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SITTING DAYS—2006

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

CANBERRA 103.9 FM
SYDNEY 630 AM
NEWCASTLE 1458 AM
GOSFORD 98.1 FM
BRISBANE 936 AM
GOLD COAST 95.7 FM
MELBOURNE 1026 AM
ADELAIDE 972 AM
PERTH 585 AM
HOBART 747 AM
NORTHERN TASMANIA 92.5 FM
DARWIN 102.5 FM
FORTY-FIRST PARLIAMENT
FIRST SESSION—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
Nationals Whip—Senator Nigel Gregory Scullion
Opposition Whips—Senators George Campbell, Linda Jean Kirk and Ruth Stephanie Webber
Australian Democrats Whip—Senator Andrew John Julian Bartlett
Australian Greens Whip—Senator Rachel Siewert

Printed by authority of the Senate
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(1) Chosen by the Parliament of Queensland to fill a casual vacancy vice Hon. John Joseph Herron, resigned.
(2) Chosen by the Parliament of Victoria to fill a casual vacancy vice Hon. Richard Kenneth Robert Alston, resigned.
(3) Term expires at close of day next preceding the polling day for the general election of members of the House of Representatives.
(4) Chosen by the Parliament of Tasmania to fill a casual vacancy vice Susan Mary Mackay, resigned.
(5) Chosen by the Parliament of South Australia to fill a casual vacancy vice Hon. Robert Murray Hill, resigned.

PARTY ABBREVIATIONS
AD—Australian Democrats; AG—Australian Greens; ALP—Australian Labor Party; CLP—Country Labor Party; FF—Family First Party; LP—Liberal Party of Australia; NATS—The Nationals

Heads of Parliamentary Departments
Clerk of the Senate—H Evans
Clerk of the House of Representatives—I C Harris
Secretary, Department of Parliamentary Services—H R Penfold QC
**HOWARD MINISTRY**

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<tr>
<td>Vice Prime Minister</td>
<td>The Hon. Mark Anthony James Vaile MP</td>
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<td>Treasurer</td>
<td>The Hon. Peter Howard Costello MP</td>
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<td>Minister for Trade</td>
<td>The Hon. Warren Errol Truss MP</td>
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<td>The Hon. Dr Brendan John Nelson MP</td>
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<td>Minister for Foreign Affairs</td>
<td>The Hon. Alexander John Gosse Downer MP</td>
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<tr>
<td>Minister for Health and Ageing and Leader of the House</td>
<td>The Hon. Anthony John Abbott MP</td>
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<tr>
<td>Attorney-General</td>
<td>The Hon. Philip Maxwell Ruddock MP</td>
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<tr>
<td>Leader of the Government in the Senate and Vice-President of the Executive Council</td>
<td>Senator the Hon. Nicholas Hugh Minchin</td>
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<td>Minister for Agriculture, Fisheries and Forestry and Deputy Leader of the House</td>
<td>The Hon. Peter John McGauran MP</td>
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<td>Minister for Immigration and Multicultural Affairs and</td>
<td>Senator the Hon. Amanda Eloise Vanstone</td>
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<td>Minister for Education, Science and Training and</td>
<td>The Hon. Julie Isabel Bishop MP</td>
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<td>Minister Assisting the Prime Minister for Women’s Issues</td>
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<tr>
<td>Minister for Families, Community Services and Indigenous Affairs</td>
<td>The Hon. Malcolm Thomas Brough MP</td>
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<td>Minister for Industry, Tourism and Resources</td>
<td>The Hon. Ian Elgin Macfarlane MP</td>
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<tr>
<td>Minister for Employment and Workplace Relations and Minister Assisting the Prime Minister for the Public Service</td>
<td>The Hon. Kevin James Andrews MP</td>
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<tr>
<td>Minister for Communications, Information Technology and the Arts and Deputy Leader of the Government in the Senate</td>
<td>Senator the Hon. Helen Lloyd Coonan</td>
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<tr>
<td>Minister for the Environment and Heritage</td>
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*(The above ministers constitute the cabinet)*
HOWARD MINISTRY—continued

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<td>Minister for Justice and Customs and Manager of Government Business in the Senate</td>
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<td>Minister for Fisheries, Forestry and Conservation</td>
<td>Senator the Hon. Eric Abetz</td>
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<td>Senator the Hon. Charles Roderick Kemp</td>
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<td>Minister for Human Services and Minister Assisting the Minister for Workplace Relations</td>
<td>The Hon. Joseph Benedict Hockey MP</td>
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<td>Minister for Community Services</td>
<td>The Hon. John Kenneth Cobb MP</td>
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<td>Minister for Revenue and Assistant Treasurer</td>
<td>The Hon. Peter Craig Dutton MP</td>
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<td>Special Minister of State</td>
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<td>The Hon. Gregory Andrew Hunt MP</td>
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<td>Parliamentary Secretary (Foreign Affairs)</td>
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</table>
SHADOW MINISTRY

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

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

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
Senator Kerry Williams Kelso O’Brien

Shadow Minister for Sport and Recreation
Senator Kate Alexandra Lundy

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

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

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

Shadow Minister for Immigration
Anthony Stephen Burke MP

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

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

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

Shadow Minister for Citizenship and Multicultural Affairs
Senator Annette Hurley

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

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

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

Shadow Parliamentary Secretary for Education
Kirsten Fiona Livermore MP

Shadow Parliamentary Secretary for Environment and Heritage
Jennie George MP

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

Shadow Parliamentary Secretary for Immigration
Ann Kathleen Corcoran MP

Shadow Parliamentary Secretary for Treasury
Catherine Fiona King MP

Shadow Parliamentary Secretary for Science and Water
Senator Ursula Mary Stephens

Shadow Parliamentary Secretary for Northern Australia and Indigenous Affairs
The Hon. Warren Edward Snowdon MP
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The PRESIDENT (Senator the Hon. Paul Calvert) took the chair at 12.30 pm and read prayers.

BUSINESS
Consideration of Legislation
Senator ELLISON (Western Australia—Manager of Government Business in the Senate) (12.31 pm)—I 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:

- Long Service Leave (Commonwealth Employees) Amendment Bill 2006
- Parliamentary Superannuation Amendment Bill 2006

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (12.31 pm)—The Greens do not support the Parliamentary Superannuation Amendment Bill 2006 being subject to the cut-off order. It is a matter that should be publicly discussed; it is a matter that ought to have been to a committee. I note that the bill is listed on the Notice Paper for discussion later in the day. It reminds me of 1987, I think it was, when my colleague Gerry Bates was out of the Tasmanian chamber for a few minutes and I was up here on parliamentary business. The two parties in the Tasmanian parliament managed to get through a 15 per cent pay rise in six minutes. I have often thought I should have submitted that piece of self-invested rearrangement of parliamentary business to the Guinness Book of Records but it does seem that it is untoward, to say the least, that we see a bill coming in, a cut-off and a discussion on the same day in relation to parliamentary superannuation. It should be going through the usual course of events.

If the government can explain why this should have priority over other legislation and the business of the nation, then let it do so. My understanding is that this will increase the top-up from taxpayers to new members of parliament to 15 per cent. That is a matter that the government has the numbers on, and it will no doubt get its way, but this clearly is a case of the government running from a public debate on the matter. It ought to be publicly debated. Ought not everybody in the community be getting an equal top-up of their superannuation?

The Greens will oppose the legislation. The process, though, is worse—it is not responsible, and it is not paying due honour to the electorate of Australia. It is not fair to the Australian electorate that, while this piece of legislation will give what could be argued from a number of different points of view a fair advantage to newer members of parliament, it is something the Prime Minister repudiated in the run to the last election; therefore it is an effective dishonouring of an election commitment to the people of Australia that this should be rushed through here in the same day from go to whoa. In fact, I have been here 10 years and I have not seen this process before. And it is what comes of there being a government majority in the Senate. It is an abuse of the Senate, and this process should not be permitted.

Question agreed to.

PRIVACY LEGISLATION AMENDMENT (EMERGENCIES AND DISASTERS) BILL 2006
Second Reading
Debate resumed from 13 September, on motion by Senator Minchin:

That this bill be now read a second time.

Senator LUDWIG (Queensland) (12.35 pm)—I rise today to speak on the Privacy Legislation Amendment (Emergencies and Disasters) Bill 2006. This bill inserts a new part VIA in the Privacy Act to enhance the
information exchange in an emergency or disaster situation. New part VI permits but does not compel the collection, use and disclosure of personal information about deceased, injured and missing individuals involved in an emergency or disaster, whether in Australia or overseas, between Australian government agencies, state and territory authorities, private sector organisations, non-government organisations and others.

Schedule 2 of the bill makes consequential amendments to the Australian Security Intelligence Organisation Act 1979. The need for these measures to address the practical issues faced by government agencies, the private sector and non-government organisations in times of emergency or disaster situations was highlighted during recent experiences, including September 11, the Bali bombings, the 2004 Asian tsunami and the evacuation of Australians out of Lebanon. While schedule 3 of the Privacy Act 1988 contains provisions that allow for the disclosure of personal information in times of emergency and disaster, the structure of the act is such that it is expected that these provisions will be applied on a case-by-case basis after careful analysis of the circumstances.

Recent emergencies and disasters highlighted the difficulties of applying these provisions with confidence during large-scale emergencies. In its review of the private sector provisions of the Privacy Act 1988, the Office of the Privacy Commissioner considered the issue of balancing the flow of information and privacy considerations during times of large-scale emergencies and noted:

The scale and gravity of large scale emergencies have tested the application of the Privacy Act and raised questions as to how privacy protection should operate in such situations. The Privacy Act received criticism in the media after the tsunami disaster for lacking commonsense and for being unable to anticipate and cope with the extent of the tsunami disaster.

Evidence to the OPC inquiry and to a subsequent inquiry into the Privacy Act 1988 by the Senate Legal and Constitutional References Committee revealed that some government agencies and private sector organisations adopted what can only be described as an overly cautious approach to interpreting the Privacy Act, impeding effective and timely assistance to Australians caught up in emergency situations.

The OPC’s March 2005 review, for example, highlighted the difficulty faced by airlines in the aftermath of the 2004 tsunami, when many Australians contacted them to find out whether those who were believed missing had continued flying after the tsunami hit. The Senate Legal and Constitutional References Committee report also noted similar evidence from the Department of Foreign Affairs and Trade, DFAT, and from the Australian Red Cross in relation to the Privacy Act’s impact on information-sharing on response and recovery in emergency situations overseas.

DFAT noted that the privacy legislation had restricted its ability to coordinate a whole-of-government response to these crises and that it particularly impeded its ability to access personal information held by other government agencies to help in its location, identification and assistance efforts, to provide personal information to other government agencies directly involved in the crisis response and to provide personal information to other government agencies to ensure that inappropriate actions, such as those concerning Centrelink payments and the like, were not taken against affected Australians.

DFAT noted its difficulty in accessing information from private sector organisations, particularly airlines and travel agencies, whose records would be useful in locating Australians. The submission by the Australian Red Cross to the committee highlighted
difficulties experienced by the organisation in the aftermath of the 2002 Bali bombing. The ARC, for example, was unable to access lists held by DFAT of deceased, injured or missing persons nor was it able to share its own list of deceased and injured persons. The ARC noted that the organisation had to seek individual client permission to share even basic information about assistance provided. It observed that many affected Australians suffering injury and trauma expressed surprise and concern about having to provide the same information to many different agencies and, quite frankly, did not understand why this information could not be provided once and then shared across relevant agencies.

The OPC review and the Senate committee report both made a number of recommendations to address these difficulties. While the bill addresses the issue raised by both of these reviews, it does not act on the specific recommendation of the OPC as endorsed by the Senate committee. Rather than amend existing provisions to deal with emergencies and disasters through temporary public interest determinations made by the Privacy Commissioner, as recommended by the OPC, the bill inserts a new part and framework into the Privacy Act.

The bill covers both government agencies and private sector organisations and addresses information-sharing between government agencies in emergency situations as recommended by the Senate committee. Recent events where difficulties were experienced not only by departments and agencies such as DFAT, organisations such as the Australian Red Cross and travel related industries such as airlines but also by Australian families caught up in these tragedies demonstrate that these amendments to the Privacy Act should not be delayed.

Labor understands that the Attorney-General’s Department consulted extensively with stakeholders in drafting this bill and notes that most submissions to the Senate Standing Committee on Legal and Constitutional Affairs examination of the bill expressed broad support for the proposed amendments. Labor is satisfied that the proposed laws offer greater assurance to both government agencies and private organisations that personal information may be lawfully disclosed and exchanged during times of emergency or disaster either at home or abroad. This legislation will further ensure that assistance and relief to victims and their families will not be unduly delayed or complicated by privacy concerns.

I will now turn to some of the specific provisions in the bill. Time will not permit me to deal with all but perhaps some of the more important or cogent ones. Schedule 1 of the bill inserts a new part VIA in the Privacy Act 1988. The new provision in part VIA will operate only upon the making of a declaration under clause 80J or clause 80K that an emergency or disaster has occurred in Australia or overseas. These provisions specify that the emergency or disaster must have occurred. A declaration cannot be made in respect of an imminent event or warning.

Clause 80J provides the preconditions for the declaration by the Prime Minister or the Attorney-General of an emergency or disaster in Australia. Clause 80K provides the preconditions for the declaration by the Prime Minister or the Attorney-General in consultation with the Minister for Foreign Affairs of an emergency or disaster outside Australia. The requirement for the Minister for Foreign Affairs to be consulted in relation to events outside Australia reflects the sensitivity to diplomatic relations with other countries—an approach which Labor concurs with. According to clause 80L(1), an emergency declaration must be in writing.
and signed by the person making the declaration and it has effect from the time at which it is signed.

Clause 80M provides that an emergency declaration cannot be retrospective. It has effect from the time at which it was signed. Clause 80L(2) requires that an emergency declaration must be published on the Attorney-General’s Department website as soon as practicable after it has taken effect and by notice published in the Gazette. Clause 80N provides for when declarations cease to have effect. The Senate Standing Committee on Legal and Constitutional Affairs recommended that a maximum period of 12 months should apply to a declaration of emergency under clause 80J and clause 80K. We understand somewhat belatedly that the government has proposed amendments to reflect this recommendation, and I will deal with those in the committee stage of the bill.

However, it does bear comment that the Attorney-General’s Department realised that what was proposed in the recommendations was worthy of support. Therefore, we are surprised that it took them so long to get to that place and also to ensure that, if they are going to read committee reports and pick up any recommendations, it is necessary for them to signal at the earliest possible time that they intend to do that. The simple courtesy of contacting the office of the shadow minister for the Attorney-General and letting them know that these amendments are to be forthcoming might make the passage through both houses of parliament a little easier, rather than just dropping the amendments in here and expecting us all to read them and work out that they relate to those recommendations and are a true reflection of them. If they have departed from them, then they can take that up as well. We will look carefully at the amendments during the committee stage of the bill.

The making of an emergency declaration under clause 80J or clause 80K triggers the operation of new part VIA. Clause 80R(1) provides that part VIA of the bill has a broad operation and is not limited by any other secrecy provisions in the law of the Commonwealth unless that secrecy provision expressly excludes the operation of 80R. Importantly, clause 80R(2) provides that nothing in the part compels the collection or use or disclosure of personal information; it is simply a permissible act. The decision to disclose personal information will remain at the discretion of the individual agency or organisation.

Clause 80H defines the meaning of ‘permitted purpose’. Clause 80H(2) provides examples with that limitation of the types of situations in which the collection, use and disclosure of personal information may be authorised under clause 80P. We note that the Senate Standing Committee on Legal and Constitutional Affairs recommended that clause 80H(1) be amended to limit ‘permitted purpose’ to a purpose that directly relates to the Commonwealth’s response to an emergency or disaster. We also understand that the government has proposed amendments to this effect. As I said, we will deal with those during the committee stage.

Clause 80H(2)(e) confirms that a disclosure of relevant information to a person responsible, as defined in National Privacy Principle 2.5 of the Privacy Act, for the individual involved in the emergency or disaster, is a permitted purpose under part VIA. According to the explanatory memorandum, this clause addresses the concern that people, such as relatives, could be denied information regarding the welfare of family members because of concerns about the application of the Privacy Act. This provision takes up the OPC’s recommendation to enable disclosure of personal information to a ‘person responsible’ in times of emergency, but it has
not extended or clarified the definition of ‘person responsible’ in National Privacy Principle 2.5.

We are concerned that there is no mechanism providing for the number of family members who may come within the definition of ‘person responsible’ under National Privacy Principle 2.5. It may be preferable in such situations for one such person to be a nominated individual, rather than for information to be disclosed numerous times—or it may be vital that all can have access. That is a matter that needs to be looked at further. In addition, National Privacy Principle 2.5 appears to define ‘person responsible’ for the purposes of 2.4, relating to the disclosure of health information, and therefore may require amendment if it is for this wider purpose. We urge the government to address these concerns.

Clause 80P(1) permits the collection, use or disclosure of personal information relating to an individual if the person, agency or organisation collecting, using or disclosing the information reasonably believes that the individual may be involved in the emergency or disaster; and the collection, use or disclosure is for a permitted purpose. Clause 80P(1)(c) deals with who government agencies may disclose personal information to. There are a couple of other provisions. Time will not permit me to deal with some of the other matters in detail.

Clause 80P(2) ensures that an entity is not liable for contravening a secrecy provision by using or disclosing personal information—it is important to ensure that the legislation contains that safeguard—unless the secrecy provision is a designated secrecy provision. A designated secrecy provision is defined in clause 80P(7) to include secrecy provisions binding the Inspector-General of Intelligence and Security. In that way we ensure that there are reasonable safeguards in the legislation. It also does not exclude, but deals with, the secrecy issues that sometimes, unfortunately, arise. Clause 80P(3) provides that an entity is not liable for contravening a duty of confidence in respect of disclosing personal information where authorised to do so by clause 80P(1). The department has advised that this most commonly would relate to the common-law duty of confidentiality to which banks are subject.

Clause 80Q creates an offence for unauthorised secondary disclosures. The government is proposing to put in place a scheme where you can protect the information that is disclosed and also protect any secondary disclosure. It is also intended to ensure that the bill has its widest possible operation, consistent with Commonwealth and constitutional legislative power. As such, we have clause 80S, concerning severability. Clause 80T concerning compensation for acquisition of property is, according to the EM, ‘the standard constitutional safety net provision’. It is comforting to see that the government has sought to ensure that that is there. The Auditor-General’s Department advises that, although it is not expected that the new part VIA will result in an acquisition of property within the meaning of that expression in the Constitution, clause 80T was included on advice from the AGS—perhaps with an overabundance of caution, given that it was the Australian Government Solicitor. This seems an inappropriate provision in this bill and we cannot understand why it is here, even out of an abundance of caution. It seems a little inappropriate, but maybe we will get an opportunity at the committee stage to question that further.

Schedule 2 of the bill is a consequential amendment to section 18(3) of the Australian Security Intelligence Organisation Act 1979, which provides for circumstances where the Director-General of ASIO, or a person authorised by the director-general, may communicate information that has come into
the possession of ASIO in the course of performing its functions under section 17 of the ASIO Act. It adds a paragraph which enables ASIO to disclose information where an emergency is declared under schedule 1 of the bill, to ensure that their work continues.

Labor believe that our privacy laws need to strike a balance between the value of sharing information for the benefit of individuals and the wider community and the privacy considerations that protect an individual’s personal information. It is important that the need for efficient responses to emergency and disaster situations are balanced by laws and systems that protect personal information from misuse. Labor support this bill. We believe that the measures it contains effectively strike the delicate balance that is needed. We commend the bill.

Senator BARTLETT (Queensland) (12.53 pm)—The Democrats have significant concerns with the Privacy Legislation Amendment (Emergencies and Disasters) Bill 2006. On the face of it, the justification given sounds perfectly reasonable—modifying privacy laws to ensure that they do not impede our ability to respond to major emergencies and disasters. Nobody could be concerned about that, but the big question is whether this bill does that and whether it does it to the minimum extent necessary or whether it is in fact being used as a Trojan Horse for dramatic weakening of the Privacy Act.

The Boxing Day tsunami and the Bali bombings were unquestionably major disasters—tragedies on a scale which, thankfully, we do not experience often in this county. The pain of those disasters is still with us in the hearts and minds of our population. We have had natural disasters in Australia before—Cyclone Tracy, the Ash Wednesday bushfires and a number of others—but the Bali bombings and the tsunami disaster not only were significant in scale but took place overseas, in some ways making them even more traumatic, making our ability to respond more difficult for reasons of distance. The need to operate in different jurisdictions, working with other governments and agencies of other nationalities added unique difficulties. We can all appreciate the anguish of families and friends seeking information on the whereabouts and news of their loved ones. And we can appreciate the difficulties of organisations attempting to help those caught up in the disasters, as they had to contend with both the sheer number of people involved and the mounting of assistance operations across international borders in circumstances of significant chaos.

We would all like to assist where we can in these times of emergency and appreciate the need for individuals and aid agencies to access necessary information. In these traumatic situations, Australians expect information to be accessible in order to assist in the disasters. They expect no less information than necessary but also no more than needed would be made available.

The Democrats believe that with small changes to our current privacy laws we can achieve what is necessary. We should remember that the current law already permits personal information to be used and disclosed in particular circumstances where individuals’ lives and health are at risk and in circumstances of national emergency. We support any minor modifications to our existing legal regime that would help facilitate the location of and assistance to Australians in these situations without undermining the central protections of our privacy laws.

The key question is: does the bill before us achieve this? The government will tell the Australian people that it does. If the problem as recently experienced by some aid organisations following the Bali bombings was to
gain ready access to information about individuals to the extent necessary to assist them, then this bill does not achieve that. This bill allows the Prime Minister or Attorney-General, with the stroke of a pen, to dispense with all our privacy protections not only for tsunami or bomb situations but for any reason he or she may consider to be of ‘national importance’.

The government response in the form of this bill, in the view of the Democrats, goes well and truly over the top. It risks washing away significant parts of the privacy protections, which, it should be remembered, have taken a long time and a lot of effort and urging to put in place. It washes away those protections far beyond what the Democrats believe is necessary. Rather than start with the privacy structures already in place and take away only what is necessary to achieve the very precise and limited purpose, the government, in typical fashion, have thrown away all the privacy protections and merely added back some minimal and inadequate protections, putting all the power for doing so in their own hands.

The Democrats have a long history of fighting for the rights of individuals to privacy back to the days of former senator the late Janine Haines in the 1980s. This is a fundamental human right. I note that some members of the current coalition contest how valid the right to privacy is. It is certainly something the Democrats still believe is a basic and valid right which we should protect.

The Privacy Act itself highlights—indeed, it starts by reminding us—that Australia is a party to the International Covenant on Civil and Political Rights. This underlines the importance that the right to privacy holds in a democratic society like ours, one that seeks to uphold civil and political rights. We should not limit or remove those rights except in particularly dire circumstances and then only the minimum amount considered necessary to deal with the situation. I do not believe that Australians want to be exposed to ongoing potential breaches of their privacy for extended periods of time in a circumstance determined only by the Prime Minister or the Attorney-General of the day, and that is what this bill does. It is a blanket approach to curtailing the fundamental rights in relation to privacy, beyond what is necessary, which tips the balance in favour of government against the individual.

None of this should in any way be used to suggest that the Democrats do not recognise that there have been some difficulties experienced by aid agencies in getting access to information in times of disaster, but I draw attention to the evidence given by the Australian Privacy Foundation to the Senate Standing Committee on Legal and Constitutional Affairs examining this legislation. They said:

... examples given of the Privacy Act preventing sensible use of personal information are due either to a wilful or inadvertent misunderstanding of the Act, which would be best addressed through better short-term communications and long-term education rather than wholesale changes to the privacy protection framework in the Act.

In other words, in many cases the examples that people have given where they are saying that the existing act prevents sensible use of personal information are due to the fact that they do not understand the provisions of, and existing exemptions within, the act as it currently is.

There are already far less drastic means by which we can address the situation. For example, it is currently possible for the Privacy Commissioner—who is an independent officer, not a politician—to make a public interest determination where, after considering all competing issues, the commissioner considers whether the public interest in doing the
act or engaging in the process ‘outweighs to a substantial degree’ the public interest in adhering to the Information Privacy Principles. Why can’t such a process, with a definitional guide that acknowledges what protection is being given up in a specific circumstance, be modified for emergency situations? There is no such guide at present in the emergency regime that the government is seeking to put in place.

Let us compare further. Currently, the Privacy Commissioner, in making a public interest determination, is required to give reasons, but under the declaration process that the government wants to put in place neither the Prime Minister nor the Attorney-General are required to give any reasons. All they need to say is that in their opinion this is a matter of national importance or national emergency. Let us draw comparisons with what is unfortunately a growing number of examples in other areas in the Attorney-General’s purview or areas like migration. There is, sadly, a growing number of areas where ministers can just make determinations or declarations, say it is in the public interest or the national interest and not need to give any reasons at all—just simply say: ‘It is because I say so.’ I do not believe, and the Democrats certainly do not believe, that that is adequate protection. The current regime also requires the commissioner to specify a time period for which a public interest declaration is to be in force. Limiting the time is something that the Prime Minister or the Attorney-General is not so adequately obliged to do by the declaration process contained in the legislation before us.

To give another example: another process for addressing emergencies that we currently have in place would begin by leaving the privacy regime and existing protections in place but suspending the effect of sanctions for breaching the privacy provisions—effectively, providing for exceptions in cases of national emergency. This already exists under section 23YUF of the Crimes Act, where the minister has the discretion to determine any situation to be an incident appropriate for the usual sanctions to be suspended. The Bali bombings are a specific example of one such incident. Why is it not possible to utilise these existing sections, which already—and quite reasonably, I might say—allow for part of our laws to be overridden where there is a genuine emergency?

Certainly, some aid organisations which gave evidence to the so-called ‘Big Brother’ inquiry expressed frustration that, following the Bali bombing and tsunami incidents, some organisations were still reluctant to disclose details of names, dates, actions and personal details of individuals, and this occasionally added to the difficulties in tracking down and assisting victims and their families. It should be emphasised that there were a lot of much larger difficulties that also impeded that important task. It must be emphasised that these incidents were of an enormous magnitude and a relatively uncommon type. The appropriate and proportional response is to allow limited circumstances for departure from our privacy regime for such uncommon and limited situations.

I do not believe that the departures contained in this legislation are very limited at all. I think they are quite disproportionate. The government’s bill will insert a whole new part into the Privacy Act, a whole new regime that can be implemented in place of our current regime at the stroke of a pen. The bill before us will allow emergencies to be declared in any type of situation that the Prime Minister or Attorney-General considers to be of national significance. The lack of definition or constraints around that do cause concern. It is worth noting that the government has explicitly included the words ‘assisting with law enforcement’ as a single
legitimate permitted purpose for the purposes of such a declaration. How convenient it is for the government to be able to dispense with all manner of privacy protection for individuals when enforcing the law following a disruption that the government considers significant.

I believe that Australians should be concerned about the new power this gives to the Prime Minister and the Attorney-General—and to all future prime ministers and attorneys-general. Australians should be concerned about the capacity of government agencies, organisations and individuals to disclose and use their personal information in these as yet unknown circumstances and for potentially very significant amounts of time. Furthermore, if you, as an individual, have had your personal information disclosed by and to other entities, the government, in this legislation, has conveniently overlooked the need to destroy such information once the disaster is over or the information is no longer needed for the specific purpose at hand. It provides an open door to abuse of an individual’s privacy, all for the sake of government convenience.

I can understand the attraction for the government in having it made convenient and easy for them, but that is precisely why we have protections like these in the first place. It is always more convenient for government to not have to worry about these sorts of constraints and requirements for protecting citizens’ rights. That is inevitably the case. Again, I can point to a range of examples, both in Australia and amongst some of our allies overseas, where governments have seen great benefit to themselves in being able to work around or ignore the so-called constraints that ensure that the rights of individuals are protected. There are always those constraints, but they are meant to be constraints. They are there precisely because history shows us time and time again that, if you do not have the constraints, governments will abuse their powers. That is not particularly having a shot at this government; it is a simple inevitability. It is the nature of government, particularly for governments that have been in place for a prolonged period of time, to not respect the individual rights of citizens unless there are constraints in place that require them to do so.

Instead of addressing problems encountered during disasters and emergencies, the government has created a privacy disaster situation. The Democrats’ preferred approach would have been to modify only what is necessary under the existing privacy legislation structure, but we are not in a position to implement our preferred approach here; instead, we will be seeking to move amendments to the legislation in the committee stage of the debate to try to address some of the wrongs against our basic civil rights that arise under this bill.

It is worth emphasising that passing this bill unamended does not mean that the current government will automatically breach those rights. It does not mean that I am alleging that there is some devious, nasty, hidden plan where the government is just waiting for this bill to be passed so that it can leap forward into the breach and immediately start abusing privacy rights. But the legislation does, completely unnecessarily, open a significant loophole that will allow any government—future governments as well—to avoid complying with basic privacy rights if they happen to believe at the time that it is convenient or necessary. And what might seem necessary to a government is often very different from what might seem necessary to the wider community.

A balanced solution is possible—one that addresses the concerns of aid agencies and victims in times of emergency while protecting the Australian population from the over-
zealous dismantling of our privacy laws merely for government convenience. Again, I remind the community that it took a long time to put these privacy laws in place and it has taken a lot of effort to get them strengthened to the point they are at now. Of course, there are still inadequacies with those laws. Not least is the fact that political parties are not required to comply with the privacy laws. That is a perfect example of how political parties have chosen to exempt themselves from inconvenience. We in the Democrats try to ensure that we operate in a way that complies with the privacy laws even though we are exempt from them, because we believe that, in principle, political parties should be required to comply with them. It is an inconvenience—there is no doubt about that—but I think the Australian community would judge that it is an important or necessary inconvenience as a way of ensuring that people’s privacy rights are protected, or at least maximising the prospect of that.

If the government has been criticised for its slow response to emergencies in the past, I do not think that it can seriously blame the Privacy Act for that. A much better place to look is in its own internal procedures for responding promptly. It should have done that before invoking such a radical and unnecessary regime to deal with emergencies. We also need to recognise that in emergencies such as those I have been describing it is very easy to just point to the Privacy Act or some other piece of regulation and say, ‘That’s the problem there; it’s not our fault; it’s something else.’ We need to recognise that these circumstances, precisely because they are disasters, are inevitably chaotic. While that should not be used as an excuse for a slow response, we also need to recognise and accept across the political spectrum that we do not immediately leap in and start criticising agencies, whether government or otherwise, for failing to respond instantly. Sometimes that is just not possible; sometimes responding in a slightly more measured but well thought through way will lead to a much better long-term response than immediate and instant action for the sake of making it look as though action is happening.

On balance, this bill tips the balance too far against the individual in favour of restoring some of the ‘Big Brother’ power to government. I do not believe it is necessary in the circumstances. The Democrats will seek to remedy the situation, at least somewhat, via amendments in the committee stage.

Senator ELLISON (Western Australia—Minister for Justice and Customs) (1.13 pm)—I thank senators for their contribution to the debate on the Privacy Legislation Amendment (Emergencies and Disasters) Bill 2006. This is an important bill. It is important because it amends the Privacy Act and makes consequential amendments to the Australian Security Intelligence Organisation Act.

The bill enhances information exchange between Australian government agencies, state and territory authorities, private sector organisations, non-government organisations and other bodies in an emergency or disaster situation. We have seen that happen with recent events, and I will not go into those at length; other speakers have canvassed the Bali bombings, the tsunami disaster and other emergencies which have required an immediate response from Australian authorities. I just want to say at this point that the response is required in a substantial form, not just for cosmetic reasons, as some might say. In fact I would totally reject that. When you have a disaster, you need to respond in a whole-of-government sense and you need to have that exchange of information between the agencies.
How does this interact with privacy in the privacy legislation? It is interesting. When you look at the evidence given to the Senate Standing Committee on Legal and Constitutional Affairs, which looked into this bill, you see that the Office of the Privacy Commissioner considered the issue of balancing the flow of information and privacy considerations during times of large-scale emergencies. It noted:

The scale and gravity of large scale emergencies have tested the application of the Privacy Act and raised questions as to how privacy protection should operate in such situations. The Privacy Act received criticism in the media after the tsunami disaster for lacking commonsense and for being unable to anticipate and cope with the extent of the tsunami disaster.

That came from the Office of the Privacy Commissioner. It was a concern that was echoed in the evidence given to the Senate Standing Committee on Legal and Constitutional Affairs—that is, we need to do something to address this need for exchange of information during an emergency. That is precisely what we are doing here.

I commend the Senate Standing Committee on Legal and Constitutional Affairs for its work. In fact, as a result of that report the government will be putting forward two amendments in the committee stage. I will not go into those details; I will leave that for the committee. But there are a number of issues that were raised by Senator Ludwig and Senator Bartlett, and I feel I need to address those in my speech in reply.

Senator Ludwig talked of the lack of notice given in relation to these amendments. As I understand it, the Senate committee reported last Thursday. The government then obtained approval for amendments to be made. They were circulated yesterday. I understand the Attorney-General spoke with the shadow Attorney-General’s office in relation to that, but that could not be done until policy approval had been obtained. What we had was a fairly quick consideration of the committee report, a response from the government and communication of that to the opposition.

Senator Ludwig also inquired as to the way we were couching this amendment in relation to the legislation that is in existence. Consideration was given to amending the Information Privacy Principles and the National Privacy Principles in the Privacy Act, as these principles govern the collection, storage, use and disclosure of personal information. However, the proposed amendments do not lend themselves to a simple amendment of these IPPs and NPPs, and the government thought it would be much clearer if a new part VIA was inserted in the Privacy Act to comprehensively deal with information exchange in an emergency or disaster situation. That deals with the point that Senator Ludwig makes as to how we have framed this amendment. We believe it is much clearer to have a new part VIA inserted in the act.

Senator Bartlett queried why this bill is needed when the Privacy Act already has exemptions which allow for disclosure of information in an emergency or disaster situation. Certainly disclosure of personal information in an emergency or disaster situation is permitted, but only if consistent with the Privacy Act. Some agencies and organisations take an unduly restrictive view of this; certainly that has impeded them in relation to the exchange of information in a disaster or an emergency situation. In an emergency, there simply may not be the time to resolve any potential privacy issues and apply the Privacy Act on the case-by-case basis that is required.

Of course, we have already gone over the fact that this delay in the exchange of information and in the response by government
authorities, which is so important, can cause trauma to the families of victims. We believe these amendments provide a clear and certain legal basis for the collection, use and disclosure of personal information about deceased, injured and missing Australian individuals in an emergency or disaster situation. This gives a clear direction to those authorities, which is so needed in these events.

The other point raised by Senator Bartlett was the question that we were in some way displacing the Privacy Act or doing away with it. This bill provides for an emergency declaration; it will not displace the usual operation of the Privacy Act. It is a mechanism only for the emergency response for the whole of government, and the proposal to use this declaration is very much one which can accommodate the urgent needs of the situation at hand. We would submit that the public interest determination which can be used in the Privacy Act is too slow. It involves consultation and would simply be unwieldy in a situation where you needed that immediate response. We believe the emergency declaration, as such, is preferable over the current regime but, in other respects, the usual operation of the Privacy Act is not dispelled.

Senator Bartlett also asked why we do not adopt existing declaration mechanisms in other legislation, such as the Crimes Act, instead of creating this new emergency declaration mechanism. Of course there are a number of other mechanisms available in other pieces of legislation. But what senators have to remember is that this is related to an emergency situation, or a disaster, as it applies vis-a-vis privacy considerations. Those other determinations or declaration mechanisms that Senator Bartlett referred to involve different trigger mechanisms and different situations. It really would become somewhat of a muddle if we did not have a specific regime which applied to disasters and emergency situations as they related to the Privacy Act.

That deals with the points I wanted to cover in the speech in reply to the points raised by senators opposite. This bill will assist agencies and organisations in applying the Privacy Act less restrictively and with greater confidence, but it will also maintain those safeguards, which are so important. As I say, the government has two amendments in the committee stage which will reflect recommendations made by the Senate Standing Committee on Legal and Constitutional Affairs. I commend this bill to the Senate.

Question agreed to.

Bill read a second time.

In Committee

Bill—by leave—taken as a whole.

Senator ELLISON (Western Australia—Minister for Justice and Customs) (1.23 pm)—I table a supplementary explanatory memorandum relating to the government’s amendments to be moved to this bill. The memorandum was circulated in the chamber on 16 October 2006. I move government amendment (1) on sheet PJ334:

(1) Schedule 1, item 1, page 4 (line 10), after “that”, insert “directly”.

This is the first of two government amendments, which I alluded to previously. This first amendment will change the definition in the bill of ‘permitted purpose’ so that it is a purpose that directly relates to the Commonwealth’s response to the emergency or disaster in respect of which an emergency declaration is in force. This comes from a recommendation of the Senate Standing Committee on Legal and Constitutional Affairs. The definition of ‘permitted purpose’ specifies the circumstances in which Australian government agencies and certain private sector and charitable organisations may collect, use and disclose personal information
when an emergency or disaster has been declared, in accordance with the provisions proposed to be inserted in the Privacy Act 1988 by this bill.

I mentioned the Senate committee recommendation. That committee found that the original definition of ‘permitted purpose’ was unnecessarily broad, which is why it is being limited to a purpose that directly relates to the government’s response. I believe that this accommodates that recommendation and I commend it to the committee.

Senator Ludwig (Queensland) (1.25 pm)—I know the minister dealt with part of the issue during his contribution to the second reading debate, but I want to raise the issue again. I know you would not do this, Minister, but during the process there was an opportunity for the Attorney-General to consult with the shadow Attorney-General about these matters, and I would encourage them to do that. It certainly makes all our lives a little easier if that happens. If it was the case that it was overlooked or rushed, then perhaps an explanation to the shadow Attorney-General might be in order.

In terms of content, they will deal with it in the House. It seems to go to the issue raised in the committee report. But even on that point, it may underpin that—it does in fact raise the issue of the worth of committee reports to be able to raise these issues and have sufficient time to deal with the legislation and go through it. What we find, of course, is that, having gone through the legislation, we do come up with committee reports which assist the legislative process and, dare I say, improve legislation. It is good to see that the government has sought to pick up those two recommendations and put them in the bill.

Senator Bartlett (Queensland) (1.26 pm)—I want to put on record the Democrats’ support for this amendment. I was remiss in my contribution on the second reading in not acknowledging the contribution and work of the Senate Standing Committee on Legal and Constitutional Affairs on this legislation. Whilst I added in some additional comments of my own to their report, I thought their report did a reasonably good job in the time available. The recommendation which this amendment goes to was a good one. The government’s amendment, whilst it might look fairly minor, does at least limit the circumstances in which an individual’s personal information is used to situations directly related to an emergency. It is a fairly important word being added, in that the permitted purpose for the use of these new provisions is a purpose that ‘directly’ relates to the Commonwealth’s response to an emergency or disaster in respect of which an emergency declaration is in force. That goes some way to at least limiting the potential for abuse. It is an example, yet again, of the importance of the Senate committee process and another opportunity to make the point about how harmful it is to the democratic and legislative process when the ability of Senate committees to do their job properly is constrained.

Question agreed to.

Senator Bartlett (Queensland) (1.28 pm)—I seek leave to move Democrat amendments (1), (2) and (3) on sheet 5095 together.

The Temporary Chairman (Senator Barnett)—Is leave granted?

Senator Ludwig—If you move (1), (2) and (3) together, doesn’t (1) conflict with the one that we just did?

Senator Bartlett—I am just going off the running sheet, sorry.

Senator Ludwig—Democrat amendment (1) conflicts with government amendment (1) on sheet PJ334. You might be better off just dealing with amendments (2) and (3). You just offered support for government
amendment (1), which conflicts with your proposed amendment (1).

Senator BARTLETT—I am happy to go with the chair’s ruling. I was going off the running sheet here, which suggested moving the three of them together. I am quite happy to move just (2) and (3) together.

The TEMPORARY CHAIRMAN—That would probably make more sense, Senator Bartlett, if you are happy to move (2) and (3) together.

Senator BARTLETT—‘Happy’ might be overstating it a bit, but I am certainly prepared to.

The TEMPORARY CHAIRMAN—Thank you.

Senator BARTLETT—by leave—I move Democrat amendments (2) and (3) on sheet 5095 together:

(2) Schedule 1, item 1, page 4 (line 13 and 14), omit “Without limiting subsection (1), any of the following is a permitted purpose in relation to an emergency or disaster:”, substitute “A permitted purpose in relation to an emergency or disaster is limited to the following:”.

(3) Schedule 1, item 1, page 4 (line 24 and 25), omit paragraph 80H(2)(c).

These amendments also go to the issue of permitted purposes and to some of the concerns that the definition of ‘permitted purpose’, as including the purpose that relates even directly to the Commonwealth’s response, is still potentially too broad. It opens up the potential for abuse of a person’s privacy by organisations and individuals that really only have a fairly tenuous connection to the disaster at hand.

The federal Office of the Privacy Commissioner, in their evidence, encouraged further tightening of the definition of ‘permitted purpose’. I think these amendments assist in enabling that to happen by specifically limiting the permitted purposes to what is detailed in the legislation. Currently the wording in proposed section 80H gives a list of ‘any of the following’ as a permitted purpose relating to an emergency or disaster, without limiting proposed subsection (1). I think that saying ‘without limiting’ does just that: it does not limit it sufficiently. Certainly the evidence from the Privacy Commissioner, as I understand it, would suggest that a bit more limiting might be desirable.

Amendment (3) omits proposed section 80H(2)(c), which includes a permitted purpose of assisting with law enforcement in relation to the emergency or disaster. This is in response to evidence given to the inquiry that suggested that this may also be too broad. The acting Victorian Privacy Commissioner commented that the bill relates to enforcing offences giving rise to the emergency or offences committed during the emergency and raised issues relating to who is doing the assisting with law enforcement. ‘Assisting’ could potentially allow any person or organisation not normally officially associated with law enforcement to be able to deal with the personal information.

We believe the law as it stands should remain subject to the current obligations and that there are already sufficient powers of investigation. The submission by the Attorney-General’s Department confirms that law enforcement agencies are already subject to privacy provisions. The Democrats do not believe there is a need to further expand that power or a need to have them included in this section. I also understand that the Australian Privacy Foundation argued that law enforcement and managing the disaster are not entirely consistent with helping individuals in the aftermath of the disaster—that is, the distinction between managing and dealing with a disaster with regard to chasing up information and law enforcement activities. There may seem to be an overlap, but I think there is also a distinction there.
Senator ELLISON (Western Australia—Minister for Justice and Customs) (1.33 pm)—The government is opposed to these amendments on the basis that it still believes that the previous government amendment which was moved deals with this area and that the proposals put by the Democrats are overly restrictive. For those reasons, the government opposes these amendments.

Senator LUDWIG (Queensland) (1.33 pm)—I can indicate to the Democrats, notwithstanding correcting their running sheet, that the Labor Party does not support the amendments. I do understand the point you are making in respect of the misuse of personal information or the potential for misuse of personal information. I think, though, in the area of law enforcement it is unlikely to arise. But then you had the amendment which inserted ‘directly’, and I think that negates the concern. But I do understand the Democrats’ strong issues in this area, and I respect that although in this instance Labor will not be supporting these amendments.

Question negatived.

Senator ELLISON (Western Australia—Minister for Justice and Customs) (1.34 pm)—I move government amendment (2) on sheet PJ334:

(2) Schedule 1, item 1, page 6 (lines 15 to 22), omit section 80N, substitute:

80N When declarations cease to have effect
An emergency declaration ceases to have effect at the earliest of:

(a) if a time at which the declaration will cease to have effect is specified in the declaration—at that time; or

(b) the time at which the declaration is revoked; or

(c) the end of 12 months starting when the declaration is made.

Again, this is a result of the recommendations in the Senate Standing Committee on Legal and Constitutional Affairs report. The Senate committee was concerned that the bill would allow a declaration to specify an indefinite period of operation. This second proposed amendment by the government will adopt the committee’s recommendation so that an emergency declaration made under the provisions of the bill has a statutory maximum period of 12 months. The bill still permits an emergency declaration to specify a period of less than 12 months or be revoked before the expiry of 12 months. I think that having this time limit accommodates the recommendation made by the Senate committee and, indeed, addresses some of the Democrats’ concerns. Of course, they may have another view on that. But we prefer this approach—the 12-month period or less. I commend the amendment to the committee.

Senator LUDWIG (Queensland) (1.35 pm)—I will not reiterate the statements I made in respect of government amendment (1). They are apposite in respect of this amendment. I will not delay the proceedings any further. We will deal with them in the House when this bill comes up as well.

Senator BARTLETT (Queensland) (1.36 pm)—This also links to two further Democrat amendments—amendments (4) and (6). The minister is right. This does address some of the Democrats’ concerns and does come again from the valuable work done by the Senate Standing Committee on Legal and Constitutional Affairs. It does not address all of them, which is why we still prefer the version that we have in our amendments. The effect of the government’s amendment is to put in place a 12-month time limit. We think that is fairly long and we prefer a one-month time limit, which we have in our amendment (6). We appreciate that is not going to get the support of a majority in this chamber.

We also think that there is merit in requiring a declaration to specify a cessation time
in writing. It is currently open for that to be done, but it is not required. If we modify the privacy requirements, protections and laws in a particular circumstance, it would be useful for the people involved to have an idea up front of how long those variations or exemptions are going to operate for, rather than it just being for a period of time that could potentially be negated by a revoking of that legislation. If the time is not specified at the start of the declaration, there is a risk that people who are acting under the modified privacy protection regime will not have a clear understanding of when those changes are going to cease to have effect—unless it is the full 12 months; but the government could come in at any stage part way through those 12 months and revoke that under the provisions. Then you would have to make sure that everybody was aware at that stage that the revocation had occurred. There is more risk there of people perhaps inadvertently being unaware that the modified circumstances—the modified privacy requirements—were no longer applying. That is why we think that the approach of the Democrats is better. Having said that, clearly the government’s amendment is an advance on what is in the bill.

Question agreed to.

**Senator BARTLETT** (Queensland) (1.38 pm)—by leave—I move Democrat amendments (4) and (6) from sheet 5095 together:

(4) Schedule 1, item 1, page 6 (lines 2 to 5), omit subsection 80L(1), substitute:

An emergency declaration must:

(a) specify a cessation time; and

(b) be in writing and be signed by:

(i) if the Prime Minister makes the declaration—the Prime Minister; or

(ii) if the Minister makes the declaration—the Minister.

(6) Schedule 1, item 1, page 6 (lines 15 to 22) omit section 80N, substitute:

**80N When declarations cease to have effect**

An emergency declaration ceases to have effect at the earlier of:

(a) the time of the cessation specified under paragraph 80L(1)(a); or

(b) the time at which the declaration is revoked; or

(c) the end of one month commencing when the declaration is made.

I basically just spoke to these amendments. Amendment (6) is more in conflict with what we just agreed to than amendment (4). Either way, clearly, the government prefers what it put forward. Because I love failing and being rejected so comprehensively and continually, I want another opportunity to lose!

**Senator LUDWIG** (Queensland) (1.39 pm)—I can confirm Senator Bartlett’s view that he has not persuaded the opposition sufficiently for us to support his amendments. We took the lead from the committee report. It made two specific recommendations about this. We otherwise agreed with the content of the bill. The recommendations highlighted two issues that the bill was deficient in addressing. These further amendments that you have proposed have not had sufficient scrutiny. Therefore, on that basis we will not be supporting them. However, when you bring forward amendments (10) and (13), move those separately, because you have persuaded us—unless the government can dissuade us by their argument—that those might in fact deserve support. I do not want to encourage you to make more amendments, but there is an argument that the government needs to address here. Failing the government addressing it, we might offer our support if you move those separately.

Question negatived.
Senator BARTLETT (Queensland) (1.41 pm)—by leave—I now move Democrat amendments (5) and (7) on sheet 5095 together:

(5) Schedule 1, item 1, page 6 (line 11), omit “not”.

(7) Schedule 1, item 1, page 6 (after line 22), after section 80N, insert:

80NA Extension of declaration

Any declaration made under section 80J or 80K may be extended to a specified cessation time.

These amendments deal with the disallowance and extension. The first one takes out the word ‘not’ so that an emergency declaration is a legislative instrument. Currently it is not. This is a protection against potential abuse, albeit a small one. Amendment (7) adds in an extra component so that any declaration made can be extended to a specified cessation time. That means that any extension would also be disallowable.

Question negatived.

Senator BARTLETT (Queensland) (1.42 pm)—by leave—I move Democrat amendments (8), (9), (11) and (12) from sheet 5095 together:

(8) Schedule 1, item 1, page 6 (after line 28), at the end of subsection 80P(1), insert:

; and (f) in the case of disclosure by one entity to another for the purpose of managing the emergency or disaster—the recipient is in a position to act on the information to manage the emergency or disaster.

(9) Schedule 1, item 1, page 8 (after line 17), after paragraph 80P(7)(c), insert:

(ca) sections 19 and 19A of the Census and Statistics Act 1905;

(11) Schedule 1, item 1, page 9 (lines 8 and 9), omit “or a National Privacy Principle”.

(12) Schedule 1, item 1, page 9 (line 16), omit paragraph 80Q(2)(g).

If I understood Senator Ludwig’s earlier hints, he wants me to move amendments (10) and (13) separate from amendments (8), (9), (11) and (12). I foreshadow moving amendments (10) and (13) and will talk to them as well. These deal with issues of disclosure and destruction of documents. They are reasonably self-explanatory, but I will explain them anyway. These amendments insert a new requirement such that in the case of disclosure by one entity to another for the purpose of managing an emergency or disaster the recipient must be in a position to act on that information. That is an extra protection. It requires that the people who get the information be people who can actually do something related to the disaster with that information.

It also specifically inserts the relevant sections of the Census and Statistics Act into the designated secrecy provisions so that it is made clear that census data is added as data that maintains secrecy. That is probably a fairly minor point in one sense, but the Australian Bureau of Statistics did indicate concerns that without this protection the quality of census data could be affected because they rely very strongly on absolute legislative guarantees that people’s information when given in a census will not be used in any other way down the track. The ABS are very particular about always ensuring that, beyond any shadow of a doubt, census data will not be used for other purposes. So this amendment specifically responds to the concern that was expressed.

Amendment (10) seeks to put in a substitution to the existing clause 80Q(1)(b), which concerns a person committing an offence if they subsequently disclose personal information. This expands that somewhat to cover people who use the personal information for purposes unrelated to the emergency under the declaration or disclose that information. It tries to make it clear that, for peo-
ple who get information, it still would be an offence for them to use it for purposes that clearly have nothing to do with the emergency at hand. We do not believe that that protection is provided for adequately in the bill.

Amendment (11) makes a slight amendment to ensure that disclosures are only allowed for permitted purposes. Amendment (12) removes the ability for disclosure by regulation. Amendment (13) deals with destruction of information. I am pleased to note that the Labor Party have indicated that this is an area that gives them concern also. As I understand it, it is linked to views that were raised during the Senate committee inquiry, so I presume it is not something totally out of the blue to the government. It relates to the destruction of information and, as stated in the wording, it requires that information obtained in response to an emergency declaration under these new provisions must be destroyed within one month of the declaration ceasing to have effect unless the person to whom the information relates consents to its retention. This is an attempt to deal with what I think was a legitimate question that was asked during the inquiry, which is what happens to information once the emergency or disaster has passed.

Existing national privacy principle 4.2 clearly states that an organisation must take reasonable steps to destroy or permanently de-identify personal information if it is no longer required for the purpose it was obtained for. The acting Victorian Privacy Commissioner recommended that this bill needed a mechanism to adequately deal with the ongoing handling of information when it no longer relates to the emergency at hand. So this amendment is aimed at ensuring that information is only divulged for the purpose of the emergency and that, if there is a need to retain information for a particular purpose well past the immediate time of the emergency, this should be the subject of a declaration to that effect. So it is very specific. Any further retention of information only occurs under specific instructions.

Senator ELLISON (Western Australia—Minister for Justice and Customs) (1.48 pm)—Briefly dealing with each amendment in turn, the government believes amendment (8) put forward by the Democrats is unnecessary. Information can only be collected, used or disclosed if it is for a permitted purpose, and the meaning of ‘permitted purpose’ in clause 80H covers the Commonwealth’s response to an emergency or disaster. We think that covers it.

We believe amendment (11) would undermine the Privacy Act. It would prevent an organisation providing information that it is already legally entitled to provide under the Privacy Act. In essence, an organisation would find itself in breach of the Privacy Act simply because an emergency declaration is in effect. The government cannot support this amendment, nor can it support amendment (9).

However, having said that, the government do understand the purpose of amendment (9)—it is important that ABS secrecy provisions receive appropriate protection. It is important to note that the bill only enables disclosure; it does not require it. The ABS will never be compelled to reveal personal information. The government, however, intend to designate the ABS secrecy provision in the regulations and we undertake to do so. The ABS secrecy provision will be dealt with in regulations—we do not believe it should be dealt with in the act—and we give an undertaking to do that. The secrecy provisions that are included as exempt in the bill are significant because they affect agencies that are completely exempt or partially exempt from the Privacy Act. If they were not exempt in the bill, there may be subsequent
questions as to the impact of the Privacy Act on those agencies.

The final Democrat amendment that we are dealing with here is (12). We believe a regulation-making power is necessary. We need to ensure flexibility so that disclosures that are not covered by subclause 80Q(2) but which are subsequently identified as needing to be addressed can in fact be protected. I think I demonstrated the reason for regulation-making powers in the previous undertaking that I made in relation to Democrat amendment (9). I can foreshadow that the government will oppose Democrat amendments (10) and (13) as well.

Senator LUDWIG (Queensland) (1.51 pm)—Just briefly, Labor have indicated that we will not be supporting the Democrat amendments other than (10) and (13) unless a cogent reason was advanced by the government to persuade us otherwise. However, I think amendment (9) is an important issue for the ABS. I note the government’s undertaking to ensure that the secrecy provisions do not compel the ABS to breach its own secrecy provisions. That will be designated in the regulations and therefore it will take care of that matter. I think that is an important issue, and I am pleased that the government has foreshadowed that and look forward to that regulation.

Question negatived.

Senator BARTLETT (Queensland) (1.52 pm)—by leave—I move amendments (10) and (13), in effect in a foreshadowed way, together:

(10) Schedule 1, item 1, page 8 (lines 32 and 33), omit paragraph 80Q(1)(b), substitute:

(b) the first person subsequently:

(i) uses the information for purposes unrelated to the emergency declared under section 80J or 80K; or

(ii) discloses the personal information; and

(13) Schedule 1, item 1, page 9 (after line 23), after section 80Q, insert:

80QA Destruction of information

Information obtained in response to an emergency declaration under section 80J or 80K must be destroyed within one month after the declaration ceases to have effect, unless the person to whom the information relates consents to its retention.

As I have said, issues relating to the destruction of information are an important part of ensuring people’s confidence, even in the modified privacy regime, and I do not think these amendments would harm the effectiveness of the legislation. I take this chance also to note the government’s commitment regarding Bureau of Statistics and census material. Personally, I cannot see why it would not be more efficient just to put it in the act in order to make it clear rather than to leave it to government commitment to enforce in some way down the track, but I suppose the key part is ensuring that the outcome occurs. I am pleased to hear that, presuming the commitment is followed through with—and I am sure it will be—that is what will happen.

The only other point I would emphasise in speaking specifically to these amendments is that they are based on views that were put forward in the Senate committee process. The New South Wales Council for Civil Liberties, for example, specifically raised concerns regarding clause 80Q. In their view, that clause did not appear to prevent the use of information for an unrelated purpose and they suggested that it be made clearer—and I think the Democrat amendment does that.

When talking about privacy protections, it is important to ensure that public confidence applies. As I said at the start of my remarks on the second reading, it is fully understandable that people would think, ‘There is a disaster on; we don’t want all this annoying
privacy red tape to get in the way of the immediate job at hand regarding flows of information.’ That is understandable. If the existing privacy laws are too restrictive to allow that to happen, the Democrats, as I have stated, support modifying them, but only in as much as is necessary. The other problem is that, if you open them up too widely—I think we need to recognise this also—you can have the same problem occurring for the reverse reasons: people think that there are inadequate protections guarding against their information being used by absolutely anybody for any unrelated purpose purely because the government says, ‘This is a disaster.’ It may mean that they are less likely to provide that information themselves and you then run into the same problem that other people cannot get access to that information and you do not get the free flow of it that is needed to adequately respond.

This is not just a position that the Democrats are taking because of a purist obsession with privacy—we do have a strong commitment to privacy, as I have indicated—but also a matter of practicality. If we weaken the privacy laws too much, you can also put in place a natural reluctance for people to provide information, because they are not going to provide it if they think it will be misused. That is the concern we have. I think amendments (10) and (13) go particularly to those concerns—that the information will not be used for unrelated purposes or at least that there is a penalty in place if it is used for unrelated purposes and also that it is destroyed once it is no longer necessary. They are valuable protections that would actually enhance the stated objective of these changes, which I think we all support.

I do not mean to imply that this whole legislation is some devious conspiracy by the government and that it has some hidden agenda to immediately dive forward and misuse privacy provisions. It is simply not the government taking the opportunity to give more power and more flexibility to itself to do what it feels like in certain circumstances. That is why you have legislative protections in the first place. It is always a balance. Even with the couple of amendments that have been made, I think this legislation still has the balance somewhat out of whack.

Senator ELLISON (Western Australia—Minister for Justice and Customs) (1.57 pm)—The government opposes Democrat amendments (10) and (13). In relation to amendment (10), current paragraph 80Q(1)(b) in the bill is a standard offence provision relating to secondary disclosure and is preferred to the proposed amendment. This amendment by the Democrats will extend the ambit of the clause to secondary use of the information by all recipients. It would go beyond the ambit of the bill and, indeed, the Privacy Act if the recipient were not otherwise subject to the act. That is, it would extend the coverage of the Privacy Act to persons not otherwise covered within the act at this time. This is an offence provision; therefore, in the government’s view, that is quite a serious step.

In relation to amendment (13), the bill does not affect existing archives and records management regimes that exist at the Commonwealth and state levels. We believe that it would be inappropriate to undermine the existing record-keeping systems, including the Archives Act, for these particular purposes. Therefore, we believe that the period sought by the Democrats is inappropriate and that the other regimes in place should be kept.

Senator LUDWIG (Queensland) (1.58 pm)—Just briefly, this matter relates to Democrat amendments (10) and (13). The government has not managed to persuade us why we should not continue to support these De-
There is a concern here, particularly in relation to amendment (13), that information is managed appropriately, even if it is a belt and braces approach because of the type and style of this legislation. It is really necessary to ensure that the destruction of information can be undertaken and effected at an appropriate time, which is provided for in Democrat amendment (13).

Question negatived.

Bill, as amended, agreed to.

Bill reported with amendments; report adopted.

**Third Reading**

**Senator ELLISON** (Western Australia—Minister for Justice and Customs) (2.00 pm)—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

**QUESTIONS WITHOUT NOTICE**

**Nuclear Power**

**Senator CARR** (2.00 pm)—My question is to Senator Minchin, the Minister representing the Minister for Industry, Tourism and Resources. Is the minister aware of the comments by the industry minister, Ian Macfarlane, at the Pacific Basin Nuclear Conference yesterday:

It is certainly possible that within the next 10 years a nuclear power station could begin to be planned.

I ask how the minister reconciles this claim with his position of 21 May:

I cannot see how nuclear power could possibly be viable in this country for at least 100 years.

Can the minister now explain what, if any, changes have occurred to the viability of nuclear power in Australia between May, when he said it would not be viable for 100 years, and yesterday, when Minister Macfarlane claimed that nuclear power station may only be a decade away. What exactly is the government’s formal position on the viability of nuclear power in Australia?

**Senator MINCHIN**—I thank Senator Carr for that question—which, of course, I never anticipated! One thing that we agree on on this side of the chamber is that Australia must have a sensible and mature debate about whether or not nuclear power should play a part in our energy future. The ALP, in contrast, has absolutely ruled out any future at all for nuclear power in this country. It is typical of the Labor Party: stick your head in the sand, ignore the issue, rabbit on about climate change and how the government is not dealing with climate change but, ‘Oh, let’s not talk about nuclear power.’ I am the only one in the history of this country who has been responsible for every part of the nuclear fuel cycle, so I do think I have some knowledge of this issue.

One of the interesting things about this debate and about nuclear issues in this country is that Simon Crean, the then minister, initiated the process of looking for a low-level radioactive waste site in 1992. Fourteen years later we still have to find a site because the intransigence of many on the left of Australian politics has made it impossible even to find a site for low-level radioactive waste.

**Senator Conroy interjecting**—

**The PRESIDENT**—Order! Senator Conroy!

**Senator MINCHIN**—In the light of that, and my personal experience of dealing with those opposite and those down that end—

**Opposition senators interjecting**—

**The PRESIDENT**—Order! Senators on my left will come to order!

**Senator MINCHIN**—In the light of the difficulty that this nation has had in coming to any agreement on the site for a low-level radioactive waste repository for the products
of the research reactor at Lucas Heights, I suspect that my good friend Mr Macfarlane is being somewhat optimistic. I envy him his optimism but I suspect, given my experience on this question and the history of this country, that it could take a little longer before such a nuclear power station could be contemplated.

The important thing is that we have a sensible, mature debate about whether nuclear power should play a part in our energy future. If you are worried about human induced greenhouse gas emissions causing the globe to warm, then you must contemplate, if you are real and serious, the possibility that nuclear power has a part to play in Australia’s future.

Opposition senators interjecting—

Senator MINCHIN—I am asked: what is your policy. Our policy is to make sure that we properly investigate the role that nuclear power may have in this country. That is why we established the task force headed by Ziggy Switkowski—to investigate that very question. The government does not have a policy to have nuclear power; the government has a policy, clearly enunciated, to properly investigate that issue under the expertise of Ziggy Switkowski and to report back to the government on the feasibility or otherwise of nuclear power. And, of course, if there is to be nuclear power in this country, the economic case must be made. At this stage it would be difficult to make the economic case—because this country has a significant advantage in low-cost coal and gas, which supply the mainstay of our base load power.

Nuclear power would have to become significantly cheaper than it is at the moment for it to compete with either coal or gas. However, the economics of these things may change. What Mr Macfarlane was pointing to was the possibility that the economics of nuclear power may well change in the decades ahead. If the government comes to the conclusion, and there is a consensus, that nuclear power has a role to play in power generation in this country it may well be that in 10 years a nuclear power station may commence. I happen to think at this stage that is probably optimistic.

Senator CARR—Mr President, I ask a supplementary question. Is it the case that the minister at the table here, or the minister he is representing, is expressing a personal opinion or a formal position of the government? Given it would appear that Mr Macfarlane has moved to a further stage in suggesting it is the intention of the government to develop nuclear energy, can the minister indicate to the public where the nuclear reactors will be built and where the nuclear waste, whether it be high level or intermediate level, will be stored?

Senator MINCHIN—Unlike the Labor Party, which as I said has stuck its head right in the sand on this issue, we are prepared to have a national debate. That is what we are doing. Our policy is to examine the feasibility of nuclear power in this country. That is what we are doing: no more, no less. But at least we are having the debate—unlike the Labor Party, which has ignored this issue entirely.

Border Protection

Senator JOHNSTON (2.06 pm)—My question is to the Minister for Immigration and Multicultural Affairs, Senator Vanstone. Will the minister advise the Senate of the importance of measures within her portfolio which help protect Australia’s borders? Will the minister further inform the chamber of the potential impact of any changes to current border security measures? Is the minister aware of any policy alternatives?

Senator VANSTONE—Mr President, the good senator rightly asked me a question
about the role of temporary protection visas in Australia’s border protection policies. Border protection is one of the primary responsibilities of any government. When temporary protection visas were introduced, they had a very salutary effect on people smugglers. Between November 2001 and June 2003 there were in fact no boats. It took some time to get to the point where there were no boats, but between November 2001 and June 2003 there were none, and since then we have had a trickle.

People who were using people smugglers have largely stopped using them and have stopped coming through other countries of first asylum to come to Australia. A temporary protection visa is consistent with our international obligations. It is consistent, because people who work with refugees understand that the best possible outcome is that refugees can go home. Some interim protection to reassess the situation and ‘Can you go home?’ is a very sensible thing to do. When return is not possible, permanent protection is offered.

That is what Australia has done for more than 8,000 temporary protection visa holders: permanent protection has been offered. As I said, the result of this policy is that the boats slowed, then they stopped and now we have very few. Now we can take our refugee and humanitarian entrants from refugee camps all around the world, where people have been living, sometimes for 20 years, in places with no running water and no electricity. Now we really can give our places to the people most in need.

The Labor Party used to support this policy. They voted for it. They went to the last election with a temporary protection visa policy. They in fact said that a temporary protection visa policy was a part of orderly migration. Mark Latham said it. Robert McClelland said it. Stephen Smith said it. Plenty more of them said it. Now we are looking at a very dangerous backflip. Tony Burke wants to overturn this policy, and he has made that very clear. What Tony Burke wants to have is a ‘Come on down’ policy: ‘Don’t worry about orderly migration. Just hop in those leaky, stinking, unsafe boats and come on down.’ But it is worse. Tony Burke chose the anniversary of the sinking of the SIEVX to assert that our policy had cost 146 children their lives. This policy has in fact saved lives. It has stopped people getting on these stinking, filthy boats and putting their lives at risk. But Mr Burke chose to say:

The boat we remember being sunk five years ago this week was filled with 146 children for one simple reason. The reason there were so many children was overwhelmingly they had dads in Australia who were not allowed to sponsor their infant children to join them.

I had a look at the committee report, and I will have plenty more to say on this. The committee report does say some interesting things, Senator Johnston. The committee report confirms—and Senator Faulkner will know this because he was on this committee—that there were 70 children on the boat.

Senator Robert Ray interjecting—
The PRESIDENT—Order! Senator Ray, come to order!

Senator VANSTONE—On the anniversary of lots of people, sadly, losing their lives, Tony Burke—

The PRESIDENT—Mr Burke.

Senator VANSTONE—Mr Burke chooses this opportunity to get himself some publicity. (Time expired)

Senator JOHNSTON—Mr President, I ask a supplementary question. Could the minister further expand on what the government is doing in terms of policy to further combat the threat of people smugglers bringing people to our country?
Senator VANSTONE—I thank the senator for the question. I can assure the senator that what we are doing to combat people-smuggling is that we are not for turning. We are sticking with the temporary protection visa policy. We believe it has saved lives. We do not believe it has cost lives. Not one person on this side, and I do not think anybody else on the other side, would have thought to come out on the anniversary of people having lost their lives to assert that 146 children lost their lives because of this policy—a policy that we both supported.

I further checked the report—I have not personally done it but my office has—and I have spoken to people who were on the committee and who were in the committee secretariat, and I am told that no evidence led to indicate that the children on the boat were coming to link up with people who had protection here. I am told that the evidence is that family groups were all coming together—(Time expired)

Skilled Migration

Senator HURLEY (2.12 pm)—My question is to the Minister for Immigration and Multicultural Affairs. Can the minister confirm that her department is investigating allegations that Filipino welders on 457 visas in Brisbane were intimidated and underpaid? Doesn’t this new case join a range of other disturbing cases, including: the use of unskilled labour at T&R meatworks; the underpayment of labour at ABC Tissues; the forced removal of the pregnant wife of a worker; the underpayment of Mr Zhang, the printer; and the sacking of Mr Fu, who had been injured at work? Aren’t these all cases of alleged abuse of the 457 scheme which have been directly raised with the minister, which she has promised to investigate and yet has so far failed to report back on? Given that the minister has said, if questioned about cases of abuse under the 457 scheme, ‘I will make clear what the answer is. I do not think that should be hidden from anybody,’ when will she actually report on the findings of her investigation and what action was taken to enforce the act?

Senator VANSTONE—There are a number of questions there, and I thank the senator for the opportunity to remind the Senate of the benefit of the 457 visa. It is a visa that is of tremendous value to Australian business, because it allows Australian business to quickly seize opportunities, to grow their business, to secure their business and, therefore, to secure Australian jobs. Bill Clinton used to say, ‘It’s all about the economy, stupid.’ And we say, ‘It’s all about jobs, stupid.’ Sooner or later, people on the other side are going to cotton on. Sooner or later, senators opposite are going to understand that just as unemployment has come down under this government so immigration has gone up. We have used the immigration policy to bring skills into Australia to build Australia’s opportunities—

Senator Chris Evans—Mr President, I take a point of order. The point of order relates to relevance. The minister is making no attempt to deal with the very serious question asked of her. She continually seeks to tee off and re-run her lines. It is becoming a real problem in the Senate—ministers making no attempt to answer questions, and immediately turning to abuse. Mr President, I would ask you to draw her attention to the question.

The PRESIDENT—I hear your point of order. Minister, I remind you of the question and remind you that the answer should be relevant. You have three minutes to complete your answer.

Senator VANSTONE—Thank you, Mr President, for your assistance. The question relates to 457 visas and what the department is doing about them. I think the Senate is entitled to know that as at 7 September we
were investigating some 182 employers out of about 10,000 participating employers—that is, around two per cent of employers. The Senate might also like to know that nearly 70 per cent of those investigations have been initiated either by the department or by the 457 visa holders themselves. In 2005-06 we monitored 6,471 sponsors and we site-visited 1,790. A range of allegations have been made. They all take time to investigate—I make no bones about that.

Am I aware that I was asked specifically about the allegations in relation to three Filipino welders? I am aware of those allegations. I was made aware of those allegations by the ABC and then in a subsequent report on the ABC. I was interested to note that the ABC was, apparently, at the house of some of these workers at four o’clock in the morning. If that does not tell anyone that there is a set-up going on here—you don’t usually invite the ABC into your house at four o’clock in the morning—

Senator Carr—If you go to work at four, you do.

Senator VANSTONE—It is not a question of what hours you work; it is a question of whether you invite the ABC into your house. They were allegedly only there for a few hours. I saw the ABC there—rather conveniently—a few hours later when, allegedly, the workers were taking calls from their wives in the Philippines. It was just fortuitous that these things all came together at the time the ABC cameras were there. The allegation is that some workers have been sacked—that is what the ABC says—as a consequence of their deciding to join a union. The department is investigating this. I should say that I had some advice provided from another source just before question time which leads me to conclude that this may be like many of the other allegations raised—ones that need very careful attention.

For example, an allegation was raised with respect to Halliburton: we were told that Indonesian workers were getting paid $20 to $40 a day. That was only their daily bonus—they were getting paid something like A$60,000. Or there is the example of the Czech workers at the Holden plant, who were installing highly specialist equipment. Senator, you can be sure I will be looking very closely at this one.

Senator HURLEY—Mr President, I ask a supplementary question. The minister stated that two per cent of employers sponsoring 457 visa holders are currently under investigation by her department. Doesn’t that equate to 200 employers who are currently under investigation for breaching the laws on 457 visas? Just how many 457 visa workers were employed by these employers, and how can the minister provide a reassurance that the system is properly protecting workers on 457 visas?

Senator VANSTONE—The senator may not have been listening. I gave her the actual number of employers as at 7 September. It may have gone up by now. I indicated it was 182 and followed up by saying that that was about two per cent, or a 98 per cent compliance rate—which I do not assume. But if that were the case it would be a 98 per cent compliance rate, and with any branch of the law that would be a very good compliance rate.

The senator will understand that in any law enforcement activity, rather than checking every single thing, one works on a targeted approach to where there are high risks. That is why when they do random breath testing they don’t put them in back alleys; they put them in places where, and at times when, they believe they will catch people. We have a targeted approach to this. We are happy with what we are doing, but we are always happy to receive any advice from the public. I am sorry that the union has not
taken up the offer to come to us and work with us when questions are raised. The union was specifically written to in September, has not replied and has not—(Time expired)

Poverty

Senator PAYNE (2.19 pm)—My question is to the Minister for Finance and Administration and Leader of the Government in the Senate, Senator Minchin. Will the minister inform the Senate of the important role that good economic policy can play in reducing poverty and expanding opportunity for low-income Australians, particularly in light of the fact that this is Anti-Poverty Week? What steps has the government taken to address poverty and income equality in Australia?

Senator MINCHIN—I thank Senator Payne, and I acknowledge that today is the UN’s Anti-Poverty Day. I noted last week that running a strong economy is probably the most important responsibility of any national government. It is a fact that the main beneficiaries of such a strong economy are those most vulnerable to any downturn. On this side of the chamber we have always held a view that the best and most effective form of social security is giving someone a job. One of our proudest achievements in government is that since we came into office almost two million new jobs have been created. As I noted earlier, the unemployment rate has fallen from 8.2 per cent, when we came to office, to a 30-year low of 4.8 per cent. That has occurred at a time of rising real wages. Real wages have gone up by 16.4 per cent over the last decade, compared to a rise of just 1.2 per cent over all of the previous 13 years.

A strong economy gives governments increased resources to address those in need. Real spending on social security and welfare has risen by 35 per cent since this government came to office. It should also be noted that the strong economy and changes to tax law have seen a big growth in private philanthropy, which now amounts to some $11 billion a year, double what it was when we came to office. Our policies remain highly redistributive. Recent research by NATSEM found that, before any intervention by government, private earnings of the top income quintile are 43 times higher than those in the bottom quintile. Once you take account of tax and benefit programs, that ratio falls from 43 to one, to three to one—a remarkable narrowing. The Bureau of Statistics has also shown that the wellbeing of low-income households has improved over time relative to the wellbeing of high-income households. Between 1994-95 and 2003-04 the real income of high-income households grew by 19 per cent but the real incomes of low-income households grew by 22 per cent, thus narrowing the gap. One of the factors in that has been our very successful and popular $600 per child family tax benefit lump sum. The Labor Party embarrassed itself at the last election by claiming that was not real.

We acknowledge that, while a lot has happened over the last decade, we want to do more and there is more to be done. One of the sobering statistics is that 67 per cent of households where no-one has a job are sole parent households. In around half of those cases the youngest child is older than five. That is why our government is actively investing in improving job prospects for sole parents, encouraging them to seek part-time work.

We should not forget the social policy dimensions in addressing poverty and income inequality. All our efforts to strengthen marriage are aimed at ensuring that children get a chance at a job and at a sound and prosperous life. We strongly believe that a sound grounding in basic literacy and numeracy is really important for that. You can do that only if you have a strong economy and a sound budgetary position. The experience of
the last decade shows conclusively that a strong and flexible economy, creating jobs, generating high real wages and supporting a strong safety net is a fundamental prerequisite for addressing poverty and income inequality.

Immigration

Senator KIRK (2.23 pm)—My question is to Senator Vanstone, Minister for Immigration and Multicultural Affairs. I refer the minister to reports about the case of an Iranian woman and her daughter who were at Curtin detention centre in 2002. Is it the case that the woman and her daughter were the only female detainees in Charlie compound, where they were housed with more than 40 men? Is it also true that the women were kept in the compound for nearly three months after complaining of violence and attempted rape? Can the minister confirm that the Human Rights and Equal Opportunity Commission has now found that the immigration department failed to provide a safe place of detention for the women and that $15,000 in compensation should be paid? Can the minister now indicate whether her department will pay compensation to the women concerned and if so, when?

Senator VANSTONE—There has been a HREOC finding of a breach of someone’s human rights at Curtin Immigration Reception and Processing Centre. I understand that the finding is that the continued accommodation of an adult female detainee in a compound of single adult males in 2002 was culturally insensitive and was inconsistent with her human rights. My department acknowledges the inappropriateness of this accommodation and certainly regrets that it did not take action to move this detainee to a more appropriate compound at the time. There were allegations of assault and at the time these were referred to the Federal Police and to the Western Australian Police Service. After investigation, they were not taken further.

DIMA is soon to trial a new client placement model for the immigration detention service network that will ensure the circumstances of high-risk client groups, including where there may be a history of hostility between certain groups—that certainly can be a problem for us still, not related peculiarly to either Curtin or Woomera which are no longer used—are taken into consideration when determining detention accommodation arrangements and other detention service requirements. DIMA did accept the recommendation that compensation is warranted in this case. Arrangements for payment of the compensation are in progress and I am advised that a letter of apology has been sent.

Senator, I will have a look at your question to see whether you sought any further information which is not in the brief. I cannot see any reason why there would be any that I cannot give you. I will give you everything I can.

Senator KIRK—Mr President, I ask a supplementary question. How many other cases involving the payment of compensation remain outstanding in the immigration department? Has compensation for Ms Cornelia Rau, who was wrongfully detained by Immigration for 10 months, been settled? What action is the minister now taking to ensure that compensation for these other cases is resolved? When will they finally be resolved?

Senator VANSTONE—There would be, I assume, a number of compensation issues under discussion at any one time. I understand the Rau matter, which went to arbitration, is about to be resolved. There were some issues delaying that. I think I have been asked a question on that in this place before, possibly even by you, Senator. Those issues went to whether other people were prepared
to accept the outcome and the risk for the Commonwealth if they were not prepared to. Action was later taken against them and they sought to join the Commonwealth as a party to the proceedings. I understand all that has been resolved and we are not far from getting to the point. I do not welcome paying compensation, because it is an indication that a mistake has been made, but in the sense that it ought to be paid, it should be paid as promptly, efficiently and fairly as it possibly can be.

**Economy**

**Senator Barnett** (2.28 pm)—My question is to the Minister for the Arts and Sport, Senator Kemp. Will the minister outline to the Senate the measures the Howard government has implemented to improve the economic wellbeing of Australian families.

**Senator Kemp**—I thank the senator for that very important question and for his continuing interest in the wellbeing of Australian families. To have such a question from Senator Barnett is no surprise at all. As the Senate knows, helping families is one of the highest priorities of the Howard government. After 10 years of responsible management of the economy, the coalition, I am pleased to say, has delivered unprecedented levels of support, practical benefits and services for families and older Australians. By paying back the $96 billion debt left by the Labor Party we are saving around $8 billion a year in interest payments alone. That $8 billion can now be invested in Australian families. This side of the chamber is committed to helping families find an appropriate balance between work and family. Unlike members of the Labor Party, we make decisions to implement policies that provide real benefits for Australians and families, not just the union bosses.

Australian families, including low-income families, are much better off today. This was one of the themes of Senator Minchin in his response to a question earlier today. We on this side of the chamber know that one of the best ways for Australians to improve their own and their families’ wellbeing and to address disadvantage is through employment. Our policies have built a strong, growing and stable economy and have provided Australians with the opportunities and assistance they need to gain employment. Senator Minchin mentioned the enormous job creation that has occurred since we came into government. The unemployment rate has fallen from 8.2 per cent in 1996 to 4.8 per cent today. Let us not forget that the unemployment rate, which peaked under Labor—I repeat: the unemployment rate, which peaked under Labor—at 10.9 per cent, has now fallen to 4.8 per cent under the coalition government, which is the lowest rate of unemployment since November 1976. Since March 1996, real wages have grown by over 16 per cent. Consider the pathetic growth in real wages in the 13 long years of the Labor government—and Senator George Campbell, I think, in an excellent paper published a number of years ago pointed out the very slow growth in real wages under the Labor government.

The government has very strongly increased its support for families. In the 2006-07 budget, spending on family tax benefit part A, as a result of increasing the income threshold and extending the large family supplement, increased by more than $1.4 billion over four years. Since 1996, this government has doubled assistance to families through the family tax benefit system.

This government has an extraordinarily proud record in assistance to families. It has a comprehensive range of policies, a number of which were mentioned in the remarks by Senator Minchin earlier today. This is a government that knows where it is going. This is a government that the Australian people know is a very strong supporter of families.
have to say that, when they think of the contrast between this government and the government that went before and the policy-free zone of the Labor Party, they know who is on the side of Australian families. *(Time expired)*

**Farms**

*Senator BARTLETT* (2.32 pm)—My question is to the Minister representing the Prime Minister. It relates to the Prime Minister’s comments that ‘we would lose something of our identification as Australians if we ever allowed the number of farms in our nation to fall below a critical mass’. Can the minister indicate what number constitutes a critical mass of farms?

*Government senators interjecting—*

*Senator BARTLETT*—Will the government be using taxpayer funds to ensure that this critical mass is maintained to protect what Mr Howard has called part of the psyche of our country? How does the Prime Minister’s view differ from the justification used by many European countries that their excessive agricultural subsidies are needed to protect their national character and the fabric of their rural communities? Will this desire to maintain a critical mass of farms preclude the government from providing more structural adjustment assistance for those farmers with marginal economic viability and bleak long-term prospects to relocate to other areas or other endeavours?

*Senator MINCHIN*—I think the groans from my side of the chamber in response to the suggestion that we should nominate an exact number of properties or farms were most appropriate. I am sure Senator Bartlett understands the facetiousness of that question. But—to deal with it seriously—Australian farmers are facing a very extended period of quite severe drought. A drought is caused by a lack of rainfall—let us get that right.

*Opposition senators interjecting—*

*Senator MINCHIN*—That is why we have a drought: it has not rained in most of these places for so long. The Australian government recognises that Australian farmers are probably the most efficient farmers in the Western world. They are the least protected farmers in the Western world. They deserve our support at a time like this, a time of extended drought, when their seasons are terrible, when they have no water and when dry-land farming becomes almost impossible because of the lack of rainfall. They need our support.

The situation with Europe is quite different, with great respect to Senator Bartlett. We are dealing with a situation in Europe where we have campaigned for years against the very heavy protection provided to European farmers—and also, may I say, to farmers in the USA—but we should acknowledge, and I would hope that Senator Bartlett would acknowledge, that Australian farmers, without those levels of protection and probably demonstrating, as I said, the most efficient forms of rural practice in the world, are in deep trouble. I think that the Australian taxpayers acknowledge and understand why as a government we believe that at a time of drought like this we should support Australian farmers.

That is not to say that there are not farmers leaving the land every day; no doubt there are. For many it becomes impossible for them, even with our levels of support and assistance, to maintain their enterprises. There are programs, particularly within our Agriculture Advancing Australia program, that provide support and assistance for those who get to the point where they realise that they cannot pursue their farming endeavour any longer. But, for those who wish to continue to farm their land, we are providing support by way of interest rate relief and
family income support to ensure that they can maintain their productive enterprises through a period of exceptional circumstance drought. But I think all Australians should recognise the struggle that Australian farmers are in, recognise their efficiency and their effectiveness, recognise the lack of protection they receive relative to the farmers in Europe and North America and support them in their time of need.

Senator BARTLETT—Mr President, I ask a supplementary question. I ask the minister again: if the justification used for proping up European farmers is, in part, protection of the national character and the fabric of rural communities, why is that inconsistent with what the Prime Minister is now saying is a key goal of his government, which is to maintain a critical mass of farmers to protect part of the psyche of our country? Can the minister also indicate whether, if climate change does demonstrate that lack of rainfall is a long-term problem, the government is going to provide adequate resources to allow proper structural adjustment for people engaged in farming and other activities in rural communities?

Senator MINCHIN—I can only repeat what I said. Given the efficiency and effectiveness of Australian farmers, given the fact that generally speaking they operate with almost no support or subsidy compared with farmers in Europe and North America, given that this is a time of exceptional circumstance—drought—and understanding that Australia has probably always been the most unreliable country in the world, climate wise, to farm in, and therefore farming is a very difficult enterprise—in those circumstances we believe that our farmers do deserve appropriate support while acknowledging that, notwithstanding that level of support, there are farmers leaving the land every day.

Illegal Fishing

Senator SCULLION (2.37 pm)—My question is to the Minister for Fisheries, Forestry and Conservation, Senator Abetz. Will the minister update the Senate on the status of the fight against illegal fishing in our northern waters. What new measures is the government proposing, to assist in this fight? Is the minister aware of any alternative policies?

Senator ABETZ—I thank Senator Scullion for his question and acknowledge his strong knowledge of and longstanding interest in our fight against the scourge of illegal fishing in our northern waters.

Whilst there are still many hard yards ahead, there are increasingly encouraging signs in the fight against fish poachers in our north. Apprehensions of illegal vessels to date this year have reached a record 308—and that is with 2 ½ months of the year remaining. In the last calendar year, we apprehended in total 281.

Significantly, this increased apprehension rate comes before our $389 million package is fully implemented. Some important aspects of the package are now in full operational mode, including particularly the enhanced offshore protection command, which is resulting in increased coordination of our Navy and Customs assets and focus on illegal fishing.

Other significant aspects of the package are yet to hit the water. In particular, Customs—and I acknowledge Senator Ellison’s role in this—is aiming to have the Oceanic Viking style mother ship on the water by January, with tenders currently being assessed. This is a vital component, which has been opposed by the Australian Labor Party, in its normal opportunistic way, albeit supported by state Labor governments. When this ship, plus our commercial charter and long-range, rapid-response helicopter come
on line, I would expect that our effectiveness will be further enhanced, thus making it increasingly uneconomic for fish poachers to risk stealing our fish.

Senator Scullion asked about new measures. I can confirm to the Senate that proposed changes to the Environment Protection and Biodiversity Conservation Act, the EPBC, introduced in the other place last week, will assist further in this fight. These changes will close an existing legislative loophole which currently prevents the detention and prosecution of foreign nationals for offences against EPBC protected species in our exclusive economic zone—species such as dolphins, turtles and dugongs. Currently, fish poachers in our EEZ can be arrested and charged, but poachers of other wildlife cannot unless there is evidence of fish poaching as well. These changes to the EPBC Act are important, sensible measures which should be supported by all sides of politics.

Senator Scullion asked about alternative policies. I would invite those opposite to set aside their opportunistic opposition for opposition’s sake in this area. We saw how they opposed the GST and Work Choices. Everything the government puts up they oppose for opportunistic purposes. Last year those opposite were accusing us of being too soft on illegal fishing. This year they are saying that we are being too tough on illegal fishing. It matters not what one does in this game; those opposite, devoid of their own policies, will simply attack for the sake of attacking. I invite them to put national sovereignty and the national interest first in this important fight against illegal fishing.

Australian Federal Police

Senator LUDWIG (2.41 pm)—My question is to the Minister for Justice and Customs and relates to the minister’s continual claims over the past two months that ‘the AFP has had no trouble in recruiting people’.

Is the minister aware that last night in a Senate committee hearing the AFP admitted that it fell short of its target by 452 personnel last year? Doesn’t this follow shortfalls of 83 personnel in 2003-04 and 123 in 2004-05? Isn’t it the case that many of the shortfalls are in specialist jobs in forensics and intelligence, critical in the fight against terrorism and organised crime? Given this evidence, can the minister indicate whether he stands by his earlier claims that ‘the AFP has had no trouble in recruiting’?

Senator ELLISON—Senator Ludwig should get the quote right. I said that the AFP had no trouble getting quality people to sign up. Let us look at the evidence given by the commissioner last night. He stated that, in July-September this year, 218 new staff commenced with the AFP and that there were plans for a further 737 for the remainder of the financial year. That totals just under 1,000 new staff for the AFP in this financial year. And all of those good people—good men and women—are going to work in the Australian Federal Police. That is record recruiting when you look at the history of the Australian Federal Police. It is something that those opposite should remember.

Senator Chris Evans interjecting—

Senator ELLISON—Senator Evans is interjecting now. He should remember that in 1996-97 the funding for the Australian Federal Police was not even $200 million per annum. Under the Howard government, in 2006-07 it is over $846 million a year. That is the resourcing that we are giving to the AFP.

Let me look at the targeting of the Australian Federal Police. Of course, with deployments to Papua New Guinea, where we had a large number of police deployed—and that was part of our forecast—we had the Wenge decision which caused us to withdraw our police and change our complete approach to
Papua New Guinea. In fact, it changed our forecasting. When you look at the figure that Senator Ludwig has mentioned, it relates to Papua New Guinea and the aviation sector. The vast majority of that 450-odd figure is in the aviation sector and Papua New Guinea, which did not go ahead because of the Wenge decision. In relation to the aviation sector, we are working with the states and territories to have policing at our airports. We have put in place the airport commanders. We have got our joint intelligence teams; we have got our intelligence groups with Customs and others—

Senator Ludwig—When are you going to have them in place?

The PRESIDENT—Order!

Senator ELLISON—What we are putting in place in a progressive way is community policing at airports. That accounts for a large number of that.

Senator Ludwig—When are you going to have all the staff in place?

Senator ELLISON—When Senator Ludwig asks, ‘When is all that going to happen?’ he should address that to the Labor governments of the states and territories that we are dealing with.

Senator Ludwig interjecting—

Senator ELLISON—I tell you what, Tasmania has got its act together.

Opposition senators interjecting—

The PRESIDENT—Order! Those on my left, it is your question. At least listen in some sort of quietness so the minister can make an attempt to answer it. I ask you to come to order.

Senator ELLISON—In the last financial year, with the exception of Tasmanian police at Hobart airport, there was no other state that contributed staff. It was always on the basis that we would work with the states and territories in policing the airports. We had a large number of police to take up those roles, and that has been worked through with the states and territories.

In relation to staffing figures, the Senate might be interested to know that on 30 June 1996 the staffing numbers, including ACT police, were 2,807. Today they are 4,073. This does not even include the APS, which takes the number up to 5½ thousand personnel involved in AFP policing in this country and overseas. The opposition needs to get a hold of itself and look at the history. We have stood by the Australian Federal Police. We have more than tripled funding and we have increased greatly the staff numbers in relation to the Australian Federal Police, both sworn and unsworn. It is in stark contrast to the absolute neglect of the Australian Federal Police under the Hawke and Keating governments.

Senator LUDWIG—Mr President, I ask a supplementary question. Does the minister recall saying in question time on 11 September 2006—and he averred to it in his answer—the Australian Federal Police: … have had no trouble whatsoever in getting quality people to sign up.

Isn’t it now clear that this claim was both false and in complete contradiction to the experience of the Australian Federal Police? Will the minister now stop blustering and do his job by tackling the serious staffing issues in the AFP?

Senator ELLISON—I will say it again: we have just recruited over 200 quality people, and we are about to recruit, in the remainder of this financial year, in excess of 700 quality people. That is record recruiting under the Howard government which never existed under the Hawke and Keating governments. According to the evidence of the police commissioner, the AFP has in excess of 2,000 people who want to join the Australian Federal Police. When the AFP advertises
a position, it is oversubscribed because of the great reputation the Australian Federal Police enjoys in the community.

**Centrelink**

Senator SIEWERT (2.48 pm)—My question is to the Minister representing the Minister for Employment and Workplace Relations, Senator Abetz. I refer to the number of Australian workers who are paid below the federal minimum wage. Is the minister aware that the activity test for Newstart has both an hour’s component and a minimum income component? Is the minister aware that people who work the hours specified by Centrelink, but are paid below the minimum wage, would fail the remuneration test when they come to claim Centrelink benefits? How many people have been breached by Centrelink as a consequence of being paid below the minimum wage?

Senator ABETZ—There were a number of questions, but it coalesced in the last question in relation to the actual numbers. I do not have them to hand in the briefs before me.

Senator Bob Brown—Why not?

Senator ABETZ—I will take the question away and come back to the honourable senator with an answer.

Senator Bob Brown interjecting—

Senator SIEWERT—Mr President, I ask a supplementary question. Does Centrelink report to the Department of Employment and Workplace Relations or any other regulatory bodies when it receives evidence that employers are paying workers below the minimum wage?

Senator ABETZ—In relation to the quite silly interjection from the leader of the Australian Greens, I was trying to be polite to Senator Siewert. The administration of Centrelink falls within the portfolio responsibility of the Minister representing the Minister for Human Services. I very politely said I would take it on board, and we have this barrage of silly interjections coming from the leader of the Australian Greens. I am willing to take the supplementary question on notice as well to see if we can get an answer from the Minister for Human Services for the benefit of Senator Siewert.

**Australian Federal Police**

Senator GEORGE CAMPBELL (2.50 pm)—My question is to Senator Ellison, Minister for Justice and Customs. Can the minister confirm evidence given last night by Australian Federal Police Commissioner Mick Keelty, that there is $275 million in unspent money accumulated by the AFP? Is it true much of this money, which equates to over one-quarter of the AFP’s annual budget, was originally allocated to be spent on new measures to protect Australia’s national security? Can the minister identify the exact security measures and programs that this unspent money was originally allocated to and explain why it has not been spent? Can the minister explain what action, if any, he has taken to ensure that these programs are now delivered in full?

Senator ELLISON—As Senator Ludwig would know, and Senator Campbell might not because he was not at the committee hearing last night, evidence was given that $275 million projected for receivables represented a combination of accumulated operating surpluses, capital funding not yet expended and movements in creditors, lead provisions and the like. The AFP is in the process of giving Senator Ludwig a breakdown of that; it was taken on notice.

The surpluses which were mentioned as a result of the PNG deployment involved a substantial amount of expenditure which was not proceeded with—again, because we had to withdraw from Papua New Guinea.

Opposition senators interjecting—

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CHAMBER
Senator ELLISON—The opposition might have liked the AFP to stay in New Guinea and not enjoy the immunity that we would insist upon our people having when they are serving in dangerous situations. We had to withdraw as a result of the decision in PNG. We had allocated substantial funding and staffing for that task. Because of an unexpected court decision, we had to withdraw in the interests of our own personnel. We did it—and we did it very quickly—because of the issue of immunity.

That brings with it funding aspects and staffing targets, which I mentioned in my last answer. There had been funding allocated which had left funding in place for accommodation and the like in case we could return to Papua New Guinea in the near future. If we had withdrawn that, it could well have been more costly to return to PNG if we were able to renegotiate the Enhanced Cooperation Program. That one aspect provided for an area of unspent funding. There were other areas in relation to the surplus. Of course, one that was explained to the committee last night was in relation to operations by the International Deployment Group.

The opposition do not understand this, of course, but with policing, when you have deployments of this nature and size and you get a change in strategy which is beyond your control, such as the PNG deployment—and in relation to other aspects where you have a very substantial amount of money, such as the aviation security initiative, which requires a whole-of-government approach; and I say ‘whole of government’ deliberately, because you need the state and territory governments on board—then you have a situation where you cannot just deploy federal agents overnight and have that money expended overnight. It takes time to implement those programs, especially when we have had the announcements of the nature that we have enunciated, such as the deployments overseas, aviation security and of course our IDG announcement of just under half a billion dollars. We have never said that would happen in two weeks. That would be totally unrealistic. It happens over a period of time. That is what we have done with our other initiatives.

The commissioner explained clearly last night how those receivables came about. They are giving a breakdown to Senator Ludwig. This is just a shameful beat-up by the opposition. In fact, as I understand it, the commissioner last night endorsed the comments I made in relation to AFP recruitment.

Senator GEORGE CAMPBELL—Mr President, I ask a supplementary question. Minister, when did you first become aware that the AFP was unable to spend the money it had been allocated and did you take any action to rectify the problem? What impact does this serious underspend have on the AFP’s capacity to protect Australia’s national security?

Senator ELLISON—That question shows a complete lack of understanding by the opposition. They equate ‘underspend’ with lack of performance in law enforcement. You only have to look at what the AFP has been doing in this country, with record drug busts, with the work on counterterrorism, with the work on child pornography, with the work overseas and with the work nationally with the Australian Crime Commission and the state and territory police forces. That is how you judge law enforcement—on what it does and not on the dollars that are spent. An underspend does not equate to lack of law enforcement, which is the premise of this question.

The Australian Federal Police has had record funding and it has programs which have gone over a period of time. The Papua New Guinea case is one which we have been aware of and, of course, the AFP has been
returning those funds to the department of finance. It is not just a one-off, one-year expenditure; it is expenditure which goes over a period of time. The opposition is trying to equate underspend with lack of law enforcement. *(Time expired)*

**National Carers Week**

Senator HUMPHRIES  (2.56 pm)—My question is to the Minister for Ageing, Senator Santoro. Given that this is Carers Week in Australia, will the minister inform the Senate about steps the government is taking in Australia to support carers?

Senator SANTORO—I thank Senator Humphries for his question and acknowledge that whenever I talk to carers in the ACT they invariably refer to Senator Humphries with great affection and in particular talk about his support for carers within the ACT. As Senator Humphries has said, this week is Carers Week, and the Australian government acknowledges the enormous work provided by our nation’s 2.6 million carers. The theme of National Carers Week this year is ‘Anyone, Anytime’, in acknowledgement that any one of us could become a carer at any point in our lives. The Senate on Monday unanimously supported a motion cosponsored by Senator Humphries, Senator McLucas and Senator Siewert which acknowledged carers work right across Australia for the people that they care about.

To demonstrate this government’s support for carers, yesterday I announced a $12 million dollar commitment to provide counselling training and education for those who look after elderly and disabled relatives. This is a two-year funding agreement with Carers Australia, an agreement which will help this outstanding organisation improve even further the services it provides to carers across the country.

Before the launch of Carers Week yesterday morning I was delighted to spend some time with the president and CEO of Carers Australia and discuss with them ways government can work with them to even further support carers. To support Carers Week the Howard government has provided $190,000 for activities, including yesterday’s launch, at which the number of my parliamentary colleagues were present. I take this opportunity to thank them, including you, Mr President, for demonstrating their support for Australian carers. These funds are in addition to the millions of dollars provided to the Ageing portfolio as well as to the Human Services portfolio, which provides the carer allowance and carer payment at a cost of well over $2 billion each year. In the Ageing portfolio, funding under one of the key carer support programs, the National Respite for Carers program, has grown more than ninefold to around $168 million in 2006-07.

The Howard government also committed $207 million in the 2005 budget to give carers better choice and access to the respite care that best meets their needs. This included $95.5 million for respite care to assist employed carers continue in their employment, $61 million for overnight community respite to increase respite care in community respite houses and $41.8 million for residential respite funding to increase respite care in aged care homes. We will also be providing nearly $7 million to the national peak body, Carers Australia, for them to continue to carry out the very good work in providing information to support carers, education, training and a more specialised counselling role.

It may be of interest to senators who are not already aware of the fact that one in every eight Australians performs a caring function. We acknowledge them this week and thank them for all that they do. It may also be of interest to senators that over 450,000 carers are in fact the primary care givers for the people that they are looking
after. That is an onerous responsibility which all of them carry out with great dignity and affection.

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

QUESTIONS WITHOUT NOTICE AND UNPARLIAMENTARY LANGUAGE

The President (3.01 pm)—On 12 October I undertook to report to the Senate on a point of order raised by Senator Troeth. Her point of order was that a question by Senator Fielding about stem cell research violated certain prohibitions under standing order 73 relating to questions without notice. The prohibitions to which she drew attention are on questions referring to debates in the current session, questions referring to proceedings in committee not reported to the Senate and questions anticipating discussion on an order of the day or other matter which appears on the Notice Paper. The particular question was not out of order under these prohibitions.

By long-established practice, the prohibitions in relation to debates in the current session or matters on the Notice Paper are interpreted with great liberality because there is always so much unfinished business on the Notice Paper and so many matters which have been debated, such as government documents, that virtually any question would refer to some such item of business. A question is not out of order unless it would restrict the right of senators to speak in a substantive debate on a matter. Also, many of the matters on the Notice Paper will not be reached, so the prohibitions are interpreted with regard to the likelihood of a particular matter being debated by the Senate in the near future. In relation to bills, as I pointed out in response to Senator Troeth, the prohibitions are not applied to bills unless substantive debate on them has commenced and a question clearly seeks to usurp the position of that debate in the order of business.

The prohibition on unreported proceedings in committee refers to proceedings in the Committee of the Whole, not matters referred to standing or select committees. Again, this prohibition is intended to prevent question time taking the place of proceedings on a bill or other matter which have commenced and are still on foot. A senator could not, for example, ask a question about the intention or effect of an amendment to a bill which is currently under consideration in the Committee of the Whole. Questions are not permitted which would interfere with the deliberations of a standing or select committee, but there is no prohibition on questions about subjects which are before such committees. Finally, Senator Fielding’s question was about government funding of stem cell research in general and in any event did not refer to the legislative proposals which are before the Community Affairs Committee.

In the course of a question at question time on 12 October, and in debate on a motion to take note of answers after question time, references were made to a press report about Senator Ian Campbell, and remarks relayed in that report were quoted. Some of those remarks constituted offensive words under standing order 193. The Deputy President, Senator Hogg, who was in the chair during the debate on the motion to take note of answers, drew to the attention of all senators the principle that unparliamentary language cannot be used by way of quoting other sources. This is a long-established rule of the Senate, upheld by presidential rulings and reports of the procedure and privileges committees. I would like to also draw the Senate’s attention to that rule.
QUESTIONS WITHOUT NOTICE: ADDITIONAL ANSWERS

Immigration

Senator VANSTONE (South Australia—Minister for Immigration and Multicultural Affairs) (3.04 pm)—I seek to clarify an answer that I gave earlier today in question time. During question time Senator Kirk asked me about the Rau compensation claim. The answer I gave her confused the Rau and Alvarez compensation claims. I take the opportunity to make it clear: it is the Alvarez claim that we expect to be resolved very shortly. That was done by arbitration. That is all as is. But the Rau compensation claim is not resolved. That is one that was and still is affected by the issue of third party.

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

Immigration

Senator HURLEY (South Australia) (3.05 pm)—I move:

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

Now we know it is more or less official: Senator Vanstone’s department is completely out of control. The disgraceful treatment of Cornelia Rau and Vivian Solon and now the latest and highly disturbing findings regarding the Curtin detention centre show that this minister is not up to the job. It is an out-of-control department run by an out-of-control minister. That is perhaps why the parliamentary secretary, Mr Andrew Robb, rather than the minister has been given the job of overseeing the running of detention centres.

But we must give Minister Vanstone credit for one thing, because she has managed to get one thing right. She has ensured that John Howard’s goal to drive down wages is being achieved through the 457 visa system. Last night there was another example of the way the Minister for Immigration and Multicultural Affairs, Amanda Vanstone, is overseeing a 457 visa system that is completely in control. It is in control because it is driving down wages—in this case from $41,000 to $27,000 for those workers. It is in control because it allows unscrupulous employers to intimidate vulnerable workers, and it is in control because it fits perfectly into the Howard government’s extreme Work Choices legislation.

Instead of admitting this today, we saw the minister criticise the Labor Party’s decision to revise the TP visa at next year’s national convention. What was the Liberal Party’s reasoning for this? Border security. Let us look at a recent example of the Howard government’s history on border security. I would like to draw the Senate’s attention to a report by the Australian about 110 Chinese nationals from China and Hong Kong who entered Australia illegally over a number of years up to March 2000. They illegally obtained citizenship and passports from corrupt Department of Immigration and Multicultural Affairs officials by paying them up to $200,000. The minister then encouraged this immigration racket by allowing these 110 people to keep their passports and their citizenship. It took over six years for this criminal racket to be detected. That does not sound to me like the best border security.

There are different rules for different groups. One group pays people smugglers; the other group pays huge amounts of money to corrupt officials and its members get their citizenship ratified. After all this, the minister has the audacity to come into this place during question time and lecture the Labor Party on border security—a tad hypocritical, I would say. This is from a minister who says that the government’s primary role is in border security.
In the short time that I have left to me, let us have a look at these 457 visa cases. What has the minister said every time that the Labor Party has brought these cases to her in question time? ‘I’ll look into it and get back to you,’ she says. She says that about so many issues when it is clear that her department has not managed its rules and its policies properly. In the case of the holders of 457 visas, how many times so far has she got back to us? Not once.

The Howard government is successfully using its 457 visa program to drive down wages and yet hopelessly failing in the area it declares to be of primary importance: border security. Are the people who are getting their wages pushed down by all this, the skilled workers who are coming to Australia, benefiting? No. Are the workers here in Australia benefiting as the minister says? No, because their wages are getting driven down as well. Every time that one of these skilled workers is brought in and underpaid because the government is not paying enough attention to this program, it makes it harder for Australian workers to get a fair day’s pay for a fair day’s work, to work decent hours for decent remuneration. That is what the 457 visa program is all about under this government. (Time expired)

Senator BRANDIS (Queensland) (3.10 pm)—That rather contemptible speech by Senator Hurley shows how low the Labor Party has gone in this debate about 457 visas. And it is of a piece—as we heard from Senator Vanstone in her answer to Senator Johnston’s question—with the disgusting and dishonest remarks that were made at a doorstep interview this morning by Mr Tony Burke, the Labor Party’s shadow minister for immigration. Remember that Thursday two days hence is the fifth anniversary of the tragedy of SIEVX. On 19 October 2001, a refugee boat sank in international waters south of Java. It contained 397 passengers, of whom 352 were drowned, many of them children. It was one of the saddest episodes in this part of the world in recent history. This is what Mr Tony Burke had to say about it at a doorstep interview this morning: ‘The problem for me with temporary protection visas … is that in terms of having an impact on people-smuggling it actually works the opposite way.’

Senator Ferguson—Rubbish.

Senator BRANDIS—Thank you, Senator Ferguson, and I will come to you in a moment. Mr Burke continued: ‘Once it was introduced, more boats came—the boat that we remember being sunk five years ago this week, filled with 146 children—for one simple reason: the reason there were so many children there was that overwhelmingly they had dads in Australia who were not allowed to sponsor their infant children to join them.’ Wrong, wrong, wrong! Senator Ferguson, who sat with me on the Senate Select Committee into a Certain Maritime Incident in 2002, which exhaustively canvassed the circumstances of the sinking of SIEVX, well knows that each of those propositions is absolutely false.

As the minister pointed out in her answer to Senator Johnston, there was not a skerrick of evidence given to that committee, nor has it ever been asserted, that the overwhelming majority of the children who drowned as a result of the SIEVX tragedy were seeking to join their parents in Australia. That callous, ignorant and untruthful statement by Mr Tony Burke just goes to show how free the Australian Labor Party are with the truth and how they have even been prepared to sink so low as to play fast and loose with the truth about a personal tragedy.

Senator Ferguson—It is absolutely wrong.

Senator BRANDIS—What Tony Burke said, as you interjected, Senator Ferguson,
was absolutely wrong. It is also absolutely wrong, as Mr Burke and now Senator Hurley have suggested, that the 457 visa policy has in fact encouraged unlawful boat arrivals. The truth is the opposite. Since the Howard government adopted in the second half of 2001 the border protection policy administered by the joint task force of ADF personnel known as Operation Relex, what we saw—as Senator Ferguson knows better than anybody else in this chamber—was the sudden surge in unlawful boat arrivals abate. After December 2001, at the end of a six-month period during which there had been approximately a dozen attempted illegal entries into Australian waters by these people at great personal peril, there were none—not one.

Every one of the people who sought to make the Australian shoreline in those suspected illegal entry vessels put themselves and their children in the peril which, tragically, those who embarked on SIEVX suffered. The boats were run by people smugglers. They were leaky fishing boats that were filled beyond capacity and they sailed through choppy seas. They were always a danger to their occupants. The tragedy of SIEVX was bound to happen as long as the people smugglers got the encouragement to believe that they could make it to Australia. What SIEVX tells us is how timely and necessary the Australian government’s policy was. *(Time expired)*

Senator KIRK (South Australia) (3.15 pm)—I rise this afternoon to speak to Senator Hurley’s motion, which refers to answers given to questions asked of Senator Vanstone this afternoon in question time. Senator Vanstone made reference to the government’s system of temporary work visas known as 457 visas. What we have seen over the last couple of days, particularly in a story that emerged yesterday, is yet another example of foreign workers, in this case workers from the Philippines, being exploited by Australian companies. I am sure that most people are familiar with the program that appeared last night, but what has happened in this case is that three Filipino workers on 457 visas have been sacked for joining a union and another five have been threatened with the same fate by the company which employs them.

The Filipino workers that I refer to are welders and were brought to Australia by a Brisbane company which promised to pay them more than $40,000 per annum, but as a consequence of various deductions being taken from their pay this has now been reduced to just $27,000. It was quite disturbing to see on the program last evening that accommodation payments that were being deducted from their salary amounted to $175 per week for each of the workers. All eight of them were living in the same house and all were paying $175 a week for the privilege of such accommodation. I also understand that there were deductions made from their wages in order to pay for their transport from their home to their workplace. This, of course, also contributed to the reduction in their salary.

What emerges from this example is a pattern that we are seeing time and time again with the misuse of these 457 visas. I have spoken before in this place about the way that 457 visas are being abused and the urgent need for a full-ranging inquiry into the use of 457 visas. What we can see, and this is a very good example, is that 457 visas are being used simply to drive wages down—to drive them down deliberately and drive them down rapidly.

Of course, it is the case that foreign workers are especially vulnerable to exploitation because their employer effectively acts as their migration agent. The agents have what the workers perceive to be the power to re-
move them from the country if they do not do as they are told. It has emerged that this was the case with these Filipino workers: they were threatened that they would be removed from the country if they did not work more quickly.

This also has to be seen in the recent context of the new workplace relations laws—‘Work Choices’, as the legislation is apparently called—and the impact of this new legislation in conjunction with these 457 visas. What has emerged is that now, when employees attempt to negotiate with their employer, not only will they miss out on the job if they refuse to sign the AWA that is presented to them but they will also miss out on a visa—in this case a 457 visa, which entitles these workers to stay in our country and to work.

Of course, these are people who are the least likely to report any abuses because they believe that their employer has not only the right to dismiss them but also the right to deport them if they make complaints. These people are incredibly vulnerable workers and for the visa holder to be exploited in the manner that is occurring is absolutely wrong, and similarly it is wrong to see the knock-on effect to the Australian workforce as a whole. It is imperative that there be an inquiry into 457 visas, and I am pleased to say that the Joint Standing Committee on Migration is looking very carefully at conducting an inquiry into 457 visas in the near future. I think it is very important that that occur.

Senator BERNARDI (South Australia)—I rise to take note of the answers given by Senator Vanstone during question time today. In doing so, I thank the Labor Party for raising these issues about 457 visas because there is no other opportunity for someone like myself to stand up and say that, if this were ‘football foul-ups’, the Labor Party would star in every single edition for kicking an own goal. For me to stand here and talk about the responsibilities and the need for this country to bring in skilled migrants to fill jobs is an opportunity to remind the Labor Party and the people of Australia that we have the lowest unemployment this country has seen in over 30 years. At 4.8 per cent unemployment, everyone in this country who wants a job can get a job. We are unashamedly a business- and employment-friendly government seeking to allow people to work and to ensure that businesses can thrive and prosper. A key part of a business thriving and prospering is being able to employ staff.

If you cannot get staff to come and work with you because of the economic conditions—and I remind you that we are talking about the most prosperous economy that we have seen—then this government has found a solution. Every time the Labor Party raise the issue of foreign workers, they are demonstrating their clear xenophobia, because they do not talk about overseas workers that are coming out here from the UK or the US. They are constantly referring to Filipino workers or Chinese workers. There is always some Asian implication to it. I say that is raising some very base instincts that I find quite reprehensible.

But let us just talk about this. Skilled workers operate in many industries: in the steel industry, where there are welders, as Senator Kirk just mentioned, the meat industry and also the health care industry. These are critical industries to the prosperity of this country. That is where skilled workers are coming in. They are bringing their spouses and their spouses are also supporting this economy. They are bringing their children in and that is fantastic for this country. We are having a range of people coming here, helping our prosperity and doing the right thing.
But what I find interesting is how the opposition in this chamber are diametrically at odds with their state Labor governments, because around the country the largest users of 457 visas under the skilled migration program are the Labor states and territories. South Australia, a state with critical skill shortages, has more than quadrupled its state sponsored skilled migration intake. It has done that in a range of areas, such as regional communities like Murray Bridge, where T&R Pastoral have brought in a number of workers to work in their meatworks. They are doing it in other areas, such as rural areas, for medical and health reasons. Skilled migrants provide desperately needed relief in areas of labour shortage. They aid in the expansion of our economy and they complement employment opportunities for Australians. But do not take my word alone for it. In 1998, even Mr Beazley said:

Far from taking a job from other Australians, a migrant finding a job in Australia, as we all know, creates jobs elsewhere in the economy ... The 457 visa is critically important to ensuring that this country can function and facilitate continued economic prosperity. Certainly it is going to be another 15 to 20 years before the next generation of Australians— their parents having been encouraged by things like the baby bonus and Mr Costello saying, ‘Go forth, prosper and multiply’— come on stream to be able to fill a range of jobs. But in the meantime we have the opportunity for new migrants to come to this country to fill jobs that desperately need to be filled, to ensure there is an ongoing prosperity and to allow Australia to lead the world in a multiracial, harmonious and positive society.

Question agreed to.

**Australian Federal Police**

**Senator LUDWIG** (Queensland) (3.24 pm)—I move:
comes are delivered. But more concerning is that this government has been warned by the AFP of some of the difficulties that it is facing and the government has chosen to ignore that warning and the advice of Australia’s leading law enforcement agency and its commissioner.

After five months of stonewalling by this government, we have started to get at least to some of the facts that underpin these issues. Last night, after the hearing commenced, some light was shed on the true state of the Australian Federal Police. Only last month the government rejected Labor’s calls for a Senate inquiry. We asked for a Senate inquiry to look at this, and the government rejected it out of hand. But we do need national policing to ensure that everything is done according to Hoyle. Although we now know that everything is not running so smoothly, all that the minister can do is bury his head in the sand. Unfortunately every day that is wasted by this government attempting to cover up its own mismanagement is a day lost for fixing the problems and getting the show back on the road.

More telling is the minister’s own response. Effectively, what the minister did was to reiterate a question that I had already asked. In fact, it was a little confusing. Quite frankly, on the one hand the minister said that the $275 million that was identified in 2005-06 was PNG money, and he went on to go through all of the PNG expenditure and the way in which he had to give it back. But it is interesting in that he then went on to say that it related to what the AFP claims it relates to and where it has parked the money—and that is $119 million in employee entitlements, $67 million in accumulated appreciation, $49 million in unpaid invoices, with the balance of $40 million broadly being prior year retained operating surpluses, unspent capital injections and other receivables and provisions. But what the minister failed to say was that, even with that answer, these amounts, in the AFP’s own words, can be varied or reprioritised at any time according to the needs of the Australian Federal Police, the AFP. What that means is that they—(Time expired)

Question agreed to.

Immigration

Senator BARTLETT (Queensland) (3.30 pm)—I move:

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

When we debate issues regarding immigration and asylum seekers, it is very important that we try to do so on a basis of fact. Our country has a long and not always very proud history of people distorting facts to play on people’s fears—fears of foreigners, fears of people coming to this country from elsewhere—and at the moment we are seeing those fears being played on in very different ways by different aspects of migration laws.

Regular concerns have been expressed about the section 457 visa—the skilled migrant visa—and there are legitimate concerns about people being exploited by unscrupulous employers who are breaching the requirements of this scheme. Unfortunately, as part of that debate and with the raising of those legitimate concerns, there have been what could only be described as conscious efforts by some—and perhaps subconscious efforts by others—to play on people’s fears and concerns that migrant workers are taking Australian jobs or that migrant workers are reducing the conditions available to Australians. There is no doubt that there are problems with the 457 visa category and other visa categories that bring people here with working rights. We need to ensure that the conditions that apply to those visas are fair
and strong and that they are properly enforced. Clearly there are problems at the moment with their being properly enforced.

The Democrats support more action to properly enforce the obligations under these visas. We do not support any suggestion that migrant workers should be blamed for failures in this area. We do not support any suggestion that 457 visas and migrant workers per se are harming Australian job prospects—these visas are meant to be available only where locally skilled people cannot be found. Although that aspect of the 457 visa has been breached, that is not a reason to get rid of the program altogether, as has been suggested by some in the community, and there is legitimate reason to be concerned about how some of those fears are being played up and how the debate is happening.

The minister is right in pointing out that, from time to time, that is being done, but the minister is unfortunately guilty of the same error herself—indeed, magnified many times with her yet again disgracefully inaccurate assertions in question time today in respect of temporary protection visas, the SIEVX and asylum seekers in general. The minister made great play about no people arriving by boat since November 2001. It is true; however, temporary protection visas did not come in in 2001—they came in in November 1999. After the introduction of temporary protection visas in 1999, the number of people arriving by boat increased. Any suggestion that to get rid of temporary protection visas would encourage people to come here and would say to the people smugglers, ‘We’re open for business,’ is not borne out by facts and is deliberate fear-mongering. Any suggestion that temporary protection visas served to reduce the number of people coming here is wrong in fact.

Another aspect is this continual attempt to dodge the unavoidable link between temporary protection visas and the huge number of children who were on board and drowned when the SIEVX sank in October 2001, five years ago. The reason why there was such a huge number of women and children links directly to the temporary protection visa. That is a simple fact. The statistics provided to the Senate inquiry—which this government would have prevented from happening if they had the chance now and which they opposed at the time—clearly showed that the number of women and children on board all of the boats that came here increased dramatically from the moment the temporary protection visa came in.

Senator Ferguson—That is rubbish!

Senator BARTLETT—That is totally true and it is backed up factually by the statistics. You can continue to imply that they were not coming here because they had fathers here; however, I was at a press conference yesterday with a man who lost three daughters and his wife. He was already here and had been recognised as a refugee, and he had no way of linking back to his children and his family because of the temporary protection visa. The temporary protection visa was the only reason why women and children were forced to come by that mechanism. That is what the facts show. I know you do not like those facts, and I know you would not allow any Senate inquiries in the future that would show those facts, but those are the facts. If you are so happy about the SIEVX being a completely blameless experience, you should allow a proper inquiry.

(Time expired)

Question agreed to.

PETITIONS

The Clerk—A petition has been lodged for presentation as follows:
Information Technology: Internet Content
To the Honourable the President and Members of the Senate in Parliament assembled
We, the undersigned citizens of Australia draw to the attention of the Senate the common incidence of children being exposed to Internet websites portraying explicit sexual images. These images may involve children/teens, sexual violence, bestiality, and other disturbing material. Many such websites use aggressive, deceptive or intrusive techniques to induce viewing. We submit to the Senate that:

- Exposure to pornography is a form of sexual assault against children and should be considered, like all sexual abuse of children, as a serious matter causing lasting harm.
- It is not adequate to charge individual parents with the chief responsibility for protecting their children from Internet pornographers determined to promote their product, OR to expect parents to teach children to cope with the damaging effects of pornographic images AFTER exposure.
- It is the primary duty of community and Government to prevent children being exposed to pornography in the first place by placing restrictions on pornographers and those businesses distributing such material.
- Internet Service Providers (ISPs), should accept responsibility for protecting children from Internet pornography, including liability for harm caused to children by inadequate efforts to protect minors from exposure.

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

by Senator McGauran (from 15 citizens).

Petition received.

NOTICES
Presentation

Senator Mason to move on the next day of sitting:
That the Joint Standing Committee on Treaties be authorised to hold private meetings otherwise than in accordance with standing order 33(1) during the sittings of the Senate.

Senator Johnston to move on the next day of sitting:
That the Foreign Affairs, Defence and Trade Committee be authorised to hold a public meeting during the sitting of the Senate on Monday, 6 November 2006, to take evidence for the committee’s inquiry into the provisions of the Australian Participants in British Nuclear Tests (Treaty) Bill 2006 and a related bill.

Senator Eggleston to move on the next day of sitting:
That the Environment, Communications, Information Technology and the Arts Committee be authorised to hold a public meeting during the sitting of the Senate on Monday, 6 November 2006, to take evidence for the committee’s inquiry into the provisions of the Environment and Heritage Legislation Amendment Bill (No. 1) 2006.

Senator Eggleston to move on the next day of sitting:
That the time for the presentation of reports of the Environment, Communications, Information Technology and the Arts Committee be extended as follows:

- (a) provisions of the Environment and Heritage Legislation Amendment Bill (No. 1) 2006—to 23 November 2006;
- (b) Australia’s national parks—to 28 February 2007; and
- (c) Australia’s Indigenous visual arts and craft sector—to 22 March 2007.

Senator Ludwig to move on the next day of sitting:
That the following bill be introduced: A Bill for an Act to provide for victims of crime to be heard as part of criminal proceedings, and for

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

That the Senate—

(a) notes that on 18 November and 19 November 2006, the Treasurer (Mr Costello) will host a meeting of the Group of Twenty (G-20) Finance Ministers and Central Bank Governors in Melbourne; and

(b) calls on the Treasurer to ensure that the G-20 meeting prioritises discussion on ending global poverty and achieving the Millennium Development Goals.

**Senators Ian Macdonald** and **Ferguson** to move on the next day of sitting:

That the Senate—

(a) commends the people of Hungary as they mark the 50th anniversary of the 1956 Hungarian Revolution, which set the stage for the ultimate collapse of communism in 1989 throughout Central and Eastern Europe, including Hungary, and 2 years later in the Soviet Union itself;

(b) expresses condolences to the people of Hungary for those who lost their lives fighting for the cause of Hungarian freedom and independence in 1956, as well as for those individuals executed by the Soviet and Hungarian communist authorities in the 5 years following the revolution, including Prime Minister Imre Nagy;

(c) welcomes the changes that have taken place in Hungary since 1989, believing that Hungary’s integration into the North Atlantic Treaty Organisation and the European Union, together with similar developments in the neighbouring countries, will ensure peace, stability and understanding among the great peoples of the Carpathian Basin;

(d) reaffirms the friendship and cooperative relations between the governments of Hungary and Australia and between the Hungarian and Australian people; and

(e) recognises the contribution of people of Hungarian origin to this nation.

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

That the Senate—

(a) notes:

(i) the recent study by John Hopkins University that estimates more than 650,000 Iraqis have died since the invasion of Iraq in March 2003, as a result of the conflict and that more than a third of the deaths are attributed to the actions of Coalition forces, and

(ii) that more than 3,000 Coalition troops have died since the invasion; and

(b) calls on the Government to immediately withdraw Australian troops from Iraq.

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

That there be laid on the table by the Minister representing the Attorney-General, no later than 11 am on 19 October 2006, the three lists held by the Australian Federal Police which detail passengers purported to have boarded the vessel known as SIEVX, those that disembarked the vessel shortly after it commenced its journey and those that survived the tragedy.

**Postponement**

The following item of business was postponed:

General business notice of motion no. 589 standing in the names of Senators Murray and Heffernan for today, relating to child protection, postponed till 18 October 2006.

**COMMITTEES**

**Economics Committee**

**Meeting**

**Senator FERRIS** (South Australia) (3.39 pm)—At the request of Senator Brandis, I move:

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.

Question agreed to.

TIBET

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

That the Senate—

(a) notes reports that Chinese guards shot a 17-year-old Buddhist nun Kelsong Nam-lsa and a 13-year-old boy in the Himalayas on 30 September 2006, and that up to 30 Tibetan children, aged between 6 and 10 years were marched away by Red Army guards through the international climbers’ camp at Chu Oyu at Mt Everest; (b) expresses deep concern if the reports are confirmed about these events and the well-being of the children and families of the children involved; and (c) calls on the Minister for Foreign Affairs (Mr Downer) to investigate the reports and inform the Senate of his findings and any consequent action.

Question put.

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

Ayes…………… 31
Noes…………… 33
Majority……… 2

AYES

Allison, L.F. 
Bishop, T.M. 
Brown, C.L. 
Carr, K.J. 
Crossin, P.M. 
Faulkner, J.P. 
Hogg, J.I. 
Kirk, L. 
Lundy, K.A. 
McLaras, J.E. 
Moore, C. 
Nettle, K. 
Polley, H. 

Siewert, R. 
Sterle, G. 
Wortley, D. 

NOES

Abetz, E. 
Barnett, G. 
Boswell, R.L.D. 
Calvert, P.H. 
Colbeck, R. 
Eggleston, A. 
Ferguson, A.B. 
Fifield, M.P. 
Johnston, D. 
Kemp, C.R. 
Macdonald, I. 
Mason, B.J. 
Nash, F. 
Patterson, K.C. 
Ronaldson, M. 
Scullion, N.G. 
Watson, J.O.W. 

Stepsb, U. 
Webber, R. 

Adams, J. 
Bernardi, C. 
Brandis, G.H. 
Chapman, H.G.P. 
Coonan, H.L. 
Ellison, C.M. 
Ferris, J.M. * 
Heffernan, W. 
Joyce, B. 
Lightfooi, P.R. 
Macdonald, J.A.L. 
McGauran, J.J.J. 
Parry, S. 
Payne, M.A. 
Santoro, S. 
Troeth, J.M. 

Hutchins, S.P. 
Marshall, G. 
Sherry, N.J. 
Stott Despoja, N. 
Wong, P. 

Trood, R.B. 
Campbell, I.G. 
Vanstone, A.E. 
Humphries, G. 
F ierravanti-Wells, C. 

* denotes teller

Question negatived.

ANTI-POVERTY WEEK

Senator SIEWERT (Western Australia) (3.45 pm)—I, and also on behalf of Senator Bartlett, move:

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, 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.

Question negatived.

MIDDLE EAST

Senator ALLISON (Victoria—Leader of the Australian Democrats) (3.45 pm)—by leave—I move the motion, as amended:

That the Senate—

(a) notes:

(i) the call last week by 135 respected global leaders, including former presidents, prime ministers, foreign and defence ministers, congressional leaders and heads of international organisations including Boutros Boutros-Ghali, Jimmy Carter, Mikhail Gorbachev, Bill Hayden, John Major and Mary Robinson, for a comprehensive settlement of the Arab-Israeli conflict,

(ii) that everyone has lost in this conflict except the extremists throughout the world who prosper on the rage that it continues to provoke,

(iii) that every passing day undermines prospects for a peaceful, enduring solution and that, as long as the conflict lasts, it will generate instability and violence in the region and beyond,

(iv) the need for United Nations (UN) Security Council resolutions 242 of 1967 and 338 of 1973, the Camp David peace accords of 1978, the Clinton Parameters of 2000, the Arab League Initiative of 2002, and the Roadmap proposed in 2003 by the Quartet (UN, United States of America, European Union and Russia) to be implemented in resolving the conflict, and

(v) that the goal must be security and full recognition to the state of Israel within internationally-recognised borders, an end to the occupation for the Palestinian people in a viable independent, sovereign state and the negotiated return of lost land to Syria; and

(b) calls on the Government to join these world leaders in pressing for a new international conference, held as soon as possible and attended by all relevant players, at which all the elements of a comprehensive peace agreement would be mapped, momentum generated for detailed negotiations and steps taken by the key players, including:

(i) support for a Palestinian national unity government, in the hope that the platform of such a government would reflect Quartet principles—recognition of the state of Israel, renunciation of violence and adoption of prior agreements—and allow for early engagement,

(ii) talks between Israel and the Palestinian leadership mediated by the Quartet and reinforced by the participation of the Arab League and key regional countries, on rapidly enhancing mutual security and allowing revival of the Palestinian economy,

(iii) talks between the Palestinian leadership and the Israeli Government, sponsored by a reinforced Quartet, on the core political issues that stand in the way of achieving a final status agreement, and
(iv) parallel talks of the reinforced Quartet with Israel, Syria and Lebanon, to discuss the foundations on which Israeli-Syrian and Israeli-Lebanese agreements can be reached.

I also seek leave to table a list of the world leaders mentioned in the motion.

Leave granted.

Question put:

That the motion (Senator Allison’s), be agreed to.

The Senate divided. [3.50 pm]

(The President—Senator the Hon. Paul Calvert)

Ayes………... 31
Noes………. 34
Majority…….. 3

AYES

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

NOES

Abetz, E.  Adams, J.
Barnett, G.  Bernardi, C.
Boswell, R.L.D.  Brandis, G.H.
Calvert, P.H.  Chapman, H.G.P.
Colbeck, R.  Coonan, H.L.
Egglesen, A.  Ellison, C.M.
Ferguson, A.B.  Ferris, J.M.*
Fierravanti-Wells, C.  Fifield, M.P.
Heffernan, W.  Johnston, D.
Joyce, B.  Kemp, C.R.
Lightfoot, P.R.  Macdonald, I.

Macdonald, J.A.L.  Mason, B.J.
McGauran, J.J.J.  Nash, F.
Parry, S.  Patterson, K.C.
Payne, M.A.  Ronaldson, M.
Santoro, S.  Scullion, N.G.
Troeth, J.M.  Watson, J.O.W.

PAIRS

Hutchins, S.P.  Trood, R.B.
Marshall, G.  Campbell, I.G.
Sherry, N.J.  Vanstone, A.E.
Stott Despoja, N.  Humphries, G.
Wong, P.  Minchin, N.H.

* denotes teller

Question negatived.

CLIMATE CHANGE

Senator SIEWERT (Western Australia) (3.52 pm)—I, and also on behalf of Senator Bartlett, move:

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.

Question put.

The Senate divided. [3.54 pm]

(The Deputy President—Senator JJ Hogg)

Ayes………... 7
Noes………. 46
Majority…….. 39

AYES

Allison, L.F.  Bartlett, A.J.J.
Brown, B.J.  Bernadi, C.
Brown, C.L.  Brandis, G.H.
Calvert, P.H.  Chapman, H.G.P.
Colbeck, R.  Coonan, H.L.
Egglesen, A.  Ellison, C.M.
Ferguson, A.B.  Ferris, J.M.*
Fierravanti-Wells, C.  Fifield, M.P.
Heffernan, W.  Johnston, D.
Joyce, B.  Kemp, C.R.
Macdonald, I.  Macdonald, J.A.L.
Murray, A.J.M.  Mason, B.J.
Siewert, R.  Nash, F.
Siewert, R. *  Patterson, K.C.

NOES

Adams, J.  Bernardi, C.
Brown, B.J.  Calvert, P.H.
Brown, C.L.  Campbell, G.
Colbeck, R.  Conroy, S.M.
Crossin, P.M.  Eggleston, A.
MATTERS OF PUBLIC IMPORTANCE

Poverty

The DEPUTY PRESIDENT—I have received a letter from the Leader of the Opposition in the Senate, Senator Chris Evans, and Senators Bartlett and Siewert proposing that a definite matter of public importance be submitted to the Senate for discussion, namely:

On International Day for the Eradication of Poverty, the urgent need for action to address the plight facing the hundreds of thousands of Australians still living in poverty.

I call upon those senators who approve of the proposed discussion to rise in their places.

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

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

Senator CHRIS EVANS (Western Australia—Leader of the Opposition in the Senate) (3.58 pm)—Thank you to colleagues for their support for this matter of public importance, which was slightly overwhelming. I have pleasure in bringing forward this matter of public importance today and in being joined by a Greens and a Democrat senator. It was designed to allow the government to support the motion as well. I hope they will when they speak. Unfortunately, we were not able to get a government senator to co-sponsor the matter. It was designed to be an expression of the will of the whole Senate.

In a society like ours, where most people enjoy prosperity and opportunity, it can be easy to forget that not everyone has it so good. There is a lot of focus these days on property prices and share market trading and very little focus on those who are doing it tough. Around the world hundreds of millions of people struggle to survive without the basic requirements for a decent life. For most Australians the harsh reality of daily life for so many people is a world away from the comfort and prosperity of Australian life.

International Day for the Eradication of Poverty provides us with an opportunity to reflect on the presence of poverty and disadvantage and to focus on what can be done to tackle it. I would like to focus close to home, on poverty and disadvantage in our community. Despite our prosperity and the opportunities most of us take for granted, poverty, disadvantage and social exclusion in our community are very real. We need to open our eyes to the life experiences of those Australians who struggle to make ends meet, who lack access to services and opportunities and are excluded from the social and economic mainstream. In focusing on disadvantage in our community, we have a duty to also focus on solutions—what we can do to ensure that Australia’s prosperity and opportunity is open to all Australians. Above all, we need to be positive. We are a wealthy country. We can and we must work to ensure
a decent chance for every Australian. Labor believes that we need a long-term, national plan to meet a renewed national commitment to tackling poverty in our community.

Depending on how you define it, hundreds of thousands if not millions of Australians are currently living in poverty. ACOSS estimates that two million Australians—10 per cent of us—live in poverty, based on a poverty line of 50 per cent of average disposable income. Even by the most conservative estimate put forward by the Centre for Independent Studies, poverty affects around one million Australians. The people most at risk in Australia include Indigenous Australians, people with a disability, the unemployed, single parents, people living in lone-parent households, renters, homeless people, and people living in rural, regional and remote areas.

Living in poverty means constantly struggling to make ends meet. According to Anglicare’s State of the Family Report 2006, there are hundreds of thousands of Australians who routinely struggle to meet basic costs like food, rent, electricity and gas bills. According to Anglicare’s report, more and more Australians are relying on emergency relief from welfare organisations to meet these basic expenses.

But poverty is about more than just income; it is also about social exclusion—being disconnected from the community. People may not be able to afford the cost of transport to visit friends or be able to afford to make phone calls to family. I have had to help a number of men who have been unable to afford rental accommodation in our suburb any longer because of the rising cost of that rental accommodation. They have been forced to suburbs which they have no connection to, because they cannot afford to live in the area where they have lived most of their lives. In many disadvantaged areas, there is a lack of community facilities, basics such as parks, which allow children to interact and parents to meet other members of the community. Social exclusion can also be the result of problems with self-esteem, trauma, hopelessness, disconnection from the workplace, poor social and interpersonal skills and deeper mental health issues.

Aboriginal Australians are more at risk of falling into poverty than any other group in our community, with ACOSS estimating that 58 per cent of Indigenous people are at risk. This disturbing fact is a result of the extreme social and economic disadvantage that Indigenous people face on every available indicator, be it employment and income, education, Third World health conditions or housing. It is a national disgrace that Indigenous Australians face such extreme levels of disadvantage. I echo the sentiments of the Aboriginal and Torres Strait Islander Social Justice Commissioner, Tom Calma, that it is simply not credible to suggest that a country as rich as ours cannot solve a health crisis affecting around three per cent of our population. We can do it. In the debate around poverty generally and Indigenous disadvantage in particular, we need to confront that pessimism that these problems cannot be solved. These problems are fixable if we have the will and the right strategy. It is up to us to make the decision to tackle and end these problems.

There is no single way to define or measure poverty. It is a complex problem which calls for complex solutions. I do not want to engage in the sort of definitional argument that the Howard government seems to have been so focused on: the quibbling over how you define poverty. In its submission to the Senate’s inquiry into poverty, the St Vincent de Paul Society, which does tremendous work, said:
Regrettably, the polemical debate over poverty lines has distracted rational discussion on solutions to a known problem.

It was dead right. The Senate committee report included 95 recommendations. Unfortunately, the Howard government rejected every single one of them. Again, its response was to quibble over the definition of poverty rather than to focus on the issues.

Labor is serious about addressing poverty in Australia. We believe that the care we provide for those in need and the opportunity for all to realise their potential are important measures of our society. Tackling poverty not only is a responsibility but offers huge benefits to all Australians by fostering a more inclusive, fairer, more cohesive society where all members of our community have a decent chance to realise their potential. Tackling poverty requires a commitment based on the values of justice, equity, compassion and a fair go for all. A strong economy is a necessity if we are to improve the life chances of Australians in need, but it is also the case that tackling poverty is a task that goes way beyond simplistic assertions that the best form of welfare is a job. Poor people in this country face complex issues that need to be tackled. Just referring them to the need to get a job does not tackle those issues. We need national commitment to getting results and a strategy for doing so.

On previous occasions, I have outlined some of the approaches that a Labor government would take, including developing integrated services; building a national program that engages local communities; providing long-term funding arrangements to facilitate certainty in planning a strategy, because we are plagued at the moment by short-term funding and programs that end; research and data to monitor the impact and effectiveness of programs; and long-term benchmarks and goals to ensure political accountability and keep governments focussed on the task. If you do not set goals, then you never reach them. If you do not hold yourself up to be measured against the attainment of set objectives, you will not make progress.

There is no better time than now to recognise and confront the poverty and social exclusion that many in our community experience. It is something that this parliament must play its role in. Part of the challenge is accepting the reality of poverty and disadvantage in our community. We cannot tackle the problem until we acknowledge that it exists. But we do need to question the assumption that poverty will always be with us, and we have to focus on solutions.

One of the energising things about these issues is the number of groups and individuals in the community who work so hard to tackle disadvantage. I would like to acknowledge their hard work and commitment. Recently I met the National Council of Churches, which runs the National Make Indigenous Poverty History campaign. Today I met the Catholic Social Services people, who are having their annual conference in Canberra. They represent all the people who work for services on the ground—helping disadvantaged Australians, visiting prisons, supporting communities and supporting families in crisis.

Yesterday I also met some young people from Cabramatta High School who are engaged in the Micah Challenge and Make Poverty History campaigns. They challenged me and other politicians to make a difference on these issues. They asked very hard questions like ‘Why aren’t we making progress?’ and ‘Why aren’t we able, given our wealth, to end poverty?’

Senator Fifield—But we are.

Senator CHRISt EVANS—If you do not think there is poverty in our community,
Senator Fifield, I am disappointed; you are less informed—

Senator Fifield—Things are getting better.

Senator CHRIS EVANS—Whether they are getting better or not, I was hoping that you would take a much more statesmanlike position in this debate. We sought to get your support for an expression of the parliamentary will, but it seems that you cannot rise above petty politics. But I want to say that I hope— (Time expired)

Senator MASON (Queensland) (4.08 pm)—This afternoon I want to mention three things briefly: firstly, the difference that the major parties in this place have in dealing with poverty and the challenge of poverty; secondly, the lessons we have learned over the last 20 years in fighting poverty; and, finally, what the government has done to meet that challenge.

When I first read the wording of the issue we are discussing today, I thought that the three parties of the Left—the Greens, the Democrats and the Labor Party—were concerned about poverty, as they should be, as we all should be. Parties of the Left tend to believe that welfare is the answer to poverty, that individuals need to be rescued from poverty by government, and that more welfare means less poverty. Liberal and conservative parties do not agree with that. We argue that individuals need a hand up, not a hand-out. We believe that what the vast majority of individuals need is opportunity, and that that is far more important than welfare. Welfare of itself will never break the poverty cycle. Sure, welfare can be used in the short term to alleviate poverty, but it is not the answer.

What have we learned over the last generation about the challenge of poverty? Let me give a few examples from the Third World. Sir Bob Geldof and Bono were serenading the poor in Live Aid and Live 8. That was important, and they raised a lot of money to fight poverty. But that is absolutely nothing compared to the transfer of wealth to the Third World that has come about by the freeing of trade with the Third World. All those awful bureaucrats, diplomats and politicians demanding free trade have done more for the Third World than all the aid ever raised by Bob Geldof or Bono—much, much more. They have given access. The Third World countries have access to First World markets and can sell their products. We never hear about that. The Left never thank the government for freeing up trade and allowing developing countries to trade with the First World and therefore opening up our markets so that people living in the Third World have opportunity. It is not aid but trade that is rescuing the Third World. That is a very important message from our side of politics—a message that somehow seems to get lost in all the sanctimonious concern from the Left.

Just a couple of weeks ago, the new Nobel laureate for peace, Professor Muhammad Yunus, spoke about developing microcredit. That system gives a small amount of money to individuals in Bangladesh to open up businesses—for people to become small business men. It is not welfare. Welfare never rescued people in Bangladesh from poverty. What did is giving people money to create their own opportunities. For that reason, Professor Yunus was recently awarded the Nobel Prize for Peace. The other day a commentator described microcredit as the single most important development in the Third World in the last 100 years—giving individuals the opportunity to make a living for themselves and their families. It is pretty simple stuff: a mixture of capitalism and social responsibility has done far more to deliver people from poverty than all the aid in the world ever has.
Let me give another example—Indigenous Australians. I can remember 20 years ago being denounced as a racist because I thought that perhaps we should restructure welfare to Indigenous Australians. But Noel Pearson told the truth, didn’t he? He said that sit down money, welfare for no work at all, is a drip that is killing Indigenous Australians—that it is the financial equivalent of petrol sniffing. The drip—drug abuse and welfare without work—is killing Indigenous Australians. Again, we had to readjust policy to make connection with Indigenous Australians and to fight poverty. Noel Pearson got it right. You do not fight poverty among Aboriginal communities by giving welfare. Sit down money destroys communities; it does not build them.

And what have we learned among non-Indigenous Australians? We have learned that a job is the best way to alleviate poverty. As Senator Minchin so eloquently said today during question time, a strong economy and job growth have alleviated more poverty for more people in this country than ever before in its history. He said also that real spending on welfare has gone up by 35 per cent. There has been a great growth in private philanthropy, which has doubled in 10 years.

There are those people on the Left who say, ‘The rich are getting richer.’ That might be right, but just because the rich get richer does not mean the poor get poorer. In the last 10 years, wealth has gone up 22 per cent in low-income households and only 14 per cent in high-income households. Over the last 15 years, Australia has gone from 19th to eighth on GDP per capita—enormous growth in the Australian economy over the last 15 years.

Perhaps the most sophisticated assessment of living standards in the world is what the United Nations calls the Human Development Index. This is an index of national wealth, health, education, welfare and lifestyle. Do you know what the United Nations’s Human Development Index says about Australia, Mr Deputy President? There are 177 nations on earth that are assessed according to the United Nations’s Human Development Index. And guess where Australia falls? It is third in the world out of 177 nations.

The economy in this country has more than doubled over the last eight years. More people have more wealth to spend the way they want than ever in our history. Sure, poverty is a problem; there is no question that poverty is a problem in this country. The difference between our party and the Labor Party, between the government and the opposition, is that we believe the way to tackle poverty—except for those people who really, really cannot look after themselves—is by giving people opportunity, not welfare, and by allowing people to build their own businesses, get jobs and get educated. The last thing we want is a return to the 1970s mentality of government as a bottomless pit to pay poor people off. This patronising attitude that somehow all Australians need government welfare, that we should all be on the teat of the government, is wrong. It is patronising and destroys communities.

Finally, poverty, both nationally and globally, is a huge issue—we all acknowledge that. I know other speakers today do not take this issue lightly. Senator Evans is right to say that there are still pockets of shocking poverty in this country, and we should never look beyond that. But the great achievement of this government, of the Howard government, is that more people have been pulled from disadvantage than ever before in history. More people have been pulled out of poverty by freer trade over the last 10 years than ever in the course of human history. Two hundred million Chinese have been pulled out of poverty in the last 10 years by freer trade. Not by welfare, not by govern-
ment action, but by freer trade. This is the
greatest movement of people out of poverty
in the history of mankind. Why? Because of
freer trade, and that is what separates Liberal
conservatives from the Left.

Senator SIEWERT (Western Australia)
(4.18 pm)—As one of the sponsors of this
motion, I obviously support it. This week is
Anti-Poverty Week and today is International
Day for the Eradication of Poverty, and I join
the Australian Labor Party and the Democ-
rats in calling for the need for urgent atten-
tion to address the plight facing the hundreds
of thousands of Australians still living in
poverty.

ACOSS estimates that there are about two
million people living poverty today—that is
one in 10 Australians. There are 100,000
homeless people, and nearly half of all Abo-iginal children live in poverty. Perhaps what
we should be doing as a nation is looking at
how best we invest our good fortune in help-

... that if a single person on average weekly earn-
ings in December 2005 of $1,030 per week—
before tax—
were to leave his or her employment to care and
receive only the carers’ income support payment,
their weekly income would drop to $294.
In a further blow to carers, those on low incomes
or government pensions are likely to be receiving
little or no superannuation—which could present
significant problems when it comes to funding
their own retirement or future care needs.

The situation becomes even worse for Aus-

... women already, on average, have lower net
worth and less superannuation than men—
when it comes to retiring. Therefore, they are
in an even worse situation. This is an exam-
ple of how poverty is impacting on our
community. These are real figures published
just a couple of months ago.

... carers are over-represented in the lower
household income quintiles and under-
represented in the top income quintiles ...

It also pointed out:
... the mean gross income per week of a primary
carer was $237.00.

That is from 2005 ABS data. You can see
that carers are suffering at the lower end of
the income scale. They also have other issues
they need to deal with on top of that, which
are a result of their caring. They end up with
poorer health. They sometimes end up being
injured while doing their caring. Two-thirds
of carers feel that their mental and emotional
health has also been affected by providing
care.

This picture is no better for single parents.
The National Council for Single Mothers and
their Children have highlighted some of the
significant issues facing single mothers, and ABS data continues to show that single parents with primary care of dependent children are at the highest risk of poverty of all family types. Income and housing research has identified that 46 per cent of all sole parents with dependent children live on very low incomes. According to the ABS 2001 census data, an estimated 28 per cent live in public rental, 34 per cent in private rental and 32 per cent are homeowners or purchasers. This is compared to 67 per cent of the general population who are homeowners or purchasers. With the changes that have been made in child support combined with Welfare to Work, which has been debated at length in this place, where many single parents end up having their income further reduced, we are potentially making this situation worse.

As has been highlighted during this debate, there is, of course, the poverty that faces many Aboriginal and Torres Strait Islander people in our community. I articulated just last week in this place the poor health outcomes for Aboriginal Australians that are, I believe, directly associated with poverty. The UN Special Rapporteur on Adequate Housing spoke just a couple of months ago of the hidden national crisis that faces Aboriginal and Torres Strait Islanders, highlighting the terrible conditions he had seen in Indigenous communities and describing this as ‘a humanitarian tragedy’. Poor housing and a lack of basic services combine with poverty and the high cost of food in remote communities to produce, as many people have described, Third World health outcomes. This is shameful in a so-called affluent community.

ACOSS has called for fairness impact statements to look at the impact on fairness and social inclusion of government decision making and policy initiatives—to ask the question: what impact does or would this policy have on fairness in our community and the right to a fair go for all? Poverty impact statements are a way to highlight some of the social impacts that policies can have on life expectancy, health conditions, child care and access to education. All should be looked at in terms of what impacts policy decisions have there.

I was very disappointed that the Anti-Poverty Week motion that I put to the Senate was not supported by all parties, because I thought it was very sensible. It highlighted the poverty issues that face our community and made some sensible approaches. It did not call for increases in welfare; it called for poverty impact statements so that we can highlight impacts of government decision making and ensure the reporting on these. It also asked for Australia’s strong economy to be used to improve the living standards and life chances of all Australians. I would have thought that would have been something that every senator in this place could have supported. I urge that we consider what poverty means in our community in the year 2006. We are supposed to be living in the strongest economy ever, yet we are not taking all Australians with us.

Senator MOORE (Queensland) (4.25 pm)—This afternoon, on International Day for the Eradication of Poverty, we have an opportunity in this place to come together to make a statement that we accept there are people in Australia who are not sharing as they ought in the general welfare and wonder of the economy that is operating in our country at the moment. I hope that through this discussion, short as it is, we will be able to agree on some simple statements and come together with movement forward rather than degenerating into some kind of debate about whose policies are bigger. It would be really useful if we could just extract from the statement that is before us that there are people in Australia who are living in poverty and there is a need for urgent action. That does
not say that action is not currently being taken. I am sure there will be a litany of things brought forward about things that are being done through various systems in Australia to address poverty—and we applaud that. We think that what we can gain from this afternoon is actually just accepting that perhaps we can listen to each other and, more importantly, listen to those people who are living the experience to look at how we can improve what we are doing.

Some of us have been privileged to attend a range of Senate inquiries over the last few years. I have only been here a few years, but already through the community affairs process I have been part of an inquiry on poverty in Australia. I think we should remember the title of that inquiry report: *A hand up not a hand out*. It was not a demand for greater welfare. Whilst it took months and months to get a government response and there were significant differences about figures that were being used and about motivations, I thought we had agreed as participants that there were people in Australia who needed assistance.

I will just quote from a couple of the people who came before us. There were over 500 submissions to that inquiry from people who are living the experience in Australia. This came from St Vincent de Paul—and no group has more knowledge of what is going on in our communities than they do. One of the witnesses said:

I want to stress in relation to this delegation that we are not policy experts but we are experts on the lived experience—the lived experience of these people who have suffered the pain and heartache of poverty in the city of Sydney.

In that case it was in the city of Sydney. That experience came across throughout the country. It did not matter whether we were meeting in the Northern Territory, in Sydney, in Queensland, in Western Australia or wherever—the people who were working most closely in the community were telling us of their lives and the lives of the people they were serving. It is our job—the job of everyone in this chamber—to listen to those voices, to see what we can learn and not to judge. One of the major messages is that it is not our job to judge. It is our job to look at reality, to look at experience and to see how we can best build the opportunity that Senator Mason was talking about, because there is a great deal of common ground here. I just think sometimes we forget it—we are so busy hearing our own voices that we forget that perhaps there is something we can do to pull this together.

Out of that Senate inquiry, there were a wide range of recommendations, most of which did not actually come forward in a way that people could agree about. But one was the overwhelming interest of people across the country in working together to find a solution. I think we can still hold on to that. On a day like today, we can actually take those steps forward. We can say that, yes, we can do things better. It does not matter how many statistics are rolled off about whether the percentage increase over the last 10 years has been greater than that of the 10 years before and how in every person’s pocket there are X more dollars. We can argue about that until we are all very old. But there is the reality of the experience that came before us not just in that Senate inquiry but in the one we did on mental health, the one we did on child support and the one we did on people in institutional care. What they had in common was that there are people who are not sharing in the wealth of this country.

That is the challenge for us, because that is fact. It does not matter how many graphs or statistics you put forward; the people themselves are suffering. They are telling us that their kids are not able to go on school excursions because they cannot afford the...
extra time. Parents cannot look their kids in the face and explain to them why they cannot get the same activities or entertainments that the other kids can get. That is fact. We have people who do not have enough food at home on a weekly basis. They cannot get nutrition because they cannot afford it. We had the horror stories of people who turned the lights off in their home and did not use electricity because they could not afford the utilities bill.

These are not just horror stories. They are not coming out of some movie or some claim for extraordinary support. They are the real-life stories of people who are living, the same as we are, in our community at the moment. They are experiencing poverty.

Other speakers this afternoon have talked about the activities in Aboriginal and Torres Strait Islander communities. Everyone in this place has had personal experience of working with people from those communities and understanding the special plight that is facing people in remote locations without health care, without education opportunities and also without that spark, about which we talk here sometimes, of hope. The message for us—and I think the challenge for us—is how we turn rhetoric, the policies and the pages of statistics into a message of hope and how we remove ourselves from the political rhetoric, from saying, ‘Our policies are much better than their policies because ...’ and come back to the hub of the matter, which is how we make the policies work and how we ensure that the people in our communities share the advantages that most of us have as a matter of course.

When we do that, we have responded to the challenge that has been put before us by this motion and, as I know speakers have talked about, by the youth representations in this place today and at other times. I think there is an expectation by many young people in our community that we do our job and that we respond to those challenges, because they are not caught up in the rhetoric of political promises. What they see is the need in the community. While we are focusing here today on Australia, and I think that is an important thing, on this international day we also look across our international community.

It is not a debate between welfare and work. What we are saying is that a caring, economically sound government acknowledges its responsibility to citizens who need support. There will always be a need for some welfare system. There needs to be encouragement towards effective education and employment. That is a given. But, if you ask questions about the current government’s policy, they immediately take that as an attack and then throw across the chamber that people on this side—allegedly ‘the Left’—do not understand, are drowning in an outdated methodology and are focusing exclusively on welfare.

That is just not true. It is running away from the truth; it is running away from the real-life experiences of the people who want to tell us their stories. But one day they will stop telling us their stories because they are tired of telling us about how it is and not being listened to and not being understood. Rather than being part of the solution, once again they will be dismissed, marginalised and labelled as somehow having failed because they have not been able to share the successes that other people have. We must move beyond that. We have the opportunity to do that. We have the opportunity this afternoon as a parliament to come together and say, ‘There is poverty in our community; there is an urgent need to do something about it, and we will.’ That does not seem to me to be such a big ask. We can do that.
We can then go into the political discussions about how we actually implement that, but surely we can agree that the data indicates that there are people who are suffering poverty in this country. Their stories tell us that they are suffering poverty in this country. The amazing work of the various agencies which support our community tells us that they are working with this. I applaud Senator Minchin this afternoon talking about the greater philanthropy that is happening in this country. But the greater philanthropy is responding to a need that we should also work towards a solution for. We can do it. It is a bit of a challenge to move beyond the political argy-bargy, but I think we have a job to do and we can achieve that.

Senator HUMPHRIES (Australian Capital Territory) (4.35 pm)—It is disappointing that, once again, as in previous years when we have come to mark International Day for the Eradication of Poverty, we have descended into a partisan approach towards the issue of poverty in Australia. It is disappointing because I believe that, if we were to erect a bipartisan or multipartisan platform in this country on which to talk about poverty and the ways in which government and the community might work to eradicate remaining areas of poverty, we would create great opportunity and we would make very great inroads in those remaining areas where we would have to say that our record is not up to the mark that we would expect. But that platform is, unfortunately, lacking and that is disappointing.

We on this side of the chamber were accused this afternoon of not being statesmanlike with respect to this issue. It needs to be recorded that the debate about poverty did not start today with this matter of public importance. It did not even start with the Senate Community Affairs References Committee 2004 inquiry into and report on poverty in Australia. It has gone on for some time, and it has remained an issue which has been the subject of intensely political and partisan debates in this place. Although I accept a number of the points made in the course of this debate by those on the other side of this chamber, we need to reconstruct the way in which we approach this issue.

First of all, let me say what it is that we in this place agree on. Australians at the present time bask in historically unprecedented levels of wealth. We are by any measure—international comparisons, historical comparisons or whatever—tremendously wealthy as a nation. We have wealth today that would stun our ancestors if they could see us. But it remains true also that there are Australians—large numbers of Australians; too many Australians—who face serious disadvantage and hardship. That is tragic and unnecessary in the face of the wealth that our community overall enjoys.

It is also true to say that poverty is often not the fault of the poor. For example, from the Senate Select Committee on Mental Health—which examined over the last year or so the question of mental illness in Australia—we know that very often there is a strong connection between mental illness and poverty. Strong economic conditions will not of themselves always catch those who do not have the means to take advantage of those stronger economic conditions. We need to build mechanisms that will still address the needs of those people who cannot take advantage of those circumstances.

But there are, unfortunately, many things that I suspect we do not agree on. For example, I would argue that the evidence points unquestionably to poverty having eased, and eased dramatically, in Australia over the last decade. Why do I say that? There are clearly many more Australians in employment. Employment—a job—is a passport out of poverty. Over 1.9 million jobs have been created
in Australia in the last 10 years. We have the lowest unemployment rate, more or less, of the last 30 years, at 4.8 per cent. There has been an unprecedented transfer of people into work, people who can now provide for themselves and their families. What is more, to address the issue that is sometimes raised of people becoming working poor—people in employment who do not have the means to generate the wealth that they would like—we have much higher real wages. Real wages have increased by 16.4 per cent in the course of the last decade.

On top of that, we can also point to the fact that the social safety net in Australia has had its capacity to deliver benefits to those who are the poorest Australians very significantly increased. Real spending on social security and welfare has risen by 35 per cent since the present Howard government came to office, despite being relatively steady as a proportion of GDP. Research by NATSEM has found that, before any intervention by government, the private earnings of the top income quintile are, as Senator Minchin told the Senate today in question time, 43 times higher than that of the lowest quintile. But once you factor in taxes and benefits and the way in which those things have been structured differently in the last decade, that ratio falls to three to one. In other words, although it is true to say, I suppose, that the rich are getting richer in this Australia, the poor have also had advantages from those arrangements. They have also had their conditions lifted—although obviously not in every case.

Obviously, there are some people who have not been advantaged under those arrangements whose condition individually is worse than it might have been at some point in the past. But that will always be true. No system of alleviation of poverty, no system of taxation or welfare distribution will ever prevent that from occurring. We therefore have to focus on what it is that we can do to increase the extent to which our social safety net captures those people. ABS data shows that between 1995-96 and 2003-04 the real income of low-income households increased by 22 per cent and there has been no significant change in income inequality since the mid 1990s. That is a very significant set of circumstances.

Obviously, there is a great deal more to be done. We have pockets of poverty in Australia which are simply intolerable, given the wealth that we enjoy as a community. But it is true to say that we cannot hope to have an effective community debate about how we attack those remaining areas of poverty without some better explanation by Australia’s leaders to the community of how far we have come and how far we need to go. In this debate, Senator Moore applauded the initiatives which the government has taken, and I acknowledge that comment. But I have to say that I do not always get that message from the Australian Labor Party when I hear it talking about issues associated with poverty. In fact, it sends a message that is often stated in the community, which is that poverty is getting worse, and that simply is not true. The problem with that message is that it disempowers so many in the community who think that that repeats the message that poverty will always be with us. We need to say to the community: ‘Actually, poverty is a summit that we can scale, and we can scale that summit because we are already more than halfway up that slope.’ That is the message that we need to get out to Australians today, and I believe that we can and we should be imparting that message to all Australians.

Senator BARTLETT (Queensland) (4.43 pm)—I welcome the fact that the Senate is marking the International Day for the Eradication of Poverty by turning its mind to the importance of this task and the need to focus on how best to address the fact that hundreds
of thousands of Australians currently live in poverty. It is important, I believe, to try to address the issue in as balanced a way as possible and to recognise facts and reality rather than just pick ideological assertions that might suit our preconceived prejudices. In that respect, looking for opportunities to conduct debates like this in a multipartisan way is important.

I would suggest there has been somewhat of a failure by some on what is usually called the Left of politics. I think labels like ‘Left’ and ‘Right’ are sometimes fairly limited if not grossly misleading in their value—although, having said that, I will use them myself nonetheless. People who normally would be labelled as being on the Left often do not adequately recognise the importance of a well-functioning economy in generating wealth and employment opportunities. That is something where there have been areas of progress in Australia. More importantly, I think we need to recognise that part of the way to alleviate existing poverty is to continue to look for ways to generate that wealth in a sustainable way, ecologically as well as economically.

But there is also a failure of those who would normally be seen as being on the Right to recognise that alleviating poverty is about more than this. It is about more than just generating jobs and keeping interest rates low and all those sorts of things, important as they are. Something that I do not think gets enough recognition in addressing poverty is not so much the issue of income redistribution—of taking more money away from people who have lots of it and giving it to people who have less of it, though there is some value in doing that up to a point—but rather that we need to recognise the importance of providing opportunities for people to generate their own wealth to get themselves out of poverty, whether that is financial or other forms of poverty. In my view, in many cases the heart of poverty is a lack of opportunity to alleviate not just financial need but other need. Wealthy people are people who have the opportunity to alleviate their needs, whether it is the need to reskill and retrain, to develop their education, to access health services, including mental health services, or to access the underrecognised but essential component of secure, appropriate and affordable housing. They are areas where we do not do as well as we should.

We also are not recognising that, whilst there is statistically some basis for what Senator Humphries said about there not being an increase in income inequality, there has undoubtedly been a statistical increase in wealth inequality. There is a much greater and continually growing gap between those who have wealth and those who do not. That is particularly driven by our inequitable and very inefficient housing market. One area where we have failed to address a growing area of poverty is that whole area of housing affordability or the lack thereof. A growing number of Australians are having to spend greater and greater proportions of their income simply to keep a roof over their heads, let alone a roof over their heads in an area where they might be able to access employment, health and educational opportunities.

These are the areas where we need more national leadership. That is why I think debates like this are important, because it is another area where for some reason poverty is seen as a politically loaded word—that by acknowledging the fact that we have failed to deal with poverty properly we are somehow saying that our society has failed or we are condemning our economic system. I think there is ample evidence to show that our economic system with all its flaws does better at getting people out of poverty than plenty of other systems. But it is a simple fact that to really address or eradicate poverty—as the ultimate goal should be, how-
ever unachievable it might seem—you must have a strong set of goals to achieve it. You cannot just have a fuzzy notion of: ‘We’d like to get rid of it.’ You need to actually make a strategy out of it and take it on as a national agenda.

Where this government has failed is that it refuses to set forward a national strategy to tackle poverty and it will not take on a national strategy or national leadership to deal with housing affordability problems. In any of these areas it prefers to step back and say, ‘That’s a matter for the states,’ or, ‘It’s just a matter of economic management.’ It is not just a matter of economic management. That is important and necessary, but it is not sufficient. Until we actually get enough courage in our political system in general and national governments take national leadership and national responsibility for the hard stuff as well as the easy stuff, we are never going to get as far as we need to.

The most obvious example of that is demonstrated by the situation that many Indigenous Australians still find themselves in. It is impossible to talk about success as a nation in removing inequality and alleviating poverty until we get major advancement in the situation faced by Indigenous Australians. That is not just about ensuring there is more money available. In fact, in many cases, that is the least of the problems. When we have a group in our community whose average life expectancy is at least 17 years less than that of the rest of us—so one quarter of their life is taken away before they start—that is what poverty is really about and that is what we have to tackle.

I would take this opportunity to reinforce the Democrats’ strong belief that all of us across the political spectrum and in the wider community must give greater priority to removing that inequality faced by Indigenous Australians and the poverty that they are facing. We have all failed collectively in that regard from across the political spectrum. Until we give more priority to it, we will continue to fail.

I would also like to say in closing that we should also not forget other countries in our region. For all the difficulties our region faces with poverty and other challenges, we are much better off on average than most other people who live in our region and elsewhere on the globe. We need to make sure that we try to do more to alleviate the absolute poverty that many of those people still live in today.

Senator FIFIELD (Victoria) (4.51 pm)—The authorship of this motion is worth noting. It is interesting that it is a collaborative effort of Labor, the Democrats and the Greens. This is interesting at a time when the ALP is endeavouring to convince the community that they have joined the economic mainstream. There is no point pretending that the policy responses to the issue of poverty are something that we agree upon; we do not. I merely note this because the authorship of this motion indicates a world view—a philosophical outlook which Labor, the Democrats and the Greens share—and that leads to particular policy proposals. I do not think that we should pretend that we actually agree on what those policy proposals are.

None of us likes poverty. All of us are in the business of public service, I think, because we want to raise the living standards of Australians and to do whatever we can to achieve that outcome. All of us want to reduce poverty. All of us want to ameliorate the causes and consequences of poverty, but the two sides of this chamber do not, as I have said, agree on how to get there.

I think we should remember Bob Hawke’s declaration that by 1990 no Australian child need live in poverty. Poverty is not something that you can will away; it is not some-
thing that you can legislate away. I well recall the debate at that time about the original text of Mr Hawke’s speech. The text originally supposedly said that no child need live in poverty. I think that original text was right—that such is the social welfare system in Australia that no-one should or need be hungry, homeless or lack the medical care and attention that they need.

I would like to say something that I know might not be fashionable or popular; there will always be income inequality in Australia. Some people will always be relatively better off than others will. For a variety of reasons, there will always be people who are at the margins of society. Some of these people will be in difficulties because of circumstances entirely beyond their control—domestic violence, family break-up, mental illness or just plain bad luck. There will always be people in those particular circumstances. We can, we should and we do look after people who are in those particular circumstances.

There will also always be people who are in difficult circumstances that are partly of their own making—it might be through drug abuse. We can, we should and we do look after those people as well. There will also always be people who are in difficult circumstances entirely as a direct result of decisions and choices that they themselves have made in their lives. It is unfashionable and not popular to say that, but that is the case.

Again, as a community we can, we will and we should do what we can to help those people. We can and we should do what we can to help all those three categories of people to reduce the incidence, the number, of people in those circumstances and to help them once they are in those circumstances. That is something that I think we agree upon around the chamber.

But I am troubled by the premise of this motion. It presumes that poverty can be eradicated. As noble as that goal may be, I do not think it can be. The second premise that I think is false is that the government has not done all that it can to address poverty. I think that is implied in the motion. On this side of the chamber, our approach—and it has been partly ridiculed today—is that the best poverty buster is a strong economy because a strong economy leads to lower unemployment. The best way to lift a household’s income is to give the members of that household a job.

I believe that many of those opposite do not understand that economic and social policy are not mutually exclusive; each is necessary to the other. You need a good and strong economy to afford a good social policy. Many other countries in our region would love a good social policy; they would love to reduce poverty. It is not that they are against doing that; it is that their economy does not give them the financial capacity to do so—to ameliorate the effects of poverty. A good economy, a growing economy, creates jobs, lowers unemployment and lifts people’s individual incomes as well as their household incomes.

But a strong economy does something else. It allows a government and a community to fund a social safety net for those who, for a range of reasons, are left behind. We all acknowledge that there are people who are left behind. Sadly, it is those opposite who have routinely opposed every measure that this government has designed to create the foundations for a good and strong economy—whether it has been through balanced budgets, of which every single measure designed to bring the budget back into balance has been opposed by those opposite, whether it has been through tax reform or whether it has been through industrial relations reform.
Those collective policies have achieved a fantastic result for the Australian people. Under the coalition, real wages have increased by 16.4 per cent; under 13 years of Labor, they actually decreased by 0.2 per cent. There have been 1.9 million new jobs created. Unemployment is now at 4.8 per cent; when Labor left office, it was 8.2 per cent and it peaked under them at 10.9 per cent. Under Labor, household wealth increased in net terms by only 2.9 per cent per annum; under this government, household wealth has actually doubled since 1996 and the spending power of Australians has increased as well. It has been a good result for the Australian people. We all want to do more to help those who are poor. But I have to say that, if I had to pick any country in the world in which to experience hard times, I would pick Australia—and, if I had to pick a government under which to experience hard times, I would pick a Liberal government.

The ACTING DEPUTY PRESIDENT (Senator Chapman)—Order! The time for the discussion has concluded.

AUDITOR-GENERAL’S REPORTS

Report No. 7 of 2006-07


BUDGET

Consideration by Estimates Committees

Additional Information

Senator SCULLION (Northern Territory) (4.58 pm)—On behalf of the chair of the Economics Committee, I present additional information received by the committee relating to hearings on the 2004-05 budget estimates—Industry, Tourism and Resources portfolio.

COMMITTEES

Finance and Public Administration Committee

Membership

The ACTING DEPUTY PRESIDENT (Senator Chapman)—The President has received a letter from a party leader seeking to vary the membership of a committee.

Senator SANDY MACDONALD (New South Wales—Parliamentary Secretary to the Minister for Defence) (4.59 pm)—by leave—I move:

That Senator Bernardi replace Senator Mason on the Finance and Public Administration Committee for the period 23 October to 22 December 2006.

Question agreed to.

LONG SERVICE LEAVE (COMMONWEALTH EMPLOYEES) AMENDMENT BILL 2006

First Reading

Bill received from the House of Representatives.

Senator SANDY MACDONALD (New South Wales—Parliamentary Secretary to the Minister for Defence) (5.00 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 SANDY MACDONALD (New South Wales—Parliamentary Secretary to the Minister for Defence) (5.00 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—
LONG SERVICE LEAVE (COMMONWEALTH EMPLOYEES) AMENDMENT BILL 2006

The sole purpose of this bill is to extend the operation of the Long Service Leave (Commonwealth Employees) Act coverage of Telstra employees for a period of three years from the day on which the Commonwealth ceases to have a controlling interest in Telstra.

The bill is purely facilitative, allowing Telstra and its national workforce of about 40,000 an adequate period to conclude agreed post sale long service leave arrangements.

I can advise that this proposal enjoys the support of Telstra and should be welcomed by Telstra employees and the relevant unions.

Telstra employees currently accrue long service leave entitlements under the Long Service Leave (Commonwealth Employees) Act 1976.

The Telstra (Transition to Full Private Ownership) Act 2005 (the Transition Act) already protects pre-privatisation long service leave entitlements accrued by Telstra employees. That won't change.

In the circumstances, it is not unreasonable to allow Telstra and those employees who have not yet concluded other arrangements a sensible timeframe to first consider and then make long service leave arrangements that will best suit their needs post privatisation.

Accordingly, the bill extends the long service leave legislative guarantee provided for under the Transition Act for a period of three years. This approach is consistent with Government policy of minimising the impact of privatisations on former Commonwealth employees.

Debate (on motion by Senator Sandy Macdonald) adjourned.

PARLIAMENTARY SUPERANNUATION AMENDMENT BILL 2006

First Reading

Bill received from the House of Representatives.

Senator SANDY MACDONALD (New South Wales—Parliamentary Secretary to the Minister for Defence) (5.01 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 SANDY MACDONALD (New South Wales—Parliamentary Secretary to the Minister for Defence) (5.01 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—

PARLIAMENTARY SUPERANNUATION AMENDMENT BILL 2006

The Parliamentary Superannuation Amendment Bill 2006 proposes amendments to the Parliamentary Superannuation Act 2004 to adjust the level of superannuation for Members of Parliament elected at the 2004 Federal election and subsequently.

In 2004 the Government closed the unfunded defined benefit scheme for parliamentarians, the Parliamentary Contributory Superannuation Scheme. New Members of Parliament elected at the 2004 Federal election and subsequently receive superannuation in accordance with the Parliamentary Superannuation Act 2004. That Act provides for a fully funded accumulation arrangement, including a Government superannuation contribution of 9 per cent of parliamentary salary.

In 2005 the Government made similar changes to the superannuation arrangements for Commonwealth public servants. The Public Sector Superannuation Scheme, a largely unfunded defined benefit scheme, was replaced with a fully funded accumulation scheme, the Public Sector Superannuation Accumulation Plan. That scheme requires an employer superannuation contribution of 15.4 per cent of superannuation salary.

This bill will amend the Parliamentary Superannuation Act 2004 to increase the Government superannuation contribution for Members of Par-
This is in line with the Prime Minister’s announcement of 7 September 2006 that the Government would introduce legislation to adjust the level of superannuation for parliamentarians elected at the 2004 election and subsequently so that it is the same as that paid to Commonwealth public servants.

Senator SHERRY (Tasmania) (5.01 pm)—The Senate is considering the Parliamentary Superannuation Amendment Bill 2006. The bill proposes amendments to the Parliamentary Superannuation Act 2004, which includes superannuation arrangements for the members of parliament who were elected at the 2004 general election and subsequently. It does not apply to members elected prior to the 2004 general election.

The amendments proposed in the bill give effect to the Prime Minister’s announcement on 7 September that the government would introduce legislation to adjust the level of superannuation for parliamentarians elected at the 2004 election and subsequently so that it is the same as that paid to Commonwealth public servants—and I want to emphasise that; it is the same as that paid to Commonwealth public servants—that is, 15.4 per cent. The cost of the measure has been estimated to be $200,000 for 2006-07, $500,000 for 2007-08, $700,000 for each of the next two financial years, and $900,000 for the 2010-11 financial year. The cost is due to the increase in the expense of funding an additional 6.4 per cent in government superannuation contributions.

To reflect to a greater degree on decisions made in respect of this bill, let me make reference to some correspondence from the Remuneration Tribunal to the parliamentary whips of the respective parties in this and the other place. It notes that the superannuation arrangements introduced in 2004 for new senators and members entering federal parliament for the first time were a considerable departure from the previous scheme, the Parliamentary Contributory Superannuation Scheme. However, such changes are not unique to federal parliamentarians. Whilst it is difficult to obtain precise figures, what are known as defined benefit funds, covering both the public and private sector in this country, over the last 15 years have almost all been shut down. That shutdown is invariably done by way of a date from which new members are not able to enter the defined benefit funds. There are only very few defined benefit funds that are still open funds in this country. Overwhelmingly they have been shut down.

In this context I do want to say that some of the media reporting of the week in which the Prime Minister made his announcement was inaccurate. Some of the media reports described the Prime Minister’s announcement as restoring the position that existed up until 2004. That is simply not correct. It is simply not correct for some in the media to claim that. The defined benefit fund that was shut for parliamentarians in 2004 had an average contribution level from the employer of around 50 per cent. It varied, but there
was about a 50 per cent employer contribution. So 50 per cent is clearly not the same as 15.4 per cent. It did also, by the way, have a compulsory employee contribution—in this case for the members of parliament—of 11 per cent for anyone who had been here for 18 years or less.

Accumulation schemes have been introduced in all state parliaments for almost every category of employees who were in previous defined benefit schemes which have been closed to members. It is not easy to get figures—in fact I cannot get any accurate figures about the number of employees in closed defined benefit funds. I would think it would be approximately 10 per cent of the workforce or about one million Australians. So, again, it is not unique for new employees to work side by side with employees who are in an old, closed and more generous defined benefit scheme. That is not unique in Australia. That is not unique to parliamentarians and it is certainly not unique to the public or the private sector.

Until 1 July 2005, new employees entering the Australian Public Service joined the Public Sector Superannuation Scheme defined benefit plan; since that date, they have joined the PSS Accumulation Plan, which provides fully funded accumulation benefits based on an employer contribution of 15.4 per cent of ordinary time earnings. I did some research last night. It is not easy to get precise figures but, according to independent research organisation Rainmaker, the average level of contributions to superannuation in Australia is running at between 15 and 15.5 per cent. It is not easy to get figures, but the average level of employer contribution over and above the statutory nine per cent minimum is running at between two and three per cent. It is not easy to get a breakdown of that but, certainly for employees on above-average weekly earnings, the average employer contribution is running at three per cent or better—and that is up to individual employers.

The average level of employer contribution, in whatever form, is running at between two and three per cent, hence the figure of 15 to 15.5 per cent. As I said, there are no published statistics on that, but we do have data from Rainmaker; and a speech on superannuation was made to the Sydney Colloquium of Superannuation Researchers by an officer of the Treasury, and that gave some analysis—admittedly, not of the entire sector—of a survey carried out in this area. So the proposal to increase the contribution to 15.4 per cent is not unique to members of parliament.

The tribunal notes that the contribution rate matches the notional employer contribution rate under the superseded Public Sector Superannuation Scheme defined benefit plan. As I have said, it is, therefore, not unique or unusual that different schemes should have contemporaneous application, with membership differentiated on the basis of the date of commencing employment or some other factor. The tribunal goes on to say that, in deciding the old scheme should be closed to new members, it has been conscious that a fully funded accumulation scheme should be introduced for new members. The parliament also decided that the employer contribution should be nine per cent of a member’s parliamentary allowance and any additional salary received as a result of the member holding a parliamentary office.

The tribunal notes that the Department of Finance and Administration, in its submission to the 2004 Senate Finance and Public Administration Legislation Committee inquiry into the Parliamentary Superannuation Bill 2004 and the Parliamentary Superannuation and Other Entitlements Legislation Amendment Bill 2004, drew attention to the fact that, while contributions at a rate of nine per cent, based on salary alone, would ensure
the same superannuation base for the old scheme and the then proposed accumulation scheme, contributions at that rate and on that basis would provide most new members with superannuation contributions that were less than the contribution that an employer would be required to provide in accordance with the superannuation guarantee legislation, based on ordinary time earnings.

I think it is important to emphasise this point: the definition of base salary for the purposes of the superannuation guarantee—the nine per cent—would, in the non-parliamentary sense, include the electorate allowance. That is excluded from the notional base in respect of the current nine per cent contribution range; whereas it is included in other private sector and public sector superannuation funds as part of the notional contribution base. So that is an added argument for the legislation to increase the effective employer contribution above nine per cent.

The tribunal considers that, as the accumulation scheme made a complete break with the past, there are sound arguments to support placing the employer contribution to the accumulation scheme on a footing which is wholly consistent with that anticipated by the superannuation guarantee legislation. This would entail taking a member’s electorate allowance into account as a component of ordinary time earnings—but that is not what we are considering here today. The tribunal goes on to say that its fundamental role is to determine or advise on remuneration for officers in the federal public sector. It notes that remuneration in the public sector tends to be fixed at rates that are materially less than the levels applying to jobs of comparable responsibility in the private sector. The concept of tenure, once perceived as a counterbalance to the lower levels of remuneration in the public sector, is no longer relevant to senior public sector officers and, indeed, it has never been relevant to parliamentarians.

The Senate Select Committee on Superannuation observed in its 25th report—indeed, I think I was its deputy chair when this report was prepared—that there is adequate evidence that parliamentary remuneration, particularly at ministerial level, lags well behind what may be expected for similar levels of responsibility in the private sector and in some public sector positions. In the tribunal’s view, this observation had considerable weight. The tribunal endorsed the Senate select committee’s view that:

... in the interests of representative government, it is desirable that a wide range of people undertake parliamentary service. While success in business or the professions, with its attendant higher remuneration, is no guarantee of the quality of a parliamentary candidate, it is undesirable that conditions of service in the parliament be so as to deter such persons.

If the superannuation portion of the parliamentary remuneration is substantially reduced without compensation elsewhere in the remuneration package, it is possible that such a deterrent may become substantial.

Apart from the level of remuneration, parliamentarians’ entitlements share other significant attributes with the public sector. Parliamentarians’ entitlements are subject to detailed specifications and prescriptive administrative guidelines, and they lack flexibility. Indeed, it can be said that in this regard the remuneration of parliamentarians generally lags behind that of the public sector. The base salary of parliamentarians has been linked for a considerable period directly to one point in the federal public sector salary structure, and this continues to be the case. In reaching its decision on the appropriate contribution for the new parliamentary accumulation superannuation scheme, the parliament took a broad view of an appropriate community standard and accorded less
weight to considerations arising from the overall balance of parliamentarians’ remuneration and longstanding affinities with the federal public sector.

In the conclusion to its report on its 2004 inquiry, the Senate Finance and Public Administration Legislation Committee referred to the 15.4 per cent employer contribution then proposed to apply to the PSS Accumulation Plan. It stated that it believed there is merit in considering setting the employer contribution rate for the proposed parliamentary superannuation at a comparable level. In the tribunal’s view, the committee, in drawing this conclusion, did strike the appropriate balance.

There has been some public criticism of this change. As I have referred to earlier, I think there has been some inaccurate reporting in the media. Of course, the often stated concern by some in the community that there should be no increase to MPs’ entitlements in any way, shape or form is often a popular position for some to advocate. But I would draw attention in this debate to the fact that, as a country, Australia is, comparatively, almost totally corruption free. That is a good thing for our society and for our body politic. The importance of that cannot be overstated or rated too highly. One of the reasons for this—it is not the only reason—is that a significant number of MPs in this country enjoy a measure of financial security with respect to superannuation.

The vast majority of colleagues on both sides of the Senate are not in the position of being able to personally financially benefit when they leave this place as a consequence of their financial career. Indeed, they make considerable sacrifices—for many, not just financial but with respect to hours of work and demands on their families, particularly their spouses and children.

The second area we ought to reflect on is that superannuation is one element of MPs’ pay and conditions of service, which in turn is relevant to the issue of candidate quality. We have a situation in which ministers, parliamentary secretaries, committee chairs and the like give instructions to public servants who, in some cases, are earning two or three times what they are. So it is a little perverse. That would not be tolerated in the private sector. Certainly there are senators here—Senator Murray, for instance—who appear before parliamentary committees and subject parliamentarians to varying degrees of scrutiny, some would argue to a grilling at times. Yet, in many cases, we earn considerably less than those persons we are scrutinising.

In an ideal world, there would be a limitless supply of public-spirited individuals willing to put themselves forward for elected office without any regard to the impact on their personal finances, life and circumstances. However, it is not an ideal world. There are issues that need to be taken into consideration when entering public life and in looking at the impact of politics in general. There is a strong argument that we do, to an extent, ensure that the overall remuneration attracts talent and ability so that people will offer themselves for parliamentary office. In many cases in parliamentary life, remuneration is considerably lower; there is a greater workload, a greater impact on family life and general wear and tear.

The Labor opposition supports the bill before the parliament. We believe that the appropriate balance has been struck, taking into account the expectations in the community of a reasonable level of superannuation contribution, particularly when compared to the general public sector level of 15.4 per cent. In this case a conclusion based on comparison with respect to the general public sector is appropriate.
Senator MURRAY (Western Australia) (5.18 pm)—The Parliamentary Superannuation Amendment Bill 2006 seeks to increase the contribution of the government—for the purposes of this legislation, the employer—to a member’s or senator’s superannuation account from the present nine per cent to 15.4 per cent. This will apply to all members and senators elected from 2004 onwards. It will be 15.4 per cent of the sum of: the amount of parliamentary allowance to which the person is entitled in the month; the amount of any salary to which the member is entitled because he or she is or was a minister of state for some or all of the month; and, the amount, if any, of allowance by way of salary to which the member is entitled because he or she was an office holder for some or all of the month.

The bill computes a four-year cost to revenue of $3 million, so it is not exactly a vast sum of money that is at issue here. But, of course, this matter has public interest because of the way in which the public and the media attend to issues of parliamentary wages and conditions of service. As far as I understand it, the principal rationale behind this bill comes from growing bipartisan disquiet—I use the word ‘bipartisan’ as opposed to ‘cross-party’, which I usually prefer—among the 22 members of the House and 17 senators who came into parliament at or after the 2004 election, and that disquiet has been supported by most of their colleagues. Those MPs and senators think it inequitable that there is one set of arrangements for some members of parliament and a different, lower set for others. As the shadow minister quite rightly points out, that is not uncommon in the Australian community; but, in general, if the difference between those under previous conditions and those under new conditions is wide, it does create agitation and irritation.

We all recognise that many in the media and in the public oppose in principle increases of any kind in parliamentary entitlements. Others who focus on superannuation will argue that politicians’ retirement benefits should be at the minimum employer contributions level applying in the general community, which is nine per cent, rather than the public service community contributions level of 15.4 per cent. Of course, once again, I should point out that there are many who are not public servants who in fact enjoy schemes at contribution levels in excess of nine per cent. Nine per cent is the minimum contribution required.

It should be emphasised—and it is, again, a point made by the shadow minister—that the new 15.4 per cent scheme, while better than the nine per cent minimum employer contributions level scheme, is still inferior in total to the old Parliamentary Contributory Superannuation Scheme, which applies to all senators and members elected prior to 2004. If the proposed arrangements are passed by the Senate, the difference will still be that the Commonwealth’s notional contribution to those elected before 2004 will remain about 70 per cent of a parliamentarian’s income in total.

Many in the public—perhaps the majority, from my experience—believe that politicians are overpaid through perks, fringe benefits and superannuation entitlements. Their view as expounded through surveys does not seem to have altered at all for the better since the community super measure of nine per cent was applied to post-2004 federal politicians. You would think, if you had acted to get rid of a burr under the saddle of public opinion, you might see a positive response—but I am afraid not. As those changes have not resulted in a better public opinion, and public distrust and cynicism remain at what are perceived as the double standards of politicians, many federal politicians I know assert that there is no point in ever trying to satisfy that sort of opinion because it cannot be satis-
fied—and neither is there much danger in introducing a marginally better or more generous scheme such as we are debating here. In other words, those politicians feel that they are damned whatever they do, so why worry? Perhaps that is going a little too far, because you must obviously pay attention to general public opinion. Nevertheless, it is clear to me that a slightly more generous parliamentary superannuation scheme, at a 15.4 per cent employer contribution, than that for a population as a whole at a nine per cent employer contribution does and will attract criticism, and I note that some of those opposed to this in this chamber and in the House have that very view.

The Democrats themselves were unashamedly opposed to the generous scheme that all parliamentarians were on, feeling that it was far too generous. In 1996, for instance, we won a reference to the Senate Select Committee on Superannuation. The unanimous conclusion of this committee, which reported in 1997, was:

The Committee considers that change to the Parliamentary Contributory Superannuation Scheme is desirable. The scheme is now out of step with superannuation practice in the wider community. There is convincing evidence that it is excessively generous to a small group of retiring parliamentarians.

The fact is that that committee recommendation has been acted upon by the government. The new scheme is now in line with the general community standard for public sector employees, and there are vast numbers of them. In fact, the current arrangements are that either nine per cent of a member’s or a senator’s parliamentary income per year is paid into a superannuation fund of their choice or, if the member or senator does not choose a particular fund, the payments are made into the Australian Government Employees Superannuation Trust, which, of course, is the same as applies to the people who work for me and the people who work throughout this parliamentary building overall.

In the bad old days of the excessively generous scheme, the Democrats did move amendments in the Senate to reduce the generosity of the Parliamentary Contributory Superannuation Scheme, and those were rejected at the time. But in mid-2004, under pressure from Mr Latham, the then leader of the Labor Party, a change was made and superannuation benefits for parliamentarians were considerably scaled down to the scheme that currently applies. I want to emphasise that the Democrats, throughout the period when the nine per cent rule was being introduced for the general community by Labor—and everyone is aware that that was introduced on a stepped and graded basis—very strongly supported the introduction of a compulsory employer superannuation contribution. But we supported it as a minimum, not as a maximum.

I have heard, amongst many others, former Prime Minister Paul Keating argue that the nine per cent needs to be increased. Some people argue that it should be increased by a greater contribution by employees—in other words, nine per cent from the employer and a percentage from the employees—and other people argue that it should be lifted by employers. But I stress that much of the specialist and expert opinion on matters of superannuation does regard nine per cent as too low. Certainly my own party regards it as a minimum.

On the nature of this bill, we say that the old scheme—the unfunded defined benefit scheme where employee contributions were a fixed percentage of 11.5 per cent of salary—is but a small contribution towards the pension’s cost. The untaxed benefits paid from this fund are generous and produce a high fixed retirement salary which, as I un-
derstand it, can lift to 75 per cent of the leaving salary for those who have very long service in the parliament. The new scheme for post-2004 parliamentarians is nine per cent of salary at present, and this bill will raise it to 15.4 per cent. It is important to note that the retirement benefits depend on the accumulation over time, and contributions earnings are subject—at present at least—to the superannuation fund income tax at the nominal rate of 15 per cent. It is a markedly less generous scheme. The question is whether we make a markedly less generous scheme a little more generous or not.

There are two areas I want to briefly cover off again. Members familiar with my views and my party’s views in this area will recognise that we have campaigned over many years for a much more holistic and work-value-oriented examination of federal members’ and senators’ salaries and, indeed, of ministers’ salaries. I repeat again my view that people like the Prime Minister and the Treasurer are grossly underpaid for the work that they undertake—by comparison with the leaders of other countries rather than the more common comparison with executives of companies.

I and my party are of the strong view that the Remuneration Tribunal does need to look at a parliamentarian’s salary package as a whole, at what they need to do their job as a whole and at the retirement package as a whole. That retirement package is what we are dealing with here, in isolation. But of course there are other elements to a retirement package, such as retirement travel benefits—including entitlements available under the Life Gold Pass which, frankly, I and my party argue should be done away with. There is no merit in the Life Gold Pass perk in our view.

Coming to the bill, our view is that the change is not unreasonable, since this bill and these proposals are consistent with those of the public service as a whole. We recognise that it is politically popular to attack politicians’ conditions of service. We also recognise that some people have a genuine view that politicians are very well paid and should not get any further advance in their conditions.

In view of the Democrats’ past positions, many might think we would oppose this bill. But of course we opposed the former scheme, which was excessively generous. We do not regard a 15.4 per cent employer contribution scheme, which accumulates over time and where the final pension is dependent on that accumulation over time, as excessively generous. I would be interested to see, for senators who are not re-elected or who retire after six years’ service—and I think we are only in a position really where they are probably not going to be re-elected—what the effective benefit to them of their superannuation contributions will be. I suspect it will be very low, as it will be for members. It would be quite interesting if the government had those figures. The Australian Democrats will be supporting this bill.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (5.32 pm)—The Greens will not be supporting the Parliamentary Superannuation Amendment Bill 2006, although I have some support for the arguments that Senator Murray has just been putting. If we were pursuing legislation which was to give Australians in the workplace generally a 15 per cent contribution from their employers to their superannuation, we would be very comfortable with this legislation. But we are not dealing with that. We are dealing with a rise in the top-up coming from taxpayers to the superannuation scheme of people elected to this parliament after 2004 from nine per cent to 15 per cent.
There are two things I need to make clear. The Greens have always and will consistently oppose the 69 per cent top-up for members of parliament elected before 2004. We think that is—and I think the whole body politic made the changes two or three years ago because it was—quite clearly absurd and outrageous and needing to be drawn into line. After action by Mark Latham, the then leader of the Labor Party, for a nine per cent top-up—which was consistent with that for the rest of Australian workplaces—the Prime Minister, in the run to the last election, made it very clear to Australian voters that he thought nine per cent was a good scheme. I am quoting the Prime Minister in using the word ‘good’.

This is effectively a broken promise because the Prime Minister is now, without reference to the electorate, almost doubling the contribution coming from the electorate to the scheme of new MPs. I would be taking a very different view to this again if all members of parliament, including those elected before 2004, myself included, were to be reduced to a 15 per cent or a nine per cent top-up. But we are not dealing with that.

There has been restiveness within the government’s ranks, particularly among new members, about the inexcusable disparity in the two schemes and, to settle that down a bit, we are now getting a 15 per cent rate through this legislation.

I believe the process is wrong. It is unfair and it is not honest; it is not what the electorate expected in 2004. If this were being put to the electorate next year, when the Prime Minister next went to election, that would be a different matter. Far from that, the bill was brought into this place on the last day of sitting and the cut-off was abolished this morning, by vote of the Senate. We are debating this this afternoon and the bill will presumably go through today—no committee, no public input, none of the usual consideration, but a bolt to get this legislation through.

Let us look at the need to amend the Commonwealth Superannuation Scheme and the Defence superannuation scheme so that same-sex couples get a proper benefit from their superannuation scheme. There has been an anomaly which has prejudiced thousands of Australians and continues to do so. It would be fixed by a piece of legislation brought in here by Senator Spindler. I think, in 1995 and which the Senate was dealing with last Thursday afternoon, 11 years down the line.

Here is a gross inequity for thousands of members of the public, and the government has effectively talked it out. It has done nothing about it. We have had 11 years to fix a real injustice in the Commonwealth superannuation schemes—there are actually three of them—with Mr Howard, effectively, blocking that all the way down the line. But, when it comes to a little bit of restiveness among his own backbench, he can get this piece of legislation in here, knock off the proper process for an inquiry about it and get it in the Senate all within 36 hours—11 years with no action on an injustice to thousands of Australians to this within 36 hours.

Senator Vanstone—You’re not quite right. You should read some of Senator Minchin’s press releases. You’re not telling the whole story.

Senator BOB BROWN—Senator, your turn will arrive—and Senator Minchin has arrived. This matter has been flagged. There has been a very small amount of debate—I am talking about the time given to this parliament. The process, I repeat, is wrong. Let me tell you how else it is wrong. The staff of members of parliament have been trying to get some improved income—I am talking about everybody’s staff here—for months. In fact, it goes back a lot further than that. The
government has the ability to ensure that they do get a fair deal. But, instead of that, as I understand it, those negotiations have gone nowhere. There is no agreement. I think that they are underpaid and their conditions are way short of those that we enjoy as members of parliament. I might add that it is a privilege to be a member of parliament and I think we are paid well.

Surely, if we can respond so rapidly to an aggrieved new tranche of MPs, something can be done for those hundreds of staff members who work so hard for us and who deserve a better deal than they are getting. And, if you go a little further out into the community, under the new industrial relations legislation, as I understand the government’s promise, the poorest people in this country ought to have had a significant pay increase by now. But that has not happened, either.

Just a few weeks ago we passed a seven per cent pay increase for members of parliament, but the lowest paid workers in this country are still waiting for a three per cent increase. There is an unfairness in this. It is not a fair go at all. We need to look after the pay and conditions of members of parliament, but we need to be fair about it and not put ourselves in a situation of precedence over the Australians we represent, who are effectively dependent on us to give them a fair go. This legislation is not doing that.

Senator MINCHIN (South Australia—Minister for Finance and Administration) (5.40 pm)—I regret that I was not present for all contributions on the second reading debate, except the last part of Senator Brown’s contribution. As I understand it, the Parliamentary Superannuation Amendment Bill 2006 does have the support of the Labor Party and the Democrats, and we are grateful for that, but I understand from Senator Brown’s remarks that he does not share that support. As the minister responsible for introducing the new Public Sector Superannuation Accumulation Plan and striking the contribution rate for that at 15.4 per cent, based on the actuarial evidence that that is the rate required to ensure maintenance of equivalent conditions—and about which I much appreciated the cooperation of the Public Service Association—and having now introduced similar accumulation schemes for new members of parliament, I think it is appropriate in the milieu in which we work that we as the national employer should acknowledge our new members of parliament and those to come. And in all fairness, to quote Senator Brown, the contribution we make to those members of parliament should be the same as that struck for the nation’s public servants.

We do think that is fair and appropriate. Of course, in this country it is the fact that the guaranteed minimum level of superannuation contribution payable by employers is nine per cent. Any employer is free of course to make a contribution greater than that. They must by law pay only nine per cent, but they can pay more than that. We as the employer of public servants have deemed that in our new accumulation scheme our rate will be 15.4 per cent. We think it makes a lot of sense now, in the light of the experience with the new accumulation scheme, for new members of parliament to move, sensibly, to a 15.4 per cent rate. That will go some way towards reducing the situation that was always going to be difficult of having members and senators working alongside each other on different remuneration packages. That is never easy but inevitable in making a change of this kind and without—as we never would have—terminating the arrangements for existing members of parliament. At some point there will be no members of parliament in the existing defined benefit scheme and everybody will be in the new scheme. But that day is yet to come. In
the meantime, we think it appropriate to reduce the inequity between existing members and new members, as well as acknowledging the disparity between new members of parliament and new public servants. I think in all fairness this is a sensible measure. There are always people who will take opportunistic advantage of it. I am disappointed with Senator Brown’s contribution, but I do appreciate the support of others in the chamber.

Question agreed to.

Bill read a second time.

Third Reading

Senator MINCHIN (South Australia—Minister for Finance and Administration) (5.44 pm)—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

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

Second Reading

Debate resumed from 16 October, on motion by Senator Sandy Macdonald.

That this bill be now read a second time.

upon which Senator Wong had moved by way of an amendment:

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”.

(Quorum formed)

Senator CROSSIN (Northern Territory) (5.47 pm)—This is a continuation of my contribution in this debate on the Higher Education Legislation Amendment (2006 Budget and Other Measures) Bill 2006—I had started my remarks last night but had only about two minutes then. In recent weeks we have seen yet another report, an OECD report titled Education at a glance 2006, with some very unfavourable comments about Australia in relation to higher education. It certainly shows that this Prime Minister and this government deserve an ‘F’ for education and training. There can be no doubt about the meaning of this report: ‘F’ signifies failure. While the rest of the OECD countries around the world have increased their public investment in tertiary education by an average of 48 per cent, Australia is the only country in the developed world—I emphasise: the only country—to see a decline, of seven per cent. Surely that must be not only a national but an international disgrace.
Let me give you some comparisons. In the OECD report we see the increases by other countries in their funding contributions to tertiary education. In the United States, the increase has been 67 per cent; in Canada, 37 per cent; in Japan, 32 per cent; and in Switzerland, 74 per cent. But what we see in Australia is a decline in public investment of seven per cent—so not an increase but, in fact, a decline. And it is not as if we do not have the money. This government boasts of its enormous budget surplus; we often hear about good times and economic prosperity in this country. It is simply down to the government’s short-sighted ideology and its blind desire to turn our higher education system into an American copy. So Australia is going backwards internationally while everyone else is going ahead. No wonder we have a massive skill shortage impeding our future development and prosperity—a skill shortage brought about solely by this government and its lack of attention to higher education.

Furthermore, the report shows that the Howard government’s HECS hikes have meant that Australian university students are now paying the second highest fees in the world. Under the Howard government Australians are paying more and more simply to get a degree. These 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. The new Senate estimates figures from the Department of Education, Science and Training show that university graduates and students will owe $18.8 billion—that is billion, not million—in HECS debts by 2008-09. We have the Minister for Education, Science and Training, Minister Bishop, trying to spin herself out of trouble by saying that the massive rise in debt is simply due to the rise in student numbers. Try again, Minister. That is simply wrong, as the student numbers have risen by only a small percentage, in fact 0.2 per cent, according to DEST’s own figures, between 2004 and 2005, compared to the rise in student debt. What we have seen from this government is a deliberate shift: a decline in university funding and the onus being moved onto students through their HECS increases over the life of this government.

Included, of course, in the funding this bill proposes is the application of indexation to university grants across the forward estimates years. This is a major matter—indeed, our universities continue to suffer from inadequate indexation, as they have done for 10 years under this government. The rate of indexation being applied to university operating grants by the government averages around two per cent per annum. By comparison, average weekly earnings rose by an average of 4.5 per cent annually between 1998 and 2004. Salary costs are the largest component of any university’s operating expenses, ranging between 45 per cent and 70 per cent—more like 70 per cent or more, I would have thought. The gap between indexation and the growth in wage costs continues to rise. In fact, I understand that what is needed to compensate universities for the gap between indexation and the rise in wage costs is somewhere around $500 million. As the gap rises, so do the financial pressures on universities—their staff, courses, class sizes and students. The ratio of students to tutor or lecturer in higher education in 1991 was about 15.6 to one. That ratio in 2004 was 20.7 to one. So there has been an increase in class sizes.

In particular, the shift in responsibility from the Commonwealth and public purse to either students or universities themselves has been most significant in the last 10 years. For example, Commonwealth grants to universities in 1996 when this government took over represented about 57 per cent of total univer-
More than 50 per cent of funding going to universities was from the Commonwealth government. In 2003 around 41 per cent of university revenue came from the Commonwealth. So we have seen a downward shift of 16 per cent.

What has been the reaction from the sector? The universities have no other option but to impose fees. Somehow the 16 per cent difference has to be made up. In 1996 universities had 13 per cent of their revenue base made up of fees from students. In 2003 universities relied on about 24 per cent of their funding to come from student fees. So from 1996 to 2003 we have had a 16 per cent decline in the funding coming from the Commonwealth to universities. At the same time, universities have compensated for that by imposing fees on students which have risen from 13 per cent to 24 per cent of their revenue. So it is not surprising that we do not come up to the mark in an international report such as the one produced by the OECD.

Let us look at the impact on regional universities, and in particular Charles Darwin University in the Northern Territory. Charles Darwin University has about 17,665 students—people, that is, not equivalent full-time students or TAFE students, but actual bodies—according to their 2005 statistics. Out of that about 5,380 people are in higher education. Charles Darwin University suffered a $6 million cut in the first year of this government coming to power. We know what that meant at the time for the then Northern Territory University. It meant that they had to abolish courses, areas of faculties and departments. The English faculty, for example, was one that was abolished to much hue and cry from the local community. The arts department suffered as a result.

All up, since 1996 Charles Darwin University has faced nearly $40 million in recurrent funding being withdrawn by the Howard government. Forty million dollars over the course of 10 years is a large cost for a university like Charles Darwin University to have to wear, particularly when they do a splendid job in trying to deliver higher education right around the Territory in places such as Gove, Nhulunbuy, Katherine, Alice Springs and even in the remote centres. It is extremely expensive and time consuming to get lecturers out to those places and to service students in those places. This university has had to struggle to survive and to continue offering higher education right around the Territory while they have suffered a $40 million reduction in their recurrent funding under the Howard government. So reduction in funding has a massive impact on small and regional universities such as Charles Darwin University.

At a time when our university system is grossly underfunded and in need of serious attention, all we are getting from this government is an inadequate, incoherent policy response to the needs of our university system to diversify, innovate and meet Australia’s higher education needs.

I want to spend some time having a look at Indigenous people participating in higher education. I have not heard any comment about that in this debate in this chamber or from my colleagues in the House of Representatives. We know that this government set up the Indigenous Higher Education Advisory Council. Let us give that a tick because that is a good thing. It is time Indigenous people have an avenue in the tertiary education sector through which advice can be given directly to the minister. I notice that we do not have it in the school sector but at least we have it in higher education. I want to commend the government for putting representatives from the trade union movement on it—people like Joel Wright, who works for the National Tertiary Education Union—who have a broad network of connections in the
education sector. Their expertise is welcomed and recognised.

On 18 July the new minister, the honourable Julie Bishop, launched the Indigenous Higher Education Advisory Council’s report called *Improving Indigenous outcomes and enhancing Indigenous culture and knowledge in Australian higher education*. The report also included the outcomes of the Indigenous Higher Education Advisory Council 2005 conference—because, remember, there was a commitment from this government to have an Indigenous higher education conference each year—titled *Education led recovery of Indigenous capacity: reshaping the policy agenda*. The reforms and initiatives in the report aimed to substantially improve the quality of Indigenous peoples’ participation in higher education as staff and students. It put forward, though, one overarching recommendation. The cornerstone or the keystone of that report stated:

A major national project be undertaken to investigate and report on Indigenous education initiatives and strategies in higher education that are successful in improving access and rates of retention and completion.

There were 35 specific recommendations in that area and they went to: encouraging universities to work with schools and TAFE colleges; developing a concerted strategy to improve the levels of Indigenous undergraduate enrolment; improving the level of Indigenous postgraduate enrolment; improving the rates of success, retention and—let us not forget—completion for Indigenous students; enhancing the prominence of Indigenous culture and knowledge; increasing the number of Indigenous people working in universities; and improving the participation of Indigenous people in university governance and management.

But what have we seen since that the report was handed down in July? Each month I carefully look and watch to see if we have got another announcement about how this is going to be implemented, but I suspect that it is going to be another report that sits on the shelf gathering dust without any strategic plan or performance indicators to put it in place. One of the critical issues addressed by the Indigenous Higher Education Advisory Council report was the ongoing debate about the decline in Indigenous student commencements since the invincible date of 2000. We all know what happened at that turn of events. The report went on to say:

Despite some advances, Indigenous people remain significantly under-represented in Australian higher education. The number of indigenous students commencing higher education rose steadily throughout the 1990s—

but dropped significantly in 2000 and has fluctuated since.

In the latest report to the federal parliament on Indigenous education there was a decline of nearly 600 students in the 12 months of that reporting period. Despite the fact that this government continue to deny this, the decline has been brought about by the changes to the Indigenous student income support, Abstudy, introduced between 2000 and 2003. Every significant report I have seen, every academic who has researched this and every person who wants to point to the reason Indigenous education is declining in the higher education sector points to that moment when the Abstudy changes occurred. Everybody seems to recognise this except this government. They are still in denial about that. The Indigenous Higher Education Advisory Council report says:

Changes to ABSTUDY with the aim of aligning the means tests and payment rates with those of Youth Allowance and Newstart took effect from 1 January 2000. There was a sharp decline in higher education Indigenous enrolments in 2000 and ABSTUDY recipient numbers in higher education declined significantly in 2002 and 2003 (DEST,
It is likely that both the means test and the payment rates need urgent reconsideration”. And now we have got the government’s own Indigenous Higher Education Advisory Council in a report to government also confirming that they believe that was the trigger for the decline.

One of the most significant changes was the abolition of the Student Supplementary Financial Support Scheme. This provided students in receipt of Abstudy or Austudy with loans to pay for additional living and education costs associated with university study. We know that in the years prior to the abolition of the loans the number of commencing Indigenous students had been steadily increasing from 7,342 in 2001 to 8,871 in 2002 and then to 8,998 in 2003. But the loans scheme was abolished in April 2003, after which there was an almost immediate decline of 12.1 per cent in Indigenous student commencements in 2004, going down to 7,902, and in 2005, based on half-yearly figures, an 11 per cent decline was already evident. So since 2003 we have actually seen 1,955 fewer Indigenous commencements, representing a decline of 21.8 per cent. Under this government we have seen a massive underspending in higher education, a deliberate shift to include the cost—(Time expired)

Senator WEBBER (Western Australia) (6.05 pm)—The Higher Education Legislation Amendment (2006 Budget and Other Measures) Bill 2006 amends the Higher Education Support Act 2003, the Higher Education Funding Act 1988 and the Australian Research Council Act 2001. This amendment bill contains no fewer than nine schedules. It is noteworthy that under this government the public investment in higher education has fallen while in all other OECD nations it has increased.

There are enough studies and research available stressing the impact of higher education on our community. Whether a university degree, a diploma gained at a TAFE college or a trade acquired through the apprenticeship system, higher education is the best means to build a more prosperous Australia. This week we have a report from the Queensland Council of Social Services that shows that lack of education is a key determinant influencing the cycle of poverty, an issue that we discussed earlier this afternoon.

Higher education should not just be equated with gaining a university qualification. Higher education is the path by which all people can move upwards. Yet this government has demonstrated that higher education is not as important to it as it should be. Australia is now the only OECD nation that has been cutting public investment in higher education as a percentage of GDP since 1995. The figures speak for themselves. In real terms this government has presided over a system that has seen its expenditure reduced by eight per cent as a proportion of GDP. The OECD average, on the other hand, has been an increase of some 38 per cent. This falling public expenditure has had its effects not only on university campuses around Australia but also at TAFE colleges.

As I have said on numerous occasions in this place, the current skill shortages in our economy are the responsibility of this government and this government alone. It does not matter whether it is a shortfall of doctors, nurses, engineers, plumbers or carpenters. When you fail to invest in higher education you are failing to invest in the future development of your economy. Now that we have a fully-fledged skill shortage, out come the band-aids from the government. Out come the increases in temporary work visas, out come the Australian technical colleges and out comes last week’s announcement on training.

Now in schedule 1 of this legislation we see
the increase in nursing places and medical places.

This government is not concerned with nation building. This government cannot see beyond the next election. Even if it can see beyond the next election, it certainly does not have a plan for it. Let us consider for a moment what its current term of government has delivered: legislation about student unionism that does nothing more than suit its ideological purposes and Australian technical colleges that will not deliver any additional tradespeople until 2008. Even now only some five out of 24 are up and running. In fact, this week we have seen the directors of TAFE colleges urging the co-location of Australian technical colleges within the existing TAFE system—an approach that is actually taking place in the Pilbara. We have a government that only takes action after the crisis has occurred.

One of my major concerns about the effect of decisions of this government and the skill shortages relates to the analysis of the labour market. It used to be the case in this country that the department of employment monitored and analysed emerging trends in the workforce. This allowed government to introduce policies and to adjust immigration intakes to take into account changes in the labour market. How is it that we have been caught short on the skill shortages? Is it that the department has not been conducting the analysis of the emerging trends, or that successive ministers have been ignoring this advice? Whichever is the case, there is no doubt that information must have been available that highlighted potential or actual shortages.

Take the case of the additional Commonwealth supported places funded by the Commonwealth Grant Scheme that are included in schedule 1 of this amendment bill. Two hundred additional medical places will commence in 2007, and that will increase to 405 places by 2009. We know that the Productivity Commission identified that shortages existed in a number of health professions and that in essence we needed to train more health workers to meet projected needs. So out come the government, and they announce with great fanfare that more medical places will be created. What they of course omit to mention is that it was their decision when they came into government 10 years ago to reduce the number of Commonwealth supported places that led to the problem in the first place.

We also have to acknowledge that, even with the increased emphasis on training medical students in the area of general practice, these changes will mean a reduction in the number of patients that a doctor will be able to see. I was talking recently to doctors in Perth and they pointed out to me that each student they train and supervise in their practice will mean a 25 per cent decrease in the number of patients that they can see. That is the problem with this government: it fixes one problem only by creating others. Australians are entitled to wonder what would be the current situation if the government had not made that original decision 10 years ago to reduce the number of places for medical students in our universities.

The same sorry story exists for trades and traditional apprenticeships. With great noise the government launched its new apprenticeships and traineeships schemes. But it overlooked one problem. The numbers undertaking traditional trades were decreasing, and increasingly people were not completing the apprenticeships they commenced. This government has no real understanding of the difference between seeing public expenditure on higher education as an investment and seeing it as a cost. When all you are driven by is recording record surpluses and you are not also driven by investing in the future,
you get the situation we now face in Australia. Those opposite need to understand that public investment in higher education benefits all of us and should be treated accordingly.

Let me turn to some of the specific details in schedule 1, in particular those that are part of the COAG mental health package. The bill funds 431 additional new places in undergraduate nursing courses, with a mental health major commencing in 2007. We are told that this will increase to 1,148 places by 2010. As part of the COAG mental health package, 210 additional Commonwealth supported postgraduate clinical psychology places will be commencing in 2007. This also will increase to 400 places by 2008.

I have some concerns with this approach generally and more specifically. My first concern is that these changes are to commence in 2007. What work has been undertaken already for the institutions that are to receive this funding to ensure that those additional places can be accommodated and that sufficient educators are in place to commence from next year? I for one hope that sufficient work has been undertaken in anticipation of this change that ensures that, as of next year, institutions will have in place the resources to take in 210 postgraduate clinical psychology places and 431 nursing places with a major in mental health and that arrangements are also in place for these students to have access to training placements.

These arrangements are traditionally at public hospitals and other health institutions. There is a need for them to be put in place in a cooperative manner—not in the current dictatorial manner coming from this government when it comes to mental health funding. There is always a concern about the timing of policy announcements and whether they are achievable. We saw the time lag between the announcement of the Australian technical colleges policy in 2004 and the graduation of the first student.

My other concern with these announcements is how they will affect Western Australia. As a general rule of thumb, Western Australia typically receives about 10 per cent of any new initiative. These figures tell me that we can expect about 20 postgraduate clinical psychology places and about 43 nurses with a mental health major. I am not confident that this will address the needs of the Western Australian community, particularly for those living in rural and regional areas. As a member of the Senate Select Committee on Mental Health I think that the government should have done better.

The COAG mental health package was announced back in April and here we are halfway through October and only now are these measures being debated in this place. The report of the senate select committee made this clear: surely there is a degree of urgency with how we deal with the issue of mental health. A time lag of six months between the announcement and the presentation of enabling legislation does not fill me with confidence. I can only trust that these places will be available at the start of the 2007 academic year.

One of the other concerns I have is that many of the people in our community with qualifications and skills in a particular area do not work in that area. Surely a task for government is to determine the factors why so many holders of nursing qualifications, for instance, do not work in the nursing occupation and why so many people who commence apprenticeships do not complete them. Once the government is able to make that determination, ensuring that suitable policies are in place will assist us in overcoming future skills shortages.

Let me now turn to schedule 2 of the amendment bill. Schedule 2 deals with FEE-
HELP. FEE-HELP, as most of us know, is an income contingent loan scheme. Essentially, full-fee-paying domestic students are eligible for a loan to pay for the cost of their degrees. As we are now seeing universities charging in excess of $200,000 for a medical degree, is it any wonder that the government has had to increase the FEE-HELP loan limit to $100,000 for medicine, dentistry and veterinary science students? FEE-HELP is just another step on the path of the Americanisation of our universities.

Full-fee-paying students gain entrance to universities on one basis only: their capacity to pay. The Australian Medical Association is already on the public record as saying that all medical school places should be Commonwealth supported places. The AMA is, of course, dead right on that one. What this government is doing is going to make it increasingly difficult to gain a university place based on merit selection and increasingly easier to buy a place. In future, the ability of Australians to gain a degree will be about not only whether they can pass the course but whether they can apply for a loan to help pay their way.

It is clear that we are yet to see the full impact of full-fee-paying students and their effect on the university sector, but increasingly we are seeing the start of those changes. One of the areas that have recently been in the press is how the fall-off in enrolment in some courses results in universities having to return money to the Commonwealth. This is an area that deserves close attention. Universities have to provide government with an estimate of how many students they expect to attend a particular course. Universities then set their entry mark and await applications. In the event that the application numbers do not meet their estimate, they have to return the funds to the Commonwealth.

One of the issues is that universities have recently been in the press saying that they will be lowering their admission marks to increase the number of enrolments. Personally I am concerned that this approach puts the cart in front of the horse. What I mean is that entry should be on the basis of merit. Merit is determined by having an entry mark to the course. So if university administrators are wrong in their estimates at the moment then they pay back the money and lower their standards in the next year. I believe that our higher education institutions should be centres of excellence—excellence in research and in teaching.

Through all this we must remember that investment in higher education for our community should not be treated simply as a cost. Higher education benefits all of us. Higher education ensures that we will have a skilled workforce in the years ahead. The value of higher education should not just be measured in a budget bottom line but be seen as a way of ensuring that our country continues to be a prosperous one with decent education and incomes for all.

Senator VANSTONE (South Australia— Minister for Immigration and Multicultural Affairs) (6.20 pm)—I thank the senator for her contribution and I thank the other senators for their contributions. I think there is a will to simply proceed.

Question negatived.
Original question agreed to.
Bill read a second time.

In Committee
Bill—by leave—taken as a whole.

Senator WONG (South Australia) (6.21 pm)—An amendment by Senator Bartlett has been circulated in the chamber. Perhaps I will briefly indicate, if Minister Vanstone does not mind, Labor’s view on that amendment, despite the fact that it has not been
moved. I understand that Senator Bartlett is on his way to the chamber, so to expedite debate I will briefly indicate my attitude to the foreshadowed amendment of Senator Bartlett.

The Democrats will oppose schedule 2. I want to place on record the opposition’s view in relation to that. We do not support the deletion of schedule 2. We do support the retention of the FEE-HELP scheme. We regard it as a scheme which provides necessary support to students in certain courses, particularly those undertaking postgraduate coursework degrees. It has also become an important program for supporting students at non-government universities such as Notre Dame and with other private higher education providers. The Labor opposition has already committed to retaining FEE-HELP to help students who choose to study with a private higher education provider.

As I outlined in my speech in the second reading debate, Labor is extremely concerned about the spiralling levels of student debt in Australia. The changes that I referred to in my speech in the second reading debate will alone add an extra $73 million to student debt by 2010, bringing the total to $20 billion. The issue is how one approaches dealing with this unacceptably high level of debt. We believe that the path to that is through Labor’s commitment to the abolition of full-fee undergraduate degrees in Australia’s public universities. We do not believe that abolishing the scheme, as is essentially proposed in the amendment, is the answer. Labor remains opposed to six-figure degrees—$100,000 or $200,000 degrees—of the sort that I believe the Prime Minister said we would never have. As I said, we have committed to the abolition of full-fee undergraduate degrees in Australia’s public universities.

Accordingly, the Labor position is that, to prevent crippling debt for students at our public universities, we intend to eliminate this problem at its root by opposing full-fee undergraduate degrees in public universities and, in government, by phasing out these degrees.

Senator BARTLETT (Queensland) (6.24 pm)—I apologise for not being here at the start of the committee stage of the debate. As I mentioned in my speech in the second reading debate, the Democrats want to indicate in this committee stage our opposition to the schedule of the bill relating to increasing the amount that can be accessed through FEE-HELP. The Democrats oppose schedule 2 in the following terms:

1. Schedule 2, page 5 (line 2) to page 6 (line 25), TO BE OPPOSED.

I outlined the reasons for this in reasonable detail in my second reading contribution, so I will not go into them at great length again here. I accept that there are arguments both ways on this particular approach. It is a reality that the fees that students have to pay are going higher and higher. Therefore there is very good reason to increase the amount that is available to assist them through FEE-HELP even if it means assisting them by putting them into even greater debt. The counterargument is that increasing the amount available through FEE-HELP facilitates the ability to charge higher fees by making people more likely to be able to afford them even if that is in the immediate term with the consequence of a larger long-term debt.

The Democrats’ concern is that, by increasing the amount that can be accessed through FEE-HELP, in a way you are partly facilitating the continuing increase in the overall amount charged through fees. But I accept that it is an argument that has valid positions on both sides of the approach that
could be taken. I also very much agree with Senator Wong that the key action that is needed is to take an approach that directly addresses the problem, which is the extremely high fees that students have to pay.

We had that very clear-cut commitment by the Prime Minister that we would not see $100,000 degrees in this country. Not only do we now see them: we see degrees whose cost is much higher than that. This is completely inequitable. It is against our national interest as well as being unfair for many individuals who are less able than others to afford to pay such exorbitant fees. It reinforces the reasons why the Democrats have consistently and continually argued against fees and charges being imposed on people wanting to access higher education. We believe that education should be an investment rather than a cost. Clearly, as I said in my speech in the second reading debate, we have an approach where we have had a dramatic under-investment in education, in higher education and in other areas of skills and knowledge development. We as a nation are all now paying the price for that. That is the real core of the debate.

The Democrats’ opposition to the schedule really goes to one of the ways in which we deal with the symptoms of the problem. Our concern is that by increasing the amount that can be accessed—the debt that people can go into—through FEE-HELP, which is a curious name, we are facilitating or enabling the continual increase in fees. The counterargument is that the fees will continue to go up anyway and that, if this is the only way that people can afford to undertake study, it should be made available to them. The real solution that is needed—but that unfortunately this government is not addressing—is the solution to the core problem of the outrageously high fees that Australian students have to pay.

Senator VANSTONE (South Australia—Minister for Immigration and Multicultural Affairs) (6.28 pm)—I thank Senator Wong and Senator Bartlett for expressing their views, and I would like to express mine. My usual practice, when handling a bill for another minister, is to simply rely on the advice, in effect, from the other minister, through the officials. But on this occasion I am tempted.

Senator Wong—You can’t help yourself.

Senator VANSTONE—I cannot help myself. I am sorry. Senator Wong, you have got it right: I cannot help myself. I feel very strongly about this issue, because I was the minister who introduced the opportunity for Australians to invest in themselves. For those people who could not get a government supported place, the answer was, ‘No, you go off and choose another entirely different career.’ By saying to them, ‘If you want to take a chance on yourself and invest in yourself, you can’, we gave them the opportunity simply to make that choice if they wanted to.

It seemed extraordinarily unfair to me, in the extreme, that Australian universities would allow overseas students and their families to invest in themselves but have the hide to say to Australians: ‘I’m sorry, the government’s only got so much money and so you don’t get a government funded place. You cannot possibly invest in yourselves, but we’ll allow overseas students to invest in themselves. We’ll take their money, but yours isn’t good enough. You’re not entitled to a place.’ We all know the TER scores that are used to ration places into degrees have got nothing at all to do with whether you need to have that level of memory skill to get a TER of that height, and they have got even less to do with whether you will be any good in that faculty. They have got nothing to do with whether you will be a good doctor, a good engineer or a good whatever.
I was happy to introduce full-fee-paying places for another reason. The reason is this: it is important that we focus on our higher education sector; it is a tremendous asset that provides great opportunities to Australia and to individual Australians. But, if we do so at the expense of others who do not get to go to university, then I am not in favour of it.

When I had this ministry, I certainly tried to make changes that would create further opportunities for the 70 per cent of kids who do not go to university. It is still a damn disgrace when you go to a school and you ask someone what they are going to do if they define themselves in the first instance by saying, ‘Well I won’t go to university.’ How disgraceful is that?

So one cunning ploy that is mentioned in my notes—I have digressed, and I am sorry—is if a student does not get their first choice, they do not have to go into their second or third choice faculty. They can perhaps borrow the money or, if their parents are rolling in it, I suppose they can buy a place. That is a good thing, because students who are in faculties that are not their first choice do not do as well. There were so many disparaging remarks made about kids who were born into rich families, as if it is okay to give them a kick in the backside when it is never okay to give someone, just because they are poor, a kick in the backside. I accept that. But I equally think it is not okay to give someone a kick in the backside just because they happen to be born into a wealthy family. It is not their fault. Whether you are rich or poor has nothing to do with who you are and whether you will be good at anything.

Having listened to the chants of ‘make the rich pay’ when I was at university, I actually liked the idea. All right, perhaps we cannot make them pay, but I tell you what we could do: we could let the rich pay. The consequence of that—when there is a kid whose family can afford it or who is prepared to borrow and invest in himself or herself—if that child would otherwise get a government funded place, is what? The government funded place is freed up, because the government gives out a certain number of places. If there are kids from wealthy families who say, ‘I didn’t get my choice,’ and they shift to another place, yes, I am pleased that this policy lets them have their place. But I am more pleased that it frees up a government funded place for a kid who otherwise would not get in.

So those who are opposed to full-fee-paying places for Australian students should say to all the kids who did not get in, ‘Listen, the rich would like to pay and they’d like to free up some spots for you to get in, but, I’m sorry, it doesn’t suit our ideological bent, so you will just have to miss out.’ That is where we differ. I am happy to let the rich pay. Let them pay in spades, and let a kid who cannot afford to pay get the government funded place that the rich kid would otherwise get.

Now, having got that off my chest, I shall return to the notes, which advise me that this is all about choice—that is true; it is. There have been full-fee places since 1998; I did not think it had taken us quite that long to introduce it. They do not take away from government funded places—that is a point that has already been made. Students are no longer forced into their other choices. This new general $80,000 FEE-HELP limit for students of other than medicine, dentistry and vet science should cover the full costs of the vast majority. It is an income contingent loan. It is like HECS-HELP; you do not pay back until your repayment income reaches the minimum threshold, which is $38,149. In other words, you do not pay back until you are above the regional minimum salary level for skilled migration. Until you are earning more than that, we do not take a cent from you. I have some personal views on that mat-
ter. I am tempted, but I will not give into the temptation, to share those at this point.

Senator Wong—You're not bored with immigration, Senator Vanstone, are you?

Senator Vanstone—No, but I do feel very, very strongly about students having the opportunity to invest in themselves and richer people, who can afford to pay for a place, getting the opportunity to do so to free up a place for a kid who cannot afford it.

Medicine, dentistry and veterinary science are amongst the highest costing courses. They are currently funded at the highest level for Commonwealth supported students and, therefore, they get a higher $100,000 FEE-HELP loan limit for students taking those on a fee-paying basis. The higher cost courses are often associated with higher income streams and, therefore, a greater capacity to repay loans. Higher income earners repay their loans at a faster rate, and students in these courses also tend to be highly motivated and committed to completing their studies and entering the workforce in their chosen field of experience.

In conclusion, just as a matter of interest, one of the universities confirmed for me how annoyed they were at full fee paying places. The woman concerned said—and I am not sure of the technicalities of how this happens, Senator Bartlett, so I am asking for a caveat on this that says I recall a conversation—these kids shift into HECS places in their second and third year, and doesn’t that mess up the system? Doesn’t that tell you something? It tells you that if kids are prepared to risk investing in themselves, they put a lot into it and they end up doing well. And it tells you that our selection procedures are not everything everyone thinks they are. We do not support the amendment.

Senator Wong (South Australia) (6.36 pm)—As I said, and Senator Vanstone agreed with me, she could not help herself in having an argument about full fee paying places, and I feel that I need to respond very briefly to some of what has been said on that.

The minister says, with a flourish of her hand, ‘Full fee paying places are an opportunity for people to invest in themselves.’ Do you know what they are an opportunity for? They are an opportunity for people who have a sufficient bank balance—whose parents, families or themselves earn enough—to jump the queue when it comes to access to our universities. That is what it is. You can dress it up as some wonderful rhetorical statement by saying, ‘This is about investing in yourself,’ but, fundamentally, it is saying, ‘In Australia now you can buy your way into university over people who are more suitably qualified who have better results than you simply because you can pay for it.’

That is what this is about. It is not about investing in yourself; it is about inequitable access to higher education. It is about ensuring that people can have the opportunity if their financial circumstances are sufficiently generous and positive to buy themselves a place in our universities. As a Senator Bartlett previously indicated—and I have too—we are talking about $100,000 or $200,000 degrees. These are not places that are accessed by ordinary Australians; these are places which are accessed by people who are going to spend more on their degrees than many Australians may even spend on their house. So let us not pretend that this is some great equity measure from the Howard government; it is about wealthy people buying their way into universities.

The minister says, ‘We should give these people the same opportunities as overseas students.’ What about giving more people access to universities instead of making it available on the basis of whether your parents earn enough money to buy your place or whether you have earned enough money to
buy yourself a place? What about actually funding universities so that we can have sufficient access. The minister’s approach seems to be: ‘There are all these poor people who cannot get access, so we’ll let the rich people buy a few more places. Then we might be able to fund the poor people more.’

This is a government—and we talked about this during the second reading debate—which has presided over a reduction in terms of the gap between indexation of costs and actual costs. I think it was over half a billion dollars over the term of the Howard government. In other words, they are reducing the effective recurrent funding compared to costs to universities, which is where you could actually do something about ensuring education is accessible. Let no-one listening to this debate believe any of the rhetoric that suggests that making people pay $200,000 for a degree is somehow an equity measure. As I recall, my colleague Ms Macklin from the other place earlier this week or last week actually issued some data, which I believe the Department of Education, Science and Training in fact provided through a question on notice—or it might have been another government body—which demonstrated the gap between entry level scores applicable to government funded places as opposed to up-front fee places in universities and demonstrated precisely what Labor has been saying for some time: there are a number of courses in which full fee paying places require a lower threshold of entry. In other words, if you are wealthy and you do not score as well, you do not get in.

The minister says, ‘We all know that what you get in your HSC or your year 12, or whatever the equivalent qualification is, is not necessarily an indication of how good you will be.’ That may well be true, but that is the primary test that is used, and we know that is what people compete on. I would have thought that it was a pretty reasonable principle to say that you should get into university on merit and not on the size of your bank balance. That is the first point. The second point is: let us not pretend that this is somehow an equity measure. The third point is—and I want to finish on this, because I am aware of the time—if we are serious about saying, ‘We want more poor kids,’ I think was the phrase used, if we want to broaden access to higher education, then perhaps we should fund the higher education system properly.

Senator VANSTONE (South Australia—Minister for Immigration and Multicultural Affairs) (6.40 pm)—The only people jumping the queue here are the people lining up to jump the queue because of Labor’s about-face that is about to happen on temporary protection visas. They are the only people jumping the queue. As for the suggestion that people are spending more on their education than—

Senator Wong—Oh, come on! The great moderate! The great moderate!

The TEMPORARY CHAIRMAN (Senator Troeth)—Order, Senator Wong! The minister has the call.

Senator VANSTONE—With respect, Senator Wong—

Senator Wong—The great moderate!

The TEMPORARY CHAIRMAN—Order, Senator Wong!

Senator Wong interjecting—

Senator VANSTONE—I am just about to, actually. I am about to say something to you quite directly. I understand the senator is not very happy with those remarks, but there will be a debate in the Labor Party over temporary protection visas—no doubt. To the suggestion that people will spend more on degrees than many Australians will spend on a house—not many. I do not think Senator

CHAMBER
Wong has looked at house prices lately. I think that is a serious issue.

The claim over more suitably qualified candidates is one that does need to be contested. We can have our differences of opinion over the entry mechanisms for the government funded places—the appropriateness or otherwise of TER scores being linked with interviews and various other mechanisms that decide who gets in to which faculty—but I think we have to agree that there are only a certain number of government funded places and that, while we might disagree at the edges as to how the distribution is done, it is done with good faith that everybody thinks is fair. Everyone is always looking for a better way to do it—that is, within the government funded places, those who are suitably qualified get in. There is no argument that I have heard that people who ought not to are getting into government funded places.

Nonetheless, that leaves the question: why do we let overseas students invest in themselves and not Australian students? Senator Wong’s response to that is: ‘Why don’t we just pay for them all?’ The taxpayer cannot afford it. We are not going to be a government that goes back into deficit. We are not going to borrow from the rest of the world and make our children pay the debt. That is the old-fashioned Labor way—borrow from the rest of the world to buy your way back into government. Put the government into debt and let Australians pay the bill for you to buy your way back into government. We are not going to do that.

As to the suggestion that investing in yourself is inappropriate, that is interesting—I am going to consider sending Senator Wong’s speech to universities like Harvard and Oxford and ask them if they would like to reconsider. I might spend a bit of time writing to people who have got their degrees there, asking them if they think they are rich and thick because they paid for their university degrees. It is a ludicrous notion that Australians should not be able to invest in themselves.

If it is good enough for universities to sell places, predominantly to students from India and from China—and I welcome them doing that—then it should be good enough for them to sell those places, additional places, to Australian students. It is a matter of note that the Labor Party choose to play what I think is a race card by saying, ‘We cannot have Chinese workers coming here taking jobs; we have people coming from India taking jobs,’ but they are quite happy to take money from Chinese and Indian students to fund the higher education sector. Every way you turn they want one thing on the one hand and another on the other. Just spin the dice. Which way are they going to focus today? We focus on choice and opportunity. There are only so many government funded places. Relatively speaking they are distributed fairly. But, if people over and above that want to invest in themselves, we should not be holding them back and we certainly should not be selling places to the rest of the world and refusing to sell them to Australians.

Senator BARTLETT (Queensland) (6.44 pm)—I cannot help contributing now either, although I do not really want to prolong the debate—it probably would be helpful to get it dealt with before 10 to seven. Once we start having issues like temporary protection visas and overseas migration brought up, it is a bit hard to leave those points uncontested. I am not sure if the minister has noticed, but I have occasionally agreed with her on her concerns about some of the rhetoric being used in regard to the skilled migration visa debate. I do not apply that to all members of the ALP or the union movement, but I can only assume that some of them are consciously playing on some of those old-style
fears about migrant workers taking Aussie jobs, ruining our conditions and all those sorts of things. That is not to say that there are not problems that need to be addressed in the 457 visa category, but I do think we need to be very careful—perhaps even careful to a fault—in trying to ensure that we express those concerns in a way that does not play on racial prejudices.

Senator Vanstone—I agree with everything you have said so far.

Senator BARTLETT—Good, but you probably will not agree with the next bit, which is that I do not think your suggestion that removing temporary protection visas is in any way going to lead to so-called queue-jumping; it is not borne out by the facts. I think the phrase ‘queuejumping’ is erroneous in that context.

But back to the bill and the amendment. Just to reinforce the point, I think the issue here is that overseas students pay, and certainly I am not against that, although I think that there is a genuine problem that some universities have become so dependent on income through overseas students that, firstly, they are going to be in serious trouble if that market declines, which it quite probably will do once China really gets up and going with some of its institutions. Universities are going to be in real strife because they have become dependent on it. There is a real problem that, in some respects, we have a degree factory, sausage machine mentality in some universities because they are just so dependent on income from overseas students to fund their overall operations. That is a problem. That is not against overseas students but it is a problem in terms of the overall funding mix for some universities.

I think the obvious reason overseas students who come here pay and invest in themselves or their future is that they are not necessarily going to be staying in Australia—although many of them do through our migration programs. Again, I am not opposed to that, although we could maybe do a bit better by helping some of them settle more effectively. That is the core issue. When Australian residents are studying, it is recognised that this is not just an atomised, individual thing. This is about investment in Australia as well. It is not individual people all investing in themselves; it is also Australia investing. That is why we have that separate approach for Australian students.

But it is still a fact that entry mechanisms are never going to be perfect. There is always going to be a need to continually review them. But when a person’s bank balance makes the difference between whether or not they get in, rather than their academic ability, you are getting into a bigger problem. That should not have anything to do with whether or not they make a good doctor or engineer either. It should be based on merit. When that becomes secondary to bank balance, we have a big problem and a distorting effect. That is leaving aside the core problem, which is that, even if you accept some of these things in principle, it is a matter of degree—and now you have your degrees costing as much as they do. This is in direct contradiction to the Prime Minister’s promise of not very long ago that we would not see $100,000 degrees in Australia. We have that and more now, and that clearly is a barrier to many people.

Senator WONG (South Australia) (6.48 pm)—I will only be 30 seconds because I think we want to try to vote on this. The minister talks about choice and opportunity. I make the point that it is choice and opportunity not for middle Australia but for people who are wealthy enough to spend $100,000 or $200,000 on buying their way into university.
The TEMPORARY CHAIRMAN (Senator Troeth)—The question is that schedule 2 stand as printed.

Question agreed to.

Bill agreed to.

Bill reported without amendment; report adopted.

Third Reading

Senator VANSTONE (South Australia—Minister for Immigration and Multicultural Affairs) (6.49 pm)—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

DOCUMENTS

The ACTING DEPUTY PRESIDENT (Senator Troeth)—Order! It being 6.50 pm, the Senate will proceed to the consideration of government documents.

Human Rights and Equal Opportunity Commission

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

That the Senate take note of the document.

I rise to take note of the Human Rights and Equal Opportunity Commission report, the detailed title of which is *Breach of Ms CD’s human rights at the Curtin Immigration Processing and Reception Centre*. I notice that it got some air today during question time, and the minister undertook to provide some further information in respect of it. What I wanted to do was canvass some of the issues that are contained within it. What concerns me most of all is that the Department of Immigration and Multicultural Affairs suffered significant problems during 2000 and 2001, particularly in relation to what are more commonly referred to as the Rau and Solon cases and then the subsequent Palmer and Comrie reports into those issues.

What has now occurred fits into that earlier time frame of 2002 or slightly thereafter, and so it could be argued that in a historical context the department has moved on. However, the way that this is being handled by the department in 2006 raises concerns. These concerns are stated by the Human Rights and Equal Opportunity Commissioner, although stated silently. There was an inappropriate action taken in relation to the human rights of a person who is referred to as Ms CD. The commissioner said, ‘I was of the tentative view that the act of the department of continuing to accommodate the complainant in Charlie compound through June, July and August 2002 and failing to move her to a more suitable compound in the circumstances constituted an act or a practice by or on behalf of the Commonwealth in the meaning defined.’

Therefore, there was an adverse finding against the department that they had inappropriately housed Ms CD. The finding went to a number of issues. One of them was a recommendation for financial compensation, which is not that unusual in these circumstances. Where someone has been wronged, there is a redress—both an apology and a finding for financial compensation. In this instance, the apology was quick off the mark, if I can say it that way. As noted under heading 5, the report went on to say that on 2 September 2005 the department provided a written apology to the complainant. But it was different when it came to the financial compensation.

The commissioner’s quietly understated comment on this was to refer back to the report, in which, after taking into account all the matters, he recommended that $15,000 be paid. The commissioner then referred those reading the report back to section 1.3, which was the response from the Commonwealth to the commissioner’s comment that
the respondent was invited to advise the commission whether:

...it has taken or is taking any action as a result of my findings and recommendations.

The department were aware for some time of what the recommendation was. The department responded by letter on 23 June 2006, so presumably the commission had given the department reasonable notice up to that point. However, their response was:

The President recommends that, in addition to the general efforts of the department to ensure all immigration detainees are treated in a culturally appropriate way, the department should have particular regard and act appropriately to circumstances in which there may be a history of hostility between certain groups of people ...

The response goes on to explain that they are going to do something about the way that they detain people to ensure that there will be a new client placement model for the immigration detention services network and those matters. They then go on to note the $15,000 compensation and say:

Please be assured that we are working on this matter as a high priority and will get back to you on this as soon as possible.

The report went to print. It is now well into October. Clearly, the Human Rights and Equal Opportunity Commissioner is still waiting for the ‘high-priority’ and ‘as soon as possible’ response to eventuate. (Time expired)

Senator BARTLETT (Queensland) (6.56 pm)—I seek leave to continue my remarks.

Leave granted; debate adjourned.

Aboriginals Benefit Account

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

That the Senate take note of the document.

Firstly, I want to note that the Aboriginals Benefit Account has had a range of different administrative oversight arrangements in recent times, which I would suggest probably do not help with ensuring that it is administered and the money is used as effectively as possible. The Aboriginals Benefit Account was established under the Aboriginal Land Rights (Northern Territory) Act 1976. It is worth noting the uniqueness and the importance of the arrangements. Basically, it is money which is generated out of general appropriations. But the amount that is brought out of general appropriations is equivalent to the amount that would be available through royalties for mining on Aboriginal land in the Northern Territory.

This money is meant to be used for the benefit of Aboriginal Australians. It is a significant amount of money. The total of what are called royalty equivalents in the year 2006 was $62,648,000. That includes non-uranium royalty equivalents. Non-uranium equivalents of over $52 million were transferred into the ABA in the year 2005-06. It is a significant amount of money: royalties generated from mining on Aboriginal land. One of the problems is that it is still perceived—and this perception is directly acted upon now that the account is administered by the federal government Department of Family and Community Services and Indigenous Affairs—as government money that can be spent and is spent for the benefit of Aboriginal Australians as determined by the government.

It was administered by ATSIC prior to its abolition. From 1 July 2003, it was administered by ATSIS on behalf of ATSIC. From 1 July 2004, it was administered by the Office of Indigenous Policy Coordination under the former Department of Immigration and Multicultural and Indigenous Affairs. It was then switched across to FaCSIA from January 2006. In the time that it was administered by ATSIC, there was at least some reasonable argument to be made that it was Aboriginal money, generated through the royalties from
mining on Aboriginal land, to be spent for the benefit of Aboriginal people under the oversight of ATSIC, which was directly elected by and represented the views of Aboriginal Australians. Now it is administered by the Australian government through FaCSIA, an Australian government department, and the government determines where the money goes and sees it as government money rather than Aboriginal money.

A perfect example of this relates to the new arrangements in the Northern Territory, where recent changes to the Aboriginal Land Rights (Northern Territory) Act enable 99-year leases to occur more easily under the act. Leaving aside whether you think those changes are positive or negative—and for the Democrats the big concern is not so much whether the changes in themselves are a good idea in theory but the fact that they were made without consultation in any meaningful sense with the people directly affected, the traditional owners of those lands, in what I think was a very poor process—the concern I have is that, even if the leases might be a good idea and be taken up by governments for 99 years, the rental payments for those leases will come out of the Aboriginals Benefit Account. So in effect you have money that should be spent for the benefit of Aboriginal people that the government is going to use to pay the rent back to Aboriginal people. They will use Aboriginal people’s own money to pay them rent on their own land.

It is a perfect example of how money that would otherwise be spent for the benefit of Aboriginal people is being used so that governments do not actually have to spend a single extra cent to pay for leases on Aboriginal land. That shows a key flaw at the heart of this policy. I hope it is the only flaw, but certainly it is one that needs to be watched closely. I would suggest that, even if the 99-year leases are likely to turn out to be positive in some circumstances, the money should be paid by the government. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Great Barrier Reef Marine Park Authority

Senator GEORGE CAMPBELL (New South Wales) (7.02 pm)—I move:

That the Senate take note of the document.

I seek leave to continue my remarks later.

Leave granted.

Senator BARTLETT (Queensland) (7.02 pm)—I wish to speak to the annual report of the Great Barrier Reef Marine Park Authority. Coming from Queensland, I obviously have a strong interest in the Great Barrier Reef and the management of the marine park. It is an issue I have spoken about a number of times in the nearly nine years I have been in this chamber. I do try to take the opportunity to give praise to whoever is in government when that praise is due. I think one of the significant environmental achievements of this government in its time in office has been the rezoning of the Great Barrier Reef Marine Park through the representative areas process—a very extensive process that took a long period of time, consulted a lot of people and deliberated on a lot of science. It still involved some compromises along the way and inevitably meant that some people were less than happy with the result. But there is no doubt that, whilst people from all sides would pick and choose about particular components within the rezoning, in totality it is a massive step forward in protecting and enhancing the environmental health of the marine park. There is more that needs to be done, of course. It is more than just zoning, but if you do not even get that right then you really have your work cut out, so I congratulate the government.
I note that under political pressure—indeed, from some within the coalition who were unhappy with that rezoning—a review into the authority was initiated. I think the devil will be in the detail with regard to how some of the findings of that review are implemented. I still have concerns about the potential for more power to be constituted in Canberra. It is not an uncommon practice these days for power to be concentrated in Canberra more and more. But, certainly, compared to what could have happened I think the review findings are relatively positive.

I am very pleased that the marine park authority will continue to be based in Townsville and that it will continue to play a significant role in and have control of the day-to-day management of the marine park. Frankly, I found it extraordinary that some coalition senators from Queensland wanted the Great Barrier Reef Marine Park Authority to be moved away from Queensland and centralised in Canberra. It is a pretty rare thing that you have Queenslanders actually asking for an on-the-ground presence to be taken out of Queensland and centralised in Canberra, and I found it quite extraordinary that some members of the government were actually suggesting that. However, it is a positive that it is still based in Townsville in Queensland. Townsville is becoming internationally recognised as a place of cutting-edge marine and reef research, which, I might say, is in large part due to the marine park, the authority and some of the wider potential that the marine park itself presents. We can only look to build on that.

Whilst it is certainly a positive that the rezoning of a significant number of protected areas occurred, I do have concern that not enough resources overall are provided to the marine park authority to properly manage what is an enormous area that stretches right from the tip of Cape York down to not far north of Bundaberg, just north of Fraser Island. It is an enormous area to manage with what is frankly quite a small amount of money. It is only around $30 million a year, some of which is generated through the so-called reef tax—a user-pays arrangement which impacts on the tourism industry. I do not have an objection to that or to exploring other user-pays arrangements. For example, we have fishing licences in a number of states that generate some revenue. My belief is that, on the whole, recreational fishers do not object to that if they know the money will go back into managing that environment and keeping it healthy. I think that is an option, but I also think that state and federal governments are getting away on the cheap with what is an incredibly valuable resource. It is important economically, environmentally and even, dare one say, to the psyche of Queensland to protect the reef and the marine park around it. I think we need to be doing more to achieve that. I am proud of the role the Democrats have played in ensuring greater protection for the reef and it is certainly something I will continue to do. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Treaties—ATNIA 40

Senator BARTLETT (Queensland) (7.08 pm)—I move:

That the Senate take note of the document.

I am sure that the Minister for the Environment and Heritage would be devastated if I did not move to take note of this document, which is amendments to the schedule on the International Convention for the Regulation of Whaling. If there is one area that the current environment minister likes to highlight his role in, it is the ending of commercial whaling or the continuation of restricting it and preventing it from growing once again.

The amendments to the schedule that have been tabled extend by one year the morato-
rium on commercial whaling that applies under the convention. The moratorium applies throughout the 2006-07 season and is consistent with Australia’s strong opposition to commercial whaling. The federal government, this minister and, indeed, some of his predecessors have done a strong job in trying to maintain the moratorium on commercial whaling and in helping to generate international criticism of those nations that, in effect, are flouting the convention.

A couple of key points do need to be emphasised. Firstly, we need to recognise that maintaining this ban on commercial whaling is getting harder each year—and that is even before we take into account the blatant flouting of the convention by Japan. However, I do think that, as a nation, to make our arguments and our case as strong as possible we need to be very clear in our reasoning of why we are opposing commercial whaling and we also need to ensure that we do not undertake other actions that might weaken our argument and its consistency.

There are two very strong reasons, in my view, why commercial whaling should continue to be prohibited and why we should continue our pressure on winding back the commercial whaling that does occur except in very limited indigenous hunting circumstances. Of those two arguments, one is the environmental impact. The science is very strong and very clear about the very damaging effect that commercial whaling has had on the survival of a number of species of whale. The second reason why commercial whaling should continue to be opposed is the appalling suffering that is inflicted on whales when they are slaughtered.

I read reasonably widely on this, because I think it is a key part of the argument not just against whaling but also in looking at trying to be consistent in our approach. I know that Minister Campbell held a joint conference with Greenpeace, which is an interesting coalition, expressing very strongly his abhorrence of the suffering involved by whales—and I concur with him on that. But, to give full strength to our argument, I do think we need to recognise that we do not do as well as we should in Australia with preventing unnecessary suffering of many other animals that we ourselves exploit commercially.

The Japanese have a regular habit of pointing to Australia’s monumental slaughter of kangaroos for commercial purposes in Australia. Enormous numbers, thousands upon thousands, are slaughtered each year. Certainly there are many assertions that that is done as humanely as possible. The minister has stated that, if we did not do that, it would also be inhumane because many would starve or die of thirst as a result of overpopulation. Frankly, I think that argument is very much overstated. However, the other side of it is that, even where the slaughter is done humanely, there is enormous consequential death—which is not humane—of joeys.

But there are many other animals, including wildlife, on which frankly we can improve our performance regarding their humane treatment and with improved animal welfare standards. The more we do that, the more we will strengthen our hand, our consistency and our intellectual honesty regarding our opposition to whaling—and that is something that I think we need to do. As well, it all links to the positive economic benefits of having whale tourism. However, unless we can link it all to the environmental and the humane animal suffering arguments, we will have difficulty in winning this debate into the future. I seek leave to continue my remarks later.

Leave granted; debate adjourned.
CHAMBER

ADJOURNMENT

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

That the Senate do now adjourn.

39th Battalion

Senator McGAURAN (Victoria) (7.13 pm)—I rise to bring to the attention of the Senate an event held on 8 August this year that took place at the Melbourne Shrine of Remembrance. It was a ceremony to reinstate the 39th Battalion to active service in our armed forces for the first time since that battalion was disbanded in 1943. I am proud to say that for some time now I have been an honorary member of the 39th Battalion and regretfully, due to parliamentary sittings, I was unable to attend this fine and proud ceremony, which was attended by the Governor-General.

The 39th Battalion’s story is one of the greatest stories told in Australian history. It is the Kokoda Track story of 1942. Yes, those of the 39th Battalion—and many are still alive today—are the men of the Kokoda Track. They faced odds of six to one when, on 21 July 1942, the Japanese forces landed by surprise at Buna on the north coast of Papua and, marching west, advanced rapidly across the Owen Stanley Range toward Port Moresby. The Japanese were battle hardened, well equipped and specifically trained for jungle warfare and, to that date in the war, they were the undefeated conquerors of all South-East Asia and China.

Those famous ‘mud over blood’ colours have now risen again, though in a very different and modern form to the old 39th Battalion. Nevertheless, the colours, the motto ‘factis non verbis’—deeds not words—and the legend are to be passed on to a new and proud generation of 39th fighting men and women. The name 39th Battalion has existed since 1916 when volunteers for the 1st AIF formed the unit in Ballarat, Victoria. As a member of the 3rd Division, the 39th served with distinction in all the major battles in France. Its colours, emblazoned with battle honours, were laid up in the Ballarat Anglican cathedral. They have since been brought to Melbourne and now hold their place of honour in the crypt of the shrine.

The reason the 39th was disbanded in the first place was bewildering. The President of the 39th Australian Infantry Battalion Association, and 39th veteran, Alan ‘Kanga’ Moore, said:

The reason could not have been associated in our performance in action which had been widely applauded. Our conclusion was that we were so reduced in numbers that it was too big a job to reform and re-equip us.

It has aggrieved us for 63 years that our name, the 39th Battalion, which had existed since 1916 was struck from the Order of Battle of the Australian Army.

Gladly this is now rectified.

The Kokoda story is, without doubt, comparable to the Gallipoli story in every way—except that at Kokoda we won. The 39th fought like they did because they believed they were the last line of defence of Australia—and they were. The reason 8 August was chosen for the ceremony at the shrine was because that is the date on which A Company of the 39th recaptured Kokoda in 1942. It has since become known as Kokoda Day, and although that is not official in our national calendar I believe it ought to be. There is an ongoing campaign by the RSL and so many others to establish this day in our national calendar.

I would like to borrow from the address by the Governor-General which was published in The Good Guts, the official magazine of the 39th Battalion, to epitomise the spirit of the 39th that made the story we know today. He said:

CHAMBER
... Lieutenant Colonel Ralph Honner ... taking up his new command on 16 August 1942 ... found his soldiers already exhausted from fierce fighting in the most inhospitable of conditions, many suffering tropical diseases, and facing a numerically superior, confident and ruthless enemy.

Ralph Honner later wrote: “When, on the 27th, the complete relief of the 39th was ordered for the following day, I had sent back, under Lieutenant Johnson the weakest of the battalion’s sick to have them one stage ahead of the long march to Moresby—they were too feeble for the fast moving fighting expected at the front.” Two days later, Johnson, learning of the plight of the ... 39th ... led his soldiers back—the fittest of the unfit returning into battle.

To capture the essence of this bravery, the Governor-General went on to quote from the book *We Were There*:

“The battalion was in trouble, so twenty-seven out of the thirty went back. The three who didn’t were minus a foot, had a bullet in the throat, and a forearm blown off. We never did it for God, King and Country—forget that. We did it because the 39th expected it of us.”

The Governor-General went on to say:

Such conduct in the face of unimaginable odds, of men prepared to give every ounce they had, physically and mentally, when nothing more could reasonably be expected of them, epitomises the incomparable spirit of the 39th.

Time is marching on for these old soldiers. I received notice that Gordon ‘Rocket’ Bailey passed away last Friday, and I offer my sincere condolences and prayers to his widow and family in this time of their sorrow. However, the 39th now lives on. And I say to all the young soldiers joining the force: no battalion could give a greater example of doing your duty for your mate and for your country than the 39th.

**SIEVX Memorial**

Senator LUNDY (Australian Capital Territory) (7.20 pm)—I, too, rise to speak about a memorial. On Christmas Island, in the Indian Ocean, a simple stone cairn on a point near the Administrator’s official residence bears this inscription:

*SIEV X 19 October 2001.*

In memory of the 146 children, 142 women and 65 men who drowned on their way to Christmas Island in search of freedom and a better life.

As you read this please remember all asylum seekers who have attempted this treacherous journey.

The memorial was erected by the Christmas Island Rural Australians for Refugees and the Shire of Christmas Island. At the base of the cairn are smooth stones on which volunteers have recorded the names and ages, where known, of those who drowned.


Emon Ismael, the last child I mentioned, was the daughter of Sondos Ismael, one of only 45 survivors, who lost not only Emon but her two other little daughters, Zahra, aged six, and Fatima, aged seven. Whole families of children drowned. After the initial sinking an estimated 100 to 120 survivors were in the water, but most perished before fishing boats arrived and picked up survivors 20 hours later. Only four children, nine women and 32 men survived.

The stones at the Christmas Island memorial provide a rare, if incomplete, record of those who drowned in what has been described as the worst maritime tragedy in our region since World War Two. Researchers have been able to identify only 87 of the 353 who died. Incredibly, the government has admitted to having a list which it will not
release, allegedly for fear of compromising the ‘confidential source’ of that list. The government attempts to have us ignore the victims of this disaster by denying us their names, their life stories, their humanity and their value. By speaking about this tragedy I hope to remind the government of the humanity of the victims and their families.

But this is being resisted, with no complete list of survivors even being released publicly. The list of the 45 survivor names requested from the AFP for a Senate estimates committee in February 2003 had 27 of the names blacked out. Only a few of the survivors appear to have been accepted by Australia, being given five-year temporary protection visas after a long wait. Some were accepted as refugees by Sweden, Norway, Finland and Canada.

The story of Sondos Ismael, aged 26, who lost hold of her three small daughters when the overcrowded leaky boat rolled over and quickly sank, illustrates what has been described as ‘the cold cruelty of Australian policies that created such misery’. Most of those on the boat were, like Sondos and her daughters, mothers and children attempting to escape Iraq and Afghanistan and to rejoin family members already in Australia.

When rescued, the few survivors were taken back to Indonesia. Their husbands, who had only temporary protection visas, were told that if they left Australia to visit their traumatised wives, they would not be allowed back into Australia. Only after months of campaigning by church and refugee support groups was Sondos permitted to join her husband. By this time, of course, the Prime Minister, Mr Howard, had won the election of 10 November 2001 having managed, indefensibly, to link the refugees fleeing persecution with terrorism.

But as Tony Kevin insists, ‘A nation like Australia has to have a conscience.’ He quotes Dr Martin Luther King, who said, ‘Our lives begin to end the day we become silent about things that matter.’ Sadly, however, the story is not unique to Australian immigration and refugee policies and practices. According to the Guardian, on average 4,000 asylum seekers drown each year, most trying to get to European countries.

So far the Australian government has ignored the recommendation arising from the report of the Senate Select Committee on A Certain Maritime Incident that an independent or judicial inquiry is necessary to discover the full story on the issues and questions raised by the sinking of SIEVX and Australia’s responses. We must continue to press for this inquiry to answer questions of whether the SIEVX was, in fact, in international waters, and to investigate the allegations that a plane and two boats ignored the victims in the water. The activities of the people smuggler-double agent mentioned in the report need to be investigated, as do the reasons for the suppression of the names of those on the boat.

Yesterday, a memorial ceremony here in Canberra demonstrated that Australians do care and were touched by the tragedy. To mark the fifth anniversary of the sinking of the SIEVX, groups from all over Australia gathered at Lake Burley Griffin. Participants yesterday included Steve Biddulph, the Reverend Horsfield and Beth Gibbings of the SIEVX Memorial Project Committee, Sir William and Lady Deane, the Ambassador of the Islamic Republic of Afghanistan, church leaders, representatives of the Canberra Islamic Centre, the ACT Chief Minister, ACT and federal politicians, including Mr Tony Burke and me, as well as community and church groups, representatives from 300 schools and the Kippax Uniting Church Tongan Choir. At the ceremony there were also three men who were bereaved as a result of the tragedy.
The national memorial has long been proposed for the shoreline of Lake Burley Griffin, and the ACT government has supported this proposal. A young student, Mitchell Donaldson, submitted the design for the memorial as part of a 2004 national schools art project. At yesterday’s ceremony the memorial design of 353 poles, representing the victims, was assembled in a procession leading down to the lake. Poles were decorated by schools and groups across Australia, and one was from Christmas Island. The six-foot poles represented adults and the four-foot poles represented children, and many bore the inscription ‘unknown girl’, ‘unknown boy’ or ‘unknown mother’.

At the centre of the line of poles is a section representing the size and shape of the small SIEVX boat. In this section yesterday were eight poles in memory of the beloved family of Ali Al Husseini and five poles in memory of the family of Diya Al Saadi, including a baby aged only six months. Mohammad Al Ghazzi held one of the four poles commemorating his lost family.

The arrangement that the poles would stand at the lake for three weeks as a temporary memorial was, at the last minute, blocked by the National Capital Authority and the poles had to be removed at the end of yesterday’s ceremony without holes having been dug. The NCA had also previously knocked back the proposal for a temporary memorial on the basis that a memorial may not be erected until 10 years after the event. But that is the criterion for a permanent memorial, and this was proposed to last for three weeks. Certainly, there appear to have been numbers of exceptions to this mandatory guideline, which further makes the knock-back inexplicable. We hear that the Prime Minister plans a memorial to Steve Irwin. In October 2003, on the first anniversary of the Bali bombings, he unveiled an everlasting memorial in the centre of the national capital to the 91 Australian citizens and residents who died on 12 October 2002.

The Prime Minister in July 2004 unveiled a National Emergency Services Memorial in Kings Park, on the banks of Lake Burley Griffin, paying tribute to the contribution and sacrifice of emergency services workers during the January 2003 Canberra fires and the Victorian bushfires of 1998. In September this year, one of the police officers commemorated in the first national police memorial in Canberra was Adam Dunning, who was killed in the Solomon Islands in December 2004. These were all tragedies and all fully deserving of a memorial.

So planning and fundraising will continue to achieve a permanent memorial for those who died on the SIEVX. Senators Nettle and Bartlett and I gave notice that on 19 October we shall move that the Senate calls on the National Capital Authority to give permission for the SIEVX memorial to be established as a permanent memorial on the Canberra lakeshore as soon as possible, and I urge my colleagues to consider supporting this motion. Finally, the Chief Minister of the ACT, Jon Stanhope, spoke at yesterday’s ceremony and said:

This is a story that ought not be forgotten or disowned. It is a part of our history. All of those involved want the memorial to represent an unprecedented beautiful and powerful statement of concern expressing the grief and regret at the tragedy of SIEVX.

Millennium Development Goals

Senator FIELDING (Victoria—Leader of the Family First Party) (7.30 pm)—Family First is pleased to speak this evening about the Millennium Development Goals. Family First was also pleased to attend the Stand Up Against Poverty event earlier this week sponsored by the Make Poverty History group. It was great to see so many people on
the front lawns of Parliament House supporting such a worthwhile cause.

Like many other Australian families, my family—my wife Sue and I and our three kids—sponsor a person in a Third World country. He is a young man I am proud of, an Ethiopian man named Abdurahman. The Fielding family have been sponsoring Abdurahman for 11 years. We write to him regularly and see him as an extended member of our family. Sue and I were actually privileged to meet Abdurahman and his family when we visited Ethiopia earlier this year. It was a real thrill for both of us. Abdurahman is 21 and doing well at school. He can speak English, which makes him more employable, and he hopes to go to university next year. He and his family live in a one-roomed home with no running water, and basic cooking facilities. Meeting Abdurahman and his family in person highlighted to me what a fortunate life we have in Australia and the important role all of us can play in improving the opportunities of people in underdeveloped countries.

Life has changed a lot for Abdurahman. It has improved dramatically thanks to our sponsorship and the generosity of so many other Australian families. Eleven years ago Abdurahman was one of the many kids on the street trying to make a bit of money from shining shoes. Back then, he had no education. Back then, he spoke no English. As far as Family First is concerned, Abdurahman is a human face of the Millennium Development Goals, one of which is to ensure all boys and girls finish their primary school education.

One in four adults in developing countries is illiterate. That is 872 million people on this planet. The figures are mind-blowing. Of those children in developing countries lucky enough to attend school, 150 million do not even finish five years of school. They have not mastered basic reading and writing.

Abdurahman’s education has turned his life around. He will be able to get a good job and that will have a huge impact on his own life and his family’s. He will earn some money and be able to help them out of their difficult circumstances. An adult with a primary education earns twice as much as an adult without any schooling. On our trip to Ethiopia, my wife, Sue, and I saw many children like Abdurahman trying to earn a bit of money for their family. It is impossible not to think of your own kids in such circumstances and to be so grateful for the great life we have in Australia and the opportunities for our kids.

Family First recognises that it is easy to blame government for problems in the hope that government—not us—will fix them. But Family First believes it is even more important that all of us think carefully about what part we can play to help people in developing countries. The Millennium Goals help remind us that we all need to pitch in to achieve the change we all say we want.

Women in Parliament: Media

Senator MOORE (Queensland) (7.34 pm)—This evening in this place I want to make a few comments about the feelings that some of us had last Thursday when we saw the newspaper report celebrating the success of Liberal women in parliament, and we shared in celebrating that success. However, there was a great deal of frustration expressed by women on this side of the chamber and at state level about the media coverage featured in the *Australian* that day and also later when people reported on the function. Normally we would take that as part of the media exercise and roll with the whole process. But given the kinds of comments that were made, I felt it would be useful this evening to make some general comments.
about the hard struggle that women have had to get elected in the first place and the expressions of excitement and celebration around that, and then talk about how we can work and share our experiences and our joy in 2006.

There is no way that there will not be extremely fierce and competitive debates on party politics because that is the job we have chosen to do. But I feel it would be appropriate to express some disappointment and frustration about the comments that were made last week. Instead of celebrating the wonderful success of Liberal women across the states and federally, and most particularly in this place, the media focused that day on the way Labor women are elected, on our motivations and on whether we are here on merit—and merit is a word I am happy to debate in any place at any time—or whether it is something to do with personal relationships.

It is important to reject that kind of debate outright. Instead of being involved most inappropriately in what would be commonly referred to as a ‘bit of a cat fight’, we should express our pride and our strength in the fact that women can work together and make a genuine difference. The real issue is not about scoring points about internal processes in individual party structures.

People, in particular young people, come to this place and sit up in the galleries to see democracy at work, to watch the processes, to look around and see the people sitting in these chairs involved in debate, and to perhaps think about whether this would be the kind of job that they would like to take on themselves in the future. The message that should go out to all young people and to people of every age is that any Australian citizen, regardless of gender or background, can expect to be able to nominate for a political position and then, through the processes of our electoral system, possibly be elected and take their place here.

That is something of which we should be proud. When I look up during debates, I see those young men and women in the gallery. I hope that when they look down here they see women, men and people from different ethnic backgrounds. Hopefully in the future we will have Indigenous people in this place because our parliamentary democracy should represent our community. It should not be separate or different; it should be representative of the community. That is what women hoped they had achieved early in the 20th century when they celebrated—not in this building but in this democracy—at federal and state levels the fact that women had succeeded in getting the vote.

There is a particularly wonderful photograph of our history from the election in the 1940s, when the first two women were elected to this place—Dorothy Tangney from Western Australia and Dame Enid Lyons from Tasmania. I hope you have seen the photograph, Mr Acting Deputy President, of these two women dressed very soberly and walking towards parliament together. They are smiling, maybe because the camera is on them, but they are walking strongly to take up the positions to which they were elected.

They came from extraordinarily different family backgrounds, they came from distinctly different political parties and they were elected to different houses. One was in the House of Representatives and one was in the Senate. But they came together into this parliament. There were great similarities in their first speeches. In fact, Dorothy Tangney—and I did not have the privilege of meeting either of those wonderful women—was very proud that she was elected to represent her state. She was here as a woman but she was elected to represent Western Australia. There was no argument between those
two women as they came to take their roles in this wonderful democracy. They did not argue over which one of them was more meritorious. They did not argue over the methodology used by their parties to get them here. They were proud that they had been elected, first of all by their parties to represent them and secondly by their states to be part of the democratic process.

Those were the kinds of feelings being expressed around Australian states and federally when we were struggling to achieve the right to vote and to stand for office. There were major differences in the women’s groups that were formed in the 1890s and leading into the 1900s regarding their backgrounds, their politics and indeed their partners. In my own state of Queensland, some of the strongest feminists fighting to obtain the vote were the partners of the very people in the chamber who were determining whether or not they would receive the vote in Queensland. There were wonderful stories about what would have been going on around the dinner table while those debates were being held.

When the final vote was tallied and the right to vote was given to women in Queensland—about which I am very happy, of course—and also federally, the second expectation was that at some time in the future women would be elected to parliament. It was expected that women would be elected across all the different political movements and that they would take their places and argue on various political points to achieve success for issues which they held dear.

We should consider that history and the fact that we have been able to achieve so much—the number of women elected in the last 10 years has increased dramatically to several hundred at state and federal levels—when we see the media coverage of comments attributed to the national president of the Liberal Party. We know what can happen in media coverage. We have no idea what led to the comments that were publicised all over the media. Nonetheless, that is what the Australian public saw, instead of a celebration of the wonderful achievements of extraordinary Liberal women over the years. We know the first female parliamentary ministers that were elected by their parties were Liberal women and we share in that success. To see the headline ‘Top Lib mocks Labor’s ex-wives club’ does not reflect anything positive on anyone in this chamber, male or female.

After the Liberal dinner was held—congratulations to the people who organised that because it is a great thing to celebrate success, and you may be surprised to know I was not there, Mr Acting Deputy President—the debating point seemed to be whether affirmative action in the Labor Party was less meritorious than the processes used in the Liberal Party. It is an interesting debating point. I am happy to take it on in any way. But in terms of how we can move forward it is not the most positive impetus for future directions.

I am very happy and very proud to have been elected in the Australian Labor Party to the Australian Senate. I will strongly support other women to take on this role and encourage them to do so. But I also think that across the chamber we will be able to change and should not necessarily fall into the kind of cheap debate which does nothing to encourage people to come into this place. We have wonderful people to follow. There is an extraordinarily strong legacy from the women who have been elected at the state and federal levels. We have a wonderful opportunity to succeed in this place and to encourage further women to come here. Any debate about who was and who was not meritorious will not help us in the future and does not promote democracy in our parliaments.
Integrated Humanitarian Settlement Strategy

Senator HURLEY (South Australia) (7.44 pm)—I rise tonight to speak on the government’s discussion paper released today called ‘Measures to improve settlement outcomes for humanitarian entrants’. This paper is the result of an interdepartmental committee of Australian government agency heads convened to develop a whole-of-government strategy to improve settlement outcomes for humanitarian entrants. This shows that Minister Vanstone and the Howard government have raised the white flag with regard to providing quality refugee settlement services, and this is a major concern to me because good settlement results in even better integration.

The most significant area of interest in the discussion paper is the proposal of a new complex case support network. The newly proposed CCSN is described in the discussion paper as intending to provide specialised case support to humanitarian and refugee entrants over and above the assistance available through IHSS. IHSS is the existing Integrated Humanitarian Settlement Strategy, which was brought in by the current government. According to the discussion paper, the main points of the proposed program are to:

- provide specialised case management assistance
- provide support and assistance to clients in crisis situations
- provide advice and support to settlement service providers and other service delivery agencies (at every level of government) dealing with humanitarian entrants
- strengthen the integration of services provided to humanitarian entrants across agencies through effective networking and information sharing
- monitor the access and appropriateness of services provided to humanitarian entrants

This is nothing new, because these are services that were supposed to have been provided all this time through IHSS. Reform of the program is long overdue. The minister herself stated on Stateline on 12 May this year:

Well, this is a difficult case load. These are people who have come from very, very difficult circumstances; often been through tragic life situations and lived in refugee camps, for example, without running water or power, as some of the kids for most of their lives. There’s a cultural difference and there’s a big educational gap. So they’ve got their work cut out for them.

Labor and many of the service providers I have met have long been concerned about the number of shortfalls in the IHSS contract delivery. I will outline some examples of this. One is the tragic death of two-year-old Burundian child Richard Niyonsaba, who died after only just arriving in the country. It was revealed in estimates last May that the company assigned to DIMA’s IHSS program in Sydney was sent an email from DIMA about Richard’s chronic sickle-cell anaemia before he arrived, but it was never opened. The torture and trauma counselling uptake is 18 per cent for refugee arrivals since October 2005 compared with a 53.7 per cent take-up in the previous contract. There have been major shortfalls in services by IHSS providers in Newcastle which have been rigorously pursued by the local member, Ms Sharon Grierson, and by me. There have been shortfalls in the testing of client satisfaction and indeed in the testing of the performance indicators of the contract.

So what has the government proposed as a result of this seeming failure of the IHSS contract, which it devised and tended out? It has proposed another layer of support for humanitarian entrants. Rather than enforcing its contract, and rather than ensuring that the service deliverers are providing what they are supposed to provide under the IHSS re-
quirements, the government looks as though it is now proposing to provide another layer of assistance—at what cost and in what form I do not know. I imagine we will see what happens as a result of this consultation paper.

This is a tired and out-of-touch Howard government that is barely able to address its own failures, and it appears that it is only able to do so by creating yet another layer of bureaucracy. After 10 long years it has failed to get refugee settlement right, failed to listen to its own service providers and failed to listen to its own clients. The estimates questioning last year showed that it failed to listen to its own state office when there were problems in New South Wales. As a result, it has failed to assist new arrivals with settling and integrating into the Australian way of life.

This is a short-sighted government that has fortunately allowed refugees to come to Australia. It very frequently boasts that it has allowed 13,000 refugees to come to Australia, but it has had inadequate policies to deal with that intake, particularly with some of the more complex needs of some of those refugees. Now, after years of complaint about this, it is belatedly trying to address the problems, but it is not coming up with new ideas and not addressing it in any way that is innovative or that uses the existing networks of people who are helping refugees and migrants—for example, the migrant resource centres and the extensive church volunteer networks. No, the government proposes another layer to go on top of the IHSS program, demonstrating that its own IHSS program has failed.

When I gave a speech earlier today I said that I thought the minister had lost control of her department. This is just another indication that that is in fact true. She is not able to manage the processes and policies of her own department in an effective way. This is a clear indication that the settlement services have not worked and that she does not believe that they can be made to work. That is an extraordinary admission given that the tender documents were drawn up by this government, the whole program was designed by this government and a considerable amount of money—millions and millions of dollars—goes into supporting the settlement program.

The time has come for us to get new policies in immigration and settlement and a new, more active minister in this area—a minister who will make a real difference and be of some real assistance to the refugees that we invite to our country.

Women in Politics

Senator WEBBER (Western Australia)
(7.53 pm)—Like Senator Moore, I rise to make a brief contribution about the role of women in Australian politics. Yesterday I received an email that was actually about a proposed Australian head of state but that said in part:

A CHALLENGE for every WOMAN in the PARLIAMENT:

TELL the Prime Minister, the head of Government, that Australian women need a WOMAN’S VOICE as our elected Head of State, to speak out for women’s social justice ... without fear or favour of Government.

TELL him that Australian women must have an equal chance to fill this highest Office in the land...

I contrast that person’s view on the role of women—obviously a proactive and positive role for women—with the article that my good friend Senator Claire Moore spoke about earlier which appeared in the Australian last week. The heading of that article was ‘Top Lib mocks Labor’s ex-wives club’. I have a confession to make: I am an ex-wife. But I am not the ex-wife of anyone who assisted me in my preselection process.
I may have to discuss that with my former partner later, but as he lives in Melbourne he certainly did not assist. The article went on to give a direct quote from Ms McDiven:

... whereas if you look at the Labor women, you’ll find that nearly everyone has got there through their family connections—they’re ‘wives of’, ‘exwives of’, daughters of’, ‘sisters of’. It is an interesting comparison...

As I say, I am an ex-wife, but not the ex-wife of anyone who assisted in the preselection process. I am not, to the best of my knowledge, currently married. I am an only child, so I am not the sister of anyone. I notice there are no volunteers to marry over on the other side! I am the daughter of two self-funded retirees. Both, I confess, are members of the Labor Party, but both were psychologists; neither of them was a Labor politician.

It seems to me that it is a pretty cheap shot to take on what should be a cause for great celebration. We have got to a threshold in this place. Last week we saw Senator Helen Coonan lead the Australian government in question time here, the first time a woman has done so. Over in the House of Representatives, Labor has a female deputy leader of our party and also a female manager of opposition business. Mr Deputy President Murray, I know that your party in particular has had numerous female leaders.

The Labor Party had the first female chief minister, here in the ACT. To the best of my recollection, we have provided every female premier. Much as people may have a view about the Lawrence Labor government in Western Australia, I challenge anyone to say that Dr Lawrence did not get there on merit. Indeed, she was not the sister, the ex-wife, the wife or the daughter of Labor politicians. In fact, as best I recollect, most of her family were more inclined to support those opposite than those on this side of the chamber.

In Western Australia we have a proud history of women making a contribution. Not only did we provide the first female premier but we provided the first Labor member of a parliament throughout the British Commonwealth—one May Holman. I confess that Ms Holman took over the seat from her father, who was a trade union official who died in a tragic accident, but there was no doubt in the Labor Party of the merit of her candidature. She was the very obvious successor, she had deeply held views and she was a very strong advocate for her constituents. Then, of course, there is the contribution that Dorothy Tangney made. Senator Moore alluded to that earlier.

After the initial article in the Australian there was further media speculation, again in the Australian, on Friday last week. It also quoted Ms McDiven. It said:

As Liberal president ... she said she felt sorry for her ALP counterpart, NSW MP Linda Burney, who lost a ballot for the ALP presidency but will be given the job because she is a woman.

I want to correct the record on two counts there. Ms Burney, as she said herself, does not need the sympathy of those opposite. Whilst she has faced some very tragic personal circumstances of late and come through those personal difficulties—I think in an extraordinary manner—she is a dynamic and formidable woman who has made an enormous contribution to New South Wales both in the public sector, as someone who is reasonably learned, and also now as a parliamentarian. Ms Burney nominated, as did three other people—all of whom were blokes—for the rotating ALP presidency.

The feedback I have not only from that article but from some of the women opposite indicates to me that they too feel sorry for Ms Burney because of the place she came in the ballot. It seems to me that what is lacking there is an understanding of ALP processes.
It is very easy to pour scorn on someone’s ability and achievement and say that it is purely because of affirmative action. I am confident that Ms Burney would have been elected anyway. You would have to confess that for anyone Premier Rann and Senator John Faulkner are formidable opponents. I am sure that she is quite a competent third member of that team.

As I have said before, we have reached a threshold in this parliament and in the various state parliaments. In reaching that threshold, it would be fair to say there has been a difference in the dynamics of this place. There is a difference in the dynamics of some of our committees and the way they operate and the way debate is conducted in a chamber like this. That difference in dynamics is because all parties have seen the need, through processes of their own, to promote women in politics and to encourage them to see that role as something they should take on.

The Liberal Party do it in their way. I do not profess to understand their internal processes, so I will not in any way try to denigrate the roles of some of their women. It would be very cheap and easy for me to say, ‘If that is merit then give me affirmative action any day’. That would be a cheap shot, and not one that is worthy. All parties choose to promote women in the federal parliament to make our democracy more representative of the population as a whole. After all, women are 52 per cent of the population, so one of these days, if we are lucky, we might be 52 per cent of this place. All of us are doing that in accordance with our own internal cultures.

But we can all do better. We all know it is preselection season in the major parties at the moment. People discuss the comings and goings of various people and their political careers. In my party, there is a need for not just the party to do better but also my own faction to do better. Whilst the Left in Western Australia has made a contribution by ensuring, on the whole, that they do send a female representative to this place, there is room—and obviously in the ACT that is guaranteed, and in the Northern Territory, Queensland and Tasmania, you would have to say, all factions come to the fore. There is a need for the Left in other states to consider that they might like to be a bit more representative of the community.

It is perhaps a bit late to put that on the agenda for the state of Victoria—I know my good friend Senator Marshall would be a little alarmed if I did place that on the agenda now—but it is not too late for my colleagues in New South Wales. It seems to me that in New South Wales, if any of my colleagues on the current Senate ticket are considering retiring—and I know Senator Stephens is not—now is the time for the New South Wales party, particularly my own faction in New South Wales, to come to the fore and prove that it is not just words, it is actions. If they are considering making a change, put a woman in this house.

Women in Politics

Senator CAROL BROWN (Tasmania) (8.02 pm)—I would like to start my contribution tonight by quoting from an article in the Canberra Times. It said:

While the Liberal Party’s representation of women in federal parliament is smaller than Labor’s—women hold 38 per cent of Labor and 21 per cent of Liberal seats—and I will complete the party representation numbers: National Party women hold about 19 per cent of seats, women hold 50 per cent of Australian Democrats seats, with Australian Greens women holding 75 per cent of seats. It is also worth noting that since 1996 there has been a 154 per cent increase in the number of ALP women in parliaments
around the country. The article went on to say:

… the Libs can nevertheless boast some significant achievements: the longest-serving woman in Cabinet, Amanda Vanstone …

And it would be remiss of me not to mention here that on Monday, 9 October, Senator Helen Coonan made history when she led the government in the Senate—the first woman in our 105-year history. I, personally, would be happy for Senator Coonan to continue in that role until the next election, at least. The Canberra Times article went on:

But while every gain and milestone women reach along the path to winning a fair share of power is cause to celebrate, let’s not lose sight of how small these gains are.

This brings me to the point of my contribution here tonight. Last Thursday, on the day of the Liberal women’s gala dinner organised by Senator Coonan to celebrate Liberal women parliamentarians—an excellent initiative; initiatives such as this highlighting the work of female pollies from all sides of politics should be encouraged and applauded—we were confronted by an article on the front page of the Australian newspaper that was a rather disgraceful, cheap piece of point-scoring attacking Labor women by Ms Chris McDiven, the Liberal Party’s federal president.

It should be noted that Ms McDiven was in Canberra to attend the dinner organised by Senator Coonan. It is a shame that Ms McDiven did not choose to use her first foray into the media to shine the spotlight on the Liberal women’s celebration and highlight their contribution. I would like to think I echo the views of all women in this parliament—I know I echo the views of at least Labor women—when I say that I found this article to be very depressing and disappointing: depressing because it appears that Ms McDiven has fallen into the easy trap of attacking other women—surely we have left this type of politics behind us—and disappointing because to attack women politicians in this manner is reprehensible.

It shows a myopic view of where Labor Party women have come from and trivialises the battles and milestones which have been achieved by all women who have passed through these chambers and in state and territory parliaments. Surely the strength and the voice of Australians are enhanced through a diversity of voices in parliament, be it gender, religion or culture. Surely, the fact that there are women in parliament representing the range of political ideologies is something to be proud and supportive of.

Women bring to parliament and parliamentary debate a different perspective, and the fact that we are women is but one of the lenses which we use when assessing, debating and discussing issues before us. In the short time I have been here, I have already seen that women are prepared to listen and to support one another across party lines on issues. The debate on RU486 was a classic example of the diversity of views not just within the parties, but of the multiparty support the bill received by sponsoring women senators.

To say that all Labor women are sisters, wives, ex-wives et cetera just shows that the federal Liberal president cannot argue against Labor’s sound and robust affirmative action policy. Instead, she is playing the woman, making a personal attack on all of us as people with little talent and little commitment to Labor fundamentals and ideas as well as making a mockery of democracy and the people who vote for us. These sorts of accusations only serve to lessen a woman’s drive to enter male dominated institutions, like parliament, due to point-scoring. Women everywhere should be encouraged, challenged and supported to continue to break down the barriers in traditionally male domi-
nated environments—and parliament is one such environment.

These types of comments from Ms McDi- 
ven are not the sorts of politics that we should engage in—attacking women and their families and relations and claiming that there is no merit system, passion or commitment and instead claiming that Labor women politicians are nothing more than apparatchiks. Her comments have failed to recognise the sheer hard work it has taken for Labor women—in fact, all women—to move forward in this arena. It is exactly this type of empty, baseless attack on women which hampers participation in the political process.

Women normally find themselves in caring roles that have them thinking of someone else before themselves: ‘Are my children okay? Does my partner have everything they need?’ Then maybe, just maybe, they will think of themselves. I make no bones about the fact that today there are still barriers to women stepping up to the political mark and putting themselves forward for public service. I agree wholeheartedly with Ms McDi- 
ven’s comments that ‘you had to go and find women; women tend not to put themselves forward.’ I could not agree more. But then you read interviews such as Ms Mc Di- 
ven’s and you cannot help but wonder why they would.

I am proud that in the Labor Party there are formal structures to assist potential female candidates. Affirmative action rules have been fought for long and hard, along with the principles that underpin this action of inclusiveness, to lift the level of female representation. Organisations such as EMILY’s List and the National Labor Women’s Network are there to assist and support women as potential candidates and as politicians. I am a proud member of EMILY’s List. EMILY’s List is a vibrant and successful group organised by women for women. EMILY’s List provides mentoring, training, encouragement, support and financial assistance. Labor understands the need to nurture potential and current women politicians. Just as men have their ‘clubs’, we too recognise the need to support women in a challenging environment so that they can develop and continue in this career.

It is a desire of mine to see both chambers with equal numbers of women and men. It is a dream of mine to see women in increasing numbers in senior and influential positions. Articles such as those by Ms McDi- 
ven only intensify this desire. It will be great to one day not have to read such pap about women politicians, irrespective of the political per- 
suasion of the press. I would like to think this will happen in my day or at the very least in my daughter’s day. We have come a long way, but comments such as Ms McDi- 
ven’s do a disservice to all women in this parliament. Just because we may come from different political backgrounds does not mean that the parliament and Australia is not better served by greater gender equality.

I call on all women in this parliament to think long and hard before falling into this easy trap of insulting other women. Surely a cornerstone of democratic and constitutional ideals is equality irrespective of gender, colour, race and religion. Let us enforce this. Let us be strong and brave and, irrespective of political leanings, band together to stamp out this kind of disservice.

Environment: Indigenous Australians

Senator BARTLETT (Queensland) (8.10 pm)—I want to address a few matters in my contribution in the adjournment debate to- night. The first is to respond to some state- ments raised in an article in the Weekend Australian by an author named William Lines. It is an extract from a recent book that he has put out. He is previously published as
a conservationist. The piece that appeared in the *Weekend Australian*, which the *Weekend Australian* gave prominence to, in my view is not only extraordinarily offensive in regard to its portrayal of Indigenous Australians but is extremely inaccurate in doing so. Apart from being inaccurate and offensive towards Indigenous Australians I think it does our entire country a disservice in seeking to close our eyes and our minds to real opportunities for greater environmental protection, for a better understanding of the natural environment and for recognition of the lessons that we can learn and the knowledge that is there from Indigenous Australians towards protecting that environment.

It has been a problematic component of aspects of conservationism to portray the natural environment as untouched wilderness. That is something that has been recognised by many people in the Australian conservation movement, which I count myself a part of. The terminology ‘wilderness’ is a problem in that it does imply a landscape untouched by humans. The reality, which is completely denied by this piece by Mr Lines, is that Indigenous people lived, and in some cases continue to live, as part of the natural environment and played a crucial role in maintaining the ecological balance and ensuring the biodiversity was still there when colonisation occurred.

It is a simple fact that the removal of Indigenous people from many parts of Australia and the loss of some of that knowledge in not just managing the landscape in the sense of a gardener or a farmer or something, but being a part of the ecology, is one of the reasons why not only we have had such massive damage to our biodiversity and to the health of the Australian environment in the last couple of hundred years but also we are not doing as good a job as we could at reversing some of that damage and preventing more of it from occurring.

I certainly acknowledge that it is not helpful for people—whether you would call them on the Left or anywhere else on the political spectrum—to adopt the myth of the noble savage living in some sort of preindustrial utopia where all was wonderful and fabulous. I do not think it helps anybody to adopt that sort of mythology. But it certainly is equally unhelpful—in fact, I would say more unhelpful and even more inaccurate—to portray, as Mr Lines does, Indigenous Australians as having had no special connection with the land and that somehow this is just an imagined construct by modern Western conservationists. That is not only a flagrant denial of history; I think it is turning our face away from real opportunities to improve not just our protection of the environment but our understanding of it.

I believe we do need to move away from a notion of the environment as something to be protected or preserved like a nice museum piece in cotton wool that we can all look at and ooh and aah over, to something that people are part of. We are animals as well. Whilst we as modern, industrialised human animals obviously have disconnected ourselves in many ways from the natural environment, I do not think it helps to further that process by continuing to turn our minds away from it and indeed categorically deny the fact that we are still part of the natural environment, albeit in a very altered way.

A group that I think would be very much worth listening to—and I would encourage Mr Lines to take the time to have a talk to them—is the Aboriginal rainforest coalition in far Northern Queensland. That is a group of traditional owners and traditional people from the areas covering the Wet Tropics World Heritage Area. They gave some very constructive evidence to the Senate Environment, Communications, Information Technology and the Arts Committee inquiry into national parks and protected areas. The
viewpoint they put forward is that the Western concept of biodiversity is unnecessarily limiting, to really see and get a better understanding of the natural environment we should see it in terms of maximising biocultural diversity.

Certainly for many of the traditional groups from that part of Far North Queensland—despite everything that was thrown at them, and it would be a very long speech in itself to describe all of the traumas and outrages inflicted on the traditional tribes of Far North Queensland, and despite the dispossession, relocation, killings and death—there is still direct cultural connection, there is still a lot of knowledge there of the local environment and it is still an intrinsic part of the natural environment. That is why I very strongly support moves to have that recognition occur.

What Mr Lines suggests is that basically there is nothing we can learn from Indigenous Australians with regard to connection with the environment and care for the natural environment. He reinforces the notion of wilderness as untouched. I think this is a real problem, frankly. It is not just some semantic argument. Indeed as recently as June this year the Queensland Labor government, in announcing more money to help buy ecologically significant areas of Cape York—and that is an action I support, I should emphasise—said that there was more money available to buy up ‘untouched wilderness on Cape York’.

It really should not take that much imagination to recognise how offensive language like that—although I am sure it was inadvertent—is to people who have lived in, on, with and as a part of Cape York and who are a key reason why it is land that is still worth buying and protecting. The traditional owners of that land have been there for tens of thousands of years. They have been the custodians and are still the custodians of that land to such good effect that it is something that state governments want to spend money on to help keep in good condition. To do that and say that it is untouched is extraordinarily offensive.

It is bad enough, frankly, that we have so-called historians like Keith Windschuttle wanting to deny the reality of the history of the last couple of hundred years and deny some of the disgraceful atrocities that were committed on Indigenous Australians. But in some ways it is even worse when we have people trying to deny the history of 10,000 years before. They are not denying that Indigenous people were here but they are trying to deny that there is any significance or any special, unique contribution that they have brought to Australia as part of that role. I think it is extraordinarily offensive, incredibly inaccurate and very, very damaging and dangerous.

It frustrates me immensely because, in some ways, it almost feels greedy to acknowledge that we need to try to grasp that contribution for the wider community, that we can get from properly recognising and involving the knowledge and cultures of traditional Australians. The benefits to our nation as a whole if we can manage to properly incorporate the Indigenous heritage of the nation that we are now part of into our future is far greater for the non-Indigenous community than it is for the Indigenous community. As I say, one almost feels greedy in trying to grasp more because we have already taken so much from Indigenous Australians as part of colonising this land, but that is a simple fact.
At least this would be something where there would be benefit gained for Indigenous Australians as well—a way for their cultures, knowledge, spirituality and beliefs, skills, ability and potential to be maintained and developed in harmony with, as part of and in connection with the wider Australian community and the future of our nation. We are denying ourselves our own potential as a nation by continuing to refuse to have this amazing history—this extraordinary and unique history—and these cultures be part of all of our futures. It is an incredible conceit that is denying ourselves potential and opportunity.

I think that the views and arguments that are put forward in this article—although obviously anybody has the right to put forward any views at all—are very dangerous and damaging. They are doubly dangerous and damaging because they are portrayed from the perspective of somebody who calls themselves a conservationist, who has a history in the conservation movement and yet who seeks to negate some of the very strong work that some people have done.

I use the example of the Wilderness Society campaigners in my own state of Queensland who have done a lot of work and continue to do a lot of work in exploring opportunities for better management of land so that the health of our natural environment can be improved through incorporating the knowledge and skills that the traditional owners and Indigenous people who live in those areas already have. There is potential there in all of those regions for economic development that will benefit our entire country, including the Indigenous people in those regions. I know a number of people in the Wilderness Society who have been quite creative and who have worked quite hard over a number of years in trying to develop those potentials.

That does not mean that there have not been problems along the way, but it is particularly problematic when other sections of the Wilderness Society are prepared and willing to promote the book that Mr Lines has just written and which this article has extracts from, particularly given the way he portrays the description of wilderness and attacks those in the conservation movement who seek to recognise that wilderness is not something that is untouched or has not been positively affected by the role of Indigenous Australians over tens of thousands of years. That is an incredibly narrow perspective.

It reminds me of the approach that was taken by the Tasmanian component of the Wilderness Society before the last election in assessing the environmental credentials of various parties. I recall the Democrats being marked down on our response because we expressed the view that in developing solutions for the better protection of the forests in Tasmania we needed to ensure that there was adequate consultation with local Aboriginal people beforehand—that was seen as a negative by the Wilderness Society at that time. I certainly have not forgotten, and I do not intend to ever forget, that they saw that as a negative sufficient to actually mark us down. I am sure that they may well have found some other excuse to mark us down in any case, but the fact that they chose that one to grasp on to said a lot to me. I know the views of Tasmanian forest campaigners do not necessarily match the views of people elsewhere in the country.

I have spoken a number of times before about the fact that we need to recognise the immense biodiversity of other parts of Australia that are actually under greater threat and of greater significance. Expressing such comments also leaves one open to being misrepresented as saying that Tasmanian forests do not matter, which certainly is not my view. But I point to the areas of the wet trop-
ics in my own state of Queensland where you have not only extraordinary biodiversity and a huge number of endemic species—a biodiversity hotspot on a global scale—but also ongoing, continual and very vibrant important cultural connections with the land by many traditional Indigenous tribes. That presents an immense opportunity, and an immense economic opportunity as well—in tourism in particular.

While this person obviously has the right to say what they want, it is very important that such views be categorically dismissed by people in the conservation movement as unfounded—perhaps from good intent; I do not know—very ignorant, dangerous, offensive and, frankly, racist. In those circumstances, it is very important for those in the conservation movement to make very clear that they do not align themselves with those views. I listened to an interview that Mr Lines did on the Phillip Adams program, and he likes to see himself as a bit of a provocateur; a bit of a stirrer. That is fine; there is always a bit of a devil’s advocate and somebody to tilt against the windmills or kick against things. But it is not very helpful if it is done in a way which is inflammatory, offensive and racist. It is extremely unhelpful, particularly if it is flagrantly ignorant.

The article quotes a few Queensland based members of conservation groups—and, being from Queensland, I have of course heard these views a number of times—who complain about Indigenous Australians being able to continue to engage in their traditional right to hunt. That is a view that I completely reject and it is again based on complete misunderstanding and ignorance. But, when it follows through into a wish to prevent traditional owners from being involved in the ongoing management of protected areas or areas of high conservation significance, it becomes doubly problematic.

It is a simple fact—and I speak particularly from my knowledge of Queensland; I cannot speak as definitively about other states—that in some cases in Queensland national parks have been used quite consciously by former governments as a deliberate mechanism for dispossession. It is a clear fact that that is an effect that can still occur as a result of declarations of national parks and various other forms of protected areas. I do not say that it is a deliberate consequence these days—although when views like this, which are seen to be part of the conservation movement, get expressed then you cannot blame people for thinking so.

It was made very clear by the Cape York Land Council, in evidence that they gave to the Senate Standing Committee on Environment, Communications, Information Technology and the Arts, that in some cases a declaration of a national park and the ongoing management of national parks on their traditional lands is to them just another form of dispossession—and in some ways a worse form of dispossession. At least when some of those areas were run by pastoralists, they were allowed free movement on their own country and were allowed to practise their traditional activities on their own country. If it was suddenly declared to be a national park, then basically they were kicked off and allowed back on far more grudgingly and with far more restrictions.

That is simply unsatisfactory. It is arrogant, it is conceited and it is very destructive to the long-term opportunities for the people of that region. There is a lot of room for improvement in enabling greater involvement of traditional owners in the management of protected areas. We have gone some way down the track in some parts of Australia—Uluru-KataTjutu National Park is one where we have moved some distance—but there is clearly a lot more that can be done. When there is just straightforward philosophical
resistance and the idea that there is nothing we can learn from Indigenous Australians, we have a real problem. Articles like this one reinforce that.

The article makes the quite extraordinary assertion that there is no ‘them and us’ when it comes to Indigenous and non-Indigenous Australians, so there is nothing unique that we can learn from them. Certainly there should be no ‘them and us’ when it comes to equality of opportunity, but I have no doubt that Indigenous Australians very much felt like they were ‘them’ and not ‘us’ when they were being pushed off their lands and killed and relocated in such ferocious ways throughout much of Queensland’s history. To come along at the end of it all and say, ‘There is no them and us, there’s nothing that we can learn from Indigenous Australians and they never had any special connection with the land,’ adds grievous insult to what is already grievous injury.

I think it is an extremely damaging, destructive and ignorant approach. It is one that I certainly categorically reject, as do the Democrats, but I would very much urge other people within the conservation movement to do the same; otherwise it will damage the ability of those two groups to work together. (Time expired)

Senate adjourned at 8.30 pm

DOCUMENTS

Tabling

The following government documents were tabled:

Attorney-General’s Department—Report for 2005-06.
Australian Communications and Media Authority—Report for 2005-06.
Australian Transaction Reports and Analysis Centre (AUSTRAC)—Report for 2005-06.
Department of Transport and Regional Services—Report for 2005-06.
Department of Veterans’ Affairs—Data-matching program—Report on progress 2005-06.
Director of Public Prosecutions—Report for 2005-06.
Export Finance and Insurance Corporation (EFIC)—Report for 2005-06.
Film Australia Limited—Report for 2005-06.
Industrial Relations Court of Australia—Report for 2005-06. [Final report]
Inspector-General of Intelligence and Security—Report for 2005-06.
Repatriation Medical Authority—Report for 2005-06.
The following documents were tabled by the Clerk:

- Sydney Airport Curfew Act—Dispensation Report 07/06 [2 dispensations].
QUESTIONS ON NOTICE

The following answers to questions were circulated:

Mutual Assistance Agreements
(Question No. 2033)

Senator Hutchins asked the Minister for Justice and Customs, upon notice, on 15 June 2006:

With reference to the coronial inquest into the death of journalist Mr Brian Peters in East Timor in October 1975, and testimony by investigating officers of the New South Wales Homicide Squad to that inquest that cooperation has not been forthcoming from the Attorney-General’s Department and the Department of Foreign Affairs and Trade:

(1) Is the Minister aware of any requests for mutual assistance for New South Wales Homicide Squad investigating officers to travel to East Timor and interview witnesses and conduct an examination of remains.

(2) What steps are being taken to facilitate these requests.

(3) Why has there been a delay in the facilitation of these requests.

(4) What mutual assistance agreements exist between East Timor and Australia.

(5) If no formal agreements exist, what other mechanisms are available to facilitate mutual assistance.

Senator Ellison—The answer to the honourable senator’s question is as follows:

(1) to (3) Mutual assistance requests relate to ongoing law enforcement matters and are confidential. I do not propose to comment on whether a mutual assistance request is being made in this matter.

(4) to (5) Australia does not have a mutual assistance treaty with East Timor. However, under the Mutual Assistance in Criminal Matters Act 1987, Australia is able to make requests to, and receive requests from, any country, including East Timor.