of aged-care places under Labor was 141,293; under the coalition, the total number of aged-care places was 193,753 at 30 June last year. Residential care funding under Labor was $2.5 billion; under this government, residential aged-care funding was $5.6 billion in 2006-07. There were 138,987 residential care places under Labor; under the coalition, there were 161,165 residential care places at 30 June 2005. Funding for community aged-care packages—and I want to speak a bit more about this shortly—was $33.1 million under Labor; under this government, it is $414 million this financial year, an increase of more than 1,000 per cent. That is one of the benefits of the Howard government, ensuring that families, wherever possible, can stay in their own homes. There were 4,441 community care places under Labor; under the coalition, there are 32,588 places—and the list goes on. The comparisons are ready and available on the public record for anybody who wishes to make them.

The good thing about the Australian aged-care system—and I will speak broadly about this before focusing on the bill and responding further to Senator McLucas—is the fact that we provide quality care. Among the key ingredients are quality care, access to care and ensuring a viable industry across Australia. That is good news for Australians, particularly older Australians, and their families. Across the board—and this is based on the latest figures that I have seen—some 13 per cent of the population are 65 years or over. That figure is of course creeping up. In my home state of Tasmania it is some 17-odd per cent and rising. I know South Australia is achieving the record across the states and territories, and my home state is heading towards achieving that record by 2020. The number of those aged 65 and over is expected to double over the next 40 years, so we must take steps now not only to support older Australians but to prepare for a substantial increase in their numbers. That is why the government is giving priority to quality in both care and accommodation. As I said, that is among the key ingredients, the others being ensuring access to care—that includes the rural and regional parts of Aus-
tralia, including those of Tasmania—giving people choice, assisting people to remain in their homes and making sure our system is sustainable.

Having made a few comments on that, I want to thank industry participants not only for their feedback on the Aged Care Amendment (Residential Care) Bill 2006 but also for their feedback on the Senate Standing Committee on Community Affairs report that has been tabled—there were five submissions made to the Senate committee—and the general feedback that we get. Senator Santo Santoro, the Minister for Ageing, is one of the most consultative ministers around. He listens carefully. One of the first things he did when he became a minister was to get together the key stakeholders, the key people and the key participants and say to them, ‘I want to listen to you. I want to get your feedback.’ I congratulate him on his leadership to date in that portfolio with its many challenges. I thank him for his leadership on this bill and on many other respects relating to the aged-care sector.

I refer to Aged and Community Services Australia. Susan Parr is the executive director, Tasmania. I thank her for her feedback and I thank, for their feedback, those people in the aged-care sector in Tasmania that meet with me and talk with me and meet with my Senate Tasmanian colleagues on the government side. I thank ACSA nationally, particularly Greg Mundy for his work over many years in ensuring a close liaison with members of this government and indeed others across the board.

Senator McLucas has referred to Professor Warren Hogan’s report and our ‘inadequate’ response. I think I have adequately dealt with that. She has flagged a Labor amendment which I must say, based on my reading of it, would provide no notice to a residential care provider. It seems to be part of an approach to use a sledgehammer to crack a nut. My understanding of the up to 30 minutes notice to a residential provider aspect is that it is appropriate and adequate at the moment, but further discussions and debate will be had about that in the committee stage of this bill.

The bill is in two main parts. The first part relates to the harmonising of the aged-care and pension requirements in relation to income streams and asset disposals. The second relates to aged-care assessment team delegations under schedule 2. I would like to speak firstly on the importance of consistency under schedule 1. This relates to gifting and income streams. It is basically ensuring that we have a consistent policy across the board that applies to our aged-care residents. It should be a consistent approach as it applies to Department of Veterans’ Affairs policy, to Centrelink policy and to our pension policy. Currently, assets gifted by prospective residents are excluded from assessment for aged-care assessment testing purposes but are included in the pension assets test and may reduce the amount of age pension a person receives. This is the point: if it can affect their pension then surely the arrangement should apply in the aged-care sector as well. As the current arrangements apply until 1 January 2007, people entering or moving between residential aged-care homes up to and including 31 December 2006 will not be affected. That needs to be made clear as we do not want any scaremongering, as has happened in the past on these matters, particularly with respect to Welfare to Work government policy arrangements.

Nevertheless, if you put that aside you will see that from 1 January 2007 people who enter residential aged care or move to another aged-care home and seek an assets assessment through Centrelink or the Department of Veterans’ Affairs will have any gifts that they have made from the date of 10 May this year—10 May being budget night;
that is when the announcement was made, so it is entirely appropriate that that is included in the bill—and that exceed the allowable amounts included in that assessment. The allowable amounts are those that currently apply for pension asset-testing purposes as well as for pension and aged-care income assessment purposes. What are they? They are $10,000 in any financial year or $30,000 over a five-year period. That seems entirely fair, just and appropriate. That is why I, like my other colleagues on this side, am supportive of this particular amendment.

In terms of the income streams, currently the capital component—that is, the principal amount of a purchased income stream—is not included in an asset assessment for aged care. And amendments to pension arrangements announced in February 2004 mean that market-linked income streams purchased from 20 September 2004 that satisfy certain conditions are granted complying income stream status, which means that they qualify for the pension assets test exemption. At the same time, the then 100 per cent assets test exemption for purchased complying income streams was reduced to 50 per cent for products purchased on or after 20 September 2004. So complying income streams purchased before the date continue to be fully exempt from the assets test.

As the aged-care assets test only applies on entry to an aged-care home or on moving to another home, existing residents will not be affected by these changes while they remain in the same aged-care home. That seems fair; it is like a grandfathering provision, and it is consistent with the government’s policy of fairness across the board. A minor amendment has been flagged and I will allow other members of the committee to speak to that shortly.

With respect to the role of ACAT—the aged-care assessment team—and that delegation, it is to comprehensively assess the care needs of frail older Australians with complex care needs and assist them to access the most appropriate care services available. The Secretary of the Department of Health and Aging currently delegates the powers of approval for aged-care services under the act to the ACAT members. They have a job to do and they do it, on the whole, extremely well. They do it, at times, under pressure and in challenging circumstances. And I think the aged-care sector across the board also recognises that it is important to have spot checks from time to time. It is of course important that aged-care assessment teams assess aged-care residents with respect to their capacities and so on. Currently, ACAT members assess the merits of respite care extensions but, unlike other care services, do not have the delegated authority to approve any extensions. So there are some very good arguments in favour of the government’s bill and I hope that there will not be too much nit-picking over this legislation.

I also want to say a little bit more about the aged-care assessment team and the respite delegations. As I say, ACAT members have a job to do; it is important for them to fulfill their responsibilities so that we know exactly where the aged-care resident sits with respect to the type of care—high care, low care and the different categories of high and low care—that they receive when they enter the aged-care residence. Residential respite care is limited to 63 days per financial year for a care recipient. However, the secretary may increase the maximum number of days allowed.

Respite care can be particularly important. I have a very dear friend in Launceston who just spent three or four weeks in respite care and I cannot tell you how much that was appreciated. During that time in respite care, his health and wellbeing increased markedly. I thank the home involved for the wonderful
care that he received and I know that all those involved were caring and provided tremendous support.

There is a demand—in Tasmania and, I know, in other parts of Australia—for these important aged-care services. This bill streamlines and improves the current arrangements so that there is consistency across the board, and a harmonisation of the aged-care and pension requirements in relation to income streams and asset disposals. It is basically applying a consistent standard across the board, whether it relates to the Department of Veterans’ Affairs or whether it relates to Centrelink. They should be harmonised, and this amendment addresses those two difficulties regarding income streaming and asset disposal.

In conclusion, I would again like to say that I think the government’s record on aged care is almost unbelievable. It has been a substantial and significant effort, particularly since the response to Professor Hogan. In regard to the lead-up to that, I want to acknowledge Minister Kevin Andrews for his leadership and, indeed, Julie Bishop for hers and for her response as Minister Bishop to the Hogan report. A lot of effort was put into that. An amount of $2.2 billion was invested into the aged-care sector. That was the largest single investment in aged care by any Australian government in history and I think the Howard government should be proud of that. I know that the funds that are flowing through now into the aged-care sector are well appreciated. Finally, I thank Senator Santoro for his leadership and his efforts on this bill and the aged-care sector generally. He has my full support and the full support of others on this committee, both on the government side and, I know, the coalition side, and I thank him for his leadership.

Senator WEBBER (Western Australia) (1.05 pm)—The Aged Care Amendment (Residential Care) Bill 2006, as has been said, has two main effects. Firstly, the bill aims to harmonise the aged-care and pension assets test in relation to income streams and asset disposals. Secondly, the bill allows the secretary to delegate to specific members of the aged-care assessment teams to increase the maximum number of days allowed for a care recipient to receive residential respite care.

Whenever the issue of aged care comes before this place, we must treat it with the utmost seriousness and respect. The welfare of our aged citizens must be one of our primary concerns. Those in our community who, for reasons of age and health, require additional assistance and support deserve only our best efforts in setting up and maintaining aged care. We must recognise and acknowledge the debt we owe to our aged community. They are our parents and our grandparents; they are the generation that lived through the Great Depression, a world war and a rate of change in society that has been unequalled in human history. Many of them are part of that great wave of migration that took place after the Second World War and therefore many of them come from non-English-speaking backgrounds. Without our aged citizens we would not be the society that we are today. It is through their efforts that we are who we are. They are the people who built our nation. Therefore, it is incumbent upon us that we must ensure that the legislation that deals with aged care is designed foremost with their needs in mind. We should never do anything but our best for them.

I believe that there is every reason for us to be very concerned about the state of aged care in this country. I know that the government will come into this place and trumpet its achievements. It will tell us how the number of aged-care placements per thousand people has increased. It will tell us about
record numbers of aged-care places and record levels of expenditure. For example, currently there are 169,056 places in aged care. Projections sourced from Aged and Community Services Australia show that that will rise to 263,941 in 2021 and 356,512 in 2031. That shows that over the next 25 years the number of aged-care places will more than double.

But what steps are now being taken to ensure that there are sufficient skilled workers able to work in those facilities in the future? Over the next 25 years, if it is anticipated that the number of places will double, is it not also the case that the number of staff needed will double? What steps is this government taking to ensure that the places are available to train all of those additional staff? Is it a reasonable question to ask given that the places are now being created in our university systems for training of additional nurses? How many of them are being reserved for aged-care nurses? Aged care is not just about places. Our approach must take into account the need to train additional staff. When will the Minister for Ageing outline the government’s approach to ensure that we will have enough skilled staff to accommodate the expected increase in aged-care places? It is very simple to provide the bricks and mortar; it is a lot more complex to provide the care that needs to take place inside the bricks and mortar.

We know from bitter experience over the last 10 years that this is not a government with a good record on skill shortages. For years, the government denied that there was a problem. Only after a crisis that was already here and affecting the economy could the government stir itself to do something about it. This is a government that is concerned about the next election, not about what is going to happen in 25 years time. Although one of the key tasks of the Minister for Ageing should be to ensure that there will be sufficient trained staff to work in aged-care facilities, I suspect, based on our past experiences with this government, that no forward planning is yet being undertaken. Our fellow Australians surely deserve much better. Let us not reduce the future direction of aged care to being just about places. Let us also bring forward policies that ensure that we will have trained and skilled staff to work in all of the facilities in the future.

Let us also be clear that this government—that is, the government that is focused only on the next election—has failed in its delivery of places in the aged-care system. In my own state of Western Australia, the number of places for people aged over 70 years showed a shortfall of 262 places in December last year. In June this year, that shortfall had increased from 262 to 567 places. We are now seeing a situation develop in Western Australia where the number of places targeted—that is, 88 beds per thousand people aged 70 and over—has fallen. Nationally the figures are just as severe. The bed shortage versus the target now shows a shortfall of some 4,613 places. This simply is not good enough. The Commonwealth government is failing our aged citizens, and it is time for a new approach. Over the last 10 years, this federal government has seen a surplus of 800 beds turn into a shortfall of 4,613. We cannot afford another 10 years like that. We have to accept the reality that people are living longer and that this will have an impact on the delivery of aged care.

One of the greatest achievements of the Labor government from 1983 to 1996 was the introduction of compulsory superannuation. This was a nation-building activity of the very first order. We now require such a new approach in aged care. But all this government has done is tinker with the current system—kept the system ticking over from one election to the next. We need a Labor government that will treat the aged-care sys-
tem with the type of forward planning that we used for superannuation. Only Labor is prepared to look beyond the next election. Only Labor is prepared to undertake a complete overhaul of aged care to build for the future. And only Labor is prepared to do the hard work to ensure that we have enough skilled workers for the aged-care system.

When discussing aged care, all of us in this place bring thoughts of our own families and needs. I am no different. My maternal grandmother is the glue that keeps my family in Victoria together. Some of us live in Western Australia; others have lived in other parts of Australia. But she is the glue that binds us together. On 29 August this year, the Melbourne Age carried an article titled ‘Nursing homes fall short’. The story was about two nursing homes, owned by the same company, that were failing several basic standards of accreditation. I know that Senator McLucas has referred to one of those facilities. The article said:

In one of the homes, medicines had been administered incorrectly or not at all, residents were not assured of getting the medical care they needed and had been kept out of one another’s rooms with chains.

The article said that the home:

... did not have enough qualified staff ‘to ensure that the residents receive appropriate clinical and lifestyle care’. In all it failed 22 standards.

The facts as reported in the Age tell one side of the story. The minister and his department will tell another. An accreditation audit reveals those standards that an aged-care facility meets and fails to meet. There is no doubt that an accreditation regime is an important element in ensuring decent standards. The one voice that is not clear in this issue is that of the residents and their families.

I should declare that I have more than a passing interest in the goings on in that aged-care facility. Although the facility—Plumpton Villa, as it is known—is in Glenroy in Victoria, and I live in Perth in Western Australia, I am interested in what is happening there because it is the facility where my grandmother is residing—that glue that keeps the fabric of my family together. Whilst Senator Barnett may come in here and talk about Labor’s approach as bringing a sledgehammer to crack a nut or nitpicking, a sledgehammer is not good enough when it comes to the care of my grandmother. I am prepared to do anything, including raising my voice in this chamber, to ensure that she is looked after in the way that she should be.

My grandmother, like many of her generation who lived through the Depression in Victoria, was a healthy woman for most of her life. The only time she went to hospital was to have her four children, until she needed to be admitted to her aged-care facility. She now suffers from osteoporosis. My grandmother, like many people who live in aged-care facilities these days, not only suffers from the lack of skilled workers, and their lack of understanding and training, but also from the torment of having to share the facility with dementia patients. Apart from the usual problems of osteoporosis, she is still relatively healthy and certainly has a robust and intellectually alert mind. To her mind, the facility that she lives in is now overrun with dementia patients and she feels as socially isolated as she did when she was living in her own home, even though it was the family’s view that she probably should move from her home to avoid social isolation.

I gather that, since the publicity in the Age, the caring regime at Plumpton Villa has improved—I can vouch from personal experience that it no longer smells the way it used to. However, I would like to place the villa and the department on notice that this is one facility in which, although it is in Victoria, I take a very keen personal interest. You
can expect to hear a lot more from me if it is allowed to slip back to its former standards.

Aged care affects all of us in the community and, because it affects all of us, it is a cheap shot to talk about sledgehammers and nitpicking. I am sure I am not alone in having such care and concern for my grandmother. Every grandchild would share the same concern. The Minister for Ageing, Senator Santoro, when discussing the issue of Plumpton Villa, said, ‘We are going to keep it under very close surveillance.’ Well, Senator Santoro—not just you, but me as well. We are both going to keep it under very close surveillance. We must acknowledge that not every facility has the relative of a member of parliament residing in it, but they do have the residents and their families.

One of the major concerns about the aged-care system into the future is that often for many people the argument is reduced to a question of the number of places available. It is not just the number of places—it is the quality of those places. It is important that we recognise that aged care in this country is the future. It is not just about the number of high-care or low-care places that are available. We know pretty well what is before us. Population projections and trends make it obvious that an increasing number of our fellow citizens are living longer. Therefore, it is possible to determine demand for years in advance. It is crucially important to plan for that trend. Australia is luckier than many other countries in that our ageing population can be balanced not only by an increase in our birth rate, which has been taking place in recent years, but also by a modification in our migration intake. However, the fact remains that people are living longer and more of them will require care in the future. To simply reduce the question of future needs to the number of places available overlooks an important factor—who will work in the facilities of the future? Only Labor is prepared to build this nation for the future, to ensure that our aged citizens can approach their retirement with security, equity, and decency for all.

Senator ADAMS (Western Australia) (1.19 pm)—I rise to speak to the Aged Care Amendment (Residential Care) Bill 2006, which proposes a number of amendments to the Aged Care Act 1997. These changes are designed to simplify the interaction of the aged-care and pension arrangements for greater transparency and to facilitate wise financial planning for older Australians. This bill recognises two core strengths of the Howard government’s dedication to our ageing population and the elimination of unnecessary paperwork, cutting red tape to provide more sustainable systems in the long term. These amendments will provide a saving of approximately $71.7 million in administered costs over five years. This is a very large saving for the government and provides a clear indication to Australian taxpayers that this government is committed to using their tax dollars responsibly.

The Howard government’s achievements in aged care to date are many. Before I discuss the outcomes of this bill, I would like to remind the Senate and those opposite just how effective the Howard government has been and continues to be in this sector. The 2006-07 budget committed $108.3 million over five years for new initiatives and $311.3 million over four years to extend existing programs. The 2005-06 budget provided $320.6 million to support people with dementia and their carers. Carers are very important. I went to the launch of National Carers Week this morning; I will speak about that a little later. The sum provided in the budget includes $70.5 million to make dementia a national health priority and $207.6 million to provide more choice in respite care and better access. The 2004-05 budget committed $2.2 billion towards aged care—
the largest single investment in aged care by any Australian government. In 2006-07 funding available for all community care programs totals over $1.8 billion—an increase of $200 million over that available in 2005-06.

The government have greatly increased home and community care services. We provided $928.4 million to the Home and Community Care program in 2006-07, which is an increase of $506 million, or 119 per cent, since 1995-96. We have doubled the target ratio of community places allocated annually, from 10 to 20 places for every 1,000 people over 70 years of age. In July 2006, federal cabinet gave approval for up to $30 million in new HACC funding to the states and territories to assist them to implement common arrangements and more streamlined national processes. The states will not be required to contribute additional funds in order to access the extra funds. Over 21,000 new aged-care places will be allocated over the three years from 1 July 2006, including 6,387 in the year 2006-07. With these new places, the Australian government will have allocated more than 95,200 new aged-care places between 1996 and 2007-08.

In 1995 there was no program to provide high-care support in the home. Today there are 2,575 places in the form of Extended Aged Care at Home packages. The number of Community Aged Care packages and the Extended Aged Care at Home packages available nationally has increased from 4,431 in June 1996 to 32,941 in June 2005—an increase of 643 per cent. As at 30 June 1995, there were 93.8 operational aged-care places for every 1,000 people aged 70 and over. By 30 June 2006, this had increased to 105.8 operational aged-care places for every 1,000 people aged 70 or over. This represents a 49 per cent increase in the number of operational aged-care places, from about 137,000 places in June 1995 to 204,869 on 30 June 2006.

I note Senator Webber’s concern about the staffing requirements for aged-care places to cover this increase in the number of available places, so I think it is important that I advise her of what the Howard government has done. Since 2002, the Australian government has allocated $229 million for workforce initiatives designed to increase overall staff supply. These initiatives include: assistance for 15,750 aged-care workers to access recognised education and training opportunities such as Certificate III, Certificate IV and Enrolled Nurse qualifications; the capacity for 8,000 aged-care workers to access the Workplace English Language and Literacy program; the capacity for 5,250 enrolled nurses to access recognised and approved medication and administration education and training programs; the establishment of 1,600 new nursing places at universities that demonstrate their ability to meet aged-care nursing education benchmarks; the creation of 1,000 scholarships from 2006-07, on top of the 1,000 scholarships already taken up since 2002-03, to encourage more people to enter or re-enter aged-care nursing, especially in rural and regional areas; training for 2,700 community aged-care workers primarily involved in the delivery of care to recipients of Extended Aged Care at Home packages, known as EACH and EACH dementia packages; and the inclusion of the Community Aged Care Package and the EACH and EACH dementia packages in the next census and survey of the aged-care workforce.

Having set the scene on the importance of aged care to the Howard government, I will now turn to the contents of the bill. This bill was introduced into the Senate on 13 September this year and referred to the Senate Standing Committee on Community Affairs, of which I am a member. The five submissions to the inquiry were all in support of the
proposed amendments. There are two parts to the bill which I would like to discuss. The first is the harmonisation of aged-care and pension requirements in relation to income streams and asset disposals. The review of pricing arrangements in residential aged care, commonly known as the Hogan report, was conducted to review and identify significant challenges facing the residential aged-care sector. Professor Hogan released his report in April 2004 and proposed a range of recommendations. Option 3 of the report said:

In the longer term, the aged care means testing arrangements should be brought into line with those that obtain the age pension.

Moreover, in determining an individual’s income and assets the same gifting and deeming rules as obtained for the age pension should apply. This bill aims to implement this option and enables gifts and income streams to be treated for the purposes of the act in the same way as they are treated for the pension assets test. When a person enters residential aged care, their assets are assessed to determine whether they can be asked to contribute to the costs of their accommodation and, if so, the assessment helps them to work out how much of a contribution the aged-care provider can request.

In July 2005 the responsibility for the assets testing of new residents entering aged-care homes transferred from the approved providers of residential aged care to Centrelink and the Department of Veterans’ Affairs. Once a resident is in care, their income is assessed to see whether they can be asked to further contribute to the costs of their care. The government indicated they would proceed with this initiative in the 2006-07 budget and, as I have said previously, this is expected to lead to net savings of $71.7 million over five years. These savings are largely attributable to savings of costs administered by the Department of Health and Ageing. By making assets-testing arrangements for the pension and aged care the same, entry to aged-care homes for prospective residents will be made far less complex. Older Australians who can afford it will make a fairer contribution to the cost of the residential aged-care services they receive. The rules for aged-care income testing are exactly the same as those for the age pension income test. But for assets testing, the rules for aged care differ from those of the age pension in some material respects. The harmonisation amendment addresses two of those differences.

As announced in the 2006-07 budget, this amendment aligns the treatment of gifting and income streams for aged-care assets-testing purposes with the treatment of gifts and income streams for age pension assets-testing purposes. The changes are designed to simplify the interaction of the aged-care and pension arrangements, allowing greater transparency and facilitating wise financial planning for older Australians.

Currently assets gifted by prospective residents are excluded from assessment for aged-care assets testing purposes but are included in the pension assets test and may reduce the amount of age pension a person receives. The current maximum amount allowed to be gifted is $10,000 in any financial year or $30,000 over five years. These arrangements apply until 1 January 2007, so people already in care or people entering or moving between residential aged-care homes up until the end of this year will not be affected.

From 1 January 2007, people who enter residential aged care or move between homes and seek an asset assessment will have any gifts they have made from 10 May 2006 that exceed the allowable amount included in their assessment. This means that a person who has given away assets in excess
of the allowable amounts is not likely to be eligible for government assistance with their accommodation costs. This measure introduces a disincentive for prospective residents of aged-care homes to rely on the taxpayer to pay for their aged-care accommodation if they have the means to pay for it themselves.

The government is not preventing people from gifting money and assets to their loved ones; instead it is putting an end to a system that results in the taxpayer subsidising the gifts that prospective residents give away prior to going into aged care. This change will result in a more sustainable system in the long term, providing savings of approximately $71.7 million of administered costs over the current financial year and in the following four years. Some investment products that generate income streams are purchased using a person’s assets. Currently, the asset amount used to buy the income stream is exempted from the aged-care assets assessment.

In the 2006-07 budget, the government announced changes to superannuation arrangements which include the removal of the 50 per cent exemption under the pension assets test for complying income streams purchased on or after 20 September 2007. A minor amendment to this aspect of the bill has been made since the bill was debated before the Senate Standing Committee on Community Affairs. Effectively it changed the date of implementation of this measure to 20 September 2007, to make it consistent with changes to the superannuation scheme. This is necessary because should the bill have proceeded as originally intended it would have meant that complying income streams purchased on or after 20 September 2007 would be counted towards an individual’s asset base for the purpose of the aged-care asset test, despite the fact that such products would not be commutable.

The amendment therefore ensures that not only is a person’s income stream included in their asset base, thus being consistent with the pension rules, but also it will be available to them for the purpose of paying a residential aged-care accommodation bond. So, through these amendments, from 20 September 2007 there will be no exemption under the aged-care assets test for complying income streams purchased on or after 20 September 2007. The rules for the treatment of these income streams will be aligned under both the pension and aged-care assets tests.

The government has listened to feedback from stakeholders and will now continue the exemption under the aged-care assets test for all complying income streams purchased before 20 September 2007. As the aged-care assets test applies only on entry to an aged-care home or moving to another home, existing residents will not be affected by these changes while they remain in the same aged-care home.

The second part of this bill deals with the aged-care assessment teams. The role of ACATs is to comprehensively assess the care needs of frail older Australians with complex care needs and assist them to access the most appropriate care services available. Under the Aged Care Act 1997, residential respite care is limited to 63 days per financial year. However, at present, only the secretary of the department may increase the maximum days allowed by periods of 21 days, where there is a need to do so, such as carer stress or absence, or because of the severity of the care recipient’s condition. Currently, aged-care assessment team members assess the merits of respite care extensions but, unlike other care services, do not have the delegated authority to approve any extensions.

The amendment to the act will allow the secretary to delegate to ACAT members the secretary’s powers to extend the maximum
number of days per year on which a person may be approved for residential respite care. The purpose of the change is to remove any uncertainty about the role of the aged-care assessment teams in this process. Coming from a rural area, I must say how important this will be to our aged-care facilities. On many occasions when a person is about to enter into residential care, they access the respite centre for their 14 days. The fact that they can now have an extension may just be what the carer needs and what that person needs to be able to settle in and enjoy the surroundings. This will make the transition period so much easier. For anyone who has had to do it, it is a very difficult thing to decide that you can no longer care for your elderly relative and that the big decision has to be made. I think the extension to the number of respite days is really going to help those people with that problem. I certainly commend the government for moving in this direction.

As I mentioned before, I have just attended the launch of National Carers Week, which is being held this week. I have been involved with the Senate Standing Committee on Community Affairs looking at the new Commonwealth, state and territory disability services plan, and we have had a large number of witnesses who are carers coming to speak to us. These people may be carers of young people, but so many were older people wishing to retire but still looking after their sons and daughters aged 50 or 55 and wondering just what was going to happen. The role of carers is just so important, and the fact is that we have 2.6 million carers.

Senator NETTLE (New South Wales) (1.39 pm)—The Australian Greens support the Aged Care Amendment (Residential Care) Bill 2006 as a governmental response to some of the recommendations proposed in the Hogan review in 2004. Today I want to highlight two areas in which the aged-care sector is not adequately dealing with the specific needs of two particular communities. One of those areas was highlighted in the Hogan review—that is, people who are from culturally and linguistically diverse backgrounds. The other area is people who are in same-sex relationships and members of the gay and lesbian community. These are two areas where much can be done by government to improve the capacity of the aged-care sector to deal with the specific needs of these two communities.

I will deal firstly with the issue of people who come from culturally and linguistically diverse backgrounds. Back in 1992 the government commissioned a report by the Australian Institute of Health and Welfare entitled Projections of older immigrants: people from culturally and linguistically diverse backgrounds, 1996-2026, Australia. It reported that the number of older people from culturally and linguistically diverse backgrounds was expected to increase by 66 per cent over a 15-year period, while the Australian born population was expected to increase by only 23 per cent. The report said that by 2026 it was projected that one in four people over the age of 80 would be from culturally and linguistically diverse backgrounds.

The government has a number of different programs that deal with these issues in aged care, but there continues to be concern expressed by a number of ethnic communities about the need for an effective, over-reaching strategy to deal with the growing number of people from these communities who require the services of the aged-care sector. The Greens share these concerns and have heard them raised many times by people from particular ethnic communities about whether or not their needs are being met.
The challenges for older people going into various care facilities and also for those people providing the care primarily stem from the difficulties that people experience in suddenly being in a different culture, in a different environment with different attitudes, different food and, of course, a different language. The Hogan report dealt with this issue and said that there were difficulties faced by even some of the most highly educated multilingual people. The Hogan report said:

Older people from culturally and linguistically diverse backgrounds are more likely to experience language reversion—that is, to forget their acquired English—if they have a cognitive impairment. This may increase demand for alternative aged-care services and may increase the complexity and cost of those services.

That is dealing with the fact that, as people become older, they may forget the English language skills that they have acquired whilst they have been living here in Australia and may revert to using the language of their childhood. The issue is to do with making sure that the aged-care facilities and the people in those services are able to meet the needs of those people who lose their English skills in that process and begin to speak in a language that other people may not be able to understand.

These cultural and communication difficulties not only detrimentally affect the older people themselves but also impact on families, friends and the support networks and on the capacity of the service to provide those services. The Hogan report discusses evidence that it concludes strongly suggests that people from diverse language and cultural backgrounds currently underutilise aged-care services. This may be because they are not able to get their special needs catered for or it may be because they come from a community where some of the aged-care facilities that we have in Australia are unfamiliar to them and they are not as comfortable in them as others.

The difficulties specific to ethnic communities in Australia have been further complicated by the general patterns that we see within the aged-care sector. The push toward the privatisation of the aged-care sector has resulted in changes that compound the challenges for people from culturally and linguistically diverse backgrounds as they enter aged care. I have spoken previously in the chamber about how the privatisation policies of the government in the aged-care sector have led to widespread concerns about quality as well as issues with respect to low wages for staff, staff shortages and lack of appropriate professional development training for people working in the sector. When you have staff who are working under increased pressure, it is little wonder that some corners are cut and that the special requirements of some older Australians are inadequately met and dealt with.

In a conversation that I had recently with the Federation of Ethnic Communities Councils of Australia, they spoke about the overall workforce shortages that we see in the aged-care sector. When we are dealing with these issues about pay rates and conditions for staff in the aged-care sector, we need to recognise that many aged-care facilities are already having difficulty in getting appropriately trained staff to fill positions. If they then want to ensure that their staff have had cultural awareness training or are familiar with working with people from culturally and linguistically diverse backgrounds, that will further compound their difficulty in finding experienced staff. It is particularly a problem in remote and regional parts of Australia, where, again, workforce shortages may mean that those staff that you can get do not have that experience of cross-cultural awareness training and familiarity in work-
ing with people from a whole lot of different backgrounds.

One approach we often see is that government programs deal with this area. As I mentioned, there are a number of them. Sometimes we find that they are meeting in particular the needs of the larger or more established ethnic communities here in Australia—those long-established communities for which there are large numbers—and they have their needs addressed in that way. I have received a number of representations from people who come from smaller communities or newly emerging communities who are concerned that the needs of their particular community and the older Australians in their community are not being as well met in the aged-care sector as are those of the longer and more established immigrant communities in Australia. The government needs to look at and monitor the changing needs that come about as result of the different fluxes or waves of immigration that we have to Australia and to ensure that we have services that meet the needs of these changing cultural and linguistic groups and that there are resources for those smaller groups, who otherwise can just fall through the cracks in terms of having their needs addressed.

So the Greens call on the government to improve workforce planning strategies to develop widespread staff training in cross-cultural awareness and care strategies for all providers. The Commonwealth could do a range of different things, such as offering incentives to service providers that do give language and cross-cultural awareness training to their staff working in the aged-care sector. There are a number of things that the government can do. We call on the government to look at this area to make sure that it is doing proper monitoring of whether the needs of people from particular communities are being addressed. My understanding is that currently the way in which that is measured in the aged-care sector is not about the needs of a particular community. When the government looks at the numbers of people in facilities, it looks at them overall, asking, ‘How many people from culturally and linguistically diverse backgrounds are found in our aged care and are using aged-care services?’ rather than asking, ‘Of the people from Mauritius or from the Italian community, how many of those are able to have their needs met?’ So proper mechanisms for being able to monitor and understand whether or not particular ethnic communities are using aged-care services are a more helpful way for governments to assess whether or not they are adequately meeting the needs of these particular communities.

So, in looking at these issues of standards for service providers in planning, resource allocation, monitoring, workforce standards and ongoing research into changing community needs, they are all important. Increased financial assistance will also be required to meet ever-increasing needs. We talk about one in four people over the age of 80 in 2026 being from culturally and linguistically diverse backgrounds. It is clearly a growing problem, and there needs to be an investment in ensuring that we can meet those needs.

The other particular community who are currently raising concerns about the aged-care sector not dealing appropriately with their needs are those people from the lesbian, gay, bisexual, transgender or intersex community. I have a proposed amendment that has been circulated in the chamber that deals with this issue. One part goes to the objects of this bill—which talk about the need to ensure that people are not discriminated against in accessing aged-care facilities, on a range of different considerations—and adds into that the issue of sexual orientation, to ensure that people are not discriminated against in aged-care facilities because of
their sexual orientation. I am hoping to receive support for that amendment so that we can rule out this area of discrimination. It is an issue that people in the gay and lesbian community have been paying increasing attention to in ensuring that facilities do meet their needs, and it is an area where unfortunately there are many sad stories about older Australians trying to access services and not having their needs met, not having their sexual orientation accepted by those facilities. The fact that we currently allow for aged-care facilities to discriminate against people on the basis of their sexual orientation is something that we can fix and should be fixing here today.

I have one friend who with her partner applied to 18 different nursing homes—and she made it quite clear in the applications that they were a same-sex partnership—and only heard back from one of them. There are many other stories like this throughout the sector. There are reports within the gay media about discrimination or homophobic attacks that people have experienced from fellow residents or from insensitive or poorly trained staff. There have been reports of nursing homes run by religious organisations bound by doctrines denouncing a homosexual lifestyle that also create great difficulties for people in these communities. There was an article about this last year in SX News in Sydney that went on to say:

... returning to the closet in old age is a reality for many. Stories abound of people who have been able to live openly throughout their adult lives, going into retirement villages or nursing homes and having to fabricate stories about their life, the death of their wife, and similar reasons why they do not have a family support network like other residents.

This is something that we would like to see changed. That is why I am proposing this amendment, which goes to the objects of the proposed act. The objects of the proposed act are ‘to facilitate access to aged-care services by those who need them, regardless of race, culture, language, gender, economic circumstance or geographic location’, and the Greens amendment adds ‘sexual orientation’ into this as one of the areas on which people should not be discriminated against in their access to aged-care services.

The second part of the proposed amendment arose from the experience of someone I know who was seeking to have herself and her partner entered into a nursing home facility. They were looking at their assets held collectively to see whether their family home was considered exempt from the assets test, in the same way that family homes of other people are. The advice she received was that because of her circumstances—that is, she is in a same-sex couple relationship—the family home would not be treated as exempt when they were looking at assets. I ask whether the minister is able to deal with that issue. When I looked through the legislation to try to find out why this may have happened in the circumstances of this couple, I looked at section 44.10(2) of the act, which says:

In working out the value at a particular time of the assets of a person who is or was a *homeowner then, disregard the value of a home that, at the time, was occupied by the partner ... of the person ...

That is the issue we are dealing with in this bill—that is, the exemption of the family home from assets. I then looked up the definition of ‘partner’ in the Aged Care Act, which states:

“partner”, in relation to a person, means the other *member of a couple of which the person is also a member.

I then looked further, at the definition of what a ‘member of a couple’ is, which is found in section 44.11 of the act. It says:

“member of a couple” means:
(a) a person who is legally married to another person, and is not living separately and apart from the person on a permanent basis; or
(b) a person who lives with another person in a marriage-like relationship, although not legally married to the other person.

To me that could include people living in a same-sex relationship who live ‘in a marriage-like relationship’, but are ‘not legally married to the other person’. The advice my friend received was that her circumstances did not fit into this category, but I would appreciate hearing from the minister about that. To me the wording could include same-sex couples, but it is unclear. So what this second part of the proposed Australian Greens amendment seeks to do is to make it clear that this includes same-sex couples. I will be interested to hear from the minister and the government on this issue. My reading of it is that, at the moment, it could include same-sex couples. I do not know whether the government or the minister is able to give an indication of how that has been interpreted in other circumstances.

The understanding of my friend is that it was quite clear from the forms and the face-to-face interviews that she had had with people that it did not include people in same-sex relationships; indeed, she thought it also may not include all de facto couples. If the minister could clarify that, it would be really helpful. The proposed Greens amendment is just about making clear that it should apply to same-sex couples and that the family home of same-sex couples should be exempted from the assets test, in the same way that it is for a heterosexual couple.

Those are the two areas that I have wanted to focus on in relation to what needs to occur to ensure that the needs of people from culturally and linguistically diverse backgrounds are met by our existing aged-care sector and also that people from gay and lesbian communities in same-sex relationships have their needs met within the aged-care sector.

I wish to conclude by saying that the Greens believe the skills, life experience and diversity of older people enrich our entire community. The government must play a central role in the enhanced provision, regulation and support of aged-care services. A one-size-fits-all approach does not suffice. Just as in the broader community, diversity must be respected and any particular concerns of a diverse community must be adequately dealt with, older people from culturally and linguistically diverse backgrounds must be respected, and this government must urgently address the needs of this community in the aged-care sector. Similarly, issues related to the sexual diversity of older people must also be dealt with in the area of aged care to ensure that all forms of discrimination against same-sex couples are eliminated.
care facilities, and incidentally at the same time achieve a significant saving to the taxpayer from the way in which these arrangements are administered. So the minister deserves to be warmly commended by the Senate for his efforts in this area. He was launched into controversy almost from the beginning of his tenure as minister, based on a number of concerns about issues in aged-care facilities around Australia. He has obviously sat down and carefully thought through the issues and produced a piece of legislation that neatly addresses all of those issues simultaneously.

These arrangements will make a saving of some $70 million over the next four or five financial years from the budgets of the Department of Health and Ageing and of the Department of Veterans’ Affairs. Those changes are made not only with those savings in mind but in a way that has garnered and maintained community support. The harmonising of gifting arrangements and income tests as between eligibility for pensions and eligibility for subsidised places in aged-care facilities is an extremely important part of that process. Again I want to say that the minister has done an exceptionally good job in being able to steer the issues through those difficult waters.

The Senate Standing Committee on Community Affairs began an inquiry into this bill a few weeks ago expecting to encounter a great deal of opposition and concern from different parts of the community. The reality is that very few organisations chose to comment on the matter, and those that did indicated quite clearly that they supported the changes being proposed. I want to put on the record my appreciation to the minister for his hard work in delivering that kind of outcome and making the work of the Senate community affairs committee that much simpler as a result of his hard work before the bill was presented to the Senate. I think we have here a good piece of legislation that will serve the Australian community well and which will make it much simpler for people to seek access to aged-care facilities in the future.

Debate interrupted.

MINISTERIAL ARRANGEMENTS

Senator MINCHIN (South Australia—Minister for Finance and Administration) (2.00 pm)—I inform the Senate that Senator Ian Campbell, Minister for the Environment and Heritage, will be absent from question time today through to Thursday, 19 October. Senator Campbell is in China to progress a range of climate change issues associated with our bilateral climate change partnership with China and to promote Australia’s renewable energy and energy efficiency expertise and he will be accompanied by a significant business delegation. During Senator Campbell’s absence, Senator Eric Abetz will answer questions on the portfolios of Environment and Heritage; Defence; Veterans’ Affairs; Transport and Regional Services; and Local Government, Territories and Roads.

QUESTIONS WITHOUT NOTICE

Iraq

Senator FAULKNER (2.00 pm)—My question is directed to Senator Coonan in her capacity as the Minister representing the Minister for Foreign Affairs. Is the minister aware of reported comments from former Chief of the Defence Force Peter Cosgrove that it is ‘pretty obvious’ that the ‘protracted war’ in Iraq is energising the global jihadist movement? Does the government agree with General Cosgrove that the war in Iraq has served to motivate terrorists across the globe? When will the government be making a full statement to parliament on the security situation in Iraq and whether there is now any prospect at all for peace or stability in that country?
Senator COONAN—I thank Senator Faulkner for the question. I would say in response that the timetable for withdrawal and the conditions under which Australia would withdraw is not calendar based. Australians, as Senator Faulkner would be aware, have an important new role in supporting Iraqi security forces in two new provinces—Al Muthanna and Dhi Qar. Indeed, we welcomed the transfer of security responsibility in Al Muthanna province on 13 July; it was the first province to which security had been transferred. This government is extremely proud of the role that Australia has played in Iraq in training and preparing the Iraqi army over the past year and we remain fully committed to security and stability in Iraq.

Different people have expressed different views as to the potential effect of actions in relation to Iraq, but this government takes the view—and it is a very firm view—that there is still a job to be done in Iraq and to leave now would be to abandon the vast majority of the Iraqi people to both terrorists and insurgents. That is not an outcome that this government would welcome and it is certainly the case that it is very easy for people to put certain emphasis on comments that was not necessarily intended.

This government is extremely proud of what it has achieved in Iraq. We will not be leaving before the job is done; that has been made extremely clear. Whilst we certainly deeply regret civilian deaths—one is too many—we have to understand that there is a job there to be done and we will not shirk from doing it, Senator Faulkner.

Senator FAULKNER—Mr President, I ask a supplementary question. Minister, you have raised the issue of General Dannett in response to my question about General Cosgrove. Can you now confirm to the Senate that, in fact, General Dannett, who is the current British Army Chief, said last week that the United Kingdom should withdraw from Iraq some time soon because the presence of foreign troops is exacerbating security problems in Iraq? You have also said in answer to my question, Minister, that the withdrawal of troops is not calendar based. I ask you, Minister: can you assure the Senate, in fact, that all decisions about the future of Australian troops in Iraq will be made on the basis of the very best military advice and not on the basis of politics, which has been the overwhelming consideration to date?

Senator COONAN—I thank Senator Faulkner for his supplementary question. In fact, I can say that Sir Richard subsequently clarified his comments on BBC radio by saying, ‘They were taken largely out of context; we have a responsibility to see this thing through’—they are Sir Richard’s words. He also issued a statement saying:

The point that I’m trying to make is the mere fact that we are still in some places exacerbates violence from those who want to destabilise Iraqi democracy ... We will remain in southern Iraq until the job is done—we’re going to see this through.

Senator Faulkner knows—because I have said so in response to his primary question—that this government takes its responsibilities seriously. We do think that in the circum-
stances we have an important role and we have a new role. We will not shirk our responsibilities and we will not be leaving until the job is done.

**Government Policy**

**Senator BRANDIS** (2.06 pm)—My question is addressed to the Minister for Finance and Administration, Senator Minchin. Will the minister inform the Senate how the government’s policies are benefiting ordinary Australians? In particular, how does the government’s Work Choices protect the right to join a union? Is the minister aware of any alternative policies?

**Senator MINCHIN**—I thank Senator Brandis for that timely question. As Senator Brandis well knows, our coalition government is getting on with the job of implementing good policies that help ordinary Australian families. But we have seen in the last few days that that approach stands in stark contrast to that of the alternative government—the Labor Party. On our side last Thursday, the benefits of our economic policies were demonstrated with unemployment numbers again at record lows—below five per cent at 4.8 per cent. Since our Work Choices reforms commenced some six months ago, over 200,000 jobs have been created in the Australian economy. On Thursday last week, we announced our $837 million Skills for the Future package to assist with training and retraining older workers in particular. Our policies are creating real jobs for Australians and at the same time protecting their basic rights and freedoms. One of those basic rights and freedoms is the right to join a union, but it includes the right not to join a union.

On the weekend we had a very significant contrast between two quite significant party conferences. At a conference held by our National Party colleagues, led here so well by Senator Ron Boswell, that party discussed the real issues facing regional Australia. They discussed real issues like the drought that is gripping much of Australia. But in my home city of Adelaide we had the Labor leader, Kim Beazley, and the Labor Party demonstrating again why they would put Australia’s significant prosperity at great risk. We know Labor’s policy on industrial relations, which I do not think we have seen yet, will not be written to benefit ordinary Australians; it will be written to keep the ACTU happy. Indeed, ACTU Secretary Greg Combet made a prophetic statement, also in Adelaide, earlier this year when he said:

... we used to run the country and it wouldn’t be a bad thing if we did again.

It was a prophetic statement. Yesterday Mr Beazley made it abundantly clear that the unions at least still run the Labor Party. To quote Mr Beazley yesterday:

The Labor Party has unions affiliated to it and we stand shoulder to shoulder with the union movement and we are controlled by our members.

Of course, in the Labor Party, that means the trade unions. There is no better demonstration of that control than yesterday when the Labor Party banned journalists who had chosen not to join the journalists union from covering the South Australian Labor Party conference. These journalists exercising their right not to join a union were banned from coming into the Labor conference. Non-union journalists were told that they would have to join the union then and there if they were going to get past the front door and cover the conference. I want to commend all those Adelaide journalists who stood up to that sort of bullying and intimidation from the Labor Party.

The Labor Party spent all week last week lecturing us on freedom and diversity and freedom of the press. Senator Conroy said:
... free and open discussion of ideas and opinions is the lifeblood of democracy.

There was not much free and open discussion on the weekend. Freedom of the press stops at the ALP front door. The trouble for the alternative government is that Australians now know that Mr Beazley will not stand up to the unions and that if he were Prime Minister, Mr Combet would have his wish granted and the unions would certainly be running the country once again.

Communications: Broadband

Senator CAROL BROWN (2.11 pm)—My question is to Senator Coonan, the Minister for Communications, Information Technology and the Arts. I refer the minister to the recently released OECD broadband statistics to June 2006. Can the minister confirm that, despite her claims about the pace of broadband growth, Australia remains ranked 17th out of 30 surveyed countries for the take-up of broadband? Can the minister also confirm that Australia’s feeble international ranking in these statistics did not improve at all in the past year? Why is Australia continuing to trail its international peers in the use of this important economic infrastructure? Why has the government failed to ensure that Australian business has access to the infrastructure it needs to remain internationally competitive?

Senator COONAN—I thank Senator Carol Brown for the question. The first comment I would make is that she should not get Senator Conroy to write questions, because he does not always get it right. I have seen the latest OECD broadband figures which show that, in comparison to other OECD countries, Australians are embracing broadband at an extraordinary rate. We are now fast approaching four million subscribers connected to broadband in Australia, with an estimated 3,518,000 broadband services in Australia as of June this year. The most recent OECD report highlights that the countries with the strongest per capita subscriber growth come not from the United States or the UK but from Denmark, Norway, the Netherlands, Finland, Sweden and Australia. Each of these countries added more than six subscribers per 100 inhabitants during the past year alone. The number of broadband subscribers in Australia is now well above the OECD average.

There can be absolutely no argument that broadband infrastructure is critical to Australia’s future prosperity and, of course, it must be a national priority. It is why the government’s broadband policy, as Senator Carol Brown would understand, involves the best mix of private sector broadband rollout in commercial areas and targeted government assistance for areas of market failure. Just this morning, for Senator Brown’s information, I attended a technology demonstration of Telstra’s Next G mobile network. According to Telstra, this network will provide high-speed coverage to an estimated 98 per cent of the Australian population. Where it is not economic for the private sector to invest, of course, the government is providing targeted subsidies to ensure that all Australians have fair access to broadband. We are investing billions of dollars—$3.1 billion, in fact—to stimulate sustainable broadband infrastructure development and to eliminate mobile phone coverage black spots via the Connect Australia package.

Perhaps one of the most surprising omissions in all the recent media coverage on T3 and broadband is this new $3.1 billion Connect Australia package, which is the single largest government investment in telecommunications in Australian history. That certainly does not sound to me to be a government not aware of the importance of broadband and not committed to ensuring that broadband is available right across Australia, irrespective of where you live, but rather a
government absolutely committed to getting the very best mix of technologies to provide the very best coverage, despite Australia’s vast landmass and some of the challenges of scattered populations. Our policy includes an $878 million Broadband Connect program—a true nation-building investment in new broadband infrastructure—and the $2 billion Communications Fund to deliver an income stream to fund upgrades into the future for rural telecommunication infrastructure.

In stark contrast to this and in stark contrast to the Labor Party, the government has a very clear national vision for broadband—one that makes the investment, does the work, does the heavy lifting and understands where telecommunications policy needs to go and not one where you put all your eggs in one basket, rely on one telecommunication provider, one technology, and sell Australia short. (Time expired)

Senator CAROL BROWN—Mr President, I ask a supplementary question. Can the minister confirm that she became the minister for communications on 18 July 2004? I ask again: can the minister confirm that, according to the OECD, Australia’s international ranking for the use of broadband has not improved from 17th in the developed world since that time? Can the minister explain why Australia’s international ranking in the use of broadband has failed to improve while she has been minister for communications?

Senator COONAN—I would have thought that, from my primary answer, Senator Brown would have managed to get the point that this government’s commitment to broadband has in fact meant that there has been an exponential take-up of broadband, together with targeted government investment that is ensuring that multimegabit capacity is going to be available to Australians irrespective of where they live. It is very difficult to explain to Senator Brown that the Labor Party’s policy in this regard is totally unachievable, totally raids the Communications Fund and has no vision at all for the future of telecommunications.

Drought

Senator BOSWELL (2.17 pm)—I ask Senator Abetz, the Minister representing the Minister for Agriculture, Fisheries and Forestry, a question. Senator Minchin referred to our conference, where we talked about and debated drought. I now ask Senator Abetz: how is the coalition government assisting farmers to mitigate the severe impact of drought?

Senator ABETZ—I thank Senator Boswell and acknowledge him as a great champion for the farmers of this country and as someone who is very aware of the growing crisis that our farm sector is facing because of drought. The present drought, which has continued since 2001, is the worst on record. At the moment, 38 per cent of agricultural land is exceptional circumstances drought declared.

Rainfall data shows that August 2006 was the driest August in 100 years. Large parts of southern Western Australia and south-eastern Australia have had the lowest rainfall on record. Rainfall from December 2005 to August 2006 was in the lowest 10 per cent on record for large areas of the Murray-Darling Basin. As a result, ABARE forecasts that grain and oilseed production will fall sharply by 34 per cent in 2005-06. Wheat production is forecast to fall by around 35 per cent, canola by 46 per cent and rice by 62 per cent. Unfortunately, the Bureau of Meteorology outlook for the end of 2006 is that conditions will not improve.

It is a grim picture. That is why this government will do everything in its power to help offset the damage to farmers and our rural communities from this crisis. Since
2001, the Howard government has provided more than $1.2 billion to more than 53,000 farm families. This figure is increasing by more than $1.7 million each week. At the moment the taxpayer is spending some $29 million a month on income support and interest rate subsidies for drought affected farmers.

Senator Bob Brown—Because of you!

Senator ABETZ—I know that Senator Brown has a very high opinion of me but, with great respect, I do not claim credit—or the reverse—for the weather.

Senator Bob Brown interjecting—

Senator ABETZ—I do not think you can claim that I am responsible for the weather, but I do accept the interjection and that he thinks very highly of me.

Senator Bob Brown—Mr President, the interjection was that it is Howard-enhanced climate change. The minister should be accepting that. That is the problem he should be addressing.

The PRESIDENT—Senator, you know as well as I do that interjections are disorderly. Minister, ignore the interjections and return to the question.

Senator ABETZ—Once again, Senator Brown has misled the Senate. He knows exactly what he interjected across the chamber, which was that I was responsible for the weather.

Senator Bob Brown—Well, you are!

Senator ABETZ—He says I am. I think God is responsible for the weather, ultimately, and not me.

Senator Forshaw—Mr President, I have a point of order. I do not know whether Senator Abetz is selectively deaf, but you just drew his attention to the fact that he should ignore the interjection and return to the question—and the first thing he did was then start on again about the interjection.

Would you please get him to at least abide by your ruling.

The PRESIDENT—Senator Abetz, I did ask you to return to the question and ignore the interjections, and I do so again.

Senator ABETZ—Thank you for that guidance, Mr President. The Prime Minister and the Minister for Agriculture, Fisheries and Forestry today announced that the government would be extending this support until 31 March 2008 for all eligible producers, worth another estimated $350 million. This is in addition to ongoing Australian government support such as the Farm Management Deposits scheme, which allows taxable primary product income to be set aside in profitable years and withdrawn later.

No-one knows for sure what has caused this drought. What is clear is that no-one should be foolish enough to believe that it could have been avoided had Australia signed the Kyoto treaty. The facts are that, even without signing, Australia is one of the few countries to be well on track to meet the Kyoto targets. What this crisis requires is practical assistance for farmers, practical and sensible ways to reduce our greenhouse emissions, and improved coordination and conservation of our water resources. That is what we are dedicating ourselves to, ably assisted by Senator Boswell.

Australian Broadcasting Corporation

Senator CONROY (2.22 pm)—My question is to Senator Coonan, the Minister for Communications, Information Technology and the Arts. Has the minister seen reports that the ABC board will release new editorial guidelines to fight what it sees as bias in a range of non-news programs, including children’s television and comedy? Does this mean that comedy programs like The Glasshouse will now be subject to guidelines setting ‘standards of impartiality’? Is the minister aware of whether any commercial broad-
caster is subject to similar standards? Can the minister also advise what impact these guidelines will have on children’s programming? Does the minister have any concerns about bias on programs such as The Wiggles and Bananas in Pyjamas? Should there be a green Wiggle, perhaps? Should other fruits and vegetables get their own shows? Isn’t this just a ridiculous attempt by a board stacked with zealots to remake the ABC in its own extreme conservative image?

Senator COONAN—I thank Senator Conroy for the question. To continue the analogy, that was a question from a real fruit tingle. Whether Senator Conroy thinks that The Glass House is a children’s program or not is not entirely clear. I am aware that the ABC will be releasing revised editorial policies today—16 October—to come into effect on 1 March next year. I am advised that the editorial policies have been devised following extensive consultation with the ABC staff and managers and the board. Senator Conroy will note that I have not said anything about extensive consultation with me. I have not said anything about that, because that is not the case. Staff were briefed on the proposed changes today at midday, as I understand it. The managing director, Mr Mark Scott, will be making an address on the policies later in the day.

I have been given to understand that the policies will make some significant changes. The ABC will demonstrate impartiality at the platform level—that is, across ABC TV, ABC radio and ABC Online—regarding opinion on topical and factual content. That will mean that the ABC will provide its audience with a range of different perspectives on the subject under consideration. There will be a new content category called ‘opinion’, meaning content presented from a particular point of view about a matter of public contention. In respect of such issues, a range of views must be presented over time. Finally, a director of ABC editorial policies will be appointed. This new position will provide independent assessment of the ABC’s editorial performance.

Based on the limited information that I have received at this stage, the new editorial policies certainly appear to me to represent common sense and integrity in national broadcasting. That is very welcome and very timely. As I understand it, the policies require impartiality at the content or program level for news and current affairs. As to opinion and topical and factual content, there will be a requirement for impartiality at the platform level—that is, across the platform of ABC TV, ABC radio and ABC Online. While I understand that the new policy—rightly—has a strong focus on balance and impartiality for news and current affairs and topical and factual opinion, that is less strongly emphasised in relation to performance content such as drama, satire and comedy. This too seems to demonstrate a sensible differentiation and a common sense approach.

The Managing Director of the ABC has clearly stated that ABC journalists will be able to undertake courageous journalism, journalism that is fair, accurate, balanced and objective. That is entirely what one would expect from any impartial public broadcaster. With the charter the ABC has, it has an obligation to present news and views in a fair and appropriate way. I must say that I welcome this new look at the ABC’s editorial policies. I have yet to see them in any detail but insofar as it is suggested that this is something to do with some government push, that is dead wrong. Obviously, the motivation for these policies has come from the board and from management. These policies are welcome, and it is appropriate that they be implemented.

Senator CONROY—Mr President, I ask a supplementary question. Now that the min-
ister has confirmed that an ombudsman-style manager will be established to address complaints about ABC bias and to test whether or not there is balance over time, will she now accept that this is just an attempt to bully and intimidate ABC staff into reflecting the government’s preferences? Why is the minister allowing the board to use our national broadcaster to settle scores in her cultural war?

Senator COONAN—I thank Senator Conroy for what I regard as a compliment. He thinks that I have such influence over the ABC that somehow or other it is doing my bidding, when I do not even know what is in this editorial policy, apart from a broad outline given to me before question time. This is nonsense; this is paranoia at its absolute best on the part of the Labor Party. They need to get a grip on themselves. They need to get out a bit more and understand that the ABC represents all Australians and is discharging its charter.

Aged Care

Senator ADAMS (2.29 pm)—My question is to the Minister for Ageing, Senator Santoro. Is the minister aware of reports in today’s media regarding the availability of aged-care beds in the community? Would the minister outline to the Senate his response to these reports?

Senator SANTORO—I continue to appreciate Senator Adams’s strong and sincere interest in aged-care matters and also her very diligent scrutiny of opposition statements. Yes, Senator Adams and others may be aware of the report in the Canberra Times today regarding aged-care beds in the ACT. This report seems to have sprung from a media release issued by the very imaginative shadow spokesperson for the opposition, Senator McLucas. I say ‘very imaginative’ because every time that we hear from Senator McLucas she is imagining a new crisis in aged care.

Today Senator McLucas has used some very imaginative mathematics as the basis for some nonsensical claims that aged-care beds provision has fallen. What Senator McLucas has actually done—and this is very interesting—is to compare aged-care places from 2005 with a target figure set by this government to be operational as at the start of 2008. That is important for senators opposite to understand—2005 results compared with a 2008 target. On the basis of this very imaginative comparison, Senator McLucas makes incredibly imaginative claims. Senator McLucas, as she always does, has deleted community care places from her imaginative figures. That is almost 40,000 places.

Senator Chris Evans—They’re not beds, though, are they!

Senator SANTORO—I will take the interjection. They are beds in people’s homes. They are people who sleep in their own beds rather than in an aged-care facility.

Senator Chris Evans—That’s why they’re called community care!

Senator SANTORO—I will reel in the Leader of the Opposition in the Senate—they are in their own beds, and you want to deny people their own beds.

The PRESIDENT—Order! The senator will address his remarks through the chair and ignore the interjections.

Senator SANTORO—That is almost 40,000 places nationwide that the senators opposite would like to simply imagine do not exist—beds in people’s own homes. Let us see what other contradictions Senator McLucas makes. Even with all of this imaginative mathematics, Senator McLucas’s media release still shows an actual increase in numbers nationwide of 2,459. I have had the details just brought to me—and I will table this: in actual operational places in December 2005, 163,345; in June 2006, 165,804. What those figures clearly show is that Sena-
McLucas cannot even read the base material that is made available to her and which we circulate—nearly 2 ½ thousand extra operational places in six months. But what was the headline on her media release? It was ‘Aged-care provision falls under Minister Santoro’, when she circulates publicly available material that clearly indicated the opposite.

Even by Senator McLucas’s standards, it boggles the mind how one can imagine a reduction in bed numbers when your own figures show a major increase. The government is not resting on its laurels, because it continues to create new places, not only in aged facilities but also in people’s own homes, which those opposite seem to regard as not real beds. High-care community aged-care packages; low-care packages—40,000 of them, up from your 4,880 when Labor left office in 1996. There are people sleeping in their own beds and the opposition ignores them.

**Mr David Hicks**

**Senator BOB BROWN** (2.33 pm)—My question is to the Minister representing the Minister for Foreign Affairs, Senator Coonan. I ask: what response has the minister to my letter requesting a visit to David Hicks at Guantanamo Bay when I am in the United States in the coming week? I wrote to the American government two months ago about this. The ambassador wrote back to say that the clearing house was the Australian Embassy in Washington. I then wrote to the Minister for Foreign Affairs, and I ask what his response is. What efforts has he made to ensure that I will be able, as an Australian senator, to visit Guantanamo Bay? Is it true that some dozens of United States senators have been to that facility?

**Senator COONAN**—I thank Senator Bob Brown for his query. Since he raised this with me just prior to question time I did follow it up as quickly as I could to get a copy of Senator Brown’s letter, which I now have. I have asked the department to follow up with the United States on Senator Brown’s request to facilitate a visit, and I will continue to do that and get back to Senator Brown. But, quite clearly, should Senator Brown be able to visit Guantanamo, he would no doubt wish to meet, speak with or at least have some information concerning Mr Hicks. It would be, I think, helpful if I just place on record the current information that I have about Mr Hicks and about that issue.

The United States has consistently said that Guantanamo Bay detainees are being treated in a manner consistent with the principles of the Geneva convention. Australian officials have made and continue to make regular visits to Guantanamo Bay to assess Mr Hicks’s welfare. The most recent visit, by our consul general in Washington, was on 27 September, and no evidence of abuse or maltreatment has been found. The consul general has confirmed that Mr Hicks is being held in the general block area of a newly completed facility in a single occupancy cell but not in solitary confinement.

The conditions in Guantanamo Bay are equivalent, on my advice, to a maximum security facility in the United States. Cells in the general block area have a window providing natural light, a sink and toilet facilities. Mr Hicks has daily exercise in a group area. He is able to communicate with detainees and receives mail from his family including letters, magazines, books and postcards. At the insistence of the Australian government, for Senator Brown’s information, there have been two thorough investigations into allegations of abuse involving Australian detainees at Guantanamo. The most recent report, by the United States Naval Criminal Investigative Service, was independent and, on my advice, exhaustive. It addressed all
allegations of physical abuse that had been raised previously by Mr Hicks. The report concluded there was no evidence to substantiate those allegations.

In terms of my general response to Senator Brown’s request, issues involving broader Guantanamo Bay policy, including who visits, are of course a matter for the United States government. The Australian government has very much focused its efforts on Australian nationals detained in Guantanamo Bay—in particular, their welfare. So, in response to Senator Brown’s question, I will continue to follow up with the department at least the request to the United States to facilitate a visit.

Senator BOB BROWN—Mr President, I ask a supplementary question. I thank the minister for her considered reply and for working to pave the way for a visit by me to Guantanamo Bay. In light of the fact that some dozens of US senators have been to Guantanamo Bay, does the minister know of any reason why a senator from the Australian parliament should not visit our national in that prison?

Senator COONAN—I thank Senator Brown for the supplementary question. I simply repeat that issues involving broader Guantanamo Bay policy, including who visits, are a matter for the United States government, but I will ask the department to press for an answer.

Southern Bluefin Tuna

Senator BERNARDI (2.38 pm)—My question is to the Minister for Fisheries, Forestry and Conservation, Senator Abetz. Will the minister update the Senate on the outcomes of the 13th annual meeting of the Commission for the Conservation of Southern Bluefin Tuna in Japan?

Senator ABETZ—I thank Senator Bernardi for his question and note his very real interest in tuna fishery. I also thank him for the tour that he took me on recently in the Port Lincoln area. I am very pleased to report that last week Australia achieved a landmark result at the 13th meeting of the Commission for the Conservation of Southern Bluefin Tuna, or CCSBT, held in Japan. The result was a win for global conservation and a win for the Australian tuna industry. Following serious concerns about potential illegal catch unearthed collectively by the Australian government and industry, the CCSBT was presented with independent evidence confirming an illegal catch of at least 133,000 tonnes since 1994 and possibly 178,000 tonnes since 1985. To put that in perspective, that is worth roughly $4 billion to $5 billion on the first figure or $6 billion to $8 billion on the second figure.

After four days of negotiations, the commission agreed to revise catch allocations, which will see Japan’s quota reduced by over 50 per cent and the global total allowable catch reduced from about 14,000 tonnes to 11,810 tonnes, in line with scientific advice. Taiwan and Korea have also agreed to take small voluntary catch reductions. In recognition that Australia played no role in the illegal catch, we will retain our national allocation of 5,265 tonnes for at least three years. I am sure Senator Bernardi would agree with me that that decision will be welcomed by the Port Lincoln tuna fishers.

Of course, achieving a reduction in the overall catch means little if appropriate measures are not in place to ensure that the new quotas are adhered to. To that end, I am also pleased to report that the commission accepted a range of Australian proposals to enhance monitoring and compliance in the fishery, including a new catch documentation scheme, compulsory vessel monitoring systems and 100 per cent observer coverage on vessels used to tranship SBT.
Can I place on record my appreciation for the responsible position adopted by the new Japanese government on this important global conservation issue. I am confident that we are entering a new era of cooperation, and the fact that we have been able to maturely address this potentially very divisive issue will only enhance the friendship that exists between the two countries.

This decision means many things. It is a major win for global conservation. It is a major shot in the arm for Australia’s $300 million southern bluefin tuna farming industry. It is a just reward for Australian officials, led by Glenn Hurry and his team from my department, who have worked tirelessly to uncover this overcatch and see that not only are its perpetrators subject to appropriate penalties but also it never happens again. At the same time, it also underlines the Australian government’s deserved reputation as a global leader in marine conservation and the fight to stamp out the scourge of illegal fishing. Finally, it is a real wake-up call for those in our community, including the Greens, who seek to ban the Australian harvest of SBT and, by so doing, undermine Australia’s influence in the commission. Put simply, the survival of the SBT is reliant on an effective commission, and this recent decision shows it is working effectively. (Time expired)

Wind Farms

Senator SHERRY (2.43 pm)—My question is also to Senator Abetz, Minister representing the Minister for the Environment and Heritage. I refer the minister to Senator Minchin’s advice that Senator Ian Campbell will be absent this week due to a trip to China. Can the minister confirm that part of the reason for Senator Campbell’s trip is to open a Roaring 40s wind farm in China? Isn’t Roaring 40s the same company that was forced in July to abandon plans for new wind farms at Heemskirk in Tasmania and Water-

lloo in South Australia because of Senator Campbell’s failure to increase the mandatory renewable energy target? Is the minister aware that in my home state of Tasmania a related manufacturing plant at Wynyard will close in December and a component subcontractor will retrench staff, with a total loss of up to 100 jobs? Why is Senator Campbell allowing Australian jobs and investment in the renewable energy industry to be sent to China?

Senator ABETZ—The answer to the first two questions are: yes and yes. Can I disabuse Senator Sherry of some of his misapprehensions—although, in fairness, I do not think they are misapprehensions; they are a deliberate attempt by him to spin the Labor Party’s rhetoric on mandatory renewable energy targets. As Senator Sherry well knows, the policy that the Labor Party took to the last election, and that they are still espousing, would mean the wholesale export of jobs from Australia to China and other countries. The people in Senator Sherry’s home state, and my home state, of Tasmania, who live in places like Georgetown and who earn their incomes from places such as Bell Bay, or the zinc works, or the Norski Skog Paper Mills or the Wesley Vale Paper Mill or the Burnie paper mill know that the cost of energy is a significant contributor to the efficiency of the global markets. If the price of power were to increase with the increased mandatory renewable energy targets suggested by the Australian Labor Party, these businesses would be severely prejudiced—not to mention the pensioners who would have to pay the increases in each and every one of their energy bills.

Once again the Australian Labor Party are seeking to position themselves as the green party, whilst forgetting about the pensioners and honest workers of this country who are employed in the zinc works and at Norski Skog in Tasmania. That is why over the past
10 years the term the ‘Howard battler’ has come into vogue. Those people on pensions and those who work in facilities such as Georgetown and the zinc works in Lutana know full well that they are protected by the sensible policies of the Howard government and they will not have any truck with the sort of nonsense the Labor Party is espousing on mandatory renewable energy targets. In relation to Vestas, in the north west of Tasmania, the government has announced that it will seek to support those workers. Mr Mark Baker, the member for Braddon, has done a fantastic job in championing their cause whilst fully recognising that, if the Labor Party policy were adopted, thousands of Tasmanians would be thrown out of employment because of increased energy prices. That is what Mr Baker, the member for Braddon, has so effectively done. He is ensuring that all the jobs are in place at the Burnie paper mill and elsewhere and that the workers who will, unfortunately, be losing their jobs at Vestas toward the end of the year are looked after. That sort of sensible, commonsense approach has become the hallmark of the Howard government.

**Senator SHERRY**—Mr President, I ask a supplementary question. I would remind the minister that the question was about the 100 workers who will lose their jobs as a result of the government’s energy policies. Further to this issue, are any Chinese threatened species at risk from the wind farm in regard to which Senator Campbell will cut the ribbon tomorrow? What assurances did Senator Campbell seek that the Chinese wind farm does not represent a threat to pandas, given that he often compares the threat to pandas with the threat to orange-bellied parrots?

**Senator ABETZ**—The last time I checked, pandas cannot fly, but I know that when it comes to Labor Party policy, pigs do fly.

**Water**

**Senator ALLISON** (2.48 pm)—My question is to the Minister representing the Prime Minister. The minister will recall the Senate inquiries—initiated and chaired, I might say, by the Democrats—on urban water management in 2002, rural water resource usage in 2004 and living with salinity, in March this year. Why has the government not responded to any of these reports so far? Does the government now acknowledge that the comprehensive recommendations from these three inquiries should have been acted upon in light of the water shortage crises that are now facing cities and rural communities throughout Australia?

**Senator MINCHIN**—I will get an answer for Senator Allison as to why the response to those Senate reports has not yet been forthcoming. I assure Senator Allison and the Senate that the government’s credentials on this subject are well established. I hope she would acknowledge that we have taken the issue of Australia’s water management very seriously. The federal government is working closely with the states. We believe that COAG and cooperative federalism are required to ensure that the mistakes in the past that have been committed by state governments—of both persuasions and without adequate knowledge of the consequences of their actions—are rectified.

We have a very serious water management issue. That is why we have appointed a parliamentary secretary for water and set up a special office of water resources and a $2 billion water fund. We are working very closely with states and local communities to ensure that Australia manages its water much better. We are all very conscious of the crisis. It is an unfortunate fact of political life that there will be a variety of grandstanding on this issue. For my part and the government’s part, an absence of politics but proof of con-
crete action and commitment is what is required. We are all in this together. There is lots of talk about rice and cotton farmers and things like that. Whatever you might say about them, those communities were established on the basis of water licences issued by state governments. Whole communities are now depending on those industries.

Changing the way we manage water is going to be complex and difficult. It will be difficult for rural communities, which do, as Senator Allison would know, consume some 75 per cent of the water used in this country. There is no ‘just turning off the tap’ for those communities. It has to be managed extremely carefully and sensitively. As someone who lives at the end of the River Murray in a city which is dependent for most of its water on the River Murray, I know that we South Australians on both sides of the chamber are very conscious of the importance of this issue. I will seek to ensure we get an answer to Senator Allison’s request with respect to Senate reports as soon as possible.

Senator ALLISON—Mr President, I have a supplementary question. Minister, I acknowledge that it is complex and that rural water use represents 75 per cent of the total water used in this country. However, how much has been spent on drought relief and how much on fixing the 30 per cent—at least—loss of agricultural water from seepage and evaporation, for instance? For how long has your government been told that piping irrigation water and better irrigation techniques are necessary? Does it not make more sense to spend money on saving water for the farmers now facing yet another disastrous drought year?

Senator MINCHIN—I am not sure that Senator Allison really means to suggest that we should cut back on drought assistance to farmers in order to offset it against water savings measures. That is not how we approach policy. We approach policy on the basis of a need in rural communities, much of which is dryland farming where there is no irrigation because it has not rained, and these people are in desperate need of assistance. We approach that issue on its merits and, as Senator Allison would know, we have provided some $2 billion over the last five years to assist those farmers.

Water management is a separate issue. We are putting in enormous sums of money. We committed an additional $500 million in the recent budget to bring our total funding to the Murray-Darling Basin to $2 billion since we came to government. We have a range of significant programs to assist in the very issues which Senator Allison talked about, but we deal with those on their merits—separate and apart from the very significant support which we feel obliged and motivated to provide for drought-stricken farmers.

Civil Aviation Safety Authority

Senator O’BRIEN (2.53 pm)—My question is to Senator Abetz, the Minister representing the Minister for Transport and Regional Services. Can the minister confirm that the Civil Aviation Safety Authority is set to adopt the new minimum standards for pilot training of only 10 hours actual flight time from 23 November this year? Can the minister also confirm this when, according to safety data supplied by the Australian Transport Safety Bureau, misinterpretation by flight crew members of information or instructions has increased by 36 per cent this year? Can the minister assure the Australian public that safety standards in Australian aviation will not be relaxed? Will he now rule out any change to standards that would compromise safety in Australian air space?

Senator ABETZ—the honourable senator is right that on 23 November 2006 the International Civil Aviation Organisation will introduce a new type of flight crew licence,
to be known as the MPL, which will allow a copilot to fly passenger aircraft after the completion of a minimum of 10 hours solo flying in an aircraft. The existing Australian standard is 100 hours. The new MPL has not been adopted by Australia; it is subject to a review. Australia, as we would all acknowledge, has a proud record of aviation safety, and this government will not agree to anything that sacrifices the safety of passengers.

The Civil Aviation Safety Authority will soon begin a thorough consultation process with industry to determine whether it should increase the minimum standards before any change to the Australian standard is made. Rather than focusing on a prescribed number of solo flying hours, the Civil Aviation Safety Authority is moving towards the use of competency based training as the basis for assessing the skills, knowledge and standard of performance of Australian flight crew.

Senator O’BRIEN—Mr President, I ask a supplementary question. Given that the minister has not ruled that matter out but said that it is under consideration and a safety case will be conducted, the minister clearly will not guarantee that the safety in Australian skies will not be compromised. Can he guarantee that any proposed regulatory changes by CASA will be subject to a full and thorough inquiry by the Senate through one of its committees? Given that the ATSB figures confirm that near misses in our skies have increased, is this the time to consider downgrading the training requirements for our pilots of large commercial aircraft?

Senator ABETZ—Mr President, that question highlights what happens when you have a predetermined supplementary question. I will read out again what I said:

This government will not agree to anything that sacrifices the safety of passengers.

Nothing can be clearer than that but, when you are an opposition devoid of any policy positions, you have to try to whip up a bit of hysteria around any possibility just to get a bit of traction in the media. As to whether the Civil Aviation Safety Authority’s views on this matter should be subjected to a further review by a Senate inquiry, I will put that matter to the Minister for Transport and Regional Services for his consideration.

Law Enforcement Agencies

Senator FERRIS (2.57 pm)—My question is to the Minister for Justice and Customs, Senator Ellison. Will the minister update the Senate on the range of ties that exist between law enforcement agencies in Australia and the United States?

Senator ELLISON—This is an important question, given the recent initiatives which have been entered into between Australia and the United States. An important one was the signing of an MOU in the United States in September between the Commissioner of the Australian Federal Police and American authorities to have Australian Federal Police involvement with the Joint Interagency Task Force West, which is based in Hawaii. JIATF West, as it is known, is an essential part of American border protection, and it is designed to forwardly engage in the Asia-Pacific region. This brings to the table a very important strategic agreement between the United States and Australia in embarking upon fighting transnational crime and terrorism in our region.

Australian Customs have also sought and found agreement in principle to have Australian Customs Service involved with JIATF West, which was moved from San Diego to Hawaii, to increase that agency’s attention on our region—and quite justifiably so, given the potential threats that exist in the South-East Asian region and the Pacific. That is why it is so important that Australia engage with the United States, and that the resources available to the United States and our com-
bined expertise are used to fight such things as transnational crime—people-smuggling, human trafficking, illicit drugs—and terrorism.

As well as that, the Australian Federal Police and the FBI signed an agreement in September this year, which is a statement of intent on combating transnational crime and enhancing cooperation between the FBI and the Australian Federal Police. In addition, a further agreement was signed between the Drug Enforcement Agency of America and the Australian Federal Police enhancing cooperation in the fight against illicit drug trafficking. That is an essential part of our relationship with the United States. The fight against illicit drugs is not one that we in Australia can conduct on our own. We have to have strong allies. We have one in the United States and that is why it is so important we have these close relationships. These initiatives are tightening the wing nuts, if you like, on the very strong relationship we have in the fight against transnational crime and terrorism.

There are a range of other factors where we interact with the United States, with agencies such as AusTrac, our financial intelligence unit, which does a fantastic job countering money laundering. It was described as ‘gold plate’ by the former director of FinCEN, which is the financial intelligence unit of the United States. Those two agencies work very closely together. And the Australian Customs Service has a very close relationship with US Customs and Border Protection, and quite rightly so when you look at the threats of the supply chain around the world, particularly in our region. It is an important question that Senator Ferris has asked. All Australians would want to know about the work we are doing with the United States in our region.

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

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS
Answers to Questions

Senator O’BRIEN (Tasmania) (3.01 pm)—I move:
That the Senate take note of answers given by ministers to questions without notice asked by Opposition senators today.
I want to start my contribution by referring to Senator Abetz’s answer to the question I asked him as the Minister representing the Minister for Transport and Regional Services, Mr Vaile. It is interesting that Senator Abetz read the brief he had been given. One would have thought that the furthest thing from the mind of CASA, under the instruction of the minister, would have been anything which might have confirmed that we would move to what to most pilots seems an appallingly ridiculous position where copilots could be trained so that they would be required to have only 10 hours actual flight experience with the balance of their flight experience being obtained in a simulator. Of course, having obtained their standards, pilots update their experience with the new technology of certain aircraft flying in simulators, but frankly the best experience for pilots, according to information that I have been given by pilots, is that they actually fly aircraft—that they learn how aircraft react to turbulence and other circumstances.

The most appalling thing about this regulation is that new copilots will sit next to pilots on aircraft such as the 737, the 747, the A350 and the A380 when it comes on line. As at midday today, CASA says that ‘new licences will provide better training for copilots flying large passenger jets’—that is, instead of having 100 hours flying time in real
aircraft, in the air, that they would be better off spending their time in a simulator pretending to fly. I find that amazing; certainly Australian pilots find it amazing. Why do we need to adopt the standard which some countries adopt because they cannot get enough pilots—which is probably why ICAO is considering it—when we have some of the best aviation standards in the world? And why do we go in that direction—that is, reducing the amount of flying time we require our commercial pilots to have before they can be co-pilots of major aircraft—when at the same time we have our own drivers on Australian roads being required, before they obtain a licence, to have up to 120 hours experience. That is certainly the recommendation that TAC have in relation to any young person newly obtaining a drivers licence.

We had a bit of spin in the minister’s answer, the spin to cover the activities of CASA while it goes through a process of promulgating a regulation which will reduce the requirements for training time. I can see a quizzical look in the eyes of a number of senators opposite who travel regularly, as I do. They are wondering: ‘This cannot be so. We cannot be going through a process which will reduce by 90 per cent the actual flight experience for some of the people who could be flying us and the rest of the public around this great nation.’ That is what the ICAO recommendation provides for from 23 November.

It was pleasing to hear for the first time—and this has not been stated before by CASA—that there is now a commitment to a full safety case being conducted on this matter. If CASA is fair dinkum, a full safety case will compel people to throw this matter into the dustbin. I am not confident that, having conducted a full safety case, CASA will not find a way to promulgate the regulation nevertheless. That is why I say that it has to be an absolute commitment from this government that there will be a full public and open inquiry into this matter before it is promulgated. The only way that is going to happen is if it is properly conducted by an independent committee of this parliament, preferably a Senate committee which is not dominated by someone acting on the instructions of the minister. I think it is appropriate that we proceed very cautiously in this regard and I think the minister needs to give a commitment that safety standards will not be reduced, that they will be maintained. (Time expired)

Senator FIERRAVANTI-WELLS (New South Wales) (3.06 pm)—I rise to take note of answers given by Senator Coonan, the Minister for Communications, Information Technology and the Arts. I wish to focus on the issue of the Australian Broadcasting Corporation. May I say at the outset that I welcome the announcement that has been made today and I am aware that the ABC will be releasing its revised editorial policies which I understand will come into effect on 1 March 2007. As the minister said, whilst the reports on these revised editorial policies are just general accounts that we have seen in the press, I understand that they have been revised following extensive consultation with ABC staff, managers and the board.

Comments have also been made about alleged knowledge of this government—in particular, the minister—about the contents of these revised editorial policies. Can I remind the Senate that this has been an issue in relation to the ABC and its lack of adherence to unbiased and balanced reporting, and it comes particularly through the work that has been done in Senate estimates. I particularly mention the work that Senator Santoro has done in estimates in raising issues relating to bias and unbalanced reporting, and it comes particularly through the work that has been done in Senate estimates. I particularly mention the work that Senator Santoro has done in estimates in raising issues relating to bias and unbalanced reporting in the ABC and also the work that Senator Ronaldson and I have been doing since earlier this year in raising with the ABC clear instances.
where the ABC has failed to adhere to the provisions of its charter.

I remind the Senate that the ABC’s charter is a very clear one, and its responsibility is to provide broadcasting services to all Australians in a balanced and unbiased manner. Sadly, the public broadcaster has failed on many occasions in this regard, and therefore I think it is important that its editorial policies have been revised. I hope that there has been substantial revision of the ABC’s policies to make clear the issues that are important, particularly in providing broadcasting services for the benefit of all Australians and not just for the benefit of a limited few with a particular left-wing leaning or left-wing bias. I understand the managing director will be briefing the staff today, and I look forward to hearing the address that he is making this evening.

Senator George Campbell—Hasn’t he already told you?

Senator FIERRAVANTI-WELLS—No, he hasn’t, Senator Campbell.

Senator George Campbell—Isn’t he in the same branch of the Liberal Party as you?

Senator FIERRAVANTI-WELLS—I am not sure about that, Senator Campbell. Perhaps you ought to ask Mr Scott that at the next estimates hearings. I believe there will be some significant changes to editorial policies. The ABC will demonstrate impartiality at platform levels, and it is important that it will be done across ABC Television, the radio network and ABC Online for opinion, topical and factual content. This will mean that the ABC will provide its audience with a range of different perspectives on the subject under consideration.

There have been many instances when I have written to the managing director pointing out instances of bias and where broadcasters have clearly taken a partisan opinion on important issues and categorically failed to give the alternate opinion. I think it is time that the ABC’s editorial policies were revised so that the ABC goes back to what it is intended to be, and that is a public broadcaster for the benefit of all Australians that is required to deliver services in a balanced and unbiased manner.

I understand there will also be a new content category called ‘opinion’, meaning content presented from a particular point of view about a particular matter of public contention. It really is about time that the editorial policies were revised so that the ABC does not become a propagandist. How many times have we seen the ABC, particularly in the last year—(Time expired)

Senator SHERRY (Tasmania) (3.11 pm)—I want to take note of the answer from Senator Abetz, the Minister representing the Minister for the Environment and Heritage, to the question I posed today relating to renewable energy and wind farm issues. Whilst it was in the context of Senator Abetz representing the absent-with-leave Senator Ian Campbell, the Minister for the Environment and Heritage, Senator Abetz well knows the issues relating to renewable energy and particularly wind farms, given that, like me, he comes from Tasmania.

The policy adopted by the Minister for the Environment and Heritage, Senator Ian Campbell, and the Liberal government has been highly damaging to wind farms in this country for two reasons. One is the failure of the Liberal government, and particularly the Minister for the Environment and Heritage, Senator Ian Campbell, to ensure the mandatory renewable energy target, MRET, which provides an incentive for the establishment of wind farms to provide power to our power system within Australia. The second is the direct and capricious actions of Senator Ian Campbell that were made notorious by his refusal to allow the Bald Hills wind farm in
Senator Fierravanti-Wells—How do you know that, Senator Sherry?

Senator SHERRY—That is the scientific estimate; that is how I know. That is the scientific advice on which he based this incredible decision to block a wind farm from proceeding in Victoria. It is these two areas of concern that I went to in respect to my question to Senator Abetz. The minister and the policy that he has recommended to this Liberal government mean that the wind farms that were to go ahead at Heemskirk, on the north-west coast of my home state of Tasmania, and also a wind farm to be located at Waterloo in South Australia will not go ahead. That is a direct result of the policy adopted by this federal Liberal government and, in particular, by the Minister for the Environment and Heritage, Senator Ian Campbell.

On top of that is the uncertainty created by the capricious, illogical and irrational decision that I referred to earlier—that is, the decision by the Minister for the Environment and Heritage to block the wind farm at Bald Hills on the basis of the so-called threat to the orange-bellied parrot. The scientific advice on which Senator Ian Campbell based his decision to block that project from going ahead was that one orange-bellied parrot in 1,000 years could die.

What I sought from Senator Abetz was an explanation as to why we have the Liberal government discouraging investment in wind farms in this country, leading—in the cases I have cited—to the loss of up to 100 jobs in my home state of Tasmania. We know that on the north-west coast of Tasmania, Vestas, which is a manufacturer of wind farm components, is to cease operation by December. That will mean a loss of between 60 and 70 jobs. Also, a company which I think is known as Aus-Tech, which makes subcomponents for Vestas, will also have to retrench probably 15 or 16 workers as a direct consequence of this change. So up to 100 direct jobs are to be lost, in addition to the wind farm projects that were planned around Australia, as a consequence of the Minister for the Environment and Heritage, Senator Ian Campbell, and the Liberal government’s policy.

So why is the minister in China, opening a wind farm in China, directly encouraging jobs in China, but at the same time making these dreadful decisions in Australia which mean the shutting down of wind farm projects and the loss of jobs in Australia? We have an incredible position where the Australian minister is in China, promoting jobs in China in the wind farm industry, but making decisions back home in Australia, in my home state of Tasmania, which are costing up to 100 jobs. What an absurd situation, when an Australian minister has cost Australian jobs and goes to China to promote job creation in China in the same industry. (Time expired)

Senator RONALDSON (Victoria) (3.16 pm)—I rise to take note of answers given by Senator Coonan, the Minister for Communications, Information Technology and the Arts, this afternoon. One of the greatest challenges that this government has taken on is to make sure that this country receives the very best broadband opportunities possible. We are a very large country, and the challenges of that mean that there are some areas where there is great commercial value and great competition in the provision of broadband and in other areas there is basically market failure due to very high costs.

I think the latest OECD broadband figures are fantastic news for this country. They show that, in comparison to other OECD
countries, we are embracing broadband at an extraordinary rate. We remain in the top five OECD countries in terms of the growth of broadband take-up, and the OECD report singles out Australia as an example of a country which is connecting broadband at a very high rate. Indeed, the report indicates that Australia and several other countries have added more than six subscribers per 100 inhabitants during the past year alone. Our broadband subscribers are now above the OECD average. At the end of June this year, there were some 3.5 million premises connected to broadband, and it is my understanding that, on 16 October, we will be at or close to breaking through the four million mark. It is a great achievement, but it has come through good policy.

Broadband has been a national priority, and so it should be, because it is critical to Australia’s future, but the best broadband policy involves a mixture of private sector broadband rollout and targeted assistance, as I said earlier, for areas of market failure. Last week we saw the launch of Telstra’s Next G mobile network. According to Telstra, the network will provide high-speed coverage to an estimated 98 per cent of the Australian population. Where it is not economic for the private sector to invest in broadband, this government has been providing targeted subsidies to ensure that all Australians have fair access.

This government is investing billions of dollars—$3.1 billion, in fact—to stimulate sustainable broadband infrastructure development and to eliminate mobile phone coverage black spots, via the Connect Australia package. It is interesting that the debate about T3 and broadband media coverage in the last couple of weeks regrettably has failed to talk about this $3.1 billion program, which is the single largest investment in telecommunications in this country’s history. It includes the $878 million Broadband Connect program and the $2 billion Communications Fund to deliver an income stream to fund upgrades of rural telecommunications infrastructure into the future.

That is where the coalition is in relation to broadband. That has to be compared, I am afraid, to the Labor Party’s again failed communication policy, this time in relation to broadband. It is ironic that this broadband policy, which was to last seven years, lasted about seven days, because Labor’s broadband policy required the involvement of Telstra to ensure that it worked, that it could be delivered. Telstra made it very clear, shortly after the announcement of the Labor Party’s policy, that they would not be participating. Once that occurred, I am afraid that the Labor Party’s policy was dead and dusted, because it cannot be delivered. The great tragedy about the Labor Party’s view on this is that they gave some indication that there would be Australia-wide fibre to the node. In fact, we found out that it is not. It is based on—(Time expired)

Senator LUNDY (Australian Capital Territory) (3.21 pm)—It is with great pleasure that I too take note of answers by Senator Coonan to questions relating to broadband. I would like to start by saying that Senator Ronaldson has just exposed his complete ignorance and indeed the one-eyed Telstra-centricity of the Howard government’s thinking when it comes to telecommunications policy, because they cannot think of telecommunications policy without thinking about Telstra, without thinking about the Telstra privatisation and how they will help Telstra in the marketplace, as they have done for many years despite all the arguments they have had recently.

In this year’s budget reply speech, a Beazley Labor government committed to improving regulatory settings to encourage private sector investment on a pro competi-
tive basis through a government-industry joint venture. Labor also committed to drawing on the $757 million Broadband Connect Program funding to provide an equity injection from the $2 billion earmarked for the Communications Fund in order to deliver the public funding of this partnership with the telecommunications sector. Despite Senator Ronaldson’s earnest assertions, Telstra does not equal the telecommunications sector. There is far more to the telecommunications sector than just Telstra; indeed, Telstra’s assertions at the time show how politically motivated they were in cosying up to the government to facilitate the privatisation agenda.

I would like to go back to some of the key points about the broadband debate. It is a very interesting study in how statistics can be abused when you review Senator Ronaldson’s comments today. The facts are that the OECD report released shows that Australia is ranked 17th out of 30 countries surveyed for the take-up of 256 kilobit broadband. This is despite growth off a low base, which I presume is the top five figure promoted by the government when they talk about the take-up of broadband. But Australia’s relative position in relation to broadband take-up has not changed for the previous two years.

The World Economic Forum ranks Australia 25th in the world in terms of its available internet bandwidth, and it ranks our network readiness at 15th and falling. So how come this does not add up? It is because the government continue to couch their interpretation of the statistics in the best possible light. The real story is clear when you look at this cross-section of overseas studies that continually rate Australia poorly. I will give another example: a recent World Bank study confirms that Australia’s average ADSL speed of barely one megabit per second is one of the slowest in the world, behind countries like Britain, at 13; France, at 8.4; Germany, at 6.85; Canada, at 6.8; and the United States, at 3.3 megabits per second. The Internet Industry Association of Australia is calling for 80 per cent of Australians to have access to 10 megabits per second broadband by 2010. The association says that the only way we will get there is through ‘significant and meaningful changes in attitude and leadership from the government and policymakers’.

The whole world looks at Australia and sees how poorly we have been performing. They look at the policies of the last 10 years, they look at the pathetic shenanigans of recent times in the lead-up to this final privatisation tranche that the government is attempting to put in place and they see a government that has neglected some of the most fundamental economic infrastructure for the 21st century. It continues to be neglected as the government flounders around, with funds sprayed all over the place and making no real impact on the real life experiences of home based businesses, small businesses and residents right round this country. I can tell you, Mr Deputy President, that I know this because I get a lot of feedback from people right round the country about the poor state of the network.

I would like to comment on things locally. Kevin Cox, who is a member of the Gungahlin Community Council, questions this latest promotion of Telstra and its Next G network. It was said by him and other experts that what is needed is fibre-to-the-home or fibre-to-the-kerb network that can have that massive increase in bandwidth as the demand arises, not the half-baked, stop-gap technology that Telstra puts in on the cheap and then pitches up to the Australian people and argues that this is somehow what we need. The fact is that we need real broadband. We will not get it under the Howard government. Only Labor’s policies will deliver the sort of economic infrastructure that this country deserves for the 21st century.
Senator MILNE (Tasmania) (3.26 pm)—I also rise to take note of Senator Abetz’s answer to Senator Sherry’s question on Senator Ian Campbell’s visit to China. I note with interest that Senator Campbell is going to China to open a Roaring 40s wind farm. It is a great photo opportunity for Senator Campbell but what the media has failed to report is that the construction of this wind farm in China has got zero to do with federal government policy, absolutely zero. The federal government has not put a cent into it. AP6 is a mirage; the Asia-Pacific partnership for the export of coal and uranium to India and China is a mirage in terms of technology transfer to China. Roaring 40s was driven offshore by the government’s failure to extend the mandatory renewable energy target, and Senator Ian Campbell is now going for the photo opportunity of opening the wind farm in China, in spite of the fact that his government’s policies have driven this company out of Australia.

This is an absolute disgrace. He has taken the jobs from Roaring 40s out of Tasmania and out of South Australia to China, just as he has driven Vestas offshore. Now we have the Minister for Fisheries, Forestry and Conservation, Senator Abetz, standing up and defending the fact that the government did not extend the mandatory renewable energy target, saying that if you support renewable energy development it will cost jobs and will increase costs. Senator Abetz, the minister for conservation, is a climate change sceptic. He made a complete fool of himself at the Australian Weeds Conference in Adelaide recently, called ‘Managing weeds in a changing climate’, which might have been a bit of a clue for most people. The minister said at that time:

I’m not going to get into the debate about whether the current drier-than-average season that most of this country has experienced this year is the result of man-made climate change, or simply natural variation.

He went on later in his speech to talk about the ‘the unclear danger of climate change’. He concluded his speech with another statement:

It’s no good talking about what climate change might or might not do to Australia’s biodiversity in 100 years ...

Senator Abetz is wrong. Climate change is happening right now, and the government’s policies are making it a lot worse.

All of those people out there in the bush suffering in the drought at the moment should be shutting the door in the government’s face when it turns up with its supposed concern. In this year’s budget, Senator Minchin, there was not even a mention of climate change. Treasury papers did not acknowledge the impact of climate change or the onset of drought. In fact, they projected that agricultural figures would be the same. How is that? How can it be that Treasury did not wake up to that in May this year, when every scientific institution in the country was warning the government?

The fact of the matter is that the Howard government did not take climate change seriously, does not take climate change seriously and is now scrambling about to adopt the rhetoric as it realises that the country is drying out, that we are going to suffer the most extreme drought this summer, and that we are going to suffer extreme bushfires. When the communities turn to the government and say, ‘What have you done about climate change for the last decade?’ the government is going to be bereft of an answer—absolutely bereft of an answer.

Perhaps Senator Ian Campbell can come back into this House and go out into rural communities and explain why he is actively opposing the development of renewable energy in this country and why the government
is actively opposing putting a price on carbon. Senator Abetz’s answer was all about power prices going up if we invest in renewable energy. What he failed to say was that power prices will go up when there is a price on carbon because the government did not get out of coal fired power stations when it should have and did not get into renewable energy when it should have.

It is because of the government’s recalcitrance in dealing with climate change, because of its love affair with the coal industry, that we are going to see Australians suffer even more than they are suffering now. I am sure that out there in rural Australia people who have known—who are living—the effects of climate change will feel enormously resentful that the minister who is supposed to be responsible still doubts whether climate change is real or whether its impacts are going to occur within a hundred years. Senator Ian Campbell’s being in China is a fraud on renewable energy, because right here in Australia he and the Prime Minister talk up nuclear power while trying to talk up renewables in China and undermining them in Australia. (Time expired)

Question agreed to.

NOTICES

Presentation

Senator Brandis to move on the next day of sitting:

That the Economics Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 19 October 2006, from 3.30 pm, to take evidence for the committee’s inquiry into petrol pricing in Australia.

Senators Murray and Heffernan to move on the next day of sitting:

That the Senate—

(a) notes the fundamental human rights and protections contained in the United Nations (UN) Convention on the Rights of the Child, and notes in that regard:

(i) the release on 11 October 2006 of the UN Secretary-General’s ‘Study on violence against children’, which sheds light on the scale and impact of violence done to children across cultures, classes and ethnic origins,

(ii) that the report states that the majority of violence perpetrated on vulnerable children around the world is carried out by people who are part of their daily lives, and

(iii) that the Human Rights and Equal Opportunity Commission urges the Government to consider the report’s recommendations to counter violence against children; and

(b) supports the Government investing heavily to protect children in Australia from violence, including by:

(i) investing in violence prevention programs that address immediate risk factors, such as lack of parent-child attachment, family breakdown, abuse of alcohol and/or drugs,

(ii) developing economic and social policies that address in a substantial way significant economic and social circumstances such as poverty, income gaps and other forms of inequality that negatively affect children, and

(iii) placing the issue of child abuse and neglect front and centre in the Coalition of Australian Government’s processes.

Senator Siewert to move on the next day of sitting:

That the Senate—

(a) notes that 15 October to 21 October 2006 is Anti-Poverty Week;

(b) acknowledges that the main aims of Anti-Poverty Week are to:

(i) strengthen public understanding of the causes and consequences of poverty and hardship around the world and in Australia, and

(ii) encourage research, discussion and action to address these problems, in-
including action by individuals, communities, organisations and governments;
(c) expresses concern about the unacceptably high levels of poverty in Australia and the growing gap between rich and poor;
(d) recognises that children growing up in poverty face poorer health, education, employment and life outcomes (the National Centre for Social and Economic Modelling suggests that more than 10 per cent of Australian children can be said to be growing up in poverty);
(e) acknowledges that a disproportionate percentage of Indigenous Australians live in poverty and that studies show that nearly half of all Indigenous children live in families where incomes are below the Henderson poverty line;
(f) supports using Australia’s strong economy to improve the living standards and life chances of all Australians; and
(g) urges the use of poverty impact statements in government reporting and decision-making.

Senator Siewert to move on the next day of sitting:
That the Senate—
(a) recognises the devastating impact of the continued drought on Australian communities;
(b) acknowledges the scientific consensus that climate change is impacting on Australia’s water resources; and
(c) calls for a national water summit to address Australia’s water crisis.

Senators Bartlett and Lundy to move on Thursday, 19 October 2006:
That the Senate—
(a) notes:
(i) that 19 October 2006 is the fifth anniversary of the sinking of the boat known as the SIEV X, which was bound for Australia and sank with the loss of 353 lives, including 146 children,
(ii) that a ceremony was held on 15 October 2006 at Weston Park, Yarralumla, on the shores of Lake Burley Griffin in Canberra to mark the anniversary and to display a proposed memorial, featuring 353 decorated wooden poles, which was created by people from more than 200 church, school and community groups from every state and territory in Australia, and
(iii) the continuing grief that is still suffered by those who lost husbands, wives, mothers, fathers and children in the event;
(b) calls on the National Capital Authority to give permission for the SIEV X memorial project to be established as a permanent memorial on the Canberra lakeshore as soon as possible; and
(c) expresses its regret and sympathy at the tragic loss of so many innocent lives.

Senator ELLISON (Western Australia—Manager of Government Business in the Senate) (3.32 pm)—I give notice that, on the next day of sitting, I shall move:
That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the following bills, allowing them to be considered during this period of sittings:
I also table statements of reasons justifying the need for these bills to be considered during these sittings and seek leave to have the statements incorporated in Hansard.

Leave granted.
The statements read as follows—
LONG SERVICE LEAVE (COMMONWEALTH EMPLOYEES) LEGISLATION AMENDMENT BILL

Purpose of the bill
The bill provides employees entitled to long service leave provisions as set out in the Long Ser-
vice Leave (Commonwealth Employment) Act 1976 with a suitable transitional period of coverage following privatisation.

**Reasons for Urgency**

To ensure that the entitlements of employees are maintained, the bill must pass before the sale of Telstra which is planned for October/November 2006.

(Circulated by authority of the Minister for Employment and Workplace Relations)

---

**Parliamentary Superannuation Amendment Bill 2006**

**Purpose of the bill**

The proposed Bill will amend the Parliamentary Superannuation Act 2004 (the 2004 Act) to vary the rate of superannuation contributions payable for Senators and Members covered by that Act, that is, persons who joined the Parliament, or returned to Parliament after a break, from the 2004 general election.

**Reasons for Urgency**

The Prime Minister announced on 7 September 2006 that the Government intended to introduce legislation to adjust the level of superannuation for Parliamentarians elected at the 2004 Federal election and subsequently so that it is the same as that paid to Commonwealth public servants, that is, 15.4 per cent.

Early passage of the Parliamentary Superannuation Amendment Bill 2006 is highly desirable so that parliamentarians’ superannuation contributions can be increased to the level of contributions paid for public servants as soon as possible.

(Circulated by authority of the Special Minister of State, the Hon Gary Nairn MP)

**Senator Nettle** to move on the next day of sitting:

That the Senate—

(a) notes that 5 years ago on 19 October an unnamed boat, now referred to as SIEV X, carrying approximately 421 asylum seekers sank in international waters, with 353 people drowning, including 146 children, 142 women and 65 men; and

(b) remembers these victims and expresses its condolences to the families involved.

**LEAVE OF ABSENCE**

**Senator FERRIS** (South Australia) (3.33 pm)—by leave—I move:

That leave of absence be granted to Senator Ian Campbell for the period 16 October to 19 October 2006, on account of government business overseas.

Question agreed to.

**INDIGENOUS GOVERNANCE AWARDS**

**Senator BARTLETT** (Queensland) (3.33 pm)—I move:

That the Senate—

(a) congratulates:

(i) the Cairns-based WuChopperen Health Services for winning the 2006 Indigenous Governance Award for an organisation established longer than 10 years, and

(ii) the Wagga Wagga-based Gannambarra Enterprises for winning the 2006 Indigenous Governance Award for an organisation established fewer than 10 years; and

(b) acknowledges the work of Reconciliation Australia and BHP Billiton in hosting the Indigenous Governance Awards and recognises the achievements of all the eight finalists in the awards and pays tribute to the positive contribution they are making for Indigenous Australians and the wider community.

Question agreed to.

**REPORTS OF INCIDENTS IN THE HIMALAYAS**

**Senator BOB BROWN** (Tasmania—Leader of the Australian Greens) (3.34 pm)—I ask that notice of motion 585 relating to the reported shooting by Chinese guards of a Buddhist nun and a boy trying to escape from Tibet across the border be taken as formal.
Senator George Campbell—I have a query, Mr Deputy President. I understood that there was to be an amendment to that motion by the addition of the word ‘alleged’. It is not in the Notice Paper.

The DEPUTY PRESIDENT—It has been amended, I am advised. Senator Brown, you might just clarify, for the sake of the chamber, how that has been amended.

Senator BOB BROWN—The amendment was to use the words ‘note reports that’ rather than just the word ‘that’. I have added that word ‘reports’. It is in parts (a), (b) and (c) of the motion.

Senator George Campbell—My understanding is that the word ‘alleged’ was supposed to go in.

Senator BOB BROWN—I move:
That general business notice of motion no. 585 be postponed till the next day of sitting.
Question agreed to.

CARERS WEEK

Senator SIEWERT (Western Australia) (3.36 pm)—I, and on behalf of Senators Humphries, McLucas and Bartlett, move:
That the Senate—
(a) notes that 15 October to 21 October 2006 is Carers Week;
(b) notes that the theme of Carers Week 2006 is ‘Anyone, Anytime’, the objective of which is identifying carers and empowering them to access support services;
(c) recognises that there are approximately 2.6 million carers in Australia who provide unpaid help and assistance to a relative or friend, who could not otherwise manage because of disability, mental illness, chronic condition or frailty;
(d) notes that almost everyone will provide care at some time during their life;
(e) notes that approximately 1.2 billion hours of informal care are currently provided by family carers, as recently found by Access Economics in its report, The economic value of informal care;
(f) acknowledges the enormous contribution made by carers to Australian society, often at great personal cost;
(g) recognises the social and economic value of carers to the community; and
(h) calls on all levels of government, businesses and schools to consider adopting carer-friendly work practices and learning environments.
Question agreed to.

COMMITTEES

Intelligence and Security Committee
Report

Senator FERGUSON (South Australia) (3.37 pm)—On behalf of the Parliamentary Joint Committee on Intelligence and Security, I present the report of the committee on the relisting of al-Qaeda and Jemaah Islamiah as terrorist organisations and seek leave to move a motion in relation to the report.
Leave granted.

Senator FERGUSON—I move:
That the Senate take note of the report.

I present the report of the Joint Parliamentary Committee on Intelligence and Security on the relisting of al-Qaeda and Jemaah Islamiah as terrorist organisations. In a letter to the committee on 10 August 2006, the Attorney-General advised that he intended to relist both organisations prior to the lapsing of their current listing, as provided for in section 102.1(3) of the Criminal Code. The Attorney-General provided statements of reasons for both organisations, outlining his reasons for the relistings. Given the well-known position of these organisations, the committee decided against holding hearings and reviewed these decisions on the basis of the papers—that is, submissions from ASIO in the form of the statement of reasons and a
procedural submission from the Attorney-General’s Department. In addition, the committee made extensive use of the open source material available on both organisations.

This review has raised a procedural question about the type of information presented by the Attorney-General in arguing for the continuation of a listing. It is the committee’s view that, on a relisting, it would be preferable to see arguments about the activities of the organisation in the period since the last consideration. Background information about the history of the terrorist activities of an organisation is useful, but the committee believes that the arguments for a relisting should concentrate on recent activities and information about what has changed since the last review, whether that be an increase or a decrease in terrorist activity. Over time, information becomes stale. The relisting of an organisation is a fresh exercise of executive discretion, and the committee believes that there must, therefore, be a sufficient degree of currency in the evidence to warrant the use of the power.

In this report, the committee also wishes to reiterate two issues raised in previous reviews. The first relates to the manner in which information is provided in the statement of reasons. The legal test for the listing of an organisation is set out in the Criminal Code. The Attorney-General must be satisfied on reasonable grounds that the organisation is directly or indirectly engaged in preparing, planning, assisting in or fostering the doing of a terrorist act, whether or not the terrorist act has occurred or will occur. The committee noted in previous reviews the breadth of this definition and sought advice from ASIO as to why some organisations which fitted the definition have not been proscribed while others have. ASIO’s response was to provide the committee with a set of criteria which it used to determine which entities it sought to proscribe. These criteria are provided in the report.

The committee has found the criteria useful as a means of assessing the arguments provided by the government in each statement of reasons and, in previous reports, the committee has asked the government to address these criteria in future statements of reasons. This has not occurred to date. The request is repeated in this report. It is the committee’s view that a clearer exposition of the criteria would strengthen the government’s arguments, provide greater clarity and consistency in the evidence and therefore increase public confidence in the regime as a whole. It would greatly facilitate the committee’s review process if this change occurred.

The question of community information regarding these regulations also remains a difficulty. On these current regulations there was no attempt to inform the community beyond the Attorney-General’s press release. Perhaps, on organisations with the profile of these two organisations, this is not nearly as important as it might be in other cases.

On the substantive question of the threat posed by the organisations themselves, the committee has sought to consider each against ASIO’s criteria. It is notable that not all categories in the criteria are covered in the statement of reasons. In this review, the committee has sought to understand the current circumstances of each organisation. In each case, there are complex forces at work. Each organisation has been under considerable pressure and yet structural decline has not led to a lessening of the threat. However, it is unclear whether the threat comes directly from the organisation as such or from some wider and widening response to the war on terrorism.

The committee notes that all sources describe al-Qaeda as an organisation that is damaged and fragmented by the pressure that
has been brought to bear on it since September 2001. Its capacity is now aspirational and ideological rather than material or advisory. However, all also argue that the influence of the organisation and its capacity to inspire jihadist activity have grown as a result of actions in the war on terrorism, particularly the war in Iraq. In particular, the Attorney-General’s statement of reasons quotes bin Laden who, in advocating terrorism, says that the bombings in Europe are revenge for invasion and occupation of Muslim lands. It is this capacity of al-Qaeda to inspire disconnected groups which remains a concern.

On Jemaah Islamiah, the picture is also a complex one. The International Crisis Group notes that, while there is an intersection and overlapping of personal networks, there are divisions over tactics among terrorist groups in Indonesia and that individuals often operate on their own. The International Crisis Group argues that there are numerous indications, including insufficient funds coming from outside, that the capacity of Noordin’s group, who were responsible for the latest bombings in Indonesia, remains limited, although ‘the troubling thing is that there seems to be no shortage of recruits’.

Jane’s, the intelligence analysts, judgement of JI confirms this view of the International Crisis Group. They note that perceptions of the threat posed by the group vary widely. However, they assess that JI’s role in regional violence ‘is almost certainly exaggerated’. They note that the group ‘rarely conducts any operations’ and that recent activities have not caused the level of damage their perpetrators may have expected. In Jane’s view:

JI appears to have shifted from the material to the ethereal—
and that—

... JI’s operational inertia in a target rich country, where it enjoys at least some material and considerable tacit support, remains a mystery.

The Australian Strategic Policy Group note that JI was never as structured and homogeneous a group as some commentators have made out. Nevertheless, the committee notes that although there have been only two terrorist attacks attributed to JI or its affiliates in the period under review—the attack on the Australian Embassy in 2004 and at Bali in 2005—it accepts these attacks as clear cases of terrorism, bringing JI within the scope of the Criminal Code for prescription purposes. The committee does not recommend disallowance of the regulations relating to either al-Qaeda or Jemaah Islamiah. I commend the report to the Senate.

**Senator ROBERT RAY** (Victoria) (3.46 pm)—Not only do I not support the disallowance of these particular regulations; I believe the government is absolutely right to have these two organisations relisted. That is not to say that I do not have some concerns about the direction that the world is taking in handling terrorism—and I fully concede that some of my remarks are made totally with the benefit of hindsight.

I was a little disappointed at question time today that Senator Coonan did not address one part of Senator Faulkner’s question, and I now think it is a necessity for the government to make a full parliamentary statement analysing or giving us the benefit of their analysis of the current situation in Iraq and the way forward. We had statements before we intervened in Iraq, and I think it is now time the government shared with the Australian people and the parliament where its vision is for the future of Iraq, given all the question marks over it, be they from former General Cosgrove, the new head of the British army and General Abizaid from the US, et cetera.
But I am particularly concerned about the recently published national intelligence estimate from the United States. Originally this was leaked to the New York Times, and I abhor that sort of breach of security—the fact that it was leaked. I think that was most unfortunate. But, now that it is in the public domain, this is the work of 16 security agencies in the United States and this report has been signed off by intelligence tsar John Negroponte, so it does carry a fair bit of heft and validity. Basically, the thrust of this report is that Islamic radicalisation, rather than being in retreat, has spread across the globe. One of the quotes is:

... the Iraq war has made the overall terrorism problem worse ...

Of course, the credibility of the national intelligence estimate was pretty high in 2002. A lot of politicians, at the time of intervention in Iraq, were very, very keen to quote from it. But I did notice, and I was very disappointed to read, the Prime Minister’s response to this particular report. He is quoted in the Age, on page 12, on 28 September. Having said some things on it, he went on to say:

Some of the intelligence agencies that were involved in this assessment were telling us ... that Iraq in 2003 had weapons of mass destruction ...

In other words, this latest national intelligence estimate can be dismissed because some of the agencies contributing to this one apparently got it wrong in a previous one. I think that is a totally political response. I really do think that is just a political response and it required a better response from this particular government.

This particular form of assessment was also there in 2002. I do not want the Prime Minister to dismiss the 2002 one without some intellectual application to it because, when you go back and look at the declassified report as released in October 2002 and then compare it with a much more classified version, released later, in July 2003, you will find substantial differences. No-one has yet answered why those substantial differences occurred. In the 2002 report, all qualifications are removed. All doubts are erased. But, in the actual report, they continue to exist. We were not fully informed in October 2002 of the real situation. Let me quote some examples that were deleted from the 2002 report. It said, for example:

We lack specific information on many key aspects of Iraq’s WMD program ...

That was missing from the 2002 declassified report but existed in the classified report. Here is another example: ‘although we have little specific information on Iraq’s CW stockpile’. That did not appear in the declassified version but was in the classified version. Every qualifier, every doubt, was erased. It became a political document, not an intelligence document.

The issues of UAVs and the threat that these could be used to convey chemical or biological warfare came up. Yet, in the classified version, the Air Force dismissed that, saying: ‘They don’t have enough UAVs; they don’t have the weaponisation capability. You don’t have to be concerned about it.’ But, if you just read the declassified version, everyone is under threat from the UAVs.

Of course, the other well-publicised area is that of uranium out of Africa, out of Niger. The declassified report indicated that Iraq had been trying to source uranium supplies from Niger. The classified report describes that as ‘highly dubious’. They knew that they had sent Ambassador Wilson to Niger. They knew that he had investigated and found no credibility in that.

What I am saying is that the national intelligence estimate has far more credibility than the declassified version of 2002 would indicate. Once we read the classified version,
which was released later, we find all sorts of qualifiers in there. And no-one has yet explained why they were omitted from the declassified report. One can only presume that that was done for political reasons—and not necessarily at the direction of their political masters; I do not allege that. Rather, they were just trying to please. One of the problems we have in the modern day is politicians quoting from intelligence agencies to back up their political point. In the old days, this was never done. People instead said, ‘I will neither confirm nor deny.’ But it is convenient these days to buttress your political arguments by using an intelligence agency as a source.

Go back to the 2001 election, when the Prime Minister went to the National Press Club and quoted from an ONA report to back up his views on children being thrown overboard. We only found out after the election that ONA had based all its intelligence on the basis of ministerial press releases. Talk about a dog chasing its tail. Ministers put out false information—I do not say that they did so knowingly—on kids being thrown overboard. ONA, to impress their political masters, put that in an intelligence report. Then the Prime Minister read the intelligence report and said: ‘Ah! I’ve got independent verification.’ He then went to the National Press Club and used that to justify his actions. Then, lo and behold, the week after the election, the director of ONA started to admit the truth and told everyone that that report was just based on ministerial press releases.

I am disappointed with Prime Minister John Howard dismissing this latest national intelligence estimate as a flawed work from agencies that got it wrong previously. Let us have a debate on how flawed this information is. I am speaking with the power of hindsight here. Very few of us foresaw what the future of Iraq would be after intervention. None of us every conceived that the de facto civil war that exists there at the moment would have transpired or come into being.

We do not know where we are. We hear the trite sayings. ‘Don’t cut and run,’ is the latest political spin. What does that mean? Does that mean that we stay in Iraq forever and that anyone who suggests that we have a full debate about it and a full analysis of what is happening there is some sort of political coward who will not stick it out? That is much too trite a response in my view. I am not advocating an immediate military withdrawal from Iraq by anyone, but it has to be considered. In the terms of the British head of army, if it is exacerbating the problem—if it is going to result in absolutely no chance of a solution—then we have to start publicly discussing what the solutions are and how we can resolve it.

Dismissing a credible intelligence report from our closest ally based on the work of 16 agencies in the intelligence arm is not the way to go about it—unless you are only trying to protect yourself politically, and that is exactly what this exercise is on behalf of the Prime Minister. He cannot contemplate the fact that intervening in Iraq may have made Australia more vulnerable to terrorist attack. That is not politically acceptable. But if you do not face the facts—if you do not analyse the facts—you make it harder to protect your country. Here, the national good should prevail over the political good. We should have a full and frank discussion in this parliament as to the future of Iraq and our role in it.

Senator BARTLETT (Queensland) (3.56 pm)—As I repeatedly say whenever reports from the Parliamentary Joint Committee on Intelligence and Security are tabled, I am not a member of the committee and neither is anyone else on the crossbench. I have only had the benefit of reading the report just now. I recommend that anybody who wrestles with the dilemmas that terrorism and
how to respond to it present read the report and the speeches that have just been given. Even from what I have just read, there are important aspects within the report as well. The report also deals with some wider issues that relate to this whole process that we need to try and wrestle with in as serious and a sober way as possible.

It certainly appears to me from the outside that the members of the committee take their job seriously. In a political environment, it would not be surprising for a political committee—if the Attorney-General wanted to relist al-Qaeda and Jemaah Islamiah as terrorist organisations—to say: ‘We don’t even need to think about that; of course we do. Let’s send out a press release trumpeting how we are tough on terror by agreeing to it.’ But the committee has taken its job seriously in looking at those requests for listing organisations at face value and taking the opportunity to properly review all of the available and fresh information there is about those two organisations and about the broader process that this listing of organisations represents.

The Democrats are on the record a number of times as having concerns with the whole construction of and framework around the process of listing organisations in the Crimes Act and whether this is the best way of dealing with what we all acknowledge is a genuine threat of violence against Australians and others. In this sort of debate in a politicised context, making statements such as that is prone to leaving you open to being slagged off and smeared by cheap-shot tabloid merchants and a few other people who engage in such tactics. On the government side, Minister Downer springs to mind in particular as one who is always ready to jump forward and slur anybody who raises a question about whether we are following the right path in how we deal with terror. It is good to have members on this very important committee who do not take that approach.

I need to emphasise, as I do each time, that this committee only involves people from the major parties—people from the government party and the party of the alternative government. That means that there is a restriction on the range of views that are present on the committee. For this committee more than any other, that presents a problem because this committee gets access to information that none of the rest of us in this parliament, let alone in the wider community, get access to. That presents a problem. It is a requirement of the law, so it is not much that this chamber can do anything about in this context. But it is something worth raising each time.

It does concern me to hear Senator Ferguson say—and the report confirms—that, in order to enable it to make greater sense of the government’s decision-making process, the committee has repeatedly requested that the government address the listing criteria of ASIO in the statements of reasons they put forward for listing or relisting organisations. The committee has done that in May 2005, in September 2005 and again in this report of October 2006.

According to the report, the government has not responded formally to these recommendations. That is a concern to me and, frankly, it is not good enough. When a committee is clearly engaging in its tasks in a very responsible and considered manner by seeking to have a quite reasonable request for the government to provide and address the criteria for listing in its statements of reasons, for the government to continue to refuse to do that is a sign of a government that is not taking its own responsibilities seriously enough. Having heard Senator Ray’s outline of intelligence agencies and the way intelligence reports and declassified intelli-
gence reports have been used by members of this government, it does not give me great confidence that even this committee is being provided with the full range of information that it requires to make full consideration.

It is an important reminder to all of us engaging in these debates that these are difficult areas. I think it is important for people who would be described as being on the left or the right of the political spectrum—however inadequate those descriptions are—to try to engage in debate in these issues on the basis of facts, substance and reality and to try to examine the best way forward from here. That is something we and the public debate would benefit from significantly. Part of the reason I emphasise that is because of evidence given in the report itself. To give an example, I quote paragraph 2.17, regarding al-Qaeda:

While much of the literature on Al-Qa’ida questioned the solidity of the organisation since the pressure brought to bear on it by the invasion of Afghanistan, all agreed, however, that its value as an ideological inspiration remained strong.

Trying to combat an organisation whose main strength is as an ideological inspiration is very different from combating an organisation whose main strength is to set off bombs around the joint. We need to take that into account more in considering how best to deal with these challenges. It is as much a matter of hearts and minds.

The statement was made, I think by Senator Ferguson, that the committee found that, whilst Jemaah Islamia is perhaps not as effective in setting off bombs around the joint as people thought it might be and perhaps does not have the resources that people thought it might have, it apparently and unfortunately seems to have few problems in finding recruits. Why is that? Whatever we do with the crimes legislation in Australia or elsewhere, I am not sure that we can address those sorts of things primarily through organisational listings, through the Crimes Act or through anything else. It is a hearts and minds issue and that is where we need to direct more of our attention.

In mentioning al-Qaeda, the committee said that if the role of that organisation: ...is largely one of propaganda, it would seem to the Committee that to ascribe more success to it than it warrants would be dangerous and self-defeating.

In other words, continually trumpeting al-Qaeda as the big global bogeyman when the evidence suggests it is much more enfeebled than is often portrayed is not helpful; it is actually counterproductive to our own interests to blow up these organisations as being much stronger and more effective than they really are. The report quotes from the assessment of the Jane’s Terrorism and Insurgency Centre:

Much of the action against Islamic terrorism has led to more rather than less violence. Intelligence has often been poor, contaminated or obtained under duress, most notably from Abu Ghraib prison in Baghdad and the US base in Guantanarno Bay. Media reports that the US interrogators had desecrated the Koran, though later withdrawn, can be assumed to have compounded the damage already caused by either poorly designed procedures or badly trained personnel.

The concern, and the reason I emphasise those points, is again to say that the Democrats believe that we need to be putting more attention on the impact of our own behaviour, our own failings and, more significantly, the failings of our key ally—a nation that certainly for the last few years we have basically been handcuffed to with regard to how they are operating on some of these issues.

The failings that are identified in Abu Ghraib and Guantanarno Bay in poor training or bad procedures, let alone some of the more egregious allegations that have been raised, do far more damage than any benefit
that can come about via mechanisms such as listing organisations through our Crimes Act. The real attention and action should be on our failure to show that we take seriously the issues concerning the sorts of failures that Senator Ray outlined in his speech, which I think are of serious concern. The matters being considered by the committee with respect to listing organisations are important, but it certainly seems to me from information provided to the committee, which is portrayed in its report, that a lot of the action, contest and focus actually needs to be elsewhere because that is where some of the failings are. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

**CHILD SUPPORT LEGISLATION AMENDMENT (REFORM OF THE CHILD SUPPORT SCHEME—NEW FORMULA AND OTHER MEASURES) BILL 2006**

**First Reading**

Bill received from the House of Representatives.

Senator SANTORO (Queensland—Minister for Ageing) (4.06 pm)—I move:

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

Question agreed to.

Bill read a first time.

**Second Reading**

Senator SANTORO (Queensland—Minister for Ageing) (4.07 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—*
portion of their income on children regardless of their level of income, whereas we now know that, while people with higher incomes spend more on their children than people with lower incomes, they spend less as a percentage of their income. Nor does the current formula distinguish between the ages of the children, so the significantly higher expense that comes with teenagers goes unrecognised. The current formula treats the income of resident parents more generously than it does the income of non-resident parents, and does not take account of contact by the non-resident parent with the children for up to 29 per cent of the time. Second families are also unfairly and inconsistently taken into account under the current formula.

The new formula, on the other hand, will explicitly be based on the costs of children, as drawn from Australian research showing the real costs of children for the level of the parents’ income and the children’s ages. An ‘income shares’ approach will be used so both parents will have the same amount deducted as self-support, both parents’ incomes will be taken into account in establishing the costs of the children, and the resulting costs will be apportioned between the parents according to their share of the combined income. In the new formula, parents who care for their children for 14 per cent or more of the time will be recognised as contributing to the costs of the children through their care. This will encourage non-resident parents to stay involved with their children. And there will be equal treatment between first and second families by using the actual costs of the children from the second family, rather than a flat amount, in working out child support payable for the first family. Resident parents will keep all of their family tax benefit if a non-resident parent has care of their child for less than 35 per cent of nights in a year.

The new formula will be rolled out from 1 July 2008, with notification well in advance to involved parents, and following the establishment of comprehensive systems to allow the Child Support Agency and Centrelink to help parents adjust to their new child support arrangements.

In a further major reform initiative, this time from 1 January 2007, the role of the Social Security Appeals Tribunal will be expanded to include independent review of child support decisions. Until now, there has been no mechanism for external administrative review of child support decisions except through the courts, which is expensive and time consuming for parents. The new arrangements will improve the consistency and transparency of child support decisions and will provide a review mechanism that is inexpensive, fair, informal and quick.

Also from 1 January 2007, the bill will make amendments to simplify the relationship between the courts and the new Child Support Scheme. Parents will have better access to court enforcement of child support debts if desired. The courts, when hearing cases on enforcement of child support liabilities, will have their powers to seek information and evidence increased to the level currently held by the Child Support Registrar. The courts will also have increased powers to make interim arrangements for their child support cases.

July 2008 will also see the implementation of some important remaining initiatives to improve the overall effectiveness and fairness of the Scheme.

Family tax benefit has many points of interaction with the Child Support Scheme and the two are to be more closely aligned, to support parents in working out their parenting arrangements. In particular, there will be changes to the maintenance arrangements for family tax benefit Part A so that reduction under the maintenance income test that applies to payment above the base level will be limited to those children in the family for whom child support is paid. More flexible arrangements, with better legal protection, will be made for parents who want to make agreements between themselves about the payment of child support and for how lump sum payments are treated.

Also, the income definitions used to calculate child support and family tax benefit will be aligned. The respective income definitions currently lead to different treatment for certain tax-free amounts, foreign income and fringe benefits. The child support income definition will be broadened to include certain tax-free pensions and benefits that already apply for family tax benefit. The foreign income definitions for child support and family tax benefit will be broadened.
and aligned. The gross value of reportable fringe benefits, rather than the net value, will apply for family tax benefit, as it already does for child support. The changes to income for family tax benefit will also apply for child care benefit.

The minimum payment rules will be made fairer. Non-resident parents who pay child support in more than one case will have to pay the minimum payment of about $6.15 per week per case, up to a maximum of three cases. Those parents who deliberately minimise their income to avoid paying child support will have to pay $20 per child per week, up to a maximum of three children, unless they can prove their incomes are in fact very low.

During the first three years after separation, parents who are using income from second jobs and overtime to help re-establish themselves will be able to apply to have their child support calculated taking into account their re-establishment costs.

The current Scheme is overly complex for parents who reconcile and then separate again and may serve as an obstacle to parents wanting to try a reconciliation. Under the new Scheme, a simplified process will allow parents to suspend child support payments for a period of six months when they get back together. If they break up again, the resident parent will be able to reinstate the child support assessment without applying again, reducing any further conflict between the parents.

Parents who have financial responsibility for step-children will now be able to apply to have the step-child treated as a dependant under the child support formula for the parent’s first family.

The current ‘change of assessment’ processes and rules for parents are confusing and are not widely understood. This bill will make these rules simpler and clearer for parents.

The reforms in this bill are the most significant in the 18-year history of the Child Support Scheme and will deliver a system that is truly in the best interests of children.

Debate (on motion by Senator Santoro) adjourned.

DEFENCE FORCE (HOME LOANS ASSISTANCE) AMENDMENT BILL 2006

TAX LAWS AMENDMENT (2006 MEASURES No. 4) BILL 2006

First Reading

Bills received from the House of Representatives.

Senator Santoro (Queensland—Minister for Ageing) (4.08 pm)—I indicate to the Senate that these bills are being introduced together. After debate on the motion for the second reading has been adjourned, I will be moving a motion to have the bills listed separately on the Notice Paper. I move:

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

Question agreed to.

Bills read a first time.

Second Reading

Senator Santoro (Queensland—Minister for Ageing) (4.08 pm)—I table a revised explanatory memorandum relating to the Tax Laws Amendment (2006 Measures No. 4) Bill 2006 and move:

That these bills be now read a second time.

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

Leave granted.

The speeches read as follows—

DEFENCE FORCE (HOME LOANS ASSISTANCE) AMENDMENT BILL 2006

This bill seeks to extend the operation of the Defence HomeOwner Scheme (the Scheme), which is governed by the Defence Force (Home Loans Assistance) Act 1990, from 31 December 2006 to 31 December 2007.

The Scheme provides members of the ADF with a subsidy on the interest expense incurred on a home loan. The subsidy is payable on a maximum home loan value of $80,000. The assistance is
The Scheme was implemented at a time when the banks were the major home loan providers and restricts the ability of ADF members to use the subsidy assistance to access the vastly different range of home loan products available in the contemporary home loan market.

A review is now being undertaken by the Department of Defence to establish a home ownership assistance scheme that is more contemporary to meet the needs of both Defence and ADF members. This review is to be completed in time to allow the implementation of a new scheme by 31 December 2007.

To ensure that eligible ADF members continue to have access to home ownership assistance under the current Scheme, pending the outcome of the review, it is necessary to amend the finishing date currently prescribed in the Act from 31 December 2006 to 31 December 2007. This amendment will also retain the sole loan provider rights of the National Australia Bank.

TAX LAWS AMENDMENT (2006 MEASURES No. 4) BILL 2006

This bill amends various taxation laws to implement a range of changes and improvements to Australia’s taxation system.

Schedule 1 to this bill extends the existing capital gains tax (CGT) roll-over relief on marriage breakdown to assets transferred under a binding financial agreement or an arbitral award entered into under the Family Law Act 1975. This measure will also extend to similar arrangements under state, territory or foreign legislation. Finally, the measure will ensure that the CGT roll-over interacts appropriately with the main residence exemption, and that marriage breakdown settlements do not give rise to CGT liabilities.

Schedule 2 improves the interaction between the consolidation rules and the demerger rules. Currently a consolidation integrity measure causes certain CGT roll-overs to be ignored for consolidation tax cost setting purposes. This integrity measure will not apply to a consolidated group or multiple entry consolidated group that forms after a demerger. The amendments will apply from 1 July 2002 (that is, from the commencement date of the consolidation regime).

Schedule 3 amends the simplified imputation system to ensure that Australian companies receive franking credits attached to non-assessable non-exempt distributions from New Zealand companies. This change will apply from 1 April 2003 (that is, from the commencement of the trans-Tasman imputation measures).

Finally Schedule 4 to this bill will implement the Government’s decision to reform the CGT treatment of foreign residents.

These reforms will further enhance Australia’s status as an attractive place for business and investment by addressing the deterrent effect for foreign investors of Australia’s current broad foreign resident CGT tax base.

The amendments in this bill better target and strengthen the application of CGT to foreign residents. This is achieved firstly by narrowing the range of assets on which a foreign resident is subject to Australian CGT to Australian real property, and the business assets of Australian branches of a foreign resident.

Secondly, the integrity of this narrower CGT tax base for foreign residents is strengthened. CGT will apply to non-portfolio interests (10 per cent or more) in Australian and foreign interposed entities, where more than half of the value of the interposed entities’ assets is attributable to Australian real property. Those assets may be held directly, or held indirectly through one or more other interposed entities.

The amendments align Australia’s domestic law with the approach adopted in Australia’s tax treaties. They complement taxation changes already introduced by the Government affecting investments made from Australia.
Full details of the measures in the bill are contained in the Explanatory Memorandum.

Debate (on motion by Senator Santoro) adjourned.

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

**CORPORATIONS (ABORIGINAL AND TORRES STRAIT ISLANDER) BILL 2006**

**CORPORATIONS AMENDMENT (ABORIGINAL AND TORRES STRAIT ISLANDER CORPORATIONS) BILL 2006**

**CORPORATIONS (ABORIGINAL AND TORRES STRAIT ISLANDER) CONSEQUENTIAL, TRANSITIONAL AND OTHER MEASURES BILL 2006**

First Reading

Bills received from the House of Representatives.

Senator Santoro (Queensland—Minister for Ageing) (4.09 pm)—I move:

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

Question agreed to.

Bills read a first time.

Second Reading

Senator Santoro (Queensland—Minister for Ageing) (4.10 pm)—I table a revised explanatory memorandum relating to the Corporations (Aboriginal and Torres Strait Islander) Bill 2006 and move:

That these bills be now read a second time.

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

Leave granted.

*The speeches read as follows—*
also allows for a range of assistance from training to a rolling program of ‘good governance audits’. The bill includes increased rights for members, consistent with the Corporations Act, and provides greater opportunities for members to act to protect their own interests. In addition, the Registrar will be able to act on behalf of members in circumstances where they are unable to do so, for example, in the case of an oppressed minority.

The bill has been subject to extensive and thorough consultation. An independent review of the Aboriginal Councils and Associations Act was commissioned by the Registrar in 2001. The review was led by law firm Corrs Chambers Westgarth and team members included specialists Senator Brennan Rashid, Professor Mick Dodson, Christos Mantziaris and Anthropos Consulting.

There were several rounds of consultations and two workshops in Alice Springs. In addition, questionnaires were sent to all associations incorporated under the Aboriginal Councils and Associations Act and to 345 Indigenous organisations incorporated under other Commonwealth, state and territory legislation. There was extensive advertising in local and rural media, information sheets and consultation papers.

The bill is broadly in line with recommendations of that review.

The threshold question was whether there is a need for specific legislation for Indigenous corporations. It is clear from the consultations that many Indigenous corporations need special support and regulation tailored to their circumstances, such as remoteness, capacity, culture and to meet the requirements of special statutory regimes including native title.

This flexibility and the special measures required are not available from other corporate regulators such as ASIC, which are primarily concerned with relatively large trading corporations.

However, special legislation needs to be consistent with current basic practices of other corporate regulators. Therefore, the backbone of the bill is the application of mainstream corporations law to Aboriginal Councils and Associations Act corporations—for example, it largely replicates modern standards of duties for officers, directors and employees that exist in the Corporations Act.

During the consultations, Indigenous peoples themselves called for strong accountability requirements for corporations and their directors and managers, flexibility to tailor and more capacity development measures.

The bill overcomes regulation gaps—for example, managers of Indigenous corporations will now have duties like those of directors and will no longer be able to escape scrutiny. Directors and managers can be disqualified and their names put on a register of disqualified directors so that they will be clearly visible to other corporations.

The Registrar of Aboriginal and Torres Strait Islander Corporations, unlike under the provisions of the current Act, will be able to check subsidiaries and trusts related to Indigenous corporations, some of which hold substantial funds and assets.

To protect the members of corporations, funding bodies and ultimately the Australian taxpayer, a range of offences are covered in the bill. The offences largely reflect those set out in the Corporations Act and have been developed on the principle that similar obligations should attract similar consequences.

The bill allows for flexibility so that corporations can tailor their corporate governance practices to better suit their members and communities. Most corporations are likely to use the sensible internal governance framework built into the bill, others will choose to modify it. Support and training will be available through the Office of the Registrar of Aboriginal and Torres Strait Islander Corporations, to help them through the process where it is needed.

Special measures that address the unique circumstances of many Indigenous corporations have been a key consideration in the bill’s development. One such measure allows the Registrar to appoint a special administrator—a modernisation of a measure currently available under the Aboriginal Councils and Associations Act.

This measure is an important safeguard to protect the interests of those communities that might otherwise suffer the consequences of corporate failure.
One corporation currently under the control of this sort of special administrator provides all the power for a remote community, from the local school to the medical service and police station. Clearly a special power is needed to deal with the risk of corporate failure especially when it could threaten a community’s essential services and, indeed, existence.

Importantly, for the first time the bill will provide persons affected by key decisions of the Registrar to have these decisions reviewed by the Administrative Appeals Tribunal.

The bill has a strong focus on reducing red tape for smaller corporations, which will have less reporting requirements in proportion to their size. Larger more sophisticated organisations will have more rigorous reporting arrangements in line with modern corporations law.

The bill allows support for good dispute resolution. While not having a direct role in conducting mediations, the Registrar can help in the development of dispute resolution processes.

To further support capacity building in these corporations a key feature of the bill allows the option of appointing experts to Boards, even if non-Indigenous.

The provision of practical assistance and training will now be underpinned in legislation.

The new arrangements will commence on 1 July 2007 allowing time for Indigenous corporations to make the necessary changes.

The bill has been subject to scrutiny and report by the Senate Standing Committee on Legal and Constitutional Affairs. A number of parliamentary amendments introduced by the Government in the House of Representatives have been incorporated into the bill as a result of the Committee’s work and further consultation with and feedback from stakeholders. These amendments refine and enhance the operation of the bill. They also offer greater flexibility than the bill originally provided for. For example, while Boards of no more than 12 are desirable, the bill, as amended, will allow an exemption for a larger Board where this is reasonable. This further improves the flexibility of the legislation.

Other provisions in the bill deal with the voluntary transfer and amalgamation of Aboriginal and Torres Strait Islander corporations. This supports the purpose of the bill as a framework for incorporation that meets the special risks and requirements of the Indigenous corporate sector. The new provisions will allow a body corporate registered under another law to seamlessly transfer its registration to the bill if certain requirements are satisfied. For example, it will allow an Indigenous-controlled association incorporated under a state law to easily transfer its registration to the bill.

Similarly, an Aboriginal and Torres Strait Islander corporation will be able to transfer its registration to the Corporations Act, or a law of a state or a territory. A large commercial Aboriginal and Torres Strait Islander corporation, for example, may decide that its future development would be best served by incorporation under the Corporations Act. These provisions will allow the smooth transition of such corporations and provide corporations with the choice to incorporate under the regime that suits them best.

Other provisions will enable an Aboriginal and Torres Strait Islander corporation to amalgamate with other Aboriginal and Torres Strait Islander corporations, either by an administrative process approved by the Registrar or by applying to a court. Such amalgamations will be voluntary and may be desirable when a number of different Aboriginal and Torres Strait Islander corporations service a particular area or Indigenous group.

The bill is part of a legislative package which includes the Corporations (Aboriginal and Torres Strait Islander) Consequential, Transitional and Other Measures Bill 2006 and the Corporations Amendment (Aboriginal and Torres Strait Islander Corporations) Bill 2006.

This comprehensive legislative package provides the flexibility to accommodate the diversity of Aboriginal and Torres Strait Islander corporations. It reflects international best practice in Indigenous corporate governance and will help to produce better outcomes for Indigenous Australians.
CORPORATIONS AMENDMENT (ABORIGINAL AND TORRES STRAIT ISLANDER CORPORATIONS) BILL 2006

This Corporations Amendment (Aboriginal and Torres Strait Islander Corporations) Bill 2006 amends the Corporations Act 2001. The amendments ensure that the Corporations (Aboriginal and Torres Strait Islander) Bill 2005, which was introduced in June last year, interacts appropriately with the Corporations Act 2001.

These amendments to the Corporations Act make it clear that a corporation registered under the Corporations (Aboriginal and Torres Strait Islander) Bill 2005 is a corporation for the purposes of the Corporations Act.

The amendments remove areas of doubt, close potential regulatory gaps and remove confusion that would arise if there were dual regulation by both the Australian Securities and Investments Commission and the Registrar of Aboriginal and Torres Strait Islander Corporations.

The amendments also make sure that a person disqualified from managing a corporation under the Corporations (Aboriginal and Torres Strait Islander) Bill 2005 is also disqualified from managing a corporation under the Corporations Act.

Consistent with the requirements in the Corporations Agreement 2002, state and territory ministers have been consulted regarding these reforms through the Ministerial Council for Corporations and have approved the bill.

These amendments are a small but important part of a broader package of reforms that will improve Indigenous corporate governance and help to produce better outcomes for Indigenous Australians.

CORPORATIONS (ABORIGINAL AND TORRES STRAIT ISLANDER) CONSEQUENTIAL, TRANSITIONAL AND OTHER MEASURES BILL 2006

The Corporations (Aboriginal and Torres Strait Islander) Bill 2005, introduced in June last year, is intended to repeal and replace the Aboriginal Councils and Associations Act 1976.

This Corporations (Aboriginal and Torres Strait Islander) Consequential, Transitional and Other Measures Bill 2006 sets out the transitional arrangements for corporations moving from the old Act to the new.

The Aboriginal Councils and Associations Act was developed in the 1970s to cater for land holding corporations linked to the first land rights legislation. It was meant to offer a simple process for incorporation with a minimal need for regulation. However, the Act is no longer adequate.

There are now 2,500 organisations registered under the Act. As the sector grew, Indigenous Australians became more dependent on these organisations for the provision of services, including essential services and management of assets. They are responsible for hundreds of millions of dollars of public funding for income and assets. Indigenous Australians want these organisations to operate efficiently and to be more accountable to them.

With a view to modernising the operation of the sector, the Registrar of Aboriginal Corporations commissioned an independent review of the Act in 2001. The review was led by law firm Corrs Chambers Westgarth. Team members included specialists Senator Brennan Rashid, Professor Mick Dodson, Christos Mantziaris and Anthropos Consulting.

The review took almost two years to complete. Questionnaires were sent to all corporations under the Act as well as to 345 Indigenous corporations incorporated under other legislation. Advertisements were placed in all key Indigenous publications. There were several rounds of consultations and two workshops in Alice Springs. Information sheets and consultation papers were distributed widely.

The report of the review was made available publicly for comment in December 2002. The Government presented its response to the review in January 2004, after considering further submissions. The bill, introduced in June 2005, largely reflects the recommendations of the Review.

The threshold question was whether there was a need for specific legislation for Indigenous corporations. It was clear from the consultations that many Indigenous corporations need special support and regulation tailored to their circumstances. Their incorporation legislation also needs
to meet the requirements of special statutory regimes including native title.

The flexibility and special measures required are not available from other corporate regulators such as ASIC, which are primarily concerned with relatively large trading corporations.

However, special legislation needs to be consistent with current practices of other corporate regulators. Therefore, the backbone of the reform is the application of mainstream corporations law to these corporations—for example, the reforms largely replicate modern standards of duties for officers, directors and employees that exist in the Corporations Act.

The reforms also overcome regulation gaps—for example, managers of Indigenous corporations will now have duties like those of directors and will no longer be able to escape scrutiny. Directors and managers can be disqualified and their names put on a register of disqualified directors so that they will be clearly visible to other corporations. The reforms include strong measures to avoid nepotistic behaviour. Importantly, the Registrar will be able to check subsidiaries and trusts related to Indigenous corporations, some of which hold substantial funds and assets.

To protect the members of corporations, funding bodies and ultimately the Australian taxpayer, a range of offences are covered in the bill. The offences largely reflect those set out in the Corporations Act and have been developed on the principle that similar obligations should attract similar consequences.

Special measures that address the unique circumstances of many Indigenous corporations have been a key consideration in the CATSI Bill’s development. One such measure allows the Registrar to appoint a special administrator—a modernisation of a measure currently available under the Aboriginal Councils and Associations Act.

This measure is an important safeguard to protect the interests of those communities that might otherwise suffer the consequences of corporate failure especially when it could threaten a community’s essential services and infrastructure such as municipal services.

Corporations will be able to tailor their corporate governance practices to better suit their members and communities.

Smaller corporations will have less reporting requirements in proportion to their size. Larger, more sophisticated organisations will have more rigorous reporting arrangements in line with modern corporations law.

The changes offer a practical response to the need for good governance in Indigenous communities: Indigenous people can structure their corporations to create the best outcomes for their particular needs. It allows for the Registrar to provide a range of assistance from compliance support to a rolling program of ‘good governance audits’.

Since the introduction of the bill there has been further consultation. It has been subject to scrutiny by the Senate Legal and Constitutional Affairs Committee for almost 12 months. We will be introducing a number of amendments some of which are a result of the committee’s work. Those amendments will offer greater flexibility than the bill originally provided for.

This bill consists of three schedules—amendments to the Native Title Act 1993, consequential amendments and transitional provisions.

Schedule 1 to the bill sets out amendments to the Native Title Act 1993 that correct a technical problem relating to corporations formed to hold or manage native title.

Schedule 2 to the bill sets out consequential amendments. It also repeals the Aboriginal Councils and Associations Act.

Schedule 3, sets out the transitional provisions providing a seamless transfer of corporations. These provisions preserve the legal status, office bearers, assets and liabilities of corporations in their pre-commencement form. This is designed to minimise the administrative burden on corporations while providing certainty of operation for corporations, their members and stakeholders.

While the new arrangements will commence on 1 July 2007, transitional corporations will have up to two years to meet the requirements of the new Act.

Support such as an 1800 hotline, do-it-yourself tools, troubleshooting sessions and compliance
training on the legislation will be available through the Office of the Registrar of Aboriginal and Torres Strait Islander Corporations, to help corporations through the process where it is needed. The Registrar’s office has already embarked on some of these measures. A recent $28 million Budget initiative to strengthen the capacity of Indigenous corporations will include funding associated with implementation of the bill.

The reforms will improve Indigenous corporate governance and will help to produce better outcomes for Indigenous Australians. These consequential, transitional and other measures assist implementation and ensure the success of Indigenous corporations and ultimately Indigenous Australians.

Debate (on motion by Senator Santoro) adjourned.

Ordered that the resumption of the debate be an order of the day for a later hour.

TRADE MARKS AMENDMENT BILL 2006

Returned from the House of Representatives

Message received from the House of Representatives returning the bill without amendment.

MEMBERS OF PARLIAMENT ENTITLEMENTS

Senator MURRAY (Western Australia) (4.11 pm)—I move:

That clauses 11.1, 11.2 and 11.3 of Determination 2006/18: Members of Parliament—Entitlements, made pursuant to subsections 7(1), 7(2) and 7(4) of the Remuneration Tribunal Act 1973, that provide for the aggregation of the charter and communications allowances of a member representing an electorate of 10,000 km² or more, be disapproved.

As a courtesy to those who would speak to this, I let them know that I do not propose to have a major barney, unless of course they want to, and I do not intend to speak for that long, so people need to be prepared with respect to that. This notice of motion concerns a small portion of determinations 2006/18 and 2006/19, regarding the entitlements and travelling allowances of members of parliament. These determinations were issued with effect from 1 July 2006. The small portions that I refer to are determination 2006/18’s clauses 11.1, 11.2 and 11.3. They seek to aggregate entitlements for a member representing an electorate of 10,000 square kilometres or more, so the Senate should be immediately aware that they only affect a few of the 226 parliamentarians we have in the Senate and the House. Of course, these are all members that are affected. Clause 11.1 reads:

A member representing an electorate of 10,000 km² or more is entitled to aggregate the entitlements which he or she is granted under clause 6.2 and clause 10.4.

Clause 11.2 says:

A member representing an electorate of 10,000 km² or more shall be entitled to use his or her aggregated entitlements:

(a) for charter transport as defined in clause 6.1, within and for the service of his or her State, Territory or electorate in accordance with the procedures, requirements and limitations set out in clauses 6.3 to 6.9; or

(b) for commercial communications services as set out in clause 10.4, in relation to parliamentary or electorate (but not party) business in accordance with the procedures, requirements and limitations set out in clauses 10.5 to 10.13.

Clause 11.3 says:

A member for an electorate of 10,000 km² or more shall be entitled to carry over the unused part of their aggregated entitlement to the total value of:

(a) the entitlement which the member can carry over under clause 6.4; and

(b) the entitlement which the member can carry over under clause 10.6.
Clause 6.2 refers to the cost of charter transport at Commonwealth expense. Clause 10.4 refers to communications allowances and says:

Subject to clauses 10.5 to 10.13, a senator or member shall be entitled to use commercial services for the distribution of letters, newsletters and parcels and electronic services (including establishment and maintenance of web sites) at Commonwealth expense in relation to parliamentary or electorate (but not party) business ...

To the nub of the reasons that I have raised these issues for potential disapproval, there are three issues at hand. The first is that it is a principle of entitlements and their determination that they are discrete—namely, individual items are established. We do not have a macro budget which senators and members can deal with at their discretion. Of course, there have been those who have argued that that should be the case, but that is not the case. The fact is that each individual item we are entitled to spend as part of our allocations for doing our jobs is discrete and separate. So this is a principle whereby one which has been traditionally always been separate is to be used in aggregation, if there is a carry-over amount, with another. That is a new principle, and one which I would challenge in this circumstance because, unless we move to the holistic approach of a macro budget, I think it is far preferable to keep things separate.

So I want to test these propositions before the Senate. I want to hear how the government answers those arguments. I do not think there should be a finger-pointing exercise at various parts of the chamber because these are issues of policy and principle with regard to how things should be managed and dealt with. I look forward to hearing the contribution of senators to this debate.

Senator CHRIS EVANS (Western Australia—Leader of the Opposition in the Senate) (4.18 pm)—I wish to indicate on behalf of the Labor opposition that we will be supporting Senator Murray’s disallowance motion. In doing so, I will perhaps be a little more cynical than Senator Murray was. While I agree with him that there are important points of principle at stake here, there is also a great deal of cynicism and political advantage for the government contained in these propositions and, in particular, in the totality of what has occurred in recent months in terms of total entitlements that are supervised than they were. As soon as you get into an area where it could become a bit messy it concerns me.

The third and primary concern I have—and as senators would have heard, I am opposed in principle to the idea of aggregating such discrete provisions—is that I am afraid it may serve as a precedent. In other words, if it comes through with respect to this limited number of members, it may end up as a precedent and apply to all senators and all members. I am aware, as all members of the chamber are, that there are senators and members who use their charter allowance to the full at all times, to the full occasionally—every year or so—and some hardly at all. Therefore, if it were to become a precedent, it would allow for the manipulation of entitlements for other purposes, particularly in electoral campaign years, which I personally think is undesirable.
available for members of the House of Representatives to use effectively in campaigning for their own re-election. I want to come to that because I think that in debating these changes today we have to look at the totality of the changes to entitlements that have been advanced by this government in recent times. They go to staff, printing, postage and charter—a whole range of increases in entitlements that are tightly targeted to advantage the government and to advantage incumbents. Not only does it raise questions of the use or abuse of taxpayers' money but also it raises questions of the government setting out on a deliberate campaign to entrench incumbents, to use the power of office to protect people's political interests. While there is always an element of that, in that sitting members have advantages, the extent of the advantage is getting well beyond a joke. It is starting to interfere, I think, with the proper democratic processes that should be available in this country, where people of any political party or an Independent can nominate and stand a fair chance of being elected by arguing their policies and platform in an election context.

Senator Murray's motion seeks to disallow Determination 2006/18: Members of Parliament—Entitlements made by the Remuneration Tribunal last month. These effectively look to allow members representing larger electorates, those of 10,000 square kilometres or more, to aggregate their charter aircraft and self-drive vehicle entitlements with their communications allowances—that is, to pool the money they are allowed to use for charter to get around their electorates—charter by plane or car, despite already having an entitlement to a vehicle or, in some cases, two vehicles—or to pool that charter entitlement with their communications allowance, which is largely postage. So you now have the combining—as Senator Murray quite rightly put it—of two separate allowances into one, aggregating them so that people can use for postage an entitlement which was designed for transport around the electorate. That creates a whole set of problems and a whole set of issues that takes us down a path we do not want to go down, in my view.

This determination also provides for an annual carry-over of this mechanism. So the aggregated entitlement can be carried over to the next year. Of particular interest, of course, is whether or not these entitlements can be carried over into election years to maximise their impact in a year when a member might be looking to focus the electorate's attention on their desirable qualities, which might lead to their re-election.

There are a number of issues here in the aggregating of allowances and allowing roll-overs, which will provide flexibilities and capacities that previously were not available to members of the House of Representatives. Of course, it just happens to be that the overwhelming majority of members of parliament who benefit from this entitlement—26 out of a total of 33—are coalition members, so a huge advantage will flow from these measures to Liberal and National Party members of parliament. Twenty-six out of 33 beneficiaries of this are government members—sitting members of parliament who are up for re-election next year and who will have a significant increase in the resources available to them for campaigning in their electorates for their re-election.

This determination provides that more than one-quarter of all coalition members of parliament will benefit from what is becoming an extravagant and excessive set of entitlements. More than one-quarter of coalition members of parliament will now receive a massive boost to their entitlements in addition to those that have gone before in recent times—a set of entitlements that have gener-
ally been refused by the Senate before the change in the balance of power in the Senate. Most of these measures that have come before us in recent months have previously been rejected in one form or another by the Senate because senators, on balance, have found them to be not justified.

I want to make the point that I recognise that this decision, the subject of the disallowance motion, was made by the Remuneration Tribunal. It is different from a number of other issues that have been brought before us, because they have been brought before us by a decision of the Special Minister of State, Mr Nairn. It does provide me with some difficulty because I have always argued that the Remuneration Tribunal should be put in charge of all politicians’ pay and conditions; I have always thought it is not something that we ought to determine ourselves. Senator Brown and I have crossed swords on this more recently, but I take the view that no employee and no set group of people, including company directors, ought to set their own pay and conditions. The record across all occupations has not been good at getting the balance right, and I suspect that we will not be any better at getting the balance right than any other group. And, of course, one is left exposed to the criticism of whatever one does—there are never any votes in politicians’ pay and conditions—and I am not one who encourages the cheap populism by some of my colleagues on these issues. However, the reality is that this is slightly different because it is a Remuneration Tribunal decision, and I accept that, and it puts me in a difficult position because I have always supported their having control over these issues as an independent body free from any self-interest in these matters.

But I do not think you can look at this decision in isolation. I do not think we can just say, ‘Oh, well, it’s a Remuneration Tribunal decision and we ought to pass no further comment,’ because what we have seen over recent months is step after step that has built incumbency for this government and its members. There has been a deliberate strategy to increase entitlements that strengthen the capacity of incumbents to be re-elected. Even if you do not accept my argument about how it favours sitting members and coalition members—although this time it is unarguably the case—there is a broader principle such that even if it were of great benefit to Labor members I would argue against it. The principle is that our democracy thrives on the capacity of small parties and Independents to contest elections. If you get to the American stage, where the capacity for people to stand for election and participate in the democratic process is limited so much by financing issues, it will be a very sorry day for our democracy.

But what we are focusing on here today is the latest in a group of decisions which seek to entrench incumbent members and to finance their activities from the public purse. Taxpayers’ money will be used to increase entitlements for members to promote themselves during an election period. We have to think very carefully whether we accept the government’s arguments. The Remuneration Tribunal made a decision in relation to these specific matters and I do not have any information on the arguments that were put before them. I do not know why it was restricted to 33 members but clearly it was argued as part of an attempt to make a case for those servicing larger electorates.

The letter from the Special Minister of State, Gary Nairn, which he sent to all senators and members, explained what the new determination means. When it referred to the electorate charter entitlements for all senators and members it always used plurals: House of Representatives members and senators. I read through it and I went back and had a second read. Suddenly the word ‘sena-
tors’ was dropped out of the key paragraph; ‘senators’ went missing in action. Some would say we do this all the time! Interestingly enough these changes that are warranted, according to the minister, do not apply to senators.

I come from Western Australia; I have a pretty large electorate, as does Senator Murray. Senator Brown is more favourably treated because of the size of his electorate, but I come from a massive state which I have to get around. So if the argument is based on size of electorate, then clearly senators from Queensland, the Northern Territory and Western Australia ought to receive the same sort of treatment. But they will not. We suddenly drop out of the picture. We receive all the other changes in entitlements such as travelling allowance and some of the charter allowance but, when it comes to aggregating that entitlement and combining it with a communications allowance, the arguments that support this important proposition suddenly no longer apply to senators. I do not for the life of me know why. If they are not politically motivated reasons, I cannot see any other reason that would justify senators disappearing from this calculation.

If it really is about the size of the electorate, if it really is about allowing people to communicate, why not let Senator Murray communicate more easily with the Western Australian population; why not allow me, why not allow the Queensland senators? Because it is very much about entrenching incumbency. It is very much about providing a set of entitlements to sitting lower house members that allows them to campaign using Commonwealth-funded, taxpayer-funded resources. So when we look at the question of abrogation and the combination with their entitlements for charter with their communications allowance, the senators disappear. This measure alone applies to 33 House of Representatives members, 26 of whom just happen to be coalition members.

It takes me back a couple of months to when we had the debate about the printing entitlement. There was a real need to allow members of parliament to communicate more effectively with their electors by increasing their printing allowance so that they would be able to produce more material and communicate more easily. But again senators were left out of the equation. The printing entitlements for House of Representatives members were greatly increased—I think by $25,000 per annum, if my memory serves me correctly—but again senators were not to benefit. I do not say this jealously because I do not think the increase was justified. I argued against it then and I will argue against this increase now. There is no logic underpinning this. This is about politics, not about servicing one’s electorate effectively. If that were your rationale, then the differences that we are seeing in the approach to the House of Representatives members and to senators would be vastly different and would not reflect the sort of approach that we are seeing from the government.

To sum up, I want to look at what this means in reality for the government’s funding of these extra entitlements for parliamentarians to use in communicating with their members. Recently, we had an increase in staff entitlement, an increase in relief budget beyond the three staff to 24 weeks. What I regard as the outrageous increase in printing entitlement—$25,000 per annum—passed through this place a couple of months ago. We now have an increase of 10 per cent in the charter capacity for those with large electorates—and senators on this occasion. And of course we have an increase in postage. What runs through all these decisions is increased entitlement and aggregation—that is, the capacity to use the entitlements in different and creative ways, to use them as a sole
resource for campaigning. There is an increase in the capacity to roll over from one year to another so that the measures can be concentrated into a particular year. The other theme is that it applies only to the House of Representatives. So you have increasing entitlement, the ability to throw them into one bucket and the ability to roll them over from one year to the next. End result: tremendous capacity to spend taxpayers’ resources on your own re-election in an election year. That is the sum of all this.

That is the theme underpinning all these changes. While on occasions one can argue for flexibility and argue that people will use these resources, the bottom line is that step after step the government is increasing resources available to it and to its members to campaign for their re-election. Put that on top of the electoral law changes where we are now allowed to make donations of $9,999 without disclosure and you are seeing a trend, a government approach to the electoral system which ought to be opposed.

As I pointed out earlier, the government did not get away with these changes before the Senate majority changed because the Senate took very sensible decisions about not allowing abuses to occur. The Senate sought to protect the integrity of the electoral system and the integrity of our democracy. They are being whittled away step by step. In fact at the moment it is less a whittling and more an avalanche. If you look at what has occurred in the last year you see that there is a very serious campaign on to cash up House of Representatives members before the next election. They are targeting entitlements more and more. This effectively targets 26 of the 33 members in larger electorates and, as I say, provides extra entitlement and extra capacity to over a quarter of the coalition contingent in the House of Representatives.

I support public funding, but I support it the proper way—by funding political parties to help meet the cost of campaigning. These allowances form a second stream of public funding that is done under the table, without justification, and is starting to really undermine some of the principles of our democracy which are worth defending. It is entrenching the government, entrenching sitting members and giving them huge advantages.

I did some calculations. I do not want to pick on Mr Barry Haase but I had a look at Kalgoorlie and at my own seat. Mr Haase’s printing entitlement is now up to $150,000. He can roll over 45 per cent of that. So as a result of the measure the government put through a few months ago his total is a staggering possible $217,500 taxpayer-funded printing allowance in an election year. His communications allowance or postage, based on the number of electors at the last election, is now about $81,000 for two years worth of postage. He has the capacity to spend $81,000 on postage in an election year, plus under this measure he is allowed to take 100 per cent of the election year’s charter allowance, plus 20 per cent of last year’s charter allowance. So 120 per cent of his charter allowance is able to be used for postage. That is a staggering $95,000 extra made available, potentially, for Mr Haase. He has a total possible communications or postage allowance in an election year of $176,000 and $217,000 worth of printing.

The member for Kalgoorlie has $393,500 at his disposal to spend on his re-election in an election year, if he chooses to do so. This is not money that he has raised by using the new electoral laws that allow him to raise money without telling anyone where he gets the money from; this is $393,500 of taxpayers’ money that the government is allowing him to use to campaign for himself. I pity some poor Independent wanting to run for
election in Kalgoorlie. They would not have the staff, the cars or the offices—and I use the plural word ‘offices’—and they certainly would not have the $393,500 of taxpayers’ money before they began. That is a pretty good start for Mr Haase in Kalgoorlie, it is a pretty good start for the other 33 members who are beneficiaries of these changes and it will certainly be a pretty good start for the 26 coalition members who will benefit at the next election. These changes are not good for our democracy, they are not good for encouraging participation and they ought to be opposed. (Time expired)

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (4.39 pm)—The fact is that this is deplorable legislation and it is corrupt. The fact is that this legislation is the absolute power of the government using its numbers to put legislation through here to line the pockets of members in the run to the next election in a way that is simply not available to competitors in what should be a fair and equal race. It is totally out of hand. As Senator Evans and Senator Murray have outlined, it goes from bad to worse. It is reprehensible that the Prime Minister should be not only permitting but driving a process where taxpayers’ money is taken through a series of measures like this and given primarily to government members of parliament so that they can advantage themselves against others standing in what is supposed to be a democratic election next year. That is what this is all about, as Senator Evans and Senator Murray have said. The process is corrupting—and we have to call a spade a spade here—and the Prime Minister is overseeing this corrupting process. He can come out into the public arena and put his point of view on that, but the fact is that is how this must be described because that is the appropriate description for it.

Senator ABETZ (Tasmania—Minister for Fisheries, Forestry and Conservation) (4.41 pm)—In 2000 the Remuneration Tribunal issued determination 2000/11. This determination provided for a number of measures to assist members representing electorates of 300,000 kilometres or more and the peculiar difficulties that they face. In particular, it provided for an entitlements aggregation trial designed to provide members with greater flexibility in establishing and maintaining contact with constituents. This trial involved allowing members representing the five largest electorates to aggregate their communications and charter allowances.

It should be noted that this was a decision of the Remuneration Tribunal itself. It had not been recommended by the government—so much for all the conspiracy theories that we heard earlier in this debate. The tribunal’s decision was based on the submissions of the MPs from the big electorates, discussions with those MPs and even travel out to the big electorates by tribunal members. They took their task very seriously.

The tribunal’s 2002 annual review statement of parliamentary allowances for expenses of office confirmed that the trial would continue as information on the results of the trial had been somewhat limited. Last year the then Special Minister of State consulted with those MPs on the trial to assess their views on its merits and a possible extension. All were of the view that the trial had been very useful and that the flexibility gained by the aggregation clause allowed for more flexibility in servicing the needs of their constituents. Some preferred to use the aggregated amount for increased levels of direct mail. Others, such as the member for Maranoa, Mr Bruce Scott, preferred to make much greater use of charter than would normally have been possible so as to get out and about and meet people. Irrespective of their preference, all agreed that the aggregation clause was very useful.
Senator Bob Brown—You bet they did.

Senator ABETZ—I trust Senator Brown has finished with his inane interjections.

The ACTING DEPUTY PRESIDENT (Senator Ferguson)—Ignore the interjections, Senator Abetz, and continue.

Senator ABETZ—On that basis, the government decided to recommend the extension of the ability to aggregate to all MHRs who had a charter entitlement. Keep in mind that the extent of the charter entitlement is predicated on the size of the electorate and therefore the suggestion that Barry Haase has a large charter entitlement is absolutely correct. In fact I understand he has the largest electorate not only in Australia but in the world.

Senator Sterle—Not as large as Senator Murray’s and mine.

Senator ABETZ—The largest single-member electorate in the world—and I accept Senator Sterle’s correction in that regard. So it stands to reason that I could do the maths that Senator Evans did in relation to the Labor member for Lyons, Dick Adams, who also has a charter allowance and who now has the capacity to decide whether he wants to meet people in the flesh and be chartered around or to send out more direct mail.

Can I indicate that the Remuneration Tribunal agreed with the suggestion of the extension to aggregate and included the new clauses in determination 2006/18. This disallowance, if successful, would be a slap in the face to the Remuneration Tribunal. Unfortunately, we have seen on a number of occasions in recent times that, when people agree with the Remuneration Tribunal, they say nothing and let it slide through; when they disagree, they try to pretend to be the champions of the taxpayer and say that this is a rort, and on and on they go. But I would have thought that the importance of having these decisions made by people at arm’s length from government is accepted by the vast majority of people. We then of course have the slurs provided by those from the other side, suggesting that the Remuneration Tribunal simply does the bidding of the government. There is no evidence for that, and to make such a suggestion is very disrespectful—

Senator Bob Brown—It’s a rubber stamp.

Senator ABETZ—but something that we have become used to, especially from the senator interjecting, because when he does not have any arguments he descends to the slur. We were told that this was going to assist coalition members. Out of the 33 members of the House of Representatives who represent rural and regional areas, it happens to be that 26 of them are in fact members of the coalition. Of course, Labor members benefit, as I would assume do certain Independent members in the House of Representatives. The threshold question is not, ‘Are you a member of the coalition?’ and to suggest that is just outrageous. The threshold question is: ‘Is the member of the House of Representatives entitled to a charter entitlement by virtue of the size of their electorate?’ That is the category on which the Remuneration Tribunal has determined this.

The Labor Party’s great lament is that they do not represent more rural and regional seats. I could give them a little lecture as to why that is. First of all, they might not want to adopt the silly forestry policies that they had at the last election. They might have been representing a few more rural and regional seats. Instead of using question time for the matters that they seek to raise, they might actually ask questions about drought. But of course it is always left to us on the coalition side—and Senator Boswell today—to ask those important questions about
drought. And they then wonder why they do not represent the rural and regional seats. I will not give them any more gratuitous advice, just in case they take me up on it. I am very happy with their neglect of the rural and regional areas to a certain extent, because of

Senator Bob Brown—And your neglect of climate change.

The ACTING DEPUTY PRESIDENT
(Senator Ferguson)—Order! Senator Brown, you only used two or three minutes of an allocated 20 minutes. If you wanted to make an additional contribution, I think you should have made it then rather than interject on the minister. You were heard in silence, and I suggest that he should be too.

Senator ABETZ—Thank you, Mr Acting Deputy President. The suggestion by Senator Evans in talking about the rollover and the postage and then how much people could spend in an election year is a very interesting exercise in mathematics, and I think that is part of the failure of the Labor Party in recent years. The thought process was just so obvious: Labor think that they can somehow win the election with an avalanche in the last 12 months. But, as a very wise man in the Liberal Party, Sir John Carrick, used to say: you can’t fatten the pig on market day. You have to undertake your electoral duties on a regular basis, and those who represent the larger regional seats do have a real problem in being able to get to and around their electorates and be seen at functions. Every now and then, if they are unable to make a particular function for whatever reason, rather than flying out there, they may well want to use that money to communicate with the people in a particular township, explaining why they are not there or for whatever reason.

But the Remuneration Tribunal—and I want to stress this—made this determination. That is the independent body which sets our salaries and makes a whole lot of other determinations. While Senator Brown has a reputation for opposing anything where that might provide him with a media headline and be seen as a stunt, Senator Evans, interestingly enough, really does cherry-pick the salary increases that the Labor Party are well and truly willing to take but not the Remuneration Tribunal’s determination in relation to these other entitlements.

No system we have will ever be perfect, but I submit to this chamber and to the Australian people that it is a lot better for an independent Remuneration Tribunal to make these determinations, rather than parliamentarians seeking to vote for these things for themselves. The suggestion that there be an aggregation was trialled for some time. It was welcomed by the relevant members. The Remuneration Tribunal took themselves out to these large electorates to determine whether a case had been made out, and it is quite clear that from their own personal experience—their own personal consideration of the matters and the submissions—they have come to this determination. I believe it would be a very arrogant Senate that would seek to overrule the Remuneration Tribunal’s consideration of this matter.

Senator Bob Brown—Oh, come on—really.

Senator ABETZ—Can I suggest that Senator Brown avail himself of his glass of water, because it might stop him from interjecting consistently. I know he is getting excited about his trip to the United States, with potentially some assistance from the taxpayer. I simply repeat: it would be a very arrogant Senate to say that we as a Senate know better than the Remuneration Tribunal, as it relates to another house of this parliament, the entitlements of House of Representatives members. If these people opposite
had their way they would say, ‘We know better what is needed for the House of Representatives members than the independent Remuneration Tribunal.’

I have heard about breathtaking arrogance, but this really is coming to a limit. I suggest to senators opposite that they do take a deep breath, consider the precedent they would be seeking to set by overruling the Remuneration Tribunal and the Senate unilaterally then determining what the House of Representatives members should be entitled to. Whilst the Remuneration Tribunal does the excellent job that it does, we as a government will support their determination by voting against this disallowance motion.

Senator MURRAY (Western Australia) (4.53 pm)—I think I will begin with the last speaker, Senator Abetz, in wrapping up this debate. Before I do, let me thank those senators who contributed to the debate. In beginning with the last first, I was not elected by the House of Representatives. I was elected by the people of Western Australia, and it is my duty to pass opinion on every matter which is proper to come before this chamber. Remuneration Tribunal matters are disallowable instruments and, frankly, to say that any senator who chooses to do his duty and put a contrary opinion to a matter of law or regulation before the Senate defies precedent, defies duty and is an unwarranted slur on the way in which senators conduct themselves. Although my own party is not represented in the House of Representatives, unfortunately, other parties here are, and they take a group view concerning these matters. The Labor Leader of the Opposition in the Senate does not arrive here without having considered the views of the Labor members of the House of Representatives.

But all that is a bit of a distraction. I think the effect of this Remuneration Tribunal determination with regard to these specific clauses is reprehensible both in its individual character and in its accumulative consequence for incumbents. But in my saying that its effect is reprehensible you will have noticed, Mr Acting Deputy President, that in my opening remarks I did not ascribe motive at all to the Remuneration Tribunal.

Senator Abetz—No, you didn’t; others did.

Senator MURRAY—I accept the minister’s interjection that he recognises that I did not. The reason I did not is that I accept, as everyone knows because I have been participating in these debates for a long time, the role and status of and necessity for the Remuneration Tribunal. The very worst thing that could ever happen would be for parliamentarians to determine their own salaries and allowances. It is necessary to have an independent body.

But these are matters of great public interest and notoriety, and we are subject to a lot of attack concerning them. I think a bit of a problem arises from this debate. All members of the chamber are familiar with tribunals and how they operate. Commonly, the hearings and decisions of tribunals are public and contestable—namely, there are advocates on either side and there is a public record of them. Commonly, when tribunals—all sorts of tribunals—bring down a determination they bring down the reasons for that determination. The problem here is that the Remuneration Tribunal has not provided its motivation. It has not provided its reasons and has not provided its justification, and therefore we are left in the dark as to what evidence it took, how it was considered and why it came to the conclusion it did. It was with some interest that I heard the minister say that it went out to these electorates and examined the issues on the ground and that it understood from that more clearly what the issues were. I do not know how he knows
that. It was not in the papers I received that I recall.

Senator Abetz—It was in the EM in 2000.

Senator MURRAY—I take the interjection, Minister. All I am saying is that I did not know that from this latest determination put here. I in fact welcome their doing that because I think it is a necessary part of their job. I would suggest that perhaps the government could—I do not suppose they would, but certainly the opposition might want to—look at whether they should write to the Remuneration Tribunal and suggest a more open process of outlining their reasons and justification for arriving at these decisions.

I do not go to motive but I do go to effect, and I say that the effect is reprehensible. Frankly, I think the policy is just wrong. I am not a supporter of macro budgets; I am a supporter of itemised budgets by discrete areas. I think that as soon as you cross over and cross-subsidise one allowance with another you are getting into trouble. I just do not agree with the policy. I accept that other senators do, and that is their right. But I do not think a charter allowance should be used for communications or vice versa. That is just my opinion. You can disagree with me, as you obviously do—I am referring to the Liberal minister, Senator Abetz—but that is my opinion.

The principle that is being established here lacks an acceptable underpinning and justification. If you do not motivate the principle that you have introduced, you have a problem. The minister says that it has been developed empirically, that there was a 2000-01 process, and that as a result of experience the tribunal has arrived at this decision. Nevertheless, for me that is an effect. I do not understand the principle—the principle of government or public policy that warrants this or underpins it.

Without taking any more time of the chamber, let me say that I disagree, and my party disagrees, with this aspect of the tribunal determination. We think its effect is reprehensible, we think the policy is wrong and we think that the principle has not been motivated by Remuneration Tribunal reasons or justifications. That is why I move that the disapproval stand.

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

The Senate divided. [5.05 pm]
(The President—Senator the Hon. Paul Calvert)

<table>
<thead>
<tr>
<th>Ayes</th>
<th>33</th>
</tr>
</thead>
<tbody>
<tr>
<td>Noes</td>
<td>35</td>
</tr>
<tr>
<td>Majority</td>
<td>2</td>
</tr>
</tbody>
</table>

AYES

NOES
Senator HUMPHRIES (Australian Capital Territory) (5.09 pm)—I was saying earlier in the course of this second reading debate on the Aged Care Amendment (Residential Care) Bill 2006 that I wanted to commend the minister for having steered his way through a very difficult issue. The Senate Standing Committee on Community Affairs is a busy committee and the members of the committee always relish the opportunity to get stuck into significant issues, but on this particular occasion the committee was grateful that the heavy lifting of the complex issues which had been canvassed with the community in relation to this legislation had already been done by the Minister for Ageing by the time the committee came to consider the legislation. As a result, the consensus of those who appeared before the committee was that the legislation was effective and worth while and should be proceeded with as soon as possible.

As I mentioned before, a key element of this legislation is the harmonising of gifting arrangements and income tests to ensure that the arrangements as applied to eligibility for pensions should line up as much as possible with the arrangements governing eligibility for subsidised places in aged-care facilities in Australia. It is, of course, extremely important that older Australians, who often face the prospect of moving into residential care at a stressful point in their lives, should have an opportunity for arrangements to be as simple as possible without intruding into fairness or public accountability. This legislation achieves that. It aligns those two tests so that if a person is eligible for a pension, they will in most circumstances be eligible for a subsidised place in aged-care facilities as well.

The other arrangements that the legislation enacts have been covered by other senators in this debate; there is no need for me to repeat those. They provide, broadly speak-
ing, for more flexibility in the way in which people are dealt with when it comes to seeking that subsidy and ensures that there is a harmonisation of arrangements between those different spheres of operation.

It is important to note that, having reached the point where this legislation can pass through the parliament reasonably swiftly and with support, once again we have a position where the government has a clear policy on aged care. This is a policy now backed up by a number of years of demonstrating its good faith and its commitment to this area by making simpler and fairer arrangements with respect to eligibility for benefits provided by the federal government and also with a significant commitment of funding to back up that commitment.

The Australian Labor Party has not been able to come up with a clear aged-care policy in this area, despite having made promises, as it has made promises from time to time in the past, since the last election. I note that only recently the Australian Labor Party released an ageing policy discussion paper. I suppose that is one small step towards some clear idea of what the Australian Labor Party actually believes in in the area of ageing. But that is not a policy, and I look forward, as I am sure others in this place do, to clearly understanding what the alternative is that is offered by the Australian Labor Party. It has had 10 years of leisure in opposition to be able to put together a policy. There has been more than enough opportunity in that period to formulate a policy.

The discussion paper, in the meantime, does contain a number of factual errors, omissions and a lack of understanding of current aged-care policy and programs. The discussion paper claims, for example, that the leadership of the federal government in the area of aged care is lacking, despite the track record that I spoke of a moment ago. For example, in the past 10 years the federal government has more than doubled the amount that it spends on service delivery for older Australians. This government knows that the population has been ageing and it knows that there is an increase in our aged population as a proportion of the total Australian population, but it certainly has not come anywhere near doubling it. It is surprising on the face of it for there to be such a large extra commitment. But, in fact, it reflects this government's view that much more needs to be done to make older Australians comfortable and properly cared for in old age.

The paper claims to have come up with a range of policy options in the area of healthy ageing, community care and residential care. However, I think it is true to say that, in all those areas, concrete policy proposals are actually very thin and overlook the fact that, in all of those areas, there are already significant government policies and government initiatives not just on the table but actually operational. The Howard government is committed to the National Strategy for an Ageing Australia, and the amendments in this bill before the Senate at the moment are designed to simplify the interaction of the aged-care and pension arrangements for greater transparency and to facilitate wise financial planning for older Australians. They will apply from 1 January 2007.

These comments are of course very timely, as this week has been designated as Carers Week around Australia. It is quite appropriate that we should take the opportunity of passing a piece of legislation such as this to note the significant contribution made to the wellbeing of Australians by the 2.6 million people who choose each year to be carers for other Australians. One in eight Australians are carers at the present time. Very often—in fact, almost always—those people are carers for reasons beyond their
control. That is, a member of their family or a close friend is, for whatever reason, incapacitated or in need of particular assistance and those Australians, out of an honourable sense of duty, choose to become carers for those people. The community owes them an enormous debt of gratitude.

The slogan for Carers Week this year is ‘Anyone, anytime’, which connotes the idea not only that the need to be a carer can spring up in anyone’s case but also that the capacity to deliver that kind of care is something which many Australians readily undertake and readily acknowledge. In that context, finding ways of easing the burden is very important. Respite for all carers is extremely important. That has certainly been the subject of a number of initiatives of this government, as have other ways to offset what is a tremendous financial commitment made in kind by those carers to the Australian community. It has been estimated that some $31 billion is the economic value of the care which those carers provide, and we need to acknowledge that in the course of a debate like the one we are having today.

I also want to note that the Australian Greens have foreshadowed a number of amendments to this legislation. The points made by Senator Nettle in the debate earlier today are reasonable points to take on board. I think she certainly has some points that need to be carefully considered by government. The points about the needs of older Australians from non-English-speaking backgrounds are well understood by members all over this chamber. We have all had experiences of older Australians of that kind having difficulty adjusting to residential care where their own cultural background is not properly catered for. We also need to ensure that the workforce issues which go with that are properly and fully addressed. Again, the government has demonstrated a commitment to deal with those issues.

Senator Nettle also raised, and her proposed amendments directly deal with, the issue of same-sex couples seeking access to nursing homes in Australia and to aged-care facilities. Again, some reasonable points have been raised in the course of that contribution by Senator Nettle, but I make the comment that the changes which Senator Nettle has put forward in the course of this debate clearly entail very significant changes to the position as understood and applied by providers of these services in the community. I think it would be unfortunate if the Senate were, at the end of a reasonably long process, to arrive at these amendments and in the course of this debate to impose additional conditions on aged-care providers about which no consultation has at this point occurred—or at least none that I am aware of. These amendments would certainly entail a change of arrangement and possibly a cost to those providers, and I think it is unfortunate that we should contemplate such arrangements, such changes, in place without having done the appropriate consultation around them. This has been a process in which, as I have said, there has been genuine consensus about what needs to be done. It would be unfortunate if we introduced into this an element of changing the arrangements which was not a matter of consensus between the industry, government and others involved in this debate.

I want to close by again congratulating the government on this legislation. It is a very positive step forward which will be welcomed by older Australians and their families as decisions are made about either moving into aged accommodation or moving between different forms of aged accommodation in Australia. Easing the burden in those circumstances is a very important duty that falls on all of us, and I think the government has discharged that duty very well with the decisions it makes today.
I know that, when the minister first took on the mantle of Minister for Ageing, it was put to him very early on in his tenure that a whole range of problems needed to be solved. People were beating on his door almost before he had squeezed into his chair, demanding that certain long-term—

Senator Patterson—‘Squeezed’?

Senator HUMPHRIES—Perhaps ‘squeezed into his chair’ is a reflection I need to withdraw! I mean that, before he settled comfortably on his ministerial place, he was being asked to provide answers to issues and questions that long preceded his bottom appearing in that place. It is to his credit that he did not allow that clamour for instant action to overcome his better judgement. Instead he calmly and soberly assessed the situation and produced legislation of this kind. Let us hope that there is much more of that kind of considered approach to these complex issues in the offing. I commend this legislation to the Senate.

Senator SANTORO (Queensland—Minister for Ageing) (5.21 pm)—in reply—I table a supplementary explanatory memorandum. I have appreciated listening to the contributions of all senators in relation to the Aged Care Amendment (Residential Care) Bill 2006. This legislation will make amendments to the Aged Care Act 1997. In the 2006-07 federal budget the coalition government announced that it would bring the treatment of assets for aged-care purposes into line with its treatment for pension purposes in relation to limits on the gifting of assets and the concessional treatment of complying income streams. The legislation gives effect to these changes and will enable Centrelink and the Department of Veterans’ Affairs to streamline their systems so that they no longer have to assess gifted assets differently when they undertake aged-care assets assessments on behalf of the Department of Health and Ageing. This will prevent a pensioner who has been assessed as eligible for residential aged care from gifting away most of their assets before entering care and thereby avoiding paying an accommodation payment and becoming eligible for the government’s concessional resident supplement.

From September 2007, the treatment of income streams purchased on or after 20 September 2007 will also be aligned. Income streams purchased prior to 20 September 2007 will continue to enjoy the 100 per cent exemption from the aged-care assets test that currently applies. Residents and prospective residents will be better placed to make decisions about their care needs as a result of these changes because they will have greater certainty about their financial situation and status prior to entry. This legislation will also remove uncertainty about the powers that aged-care assessment teams possess in approving extensions to residential respite care. The legislation will allow the secretary of the Department of Health and Ageing to, where there is a need to do so, delegate to ACAT delegates the power to increase the maximum number of days allowed by a period of 21 days.

This legislation further delivers on initiatives in the 2004-05 Investing in Australia’s Aged Care: More Places, Better Care package to streamline administration for better care. This demonstrates the coalition government’s strong commitment to ensuring a robust and viable aged-care sector into the future providing high quality and affordable care to older Australians.

As I said, I have enjoyed the contributions from all honourable senators. In particular, I thank the opposition for their indication of support for the amendments that are before the Senate here this evening. I would like to respond in some detail to all of the contribu-
tions made by honourable senators. I will commence with some responses to Senator McLucas’s proposed amendment. I am happy to elaborate further after she speaks if she chooses to do so. Senator McLucas suggested that the bill be amended so that it requires every residential aged-care facility to be subject to one unannounced support contact by the Aged Care Standards and Accreditation Agency. The agency will in 2006-07 conduct no less than 5,200 visits to aged-care homes, of which 3,000 will be spot checks. Under the changes that I announced in July 2006, the agency is required to maintain an average visiting schedule of 1.75 visits per home per year. I can assure Senator McLucas that the intent of part of her amendment will certainly be fulfilled by the accreditation agency.

Senator McLucas’s amendment also seeks to implement a rule such that residential aged-care facilities must not be given any prior notice of support contact visits. I can advise Senator McLucas that the current legislation states that the approved provider must be given written notice in advance of any support contact visit or audit. This can range from five minutes to five days. The accreditation agency will continue to exercise reasonable discretion in terms of the amount of notice that is given to providers. If it is meant to be very short-term notice, that is the notice that will be provided.

Senator McLucas, through her amendment, also wants assessment teams conducting the support contacts to have to assess the facility against all quality outcomes of the aged-care standards of the accreditation agency. Senator McLucas knows that the current system consists of a full site audit every three years, with support contact visits or spot checks in between. If Senator McLucas in her continuing consultations with the industry raises this issue, she will be informed that a full audit is extremely disruptive for an aged-care home.

A spot check is designed to focus on areas that may have been identified either in previous reviews or through other avenues. Agency support contact visits assess whether or not an audit is justified or warranted. It can be a means by which the necessity for a full review is found to be warranted, and that can then be conducted. Support contact visits do not assess all 44 standards. There are very good reasons for that, as Senator McLucas would appreciate. I am advised, Senator McLucas, that a full site audit can take up to five days with up to five staff for a large home, and can be very disruptive for the orderly and effective management of an aged-care home. In addition, I have been informed that a full site audit can cost around $10,000 on average. If we were to do this for all homes on an annual basis, that would cost the industry an additional $21 million per year. And that is quite separate from the disruption that I have just mentioned. I believe that the current system as it stands is efficient and appropriate and does not use a sledgehammer to crack a nut, as Senator Barnett said earlier during this debate.

In her remarks, Senator McLucas also stated that the committee inquiry recommended passing the bill in its entirety without amendment. With all due respect to Senator McLucas and the amendment which will be before the chamber tonight, the committee agreed to pass the bill without amendment and here we will be considering an amendment by her.

Senator McLucas—And by you.

Senator SANTORO—And by me. You are absolutely right. I take your interjection in the spirit that it is meant, and that is that things do suddenly arise, as happened for the government, where a very competent body brought a fairly technical situation to our
attention and we had to respond. I want to come back to that right now.

During her contribution Senator McLucas queried the process by which we went about making the amendment to our amending bill. The amendment was drafted in response to an approach to my office by the Investment and Financial Services Association last week. IFSA—and I want to stress this—approached my office after the deadline for submissions to the Senate Standing Committee on Community Affairs had closed and the committee had met. Otherwise you can rest assured that we would have brought the matter up for the committee’s consideration. I am satisfied that my office took very swift action in responding to the representations of IFSA last week. They have acknowledged that in discussions. I am also satisfied that we did all we could to implement this amendment swiftly and transparently and conducted the appropriate consultations with the appropriate members of the committee, such as its chair, Senator Humphries, and others through a revised explanatory memorandum, which I have just tabled. As Senator McLucas quite correctly identified, it was a new piece of information that we had to respond to, and we did that as expeditiously and transparently as possible.

Regarding Senator Nettle’s amendment, I would like to note that we provided a lot more advice with our amendment than the amendment proposed by the Greens just this morning. I say that with all due respect to the intention of the Greens’ amendment. Senator Nettle’s amendment suggests that the bill be amended to reflect that a person’s access to residential aged care is not discriminated on the basis of sexual orientation and that the definition of a member of a couple includes same-sex partners. In responding to Senator Nettle’s amendment, can I say that the government is committed to removing unfair discriminatory treatment from federal laws. This includes a commitment to eliminating unfair discrimination against all interdependent relationships. Both the Prime Minister and the Attorney-General have stated publicly that they are strongly in favour of removing unfair discrimination against interdependent relationships. The government has already made a number of changes to eliminate unfair discrimination in this area. The chief amendment proposed by Senator Nettle is an additional qualification to the definition of a member of a couple. The amendment alters the definition to specifically refer to same-sex partners.

The government believes—and I think the government’s views were quite adequately expressed by Senator Humphries in his concluding remarks—that these issues should be considered through a holistic examination of all government legislation rather than in an ad hoc way and is currently looking closely at further eliminating unfair discriminatory treatment against interdependent relationships. It has made these statements previously to the Senate. I certainly have done so in relation to other legislation that the Senate has been considering. In good faith I reiterate those sentiments to Senator Nettle and the Greens, but, regrettably and because of the reasons mentioned, we will not be supporting the amendment moved by Senator Nettle on behalf of the Greens.

Much to the surprise of all senators, I probably will not take all the time remaining to me, but I would like to address some other issues that were raised by honourable senators from both sides. Senator McLucas again raised the issue of the government’s response to Professor Hogan’s long-term recommendations. I again assure Senator McLucas that the government is very seriously considering its response. She would appreciate from her discussions with parts of the sector that it is a very complex issue. It is not a simple and easy issue to provide an immediate response.
to. I think Senator McLucas mentioned that the government has been considering its response for 16 or 17 months.

Senator McLucas—Fourteen.

Senator SANTORO—I think that the sector and Senator McLucas will be quite happy with the government’s eventual response to Professor Hogan’s report. I am not trying to obfuscate; we are trying to get the best result. We are still consulting very extensively with the advisory committee, with individual stakeholders, with churches and right across the board. I really have been flat strap taking in all the views. There is nothing political, mischievous or sinister in our considering the views of the industry to the length that we have. I expect to be in a position at some time in the future to provide a comprehensive response to Professor Hogan’s recommendations on long-term reform.

Senator McLucas mentioned an aged-care home in Victoria that failed 30 of the 44 standards and only got four months less on accreditation. The home that she referred to was the Elizabeth House private home. Sanctions were not applied there as there was not an immediate or severe risk to the health and safety or wellbeing of the residents, as the Aged Care Act requires. Senator McLucas would appreciate that the absolute bottom line of everything that we as a government do and that I personally as a minister oversee is the welfare of the residents within our aged-care facilities. All the people in the department share that commitment and that ideal of service, and sometimes some fairly tough decisions have to be made.

When a breach occurs which looks severe, including breaches that may involve serious assault or sexual assault, we are often asked by Senator McLucas and others on her side of the chamber, or even members of the community, ‘Why is that aged-care facility still allowed to operate?’ It is very simple. To just shut down a facility and get people out of the facility very quickly is not always a feasible option. Senator McLucas knows that through no fault of the government there was recently the closure of an aged-care facility in Victoria with all the commotion and emotional drain that that caused to residents.

Senator Patterson interjecting—

Senator SANTORO—Beg yours?

The ACTING DEPUTY PRESIDENT (Senator Hutchins)—Speak through the chair please, Minister.

Senator Patterson interjecting—

The ACTING DEPUTY PRESIDENT—You can interject all you like, but no-one is recording it, so keep talking, Minister.

Senator SANTORO—No disrespect to you, Mr Acting Deputy President. I was just asking if Senator Patterson would clarify what she was saying. The point that I am making is that severe sanctions including the closure of a nursing home can sometimes be considered but that may be against the best interests of residents and is not always an easy thing to do.

Senator Nettle spoke at length about aged care and migrants. In broad response to Senator Nettle I will say that, with all due recognition to the tremendous amount of work that former ministers like Senator Patterson did before me, there probably has never been an aged-care minister in Australia who has been able to bring about as ethnically sensitive a perspective to the administration of aged care in Australia. With a name like Santo Santoro and having been born overseas and with all that sort of thought and argument, I am very much concerned about and interested in advancing the policy agenda when it comes to looking after ageing and frail migrants.

The Australian government does provide support for all Australians in need of aged
care, including those from culturally and linguistically diverse backgrounds. As of March 2006, there were 180 ethno-specific residential aged-care services, with 7,079 places. Additionally, the Australian government recognises that extra support is required to ensure good access by people from culturally and linguistically diverse backgrounds. In 2006-07, the Australian government will be funding over 40 organisations to provide further support for aged-care services. The Community Partners Program—one of the programs which provides the support—will continue in 2006-07 with funding of $2.4 million. Thirty-five new projects have been approved under the Community Partners Program for the 2006-07 financial year, and around 24 communities will benefit from this funding, including five projects for the newly funded Afghanistani, Iraqi, Albanian, Thai and Laos communities.

It may also interest members to know that in the near future I will be meeting with the Federation of Ethnic Communities Council of Australia, possibly as soon as next week. During the past two or three visits interstate, I have met with representatives of migrant communities on a number of occasions and have benefited greatly from the advice that they have been able to provide to me on behalf of the people that they represent.

Senator Webber raised some issues relating to the workforce. She quite rightly raised concerns about the growing requirements for a workforce that already provides very valuable service to the aged and the frail, in both residential settings and community settings. Of course, with respect, I think that Senator Webber was a little cynical, because we should recognise in this chamber and anywhere else that right across the Western world there is an acute shortage of doctors and nurses. I will not go through at any great length the great amount of funding and the intended increase in the number of new doctors and nurses that the federal government has provided for through that funding, but the Howard government has provided $229 million for workforce initiatives for the 2005-09 period, including upskilling opportunities—for example, 5,200 enrolled nurses being educated in medication management—1,600 new nursing places to universities that demonstrate aged-care expertise and emphasis, and 1,000 aged-care scholarships. Of course, the government has undertaken and will continue to undertake aged-care workforce surveys.

I very much appreciated Senator Barnett’s contribution because he again clearly outlined the great contribution that this government has made in terms of investment in the aged-care sector—$2.2 billion—and the great increases in places that we have spoken about in this chamber, both during question time and on other occasions. I will not go through the details of the contributions of Senator Barnett, Senator Adams and Senator Humphries. They put very much on the record in a very eloquent way the government’s contribution to the aged-care sector since 1996. *(Time expired)*

Question agreed to.

Bill read a second time.

**In Committee**

Bill—by leave—taken as a whole.

**Senator Santoro** (Queensland—Minister for Ageing) *(5.43 pm)*—by leave—I move government amendments (1) and (2):

1. Schedule 1, item 1, page 3 (line 11), after “1986”), insert “that was purchased on or after 20 September 2007”.

2. Schedule 1, item 1, page 3 (line 24), after “1991”), insert “that was purchased on or after 20 September 2007”.

**Senator McLucas** (Queensland) *(5.43 pm)*—I thank the minister for the clarification that it was IFSA which raised the issue...
with the government about the start-up time—that being 20 September 2007—but I ask the minister, given he talked long and loud about how consultative he is, if IFSA came to his office on, say, Wednesday, what other consultations did he undertake between the drafting of these amendments and bringing them into the chamber? These may affect the operation of a number of other services. Did he consult with the aged-care sector itself, recognising that it is an issue to do with the treatment of assets?

Senator SANTORO (Queensland—Minister for Ageing) (5.44 pm)—Obviously, we consulted IFSA. I also asked that the aged-care sector be broadly consulted. I can get some further details for you, if you wish. Again, the amendment suggested by IFSA was quite an obvious one to consider and to draft in order to remove any confusion and inequities that otherwise would have existed within the amending legislation. I can find out some more details for you, if you wish, and get back to you. I want to stress that the amendment was an obvious one. It was a technical one that, quite honestly, had eluded the drafters of the main amendment that we are considering. The IFSA were certainly the main competent representative organisation to bring that to our attention, and we are grateful for their advice.

Senator McLUCAS (Queensland) (5.45 pm)—Thank you, Minister, for the indication that you will get back to the chamber with an indication of who in the aged-care sector—

Senator Santoro—I will get back to you; I am happy to do that.

Senator McLUCAS—I would prefer the minister to bring that information back to the chamber. He has said on the record that he asked if the aged-care sector could be broadly consulted, or something along those lines. I would like to know who was consulted, and I would like that information to be provided to the chamber.

Question agreed to.

Senator McLUCAS (Queensland) (5.46 pm)—by leave—I move:

(1) Schedule 1, heading, page 3 (line 4), at the end of the heading, add “and unannounced support contacts”.

(2) Schedule 1, page 4 (after line 31), at the end of the Schedule, add:

4 After section 54-3

Insert:

54-3A Unannounced support contacts by the Aged Care Standards and Accreditation Agency

(1) Every residential aged care facility must be subject to at least one unannounced support contact by the Aged Care Standards and Accreditation Agency every year.

(2) The residential aged care facility must not be given any prior notice of the support contact.

(3) The Assessment Team conducting the support contact must assess the facility against all Quality Outcomes of the Aged Care Standards and Accreditation Agency.

These amendments that Labor are moving today are very straightforward. As I said in my speech in the second reading debate, they put the government’s rhetoric into the legislation. It is a very simple proposition; the amendments say that there will be one check a year of each residential aged-care facility, and it will be an unannounced assessment on all 44 outcomes. That is not unexpected from the community, and we are delivering the legislative instrument that the government should be delivering, given the language that they have been using for quite some time.

The minister said earlier this year that every home will receive one unannounced spot check each year. That was unequivocal;
it was very straightforward. It is a little different from what Mrs Bronwyn Bishop said in 2000 when she said that there would be a stepped-up program of spot checks. As I indicated in my speech in the second reading debate, a stepped-up operation of spot checks delivered nothing of the sort. We actually saw a diminishing, over a number of years, of the number of spot checks that were undertaken by the agency in the five years from 2000—since the advent of kerosene baths.

This piece of legislation was the opportunity to give the government the language and the legislative instrument that would deliver on what they have been saying. The community has a very strong understanding that every facility in Australia is going to be given a spot check every year. What does a spot check mean? It means it is unannounced. It actually says that in the legislation. So these amendments that Labor is moving today defines ‘unannounced’. Everyone out there in the street knows what ‘unannounced’ means; it means that someone turns up without telling them. If you get a visitor who is unannounced it means that they did not ring you before they came to see you. That is what ‘unannounced’ means. It means without notice. So when the minister says that every home will receive one unannounced spot check every year, everyone in the community thinks that the Aged Care Standards and Accreditation Agency will go to some 3,000 residential aged-care facilities in Australia without notice at least once a year. The minister’s language is clear; the language in this legislation is also clear—it simply reflects the words that he used earlier this year.

We have needed clarification of what the word ‘unannounced’ means. I asked earlier this year in Senate estimates what ‘unannounced’ might mean, and we talked at length about ‘unannounced’. We had a long discussion with Mr Brandon from the agency which reads pretty well as a Yes Minister script, for anyone who is interested in a bit of a giggle. I am sure Mr Brandon will not mind me saying that. I asked a second question on notice to find out how many unannounced spot checks we have had since 2000. The answer to the first question was: ‘An unannounced visit is a visit conducted with less than 30-minutes notice.’ Unannounced, according to the department—and we know the accountability principles—is conducted with less than 30 minutes notice.

I asked a third question on that. I asked: ‘Please provide the number of unannounced visits by state and territory.’ The answer is quite extraordinary. The answer says: ‘The number of support contacts and reviewed audits conducted with less than one day’s notice were as follows’—so the whole language around this spot check thing is very confused. The intent of my amendments is to clear it all up. If ‘unannounced’ means ‘without notice’ to everybody out there on the street, let us have ‘unannounced’ mean ‘without notice’ in the Aged Care Act. Then the accountability principles can be amended to reflect that. It is a very simple proposition. It is what people understand is going to be happening, and I am unashamedly putting into effect what the minister has indicated he was going to do. That goes to the question of what ‘unannounced’ means.

The second question goes to the intent of the amendment that says that there will be one unannounced spot check a year—one for every facility. There will be review audits; there will be other sorts of assessment processes conducted by the agency. But in this legislation we are just talking about unannounced support contacts—that is what everyone in the world knows is a spot check. So that is what we are doing with this legislation: delivering on the intent of the minister’s language. We know—the minister has been very proud to tell us—that in May 142 unan-
ounced support contacts were delivered; in June, 139. I indicate to the minister that it would be very helpful to progress this debate if he could give us the July, August and maybe even September figures so that we can keep a bit of a running commentary on how many unannounced support contacts we have had, because on the basis of about 140 a month we are not going to hit the target of 3,000.

The minister said in his summing-up that there were going to be 5,200 visits per year—that is fine; there is no reason for me to believe that that will not happen—and that 3,000 of those would be spot checks, I think was his language. On the basis that we had 142 in May and 139 in June, we are going to have to step up the operation a bit in order to hit the 3,000 by the end of the financial year. I recognise that I only have two months of data. Maybe there is other data that the minister can provide to the committee so that we all know and can be assured that we will hit the 3,000 by the end of June next year.

The third element in my amendment goes to the question of the 44 outcomes. The minister, when he made his announcement early this year that every home will receive one unannounced spot check each year, did not indicate that we would only assess certain elements. He did not say that we were going to look just at certain elements of the operation. He did say that these extra spot checks would focus on care standards and provide an incentive for the consistent delivery of high-quality care. That does not say that we are not going to look at everything; it says that we are going to ensure that we deliver high-quality care. This amendment says that we will be expecting the agency to undertake an assessment on all 44 outcomes. They are all equal. They are all important. A home that is not delivering quality of service on all 44 care outcomes can be non-compliant—we know that. But it is important that the community understands this, one way or the other. If the minister is saying we will only check certain things then let us understand that, let us be really clear about that. In my view, families of residents and the residents themselves are of the view that all 44 outcomes are going to be assessed.

Labor’s amendment is a very straightforward proposition; it is very simple. It puts into legislation the language that the minister has been using: one spot check, unannounced, on all 44 outcomes. I commend the amendment to the chamber.

Senator SANTORO (Queensland—Minister for Ageing) (5.55 pm)—I made the government’s view quite clear in my substantive response to Senator McLucass’s second reading debate speech. I will make one additional comment, and that is that the amendments that are in fact before the Senate at this moment really do not have anything to do with the substantial amendment that we are making to the legislation. This has absolutely nothing to do with it because we are talking about something totally different in the substantial amendment. Senator McLucass of course knows that we are in the process of preparing substantive legislation that will address all of the issues that she has addressed in her amendment to the main amendment of the government. I can certainly undertake to Senator McLucass that we will consider her views, but we are still very carefully considering the views of the sector, including the views of advocates, of residents, of relatives and of providers, and we will continue to do that. Undoubtedly those views will be sensibly reflected in the substantive legislation that will be coming before the Senate and the parliament as a whole in the near future.

I suppose we can go into a semantic debate as to what is an unannounced visit. The current legislation requires that some notice
be given. As I mentioned in my substantive reply to Senator McLucas’s second reading debate contribution, most reasonable people would suspect that five minutes is in fact, for all intents and purposes, an unannounced visit. Nevertheless, I do take Senator McLucas’s point on board about the definition of ‘unannounced’. I will take further advice from both the department and the sector and I will consider that advice in the context of the legislation that is being drafted.

In terms of whether we will hit the 3,000 unannounced spot checks, the department has advised me that that will happen—3,000 per year. It is obviously my intention, as it has been ever since I became minister, to keep the Senate and the parliament as a whole informed of developments on a very regular basis. Senator McLucas and the Senate can expect me to keep on talking about the performance of the government when it comes to issues such as unannounced spot checks, including the numbers, which I am assured by the department will be achieved.

In terms of spot checking against all of the 44 outcomes, again I have explained in very great detail why the government and the sector believe it is impractical to in fact check against all 44 outcomes. I will just let my earlier comments stand. I do not find Senator McLucas’s further contributions to be persuasive to the point where I should accept their validity or the amendment.

Senator McLucas (Queensland) (5.58 pm)—I just have a couple of other questions. First of all, Minister, you alluded to the fact that you might provide the chamber with some data on the number of spot checks that have been held in July, August and September. I just want to confirm how that might occur—whether I have to wait until estimates or whether that will occur in a shorter time frame. We probably will conclude this bill before dinner, but if we were to go over the dinner break it might be handy if we could have that information today. As I said, at the rate that we were going, on the numbers that you have provided to the chamber to date, we are looking at around 140 a month, which will not get us to 3,000 by the end of June. So I am very interested in receiving data on the number of spot checks that have been conducted, particularly in July, August and September this year.

You are saying, Minister, that the agency cannot assess a facility against all 44 expected outcomes. Now the community know that. That is at least something we have gained today—that we are going to, as I said in my speech on the second reading, kick the tyres rather than do a full assessment of the operation of the facility. My specific question is: how do the agency ascertain which of those 44 outcomes they are going to assess the facility against? Will they be, as ACSA said in their report, issues that have received some attention in their most recent audit? How will the agency make a decision on which expected outcomes will be assessed?

Senator Santoro (Queensland—Minister for Ageing) (6.00 pm)—In terms of the provision of information to the Senate, and particularly to Senator McLucas, I will continue to provide information as regularly as I have—obviously at estimates, in response to your questions, in response to questions from senators on my side of the chamber, through media releases and through any other accountability mechanism that exists. You can draw whatever conclusions you wish to draw from the figures that I have already provided, Senator McLucas; that is up to you. I will certainly continue to be very open and very honest with the Senate, and I look forward to providing further information in due course. We do have estimates in a couple of weeks time, which is not too far away. There will also be three question times in the Senate at which you may wish to ask...
questions. I am not trying to hide any information from you in relation to July, August and September figures.

I will ask the agency to let me know and, if I can provide that information in the near future, I will. Again, I can assure you that the government in its budget provided additional funds—I think it was $1.5 million; I will stand corrected on the exact figure—for additional spot checks. The agency informs me that it is able to conduct the additional spot checks under its current budget. I can assure you that those spot checks, one per facility, will take place, and that is the best advice I can give you.

I think how the agency makes its decisions as to what it is going to check against is up to the agency. It is an independent agency; it operates at arm's length from the government. Obviously the agency is very aware of the strong public interest in the safety of residents within publicly funded aged-care facilities. The physical and health wellbeing of residents is paramount. After all, the issue of spot checks, unannounced visits and all the other measures that the government is putting in place to help to secure the physical and health wellbeing of residents arose because of the public controversy when some isolated issues of physical and sexual abuse became public. I wish to stress that, when those issues were brought to my and the public's attention, we did everything we could as a government to address them in a very public and accountable way.

I think the agency is very aware of its responsibilities. I believe it is very capable of making determinations broadly and also about specific facilities that it may have under attention. Based on some information that it has received either anonymously or very openly the agency may decide to do a random spot check and check against certain outcomes. It is very difficult to give you, Senator McLucas, a broad brush indication of what they are going to check against other than what they deem fit at the time and what will assist in looking after the best interests, particularly the physical and health interests, of residents in care.

Senator McLucas (Queensland) (6.05 pm)—I am somewhat disappointed, Minister, that you are refusing to share information with the Senate about the number of spot checks that have been conducted. I recall you coming into this place and, in answer to a dorothy dixer—

The TEMPORARY CHAIRMAN (Senator Lightfoot)—Senator McLucas, you might be kind enough to address your remarks to the chair rather than to the senator.

Senator McLucas—Pardon me. Thank you.

Senator Santoro—Mr Temporary Chairman, I would like to take a point of order. I am not refusing to share information with Senator McLucas.

The TEMPORARY CHAIRMAN—That is not a point of order, I am afraid.

Senator Santoro—I just want to stress that I am not refusing.

The TEMPORARY CHAIRMAN—You can stress that, Minister, but it is not a point of order.

Senator McLucas—I do say that the minister is not using this opportunity to share information with the Senate about the number of spot checks that have been undertaken in the three months since he came into this chamber at question time and proudly told the Senate that 142 checks had occurred in May and 139 in June. I do not go away from this debate with any confidence when the minister tells us that he is going to share with the Senate 'as regularly as I have'—I think those were his words—the information about
the number of spot checks that are going to be undertaken. I draw no comfort from that. I am sure the community draw no comfort from that. I would have thought, given the obvious pride that he showed in that data early in the year, he would continue to show some pride.

He said to me that I can draw whatever conclusions I will. I have two months data showing that there are about 140 spot checks a month. A simple bit of maths tells you that 140 by 12 gives you 1,680. That is not 3,000. Given the data I have, I take your advice, Minister, and draw the conclusion I can, and that is the conclusion I come to. I need more evidence to turn that information around and get an understanding that the agency will in fact hit 3,000 spot checks per year.

I am disappointed, too, that the minister has not ascertained which outcomes the agency will be assessing against, and it is evident that he has not even bothered to do as much. I am surprised, given that my amendment came into the Senate last Thursday. There was plenty of indication to the minister that these are the sorts of issues that we were going to talk about. I want to know, firstly, why the government is not going to assess against 44 expected outcomes. And then it is a pretty logical thing to expect that I would be asking on what basis which outcomes are being selected. But anyway, we will talk about that more at estimates. But I still reiterate that I am concerned that the minister is not using this opportunity to provide the Senate with the information that I think the community should rightfully have.

Senator SANTORO (Queensland—Minister for Ageing) (6.08 pm)—Senator McLucas displays an appalling lack of appreciation and knowledge as to how spot checks are done and the role of the accreditation agency. There is one thing that I will not ever have done to me, Mr Temporary Chairman, and that is to be verballed. That is what Senator McLucas, in her mealy-mouthed way, is in fact doing during this debate. If you want to get down to tin tacks, Senator McLucas, I am very happy to remind you what I have said.

The TEMPORARY CHAIRMAN—Through the chair, Minister, please.

Senator SANTORO—Through you, Mr Temporary Chairman. What I have said is that I will continue to provide this Senate and the parliament with information, as I have regularly done. I have also reminded you that there are estimates in a week’s time or so; I have also reminded you that there are three more question times remaining. I will also remind you that you would have to be—through you, Mr Temporary Chairman—one of the shadow ministers that asks the corresponding minister the least number of questions, despite my urging to you every day to do so. You have plenty of opportunity to make me and the government accountable and you fail miserably, like you did today, in terms of asking me questions that are of interest to you and, through you, presumably, to the people who are in the care of the aged-care sector.

So you know, Senator McLucas, until you start living up to your responsibilities—

The TEMPORARY CHAIRMAN—Minister, if you would be kind enough to address through me. I am the Temporary Chairman. Thank you.

Senator SANTORO—Through you, Mr Temporary Chairman: until Senator McLucas fulfils her responsibilities as a self-respecting shadow minister and you actually convince your leadership group to question me more often than you do, I cannot take you—

The TEMPORARY CHAIRMAN interjecting—
Senator SANTORO—through you, Mr Temporary Chairman—

The TEMPORARY CHAIRMAN—Thank you.

Senator SANTORO—seriously. As I said, I will not be verballed. I will continue to provide information through question time, even if I have to get my own side of the chamber to ask me questions. I will continue every day, as I invariably do, to provide to the Senate information of my own volition, without any encouragement, inducement or incentive from Senator McLucas.

The second point that I will make is that the accreditation agency is an independent agency. I as the minister cannot direct an agency, and nor will I attempt to. And God help the aged-care sector should you ever become—through you, Mr Temporary Chairman—aged-care minister, with the interventionist tendencies that you have just displayed here. The sector is terrified. In my consultations, what the sector tells me, Mr Temporary Chairman, is that they fear the interventionist dispositions that you display towards the sector, to the point where those interventionist dispositions cannot lead to the advancement of the welfare of the people in care.

I will circulate this; do not try to beat me, because I will circulate—

The TEMPORARY CHAIRMAN—I am not trying to beat you, Minister.

Senator SANTORO—through you, Mr Temporary Chairman, I will circulate, Senator McLucas, this part of the debate wide and far to demonstrate your appalling lack of knowledge as to how the accreditation—

The TEMPORARY CHAIRMAN—Are you saying I have an appalling lack of knowledge?

Senator McLucas—This will all be in Hansard.

Senator SANTORO—through you, Mr Temporary Chairman, as to how the accreditation agency works and also your intentions should you ever—

Senator McLucas—Should she ever—

Senator SANTORO—should she ever, Mr Temporary Chairman, become Minister for Ageing.

The advice that I can give you again is that spot checks will range over all 44 outcomes. That is the advice that I can give Senator McLucas, Mr Temporary Chairman. The range of outcomes that will be looked into as a result of spot checks will in fact be determined by the independent agency, and often as a result of specific advice that is received. In terms of why it is not made compulsory to check against all 44 outcomes, I have in my substantive remarks mentioned to Senator McLucas—and everybody in the aged-care sector would have to agree—that a full audit against all 44 outcomes not only is very disruptive and often unnecessary, depending on what the agency is looking for specifically, but also will cost the sector $21 million a year.

If Senator McLucas wants to advocate that to the sector, I would strongly suggest that she hurries out after this debate, if she has the conviction. Mr Temporary Chairman, through you I would ask Senator McLucas, if she has the conviction of her outrage that she is expressing, for her to quickly put out a media release—and we will give you a hand if you like. I will give you a hand to write it; I will give Senator McLucas, Mr Temporary Chairman, a hand to write it and to distribute it to the sector. And I would like Senator McLucas to come back into this chamber at some stage and inform us honestly of what the reaction from the sector is.

So Senator McLucas can seek to verbal me; she can seek to verbal the government. But I am just not going to cop that because,
since it has come to power, this government has done more to bring the aged-care sector into the 21st century than any other government in the history of Australia. Since I have been minister I have had to respond to the difficult issue of limited cases of physical and sexual abuse within the aged-care sector, and I have sought to respond as openly and as transparently as possible. Through my efforts, and the efforts of the sector, the government has committed over $110 million to a package of reforms that will help to better guarantee the safety of elderly and frail residents within the aged-care sector of our country. That should be given more recognition by the opposition including Senator McLucas, who regularly comes into this place and seeks to besmirch and belittle the reputation of the sector.

We can keep on going like this all night—and I am happy to if you wish—but, strongly through you, Mr Temporary Chairman, I simply suggest to Senator McLucas that she develops some goodwill towards the good that the government is doing. If we have to have a debate, it should be on the basis of an honest appraisal of that. That has always been my appeal to Senator McLucas, Mr Temporary Chairman. You will gather, Mr Temporary Chairman, that I feel very strongly about this. That is because very rarely has the opposition come into this place and seeks to besmirch and belittle the reputation of the sector.

The TEMPORARY CHAIRMAN—Temporary Chairman.

Senator McLucas—I prefer the word ‘chair’; I am sorry. I moved this amendment in the interests of bipartisanship. This amendment simply puts the minister’s words into legislation. He said that every home will receive one unannounced spot check each year—and that is what this amendment does. I recognise that the sector has a view, but I also recognise that the people—the 166,000 residents of residential aged care and their families—also have a view. And I dare say that, if you asked any of those families what the minister meant when he said ‘one unannounced spot check each year’, they would tell you that they would expect that the facility that their grandmother, aunty or mother was in would be assessed against all 44 outcomes at least once a year, and that that visit would not be announced.

All I am seeking to do is to put the minister’s words into the legislation. I reject out of hand any allegation that I have tried to besmirch or belittle the reputation of the sector. It is quite the opposite. I recognise that we have excellent aged-care provision in most of the facilities that are in operation in this country. But, unfortunately, there are some facilities that are not excellent. I referred to one in my second reading debate speech to-
day. To fail 30 of 44 outcomes is appalling. I reserve the right to be critical of a government that does not put into place a system that ensures that the community understands that and understands the process by which those residents are being cared for.

The delay—and I have made this point on a number of occasions—between the time when a facility is assessed and when that information is made available to resident families is, in my view, far too long. Yes, I recognise that there has always been improvement after someone has failed 30 of 44 outcomes. You would want to hope that there would be an improvement, to be frank. But there were no sanctions applied. I reserve my right to be critical of this government and the processes that it has in place to apparently retain confidence in aged care in Australia. I reject out of hand that I have besmirched or belittled our aged-care providers in Australia. I have not, as a group. But, if there are some that are not performing, it undermines the quality and the confidence that all of us have in the aged-care sector if we do not shine the light on them and do not turn around the practices that are occurring there.

I say to you, Mr Temporary Chairman, that the confidence in the sector will be ensured by recognition of those providers who provide quality care—and those providers who are providing quality care welcome it—and recognition that those that are not providing quality care are being dealt with. This amendment seeks to put into place what the minister has actually said, and I commend it to the chamber.

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

The committee divided. [6.25 pm]

(The Temporary Chairman—Senator PR Lightfoot)
Senator Nettle (New South Wales) (6.27 pm)—I wanted to ask the minister about the government’s response to the first of the Australian Greens’ amendments. I have spoken substantially to these amendments already in my second reading contribution. They both deal with issues relating to sexuality and same-sex couples being recognised and not discriminated against. The second amendment is about making clear that, where someone was having their assets assessed as to whether or not their family home would be considered an asset, that definition included a same-sex partner. The minister commented in his second reading reply that the government did not intend to support that.

I have a couple of questions for the minister. I asked in my second reading contribution whether the government currently interpreted the definition of ‘member of a couple’ to include a same-sex partner or not, because the definition talked about a marriage-like relationship and I was not sure how the government currently interpreted that ‘member of a couple’ clause. Then I wanted to ask what the government’s position is in relation to my first amendment, which is seeking to amend the objects of the act to include all of the bases on which people should not be discriminated against in getting access to aged-care services.

Senator Santoro (Queensland—Minister for Ageing) (6.29 pm)—During my substantive reply to the second reading speeches I thought that I had significantly addressed the major concerns expressed by Senator Nettle. I have just asked my advisers whether we have seen Senator Nettle’s second amendment and I must admit there is some confusion about it. As the time is approaching 6.30 pm, we could take that on notice and review the situation over the dinner break.

Sitting suspended from 6.30 pm to 7.30 pm

Senator Santoro—Senator Nettle asked for the advice of the government in relation to her amendment (1). I undertook to consult over the dinner break, and I have done so. I would like to give her the government’s response.

Senator Nettle has suggested that an amendment be made to the bill that includes a same-sex partner in the definition of member of a couple for the purpose of assessing a person’s assets on entry to residential care. Asset tests for entry to residential care are carried out by Centrelink and/or the Department of Veterans’ Affairs and are therefore guided by the Social Security Act 1991 and the Veterans’ Entitlement Act 1986.

The process for determining how assets are considered for two people in a home is complex. There are many kinds of couples who share a home—for example, mothers and daughters, cousins and close friends. The way a home is treated for the purpose of an aged-care assets test depends on who owns the home—in other words, what names are on the title—and whether a person left behind is providing care and is entitled to a means-tested income support payment from the Department of Veterans’ Affairs or Centrelink. Therefore, the sexual orientation and status—homosexual or otherwise—is not the primary consideration. I am now referring specifically to Senator Nettle’s proposed amendment (1). The status of the person remaining in the home—in terms of being considered a carer and an owner of the home—is the primary consideration.

Because of these facts, amending the legislation—and this is advice that I have sought across government—to reflect Senator Nettle’s suggested amendment is a complex task, I have been advised, that would involve more than just my portfolio. That is a
key consideration in the response that I am providing. Further consideration would need to be given to the broader implications for at least two other acts of parliament: the Social Security Act and the Veterans’ Entitlement Act.

I therefore reiterate that on entry to aged care the consideration of a person’s assets is primarily about ownership of the home and the pension and carer status of the carer remaining in the home. Therefore we need to consider amendments such as the one that has been suggested by Senator Nettle on a whole-of-government basis—not in an ad hoc way, as the government believe we would be doing if we considered and approved the amendment that is being proposed by Senator Nettle. I appreciate that that may not be the answer that Senator Nettle wants, but it is provided in good faith.

The TEMPORARY CHAIRMAN (Senator Hutchins)—Senator Nettle, you need to get leave to move the two amendments together.

Senator NETTLE (New South Wales) (7.33 pm)—I was checking the government’s position in relation to both the amendments. If the position was the same, I thought I would move them together. That is why I asked the question. Minister, was that in response to amendment (1) on the sheet?

Senator SANTORO (Queensland—Minister for Ageing) (7.34 pm)—The government’s position is consistent for both amendment (1) and amendment (2). I have explained the government’s position on sexual orientation and status in what I have just said, and earlier on, during my summing up speech subsequent to the speeches made in the second reading debate. I referred to your amendment by saying:

The chief amendment proposed by Senator Nettle is an additional qualification to the definition of a member of a couple. The amendment alters the definition to specifically refer to same-sex partners.

I went on to say what I have just said in relation to both amendments:

The government believes ... that these issues should be considered through a holistic examination of all government legislation rather than in an ad hoc way and is currently looking closely at further eliminating unfair discriminatory treatment against interdependent relationships.

So the government’s attitude applies to both amendment (1) and amendment (2). I am sorry about the confusion. Prior to dinner I thought that we were dealing with another amendment—other than what was contained on the sheet. I apologise for any confusion on my part.

Senator NETTLE (New South Wales) (7.35 pm)—I seek leave to move the two amendments together.

Senator McLucas—I would prefer it if we could deal with the two amendments separately, given the minister’s indication of the complications for the second one.

Leave not granted.

Senator NETTLE—I move:

(1) Schedule 1, page 3 (after line 6), before item 1, insert:

1A Paragraph 2-1(1)(e)

After “gender”, insert “, sexual orientation”.

This amendment is to insert new words into the objects of the act where there is a list of all of the factors for which people who are receiving aged care should not be discriminated against. The factors go to the issues of language, ethnicity and gender. The Greens’ amendment here is to include sexual orientation there. That is the phraseology that is used in the international arena in dealing with this issue.

The amendment is about seeking to make clear at the beginning of the act, in the objects of the act, that in accessing aged-care
facilities it is not the intention that people should be discriminated against on the basis of their sexual orientation. In my speech in the second reading debate, I spoke about some of the examples of people who are in same-sex relationships and who have found themselves having difficulty getting into an aged-care facility or being in an aged-care facility that is run by a religious organisation that has a particular view in relation to homosexuality and how that is played out for them. I also spoke of instances where people have had to deal with discrimination from other residents in the home or from staff who have not been trained properly or appropriately to deal with the issues of complexity.

It is a rising issue that the gay and lesbian community are very involved in. For example, a number of people who are HIV positive are finding themselves in nursing homes. They have particular care needs that relate to their circumstances. They want to ensure that they have aged-care workers in those facilities who are sensitive to their needs. That is what this amendment is about.

**Senator McLUCAS** (Queensland) (7.38 pm)—I thank Senator Nettle for dealing with these two issues separately. Labor will support Senator Nettle’s amendment (1). It is a simple amendment that identifies a group of people who were not included in the original drafting of the act. Paragraph 2-1(1)(e) simply lists a whole range of people to be facilitated to gain access to aged-care services, regardless, it says:

... of race, culture, language, gender, economic circumstance or geographic location ...

I suggest to the government that in 1997, when this act was being drafted, it was an oversight; it was something that was not considered. Like Senator Nettle, I have been in touch with a range of people from the gay, lesbian and transgender community who have expressed a whole range of concerns about the way they have been treated or their fears of the way they might be treated if they were to enter residential aged care.

This is a sensible amendment. It would recognise right up front in the act that there are people in the world who want to go into residential aged care who are gays and lesbians and that they need to be treated with the respect that we give to all other people. It is a simple statement of fact. It does not go at all to the way that assets will be treated; it does not go at all to the financial implications of whether or not the person is partnered or not partnered and what financial relationship the person might have had prior to their entry into aged care. This amendment simply says that, along with people who are geographically isolated or who are in difficult financial circumstances who need to be facilitated into aged care, there is another group of people—gay, lesbian and transgender people—that we need to recognise. It is a very straightforward amendment and Labor will support it.

Question put:

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

The committee divided. [7.45 pm]

(The Chairman—Senator JJ Hogg)

Ayes............ 30

Noes............ 33

Majority....... 3

AYES

| Allison, L.F. | Bartlett, A.J.J. |
| Bishop, T.M.  | Brown, B.J.     |
| Brown, C.L.   | Carr, K.J.      |
| Crossin, P.M. | Faulkner, J.P.  |
| Forshaw, M.G. | Hogg, J.J.      |
| Hurley, A.    | Hutchins, S.P.  |
| Kirk, L. *    | Lundy, K.A.     |
| McEwen, A.    | McLucas, J.E.   |
| Milne, C.     | Moore, C.       |
| Murray, A.J.M. | Nettle, K.     |
| O’Brien, K.W.K. | Polley, H.   |
| Ray, E.F.     | Sherry, N.J.    |
Senator NETTLE (New South Wales) (7.48 pm)—I move Australian Greens amendment (2) on sheet 5068:

(2) Schedule 1, page 4 (after line 31), at the end of the Schedule, add:

4 Subsection 44-11(1) (at the end of the definition of member of a couple)

Add:

; and (c) includes a same sex partner.

This amendment deals with the definition of a couple. It goes to the issue of assets testing before going into a nursing home and whether or not the family home is considered to be excluded from the assessment of the value of the assets. As I went through in my speech in the second reading debate, that deals with the issue of a partner. The definition of a partner includes the reference to a member of a couple. Then, when you go to the definition of ‘member of a couple’, the two clauses which are there deal with, firstly, a marriage relationship, while the second clause deals with a marriage-like relationship. To my reading of that definition of ‘member of a couple’, it could include a same-sex couple. That was not clear. The intention of this amendment is to make clear that it should include a same-sex partner.

Perhaps I could ask the minister about that issue—although I think he answered it partly before. From my reading of the current definition of ‘member of a couple’, to me that definition could include a same-sex partner. It does not make it clear. It does not rule it out. It is ‘a marriage-like relationship’. To me, that could include a same-sex partner. That was not clear and the intention of this amendment is to make it clear that it should include a same-sex partner. But, if the minister were to indicate what the current government reading of the existing definition of ‘member of a couple’ is—whether or not as it currently stands it is considered by the government to include a same-sex partner—that would be appreciated.

Senator SANTORO (Queensland—Minister for Ageing) (7.50 pm)—I sought to be as helpful as I could to Senator Nettle when I advised her of the advice to me. There are many other kinds of couples who are referred to as couples—as I said, mothers and daughters, cousins, close friends and so on. But I also informed Senator Nettle and the Senate that, in terms of including the definition that she is seeking to have included by this amendment, the government prefers to deal with the issue in a holistic way.

I have just received some further advice. I tender it with a view to being specifically of
assistance to the Senate. It is that this clause is not being interpreted to include a same-sex couple.

Senator Nettle (New South Wales) (7.51 pm)—I thank the minister for that answer. That explains the situation I was talking about in my speech in the second reading debate. A friend of mine had their family home not excluded from the value of the assets. The advice she received at the time was that it was because she was in a same-sex relationship. I read that clause differently. The government clarification that that clause does not include a same-sex couple would explain the reason she was treated differently from a member of a heterosexual couple.

The minister also spoke about the desire to deal with these issues holistically. Legislation does not come to the parliament holistically. It comes in an ad hoc way, so that is the way in which we are able to amend the legislation—as it comes along. That is the reason why I am doing this now. In addressing my first amendment, the minister spoke about the need to consult about what impact putting in the reference to not discriminating on the basis of sexual orientation would have on other departments. I ask the government to undertake that consultation, because I want to assure the minister and the chamber that on the next occasion that we have an aged-care amendment bill before us I will move a similar amendment. I flag that now so that, if there is a need to do that consultation and see what the impacts are, the government can do that and perhaps be in a better position to deal with this the next time we come to one of these pieces of legislation and I again move that we deal with this issue of not discriminating against people on the basis of their sexual orientation. I will leave my comments there and commend my second amendment to the chamber.

Senator McLucas (Queensland) (7.53 pm)—I want to get an indication from the minister on this. He indicated earlier that there were other portfolios that this affects. My reading of the proposal is that it simply defines a couple and then uses that definition of a couple to work out what a concessional resident is and what an assisted resident is. It also assists the section of the act that says how to work out the value of a person’s assets. I am unsure, but am seeking advice, of what other portfolio areas would be involved in that. It might be social security; it may be other areas. But I need to understand that so I can indicate which way we will vote.

Senator Santoro (Queensland—Minister for Ageing) (7.54 pm)—I have just received some fairly quick advice. What we are considering at the moment is schedule 1, which is titled “Harmonising aged care and pension requirements in relation to income streams and assets disposal”. Just to make it clear to anybody listening to the debate, including senators in this place at the moment, it reads:

After subsection 44-10(1)

Insert:

(1A) If a person who is receiving an *income support supplement or a *service pension has an income stream (within the meaning of the Veterans’ Entitlements Act 1986), the value of the person’s assets ...

The amendment refers to the Veterans’ Entitlements Act, 1B refers in similar terms to the Social Security Act of 1991 and 1C refers to the Veterans’ Entitlements Act of 1986. For the benefit of Senator McLucas, they are the acts that are being referred to.

Senator McLucas (Queensland) (7.55 pm)—I would like to say thank you, but I do not know that that is particularly helpful. That is all about how you treat the assets in terms of the amendments that the minister moved. However, in the interests of dealing
with this matter, I indicate to Senator Nettle and to the chamber that the Labor Party will not support this amendment at this point in time, but we absolutely agree with the intent of it. The act as it stands is unclear.

The minister has indicated that a person who is in a relationship of a homosexual nature is not treated as a couple. That has a whole range of other impacts when that person is assessed for entry into residential aged care in terms of their assets assessment. It has implications for how the person who remains in the family home will be treated if one member of the partnership enters residential aged care. If the person does not jointly own the home, there will be implications for how that home is treated as an asset.

Senator Nettle has raised some issues that need to be dealt with. Labor has indicated for some time that in government it will do a full audit of all legislation to ensure that discrimination against gay, lesbian and transgender people is removed. This is clearly one of those pieces of legislation for which action is required. I am disappointed in the minister’s response. I do not think that Senator Nettle’s amendment would have affected the Veterans’ Entitlements Act or the Social Security Act. However, I am not absolutely confident of that position. I hope that Senator Nettle understands the reasons why we cannot support her amendment at this time, but she has raised a very significant and important issue.

Question negatived.

Bill, as amended, agreed to.

Bill reported with amendments; report adopted.

Third Reading

Senator SANTORO (Queensland—Minister for Ageing) (7.58 pm)—I move:

That this bill be now read a third time.

BUSINESS

Rearrangement

Senator SANTORO (Queensland—Minister for Ageing) (7.59 pm)—I move:

That government business order of the day No. 2, Privacy Legislation Amendment (Emergencies and Disasters) Bill 2006, be postponed to the next day of sitting.

Question agreed to.

HIGHER EDUCATION LEGISLATION AMENDMENT (2006 BUDGET AND OTHER MEASURES) BILL 2006

Second Reading

Debate resumed from 10 October, on motion by Senator Sandy Macdonald:

That this bill be now read a second time.

Senator WONG (South Australia) (8.00 pm)—I rise to speak on the Higher Education Legislation Amendment (2006 Budget and Other Measures) Bill 2006. Our education policy in Australia is dangerously adrift. The current government’s approach to higher education has been characterised by budget cuts, fee increases and a lack of policy direction. Our universities are too important to ignore, yet under the Howard government they seem to be seen as little more than a target for ideological vendettas—from extreme industrial relations conditions, to VSU, to the front line of the Prime Minister’s culture wars.

Labor values our universities as a national asset that it must treasure and protect. And, unlike the government, Labor has both the vision and a plan to do just that. Labor does, however, support the passage of this higher education legislation amendment bill. Before I continue speaking on that legislation, I want to make a comment on the government’s attitude to the referral of this bill to committee.
The government majority report, and recent comments in the House of Representatives by the Parliamentary Secretary to the Minister for Education, Science and Training, criticised the referral of the bill to committee. We all know in this chamber—or perhaps those on this side understand—that scrutiny of legislation is an important role of the Senate and one which should not be dismissed because of apparent inconvenience to the government. The referral process did provide senators with valuable further information through questions to the department on how provisions of the bill would impact on higher education in Australia. In particular, more information was provided on the new approvals guidelines and the determination of different levels of fee contribution. This detailed information from the department in response to senators’ questions is vital to our role as a house of review and scrutiny—although, of course, since the government has taken a majority in this place, it is a role the government would prefer to avoid.

As Senator Campbell reminds me, and as I was about to address, the fact is that the government signed a referral for this bill. That seems extraordinary, given the comments in the other place that were critical of such referral. Any problems with this process are of the Howard government’s own instigation. This might be an uncomfortable truth for the government, given its distaste for any form of scrutiny, but the Senate should not believe those opposite in their historical revisionism of events which only occurred a month or so ago.

I want to turn to some of the more substantive issues in the bill itself. Schedule 1 of the bill funds commitments made by the government arising from the COAG health workforce and mental health packages. Labor welcomes the additional places to deal with health workforce shortages, but the fact is the Howard government has neglected this important area for too long. The government has failed to invest in education, training, distribution and retention measures to ensure that all of Australia has enough doctors, nurses and other health-care professionals to meet current and future health needs.

The bill also increases funding to the capital development pool for universities from 2007 and to the commercialisation training scheme for new postgraduate research places in science and innovation; $1.5 million is also provided to the Federation of Australian Scientific and Technological Societies and to the Council for the Humanities, Arts and Social Sciences. I want to indicate that Labor supports these new measures.

Included in the funding this bill proposes is the application of indexation to university grants across the forward estimate years. The fact is our universities continue to suffer from inadequate indexation. The rate of indexation being applied to university operating grants this year means they will increase by just two per cent. By comparison, average weekly earnings rose by an average of 4.5 per cent annually between 1998 and 2004. As salary costs are the largest component of university operating expenses, ranging between 45 and 70 per cent, this gap between indexation and wage costs continues to rise. Since 1995, the gap between rising average salary costs and the rate of indexation provided by the Commonwealth has accumulated to more than $500 million.

Let us just reflect on that for a moment. What these figures demonstrate is that, over the term of the Howard government, the gap between the amounts the universities on average are required to pay staff and the rate of indexation provided through the Commonwealth funds is over half a billion dollars. In
their submission to the Employment Workplace Relations and Education Legislation Committee’s inquiry into this bill, the Australian Vice-Chancellors Committee said:

... the existing index is not realistic. This Bill does not adequately address the real cost of the provision of services.

It seems extraordinary that the government continues to refuse to listen to our vice-chancellors. The fact is that Labor believes the government must listen to the vice-chancellors and must reverse the current indexation policy because, fundamentally, this is about ensuring Australia’s universities are properly funded—something this government does not seem to regard as a priority. Adequate indexation is essential to sustain and strengthen the quality of university education in Australia.

The opposition also supports the indexation, in schedule 9, of the funding cap for research spending in the Australian Research Council Act. The significant measure in schedule 2 of the bill is to increase the FEE-HELP limit to $80,000 for most students and to $100,000 for medical, dental and veterinary science students. This was announced in the budget and is the second proposed FEE-HELP increase this year. I have to interpose here that the acronyms and the names that the government chooses to use are interesting. I recall Senator Abetz taking through this chamber what I think was called the 'fair dismissal bill', which actually involved the removal of unfair dismissal rights. Here we have FEE-HELP, something that suggests that people are actually being helped when, of course, what we know is that they only need to borrow money because this government has so massively increased the cost of going to university and introduced extremely expensive higher education fees for certain courses—which I will come to shortly.

The fact is the changes to FEE-HELP are significant, increasing the total debt available to students. These measures will generate an additional $78.5 million in student debt over the period 2006-07 to 2009-10. There are now almost 100 full fee degrees in Australia costing more than $100,000, so it is clear these increases which are set out in the legislation and to which I have referred are simply not sufficient to meet the real cost of these degrees.

Under the Howard government you can pay as much for a degree as you do for your home. The average mortgage today is about $222,000 and, according to the Good Universities Guide 2007, a full fee paying place in medicine/arts will set students back a staggering $237,000 at the University of New South Wales and $219,100 at the University of Melbourne. Medicine at Bond University costs $233,100, while medicine/law at Monash University racks up a debt of $214,600. These are extraordinary figures, and this is an extraordinary increase in the level of student debt in this country.

These massive increases in university fees imposed by the Howard government are forcing up the total debts faced by students and graduates by $2 billion a year, and this is doing one thing: taking Australia further down the track of an American style university system. New figures from the Department of Education, Science and Training, provided through the inquiry into this bill, show university graduates and students will owe more than $20 billion by the 2009-10 financial year. It is an extraordinary increase in the level of debt that we are loading onto students—primarily young people—at this point in their lives.

Labor also welcomes the clause in the bill that clarifies that a person who has had FEE-HELP recrated does not have their future entitlement to FEE-HELP reduced by that
amount of recredited FEE-HELP. This change was apparently required because of the new differential caps which are contained in the legislation and to which I have referred. It will be important for students that administrative complexities, such as this recrediting system, are minimised as the FEE-HELP system evolves.

In their minority report on the Senate inquiry, the Australian Democrats indicated that they would be moving an amendment to abolish schedule 2 of this bill, which deals with the FEE-HELP changes. Labor will not be supporting such an amendment. Whilst we agree that $200,000 degrees should not be a feature of our public universities, we will tackle that policy problem by a different route. We do recognise that FEE-HELP provides necessary support to students in certain courses, especially those undertaking postgraduate coursework degrees. In our recent white paper, Labor indicated that we would support the continuation of FEE-HELP for private universities and other private higher education providers. To prevent crippling debt for students in our public universities, Labor will eliminate the problem at its root. Labor oppose full fee undergraduate degrees in our public universities, and Labor will phase out these $100,000 and $200,000 degrees when we get into government.

Schedule 3 of the bill allows universities to charge different students in the same unit different amounts of HECS and tuition fees. This alters the existing rule that the same type of student enrolled in the same course of study pays the same fees. Under the proposed changes there will be wide discretion for the provider to set varying fee levels based on any factor they deem appropriate, with only limited scope by the government to determine matters that are not appropriate. There may be cases where differential fee structures are used to assist students from disadvantaged backgrounds through targeted fee relief based on location or mode of delivery. However, Labor would not support fee deregulation resulting in higher general fee levels, and we will be monitoring the implementation of this new provision.

The Labor opposition support the minor technical amendments in schedules 4, 5 and 7 and the creation by schedule 6 of the new concept of winter schools. These winter schools are analogous to summer schools and allow students to study units intensively, where academically appropriate, and complete their degree programs sooner. Labor support universities undertaking new and innovative activities to provide a wide range of educational options for our students. Unlike the government, for Labor this forms part of an overall and cohesive policy agenda. Our higher education white paper contains a new funding model for universities, one element of which is to provide specific funding for what we call ‘innovative activities’. The white paper targets accelerated degree options for students as one sort of innovative activity Labor will pursue.

Schedule 8 of the bill changes the procedures for accreditation and approval of higher education in external territories. The bill proposes to give the minister greater power over this process. Yet the department advises that the Ministerial Council on Education, Employment, Training and Youth Affairs, MCEETYA, which determines the national protocols for approval of higher education providers for the rest of the country, will not be consulted in the development or approval of the minister’s new guidelines for the external territories. Labor believe that the new guidelines proposed by this bill should also be endorsed by MCEETYA.

This bill contains a series of unconnected and piecemeal amendments to higher education legislation in this country. While the opposition understand the need for govern-
ments to make such amendments from time to time—and we support them in this—this seems to be all that the government is doing. At a time when our higher education system needs serious attention, all we have from the Howard government is an inadequate and incoherent policy response to the need of our university system to diversify, innovate and meet Australia’s higher education needs.

While the Howard government may have no direction for the future, Labor does. In July our deputy leader and shadow education minister, Ms Macklin, issued a higher education white paper entitled *Australia’s universities: building our future in the world*. This white paper set out a new policy framework for higher education, research and innovation that fits Australia’s modern needs and circumstances. Our nation-building reform will result in real choice and higher quality education and training for individuals. Lifting up all universities is central to a Beazley government’s economic agenda to build a prosperous future for all Australians.

Our universities are different. Labor understands this simple reality. It is time the Howard government recognised this difference through more than simple platitudes. The first thing that needs to be done is to release Australian universities from the straitjacket imposed on them by the Nelson changes. Particularly as a result of the government’s 2003 changes, universities have been given less discretion to spend the diminished proportion of Commonwealth government funding they receive. True diversity can only be achieved through fundamental change, freeing universities from red tape and bureaucratic control. Labor will end government interference in the internal management of universities and reduce compliance and reporting burdens. Labor’s stronger focus on the quality of educational outcomes will loosen the Howard government’s excessive controls on inputs and processes.

Labor will fund public universities through a compact negotiated to value universities’ individual missions and their different roles and circumstances. Labor’s approach will promote improved responsiveness of universities to student demand and community needs. Labor in government will provide additional resourcing to our universities through this new funding model and through adequate indexation of university grants. As mentioned earlier, the current indexation arrangements are costing our universities and must be changed. Labor will make these necessary changes and link these additional funds to quality improvements.

It is extraordinary and damning that for the second year in a row the OECD has reported that Australia is the only developed country to have reduced public investment in tertiary education. We went backwards by seven per cent while the rest of the OECD increased by an average of 48 per cent. This is the Howard government’s legacy for the higher education sector—our competitors go forward by 48 per cent; we go back by seven per cent. Australia is going backwards whilst everyone else is going forwards.

The consequence of 10 long years of Howard government cuts is that the quality of Australian higher education is under pressure, with consequent risks to the reputation of Australian degrees. There are no systems in place in Australia for assuring the standards of degree quality. Students deserve the confidence that they will receive a high-quality education and that their degree will be recognised in Australia and overseas as a credible qualification for work and further study. We should expect the best from our universities because of the public investment they receive. That is why Labor has proposed to establish a tough new standards watchdog, the Australian Higher Education Quality Agency, and give it real teeth to enhance
degree standards and protect quality teaching and research.

Unlike the Howard government, which seems to be bereft of fresh ideas and unable to articulate coherent policy, particularly when it comes to higher education, we on this side of the chamber understand that the only way to promote diversity and innovation is to restore faith, confidence and, importantly, public investment in our universities. Labor have a vision for higher education in Australia and we are backing this up with substantive and contemporary policies that will tackle the problems directly created by the Howard government. On behalf of the opposition, I move:

At the end of the motion, add:

“but the Senate:

Condemns the Government for:

(a) jeopardising Australia’s future prosperity by reducing public investment in tertiary education, as the rest of the world increases their investment;

(b) failing to invest in education, training, distribution and retention measures to ensure that all of Australia has enough doctors, nurses and other health care professionals to meet current and future health care needs;

(c) massively increasing the cost of the Higher Education Contribution Scheme, forcing students to pay up to $30,000 more for their degree;

(d) creating an American style higher education system, where students pay more and more, with some full fee degrees costing more than $200,000, and nearly 100 full fee degrees costing more than $100,000;

(e) massively increasing the debt burden on students with total Higher Education Loan Program debt now over $13 billion and projected to rise to $18.8 billion in 2009;

(f) failing to address serious concerns about standards and quality in the higher education system, putting at risk Australia’s high educational reputation and fourth largest export industry; and

(g) an inadequate and incoherent policy response to the needs of the university system to diversify, innovate and meet Australia’s higher education needs”.

Senator BARTLETT (Queensland) (8.18 pm)—The Democrats recognise that a number of the components in the Higher Education Legislation Amendment (2006 Budget and Other Measures) Bill 2006 are improvements on the existing situation, but that in no way covers for the fact that the existing situation regarding our higher education sector is an appalling one and one for which the coalition government must bear responsibility. When you step back from the wide range of different issues that have encompassed political debate over the months and years stretching over a decade of this government being in power, you see that this government’s failure to adequately invest in, and in many cases to actively withdraw public investment from, the higher education sector at the same time as enhancing their own political control over the sector is probably one of their biggest failings. Those calculated, deliberate actions, combined with failings in other aspects of training, are one of the key reasons why Australia is now in the grip of a massive skills shortage. We really do need to ensure that the full blame for that situation is sheeted home to where it belongs, which is with the current government.

The statistics are very clear. Senator Wong has alluded to a number of them already. They are simple, clear-cut facts. This government’s record—when compared with comparable governments around the world regarding investment in higher education,
skills development and knowledge development—has been absolutely appalling. Our nation as a whole is paying the price, and not just with the skills shortage in the job arena at the moment. It is widely acknowledged that we are moving into an information economy, a knowledge based economy. For our nation, precisely at this key moment in history when the way the things that drive the global economy are being transformed, to reduce investment in areas that are the key drivers in developing those skills is something for which, sadly, our country is going to be paying the price for many, many years to come.

I hope these facts are driven through to the Australian community and to those people who choose what information and what reporting goes into the homes of people in the Australian community, because we really do need to try to make sure that higher education skills, training and knowledge development are given absolute top priority at the next election. A lot of other issues, whether it is interest rates or terrorism or climate change, are all important. But if we continue to fail in the area of higher education and skills development, if we continue to drastically underinvest, then we will be falling further and further behind in long-term opportunities for our nation—and it can take a long time to turn that around and to repair the damage.

That is, I guess, the big-picture description of the situation. ‘Big picture’ is sometimes seen as a bit of a dirty word, sadly, because of the anti-intellectual thread that has gone through some aspects of the so-called culture wars in this area. But it is important that we look at the big picture. However, we also need to look at the individual picture. The individual picture is that many Australians have missed out. More and more individual Australians who are less well off, particularly those who come from groups such as Indigenous Australians, are becoming more and more disadvantaged with regard to their opportunities to access higher education. A disgraceful piece of information which came out recently showed that the number of Indigenous Australians involved in the higher education sector has actually gone backwards in recent years. You can have all the bluster and rhetoric you like from political figures in the government about addressing Indigenous disadvantage, but it is simply a truism that education is one of the key pathways out of disadvantage, whether you are talking about Indigenous Australians or anyone else. For Indigenous Australians to be proportionately going backwards in their access to higher education is a particular disgrace.

Turning to the specifics of the legislation—and Senator Wong has already gone through some of these aspects—I welcome the increase in the maximum limits of the Commonwealth Grant Scheme to pay for new university places in medicine, general nursing and health areas and for clinical training of nurses. Increasing the limits for other grants to provide for additional funding for the Capital Development Pool, the Commercialisation Training Scheme, the Federation of Australian Scientific and Technological Societies and the Council for Humanities, Arts and Social Sciences and increasing the maximum funding limits for Commonwealth scholarships are all measures that the Democrats do not oppose. But, again, we need to look at them in the context of the overall poor situation that this government has presided over. Measures in the legislation should enable universities some extra flexibility in setting student contributions and tuition fees, but these can only occur within guidelines and maximum amounts set by the Commonwealth.

One aspect of the legislation that causes the Democrats concern is the increase in the
FEE-HELP—so-called—limit to $80,000 for all degrees except medicine, dentistry and veterinary science, where the limit will be raised to $100,000. It is not that long ago that the Prime Minister was promising that there would be no degree that would cost $100,000, yet here we are with some degrees costing double that, and more, and students being required to borrow that amount to be able to access some of these degrees. That ridiculous situation is this government’s legacy for a growing number of Australians.

There is a bit of a dilemma with regard to the increase in the FEE-HELP limits, I have to say. I understand some of the arguments in support of enabling it to increase, because the simple fact is that the cost of degrees, as well as the cost of some of the wider things that students have to cover, has increased enormously. But by expanding and further increasing the amount available under FEE-HELP we are also creating a situation that not only forces students further and further into a crippling level of debt but also opens up the capacity for enabling even greater fees. The higher the amount that can be borrowed by students, the greater the argument for being able to increase the amount that can be charged for fees. So our concern is that, by increasing the limits under FEE-HELP, we will further entrench a system which, at its heart, is fundamentally inequitable. We have reached the stage where entry into a full-fee degree is determined just as much by the ability to pay as it is by academic merit. This is a shameful situation and one that, I might say, the Democrats predicted many years ago.

The Democrats have consistently opposed the expansion of the fees and charges being laid on Australian students, because of the impact this has on accessibility and because it excludes more and more students from lower income situations. But we now have full-fee degrees that cost more than $200,000, and even the increased limits of FEE-HELP will not prevent students from taking on a crippling level of debt. It is a recipe for financial insecurity for those students. It can delay when they can make a significant purchase. It can delay when they are able to start a family. And those who graduate with professional qualifications may also charge higher fees to help cover these costs, so the community can end up paying extra for the tuition indirectly.

These increases in FEE-HELP are just one more step along the path towards a greater and greater user-pays component in our university sector. Both individual students and, just as importantly, our nation as a whole stand to lose the more that that comes about. The Democrats’ record shows that we support a strong higher education sector that is accessible to all Australians from all backgrounds. The facts demonstrate that, under this government, not only have we seen a decline in the resources available and the investment in our higher education sector; we have seen a greater degree of government control over how that sector can operate, which is completely contrary to the rhetoric that this government likes to put forward. We have also seen a circumstance where, because of the costs, more and more students from disadvantaged backgrounds are unable to access higher education, unable to upgrade their skills or unable to fully participate in the education experience because they need to spend more and more of their time and divert more and more of their energies into other activities to earn sufficient money to help themselves survive whilst they are going through a higher education institution. It should be noted that these concerns that the Democrats have expressed, as has Senator Wong, have been around for a long time and have been raised time and time again.

To give a very apt indication of this government’s lack of interest in this entire area,
it is worth noting the response from the federal government to Senate committee inquiries in recent years into this broad area. The Senate Employment, Workplace Relations and Education References Committee—now defunct and confined back to an individual, amalgamated committee—brought down the report *Bridging the skills divide* back in November 2003, nearly three years ago. An inquiry into Indigenous education funding brought down a report in June last year. A report into student income support and the difficulty many students are having in surviving whilst they are undertaking study, whether it is in higher education or other education, also came down in June last year.

What was the government’s response to those reports covering the important areas of education and skills? No response at all. Nearly three years after the report was tabled addressing issues about bridging the skills divide, involving feedback and ideas from people throughout the community and from across the political spectrum and containing recommendations to the parliament about ways to bridge the skills divide, the federal government’s response has been nothing. I could say that shows their lack of genuine interest in bridging the skills divide, except that, sadly, it is not particularly unusual. The federal government’s response to a large number of Senate committee inquiries, even ones that are three years old, tends to be silence.

That demonstrates not only a lack of interest in, engagement in and genuine concern about the democratic process and the Senate but also a lack of interest in the views and ideas of people in the wider Australian community, who share a genuine concern about the need to significantly improve our nation’s performance in higher education and training, skills development and knowledge attainment. The government’s response is basically not to listen at all. It is a shame because it is something that we all as a nation pay the price for, but it is a reality. This government’s record and those facts are very clear and very much on the table.

The legislation, as I said, does contain some measures which will improve the situation for some people. It contains a measure that the Democrats on balance believe would be dangerous to enable—the further increase of the FEE-HELP amounts. It entrenches a system that we believe is undesirable. It is worth taking the opportunity to reinforce the very strong concerns that have been expressed by the vice-chancellors about this government’s failure to adequately index funding for higher education institutions. It is worth emphasising the problem with full-fee degrees and the ever-increasing amounts of student debt.

I recall the great promises that were made by the federal government and a previous minister when legislation managed to get through this chamber, with the very unfortunate support of a range of Independent senators in this place, that was supposedly to enable a massive injection of extra funding to the higher education sector. Yet, when the ink was barely dry on the assent to that piece of legislation, it was put through, with assertions by some Independents on the cross-benches at the time that it would be a major benefit for universities and would deliver them significant gains. The extra amounts of money were already being clawed back by the federal government.

The failure to have any proper, ongoing, reliable indexation for Australia’s universities is a serious problem and one that the vice-chancellors from universities across the board have spoken about time and time again. We all know that there is quite a diversity of views amongst vice-chancellors about a range of issues to do with higher education policy, but on this area they are of
a single mind and a clear view—that the failure to properly index public investment in higher education institutions is causing serious problems in quality and in opportunities for Australians to access the courses and knowledge development that are essential for the long-term health of our nation’s economy, culture and society. It is, again, completely unforgivable that this appalling situation has been allowed to develop.

It should be put on the record that it was an equally unacceptable decision by Independents in this chamber to pass legislation which allowed dramatic increases in fees for students around Australia, on a very feeble and quickly broken promise to make significant extra resources available to universities as a consequence. Many students have already had to pay the price for that. No doubt by this stage, having got control of the Senate, the federal government would have pushed through those changes to increase fees in any case, but without their support there would have at least been an extra year’s grace for students to be saved from the major increases in fees that they have been subjected to, and it would have at least prevented some extra harm being caused to some individuals from less well off backgrounds.

It is important that we give greater priority to this issue; it is certainly something the Democrats will continue to give great emphasis to as we lead into the next federal election, and I am sure that many people from other political parties will do the same. I can only hope that in the reporting and coverage of this highly important issue the true facts about this coalition government’s abysmal record in this area are given proper coverage and that full light is shed on it, because it is something that has caused immense damage to our nation and its future. It has further entrenched disadvantage; it has further led to greater inequalities in life opportunities between the have-nots in Australia, and unfortunately our nation as a whole will be paying the price for some time to come.

Senator NETTLE (New South Wales) (8.38 pm)—The Higher Education Legislation Amendment (2006 Budget and Other Measures) Bill 2006 fits in with the government’s general approach to higher education. On the one hand the government rhetoric is all about cutting the sector free of the apron strings of government support in the context of their bold and clear vision for higher education, but on the other their level of action rather than rhetoric sees them cutting the apron strings but replacing them with miles of red tape and a vision which gives way to piecemeal policy delivered as a result of pork-barrelling concerns and half-baked election promises. This bill is typical of this approach, because it delivers a hotchpotch of policy changes which have been hastily introduced into the parliament without much chance for reasoned debate and which lump in overdue good investments with more poorly thought out changes and ham-fisted attempts to fix major problems in the sector.

The two biggest problems that are pertinent to the content of this bill are the lack of appropriate indexation in university grants from the Commonwealth and the impact of the FEE-HELP scheme on the equity and quality of the higher education sector. Regarding indexation, this bill contains the indexation amounts for university grants over the next four years. The problem is that the government is still indexing universities’ core government funding at around two per cent—far less than the rise in the costs that universities face, which is nearer five per cent. This means that each year universities have to provide the same services to their students and the community with less government money in real terms, despite what may appear to be increases in funding in this
The OECD's latest publication, *Education at a glance 2006*, detailed the breathtaking fact that, whilst the other developed countries in the world have increased their public funding to universities by an average of 48 per cent over eight years, the Howard government has presided over a cut of seven per cent. It is hard to see how any government can claim to be funding universities at higher levels than ever before, as this government does, when the independent review of its spending performed by the OECD has shown so clearly that it is cutting funding in real terms.

The Australian Vice-Chancellors Committee has been consistent in its criticism of this government for its refusal to deliver fair indexation to universities. The Greens have campaigned on this issue, but we also recognise that the problem is not just the indexation but the low base level of the grants to universities from the government to start with. As a result of these low grant levels we see the consequential move to force students to take on the burden of funding universities. The federal government now contributes on average just 40 per cent of funding revenue to universities, with some universities receiving far less than 40 per cent. When people talk about public universities they expect that that will mean that they receive substantial funding from the public purse, not the miserly contribution of 40 per cent of funding from the public purse that we currently see as the average contribution made by the federal government to universities across this country.

This bill will make this sorry situation worse by increasing the amount of money that the government will lend to domestic full-fee-paying students to pay their up-front fees. This bill increases the FEE-HELP loan cap from $50,000 to $80,000, or $100,000 for vet science, dentistry and medicine. This is being done with no indication of the inflationary effect on fee levels. The government is at the same time increasing the number of higher education institutions whose students can access these loans to pay their fees. The institutions recently permitted to offer these government loan full-fee places are private institutions, often fairly new and looking to expand. For them, what better way is there to expand than to milk this government scheme to the max by charging fees up to the highest level that the government will lend to a student and ploughing the increased revenue back into expanding? This is the effect that raising these fee levels has on the growth in the sector. It is an unplanned growth, underwritten by government money in the form of the FEE-HELP scheme but with no thought given to the effect it will have on the quality of the higher education sector as a whole.

And it will have an impact on quality. The government majority on the Senate committee that reported into this bill said that the government considers that these new FEE-HELP limits will improve students’ ability to make choices about their courses of study, promote participation and bring about a more diverse higher education sector. But the newer, smaller, narrower in vision, cheap and efficient no-frills higher education operators that grow on the supply of the FEE-HELP loans impinge on the viability of courses and schools at public universities and other high-quality educational institutions. This means that the government is simultaneously increasing the indebtedness of students and lowering the quality of the education that they are paying for. The government is undermining the integrity of a public higher education system developed over centuries by reducing the share of government spending on higher education and failing to index that spending by at least the cost of inflation.

It is quite a bleak picture, but the spin from the minister is quite different. I was interested to read the transcript of the minis-
ter’s recent speech at Murdoch University, in which she told an audience of alumni, staff and students about her vision for the higher education sector and outlined the context which 10 years of the Howard government has delivered. Throughout the speech were a series of peculiar views of the current situation that should not go unchallenged. I will take the Senate through some of these now.

Firstly, seeking to establish the generosity of her government, the minister said:
Currently, there is a high reliance on the Australian Government for funding, both directly and through our management of student loans schemes—accounting for almost 60% of total funding.

That is misleading, because 20 per cent of that 60 per cent is actually student loans—not government money being put into our institutions—so only 40 percent is actually an investment in and public funding of our university institutions by the government.

As so many Australians are now coming to realise when they read their payslips each week, HECS does not make education free; you have to pay back every last penny. That means it is private funding of university, not public funding. The minister went on to say:
Today, Australia’s universities have access to higher levels of revenue than ever before. In 2004, total revenue available to higher education institutions from all sources was $13 billion—an increase of more than $5 billion or a 65% increase on 1996 funding levels.

Again, that is misleading. If the indexation level of higher education is pegged at a conservative five per cent—that is, less than the government’s own indexation for schools—then, over 10 years, you would have a rise in cost of $5.05 billion. So total revenue has not kept pace with inflation. The minister went on to say:
Australia’s funding of universities is often compared unfavourably to countries such as Finland and Sweden, where virtually all funding comes from the public sector and students pay minimal or no contribution—although this is changing. However, proponents of this model fail to mention government taxation rates in Finland and Sweden.

Is the minister advocating an increase in taxation rates? If not, is she implying that the Swedes and the Fins are somehow worse off because of their high-quality, free higher education and higher taxation rates? If so, she may wish to note that Finland is ranked second on the World Economic Forum’s global competitiveness index, and Sweden is third, as compared to Australia’s 19th place. She may also wish to note that Sweden and Finland have a higher proportion than Australia does of people who are happy and satisfied with life as a whole, according to the World Values Survey.

The Greens advocate for a change in funding policy which would bring us closer to matching the successful policies of countries like Sweden and Finland in how we fund our higher education. To begin with, we would abolish HECS and return Australia to a situation which we had not so long ago—that of free tertiary education. It is interesting to note here that a recent convert to the idea of abolishing HECS, at least for some courses, is former Liberal Premier of Victoria Jeff Kennett, who advocated last week for the abolition of HECS for courses in which he considered Australia had a skills shortage, such as engineering.

However, the minister and this government are not interested in Commonwealth investment in education. Never mind that Australia is richer now than ever before in history and that the government is awash with cash. This minister and this government want other people to pay for higher education. The minister put it this way in her speech to Murdoch University:
What is not ... widely known or appreciated is that while states contributed $230 million, they
took out more than $377 million in payroll tax. State and territory governments in fact profited from their universities in 2005 to the tune of $147 million.

In other comparable federations, state governments acknowledge the benefits to their communities of their universities and contribute accordingly. So there’s an obvious untapped source.

Clearly, the minister wants to find another excuse to freeze public funding from the Commonwealth to universities. It is not just state governments that the minister is planning to ask to pay more. Students and ex-students are also in her sights. She tried to argue that the student debt crisis is overblown when she pointed out in her speech:

To date, around 780,000 (41%) of people have repaid their debt—
that is, their HECS debt—
The average outstanding debt is around $10,500.
According to the minister, this is apparently good news. But, when you turn it around and you say that nearly 60 per cent of Australian HECS graduates are now carrying a debt from their tertiary education, it does not sound quite so great. For young people, an average outstanding debt of $10,500 is a substantial amount of money, particularly if they have other debts in the form of credit card debts as well.

It is depressing to see what is happening to the higher education sector under this government. Their vision, which is pretty clear from the speech that the minister gave at Murdoch University, is all about government disengagement, privatisation and commercialisation. They do not talk about what education is for, or about the central importance that it plays in shaping the society we live in and progressing the collective benefits of that society, both at home and globally.

Australia is in a period of unprecedented economic boom. Just a couple of weeks ago the Treasurer found he had an extra $1 billion in tax revenue that he had not expected, on top of the $15 billion surplus already reported. Yet, despite these riches, we never appear to have enough money to make a long-term investment in education—in public schools or in pre-schools, in TAFEs or in universities. Instead, we see from this government an attack on student life through voluntary student unionism legislation, an attack on staff working conditions through the higher education workplace relations requirements, funding cuts—as noted by the OECD—rising student debt levels, ministerial meddling in research directions and the encouragement of small degree factories to undermine our great public university institutions.

The minister concluded her speech to Murdoch University by reminding the audience that she is a graduate of Harvard Business School, which is all well and good. But the point of her reference went well beyond big-noting herself. The minister’s thrust was to explain how, in the United States, much of the high levels of funding for the most prestigious institutions come from the deep pockets of their alumni. She then volunteered this as another funding source that might help to replace federal government funding for Australian universities.

The Greens have a very different vision for higher education, a vision that recognises the contribution that universities make to all of our society and the need for governments to be investing in great public institutions such as our universities, which provide benefits to the whole of our community. We need to have this investment in our students to allow them to become top quality graduates and we need to invest in research to continue Australia’s proud tradition of innovation and excellence. This is the kind of investment that realises massive benefits for the broader community.
When every qualified Australian can have access to university education, then the culture, the society and the economy benefit. When every community can access the resources of a local university campus, it is not just the students reaping the benefits. When graduates can pursue their chosen career paths free of the burden of debt, then the caring careers—the careers that are about public service more than private profit—can flourish. This is an alternative vision that the Greens have for investing in our higher education institutions so that the whole of our community can benefit. I would argue that is the necessary vision if we are to build and invest in the great community of Australia into the future.

Senator BARNETT (Tasmania) (8.53 pm)—I stand tonight to speak in support of the Higher Education Legislation Amendment (2006 Budget and Other Measures) Bill 2006. It would be entirely inappropriate for me to stand here without answering comprehensively the various attacks and outrageous claims that have been made by Senator Bartlett and opposition senators in this place with respect to the government’s policies on higher education, and I would like to deal with those at first instance.

I would like to speak to the Senate Employment, Workplace Relations and Education Legislation Committee report on the bill, which has recently been tabled, so it is a public document, and note as a member of that committee that we received just three submissions to that inquiry. The majority entirely support the bill and have urged its passage without amendment. I thank the secretariat for the work that they have done in collating that report. I would also like to provide some general comments about the importance of higher education and the merits for Australia today with respect to some of the health aspects of our government’s policies, including under the bill before us, and make some general comments on some more notable and relevant issues such as the importance of the curriculum, the preparation of an appropriate curriculum for Australian students and the importance of the history debate in Australia.

Turning first to answer some of the allegations that have been made by the opposition senators, Senator Nettle has indicated that it is a bleak picture that is being faced by Australia today. Senator Bartlett has made allegations which are entirely erroneous with respect to the participation of both Indigenous students and people with disabilities at university. I would like to correct the record and also make some general comments.

I also wanted to note that the majority committee report says that the legislation increases funding to universities and delivers an extra $6.23 billion, ‘making the total appropriation in excess of $25 billion over the quadrennium to 2010’. As I say, the committee report is a public document and is available for all to see.

Let us have a look at some of the facts with respect to our policies. Over the past decade the total number of students studying in Australian universities has grown significantly from 656,121 students in 1994 to just under one million—or 944,977—students in 2004, an increase of 288,000-odd students or 44 per cent. The number of Australian students at university has risen from 604,177 in 1995 to 716,422 students in 2004, an increase of 112,000-odd students or 19 per cent.

Let me correct the record with respect to Indigenous student participation at university. Indigenous student participation at university has increased over the past decade from 7,000 in 1995 to 8,879 students in 2004, which is a very significant increase of 1,879 students. Students from a low socio-economic status background are going to
university in greater numbers than ever before—the number has gone from 83,399 in 1995 to 101,312 a decade later, which is an increase of nearly 18,000 students. Access by rural students, and I come from a rural and regional part of Tasmania, to a university education is also improving, with rural students increasing in number from 102,000-odd in 1995 to 119,812 in 2004.

What about students with a disability, which Senator Bartlett also referred to? Students with a disability are going to university in increasing numbers, with an increase from 11,656 students in 1996 to 26,363 students in 2004. One can see that the allegations made against the government in those respects have been proved false. In fact, as a government we are providing more flexibility; we are removing red tape so that the universities have the ability to take on more students and to do the job that is required to be done.

Let us have a look at the figures in relation to increased funding for universities. Coalition government funding for the higher education sector has increased significantly over the past decade, from $5.3 billion in 1995-96 to $7.8 billion in 2005-06. Universities have access to higher levels of revenue than ever before. It is estimated the total revenue available to higher education institutions from all sources was $13 billion in 2004, almost $5.1 billion more than in 1996. That is a 65 per cent increase. What is so wrong about the private sector providing some of these funds? What is so wrong about students providing some of those funds? Why should the government be the sole provider? Those opposite are harking back to the past.

Revenue from overseas student fees was $1.9 billion in 2004, an average increase of about 15.5 per cent each year since 1996 and accounting for around 14.7 per cent of sector revenue—a very important part of the revenue for that sector. Following the major reforms to the higher education sector in 2003—I will touch on those in a minute; very hearty congratulations are due to the former minister, the Hon. Brendan Nelson, for his work to make those reforms happen—it is estimated that universities will receive additional student contributions of around $1 billion over the four years of 2005-08.

I would specifically like to acknowledge the Hon. Brendan Nelson for his early work, with the Prime Minister, in getting the Backing Australia’s Ability report through. He had a long-term plan to help secure sustainable funding and ensure that Australia meets the needs of students. The government spent nearly a year reviewing Australia’s higher education system and in 2003 developed a comprehensive reform package. That was entitled Our universities: backing Australia’s future. That reform package for the university sector will deliver an additional—I emphasise ‘additional’—$11 billion to the sector over 10 years. That is no pie in the sky amount of money. That is no insignificant amount of money. That is a very substantial increase.

I want to acknowledge my Tasmanian Senate colleagues, particularly the Hon. Paul Calvert, Eric Abetz, Richard Colbeck, John Watson and Stephen Parry, and Tasmanian Liberal members of the House of Representatives Michael Ferguson and Mark Baker, for the hard work that was done to ensure that we got a good result for Tasmania. We have received a regional loading of $13.8 million and the total funding for the university is now some $167.8 million. That has been a good result for the university. We can see—and we have seen—expansions not only in the south but in and around Launceston, thanks to the lobbying efforts of Michael Ferguson, the federal member for Bass. There was quite a significant expansion of the Invermay and Mowbray campus.
Senator Parry—What a great campus!

Senator BARNETT—That is right; it is a great campus and it is well received by the students. And not only that: Mark Baker, the federal member for Braddon, has worked hard and received expansion of resources and activity on the north-west coast, specifically at Burnie. I know that Senators Parry and Colbeck are particularly appreciative of the work of Mark Baker. They have worked very hard to get good results for the north-west coast.

Senator Parry—They have been tireless advocates.

Senator BARNETT—They have been tireless advocates for their region, as Senator Parry has indicated. I want to touch on the allegation that voluntary student unionism has been a disaster for students. I am very disappointed to hear those allegations, because I think that the proof of the pudding is in the eating. The eating has occurred this year, by students across Australia. They have appreciated the opportunity not to be compelled.

I specifically want to acknowledge the work of Senator Eric Abetz. When he and I were at university in Hobart, back in the early 1980s, this was a raison d’être, a key reason for being, for us as Liberal students. Together with many other students, we fought hard in support of voluntary student unionism to free up the opportunities for students so that they would not be compelled.

Up until now, Australian students have, as a condition of their enrolments, been paying up to $590 per annum in compulsory union fees. These fees are unrelated to the student’s academic courses and are charged without regard for the student’s ability to pay. How unfair! Part-time students and external students, who may never set foot on a campus, have been required to pay compulsory fees for services they do not use. Under compulsory student unionism, a single mother training to be a nurse would be forced to pay for the canoeing and mountaineering clubs, when all she really wanted was the degree. How unfair is that! We opposed compulsory union membership and we believed that students should not be forced to join a union, pay compulsory union fees or pay for goods and services that they do not want and organisations and causes that they do not support.

I also want to acknowledge Senator Mitch Fifield, who, together with many other colleagues in the coalition, has worked tirelessly to ensure that this policy is implemented across the board. Those people should be acknowledged.

This bill delivers on commitments made by the Prime Minister on 6 April this year as part of COAG’s consideration of Australia’s health workforce and mental health needs. I want to touch on that. In this Senate chamber in the last week, we have had some discussion and debate on mental health needs. That is a very important part of Australia’s future—as is the health workforce.

We have 400 new medical places, commencing in 2007, and, with the full 400 available by 2009, that is worth $60.6 million over four years. I wish to make two particular comments about Tasmania. I give hearty congratulations to the Australian government, the Howard government. We have committed and paid $12 million for a new medical school based in Hobart. That was on a dollar for dollar basis with the state government. There is still some question over the commitment by the state government, and further discussion will be had in that regard, but this has delivered opportunities for Tasmanians.

We have increased the number of medical school places from 61 to 82. That is a significant increase for Tassie. That is 21 extra
medical school places. We hope that those students, when they complete their degrees, will be able to in large part stay in Tasmania—live in Tasmania and enjoy the best of Australia based in Tasmania. That will benefit rural and regional parts of the state. That is obviously a very good thing.

The bill also delivers 1,000 new university places in nursing from 2007. That is worth $92.6 million over four years. I know that Michael Ferguson has fought hard for the nursing school in Launceston, as have my colleague Senator John Watson and I. It is a very well regarded campus, the curriculum is well appreciated and the students enjoy living and studying in Launceston.

The bill increases the contribution to the clinical training of nurses from $688 to $1,000 per equivalent full-time nursing units of study. This is worth $30.6 million over four years. There are 420 new mental health nursing places, worth $39.7 million over four years, and 200 new clinical psychology places at the post-graduate masters level, worth $11.3 million over four years. I could go on at some length with respect to the mental health nursing places, the post-graduate clinical psychology places, the additional higher education nursing places and the additional medical school places, but all those details are set down in the government’s report and, indeed, the second reading speech by the minister, Julie Bishop.

Before I make some additional comments, I want to acknowledge the very important announcement by the Prime Minister, John Howard, with respect to the Beaconsfield goldmine. Why would I refer to the Beaconsfield mine tragedy? It is because the government has committed $1 million to the Larry Knight Scholarship. Larry Knight, sadly, passed away on 25 April this year as a result of the Beaconsfield mine tragedy. His wife, Jackie, following discussions with members of the government, has accepted and approved the announcement of the Larry Knight Scholarship, which is for students who wish to study engineering, mining and metallurgy at the University of Tasmania.

Professor Daryl Le Grew has agreed to the Larry Knight Scholarship. Professor Le Grew has provided outstanding leadership for the university since his appointment and has been a tremendous advocate for the university. Certainly I know government senators appreciate his hard work and his efforts to advance the cause in Tassie. It has now been announced and is underway, I understand, for next year. I think that is an excellent announcement by the Prime Minister and I thank him on behalf of the community at Beaconsfield for that very thoughtful commitment. The involvement I had was in making that suggestion of the Larry Knight Scholarship to the Prime Minister. That has been taken up and implemented. I think it is an excellent measure.

With respect to education more generally, Minister Julie Bishop has provided outstanding leadership, particularly in recent times. I want to congratulate Julie Bishop for what she has done in terms of wanting to have a debate about the curriculum in Australia today. Yes, the states and territories think they have it all their own way, but she has commissioned an independent study by the Australian Council for Educational Research to examine curriculum content and standards in English, Australian history, mathematics, physics and chemistry.

The report, expected by the end of 2006, will be fascinating. I believe it will show that, with respect to the development of the curriculum and the various committees and boards set up by the various state governments around this country—I will not say that they are totally controlled by them—the Australian Education Union have a role to
play in each case. I simply ask the question: why would the Australian Education Union have such a dominant role with respect to making recommendations and advising and implementing school curriculums? They are a very powerful union, and you can see that they are powerful. Unions across the board have committed $47 million to the Labor Party over the last 10-odd years, and that money is still coming in thick and fast. So I can see that he who pays the piper calls the tune. I hope that this report exposes some of the decisions that have been made in educational policy and has a good look at the various committees and boards that make up curriculum decision-making bodies.

I also acknowledge the recent article by Michael Ferguson, the federal member for Bass, on the importance of more transparent and accountable curricula and the preparation of them. He wrote an article in the party room booklet, which has been distributed to members of the government.

Finally I want to commend and thank the Prime Minister and the Hon. Julie Bishop for establishing the Australian history summit. It has been vital that we consider the study of Australian history. It should be planned through not only primary school but also through secondary school, and it should be a distinct subject in years 9 and 10. I have believed this for a long time, having argued that we should have Australian history as a compulsory subject in secondary school during various public forums and at state councils of the Liberal Party since I was a young student at university. I thank the government, particularly Julie Bishop and the Prime Minister, for their leadership in that regard, and I hope that it comes to an excellent conclusion.

Senator STERLE (Western Australia) (9.12 pm)—I rise to speak to the Higher Education Legislation Amendment (2006 Budget and Other Measures) Bill 2006, but, before I do, may I welcome Graham and Caroline Jay from my hometown of Fremantle in Western Australia, who have been in the nation’s capital enjoying the best of the best. They have been overawed with what they have seen in Canberra this week.

The government can take no credit for this bill—you cannot take any credit for fixing something you stuffed up. The sad thing is that we are going to see a lot more of this type of legislation as the Howard government is increasingly forced to save itself from its own incompetence. Since coming into office the coalition government has not had a good word to say about the education system in this country. There has been a constant theme of badmouthing the standards of teaching and what is being taught in schools and universities.

It also explains why there has been such appalling underfunding of our public university system in Australia. This underfunding has become so chronic that all the enrolment growth in Australian universities since the change of government in 1996 has been in full-fee-paying students—predominantly in foreign full-fee-paying students but more recently in Australian full-fee-paying students. The government is so committed to full-fee places that it deprives young Australians of the opportunity of getting into university on a subsidised basis.

Commonwealth outlays on universities as a percentage of GDP has fallen consistently over the past decade. Australia now only spends 1.5 per cent of GDP on tertiary education, which is about the same as Poland and much less than our regional competitors like Korea, which spends 2.6 per cent of GDP.

If we look at the academic performance of the Howard generation as a result of the underinvestment, we see that Australia is 20th
out of 28 OECD countries in terms of education attainment in the 25- to 34-year-old age group. What has happened while a succession of Liberal Party federal education ministers have been running around the country looking for Maoists? Australia has run out of doctors and nurses. It is going to make for an interesting history lesson in the years to come how the federal ministers for education saved us all from the Maoists but forgot to make sure we had enough doctors and nurses.

This bill is about fixing some of the problems that the Howard government has created. It is not about some far-sighted policy. It is not about having vision. It is not about good management. As such, I support Labor’s second reading amendment, which calls on the Senate to condemn the Howard government for, among other things:

... reducing public investment in tertiary education, as the rest of the world increases their investment;

... massively increasing the cost of HECS, forcing students to pay up to $30,000 more for their degree;

... creating an American style higher education system, where students pay more and more, with some full fee degrees costing more than $200,000, and nearly 100 full fee degrees costing more than $100,000;

and:

... failing to invest in education, training, distribution and retention measures to ensure that all of Australia has enough doctors, nurses and other health care professionals to meet current and future health care needs …

The OECD’s *Education at a Glance 2006* is a 454-page in-depth analysis of education systems across the developed world. It makes for depressing reading. This report informs us that, while the rest of the OECD countries have increased their public investment in tertiary education by an average of 48 per cent, Australia is the only country in the developed world to see a decline—of seven per cent. That is an increase of 48 per cent for the rest of the developed world and a decline in public investment in tertiary education by the Howard government of seven per cent. It certainly shows that this Prime Minister and this government deserve an F for their efforts in education and training. Our great trading partner Japan increased its investment in tertiary education over that period by just over 30 per cent. We have gone backwards by seven per cent.

Included in the funding this bill proposes is the application of indexation to university grants across the forward estimates years. The rate of indexation being applied to university operating grants this year means that they will increase by just two per cent, unfortunately. By comparison, average weekly earnings rose by an average of 4½ per cent annually between 1998 and 2004. As salary costs are the largest component of university operating expenses, ranging between 45 per cent and 70 per cent, this gap between indexation and wage costs continues to rise. Since 1995 the gap between rising average salary costs and the rate of indexation provided by the Commonwealth has accumulated to more than $500 million.

The OECD members have shown an average increase of 48 per cent, but unfortunately Australia is going backwards. The very same report went on to indicate that Australian students are now paying the second highest fees in the world. The only country in the world with higher fees than Australian university fees is the United States. That is not a very good reflection on the way we treat education in this country. This government has set about a process of Americanising everything, and it has all but achieved it when it comes to education. As the OECD report which I referred to earlier noted:
In Australia, the main reason for this increase in the private share of spending on tertiary institutions between 1995 and 2003 was changes to the Higher Education Contribution Scheme (HECS) that took place in 1997.

The report comments on trends in higher education around the globe and says:

... increasing private spending on tertiary education tends to complement, rather than replace, public investment. The main exception to this is Australia ...

Under the Howard government, Australian students and their parents are footing the bill for massive funding cuts. I never went to university, but my daughter does. Fortunately, I am in a position where I can afford to pay her fees for her. But I struggle to comprehend how people on far lower wages, paying off mortgages and the like and facing rising fuel prices, can ever expect to send their children to university.

Massive increases in university fees are forcing up the total debts faced by students and graduates by $2 billion a year, taking Australia further down the track of an American style university system. Senate estimates figures from the Department of Education, Science and Training show that university graduates and students will owe $18.8 billion by 2008-09. From 2004 to 2005, domestic student numbers rose by just 0.2 per cent while the accumulated HECS debts rose by nearly $2 billion. The average HECS fee paid by Australian students has doubled under the Howard government, discouraging prospective students from taking university places that they have worked so hard for.

The Howard government’s HECS hikes mean that medical students are now paying more than $30,000 over and above what they would have paid when Labor left office. Law students are paying more than $20,000 extra; engineering students, more than $16,000 extra. These are massive increases in fees. Students and their parents only have one place to lay the blame, and that is squarely on the shoulders of the Howard government.

We all know the PM is very keen on history. Every time one of his ministers is engulfed in scandal or dragged before a royal commission, he likes to trot out his ‘History wars in education’ diversion. And the dancing bears in the commentariat all prance around in full agreement with the PM and dutifully ignore the scandal of the day. Well, if the PM is so keen on history, here is some history he might like taught in our schools.

On 14 October 1999 the Prime Minister, Mr Howard, was asked a question without notice by Mr Barry Wakelin MP, the member for Grey, in the other place. Senators will recognise that this was a dorothy dixer—a set piece by the Howard government, planned and rehearsed. The Prime Minister stood before the House and the Australian people and said:

We have no intention of deregulating university fees nor have we any intention of introducing HECS for TAFE courses. ... The government will not be introducing an American style higher education system.

Hansard tells us that the member for Fremantle interjected and that the Prime Minister, Mr Howard, went on to say:

There will be no $100,000 university fees under this government. That is a figment of the Labor Party’s propaganda machine, and everyone knows that is what it is.

That is history in Hansard in black and white. The Prime Minister, in answer to his own dorothy dixer, promised the Australian people that there would be no $100,000 university fees under his government and that any suggestion otherwise was a figment of Labor’s imagination.

In the years since Prime Minister Howard made that promise, the Howard government did deregulate university fees. There are now
almost 100 full-fee degrees in Australia costing more than $100,000. According to the Good Universities Guide 2007, a full-fee-paying place in medicine/arts will set students back a staggering $237,000 at the University of New South Wales and $219,100 at the University of Melbourne. Medicine at Bond University costs $233,100, while medicine/law at Monash University would rack up a debt of $214,600. These are the fees being imposed on students by the Howard government, and it is nothing more than a disgrace. I guess this is like the ‘never ever’ GST statement or perhaps like the ‘Work Choices legislation being good for Australia’ statement, or the government’s pledges on lower interest rates. I remember a certain Prime Minister announcing in the 2004 election that it would be an election about who the Australian public trusted the most. Mr Prime Minister, going from having no $100,000 university degrees, which was your promise, to 100 degrees now costing over the $100,000 mark answers that question.

Schedule 1 of the bill funds government commitments arising from the Council of Australian Governments’ health workforce and mental health packages, including new medical, general nursing, mental health nursing and clinical psychology places and increased funding for nurses’ clinical training. Labor welcomes the additional places to deal with health workforce shortages, but the government has neglected this area for far too long. The fact is that after we pass this bill we are still going to be waiting another five or six years before we have any extra doctors and three or four years before we have any extra nurses. We need the extra doctors and nurses now.

Not only do we have a shortage of doctors, the Howard government’s education ministers have not noticed that Australia’s dental services are going down the tube. Under the Howard government, the number of dentistry graduates in Australia per year is the lowest it has been for 50 years. Australia is ranked 19th out of 29 OECD countries for the number of dentists per 100,000 people. At The Nationals annual conference last weekend there was a motion calling for dentistry to be included in the Medicare scheme. It seems that The Nationals have only just discovered that dental services for Australians who cannot afford to see a private dentist have massive waiting lists. How ironic. The Nationals are, after all, members of the coalition Howard government that axed the Commonwealth Dental Scheme in its first year in power. The poor old National dodos do not seem to understand that the Howard government is too busy beating up on history teachers and state governments to worry about the dental problems of ordinary Australians.

While the government may have no future direction, Labor does. Labor firmly believes in the importance of our tertiary education sector. Labor believes in the nation-building and economic growth benefits of tertiary education. Under Labor’s policy, all Australian universities would be better off. Labor believes in an Australia that has a world-class education and training system that provides real choice and higher quality. In July this year the member for Jagajaga launched Labor’s higher education white paper entitled Australia’s universities: building our future in the world. That white paper sets out Labor’s new policy framework for higher education, research and innovation that is necessary to address Australia’s future needs.

Our policy would see a new national standards watchdog, the Australian Higher Education Quality Agency, established. The agency would ensure that Australian universities were producing quality graduates, underpinned by quality teaching and research. Labor would properly index university
grants, ensuring that our institutions were adequately funded.

We would scrap full-fee degrees for Australian students at public universities, removing the two-tiered system that currently operates under this government where students with the ability miss out to those with the bank account. Under Labor, students will get access to higher education according to merit, not their financial means. That means there will not be any more $100,000 or $200,000 degrees at our universities. There is one government that believes in university degrees costing $100,000 or $200,000, and that is the Howard government. Labor will put an end to that. Labor will seek to actively address the current skills shortage by expanding associate degrees to give more Australians access to training in these technical areas.

The consequence of 10 long years of Howard government cuts to our universities is that the quality of Australian higher education is now under pressure, with risks to the reputation of Australian degrees. Funding cuts have pressured universities to increase student numbers, chase revenue wherever they can find it, raise student-to-staff ratios and class sizes, cut back tutorials and cut corners on student assessment. After 10 long years of neglect by the Howard government, Australia is crying out for more scientists, doctors, nurses, dentists, teachers and others. And instead of tackling the problem and doing something constructive to ease the shortage, the government has increased fees, has cut funding and blatantly refuses to adequately index university grants.

Labor supports this bill, as it provides the much-needed funding for extra medical and mental health workforce places, as well as much-needed capital injections for our medical schools. However, we are unwilling to let this government get away with its shocking neglect of our higher education system over the past 10 years. I commend Labor’s second reading amendment to the Senate.

Senator STEPHENS (New South Wales) (9.29 pm)—I too rise to contribute to this debate on the Higher Education Legislation Amendment (2006 Budget and Other Measures) Bill 2006. It is quite a happy coincidence that we would be debating this bill when, in the Great Hall tonight, we have had the announcement of the Prime Minister’s Prize for Science and the Prime Minister’s science awards for Australian science excellence. The winner of the Prize for Science this evening was the Australian National University Professor Mandyam Srinivasan, who has worked with the US Army and NASA to design tiny craft based on his research of bees’ brains—an extraordinary contribution to Australian science excellence. He is certainly a worthy recipient of that prestigious award and I congratulate him. As well we had the announcement that Monash University biochemist Dr James Whisstock has received the Science Minister’s Prize for Science excellence. The winner of the Prize for Science this evening was the Australian National University Professor Mandyam Srinivasan, who has worked with the US Army and NASA to design tiny craft based on his research of bees’ brains—an extraordinary contribution to Australian science excellence. He is certainly a worthy recipient of that prestigious award and I congratulate him. As well we had the announcement that Monash University biochemist Dr James Whisstock has received the Science Minister’s Prize for Science excellence. The winner of the Prize for Science this evening was the Australian National University Professor Mandyam Srinivasan, who has worked with the US Army and NASA to design tiny craft based on his research of bees’ brains—an extraordinary contribution to Australian science excellence. He is certainly a worthy recipient of that prestigious award and I congratulate him. As well we had the announcement that Monash University biochemist Dr James Whisstock has received the Science Minister’s Prize for Science excellence. The winner of the Prize for Science this evening was the Australian National University Professor Mandyam Srinivasan, who has worked with the US Army and NASA to design tiny craft based on his research of bees’ brains—an extraordinary contribution to Australian science excellence. He is certainly a worthy recipient of that prestigious award and I congratulate him. As well we had the announcement that Monash University biochemist Dr James Whisstock has received the Science Minister’s Prize for Science excellence. The winner of the Prize for Science this evening was the Australian National University Professor Mandyam Srinivasan, who has worked with the US Army and NASA to design tiny craft based on his research of bees’ brains—an extraordinary contribution to Australian science excellence. He is certainly a worthy recipient of that prestigious award and I congratulate him. As well we had the announcement that Monash University biochemist Dr James Whisstock has received the Science Minister’s Prize for Science excellence. The winner of the Prize for Science this evening was the Australian National University Professor Mandyam Srinivasan, who has worked with the US Army and NASA to design tiny craft based on his research of bees’ brains—an extraordinary contribution to Australian science excellence. He is certainly a worthy recipient of that prestigious award and I congratulate him. As well we had the announcement that Monash University biochemist Dr James Whisstock has received the Science Minister’s Prize for Science excellence. The winner of the Prize for Science this evening was the Australian National University Professor Mandyam Srinivasan, who has worked with the US Army and NASA to design tiny craft based on his research of bees’ brains—an extraordinary contribution to Australian science excellence. He is certainly a worthy recipient of that prestigious award and I congratulate him. As well we had the announcement that Monash University biochemist Dr James Whisstock has received the Science Minister’s Prize for Science excellence. The winner of the Prize for Science this evening was the Australian National University Professor Mandyam Srinivasan, who has worked with the US Army and NASA to design tiny craft based on his research of bees’ brains—an extraordinary contribution to Australian science excellence. He is certainly a worthy recipient of that prestigious award and I congratulate him. As well we had the announcement that Monash University biochemist Dr James Whisstock has received the Science Minister’s Prize for Science excellence. The winner of the Prize for Science this evening was the Australian National University Professor Mandyam Srinivasan, who has worked with the US Army and NASA to design tiny craft based on his research of bees’ brains—an extraordinary contribution to Australian science excellence. He is certainly a worthy recipient of that prestigious award and I congratulate him.
Tasmanian schools are in great hands. Sydney teacher Anna Davis was awarded the $50,000 Prime Minister’s Prize for Excellence in Science Teaching in Secondary Schools. She works at Casimir Catholic College in Marrickville and is teaching science and inspiring students in the sciences in a school which reflects a diversity of cultures. She has an amazing capacity for stimulating curiosity in the sciences. They are very worthy award recipients and I congratulate them all.

It is timely that we are debating this higher education legislation amendment bill because there are few people who would entertain the notion that education is not the key to individual or national advancement. We know it is widely accepted that the best way forward for any nation is to invest in its people. The best way forward is to educate people, to invest in human capital and to nurture and develop an environment in which innovation and development is encouraged. This is not in doubt in any way.

If this government were serious about enhancing and advancing the talent of Australia’s labour force, it would also be serious about education, not the single-minded productivity agenda of slashing wages and conditions to produce a short-term economic result. That is not development and not investment in productivity; that is simply a recipe for hindering the further development of our people and at the same time limiting the opportunities that workers in this country have. Labor governments of the past had an incredibly positive position in relation to an education agenda—we invested in our people and we invested in our future—and a Beazley Labor government will continue this proud tradition.

In the past decade there has been appalling underfunding of our public university system in Australia. That underfunding has become so chronic that all of the enrolment growth since the change of government in 1996 in Australian universities has been in full-fee-paying students, predominantly in foreign full-fee-paying students but more recently in Australian full-fee-paying students. The government is so committed to full-fee places that it deprives young Australians of the opportunity of getting into university on a subsidised basis.

In the last couple of years there has been a decline in the number of Australian undergraduate places that are subsidised by HECS, and that has occurred for the first time in half a century. Just as disturbingly, the government forecast in a statement made by the then education minister, now the Minister for Defence, that there will be fewer undergraduate students in Australia over the coming decade. So, where Labor has an aspiration to increase access and increase the number of university graduates, the coalition government is forecasting a decline. The outlook for our public universities is a very sombre one. Some of them will succeed because of their reliance on foreign full-fee-paying students, but the truth of the matter is that we are losing competitiveness as a destination for foreign full-fee-paying students. As a consequence, that is now beginning to taper off as a source of revenue.

The demand for university places across Australia has declined by five per cent since 2003. Many Australian universities, particularly in regional Victoria at Ballarat University, in Western Australia at Edith Cowan University and in Queensland at the James Cook University in Townsville, are not actually attracting enough students to fill government subsidised places this year. In fact, this is the first time a Victorian university has not filled its government supported places since 1989. There seems little doubt that HECS rates are turning potential students away from study in regional Australia.
This year maximum annual HECS rates ranged from $3,920 to $8,170 depending on the course of study. These HECS fees are simply too high for students living in regional areas. We have also seen that, amongst the developed countries in the OECD, Australia alone has effectively reduced its education spending on higher education in both the university and TAFE areas by seven per cent. At the same time we have seen the release of yet another report condemning the Howard government’s performance on higher education. The OECD’s Education at a Glance 2006, an in-depth analysis of education across the world, shows that those other OECD countries have increased their investment in public education by 48 per cent. Simple maths shows that there is a 55 per cent differential between what is happening in Australia and what is happening elsewhere. Every vice-chancellor in Australia knows the impact of the reforms Dr Nelson put in place, the amount of red tape and bureaucracy and the significant detriment that all universities face because of immense funding pressure.

What that means is that Australia is going backwards while everyone else is moving ahead. Worse still, the report shows that the Howard government’s HECS hikes mean Australian university students are now paying the second highest fees in the world. The report comments on trends in higher education around the globe and says:

Increasing private spending on tertiary education tends to complement, rather than replace, public investment. The main exception to this is Australia.

Under this government Australian students are footing the bill for massive funding cuts, and we are one of the worst countries in the world on this.

Labor also condemns the government for failing to invest in education, training, distribution and retention measures to ensure that all of Australia has enough doctors, nurses and other health care professionals to meet current and future health care needs. The point that I am making is that the lack of investment in these particular areas over 10 years, when those in the university sector called for greater provision and saw that there was going to be a future problem of great significance, relates directly to the problem we have in this area.

This bill finally takes that up, in concert with the deal done at COAG regarding the health workforce and mental health package, to provide new medical general nursing, mental health nursing and clinical psychology places and increased funding for nurse clinical training. There is provision in the bill for that. We have 605 new commencing medical places, 1,036 new commencing nursing places, that extra funding for nurse clinical training, 431 mental health nursing places, 210 new clinical psychology places and 40 new places for a centre for excellence in Islamic studies. This is an omnibus bill, and you will find all sorts of bits and pieces in it, not just in the medical area but across a range of different approaches.

There is also money for a commercialisation training scheme for new postgraduate research places in science and innovation. That is a welcome measure because historically we have had a fundamental problem in Australia in turning innovative ideas and products into commercial reality. Translating the great ideas and inventions that we have into something that Australia can really make something of is our one continuing fundamental area of underperformance. In some cases the reason has simply been scale and the fact that Australia does not have the market depth to develop these onshore. In some cases you have to get the big providers.
We do not have one of the great strengths of the United States system—an intersection, or an interweaving, of the academic areas with business so that people can move readily from one area to another. Nor do we do have the interfaces they have that allow them to better commercialise their products because there is that flow, that understanding and that experience. I am highly supportive of that approach. It is extremely welcome. We need to do a great deal more of it, as we need to develop our technology parks—and I will come back in a moment to the Australian quality of research—and the interaction that we have with our universities.

We have some serious objections to the issues around higher education being proposed by this government—the massive increase in the cost of HECS, forcing students to pay up to $30,000 more for their degrees, and the creation of an American style higher education system where students are paying more, with some full-fee degrees costing more than $200,000 and nearly 100 full-fee degrees costing more than $100,000. Senator Sterle addressed that issue in his contribution to the debate.

It is imperative for Australia’s international position that the research undertaken in our universities and research organisations achieves excellence. We celebrated some of that in the science prizes this evening. It is important to the preparedness of the Australian community to support the efforts of our researchers so that the quality of performance can be demonstrated. It is also important to be able to identify where Australia’s current and emerging research strengths lie so that future investment can be directed to sustaining them. It is imperative that as a nation we deepen our research capability in some key areas in order to compete with the best universities in the world. Insufficient public investment in research is failing to sustain research efforts and prevents Australia from building world-class, world-scale research capabilities in areas where we have the potential to compete globally.

By international comparison, Australia’s investment in university research is small in scale yet widely distributed. The dissipation of Australia’s relatively small-scale investment in university research hampers our ability to continue to play a role on the world stage in knowledge advancement. Other countries are scaling up their research capabilities, with major infrastructure investments and incentives for attracting and retaining international stars and high-quality research teams around them. Many of those countries with deep public research capabilities also have large corporate research and development capabilities and strong links between the two. Australia has very little private research and development. We only spend 0.89 per cent of our GDP in this area.

So there are lost opportunities in a number of different areas. It is one of the reasons we have such an underprovision of the skill sets that we should have in Australia. There is a fundamental skills crisis in this country because not enough people have been trained. We needed the increase in places for doctors and the clinical places for nurses that are provided in this bill well before now, and we need to do a great deal more.

What is the government currently doing to fill the hole? It is bringing in people from overseas utilising the 457 visas we have been hearing so much about, which were originally for companies such as IBM or Xerox to bring in executives. These companies would bring them here for up to four years and fill those niches. The number of those visas has dramatically expanded to hundreds and thousands. We need to train young Australians. We need to train them first and we need to train them now. We have needed to do that for the last 10 years, but shamefacedly we
have to say that has not been done. We have done our young people a disservice. But the system is under immense pressure because of the indexing changes the government has made, and it has less capacity to provide for these training needs.

I think the most critical issue we have to confront is the extent to which we are putting at risk Australia’s higher education reputation by not having a coherent policy response to the needs of the university system. We need our university system to be able to diversify, innovate and meet Australia’s higher education needs, because it is our fourth largest industry. We earn something in the order of $7 billion a year from bringing students in from overseas. We do that because Labor in government initiated the process of opening our education system up to the world and encouraging students to come to Australia. The reason they came was that we could provide a world-class education system. That world-class education system is not as strong as it should be, and it has certainly failed in a number of areas simply because of a lack of government commitment to expanding it and nurturing it in the way that it should.

The Howard government’s massive fee increases are also discouraging some young Australians from going to university. The Australian Vice-Chancellors Committee’s report on applications for undergraduate courses shows a decline in applications over the last three years. In 2003 we had 229,427 enrolments. In 2006 that had dropped to 218,529. Young people are graduating from university with ever-increasing levels of debt, making it much harder for them to buy a home, start a family and get ahead. We have heard that the average HECS fee paid by Australian students has doubled under the Howard government, discouraging prospective students from taking up places at university. The Howard government fee hikes mean that medical students will pay more than $30,000 extra over the course of their degree, law students over $20,000 and engineering students more than $16,000—and that is for HECS places; that is not even talking about full-fee-paying places.

Labor’s plan to fix this mess is outlined in Labor’s higher education white paper Australia’s universities: building our future in the world. It points the way for reform of university funding, world-class and world-scale research hubs, the expansion of associate degrees and a new Australian Higher Education Quality Agency. Labor’s nation-building reform will result in real choice and high-quality education and training for Australians. Importantly, all Australians will benefit, because Labor’s much-needed reform will also deliver the skills our country needs to compete with the rest of the world. Lifting up all universities is central to a Beazley Labor government’s economic agenda. Building the skills of the next generation is how we will build a prosperous future for all Australians.

Labor means quality investment in quality universities. Labor’s plan will also encourage diversity and excellence in our universities. It will cut red tape and reward universities with additional funding in return for a commitment to quality. Labor will introduce a compact with our universities, establishing new funding streams to recognise their different strengths, promote excellence in research and encourage them to diversify, innovate and compete. All universities will be better off under the new funding system. Labor’s plan will release universities from the Howard government’s 2003 straitjacket which strangled them with red tape through programs such as the enrolment targets system. Labor’s plan includes proposals to stop the massive HECS fee increases, reduce the overall financial burden on students and pro-
vide HECS relief for degrees in areas of skills shortage.

Labor’s program is well funded, and high-quality universities will build Australia’s future economy by ending that one-size-fits-all model of university funding. Labor has always regarded higher education as the cornerstone of our nation’s social and economic prosperity. We believe that an appropriately funded and resourced higher education sector is the best investment a nation can make on its own. To bring home that fact, how ironic it was that in recognising the three people who won the prizes tonight Mr Howard said: It is worth noting that all three scientists were born overseas, demonstrating that we are attracting leading scientists to Australia.

Senator CROSSIN (Northern Territory) (9.47 pm)—I rise this evening to commence what will probably be a very short contribution to the debate on the Higher Education Legislation Amendment (2006 Budget and Other Measures) Bill 2006. Nevertheless, I shall make a start. The bill contains a great array of amendments to existing higher education acts. The major amendments of this bill will amend the Higher Education Support Act 2003 to revise maximum funding amounts. To summarise, it will increase Commonwealth supported places in health workforce courses. I understand that 1,036 additional nursing places will commence next year. The places will increase to 2,735 additional nursing places by 2010. This bill will also see 200 additional new commencing medical places in 2007. These will increase to 2,005 by 2009. There are 431 additional new places in undergraduate nursing courses with a mental health major, commencing next year, and the plan is that this will increase to 1,148 places by 2010. For the record, I add that that is four years away—some will argue it is four years too late.

There will also be funds for 40 new places at the centre of excellence in Islamic studies. It provides an increase in the capital development pool funding to assist new campuses or those undergoing expansion. There are funds for the commercialisation training scheme to increase postgraduate scholarships, to increase maximum payments for the Commonwealth scholarships, to reflect indexation increases for the years 2007 to 2009 and to add a new funding year of 2010. Of course, it revises the FEE-HELP limit.

The Labor Party has given this bill what consideration is possible within the limited time that has been allowed. I know that this bill has been referred to the Senate Employment, Workplace Relations and Education Committee and in general we support this legislation.

Debate interrupted.

ADJOURNMENT

The DEPUTY PRESIDENT—Order! It being 9.50 pm, I propose the question:

That the Senate do now adjourn.

World Rural Women’s Day

Senator FERRIS (South Australia) (9.50 pm)—Yesterday, 15 October, was World Rural Women’s Day, a day that aims to both increase the recognition of country women and to support the multiple roles they undertake around the world. Rural women everywhere play a crucial role in ensuring food security, particularly in Third World countries, and in the development and stability of rural areas. Yet in many developing nations, where women have little or no status, they often lack the power to gain access to vital services such as education, credit, training and basic health.

In Australia, more than two million women live outside the metropolitan area.
Estimates suggest that women in our country contribute up to 48 per cent of the country’s real farm income. Tonight, as our country enters perhaps its worst drought in a century, let us all pause for a moment to consider the stress of a farm without rain. Several years ago I spent a week visiting far western New South Wales to talk to families about the impact of the then drought on their lives. I saw the empty dams, the children’s ponies dying, the stock being taken off pastures that were simply dust bowls and the heartbreak in a family that was affected by drought then. For many of these areas in far western New South Wales there has still been no rain and they are now entering their fourth or fifth year of drought. My heart goes out to those families.

Recent research undertaken by the Rural Industries Research and Development Corporation suggests that businesses run by women in rural and regional areas have a significant local impact on employment and on incomes across rural Australia. These businesses and the women who run them add to the diversity of regional areas and the regional business mix. It is estimated that income generated by regional women’s businesses in Australia is in the order of $1.2 billion every year. These are important figures to highlight, especially in the wake of World Rural Women’s Day, because they show how important women are to our country. Imagine what shape Australia’s rural economy would be in without this injection of capital and the employment that women bring, never mind the stability that they provide for their families in regional and remote areas.

Just as there are diverse geographical regions in Australia and differences in agriculture, so there is diversity in the background of many rural women. Organisations such as the CWA remain an important part of rural women’s lives, and these longstanding organisations have now been joined by groups such as the Foundation for Australian Agricultural Women and Australian Women in Agriculture. I look around the chamber tonight and I know that in all parties there are a number of women who have come to this place from rural Australia, bringing their own special skills and experiences. My own experiences, as editor of a country newspaper and through my work at the National Farmers Federation and in the CSIRO, have enabled me to meet many inspirational rural women, and I have been privileged to call many of them friends over many years.

The establishment of an annual day dedicated to honouring rural women began at a UN conference for women in Beijing in 1995. At the time, the International Federation of Agricultural Producers, Associated Country Women of the World, the Network of African Rural Women’s Associations and the Women’s World Summit Foundation were the main proponents. World Rural Women’s Day was considered a practical way of giving recognition and support for the multiple roles played by rural women, who are mostly farmers and small entrepreneurs.

While reflecting on World Rural Women’s Day tonight, I think it is also important to recognise the severe impact that the current drought is having on rural families and the women who are usually their anchor. This year, rural women’s day is being held when Australia is suffering some of its worst drought conditions on record, with winter rainfalls across the Murray-Darling Basin in the lowest 10 per cent since records began 110 years ago. This drought is also affecting women who are small business owners in rural areas, those who help volunteer groups like the CWA and those who work every day in their local community either in paid employment or in a voluntary capacity. Today’s announcement by the Prime Minister of an extension to drought support will no doubt
be welcomed by women and their families across this country.

Baroness Margaret Thatcher, a woman I very much admire, once said, ‘It may be the cock that crows, but it is the hen that lays the eggs.’ In speaking here tonight I hope that that comment encourages more country women to accept that they are very valued for their contribution and that the work they do, both in their rural communities and within their families, is an inestimable contribution to this country.

Independent Contracting: Owner-Drivers

Senator CONROY (Victoria) (9.56 pm)—I rise to speak on the issue of independent contracting in Australia. More specifically, I would like to address the circumstances of tens of thousands of owner-drivers and their families. Owner-drivers are small business people. They invest a considerable amount of money in their businesses, in some cases hundreds of thousands of dollars in their vehicles, equipment and goodwill. Goodwill is probably best described as the money an owner-driver pays to buy their run of regular work. Many owner-drivers, while they are self-employed, do work exclusively for their primary contractor. In many circumstances they are contractually prevented from working for any other company and often have the logo of the company for which they work printed on their vehicles.

As I am sure most people are aware, the road transport industry is one of the most price-competitive industries in this nation. It is not unusual for major road transport companies to operate on profit margins of two to three per cent. Such tight margins put pressure on the entire industry, and the pressure for lower prices is driven all the way down the supply chain to owner-drivers. As such, owner-drivers are in a particularly unenviable situation. Many have mortgaged their homes to buy their businesses. Many others have borrowed from their families to get into the industry and to provide for their families. In those circumstances, where owner-drivers and their families are mortgaged to the hilt, effective cost-recovery systems are absolutely essential to the viability of the business. For an owner-driver, ‘viability of the business’ means servicing whatever loans they have taken out, paying high fuel prices, maintaining an expensive and essential vehicle and, only then, putting money aside to support a family. Such competing financial pressures clearly underline the undeniable need for safe cost-recovery mechanisms for owner-drivers.

In such a competitive industry, the removal of minimum standards would mean that owner-drivers could be forced to work longer hours or sacrifice the maintenance of their vehicles to keep their heads above water financially. With so much of an investment at stake, many owner-drivers without minimum cost-recovery mechanisms could be forced to make the drastic choice between losing their businesses and putting themselves at risk on the road, through longer hours behind the wheel or by not maintaining their vehicles to the optimum level.

The ability for owner-drivers to negotiate collective agreements in New South Wales and the protections available to owner-drivers in Victoria have provided financial security to thousands of owner-drivers and their families. In many circumstances, owner-drivers work for overseas and home-grown multinationals. One owner-driver has little bargaining power with a multibillion-dollar corporate giant. But the ability to band together to ensure safe rates of pay has served owner-drivers well.

Our roads claim the lives of too many Australians each year. Sixty-seven people have died in heavy vehicle accidents in New South Wales alone so far this year. Last year,
according to the Australian Transport Safety Bureau, 194 people died in accidents involving heavy vehicles. With such losses already, any move to protect more Australians from dying on our roads is an honourable one. For some time, the New South Wales government, when under both coalition control and Labor control, has recognised the importance of legislating protections for owner-drivers. The protections in New South Wales have always enjoyed bipartisan support. In Victoria the transport employers association, the Victorian Transport Association, supported moves for the protection of owner-drivers by the state government.

I will now attempt to put all of this in a legislative context. The Independent Contractors Bill, part of the Howard government’s industrial relations changes, is likely to be before the Senate this week. As part of that bill, the government saw a modicum of sense. While the bill exposes millions of Australians to the inequities of sham contracting arrangements between employers and employees, it does recognise two groups of working Australians as having particular vulnerabilities: owner-drivers and textile, clothing and footwear outworkers. The following is from Minister Kevin Andrews’s media release of Wednesday 3 May 2006:

Notably, protections for owner-drivers in New South Wales and Victoria, the only two States with such legislation, will be maintained by the Bill.

... ... ...

The Government recognises that owner-drivers, like outworkers, have historically been recognised as having particular vulnerabilities and requiring special protections.

In other words, the government announced that owner-drivers in Victoria and New South Wales would continue to have access to the protection of their state systems.

I refer to this media release because of concerning reports in the media that the government may consider removing the exemption for owner-drivers under the Independent Contractors Bill. A group called Independent Contractors of Australia has been running around the corridors of this place for the past few months in a last-minute attempt to persuade the government to back down on its decision to protect owner-drivers in New South Wales and Victoria. This organisation, under questioning before the Senate Employment, Workplace Relations and Education Legislation Committee, admitted that its membership is no more than 200 nationwide. By way of comparison, the Transport Workers Union represents over 10,000 owner-drivers. How outrageous is it for owner-drivers to have access to cost-recovery mechanisms which ensure that their businesses do not go under and which allow them to work in a safe manner, protecting everyone using our roads?

Even the existing protections under state laws require enforcement. The following statement was recently lodged in the New South Wales Industrial Relations Commission by a driver working for Australian National Couriers, formerly Fleet Flyers:

ANC also held about 30% of my earnings for each payment which they refund part of every quarter. I understand that this was for payroll tax. I am not aware of any superannuation contributions being made by ANC on my behalf to any fund. I was never requested by ANC to record my start time or to inform them that I was starting other than using the terminal as referred to above. I have never received any safety net top up payment from ANC, although I was entitled to one for many periods I worked for them. Each one of these sentences describes a breach of the relevant New South Wales contract determination, the industrial agreement under which couriers are paid in New South
Wales. Interestingly, James Taylor is a director of both Australian National Couriers and Independent Contractors of Australia. Independent Contractors of Australia is asking the government to backflip on its reasoned and sensible decision to retain protections for owner-drivers under state law.

I could not have put the logic behind that decision more eloquently than the office of the Prime Minister or the minister for workplace relations. Having spent some time working with owner-drivers in the past, I understand the pressures they face and heartily encourage the government to hold their nerve. I encourage them to do the right thing by thousands of small business people, their families and road users across the country. On 2 June 2006, Tony McNulty, an owner-driver, received the following reply from the office of the Prime Minister when he inquired as to the government’s steadfastness in its commitment to protect owner-drivers:

The Government considers that owner drivers deserve special protections because of their particular vulnerability, a fact that has been historically recognised by both Liberal and Labor State Governments.

In part, this is because many independent contractor owner drivers work to only one principal and, as a result, are fully dependent on them for their work volume.

This is coupled with the fact that owner drivers often operate within very tight business margins, a problem caused primarily by the large loans they take out to pay for their vehicles.

Financing these loans requires a steady income source and, therefore, steady work. Accordingly, the Bill will not override protections for owner drivers in New South Wales and Victoria (the only two States with such legislation).

The Government believes that special protections applying to owner drivers in NSW and Victoria should not be disturbed at this stage.”

In a similar vein, the Member for Hughes wrote to Mr Clarence Gibbs, another owner driver, on 18 August 2006 forwarding him a copy of a letter from Minister Andrews stating that:

“Owner drivers arrangements in New South Wales have been historically recognised by both Liberal and Labor State Governments.

In part, this is because many independent contractor owner drivers work to only one principal and, as a result, are fully dependent on them for their work volume.

This is coupled with the fact that owner drivers often operate within very tight business margins, a problem caused primarily by the large loans they take out to pay for their vehicles.

Financing these loans requires a steady income source and, therefore, steady work.

Accordingly, the legislation will not override protections for owner drivers in New South Wales and Victoria, the only two States with such legislation.”

Child Abuse

Senator MURRAY (Western Australia) (10.06 pm)—Good evening, Mr President.

The PRESIDENT—Good evening to you.

Senator MURRAY—Many know of my long campaign against child abuse. This campaign has included getting up and membership of two Senate inquiries. Although these have been completed, my office continues to be regularly contacted with requests for support and assistance or to be aware of particular problems. One such contact motivated me to again raise the issue of child sexual assault and abuse in a different context than those I have spoken on before. Over the past few decades, a number of national and state or territory based inquiry reports
have revealed both historical and contemporary problems of child protection. These have led to efforts to create a safer world for children. They include mandatory reporting legislation, school programs, reforms to the justice system and greater vigilance and awareness.

However, there is one group of children that has so far largely slipped through the awareness net. They are young people who stay in other people’s homes on student exchange trips. While most students undoubtedly return home with fun memories of overseas stays, there are some who have suffered life-changing experiences of a different kind. To date there has been little Australian research into the experiences of exchange students apart from that carried out by Emeritus Professor Frieda Briggs of South Australia. She is a prominent anti-child abuse researcher and activist who is the recipient of many awards, including the Order of Australia last year. She points out that exchange students are vulnerable because of the sheer size of the industry and because of a reluctance to make adequate home inspections and to subject hosts and coordinators to prudent and criminal checks. To give some idea of the size of the student exchange industry, I am informed that some 1,450 different agencies facilitate the entry of more than 275,000 student exchange participants to the United States each year.

This figure does not include those organisations that remain outside government influence. There are agencies that accept more students than there are beds and resort to unethical methods to place them. With these agencies, in some places supermarket vouchers have been known to be presented as prizes to new hosts and emotional appeals made via the media, misusing students’ photographs and personal details. Apparently posters have even been found on bus stops, on lampposts and in letterboxes bearing phrases such as ‘Will you take me into your home?’ I have no way of verifying negative reports, but stories of some children from some exchange countries apparently even ending up sleeping in hammocks in American garages, paying for their own food because the host family is poor and, in the worst cases, being exposed to unacceptable environments including pornography, alcohol and drug abuse must make us determined to require Australian organisations to ensure maximum integrity in their placement systems.

Fortunately most children do get safely through childhood, but some come to harm because they are in the wrong place at the wrong time. It is worse when they come to harm because they have been put in harm’s way. We know paedophiles are attracted where children are vulnerable, so it is not surprising to hear that occasionally, instead of caring families awaiting their children, some students have been placed with sex offenders in Europe, Thailand, India, South Africa, Canada and the United States.

The reality of bad placements was confirmed by Chief Superintendent Chris Gould in the United Kingdom in a groundbreaking 1998 study. He found that 2,000 exchange students from around the world had been abused in the United Kingdom. He estimated that four to six per cent of exchange students suffer abuse of some sort. This becomes a huge figure when you consider that in Europe alone there are six million exchanges each year, meaning about a quarter of a million bad experiences. Chief Superintendent Gould stated: ‘Victims are invariably middle-class, well-protected youngsters whose parents wouldn’t dream of allowing them to sleep in the homes of strangers in the neighbourhood but send them across the world to countries with different languages, cultures and values, trusting entirely in Rotary, the school or another organisation.’
One report was that an American girl overseas was forced by her rapist host to have an abortion before she returned home, and that two boys were threatened with civil action for defamation if they reported their abuse to the police. They were instructed to sign a statement that the breakdown of their placements was due to their own bad behaviour. If victims report assaults in their host countries, assistance is not always available. In such cases they can be denied the opportunity to contact parents, and as passports and tickets are routinely removed by agencies they are effectively prevented from returning home at a time of their choosing. Additionally, when sexual assaults in overseas countries have been reported here in Australia, are our police interested or able to pursue and prosecute offenders abroad?

Some Australian former students are still in counselling or psychiatric treatment years after reporting offences. Some have found that offenders were allowed to accept other students, and retained their student exchange organisational membership. Problems came to public notice in the late 1990s, when four South Australians revealed what had happened to them. One, now a senior public servant, told of how as a teenager she had been sexually assaulted by her 40-year-old Rotary student exchange coordinator. She was forced not to tell anyone throughout her entire year spent in the United States. She had been waiting for 20 years for an apology from those Rotarians. The ABC covered this case and, on being contacted, the alleged offender bragged about how his Rotary club had believed him and not the victim. Does that sound familiar?

After running this story, more Rotary and Southern Cross victims came forward. One adult survivor told of how, as a 16-year-old farm girl, she and her family were ecstatic about her being chosen to go to South Africa. Once there, and after addressing a Rotary gathering, she was raped in her host’s car on the way back to his house. This event has shattered her life since. In 2004, ABC’s Stateline in South Australia reported that one in 20—five per cent—of exchange students are abused. It is good, of course, that most are not.

Typically, as with churches, charities and agencies caught out failing in their duty of care with institutionalised children, some organisations involved in student exchanges have accused the victims of lying, of being ungrateful and of being poor ambassadors for their country. They have been quick to employ public relations experts to manage the adverse publicity and lawyers to shield them from liability. It is pleasing to learn that Rotary has recognised the dangers and is assisting Professor Briggs to carry out research into the experiences of exchange students and to formulate a child protection policy and regulations for Rotary to implement.

However, it is not so pleasing to learn that this issue has not been considered serious enough to yet warrant official examination. Back in 2001, a victim requested the Senate conduct an inquiry into the abuse of exchange students, but nothing resulted. The issue was also raised in the context of the inquiry into crime in the community, conducted by the House Standing Committee on Legal and Constitutional Affairs in 2002, but nothing transpired. The Department of Foreign Affairs and Trade has been asked in writing to include student exchange risks on its website. Again, no action has been taken. Professor Briggs wrote to Minister Brendan Nelson when he was minister for education, requesting that student exchanges be included in his National Safe Schools Framework, which is now a condition of federal schools funding—and rightly so. But no action was taken. One familiar reason given for these inactions is that child protection is a state’s responsibility. Disappointingly, the
abuse of a minority of Australian exchange students is not regarded as sufficiently important, or of a sufficient scale, to yet justify federal reaction.

Other countries, however, have taken action. In 2004, the Ministry of Education in New Zealand funded research into the experiences of overseas students following information that Asian students were being terrorised and robbed. And in 2005, the state department in the United States announced it was creating new and tough regulations to provide better protection for visiting children. The federal government here should show leadership too, to ensure that the states and territories take these matters seriously. And, of course, the federal government should do what it can itself. We know that child protection is needed wherever some children may be at risk. Just as in recent years the abuse spotlight has been on churches, schools and other care organisations, and on the failure of governments to react in time, any exchange student abuse will be targeted by the media. It is better to be prepared than not.

Vietnam and Singapore Study Tour

Senator BARNETT (Tasmania) (10.15 pm)—I seek leave to table my Vietnam and Singapore study tour report: Australia’s overseas aid, the work of World Vision and tackling the obesity epidemic.

Leave granted.

Senator BARNETT—I rise tonight to speak in support of the Millennium Development Goals and the Make Poverty History campaign. I note that it is a little over 12 months since this Senate unanimously passed a motion of support for the Millennium Development Goals, urging the Australian government to recommit itself to the achievement of those goals. I had the honour of proposing that motion, with the support of Senator Grant Chapman, Senator Ursula Stephens and Senator Helen Polley.

Today is a special day because it is the day of the STAND UP event across the country. STAND UP is an international antipoverty event of 2006. It is an attempt to set a Guinness world record for the most number of people ever to physically stand up against poverty. It occurred today on the lawns of Parliament House at around lunchtime, and there were many members of parliament there. I thank and acknowledge all of those members of parliament who were there and those who supported the campaign but were unable to be at the event.

Likewise, last night at the Canberra Baptist Church, which I attended, and yesterday at the Launceston City Baptist Church, people were making efforts to support this particular STAND UP event and to support the Make Poverty History campaign. Mark Townsend and his team at the Launceston City Baptist Church were organising letters to federal members of parliament to encourage them and to thank them for their support for the Millennium Development Goals.

Today in my hometown of Launceston, in the city park, there was an event organised by the Make Poverty History campaign, including Grant Maynard and Ben McKinnon as local representatives of the campaign. Ben McKinnon is a Scripture Union representative who stimulated me into action some years ago. My wife, Kate, was there today. She was with one of my daughters, Alice Barnett, and her grade 5 class, to support the Make Poverty History campaign.

I want to congratulate and thank the Make Poverty History campaign team around Australia, and all those who were involved in this tremendously successful event, specifically, Amanda Jackson and Ben Thurley. I note that there is an exhibition currently in place in Parliament House which will be
launch tomorrow. It is called the create to advocate 2006 art exhibition, and the official opening is at lunchtime tomorrow. It is presented by the Micah Challenge and Make Poverty History. I toured it this afternoon, and it is quite impactive and moving.

The Make Poverty History campaign and the Micah Challenge are based around Micah, a book in the Old Testament, chapter 6, verse 8, which states:

... what does the Lord require of thee but to act justly and to love mercy, and to walk humbly with thy God?

In this day and age there is a lot of discussion about tolerance and the importance of it. I think that, as a community and as a people in Australia, we should breed an intolerance of poverty. It would seem that this is an almost insurmountable problem to overcome, when you have some 30,000 children dying every day from hunger and starvation around the world. However, I believe it is a vision thing. As the good book says, without a vision the people will perish. I agree that probably the most potent weapon a leader can have is to provide vision—that is, to provide hope. Micah, chapter 6, verse 8 is that vision.

I note and acknowledge the Millennium Development Goals and overseas development aid. It must be carefully targeted, especially in our region, where two-thirds of the world’s poor are. In Asia, 712 million people live on less than $1 per day, as do 314 million people in Africa. As I said, every day 30,000 children die from preventable causes. Nearly 11 million children under the age of five die every year. One woman dies every minute as a result of pregnancy and childbirth complications. More than 500,000 women die in childbirth each year. Each day 58,000 people die from hunger and easily preventable diseases, 30,000 of them children.

One in five children in the developing world does not have access to safe drinking water. One hundred and three million children of primary school age do not attend school. Nearly a billion people entering the 21st century are unable to read a book or sign their names. The gross domestic product of the poorest 48 nations, a quarter of the world’s countries, is less than the wealth of the world’s three richest people combined. Developed countries spend more than $350 billion each year on subsidies for their farmers, the equivalent of the entire combined income of Africa. Every cow in Europe now begets $US2 in subsidies, which is most revealing.

I am pleased to have been working in support of the Millennium Development Goals and the Make Poverty History campaign now for some years. I thank, for all their efforts, the many non-government organisations—churches and other community groups—who support and encourage them. The first Millennium Development Goal—to eradicate extreme poverty and hunger—has two aims: to reduce by half the number of people living on less than $1 a day and to reduce by half the proportion of people who suffer from hunger.

I would like to refer to my Vietnam and Singapore study tour report of some 11 pages and point out that Australia has made a very valuable contribution with respect to Vietnam. Total official development assistance to Vietnam this financial year is estimated at $81.5 million. Vietnam is AusAID’s fourth largest Australian bilateral aid program after Papua New Guinea, Indonesia and the Solomon Islands. Australia is currently the 11th largest donor and ninth largest bilateral donor to Vietnam.

However, Vietnam is not heavily aid dependent, with net overseas development aid being only 4.5 per cent of its gross national
income in 2003. And this is good news: poverty has halved from 58 per cent of the population in 1993 to an estimated 24 per cent in 2004. Likewise, gross domestic product per person has more than tripled since 1990 to US$646 in 2006.

Australia was one of the first donors to resume a major aid program to Vietnam in 1991. The My Thuan bridge has been our largest single infrastructure project, with an Australian contribution of $A60 million. This bridge provides a key transport link which benefits 60 million people in the Mekong Delta. My report refers to the Millennium Development Goals and Targets, outlining the eight goals and the 18 targets.

I want to thank Ambassador Bill Tweddell at the Australian embassy in Hanoi and in particular his AusAID team: Ms Misha Coleman, Ms Susan McKeag, Simon Cramp and Andrea Flew. I had valuable meetings with the UN Development Program representatives to discuss Vietnam’s progress against the Millennium Development Goals. They are progressing well in Vietnam. We met with over a dozen Australian Youth Ambassadors for Development at the embassy, hosted by Ambassador Tweddell. The value of the program should not be underestimated and the opportunities for mutual benefits arising are substantial.

I have set out in my report details of the various opportunities for volunteering overseas. These include the Australian Youth Ambassadors for Development program, the Australian Business Volunteers program, the Australian Volunteers International program and Volunteers for International Development from Australia. For further information, people should contact the Australian Agency for International Development on (02)62064000. They can also have a look at my study tour report as well as my other report in support of volunteers entitled ‘How we can help our volunteers’ on my website www.guybarnett.com.

Finally, I want to congratulate World Vision on their work both in Vietnam and more broadly. I met the World Vision Vietnam manager, Daniel Selvanayagam, and many of his 100 employees, and also Ian Curtis, the manager from Singapore. They provided a tremendous contribution in Vietnam. The work of World Vision in Australia and elsewhere should not be underestimated. They are the largest aid and humanitarian organisation. I congratulate World Vision’s chief executive, Tim Costello, and its former chairman, Peter King, for the work that they do. With the support of around 350,000 Australians, World Vision helped almost 12 million people this year. World Vision are committed to the poor because they are Christian. Their commitment means that they will work with all cultures. (Time expired)

Senate adjourned at 10.26 pm

DOCUMENTS
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 Regulations—Instruments Nos—
CASA 321/06—Direction—number of cabin attendants [F2006L03351]*.
CASA 371/06—Instructions—for approved use of P-RNAV procedures [F2006L03353]*.
CASA EX44/06—Exemption—flight data recording [F2006L03344]*.

Customs Act—Tariff Concession Orders—
0611601 [F2006L03322]*.
0611946 [F2006L03321]*.
0611947 [F2006L03323]*.
Financial Management and Accountability Act—Financial Management and Accountability Determinations—
2006/61—The Telstra Public Share Offer Account Variation and Abolition 2006 [F2006L03366]*.
2006/63—Business Services Trust Account Variation and Abolition 2006 [F2006L03369]*.
2006/64—Business Services Special Account Establishment 2006 [F2006L03374]*.
2006/67—Australian Building Codes Board Account Variation and Abolition 2006 [F2006L03373]*.
2006/69—Ranger Rehabilitation Account Variation and Abolition 2006 [F2006L03377]*.
2006/70—Ranger Rehabilitation Special Account Establishment 2006 [F2006L03378]*.
2006/71—Australians at War Account Variation and Abolition 2006 [F2006L03379]*.
2006/72—Australians at War Special Account Establishment 2006 [F2006L03380]*.

Fisheries Management Act—Fish Receiver Permits Declaration 2006 [F2006L03343]*.

Higher Education Support Act—
Higher Education Provider Approval (No. 16 of 2006)—Dixon Elliott Pty Ltd [F2006L03365]*.
Higher Education Provider Approval (No. 17 of 2006)—Swan TAFE [F2006L03367]*.


* Explanatory statement tabled with legislative instrument.
QUESTIONS ON NOTICE

The following answers to questions were circulated:

Polio Vaccine
(Question No. 1300)

Senator McLucas asked the Minister representing the Minister for Health and Ageing, upon notice, on 10 October 2005:

With reference to the commitment made by the Minister in October 2004 for a departmental review into SV40 contamination of polio vaccine used in the 1950’s and 1960’s and its possible links with cancer:

(1) Is this review in progress.
(2) Who is conducting this review.
(3) What are the terms of reference for this review.
(4) (a) When does the Minister expect to receive a report of the findings; and
      (b) Will these results be made public.

Senator Santoro—The Minister for Health and Ageing has provided the following answer to the honourable senator’s question:

(1) The review has been completed.
(2) The review was conducted by Professor Yvonne Cossart of Sydney University, an external expert in the field of infectious disease.
(3) The review examined the published literature about the SV40 contamination of poliomyelitis vaccines in the 1950’s and 1960’s and possible consequences for human health.
(4) (a) I am aware of the review’s findings.
      (b) The review is intended to be published on the TGA website: http://www.tga.gov.au/

Marnic Worldwide Pty Ltd
(Question No. 2177)

Senator O’Brien asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 14 July 2006:

(1) Did Marnic Worldwide Pty Ltd send a facsimile request to the Australian Quarantine and Inspection Service (AQIS) on 23 October 2004, seeking to amend competent authorities for certifying fish products from Indonesia.
(2) Was that request sent to Biosecurity Australia by AQIS for advice; if so, on what date and in what form was that request from Marnic to AQIS communicated to Biosecurity Australia.
(3) Did a senior assessing officer in the Biological Unit of AQIS advise Marnic by way of email that Biosecurity Australia would contact the Indonesian Government to confirm that the Indonesian departments listed as competent authorities on Marnic’s import permit were correct.
(4) What was the name of the officer who sent the above email to Marnic.
(5) Was the above email sent by the AQIS officer to Marnic on 26 October 2004.
(6) Did that email advise Marnic that once AQIS received advice from Biosecurity Australia about the amendments required by Marnic the permit would be updated and faxed to the company.
(7) Was that advice to Marnic on 26 October 2004 based on communications with Biosecurity Australia; if so: (a) what was the form of those communications; (b) when did those communications take
place; (c) who were the officers involved in those communications; and (d) how and where were those communications recorded; if not, on what basis was the advice to Marnic on 26 October 2004 given.

(8) Did the report prepared by Mr Dalton following his investigation into a claim for detriment by Marnic caused by defective administration refer to an application by Marnic for non-accredited certifying bodies in Indonesia to be added to its import permit being lodged on 22 October 2004.

(9) Was this the same request referred to in the email from AQIS to Marnic dated 26 October 2004; if so, why is the date of the communication from Marnic to AQIS in the above email identified as 23 October 2004 but the date for the same communication reported by Mr Dalton as 22 October.

(10) If there were two communications between Marnic and AQIS in relation to a request to amend the company’s permit: (a) what was the form of the second communication; (b) who in AQIS received the second communication; and (c) what action was taken following the receipt this second communication.

Senator Abetz—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:

(1) Yes, AQIS received a facsimile request from Marnic Worldwide Pty Ltd on 23 October 2004. This request was dated 22 October 2004 by Marnic.

(2) A correspondence register records that AQIS requested advice from Biosecurity Australia on 26 October 2004. This register does not indicate the form in which this request was made. At the time of Marnic’s request the normal procedure for communicating with Biosecurity Australia about competent authority updates was by telephone or email.

(3) Yes

(4) The communication was sent by a senior assessing officer within the Biologicals Unit.

(5) Yes

(6) Yes

(7) No, the communication simply outlined to Marnic the usual progression of events for requests to update competent authorities.

(8) No

(9) Yes, see (1).

(10) There was only one communication.

Single Vision Grains Australia

(Question No. 2189)

Senator O’Brien asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 14 July 2006:

(1) When was: (a) the Minister; (b) the Minister’s office; (c) the department; and (d) the Grains Research and Development Corporation (GRDC) provided with the Single Vision Grains Australia report Towards a single vision for Australian grain marketing funded by taxpayers and grain growers through the GRDC.

(2) Was: (a) the Minister; (b) the Minister’s office; (c) the department; or (d) the GRDC, provided with a draft copy of the report; if so, when and who was the source.

Senator Abetz—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:
(1) A copy of the Single Vision Grains Australia report Towards a single vision for Australian grain marketing was provided to the Minister, the Minister’s office, the Department of Agriculture, Fisheries and Forestry and the Grains Research and Development Corporation (GRDC) on 27 June 2006.

(2) The Minister was shown a draft report for the purposes of discussion at a meeting with Single Vision Grains Australia representatives on 22 May 2006 but it was not retained by the Minister, the Minister’s Office or the Department of Agriculture, Fisheries and Forestry.

Single Vision Grains Australia
(Question No. 2191)

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:

(1) When, in August 2006, will the Grains Research and Development Corporation (GRDC) meet to review funding for SVGA.

(2) Is the review a scheduled review; if so, can dates be provided of all such scheduled reviews of SVGA funding; if not, what is the basis of the review.

(3) If the answer to this question on notice is not provided prior to the August 2006 review of SVGA funding, can details be provided of the outcome of the review.

Senator Abetz—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:

(1) The GRDC Board commenced a review of future funding for SVGA on 27 July 2006.

(2) SVGA is a 2-year project and is subject to annual review, as per GRDC’s normal business processes.

(3) The review is not yet completed.

Single Vision Grains Australia
(Question No. 2192)

Senator O’Brien asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 14 July 2006:

With reference to the Single Vision Grains Australia (SVGA) report Towards a single vision for Australian grain marketing funded by taxpayers and grain growers through the Grains Research and Development Corporation:

(1) What process was used to select the industry organisations listed as ‘organisations we consulted’ on page 27 of the report.

(2) Can details be provided of the unidentified ‘smaller organisations’ that were also consulted.

(3) When was the Grains Council of Australia consulted by SVGA on the future of the single desk.

(4) Was the Wheat Growers Association consulted by the SVGA; 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) Single Vision Grains Australia (SVGA) advises that it identified industry organisations from all parts of the value chain. The selected industry organisations were considered to have significant influence within the industry and were integral to its functioning. The organisations were also interested in, and willing to discuss, grain export marketing.
(2) SVGA advises that it held consultations with two smaller organisations. They were Aurora Agriculture Ltd (NSW) and Centre State Exports Pty Ltd (SA).

(3) SVGA advises that it had contact with the GCA on several occasions between February and May 2006 to discuss the study.

(4) SVGA advises that it asked Wheat Growers Association (WGA) to participate in the study but that it declined.

**Single Vision Grains Australia**

(Question No. 2193)

Senator O'Brien asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 14 July 2006:

With reference to the Single Vision Grains Australia (SVGA) report *Towards a single vision for Australian grain marketing* funded by taxpayers and grain growers through the Grains Research and Development Corporation:

(1) Can the Minister confirm the claim on page 55 of the report that the Minister’s department was ‘updated on Single Vision Grains Australia activities during the course of the project’.

(2) Can details be provided of all occasions on which the SVGA ‘updated’ the Minister’s department on its activities.

Senator Abetz—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:

(1) Yes.

(2) The Department of Agriculture, Fisheries and Forestry was updated twice on 2 and 22 May 2006. Departmental staff were also present at a meeting Minister McGauran had with SVGA on 22 May 2006. In addition, staff of the Department met with CIE representatives on 19 April 2006.

**Single Vision Grains Australia**

(Question No. 2194)

Senator O’Brien asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 14 July 2006:

With reference to the Single Vision Grains Australia (SVGA) report *Towards a single vision for Australian grain marketing* funded by taxpayers and grain growers through the Grains Research and Development Corporation: Is the Minister aware of the report’s claim that: “The Wheat Export Authority does not use a “proper” methodology to evaluate single desk price premiums. It attempts to measure premiums by comparing prices for different grades of wheat with comparable prices received by other exporters. This is a flawed methodology”; if so, has the Minister asked the Wheat Export Authority (WEA) to respond to the claim it employs a ‘flawed methodology’ and how has the WEA responded.

Senator Abetz—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:

The Minister is aware of the claims in the report that the WEA does not use a ‘proper’ methodology to evaluate single desk price premiums.

The Minister has not asked the WEA to respond to this claim.
Single Vision Grains Australia
(Question No. 2195)

Senator O’Brien asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 14 July 2006:
How many members of the so-called interim board of the Grains Research and Development Corporation-funded unincorporated venture Single Vision Grains Australia are grain growers.

Senator Abetz—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:
Two.

Single Vision Grains Australia
(Question No. 2196)

Senator O’Brien asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 14 July 2006:
(1) Does the Grains Research and Development Corporation (GRDC)-funded unincorporated venture Single Vision Grains Australia (SVGA) operate from offices at the corner of Lorraine and Ricky Streets, Capalaba, Queensland.
(2) When did SVGA commence operation from these premises.
(3) Does the unincorporated venture SVGA own or lease these premises.
(4) If SVGA owns the premises when were the premises purchased and what was the purchase price.
(5) If SVGA leases the premises: (a) when was the lease signed; (b) what is the term of the lease; and (c) what is the value of the lease payments.
(6) Does the GRDC own or lease these premises.
(7) If the GRDC owns the premises when were the premises purchased and what was the purchase price.
(8) If the GRDC leases the premises: (a) when was the lease signed; (b) what is the term of the lease; and (c) what is the value of the lease payments.
(9) If another entity owns or leases the premises can details be provided.

Senator Abetz—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:
(1) Yes.
(2) 1 December 2005.
(3) No.
(4) Not applicable.
(5) Not applicable.
(6) The GRDC leases these premises.
(7) Not applicable.
(8) (a) The lease was signed on 24 February 2006. (b) The term of the lease is 3 years. The lease includes a clause that allows the GRDC to sub-lease the property if SVGA does not continue beyond its initial two years. (c) The lease payment for the first year is $26,600 plus GST.
(9) Not applicable.
Foreign Affairs and Trade: Travel Entitlements
(Question Nos 2208 and 2210)

Senator O’Brien asked the Minister representing the Minister for Foreign Affairs and the
Minister for Trade, 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 Coonan—The following answer has been provided by the Minister for Foreign
Affairs and the Minister for Trade to the honourable senator’s question:

DFAT

(1) (2) (a) to (c) Partners and family members of senior staff posted overseas are entitled to travel to
post at the start of the posted officer’s assignment, and back to Australia at the end of the assign-
ment at government expense. Partners and family members of those senior staff are also entitled to
return to Australia at the mid-point of the posting. In designated hardship posts there is also the en-
titlement to a relief airfare from the post to the closest relief centre. (These provisions apply to all
staff).

There are also provisions for travel for partners or family members of senior staff which can be ap-
proved by the Assistant Secretary, Staffing Branch under certain circumstances:
- travel to accompany a child to commence schooling at a location other than the locality of the
overseas posting;
- travel to a location for health care or to accompany a dependant to another location for health care
during an overseas posting;
- reunion travel for a spouse or dependent child who does not accompany the employee on an over-
seas posting; and
- compassionate travel.

These provisions apply to all staff.

There are limited circumstances in which a spouse can travel with the Head of Mission or Head of
Post (HOM/HOP) and thus can be covered at official expense. Requests are assessed by the Assis-
tant Secretary, Staffing Branch in Canberra who will approve the travel if it meets the established
criteria and if sufficient funds are available.

ACIAR

(1) N/A
(2) N/A

AJF

(1) None
(2) n/a

AusAID

(1) Partners of non-SES officers on short-term missions overseas are entitled to accompany their part-
ner at government expense where the employee has a total aggregate period of 40 weeks of over-
seas travel. This entitlement does not apply to SES officers unless specified in individual AWAs.

QUESTIONS ON NOTICE
Partners and any dependants of all staff on long-term postings overseas are entitled to travel to post at government expense. Additional entitlements for family members include:
- one regional leave fare for a two-year posting;
- an additional leave fare for a three-year posting;
- travel to accompany a child from the post to enrol at boarding school for the first time;
- travel to another location to obtain health care or to accompany a family member travelling for health care purposes;
- one reunion fare per year for a child to be reunited with a parent or for a posted officer to be re-united with a spouse;
- compassionate travel; and
- emergency evacuation.

(2) (a) Eligibility to be accompanied by a spouse or family member at government expense is established prior to the short-term mission or long-term posting. AusAID’s Human Resources Section make an assessment against guidelines contained in AusAID’s Certified Agreement 2003-2006, AusAID’s Overseas Conditions of Service Determination 1999/2 and AusAID’s Travel Policy March 2005.

(b) The Director General or his delegate based on a recommendation by AusAID’s Human Resources Section.

(c) The Director General or his delegate based on a recommendation by AusAID’s Human Resources Section.

Austrade

(1) Partners and close family members of Austrade Senior Management Group employees may undertake authorised travel at government expense in the following circumstances:
- travel to and from an overseas posting
- travel to accompany a child to commence schooling at other than the locality of the overseas posting
- travel to another locality for health care, or to accompany a dependent to another location for health care during the overseas posting
- during an overseas posting one yearly leave fare to Australia is available to the employee and their accompanying family members or a fare to an alternate destination up to the cost of the Australian fare
- reunion travel for a dependent child who does not accompany the employee on an overseas posting
- compassionate travel i.e. travel in the event of serious illness, injury to, or death of, a close relative during the overseas posting
- travel to accompany a partner on a short term overseas operational assignment
- to relocate within Australia when the employee is assigned to a new location, retires or dies in service.

(2) (a) Austrade Chief Executive Instructions and management policies set out the entitlements of senior officers and their dependants to travel at government expense. The employee is required to seek permission in writing for the travel expenses to be met and to provide evidence on which the assessment as to whether travel should be a government expense may be made.
(b) The assessment of whether the partner or family member may have their travel expenses met by the Government is made by the appropriate delegate in accordance with the Austrade Schedule of Financial and Human Resources Management Delegations.

(c) Employees’ and their families’ travel may only be approved by the traveller’s direct supervisor or a higher relevant delegate, except as stated otherwise below.

- Approval of funding of the partner or family member’s travel is made (according to the circumstances of the case) by the Chief Executive Officer, the employee’s Regional Director, Executive Director, the Human Resources Director, or an Overseas Regional Human Resources Manager.

- Where the Chief Executive Officer has approved the overseas placement of the employee or travel is being taken as a prescribed condition of service, Human Resources personnel at Austrade Performance Level 2 (APS 5 - 6 level) and above may approve the expenditure.

**EFIC**

(1) and (2) EFIC employees have no entitlement to be accompanied by their partners or family members when travelling at EFIC expense.

**Australian Council of Trade Unions Advertisements**

*(Question No. 2315)*

**Senator Wong** asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on Wednesday, 8 August 2006:

Has the Minister sought advice from: (a) the department; and/or (b) the Office of Workplace Services; and/or (c) any other sources about the circumstances of any workers that have appeared in Australian Council of Trade Unions advertisements opposing the Government’s industrial relations legislation; if so:

(i) can details be provided including the date(s) advice was sought and the date(s), source(s) and the form(s) of any advice received in response to the request; and

(ii) is the Minister aware of whether the information he received was different in form or substance to that which was provided to the workers who appeared in the advertisements.

**Senator Abetz**—The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator’s question:

(a) No.

(b) The Office of Workplace Services (OWS) provides information to the Minister’s Office regarding its operations for the purposes of assisting the Minister to perform his Parliamentary duties by ensuring the Minister is informed of the OWS’ activities and performance, and the way in which the legislation is being implemented by the OWS.

(c) No.

**Australian Council of Trade Unions Advertisements**

*(Question No. 2321)*

**Senator Wong** asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 8 August 2006:

With reference to the article in *The Daily Telegraph* of 26 July 2006 revealing details of the examination by the Office of Workplace Services (OWS) into the circumstances of workers that have appeared in the Australian Council of Trade Unions advertisements:

(1) Did the Minister, and/or his office, leak or authorise the leak of information about the OWS investigation.
QUESTIONS ON NOTICE

(2) Did Mr Nicholas Wilson, the Director of the OWS, and/or his staff, leak or authorise the leak of information about the OWS investigation.

(3) Did Mr Peter Boxall, the departmental Secretary, and/or his staff, leak or authorise the leak of information about the OWS investigation.

(4) If the Minister cannot identify the person or persons responsible, has the Minister:
   (a) sought advice from Mr Nicholas Wilson about the source of the leak: (i) if so: (A) on what date and in what form was that advice sought, (B) on what date and in what form was that advice received, and (C) can a copy of that advice be provided; if not, why not, and (ii) if not, why not;
   (b) sought advice from Mr Peter Boxall about the source of the leak: (i) if so: (A) on what date and in what form was that advice sought, (B) on what date and in what form was that advice received, and (C) can a copy of that advice be provided; if not, why not, and (ii) if not, why not;
   (c) sought the assistance of the Australian Federal Police (AFP) to investigate the source of the leak: (i) if so: (i) has the AFP interviewed the Minister and/or his staff; if so, can details be provided, (ii) has the AFP interviewed officers of the department; if so, can details be provided, (iii) has the AFP interviewed Mr Nicholas Wilson and/or his staff; if so, can details be provided, and (iv) has the AFP provided any other assistance; if so, can details be provided, and (ii) if not, why not; and (d) taken other action to investigate the source of the leak; if so, can details be provided.

(5) If the Minister cannot identify the source of the leak but has taken no action to investigate this matter, why not.

Senator Abetz—The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator’s question:

(1) to (4) No.

(5) No action was required.

Parliamentary Departments: Overseas Travel

(Question No. 2392 supplementary)

Senator Carr asked the President of the Senate, upon notice, on 17 August 2006: With reference to the Department of the Senate and the Department of Parliamentary Services:

(1) Can an update be provided on the same basis as the details asked for in question on notice no. 966 of 16 June 2005 concerning overseas travel by: (a) the Secretary and each Senior Executive Service (SES) officer or SES-equivalent officer for the period 1 June 2005 to 31 July 2006, and in each case, where a spouse or partner accompanied the officer, the costs paid out of departmental funds for the spouse or partner; and (b) officers below the SES level, including departmental costs of any accompanying spouse or partner.

(2) Can the President request the Speaker to provide answers to the above questions in respect of the Department of the House of Representatives.

The President—The answer to the honourable senator’s question is as follows—

Information relating to the Department of the Senate and the Department of Parliamentary Services has already been provided. The information below has been provided by the Speaker in respect of the Department of the House of Representatives:
Commonwealth Disability Strategy Evaluation
(Question No. 2458)

Senator McLucas asked the Minister representing the Minister for Families, Community Services and Indigenous Affairs, upon notice, on 28 August 2006:

QUESTIONS ON NOTICE
QUESTIONS ON NOTICE

(1) (a) How many consultants were involved in the evaluation of the Commonwealth Disability Strategy (CDS); and (b) what are the names of those consultants.

(2) What was the cost of the consultations carried out for stages 1 and 2.

(3) Has the department received the evaluation from Erebus International; if so, when will the evaluation be released.

(4) How many Commonwealth organisations have/have not addressed the needs of people with disabilities in employment or community participation in accordance with the CDS.

(5) If any government department/agency has not addressed the needs of people with disabilities in employment or community participation in accordance with the CDS what action will be taken to rectify this.

Senator Kemp—The Minister for Families, Community Services and Indigenous Affairs has provided the following answer to the honourable senator’s question:

There were two consultants engaged to evaluate the Commonwealth Disability Strategy. Stage 1 was undertaken by the Social Policy Research Centre (SPRC) for $35,135 (GST-exclusive). Stage 2 of the evaluation was awarded to Erebus International for $218,000 (GST-exclusive).

The evaluation report is currently being finalised.

The evaluation did not include an assessment of Commonwealth organisations’ performance against the CDS.

Family Planning Organisations

(Question No. 2467)

Senator Allison asked the Minister representing the Minister for Health and Ageing, upon notice, on 4 September 2006:

With reference to the article in the Sunday Mail of 27 August 2006, ‘Uproar over aid for anti-abortion service’:

(1) Is it the case, as reported, that the Minister or his spokesperson claimed that: (a) $15 million in federal funds went to the states to pay for pregnancy help groups and that much of that money went to pro-choice organisations; and (b) can details be provided of the organisations that were recipients of the $15 million.

(2) If the comment referred to funding which goes to family planning organisations through the Public Health Outcomes Funding Agreements, is the Minister aware that family planning organisations do not receive any dedicated Federal Government funding for the pregnancy counselling they provide.

(3) Can details be provided of the federally-funded activities provided by family planning organisations.

Senator Santoro—The Minister for Health and Ageing has provided the following answer to the honourable senator’s question:

(1) (2) and (3) Family Planning Organisations are funded to provide a range of sexual and reproductive health activities including pregnancy counselling and advice. The Commonwealth Government decided on 29 March 2004 that funding for all Family Planning Organisations would be incorporated within the Public Health Outcome Funding Agreements (PHOFAs). It is the responsibility of the state and territory governments to allocate funds to meet the agreed outcomes under the terms of the PHOFAs.

As the PHOFA funding is broadbanded, it is not possible to disaggregate the amount spent by states and territories in delivering the nationally agreed outcomes. However, the funding levels of $15.4
million to Family Planning Organisations that applied in 2004-05, indicate the level of expected ongoing commitment.

Zeng Aihua
(Question No. 2471)

Senator Milne asked the Minister representing the Minister for Foreign Affairs, upon notice, on 5 September 2006:

(1) What representations has the Minister made to the Chinese Government regarding the detention by Shanghai police of 57 year old Falun Gong practitioner Zeng Aihua, the mother of Australian resident Doris Chen (Muhan Chen).

(2) What charges have been laid against Zeng Aihua.

(3) What sentence is Zeng Aihua facing if she is convicted of these charges.

(4) Does Zeng Aihua have a defence lawyer that is permitted to vigorously defend her against these charges.

(5) What is the state of health of Zeng Aihua.

(6) What other information did the Chinese authorities provide on Zeng Aihua.

(7) What is the Government’s position on the persecution and detention of Falun Gong practitioners by Chinese authorities.

(8) Will the Government raise concerns over persecution of Falun Gong practitioners at its next human rights dialogue with China.

Senator Coonan—The Minister for Foreign Affairs has provided the following answer to the honourable senator’s question:

(1) The Australian Consulate-General in Shanghai raised Ms Zeng’s case with the Shanghai Public Security Bureau (PSB) in June 2006, when the case was first brought to my Department’s attention. Ms Zeng was also among the individual cases of concern that my Department raised with the Chinese Ministry of Foreign Affairs (MFA) at the time of our human rights dialogue on 25 July 2006.

(2) We are not aware if Ms Zeng has been formally charged. But the MFA has advised my Department that Ms Zeng is suspected of the crime of “using a cult to subvert the law”.

(3) If convicted of this charge, China’s criminal law provides for between three and seven years imprisonment.

(4) I understand that, as at 15 June, Ms Zeng’s family had not engaged a lawyer.

(5) I am not aware of Ms Zeng’s state of health.

(6) The MFA advised that Ms Zeng was being held at the Pudong Public Security Bureau detention facilities. The Shanghai PSB said the Australian Consulate-General did not have a role in the case as it did not involve an Australian citizen.

(7) The Government is strongly opposed to China’s persecution of Falun Gong. The Government considers China’s ban on Falun Gong and its treatment of Falun Gong practitioners are a breach of fundamental human rights, including the rights of assembly and free expression.

(8) The Government has expressed its concerns to the Chinese authorities regularly, including through our human rights dialogue and during high-level visits, since Falun Gong was banned in 1999. Unless there is any significant change in China’s approach towards Falun Gong, I expect the Government would express these concerns again at our next human rights dialogue.
Lebanon
(Question No. 2479)

Senator Hurley asked the Minister representing the Minister for Foreign Affairs, upon notice, on 6 September 2006:

With reference to the recent Middle East conflict and the evacuation of Lebanese Australians:

1. What methods were used by the department to confirm that those evacuating were Australian citizens.
2. What methods were used by the department to confirm that those evacuating were Australian passport holders.
3. What security checks were carried out by the department for all evacuees.
4. How many Australian citizens were evacuated in total.
5. How many Arabic speaking officials did the department employ for the evacuation process and what were their duties.

Senator Coonan—The Minister for Foreign Affairs has provided the following answer to the honourable senator’s question:

1. Evacuees claiming to be Australian citizens were required to present valid Australian passports which were checked by DFAT or DIMA officials before being cleared to depart on Australian chartered vessels. Those without current passports were required to apply for these at the Australian Embassy in Beirut.

2. See response to question (1) above.

3. Evacuees departing Lebanon were required to have valid travel documents sighted by Australian Government officials and processed by Lebanese immigration authorities. Except for certain exceptional cases no unaccompanied baggage was allowed on evacuation ferries. Evacuees who departed on Australian chartered flights from Cyprus and Turkey were subject to standard airport security checks including luggage scans and metal detectors. In relation to background checks, passenger manifests were provided to relevant departments in Canberra for screening in accordance with standard procedures.

4. 5164 Australian citizens, Australian permanent residents and their immediate dependants were evacuated from Lebanon, of whom 4,651 continued on to Australia.

5. Nine Arabic-speaking DFAT staff were deployed for the evacuation: three in the Emergency Call Unit (ECU) in Canberra and six to various locations overseas. Deployed Arabic-speaking staff performed duties across the range of consular, passports, administrative, media liaison and policy functions. These staff were in addition to A-based and locally engaged staff already at post with Arabic language skills. In addition to the DFAT staff, a further four Arabic-speakers were contracted by DFAT to provide interpreting support: two at the Emergency Call Unit (ECU) in Canberra and two in Mersin, Turkey.

Fuel Consumption Labelling for Light Vehicles
(Question No. 2485)

Senator O’Brien asked the Minister representing the Minister for Local Government, Territories and Roads, upon notice, on 12 September 2006:

With reference to the answer to question on notice no. 2376 (Senate Hansard, 11 September 2006. p. 99):

1. In relation to the review of United Nations Economic Commission for Europe Regulation 101 (UNECE R 101):

QUESTIONS ON NOTICE
QUESTIONS ON NOTICE

(a) when was the review undertaken;
(b) did the Minister or the department make a submission to the review; if so, can a copy of the submission be provided; if not, why not;
(c) were submissions lodged by any Australian stakeholders; if so, can a copy of the submission(s) be provided; if not, why not; and
(d) can a copy of the revised UN ECE R 101 be provided.

(2) In relation to the review of Australian Design Rule 81/01 – Fuel Consumption Labelling for Light Vehicles and in light of the changes to UN ECE R 101:
(a) when will the review commence;
(b) which stakeholders will be consulted as part of the review; and
(c) will submission be invited from members of the public, state and territory governments, motoring organisations, automobile manufacturers and other interested parties.

Senator Ian Campbell—The Minister representing the Minister for Local Government, Territories and Roads has provided the following answer to the honourable senator's question:

(1) (a) the review of UN ECE R 101 was undertaken by the UN ECE Working Party for Pollution and Energy during 2003 and 2004. The working group amendments to the regulation were accepted in 2004 and took effect on 29 April 2005.
(b) Neither the Minister nor the department made a submission as the nature of the review was largely technical and editorial in nature and did not significantly change the parameters of the regulation.
(c) To our knowledge, no submissions were lodged by any Australian stakeholders.
(d) A copy of UN ECE R 101 is attached. The regulation is also available from the UN ECE website at:

(2) (a) The review of ADR 81/01 will commence in the next few months.
(b) As part of the review, DOTARS will consult the members of the Transport and Emissions Liaison Group which is a key consultative group consisting of representatives of transport and environment agencies, key industry groups (including organisations such as the Federal Chamber of Automotive Industries and Australian Institute of Petroleum), the Australian Automobile Association and the National Environmental Consultative Forum. The National Transport Commission (NTC) will also assist the consultation process by circulating the draft proposals to industry associations and a network of email subscribers that have registered on the NTC website.
(c) Yes.

Attention-Deficit Hyperactivity Disorder Treatment

(Question No. 2486)

Senator Allison asked the Minister representing the Minister for Health and Ageing, upon notice, on 13 September 2006:

(1) With reference to drugs used in the treatment of attention-deficit hyperactivity disorder (ADHD), can details be provided on the adverse effects reported to the Therapeutic Goods Administration for: (a) Ritalin; (b) Strattera; and (c) any other drugs used.

(2) What is the status of the review of the federal guidelines for the treatment of ADHD.
(3) (a) Who is conducting the review; and (b) do they have any connections with pharmaceutical companies; if so, what are they.

(4) Will the review consider the recent recommendations of the United States of America Food and Drug Administration to put ‘black box warnings’ on these drugs, stating that the drugs can cause suicide, heart problems, stroke, hallucinations and high blood pressure.

Senator Santoro—The Minister for Health and Ageing has provided the following answer to the honourable senator’s question:

(1) As of 15 September 2006, the Therapeutic Goods Administration’s (TGA) Adverse Drug Reactions Unit has received the following reports of suspected adverse reactions to medicines indicated for the treatment of ADHD:

(a) Methylphenidate (brand names include Ritalin) - 123 reports in total, the most commonly reported reactions being drug ineffective (11 reports), headache (10 reports), nausea, anorexia, somnolence, and depression (7 reports each).

(b) Atomoxetine (brand name Strattera) - 23 reports in total, the most commonly reported reaction being aggression (4 reports).

(c) Dexamphetamine - 60 reports in total, the most commonly reported reactions being agitation (7 reports), tachycardia (5 reports), hyperkinesia, hypertonia, and insomnia (4 reports each).

(2) On 31 December 2005 the Attention Deficit Hyperactivity Disorder Guideline (1996) was rescinded in line with the National Health and Medical Research Council (NHMRC) policy that all publications be reviewed at least every five years to assess their continued currency and relevance. The updated guidelines are expected to be available by November 2007.

(3) (a) The Department of Health and Ageing is funding the Royal Australasian College of Physicians to redevelop the NHMRC Guidelines on ADHD. The updated guidelines are expected to be available by November 2007.

(b) I do not have the information to be able to comment on any connections between the Royal Australasian College of Physicians and pharmaceutical companies.

(4) While a committee of the United States Food and Drug Administration (USFDA), the Drug Safety and Risk Management Committee recommended placing black box warnings on these medicines, the USFDA also sought advice from their Pediatric Advisory Committee on 22 March 2006. This committee is constituted to make recommendations about warning statements for these medicines. It recommended amendments to the warnings on the levelling documents, but not the addition of black box warnings. The USFDA is considering the advice of the committees.

The TGA has recently completed a review of ADHD medicines and is in the process of strengthening existing warnings about cardiovascular and psychiatric adverse events in the Product Information (PI) document for health professionals and Consumer Medicine Information (CMI) document for patients. The advice of the Australian Drug Evaluation Committee (ADEC) was sought. Previously, on the advice of ADEC, there was a strengthening of the existing precautionary statements in the PI regarding suicidality and the inclusion of a black box warning relating to the issue of suicidality in children and adolescents treated with atomoxetine. A black box warning was added to the PI for atomoxetine by the TGA on 14 March 2006.

Chiropractic Services
(Question No. 2488)

Senator Allison asked the Minister representing the Minister for Health and Ageing, upon notice, on 13 September 2006:

(1) How many chiropractors are currently registered to work in Australia.
QUESTIONS ON NOTICE

(2) What data is available on the frequency of use of chiropractors within the private and public health systems.
(3) How much money is spent annually on chiropractic care.
(4) Does the Government consider chiropractic care to be safe and effective; if not, why not.
(5) What data is available on the percentage of patients who have satisfactory outcomes following chiropractic care.
(6) What public funding is available for patients who wish to access evidence-based chiropractic treatments.
(7) How much dedicated public funding is provided for research into chiropractic treatments.

Senator Santoro—The Minister for Health and Ageing has provided the following answer to the honourable senator’s question:

(1) There are currently 3,555 chiropractors registered to practice in Australia (source: Chiropractor’s Association of Australia).
(2) In 2005-06, there were 19,526 chiropractic services claimed under the Medicare Allied Health and Dental Care initiative. This initiative provides access to a range of allied health services for people with chronic conditions and complex care needs, on referral from a GP. Separate to this initiative, in 2005-06, there were 345,332 diagnostic imaging services ordered by a chiropractor under the Medicare Benefits Schedule. Data on ancillary services funded by private health insurance are available from the Private Health Insurance Administration Council 2004-05 Annual Report which can be accessed at www.phiac.gov.au/statistics/index.htm. In 2004-05, 7.2% of all ancillary services paid by private health insurance funds were for chiropractic treatment. The Australian Government Department of Health and Ageing does not collect data on chiropractic treatments in the public health system.
(3) In 2005-06, a total of $859,156 was paid in Medicare benefits for chiropractic services under the Medicare Allied Health and Dental Care initiative. In 2005-06, a total of $26,862,974 was paid in Medicare benefits for diagnostic imaging services ordered by a chiropractor under the Medicare Benefits Schedule.
(4) Chiropractic services are one of a range of allied health services attracting a Medicare benefit under the Medicare Allied Health and Dental Care initiative. For a chiropractor to be eligible to provide services under this initiative they must be registered with the Chiropractors Registration Board in the state or territory in which they are practising. To be registered by a Chiropractors Registration Board a chiropractor must meet qualifications prescribed by the relevant state or territory regulations.
(5) The Australian Government Department of Health and Ageing does not collect this data.
(6) Under the Medicare Allied Health and Dental Care initiative, eligible patients can access up to five allied health care services (such as chiropractic services) per calendar year attracting a Medicare rebate of $45.85 per service.
(7) The National Health and Medical Research Council has not commissioned any research that has a particular focus on chiropractic treatments.

Western Australia: Alcoa

(7) The National Health and Medical Research Council has not commissioned any research that has a particular focus on chiropractic treatments.

Senator Siewert—The Minister for the Environment and Heritage, upon notice, on 14 September 2006:
With reference to the proposed Alcoa expansion at Wagerup, Western Australia:

(1) Is it the case that monitoring compliance with National Environment Protection Measures (NEPMs) is a state and territory government responsibility.

(2) Is the Minister concerned that, as a result of the Wagerup expansion, breaches may occur in the case of the NOx NEPM and the proposed polycyclic aromatic hydrocarbon NEPM.

(3) What actions can the Commonwealth Government take in the event of a breach of an NEPM.

**Senator Ian Campbell**—The answer to the honourable senator’s question is as follows:

(1) Yes.

(2) The environmental performance of the expanded facility is a matter for the Western Australian Government, which has set conditions designed to ensure no overall increase in emissions and require Alcoa to achieve an estimated 36 per cent reduction in total refinery odour emissions and a 12 per cent reduction in emissions of volatile organic compounds.

(3) None. If the Standards within the Ambient Air Quality NEPM are exceeded, it is a matter for the State Government.