INTERNET
The Journals for the Senate are available at

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

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

SITTING DAYS—2006

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

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

- **CANBERRA**: 103.9 FM
- **SYDNEY**: 630 AM
- **NEWCASTLE**: 1458 AM
- **GOSFORD**: 98.1 FM
- **BRISBANE**: 936 AM
- **GOLD COAST**: 95.7 FM
- **MELBOURNE**: 1026 AM
- **ADELAIDE**: 972 AM
- **PERTH**: 585 AM
- **HOBART**: 747 AM
- **NORTHERN TASMANIA**: 92.5 FM
- **DARWIN**: 102.5 FM
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
Australian Democrats Whip—Senator Andrew John Julian Bartlett
Australian Greens Whip—Senator Rachel Siewert

Printed by authority of the Senate
<table>
<thead>
<tr>
<th>Senator</th>
<th>State or Territory</th>
<th>Term expires</th>
<th>Party</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abetz, Hon. Eric</td>
<td>TAS</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Adams, Judith</td>
<td>WA</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Allison, Lynette Fay</td>
<td>VIC</td>
<td>30.6.2008</td>
<td>AD</td>
</tr>
<tr>
<td>Barnett, Guy</td>
<td>TAS</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Bartlett, Andrew John Julian</td>
<td>QLD</td>
<td>30.6.2008</td>
<td>AD</td>
</tr>
<tr>
<td>Bernardi, Cory (3)</td>
<td>SA</td>
<td>30.6.2008</td>
<td>LP</td>
</tr>
<tr>
<td>Bishop, Thomas Mark</td>
<td>WA</td>
<td>30.6.2008</td>
<td>ALP</td>
</tr>
<tr>
<td>Boswell, Hon. Ronald Leslie Doyle</td>
<td>QLD</td>
<td>30.6.2008</td>
<td>NATS</td>
</tr>
<tr>
<td>Brandis, George Henry</td>
<td>QLD</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Brown, Carol Louise (5)</td>
<td>TAS</td>
<td>30.6.2008</td>
<td>ALP</td>
</tr>
<tr>
<td>Brown, Robert James</td>
<td>TAS</td>
<td>30.6.2008</td>
<td>AG</td>
</tr>
<tr>
<td>Calvert, Hon. Paul Henry</td>
<td>TAS</td>
<td>30.6.2008</td>
<td>LP</td>
</tr>
<tr>
<td>Campbell, George</td>
<td>NSW</td>
<td>30.6.2008</td>
<td>ALP</td>
</tr>
<tr>
<td>Campbell, Hon. Ian Gordon</td>
<td>WA</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Carr, Kim John</td>
<td>VIC</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>Chapman, Hedley Grant Pearson</td>
<td>SA</td>
<td>30.6.2008</td>
<td>LP</td>
</tr>
<tr>
<td>Colbeck, Hon. Richard Mansell</td>
<td>TAS</td>
<td>30.6.2008</td>
<td>LP</td>
</tr>
<tr>
<td>Conroy, Stephen Michael</td>
<td>VIC</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>Coonan, Hon. Helen Lloyd</td>
<td>NSW</td>
<td>30.6.2008</td>
<td>LP</td>
</tr>
<tr>
<td>Crossin, Patricia Margaret (3)</td>
<td>NT</td>
<td></td>
<td>ALP</td>
</tr>
<tr>
<td>Eggleston, Alan</td>
<td>WA</td>
<td>30.6.2008</td>
<td>LP</td>
</tr>
<tr>
<td>Ellison, Hon. Christopher Martin</td>
<td>WA</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Evans, Christopher Vaughan</td>
<td>WA</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>Faulkner, Hon. John Philip</td>
<td>NSW</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>Ferguson, Alan Baird</td>
<td>SA</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Ferris, Jeannie Margaret</td>
<td>SA</td>
<td>30.6.2008</td>
<td>LP</td>
</tr>
<tr>
<td>Fielding, Steve</td>
<td>VIC</td>
<td>30.6.2011</td>
<td>FF</td>
</tr>
<tr>
<td>Fierravanti-Wells, Concetta Anna</td>
<td>NSW</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Fifield, Mitchell Peter (2)</td>
<td>VIC</td>
<td>30.6.2008</td>
<td>LP</td>
</tr>
<tr>
<td>Forshaw, Michael George</td>
<td>NSW</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>Heffernan, Hon. William Daniel</td>
<td>NSW</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Hogg, John Joseph</td>
<td>QLD</td>
<td>30.6.2008</td>
<td>ALP</td>
</tr>
<tr>
<td>Humphries, Gary John Joseph (3)</td>
<td>ACT</td>
<td></td>
<td>LP</td>
</tr>
<tr>
<td>Hurley, Annette</td>
<td>SA</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>Hutchins, Stephen Patrick</td>
<td>NSW</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>Johnston, David Albert Lloyd</td>
<td>WA</td>
<td>30.6.2008</td>
<td>LP</td>
</tr>
<tr>
<td>Joyce, Barnaby</td>
<td>QLD</td>
<td>30.6.2011</td>
<td>NATS</td>
</tr>
<tr>
<td>Kemp, Hon. Charles Roderick</td>
<td>VIC</td>
<td>30.6.2008</td>
<td>LP</td>
</tr>
<tr>
<td>Kirk, Linda Jean</td>
<td>SA</td>
<td>30.6.2008</td>
<td>ALP</td>
</tr>
<tr>
<td>Lightfoot, Philip Ross</td>
<td>WA</td>
<td>30.6.2008</td>
<td>LP</td>
</tr>
<tr>
<td>Ludwig, Joseph William</td>
<td>QLD</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>Lundy, Kate Alexandra (3)</td>
<td>ACT</td>
<td></td>
<td>ALP</td>
</tr>
<tr>
<td>Macdonald, Hon. Ian Douglas</td>
<td>QLD</td>
<td>30.6.2008</td>
<td>LP</td>
</tr>
<tr>
<td>Macdonald, John Alexander Lindsay (Sandy)</td>
<td>QLD</td>
<td>30.6.2008</td>
<td>NATS</td>
</tr>
<tr>
<td>McEwen, Anne</td>
<td>SA</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>McGauran, Julian John James</td>
<td>VIC</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>McLucas, Jan Elizabeth</td>
<td>QLD</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>Marshall, Gavin Mark</td>
<td>VIC</td>
<td>30.6.2008</td>
<td>ALP</td>
</tr>
<tr>
<td>Senator</td>
<td>State or Territory</td>
<td>Term expires</td>
<td>Party</td>
</tr>
<tr>
<td>----------------------------------------</td>
<td>-------------------</td>
<td>--------------</td>
<td>-----------</td>
</tr>
<tr>
<td>Mason, Brett John</td>
<td>QLD</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Milne, Christine</td>
<td>TAS</td>
<td>30.6.2011</td>
<td>AG</td>
</tr>
<tr>
<td>Minchin, Hon. Nicholas Hugh</td>
<td>SA</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Moore, Claire Mary</td>
<td>QLD</td>
<td>30.6.2008</td>
<td>ALP</td>
</tr>
<tr>
<td>Murray, Andrew James Marshall</td>
<td>WA</td>
<td>30.6.2008</td>
<td>AD</td>
</tr>
<tr>
<td>Nash, Fiona</td>
<td>NSW</td>
<td>30.6.2011</td>
<td>NATS</td>
</tr>
<tr>
<td>Nettle, Kerry Michelle</td>
<td>NSW</td>
<td>30.6.2008</td>
<td>AG</td>
</tr>
<tr>
<td>O'Brien, Kerry Williams Kelso</td>
<td>TAS</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>Parry, Stephen</td>
<td>TAS</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Patterson, Hon. Kay Christine Lesley</td>
<td>VIC</td>
<td>30.6.2008</td>
<td>LP</td>
</tr>
<tr>
<td>Payne, Marise Ann</td>
<td>NSW</td>
<td>30.6.2008</td>
<td>LP</td>
</tr>
<tr>
<td>Polley, Helen</td>
<td>TAS</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>Ray, Hon. Robert Francis</td>
<td>VIC</td>
<td>30.6.2008</td>
<td>ALP</td>
</tr>
<tr>
<td>Ronaldson, Hon. Michael</td>
<td>VIC</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Santoro, Hon. Santo (1)</td>
<td>QLD</td>
<td>30.6.2008</td>
<td>LP</td>
</tr>
<tr>
<td>Scullion, Nigel Gregory (3)</td>
<td>NT</td>
<td></td>
<td>CLP</td>
</tr>
<tr>
<td>Sherry, Hon. Nicholas John</td>
<td>TAS</td>
<td>30.6.2008</td>
<td>ALP</td>
</tr>
<tr>
<td>Sievert, Rachel</td>
<td>WA</td>
<td>30.6.2011</td>
<td>AG</td>
</tr>
<tr>
<td>Stephens, Ursula Mary</td>
<td>NSW</td>
<td>30.6.2008</td>
<td>ALP</td>
</tr>
<tr>
<td>Sterle, Glenn</td>
<td>WA</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>Stott Despoja, Natasha Jessica</td>
<td>SA</td>
<td>30.6.2008</td>
<td>AD</td>
</tr>
<tr>
<td>Troeth, Hon. Judith Mary</td>
<td>VIC</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Trood, Russell</td>
<td>QLD</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Vanstone, Hon. Amanda Eloise</td>
<td>SA</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Watson, John Odin Wentworth</td>
<td>TAS</td>
<td>30.6.2008</td>
<td>LP</td>
</tr>
<tr>
<td>Webber, Ruth Stephanie</td>
<td>WA</td>
<td>30.6.2008</td>
<td>ALP</td>
</tr>
<tr>
<td>Wong, Penelope Ying Yen</td>
<td>SA</td>
<td>30.6.2008</td>
<td>ALP</td>
</tr>
<tr>
<td>Wortley, Dana</td>
<td>SA</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
</tbody>
</table>

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

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

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

Prime Minister
Minister for Transport and Regional Services and Deputy Prime Minister
Treasurer
Minister for Trade
Minister for Defence
Minister for Foreign Affairs
Minister for Health and Ageing and Leader of the House
Attorney-General
Minister for Finance and Administration, Leader of the Government in the Senate and Vice-President of the Executive Council
Minister for Agriculture, Fisheries and Forestry and Deputy Leader of the House
Minister for Immigration and Multicultural Affairs
Minister for Education, Science and Training and Minister Assisting the Prime Minister for Women’s Issues
Minister for Families, Community Services and Indigenous Affairs
Minister Assisting the Prime Minister for Indigenous Affairs
Minister for Industry, Tourism and Resources
Minister for Employment and Workplace Relations and Minister Assisting the Prime Minister for the Public Service
Minister for Communications, Information Technology and the Arts and Deputy Leader of the Government in the Senate
Minister for the Environment and Heritage

The Hon. John Winston Howard MP
The Hon. Mark Anthony James Vaile MP
The Hon. Peter Howard Costello MP
The Hon. Warren Errol Truss MP
The Hon. Dr Brendan John Nelson MP
The Hon. Alexander John Gosse Downer MP
The Hon. Anthony John Abbott MP
The Hon. Philip Maxwell Ruddock MP
Senator the Hon. Nicholas Hugh Minchin
Senator the Hon. Amanda Eloise Vanstone
The Hon. Julie Isabel Bishop MP
The Hon. Malcolm Thomas Brough MP
The Hon. Ian Elgin Macfarlane MP
The Hon. Kevin James Andrews MP
Senator the Hon. Helen Lloyd Coonan
Senator the Hon. Ian Gordon Campbell

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

<table>
<thead>
<tr>
<th>Position</th>
<th>Minister</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minister for Justice and Customs and Manager of Government Business in the Senate</td>
<td>Senator the Hon. Christopher Martin Ellison</td>
</tr>
<tr>
<td>Minister for Fisheries, Forestry and Conservation</td>
<td>Senator the Hon. Eric Abetz</td>
</tr>
<tr>
<td>Minister for the Arts and Sport</td>
<td>Senator the Hon. Charles Roderick Kemp</td>
</tr>
<tr>
<td>Minister for Human Services and Minister Assisting the Minister for Workplace Relations</td>
<td>The Hon. Joseph Benedict Hockey MP</td>
</tr>
<tr>
<td>Minister for Community Services</td>
<td>The Hon. John Kenneth Cobb MP</td>
</tr>
<tr>
<td>Minister for Revenue and Assistant Treasurer</td>
<td>The Hon. Peter Craig Dutton MP</td>
</tr>
<tr>
<td>Special Minister of State</td>
<td>The Hon. Gary Roy Nairn MP</td>
</tr>
<tr>
<td>Minister for the Arts and Sport</td>
<td>The Hon. Gary Douglas Hardgrave MP</td>
</tr>
<tr>
<td>Minister for Human Services and Minister Assisting the Minister for Workplace Relations</td>
<td>The Hon. Joseph Benedict Hockey MP</td>
</tr>
<tr>
<td>Minister for Community Services</td>
<td>The Hon. John Kenneth Cobb MP</td>
</tr>
<tr>
<td>Minister for Revenue and Assistant Treasurer</td>
<td>The Hon. Peter Craig Dutton MP</td>
</tr>
<tr>
<td>Special Minister of State</td>
<td>The Hon. Gary Roy Nairn MP</td>
</tr>
<tr>
<td>Minister for the Arts and Sport</td>
<td>The Hon. Gary Douglas Hardgrave MP</td>
</tr>
<tr>
<td>Minister for Human Services and Minister Assisting the Minister for Workplace Relations</td>
<td>The Hon. Joseph Benedict Hockey MP</td>
</tr>
<tr>
<td>Minister for Community Services</td>
<td>The Hon. John Kenneth Cobb MP</td>
</tr>
<tr>
<td>Minister for Revenue and Assistant Treasurer</td>
<td>The Hon. Peter Craig Dutton MP</td>
</tr>
<tr>
<td>Special Minister of State</td>
<td>The Hon. Gary Roy Nairn MP</td>
</tr>
<tr>
<td>Minister for the Arts and Sport</td>
<td>The Hon. Gary Douglas Hardgrave MP</td>
</tr>
<tr>
<td>Minister for Human Services and Minister Assisting the Minister for Workplace Relations</td>
<td>The Hon. Joseph Benedict Hockey MP</td>
</tr>
<tr>
<td>Minister for Community Services</td>
<td>The Hon. John Kenneth Cobb MP</td>
</tr>
<tr>
<td>Minister for Revenue and Assistant Treasurer</td>
<td>The Hon. Peter Craig Dutton MP</td>
</tr>
<tr>
<td>Special Minister of State</td>
<td>The Hon. Gary Roy Nairn MP</td>
</tr>
<tr>
<td>Minister for the Arts and Sport</td>
<td>The Hon. Gary Douglas Hardgrave MP</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Position</th>
<th>Minister</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minister for Veterans’ Affairs and Minister Assisting the Minister for Defence</td>
<td>The Hon. Bruce Frederick Billson MP</td>
</tr>
<tr>
<td>Minister for Workforce Participation</td>
<td>The Hon. Dr Sharman Nancy Stone MP</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Minister for Finance and Administration</td>
<td>Senator the Hon. Richard Mansell Colbeck</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Minister for Industry, Tourism and Resources</td>
<td>The Hon. Robert Charles Baldwin MP</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Minister for Health and Ageing</td>
<td>The Hon. Christopher Maurice Pyne MP</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Minister for Defence</td>
<td>Senator the Hon. John Alexander Lindsay (Sandy) Macdonald</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Minister for Transport and Regional Services</td>
<td>The Hon. De-Anne Margaret Kelly MP</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Minister for Immigration and Multicultural Affairs</td>
<td>The Hon. Andrew John Robb MP</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Prime Minister</td>
<td>The Hon. Malcolm Bligh Turnbull MP</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Treasurer</td>
<td>The Hon. Christopher John Pearce MP</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Minister for the Environment and Heritage</td>
<td>The Hon. Gregory Andrew Hunt MP</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry</td>
<td>The Hon. Sussan Penelope Ley MP</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Minister for Education, Science and Training</td>
<td>The Hon. Patrick Francis Farmer MP</td>
</tr>
<tr>
<td>Parliamentary Secretary (Foreign Affairs)</td>
<td>The Hon. Teresa Gambaro MP</td>
</tr>
</tbody>
</table>
Leader of the Opposition          The Hon. Kim Christian Beazley MP
Deputy Leader of the Opposition and Shadow  Jennifer Louise Macklin MP
    Minister for Education, Training, Science and
    Research
Leader of the Opposition in the Senate, Shadow  Senator Christopher Vaughan Evans
    Minister for Indigenous Affairs and Shadow
    Minister for Family and Community Services
Deputy Leader of the Opposition in the Senate and  Senator Stephen Michael Conroy
    Shadow Minister for Communications and
    Information Technology
Shadow Minister for Health and Manager of  Julia Eileen Gillard MP
    Opposition Business in the House
Shadow Treasurer                     Wayne Maxwell Swan MP
Shadow Attorney-General               Nicola Louise Roxon MP
Shadow Minister for Industry, Infrastructure and  Stephen Francis Smith MP
    Industrial Relations
Shadow Minister for Foreign Affairs and Trade  Kevin Michael Rudd MP
    and Shadow Minister for International Security
Shadow Minister for Defence           Robert Bruce McClelland MP
Shadow Minister for Regional Development The Hon. Simon Findlay Crean MP
Shadow Minister for Primary Industries,  Martin John Ferguson MP
    Resources, Forestry and Tourism
Shadow Minister for Environment and Heritage,  Anthony Norman Albanese MP
    Shadow Minister for Water and Deputy
    Manager of Opposition Business in the House
Shadow Minister for Housing, Shadow Minister  Senator Kim John Carr
    for Urban Development and Shadow Minister
    for Local Government and Territories
Shadow Minister for Public Accountability and  Kelvin John Thomson MP
    Shadow Minister for Human Services
Shadow Minister for Finance           Lindsay James Tanner MP
Shadow Minister for Superannuation and  Senator the Hon. Nicholas John Sherry
    Intergenerational Finance and Shadow Minister
    for Banking and Financial Services
Shadow Minister for Child Care, Shadow Minister  Tanya Joan Plibersek MP
    for Youth and Shadow Minister for Women
Shadow Minister for Employment and Workforce Participation and Shadow Minister for Corporate  Senator Penelope Ying Yen Wong
    Governance and Responsibility

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

Shadow Minister for Consumer Affairs and Health Regulation  Laurie Donald Thomas Ferguson MP
Shadow Minister for Agriculture and Fisheries  Gavan Michael O’Connor MP
Shadow Assistant Treasurer, Shadow Minister for Revenue and Shadow Minister for Small Business and Competition  Joel Andrew Fitzgibbon MP
Shadow Minister for Transport  Senator Kerry Williams Kelso O’Brien
Shadow Minister for Sport and Recreation  Senator Kate Alexandra Lundy
Shadow Minister for Homeland Security and Shadow Minister for Aviation and Transport Security  The Hon. Archibald Ronald Bevis MP
Shadow Minister for Veterans’ Affairs and Shadow Special Minister of State  Alan Peter Griffin MP
Shadow Minister for Defence Industry, Procurement and Personnel  Senator Thomas Mark Bishop
Shadow Minister for Immigration  Anthony Stephen Burke MP
Shadow Minister for Ageing, Disabilities and Carers  Senator Jan Elizabeth McLucas
Shadow Minister for Justice and Customs and Manager of Opposition Business in the Senate  Senator Joseph William Ludwig
Shadow Minister for Overseas Aid and Pacific Island Affairs  Robert Charles Grant Sercombe MP
Shadow Minister for Citizenship and Multicultural Affairs  Senator Annette Hurley
Shadow Parliamentary Secretary for Reconciliation and the Arts  Peter Robert Garrett MP
Shadow Parliamentary Secretary to the Leader of the Opposition  John Paul Murphy MP
Shadow Parliamentary Secretary for Defence and Veterans’ Affairs  The Hon. Graham John Edwards MP
Shadow Parliamentary Secretary for Education  Kirsten Fiona Livermore MP
Shadow Parliamentary Secretary for Environment and Heritage  Jennie George MP
Shadow Parliamentary Secretary for Industry, Infrastructure and Industrial Relations  Bernard Fernando Ripoll MP
Shadow Parliamentary Secretary for Immigration  Ann Kathleen Corcoran MP
Shadow Parliamentary Secretary for Treasury  Catherine Fiona King MP
Shadow Parliamentary Secretary for Science and Water  Senator Ursula Mary Stephens
Shadow Parliamentary Secretary for Northern Australia and Indigenous Affairs  The Hon. Warren Edward Snowdon MP
## CONTENTS

**WEDNESDAY, 8 NOVEMBER**

### Chamber
- Crimes Amendment (Bail and Sentencing) Bill 2006—
  - Second Reading ................................................................................................................. 1
  - In Committee ................................................................................................................... 19
  - Third Reading .................................................................................................................. 33
- Child Support Legislation Amendment (Reform of the Child Support Scheme—New Formula and Other Measures) Bill 2006—
  - Second Reading ................................................................................................................. 35

### Matters of Public Interest—
- Federal Judicial Commission ............................................................................................. 41
- Queensland Parliament ....................................................................................................... 42
- Merchant Seamen ............................................................................................................... 44
- Lebanon ........................................................................................................................ ...... 47
- Western Australia: Economy .............................................................................................. 51
- Australian Broadcasting Corporation ................................................................................. 54

### Questions Without Notice—
- Interest Rates ................................................................................................................. 57
- Living Standards ................................................................................................................. 59
- Inflation .......................................................................................................................... 60
- Interest Rates ................................................................................................................. 60
- Migration ...................................................................................................................... ...... 61
- Interest Rates ................................................................................................................. 62
- Workplace Relations ....................................................................................................... 63

### Distinguished Visitors..................................................................................................... 64

### Questions Without Notice: Take Note of Answers—
- Indigenous Australians: Stolen Wages................................................................................ 65
- Indigenous Mental Health .................................................................................................. 66
- Interest Rates ................................................................................................................. 67
- West Papua ..................................................................................................................... .... 68
- Interest Rates ................................................................................................................. 69
- Drought Assistance ........................................................................................................... 70
- Housing Affordability ....................................................................................................... 71
- Australian Federal Police ................................................................................................... 72

### Petitions—
- Pregnancy Counselling Services ........................................................................................ 80
- Human Stem Cells: Therapeutic Cloning ........................................................................... 80
- Information Technology: Internet Content ......................................................................... 80

### Notices—
- Presentation ................................................................................................................... 81

### Committees—
- Selection of Bills Committee—Report ............................................................................. 82

### Business—
- Rearrangement .................................................................................................................. 87
## CONTENTS—continued

**Notices**—  
Postponement ................................................................................................................... 87  
International Jewish Solidarity Network ................................................................................. 88  
**Notices**—  
Postponement ................................................................................................................... 89  
Duck Hunting................................................................................................................... 89  
**Notices**—  
Postponement ................................................................................................................... 89  

**Matters of Public Importance**—  
Inflation and Interest Rates................................................................................................. 89  

**Committees**—  
Privileges Committee—Report .............................................................................................. 103  
Scrutiny of Bills Committee—Report .................................................................................... 105  
Australian Crime Commission Committee—Additional Information................................... 106  

Australian Participants in British Nuclear Tests (Treatment) Bill 2006 and  
Australian Participants in British Nuclear Tests (Treatment) (Consequential Amendments  
and Transitional Provisions) Bill 2006—  
Report of Foreign Affairs, Defence and Trade Committee............................................... 106  

Medical Indemnity Legislation Amendment Bill 2006,  
Schools Assistance (Learning Together—Achievement Through Choice and Opportunity)  
Amendment Bill (No. 2) 2006,  
Customs Tariff Amendment (2007 Harmonized System Changes) Bill 2006,  
Customs Amendment (2007 Harmonized System Changes) Bill 2006,  
Communications Legislation Amendment (Enforcement Powers) Bill 2006,  
Higher Education Legislation Amendment (2006 Budget and Other Measures) Bill 2006,  
Long Service Leave (Commonwealth Employees) Amendment Bill 2006,  
Television Licence Fees Amendment Bill 2006,  
Corporations (Aboriginal and Torres Strait Islander) Bill 2006,  
Corporations (Aboriginal and Torres Strait Islander) Consequential, Transitional and  
Other Measures Bill 2006,  
Corporations Amendment (Aboriginal and Torres Strait Islander Corporations) Bill 2006,  
Broadcasting Legislation Amendment Bill (No. 1) 2006,  
Broadcasting Legislation Amendment (Digital Television) Bill 2006,  
Broadcasting Services Amendment (Media Ownership) Bill 2006,  
Crimes Act Amendment (Forensic Procedures) Bill (No. 1) 2006,  
Trade Practices Legislation Amendment Bill (No. 1) 2006, and  
Public Works Committee Amendment Bill 2006—  
Assent................................................................................................................................. 107  

Committees—  
Foreign Affairs, Defence and Trade Committee—Reference............................................. 107  
Rural and Regional Affairs and Transport Committee—Reference ...................................... 107  

Child Support Legislation Amendment (Reform of the Child Support Scheme—New  
Formula and Other Measures) Bill 2006—  
Second Reading................................................................................................................... 124  

**Documents**—  
Special Broadcasting Service Corporation............................................................................. 126  
Bureau of Meterology............................................................................................................. 127  
Inspector-General of Taxation................................................................................................. 129  
Director of National Parks..................................................................................................... 130  
Consideration......................................................................................................................... 131  

CONTENTS—continued

Adjournment—
  Microenterprise Lending .......................................................... 132
  Northern Australia ................................................................. 134
Documents—
  Tabling .................................................................................... 136
  Tabling...................................................................................... 137
Questions on Notice
Human Services: Customer Service—(Question No. 853) ....... 139
  Jian Seng—(Question No. 1670) ............................................. 150
Mass Marketed Schemes—(Question No. 1815) ...................... 153
Australian Wheat Board: Pakistan—(Question Nos 2200 to 2203) 154
Airports (Conrol of On-Airport Activities) Regulations—(Question No. 2310) 154
Veterans: Nuclear Test Compensation Payments—(Question No. 2329) .... 156
Higher Education Contribution Scheme Debt—(Question No. 2330) .......... 156
Parliamentary Secretary to the Minister for Immigration and Multicultural Affairs:
  Staff—(Question No. 2333) .................................................... 157
Discretionary Grants Programs—(Question Nos 2354 to 2373) .......... 158
United Kingdom Pensioners—(Question No. 2374) ...................... 158
Bankstown Airport—(Question No. 2379) .................................. 159
RAAF Williams Point Cook—(Question No. 2384) ...................... 161
Carers—(Question No. 2389) .................................................... 163
Carers—(Question No. 2390) .................................................... 164
Wilderness Society—(Question No. 2414) ................................. 166
Digital Television Reception—(Question No. 2427) ...................... 166
Illegal Fishing—(Question No. 2437) ........................................... 166
Illegal Fishing—(Question No. 2438) ........................................... 170
Australian Securities and Investments Commission—(Question No. 2461) .... 173
Wednesday, 8 November 2006

The PRESIDENT (Senator the Hon. Paul Calvert) took the chair at 9.30 am and read prayers.

CRIMES AMENDMENT (BAIL AND SENTENCING) BILL 2006

Second Reading

Debate resumed from 14 September, on motion by Senator Sandy Macdonald:

That this bill be now read a second time.

Senator LUDWIG (Queensland) (9.31 am)—I rise to speak on the Crimes Amendment (Bail and Sentencing) Bill 2006. It is clearly a bill that is fundamentally flawed. This bill purports to tackle ‘the relatively high level of violence and abuse in Indigenous communities,’ but it will achieve nothing of that sort. What I have heard in the committee’s hearings on this bill leaves me in little doubt that this bill is nothing more than a legal fig leaf to cover the inadequacies of the minister purportedly responsible for Indigenous affairs. The legislation is in fact not worth the paper upon which it is written. It is a distraction; it is a waste of the time and energy of this parliament. The media and the Public Service are, as you can appreciate, very busy at this time of year. There is a legislative program to be dealt with before we go home for the Christmas break.

But, more importantly, this bill is a distraction from the 10 long years of failed Howard government policy on Indigenous affairs. It is a distraction from the litany of Liberal policy failures of Ministers Herron, Vanstone, Ruddock and Brough. The government has had 10 years and two national summits on violence in Indigenous communities and has absolutely nothing to show for it. Only last week at estimates the government’s own backbench took a stick to the miserable failure of the office of Indigenous affairs, as well they might. It is a shame that they failed to highlight the abysmal performance at the ministerial level. How is it that in a time of national prosperity—a prosperity, may I remind the Senate, built by Labor—the Howard government and its coterie of incompetents have managed to leave Indigenous Australians for a large part worse off than ever before?

Turning to the content of this bill itself, as the short title of this bill suggests, it makes changes in two areas of the Crimes Act 1914: the provisions for granting bail under proposed section 15AB and the provisions relating to the matters courts are expected to take into account during sentencing under section 16A. The bail provisions inserted by proposed section 15AB list new matters to be considered in granting bail—namely, the impact the decision may have on victims or witnesses alleged or otherwise. These new measures at least in sentiment may have some merit. Indeed, excluding subsection (1)(b), this section is the only element of the amendments to receive any reasoned support from the non-government submissions to the Senate inquiry. Specifically, the Aboriginal Legal Service of New South Wales and the Australian Capital Territory believed that directing ‘consideration during bail deliberations to the circumstances of the alleged victim and potential witnesses, especially those in remote communities’ was appropriate. But it stopped short of supporting subsection (1)(b), which prohibits the consideration of customary law and cultural practices in bail deliberations. Equivalent prohibitions are made in the context of sentencing. I will deal with both limitations simultaneously when I get to those measures, to which I note that the government has already flagged amendments.

There are two important points worth noting about this new section. To begin with, this is a matter that is currently under review
by the Council of Australian Governments. Page 13 of its latest communique, dated 14 July 2006, states:

COAG has asked the Standing Committee of Attorneys-General (SCAG) to report to the next COAG meeting on the extent to which bail provisions and enforcement take particular account of potential impacts on victims and witnesses in remote communities and to recommend any changes required.

As such it is grossly premature of the government to be making these amendments given SCAG has not had the opportunity to present its report nor has COAG been given a chance to consider any subsequent recommendations. If this bill passes, amended or otherwise, there is still a strong possibility that we may be legislating in this area again inside the next 12 months.

Let me now demolish any rational argument in favour of this bill by quoting some of the high priests of hypocrisy. In this very session of parliament, I have also attempted to amend provisions relating to sentencing in the same part of the Crimes Act 1914 by the Crimes Amendment (Victim Impact Statements) Bill 2006. I was told at that time by government senators in the debate on that bill that it would be:

... premature for the government to consider the use of victim impact statements in isolation.

That was what Senator Ian Macdonald said. I was also told:

This government is currently considering the Australian Law Reform Commission report and the report of the Parliamentary Joint Committee on the Australian Crime Commission on the recommendations about victim impact statements in the context of the wide-ranging recommendations that the ALRC made about the sentencing of federal offenders. The Australian government’s response will be made public. Work is now being done preparing a response to both of these important reports.

I would like to say again that it would be premature to consider the use of victim impact statements in isolation. Yes, they have a key role in sentencing, but we should not consider them in isolation.

That was said by Senator Bernardi. I was also told:

So there are federal reports and recommendations which press this matter ... But I take the view that other senators on this side of the chamber have taken during the course of this debate and suggest that, rather than passing this bill, the better course would be to ensure that there is widespread consultation with other agencies with regard to this proposal, to discuss the matter widely amongst members of the profession in jurisprudential circles and, in light of those considerations, to introduce a more comprehensive reform of the Crimes Act.

That was said by Senator Trood. I was told:

We should take our time. We should make sure that we get it right. We should make sure that we take into account all relevant factors in relation to sentencing policy so that we ensure that we get this right.

That was said by Senator Fifield. There was a litany of senators commenting on my private member’s bill, but the comments are germane to the point that I am making on this bill because apparently the Howard government’s position not much more than a fortnight ago was one of total opposition to incremental change in the sentencing provisions of the Crimes Act in favour of implementing wide-ranging recommendations on sentencing. And here we are today and the disingenuousness of the government lies exposed. It is okay apparently for the government to incrementally change sentencing legislation when it suits them. They are hiding behind their own rhetoric. How brazen they are in their arrogance. Let me remind senators again of what COAG said:

COAG has asked the Standing Committee of Attorneys-General (SCAG) to report to the next COAG meeting on the extent to which bail provi-
sions and enforcement take particular account of potential impacts on victims and witnesses in remote communities and to recommend any changes required.

Instead of proceeding through SCAG as agreed, we are now legislating unilaterally. This means that only part of the bill that possesses any possible merit has been acted on in direct contradiction to the government’s own commitments. It is abundantly clear that, by disregarding the COAG agreement relating to bail, the government’s attempt to rely on other parts of the communique to justify the remainder of the bill rings truly hollow. We now have a government that has said about sentencing provisions in relation to a private member’s bill that that matter should form part of the bigger picture and that we should wait to see what the bigger picture is. But the government’s position is: ‘No, that rule doesn’t apply to us, although we talk about it and we say it. What we say in this instance is that we’ll ignore the bigger picture and deal with this small proposal because it suits us.’

Let me also talk to other parts of this bill. The second substantive change that the bill seeks is the removal of the reference to cultural background that appears in section 16A, which lists the matters that courts should have regard to when passing sentence. Senator Sandy Macdonald, the Parliamentary Secretary to the Minister for Defence, said in the second reading speech on this bill:

The Australian Government rejects the idea that an offender’s cultural background should automatically be considered, when a court is sentencing that offender, so as to mitigate the sentence imposed.

I have to ask the question: did the government actually read section 16A(2)? When I turned to my copy of the Crimes Act 1914 I saw the following paragraph:

In addition to any other matters, the court must take into account such of the following matters as are relevant and known to the court.

Let me emphasise the word ‘relevant’ because, although section 16A(2) directs the court to take into account a range of matters, including cultural background, it must only do so where they are relevant and it is left to the court to determine whether a matter is relevant or not. If the government wants these amendments to the Crimes Act to be taken seriously, then it is not enough to simply wander into the chamber and reject some unattributed idea. It is incumbent on the government to point out the specific failings in the law as it stands and explain in full how these changes will remedy them. That is, after all, the difference between legislating and a high school debate.

Sadly, though, this government has failed in this responsibility and, instead of basing its case on both fact and experience, it has relied solely upon some idea—and, as I said, an unattributed one at that. Indeed, when asked to identify where the consideration of customary law or cultural practice has led to inappropriately lenient sentences, the Attorney-General’s Department failed to provide a single case. When pressed for the details of cases known at the time of drafting where cultural background or customary law had been used to determine guilt or innocence in matters of federal jurisdiction, the only example that the government could provide related to an unsuccessful attempt to use hunting traditions as a defence for hunting birds that were listed as endangered. In the future, if the government wants to use the Senate’s time to debate propositions or ideas, it should draft an appropriate motion or use the adjournment debate like other senators do. In the future, if the government wants to deal with matters such as this, as I have said, it should seriously consider both waiting for the overall COAG response and, in the in-
I turn to the amendments that will direct authorities in granting bail under proposed section 15AB(1)(b) and those directing courts in sentencing under proposed section 16A(2A) to exclude from consideration any form of ‘customary law or cultural practice’ as a reason for ‘excusing, justifying, authorising, requiring or lessening the seriousness of’ the alleged criminal behaviour to which the alleged offence relates, or the criminal behaviour to which the offence relates. The government has already flagged amendments in this area in response to recommendation 1 in the report on the bill by the Senate Standing Committee on Legal and Constitutional Affairs. In the committee’s view, this provision as originally drafted would have meant that:

... a court could not take into account customary law or cultural practice to render criminal behaviour less serious but could consider these factors if it rendered criminal behaviour more serious.

It is good to see the government take at least one of the committee’s recommendations seriously, but this only serves to reinforce the hasty way that this legislation has been thrown together. Although it is an improvement, it does not make the bill as a whole or even the individual provisions in any way redeemable.

When you examine the evidence given by the department in relation to these new paragraphs on customary law and cultural practice, a number of inconsistencies are revealed. For instance, the department has said that the bill is intended to address ‘cases where judges or magistrates are presented with arguments in mitigation relying on customary law or cultural practice, which are based on ... a misunderstanding of customary law’. That almost implies that the judges and magistrates, appointed by the Attorney-General, are not capable of isolating such instances. Meanwhile, the department has also said that it may still be relevant for a court to take into consideration that an offender lives in a customary law environment, such as a remote community, or that they will receive or have received tribal punishment. The problem with the bill, even if amended, is when you combine the removal of the reference to ‘cultural background’ with the fact that ‘cultural practices’ and ‘customary law’ have both deliberately been left undefined.

The committee also examined other arguments, including raising a number of issues with the bill to demonstrate why it is flawed. There was a lack of consultation. That is a sad refrain that I have heard often in the last year or so. This government has failed to consult widely in respect of its legislation—an emerging trend that really started shortly after 1 July 2005. The committees that have been set up to inquire into bills have been given short time frames. When we get to the departments, we find that there has been a lack of adequate consultation on the bills. Such matters have also been raised by witnesses before the committees. They have had insufficient time to prepare submissions, and there has been a lack of consultation on behalf of the government. In response, the government says, ‘The committee is part of the consultative process.’ That is rubbish. There should be wide consultation on these matters before they get to the committee process.

In this instance, when concerns were raised by witnesses before the committee, the department indicated that it had not directly consulted with Indigenous groups about the bill and that there had been no consultation with any police forces or police unions and no consultation with any lawyer associations. This should come as a surprise to me, but it does not. When the government was given a genuine opportunity to help victims of crime,
via the bill I introduced dealing with victim impact statements, it indicated that it could not possibly proceed with amendments to the act without widespread consultation. So when it suits the government it will consult.

Ultimately, these changes will have almost nil effect on violence and sexual abuse in Indigenous communities. We all want an end to violence and sexual abuse across the board—that is a given—but what this bill purports to impact upon is not that. Why? As noted by the committee and almost every organisation that made a submission to the inquiry, those sorts of offences are actually covered by state and territory legislation. When you look at federal prisoners as of 1 September 2006, three-quarters were incarcerated under drug importation offences. When you look at the 74 prisoners convicted under the Crimes Act 1914, which make up the bulk of the residual, more than half of their offences related to social security. So how these changes are going to make an impact upon the serious problems of domestic violence and sexual abuse is anyone’s guess.

The gall of this government knows no bounds. They truly are shameless in the depths of the hypocrisy to which they have now sunk. If any further evidence were required of just how hollow this bill really is, you only need to look at the history of the reference to cultural background in section 16A(2) that this bill removes. The reference was originally introduced by the previous government under the Crimes and Other Legislation Amendment Bill 1994. And guess who supported those changes? The members opposite, that’s who.

What we have before us today is a complete backflip by this government. If we want a rationale for why this legislation is unnecessary, we need only take a trip down memory lane. I would like to remind the present Minister for Justice and Customs, Senator Ellison, of what he had to say in his second reading speech on the very measure he now seeks to amend. He said:

I would indicate that the coalition agrees with the inclusion of cultural background in relation to sentencing principles. I believe that is an aspect which is relevant in a country such as Australia, where there are diverse cultural backgrounds. In my state of Western Australia there have been cases where tribal Aboriginals have been dealt with before the courts and, of course, they have operated under a different cultural background. They have also had to face some sort of penalty from their own tribe and clan. Also, some aspects of a culture bring out different sorts of behaviour in people, and that has to be recognised. In particular, this relates to Aboriginal offenders, but it could apply to anyone in the community.

Daryl Williams, who became Attorney-General under the Howard government, had the following to say:

The bill will add the words ‘cultural background’ to this list. The effect of this will be to make the cultural background of a convicted federal offender—(Time expired)

Senator BARTLETT (Queensland) (9.51 am)—The Crimes Amendment (Bail and Sentencing) Bill 2006 is a disgrace. Not only is it bad law; not only is it discriminatory; it is also a total con. It is bad enough that it is going to create a change that will mean that people who are not from a dominant cultural background will not have their cultural background taken into account and therefore will not have equality before the law. In some ways even worse is the fact that it is being put forward as in some way being an action in response to the problem that we all acknowledge and the problem we all want to see more action on—that is, violence in Indigenous communities. I should point out that, whilst there is serious child abuse and domestic violence in Indigenous communities, we cannot kid ourselves that the rest of Australia is not also suffering from significant levels of that social blight.
With regard to the legislation before us, we can see the political veneer being used here: we need to look tough and look as though we are doing something about violence in Indigenous communities, so we will make a change to the legislation to say that we are no longer required to take cultural background into account in sentencing under the Crimes Act, even though at the federal level the Crimes Act does not have any offences that relate in any way to violence in Indigenous communities—or anywhere else in the community, for that matter. It is being put forward under completely false pretences and used basically as a stalking horse to rush through an ideologically-driven change that negates the validity of people of different cultural backgrounds, including and most specifically Indigenous Australians. If there is any group of Australians whose unique cultural background and heritage we should not only acknowledge but celebrate it is Indigenous Australians.

I really cannot do much better than go the report of the Senate Committee on Legal and Constitutional Affairs, which, apart from its final recommendation suggesting that the bill could still pass with some amendments that do not, I think, reflect virtually every word before it, is a very solid summation. It was a report put together by a government controlled committee including senators from the Liberal Party—from the government benches—who we know have a great degree of expertise and integrity in these areas, particularly Senator Payne but also Senator Brandis. Frankly, it is hard to find a report that is more scathing in its assessment, apart from its failure to do what should have been done, which was to recommend that the bill be rejected. I should note that, nonetheless, they have circulated two amendments to at least attempt to ensure that the government picks up the specific recommendations of the Senate committee inquiry and the specific recommendations put forward by the government senators—the Liberal Party senators—on that committee.

But let us look at the reality of what is before us, as opposed to the smokescreen that has been put forward as a justification by the government, without going through all the detail of the findings of the committee. Let us look at the summations of the committee from paragraphs 3.90 onwards. These are words that have been put together by Liberal senators—words that I endorse, I might say. The report says:

... the committee considers that the Bill’s focus is misdirected.

... the committee notes the absence of any Federal laws relating to violence or sexual abuse in Indigenous communities that will be affected or changed as a result of the Bill.

The committee has concerns in relation to the haste with which the proposals in the Bill have been drafted and introduced into Parliament, without adequate, if any, consultation with Indigenous and multicultural groups.

The report goes on to say that the committee also notes advice from the Australian Law Reform Commission that in relation to its Same crime, same time report into federal sentencing, which goes to the heart of equality before the law, the federal government made a series of submissions, none of which suggested that customs or cultural background be removed from the Crimes Act as a sentencing factor. It said that, as recently as February this year, according to the ALRC, a submission from the Attorney-General’s Department made positive reference to initiatives that can be developed to assist the courts to take into consideration the cultural background of Aboriginal and Torres Strait Islanders in the sentencing phase.
We have a component in legislation that was put in place as long ago as 1994. It was not just put in place on a whim; it was put in place following comprehensive investigations into the best way to ensure equality before the law, following on from the report and recommendations of the Australian Law Reform Commission. It says in the report that it was put in place with bipartisan support, because I am sure that the Democrats from the crossbenches also supported that change back in 1994. Throughout all of that period it was continually being reinforced as a component by report after report right through to February this year when the Attorney-General’s Department made positive references to initiatives to assist the courts to take into consideration the cultural background of people in the sentencing phase.

What has changed? What has changed is huge moral panic and media outrage about what is, I accept, a legitimate concern regarding some Aboriginal communities. That is being used as a smokescreen to completely reverse the solidly based, properly thought through and fully considered cross-party evidence based situation in the law—which is to be taken out to insert an ideologically driven, completely divorced from reality obsession with dismissing any cultural difference that does not reflect the dominant Anglo-cultural preference of those who promote this ideology. That, I would suggest, is a perversion of the law, and it introduces a reality that is racially discriminatory, where the cultural background of one group of people, which is automatically infused in the way the law is interpreted, has precedence over everybody else’s. This action will consciously take away the requirement to give automatic consideration.

There has been a lot of misrepresentation about what this means, not surprisingly by populist tabloid media and shock jocks, who will always jump on these sorts of things and say, ‘People are getting special treatment,’ or ‘This will mean people are able to claim some made-up cultural background to avoid being convicted or to get a lighter sentence.’ Those sorts of things, frankly, show not only breathtaking ignorance but total contempt for the rule of law and the adequacy of our legal processes. That is not to say that judges always get it right, any more than juries always get it right or shock jocks always get it right. It is to say that we have in place quite a strong system of law, built up over a long period of time, that is continually monitored and reviewed, and when there are occasional situations where there is a belief that a wrong sentencing decision was made, for example, then there is scope for appeal and review.

The example that was used to justify this sort of change was a decision by one judge to give what was felt to be a totally inadequate sentence for a very serious offence to an Aboriginal man who was guilty of a serious act of violence. But that decision was reviewed and a harsher penalty was put in place—a clear indication the system is working. The government has put a bazooka right through the middle of this well-established principle when there was no indication and no evidence—certainly no thorough review, consultation or examination in any thoughtful, comprehensive and proper way—that it was not working or needed reform. All we got was recognition somewhere that all of this current publicity and concern creates the need to look like we are doing something. This will be a chance to not only look like we are doing something—even though it actually has no connection at all to Indigenous violence and the act we are dealing with has no connection to offences that would arise from that—but also implement the ideological agenda and try to white out
the significance and the relevance of any
cultural background other than the dominant
one.

Returning to the report, paragraph 3.96
states:
… the committee considers that the most con-
cerning feature of the Bill is the symbolic mes-
 sage that it sends to the judiciary (and the com-
 munity at large), and the judicial uncertainty it
 may create.

We have a well-established component of the
law that has operated for over a decade. That
is being taken out and taken out without
warning and without consultation. Not only
was there no consultation with Indigenous
communities, which is a disgrace, but there
was no consultation with multicultural com-
nunities, who probably do not even know
this is happening. The stated political context
is about Indigenous communities, but it will
affect people from a diverse range of cultural
backgrounds and, most notably at the mo-
ment, Muslim Australians who are from non-
European backgrounds. There was not even
any consultation with the legal profession.
Ludicrous!

As the committee report says:
As evidence to the inquiry strongly indicated, the
Bill will inevitably impact most on Indigenous
Australians and those with a multicultural back-
ground. The committee notes the Department’s
assertion that the Bill is not discriminatory—that
the Bill may be drafted in a way that accords with
principles of formal equality but, clearly, in prac-
tice it is likely to apply only to certain categories
of offenders. It does not therefore provide sub-
stantive equality to Indigenous offenders or of-
fenders with a multicultural background.

I will just pause on that particular finding of
the Senate committee—the finding of the
entire Senate committee, a Senate committee
controlled by government senators who we
would all acknowledge have expertise in this
area. The committee says that the bill ‘does
not provide substantive equality to Indige-
nous offenders or offenders with a multicul-
tural background’. We are talking about
equality before the law here. You could say:
‘Well, this is only one act, and it’s only a part
of an act—just bits to do with sentencing and
bail. It doesn’t actually deal with whether or
not people might be convicted. And it
doesn’t prevent background being taken into
account; it just takes out a requirement that it
must be taken into account.’ But it is still a
significant shift on principle—and it is a
fundamental principle. Equality before the
law is a fundamental principle.

Surely, if you are going to make a change
to the law and it is assessed by an entire Sen-
ate committee—a government controlled
Senate committee—that the change will not
provide substantive equality to Indigenous
people or people with a multicultural back-
ground, you want to make absolutely sure
you have an extremely good reason for doing
it. You would not want, I would have
thought, to make a change to the law that
creates a situation where there is not equality
for people of different cultural backgrounds
without very thorough consultation, without
building acceptance for the reasons for it and
without building a credible case that it will
have some positive effect.

There are very few principles that are to-
tally absolute—I accept that—but you must
really put forward a strong case that it will
have positive benefits. I am not one to get up
on high moral ground and spout with great
high moral indignation about something,
oblivious to what its actual impacts may be
on the ground. If a case can be made that a
practical, positive consequence can occur on
the ground from this sort of change, then at
least I would be prepared to consider it. It
would want to be a pretty good case, because
equality before the law is a very fundamental
principle. But if you can make a case then
make it. Build that case, engage with people
and consult with them. Make sure that those
people who will be affected by it understand why it is being done and, ideally, even accept that this is being done for the greater good. Actually do the work if you have a genuine commitment to doing this sort of thing.

But unfortunately what we are seeing, which is not uncommon and which is a direct consequence of the fact this government now has control of the Senate, is none of those things. The government’s view—and this is a mentality that is permeating throughout every nook and cranny of the executive: ministers, their advisers and the like—is that it runs the joint, it decides what happens, it is going to do it and everybody else can just get out of the way. The government think: ‘We might let you make a speech about it as we’re bulldozing it through; we’ll ignore what you say and just spout our talking points anyway. But the bottom line is: we rule. Out of the way!’

Now, maybe in a totally brutish context of an assessment of the way politics operates, you could say that that is just the way of the world. My annoyance with this is not based on my inability to stop this sort of legislation. Before the government had total control I saw lots of legislation that I did not support passed in this chamber, but the way this is being done—with total contempt for the community and the people who are directly affected by these changes and complete lack of interest in recognising that there is any need to consult with the people who are directly affected or to seek the opinions of people who have far greater expertise than I do—is frankly unforgivable.

I want to pause on paragraph 3.97 of the report because I think it is a particularly crucial and important finding of the entire committee. Further on in its report the committee said:

The committee does not accept the Department’s explanation that this will ensure the law applies equally to all persons. Evidence received in the course of the committee’s inquiry—that is evidence from people with expertise in the area and who actually work with the law on the practical side of things in the real world—strongly suggests that, in practice, this will not be the case.

People would not get equality. The report went on:

The proposal is at odds with well-established common law principles relating to the relevance of cultural background and customary law to sentencing decisions.

The issue that is being addressed—the issue that is being curtailed here—is not some touchy-feely bleeding-heart 1990s idea that has been plucked out of the air. As the committee inquiry said, it is in accordance with well-established common-law principles, codified in this case to ensure that it worked effectively. It is not some bolt out of the blue that was trendy in the mid-nineties. The report said that it was in accordance with ‘well-established common-law principles relating to the relevance of cultural background and customary law in sentencing decisions’.

As Senator Ludwig has already noted from the report:

... the Federal Parliament gave bipartisan support to the insertion into the Crimes Act of the ‘cultural background’ requirement in 1994. The committee is concerned about the complete absence of consultation in the present case in relation to removing the phrase, despite its specific introduction in 1994.

The report goes on:

In addition, the committee notes that, while the Bill’s stated aim is to address violence and child abuse in Indigenous communities—even though the legislation that it is amending actually does not deal with any offences that relate to that—
its implications are much wider.

Further down the committee noted in its report:

... the reasons underlying the ALRC’s recommendation relate to offenders from a multicultural background as well as to Indigenous offenders. The committee is concerned that the Bill, as it impacts upon offenders from a multicultural background—
as well as an Indigenous background—
has not been fully considered.

As I said at the start, this bill is a disgrace. This bill is racially discriminatory in its effect. That may not be its intent—I am not sure—but it is certainly discriminatory in its effect. It is also a con. It does not address the issue that it supposedly has been brought forward to do. It is simply a vehicle to introduce an ideological obsession to white out any other cultural background and validity other than the dominant one. It is a disgrace.

(Time expired)

Senator CHRIS EVANS (Western Australia—Leader of the Opposition in the Senate) (10.11 am)—I wish to speak in this second reading debate on the Crimes Amendment (Bail and Sentencing) Bill 2006 and in doing so express my disappointment that the Senate has been required to deal with such an obnoxious and badly motivated piece of legislation. It is ironic that today, following the release of the most recent statistics on Aboriginal imprisonment in Australia, we are dealing with a bill that effectively has at its core an argument that we are not locking up enough Aboriginal men—is just completely wrong, absurd and terribly motivated. The fact is that we lock up Aboriginal people in record numbers. The challenge for us is to deal with the terrible tragedy of criminal offences and the imprisonment of Indigenous people.

This bill has arisen out of the latest concern and publicity surrounding violence against Aboriginal women and children. As we all know, every two or three years there is a focus on this issue. Deeds are promised—action is promised—and then the media spotlight moves on and an examination of the actions announced by governments establishes that nothing really changes and that action was not delivered. Once the media spotlight moves on, the attention on the issue moves on.

As part of the government’s latest reaction—its latest summit, which I think was the third held by this government—it has promised to take on the issue of bail and sentencing and the issue of customary law as a defence. It is a complete furphy, as Senator Bartlett said. It does not go to the heart of the issues and it does not go to the real causes of the violence and abuse against Aboriginal children, which is where we should be directing our energy.

Let me say at the outset: Aboriginal women and children should be able to live in safety in their communities with the full protection of the law. There should be zero tolerance of abuse of women and children, of whatever nationality or ethnic background, in Australia. Part of the problem we face is the inherent racism that occurs in dealing with Indigenous victims of abuse and violence—the fact that in Australian society there is an attitude that somehow it is different if Aboriginal women and children are attacked, somehow it is part of their culture, somehow it is acceptable behaviour in a way that it would not be in any other community. That has to be countered by every leader in...
this country, every politician in this country, because it is simply not true.

One of the things that frighten me most about this bill is that it seeks to perpetrate the myth that somehow violence against children and women is endorsed or perpetuated by Aboriginal customary law. That is wrong. It is a lie. There is no evidence for it. And the danger in this bill is that it seeks to perpetuate that myth. That is why it is so abhorrent, and that is why the Senate ought to reject it. There is nothing in Aboriginal law and cultural practice which condones violence, abuse or criminal behaviour against women and children. It is just not true. Customary law and cultural practice are not a cause of the violence or abuse of women and children; in fact, that is more a reflection of the breakdown of Aboriginal law and culture: the effect of European settlement, the effect of alcohol, the effect of drugs—the effect of the breakdown of their traditional law and culture. So, in the way that this legislation draws us away from the real causes of that violence and abuse, it does the debate and the campaign against that violence and abuse a terrible disservice. It is very much about the Howard government demonising Aboriginal culture. We saw that in the land rights legislation debate, and we are now seeing it here. I think it does the government no credit at all.

All Australians have been shocked and saddened by the abuse that has received so much publicity in recent months. As I say, we have had no shortage of inquiries and reports. We had the report of the Queensland Aboriginal and Torres Strait Islander Women’s Task Force on Violence in 1999 and we had the 2002 Western Australian Gordon inquiry. In 2003, the Prime Minister personally convened a crisis summit of 16 Indigenous people to discuss family violence and child abuse in Indigenous communities. The government has been told of these problems time and time again, but sadly there has been little progress. Last week’s report by the Australian Institute of Health and Welfare is another reminder of the problems of family violence faced by Indigenous Australians.

Labor strongly supports the measures in Aboriginal communities to provide protection to Aboriginal people, including the very strong policing measures that are required, but unfortunately the government’s record on delivering community safety measures has been mixed at best. The government’s responses have been tied up in red tape and bureaucracy, like so many of its other initiatives in the Indigenous policy area. At the budget estimates in May we learned that, of the $37 million allocated to family violence programs after the last summit, the 2003 Prime Minister’s summit, only a small percentage—about 15 per cent—had been spent three years later. All talk, no action.

There is a serious issue in terms of Aboriginal people’s engagement with the criminal justice system and incarceration. In WA, my own state, Aboriginal people make up 40 per cent of the prison population, despite only representing three to four per cent of the population. Between 70 and 80 per cent of the children in juvenile detention centres in WA are Aboriginal. That is the problem. New research by the New South Wales Bureau of Crime Statistics and Research shows that the rate at which Indigenous Australians appear in courts on criminal charges in New South Wales is 13 times higher than that of non-Indigenous people. Furthermore, in the last six years, the national rate of Indigenous imprisonment has risen by 23 per cent. So the rate of imprisonment has been rising rapidly—by 23 per cent—and the ratio of Indigenous to non-Indigenous incarceration has risen from 9.9 to 12.1.

We are locking up more and more Indigenous people at a more rapid rate, and the
government come forward with a bill that says: ‘Well, we’ve got to cut out their defences against being imprisoned.’ There is no sign that they are defending very successfully against imprisonment. All the records, all the information, says that Indigenous people are not doing at all well at defending themselves against imprisonment. So this bill is just completely out of whack with the reality and with what this community and this parliament need to be dealing with. Our problems are much worse than those of other countries—say, for instance, the African-American community in the United States. Our imprisonment rates of our Indigenous people are world leaders. We lock up our Indigenous people at a much higher rate than virtually anywhere else in the world.

The New South Wales research shows that the prime cause of incarceration among Indigenous people is related to the abuse of alcohol and drugs, and that is consistent with substantial previous research linking drug and alcohol abuse to contact with the criminal justice system. The report also pointed to other factors including low levels of education, poverty and unemployment. All other research points to a complex web of factors including poverty, inadequate housing and social dysfunction as drivers of criminal behaviour. A range of testimony to the Senate inquiry into the bill noted disadvantage, poverty and the breakdown of traditional Indigenous community and social structure as the causes of crime, violence and abuse. It is the breakdown of the traditional legal and community structures that has driven much of this.

This bill will not protect children from abuse. It will not protect one Aboriginal woman from being bashed. This bill does nothing to attack the causes of the problems in communities and the causes of the violent behaviour. As I say, this legislation actually seeks to perpetuate an analysis of the problem that is wrong, politically motivated and deeply harmful to Aboriginal people.

Protection of women and children from violence and abuse and reduction of contact with the criminal justice system means combating drug, alcohol and substance abuse and building the self-worth of people in Indigenous communities. It requires relief from the endemic poverty and sense of hopelessness which are a way of life for so many Aboriginal people. Scapegoating Aboriginal culture and locking up increasing numbers of Aboriginal men is just not a solution to the problem.

In recent months, there has been a growing drumbeat from the government which degrades and vilifies Aboriginal culture, tradition and communities. A range of negative assertions have been made by senior members of the government about Indigenous culture, and there has been a complete lack of engagement and consent sought from Aboriginal people. This is part of that cultural attack. I reiterate: there is nothing in Aboriginal law or culture which causes or condones the violence, abuse or sexual assault of women and children. People must understand that.

Larissa Behrendt, Professor of Law and Indigenous Studies at the University of Technology in Sydney, told lateline earlier this year:

There’s nothing in—Aboriginal customs or values—
that ... advocate the fact that it’s appropriate to treat Aboriginal women and children with disrespect and there’s nothing in those cultural values that ... permit people to abuse Aboriginal women and children.

She is an expert in law and in Aboriginal law. In its submission to the Senate inquiry into the bill, the Law Council noted:

Indigenous community leaders have consistently abhorred any suggestion that violence against
women and children is justified or condoned in any way by customary law.

Currently, cultural background is among a list of factors that can be considered by judges in sentencing—only in sentencing. The Law Council noted to the Senate inquiry:

... courts recognise that Aboriginal customary law and cultural practices will only be relevant in limited circumstances and will not justify or condone abuse of women and children.

Indigenous communities may apply traditional punishments in the case of certain offences. Customary law is a complex system of social and cultural relationships, identities and responsibilities and is of central importance to many Aboriginal people. There is substantial evidence to suggest that law and order issues in Aboriginal communities are in part related to the breakdown of traditional culture.

Sentencing circles have been a way of reducing the adversarial nature of the legal process for those offenders who plead guilty and of providing effective, culturally relevant punishments under the auspices of the mainstream legal system. Similarly, Koori, Nunga and Murri courts have provided an effective halfway point between the mainstream system and Aboriginal traditional practice. The federal government has been helping to fund these initiatives. Why would it do so if it thought they were part of the problem? This legislation is a real reversal in terms of the approach taken, both by Senator Ellison and the government over many years, and it really disappoints me.

As a result of the recently handed down WA Law Reform Commission report, which I note was commissioned by the former Liberal Attorney-General in 2000, the WA government is now considering the recognition of customary law within a human rights framework and the broader Western Australian legal system. When cultural background was inserted into the Commonwealth legislation as a factor if relevant, it was a response to recommendations of the Law Reform Commission which drew heavily on the Royal Commission into Aboriginal Deaths in Custody. As Senator Ludwig pointed out in his contribution, the coalition supported the inclusion of the customary law provision when in opposition in 1994.

The government has not presented a shred of evidence as to why the changes contained in this bill are necessary. It has not indicated at all how these will prevent violence, abuse or contact with the criminal justice system. It has simply used assertions about Aboriginal culture and rhetorical remarks about equality before the law—in appealing to a different constituency, I suppose—rather than trying to tackle the real issues involved in violence and abuse in Indigenous communities.

In fact, in its submission to the Senate inquiry, the Human Rights and Equal Opportunity Commission argued that the legislation is in conflict with every major inquiry into the role of cultural background and customary law in the Australian legal system, including a number of reports of the Australian Law Reform Commission. The Aboriginal and Torres Strait Islander Social Justice Commissioner made the point:

All Australians, regardless of their ethnic background, have cultural values and may engage in cultural practices that may be relevant to sentencing for a criminal offence.

The legislation is based upon the removal of the right of Aboriginal people to have their culture recognised in the same way as other Australians. Far from serving to make all Australians equal before the law, it is fundamentally an attack on Aboriginal culture. As Senator Ludwig pointed out, this legislation is much more about spin than reality.
The relevant offences regarding violence and abuse are largely dealt with under state and territory law, not federal law. As I understand it, the majority of Indigenous offenders charged under Commonwealth offences are charged under the Social Security Act with social security fraud. I have not heard yet of anyone using customary law as a defence against a charge of social security fraud. If they did, this bill will fix it, but that is all it will fix. It will prevent people using customary law as a defence against social security fraud, although I note the government has led no evidence to suggest that that has been used in the past.

As the Indigenous affairs spokesman for the Labor opposition, I am very concerned by the whole framework of this bill—the way it seeks to denigrate Aboriginal culture and the way it seeks to pass over dealing with the causes of violence and abuse in Indigenous communities and the very serious issues involved. The government have taken measures to assist with better policing in Indigenous communities, and I commend them for that. One of the key problems has been the fact that the police have not had the resources or the attitudes to properly deal with complaints or evidence of violence against Aboriginal women and children. But policing is not sufficient in itself to deal with those issues. We need to look at the causes. We need to look at prevention.

Locking more people up after they have committed violence is not a solution. It is a punishment but it is not a solution. Those people will eventually be released and returned to the community. Violence will continue in those communities unless we deal with the causes: the poverty, the alcohol and drug abuse, the unemployment, the housing issues and the hopelessness that exists in many Aboriginal communities. Unless we empower Indigenous people in those communities, we will not attack the fundamental causes of violence against Indigenous women and children.

In a sense, people could say this bill does not really matter—that it is a bit of cover for the government, a bit of spin, a bit of PR, but it will not do anything. And it will not do anything. It will not have any practical effect, as I say, unless people are using customary law as a defence for social security fraud, and no evidence has been led to that effect. But it does send a very clear message to the wider community that somehow Aboriginal culture is wrong, that Aboriginal culture contains elements which encourage paedophilia and violence against women. That is a lie. It is completely wrong. It is a denigration of Aboriginal people and their culture and it needs to be resisted by this parliament.

This takes us down a path which does nothing to improve relations between Indigenous people and the rest of the Australian population and it does nothing to attack the causes of crime and violence in Indigenous communities. In the way that it denigrates Aboriginal customary law and culture, it actually sets us back and acts as a barrier to making progress on these really important issues.

Labor are vehemently opposed to the high levels of violence and abuse that occur in some communities, and we support the government and join in seeking to take all measures possible to prevent that, as we would in any other community. As I say, I have supported the policing initiatives as strongly as I can and supported all proper measures to attack these problems, as do Indigenous people. Indigenous people want action from government; they want the protection of the law; they want protection from violence and abuse. There is no argument about that. But what is completely wrong about the government’s approach is that it fails to recognise and deal with the causes
and it hides behind these sorts of smoke-screens, these hoaxes on the Australian public, that passing a law about customary law as a defence in sentencing is somehow going to make a difference and help. That is nonsense; it is a fraud and it is a disgrace that this parliament has been used in this way. It is a con trick, it ought to be opposed and it does the government no credit at all.

Senator ELLISON (Western Australia—Minister for Justice and Customs) (10.31 am)—The Crimes Amendment (Bail and Sentencing) Bill 2006 is important and deals with provisions relating to the administration of criminal justice at a national level. It deals with such areas as sentencing, bail and how people are dealt with in relation to alleged criminal behaviour. At the outset I want to make it very clear that the amendments relate to criminal behaviour across the board. They are not specifically designed to target Indigenous offenders. As these amendments are couched, they apply to all Australians, and I think that that must be remembered. Of course the debate in recent times has related to attention which has been focused on the unacceptable levels of Indigenous violence against women and children, and that has been a prime mover for these amendments, but in no way are these amendments related only to Indigenous offenders. They apply across the board, and the government rejects any suggestion of any racial aspect to these amendments.

Before I continue I should acknowledge the work done by the Senate Standing Committee on Legal and Constitutional Affairs. I want to acknowledge the work done in relation to the consideration of this bill. The government has carefully considered the recommendations made by the committee and has addressed the committee’s concerns in recommendation 1 by adopting, in principle, the sentiments expressed in that recommendation. By giving consideration to customary law and cultural practice specifically, the wording as put forward in the government amendments I believe reflects, if not exactly, the first recommendation of the Senate committee. It certainly picks it up in principle. For instance, the committee uses the word ‘enhancing’ and the government amendment replaces that with the word ‘aggravating’, but I think nonetheless the sentiment is there. The government was unable to accept recommendation 2 of the committee on the basis that it might take away the thrust of the message that is intended to be sent out by these amendments. That is something which will come out in the consideration of the amendments which will be moved at the committee stage.

During the debate there was some query as to the reasons for this bill and the two amendments that I have foreshadowed. At the outset the Crimes Amendment (Bail and Sentencing) Bill 2006 is one of the outcomes of the Intergovernmental Summit on Violence and Child Abuse in Indigenous Communities and is designed to respond to the issues raised at that summit. In particular, the government is concerned that all Australians are treated equally under the law and wishes to ensure that every Australian is subject to the law’s protection and equally subject to its authority. The bill is intended to confirm that no customary law or cultural practice excuses criminal behaviour, including unlawful violence or sexual abuse, and to ensure that victims and witnesses, particularly those in remote communities, are adequately protected. The bill is designed to remedy those situations in which the consideration of customary law or cultural practice has lead or may lead to inappropriately lenient sentences. The Australian government takes the view that the cultural background of a person should not necessarily be identified as a special consideration in sentencing. More importantly, a claim that criminal conduct was
justified by customary law or cultural practice should never be used to avoid full and proper punishment for any offence. The Australian government is taking the lead on this issue and hopes that this bill will act as a model for similar legislative changes in all states and territories.

The question has been asked: what are the examples that can be given of the circumstances that the bill intends to address? Examples of these circumstances include where judges or magistrates have to face arguments in mitigation relying on customary law or cultural practices which are based on a misunderstanding of the customary law, including an incomplete presentation of what customary law entails. As an example, Indigenous leaders in the recent Western Australian Law Reform Commission’s Aboriginal customary laws discussion paper note that because customary law arguments are put forward by male defendants in sexual crimes, the version of customary law is limited to those aspects that suit those male defendants. Another example is based on the lack of understanding of the impact of the crime on the victim, both in terms of physical and emotional impact and in terms of the negative consequences of a finding, express or implied, that what happened to them was acceptable to the community, and hence there is a real sense of isolation rather than victim support.

Another example is a lack of testing that what defendants claim to be customary law is in fact accepted as the case. I think this touches on something Senator Chris Evans raised, which was that this bill presumes that Aboriginal customary law in some way condones paedophilia, the abuse of women or violence. This is not the case. Indeed, the very example that I have cited as what we are attempting to deal with in this bill is the lack of testing of what defendants claim to be customary law. The problem is what people say the customary law is and whether or not that is tested—that has been more the problem that we have faced. Dr Sue Gordon said in a lecture at the recent international convention on crime prevention that there have been three aspects of law: whitefella law, blackfella law and bulldust law. I was very impressed by that argument because I think Dr Gordon hit the nail on the head with that third aspect, in that the interpretation that some people are placing on customary law is part of the issue that we are addressing. And I would suggest that that could even have wider implications than just in relation to the Indigenous community.

Another example of a circumstance that we are intending to address in this bill is the lack of recognition that even if a practice can be shown to be part of the background and cultural environment of a defendant, particularly in communities where violence and abuse are prevalent, such a background does not justify the practice where it is in conflict with the rights of the victim.

I now turn to a number of other issues which have been raised by senators during the second reading debate. One of those issues has been an alleged lack of consultation. I would point to a number of aspects which completely dispel this. Firstly, this bill follows the commitment made by the Commonwealth and all states and territories at the Intergovernmental Summit on Violence and Child Abuse in Indigenous Communities on 26 June and at the COAG meeting on 14 July this year. Both of those meetings involved state and territory ministers and, of course, leaders. This commitment is set out in the COAG communique of 14 July 2006:

COAG agreed that no customary law or cultural practice excuses, justifies, authorises, requires, or lessens the seriousness of violence or sexual abuse. All jurisdictions agree that their laws will reflect this, if necessary by future amendment.
All jurisdictions are being encouraged to follow the Australian government’s lead on this issue during bilateral negotiations. I might say that bilateral negotiations have already been held with New South Wales, Western Australia, South Australia and the Northern Territory. So I think that quite squarely puts the issue of consultation to rest. I think you can do it no better than with an intergovernmental summit with the relevant ministers, followed by a Council of Australian Governments meeting.

In relation to the application of Commonwealth law, some criticism has been raised today that Commonwealth law does not touch on offences against the person and that these amendments, therefore, will not have much impact on sentencing or dealing with those people charged with offences against the person, such as violence or sexual assault. I put it to the Senate that, if the Commonwealth did not provide leadership on this issue, it would be found to be wanting. It would be negligent of the Commonwealth as the national government of this country not to set an example to the states and territories. Indeed, the Attorney-General will be pursuing this at the Standing Committee of Attorneys-General, which meets tomorrow and the day after in Fremantle. We could only go to such a meeting and implore and beseech the states to follow us if we were doing the same thing ourselves, and that is precisely what this bill is about. It demonstrates leadership in the area that we have constitutional jurisdiction over. Of course, the states and territories have the jurisdiction in relation to those offences against the person I have mentioned, and we will be pushing the states and territories to do more in that regard.

Another criticism has been that cultural background, which is to be taken out of the list of considerations as mentioned in the Crimes Act, will not be available for consideration at all. What we are saying is that by taking out cultural background and leaving in antecedents—which, as I recall, is in the same subsection—we are treating everyone in the same fashion. That is, any person who comes before the court will have their antecedents considered, and those antecedents, by the very definition of them, will include the person’s cultural background. But what we are saying is that you should not place too much emphasis on cultural background to the exclusion of other factors and, in fact, to the extent that justice may be distorted. Of course there will be a variety of cultural backgrounds of the people coming before the courts in Australia. That can well be considered in the antecedents of the individual concerned—and not just an Indigenous cultural background but others, whether from a variety of overseas countries or not.

That needs to be remembered. The question of antecedents has been left there deliberately for that reason, that there will be an overall consideration of the person and that person’s background when they come before the court. It is just that we do not believe that cultural background should be used in a way that could distort the administration of justice.

One of the other criticisms was that this was discriminatory in some form, and there was some suggestion that the Racial Discrimination Act might be a barrier to these proposed amendments. Certainly it is a matter that we have considered carefully, and I am advised that legislation precluding reliance in any form on customary law or cultural practice to justify criminal behaviour is not inconsistent with the Racial Discrimination Act 1975. That is fairly clear and we reject totally that there is any racial discrimination aspect to this proposed legislation.

Senator Chris Evans and other senators raised the issue that in dealing with the Indigenous violence and abuse that has been in
the fore of the public mind recently many measures are needed. I am the first to agree with that—housing, education and health are all relevant factors. I would agree that policing on its own is not sufficient. We have to remember that you deal with the problem at hand—that is, where there has been the commission of an offence—by the administration of justice. That includes law enforcement and appropriate punishment. In the long term you have to look at how you can prevent that happening. In my own portfolio I administer the National Community Crime Prevention Program. Since its inception a couple of years ago we have had 22 Indigenous crime prevention projects, which have received average grants of $133,000 per project. These are targeted measures on the ground dealing with crime prevention measures which the community itself believes are the most appropriate to address its problems. That is very much a grassroots approach to crime prevention.

From a policing point of view, I was very pleased early in October to announce the commencement of the Australian Crime Commission’s task force based in Alice Springs but working out of all its offices around Australia. That task force brings together state and territory policing in relation to Indigenous violence. I think that will prove to be a great boost to policing in the Indigenous sector. I want to acknowledge the great work that is being done by the state and territory police in this regard. In that task force there is a combination of state and territory police officers working with the Australian Federal Police and officers of the Australian Crime Commission. This is the first time we have seen a national initiative dealing with such an issue where we look at it with a whole-of-government approach. That has been needed for some time.

In the wider context of dealing with domestic violence issues, the government has provided funding of $23.6 million over four years to extend Indigenous family violence prevention legal services from 26 violence prevention units to 31. That is a significant input in relation to prevention of the problem that we are addressing with this bill.

The passage of this bill will not be the silver bullet, it will not be the panacea and it will not be the total cure for what we need in relation to the Indigenous violence and abuse we have seen, but it is a very important part of the whole-of-government approach to address this issue. In the wider context it deals with issues in sentencing and bail that I think are relevant factors across the board in the administration of criminal justice in this country.

Senator Ludwig mentioned that the opposition is opposed to this bill yet supports our provisions in relation to bail. To then suggest that this bill is in some way premature is inconsistent with that stance. Certainly we are progressing this with the Standing Committee of Attorneys-General, as I said, and we will progress it with COAG. That does not mean that meanwhile the Commonwealth stands still. This bill is about leadership and providing the way forward, and we want to work with the states and territories in addressing these issues. I commend the bill to the Senate.

Question put:
That this bill be now read a second time.

The Senate divided. [10.54 am]
(The President—Senator the Hon. Paul Calvert)

<table>
<thead>
<tr>
<th>AYES</th>
<th>35</th>
</tr>
</thead>
<tbody>
<tr>
<td>NOES</td>
<td>31</td>
</tr>
<tr>
<td>MAJORITY</td>
<td>4</td>
</tr>
</tbody>
</table>

AYES
Abetz, E. Adams, J. Barnett, G. Bernardi, C. Boswell, R.L.D. Calvert, P.H.
Senator ELLISON (Western Australia—Minister for Justice and Customs) (10.57 am)—I table a supplementary explanatory memorandum relating to the government amendments to be moved to this bill. The memorandum was circulated in the chamber on 6 November 2006.

Senator BARTLETT (Queensland) (10.58 am)—by leave—I move:

(1) Schedule 1, item 3, page 3 (lines 25 and 26), omit “excusing, justifying, authorising, requiring or rendering less serious”, substitute “mitigating or enhancing the seriousness of”.

(3) Schedule 1, item 5, page 4 (lines 22 and 23), omit “excusing, justifying, authorising, requiring or rendering less serious”, substitute “mitigating or enhancing the seriousness of”.

These amendments go to roughly the same area and the same clauses as the government amendments. It would be fairly obvious to senators following the debate that they mirror recommendation 1 of the report of the Senate Standing Committee on Legal and Constitutional Affairs. I should say that, in moving these amendments, I do not resile from my previous comments that the legislation as a whole is unacceptable, but I think the least we can do is adopt the recommendations of the Senate committee report. I think the second recommendation is more important than the first, and I will speak to that one next. But these amendments go to and mirror recommendation 1.

Senator LUDWIG (Queensland) (10.59 am)—We divided on the second reading of the bill because Labor, as I said during the second reading debate, believes the Crimes Amendment (Bail and Sentencing) Bill 2006 is fundamentally flawed and should be rejected. Clearly, that is not going to be the case. We have now moved into the committee stage where the government is pressing ahead with a flawed bill. Senator Bartlett made the point that it is in his interests to try to improve the bill and it is in mine as well, given the circumstances which we now face.

The Senate committee report did make a number of recommendations to endeavour to
improve the bill. Senator Bartlett’s amendments go some way to try to at least improve what is otherwise a fundamentally flawed bill. Labor provided a dissenting report to the committee report but we did say in the dissenting report that we agreed with the majority report’s consideration of the evidence presented because the evidence before the Senate committee was quite irrefutable.

I note that Senator Ellison has made a number of arguments against some matters that were raised, but if any person were to take a short walk through the Senate committee report, they would clearly come to the conclusion that, in terms of the main issues, there was a lack of consultation. This bill will have no effect on what it purports to do. It is a matter that should have rested with COAG to begin with. It is precipitous for this government to move now when COAG has sent officers to report on it and deal with it through SCAG. When you look at the overall picture, it is nothing short of a rushed attempt by this government to deal with, I guess, the Mal Broughism problem that the government now has, because there is no other way of really describing it.

If this government were truly serious about tackling the relatively high level of violence and abuse in Indigenous communities, they would not start here. They would have started at a range of other points within their own departments that deal with this, within community affairs and within the Indigenous affairs portfolios, in trying to effect change on the ground rather than seeking to amend legislation, which is in truth at the other end of the problem. If this government were serious about dealing with legislation then they could deal with it. Perhaps I could make that an open invitation to Senator Ellison. Senator Ellison could support a broader reference to the Senate Standing Committee on Legal and Constitutional Affairs for an inquiry into sentencing provisions more generally.

I note that there was a private member’s bill, which I proposed, dealing with victim impact statements which is a narrower cast area of sentencing. But, if there was a will, we could deal with a broader inquiry into sentencing more generally, taking into account what SCAG might say and what COAG might add in this area and that would be a way for the Senate to deal with the broader issue. I doubt very much whether Senator Ellison would agree to it because that is not his purpose here today. His purpose here today is not to effect a change in the way these issues are dealt with more broadly; his purpose here today, as I highlighted during my contribution to the second reading debate, is to put a fig leaf in front of Mr Brough. But as well I think he has then co-opted himself into the distraction that this has caused, because you cannot escape from his words. It is worth reminding the chamber what Senator Ellison’s words were in the 1994 debate. He said:

I would indicate that the coalition agrees with the inclusion of cultural background in relation to sentencing principles. I believe that is an aspect which is relevant in a country such as Australia, where there are diverse cultural backgrounds. In my state of Western Australia there have been cases where tribal Aboriginals have been dealt with before the courts and, of course, they have operated under a different cultural background. They have also had to face some sort of penalty from their own tribe and clan. Also, some aspects of a culture bring out different sorts of behaviour in people, and that has to be recognised. In particular, this relates to Aboriginal offenders, but it could apply to anyone in the community.

Senator Ellison does have the opportunity to explain why he now resiles from the statements he made in dealing with the Crimes and Other Legislation Amendment Bill 1994, which brought these matters into the act in the first place. This is along with Mr Wil-
liams, who then became the Attorney-General under the Howard government, who said:

The bill will add the words ‘cultural background’ to this list. The effect of this will be to make the cultural background of a convicted federal offender a matter which a court must take into account when passing sentence or making an order. One could interpolate and say that, if the Crimes Act did not specify any matters, it would not be necessary to introduce the cultural background of the offender. But, given that there is something of a checklist for the judges and magistrates to refer to, an exclusion of an item such as the cultural background could suggest an intention that it not be taken into account. This amendment is appropriate.

That is what Mr Daryl Williams said then. What we now have is the government saying, ‘We’ll take it out.’ They do that in a surprising way. I will come to that shortly but this really does expose the hypocrisy of this government that, in a few short years, have gone from one extreme to the next. The justification for it has not been made out here today. The only justification has been the contrived one that they have put up, but it does not stack up when you look at the words they said in 1994.

What you also have is a case where the argument runs—I think Mr Williams dispels it—where the government say, ‘We have to be able to perhaps inform the judiciary.’ What they are doing is certainly sending the judiciary a clear message, but they are not actually leading in this field, and that is the disappointing part about it. If they wanted to lead, there are many ways that the Attorney-General of the day can lead.

But I digress. I will come back to a few other matters on the government’s amendments but, as I have indicated, I am prepared to support the Democrats amendments here. I think what I have said will give the government an opportunity to at least explain why they have done such a backflip, given that the circumstances under their leadership from 1996 have not changed. They have not done anything to actually assist Indigenous people in the community in rural and remote areas.

**Senator ELLISON** (Western Australia—Minister for Justice and Customs) (11.07 am)—The government opposes the two amendments moved by the Australian Democrats. Amendments (1) and (3) are in broad agreement with the amendments of the government that we are yet to debate. Amendment (2) from the Democrats relates to the issue of cultural background, and we will oppose that for the reasons I mentioned earlier.

I will deal with amendments (1) and (3). The issue is that, whilst these amendments replicate the recommendations of the Senate Standing Committee on Legal and Constitutional Affairs, the government believes, on the legal advice it has received, that there is some scope for ambiguity in the use of these words. The government has had advice from the Office of Parliamentary Counsel to this effect. Legal opinion suggested that there are two possible constructions of the phrase ‘mitigating or enhancing the seriousness of’, which were the words used by the Senate committee. In one view, the phrase prevents the court from taking into account customary law or cultural practice to mitigate the criminal behaviour or to enhance the seriousness of the criminal behaviour. In this sense, the mitigating aspect extends to any mitigating circumstances in relation to bail or sentencing. A different view is that the phrase only prevents the court from taking into account customary law or cultural practice to mitigate the seriousness of the alleged behaviour and to enhance the seriousness of the alleged behaviour. In this case, the mitigating aspects extend only to mitigating the seriousness of the behaviour. Given there is some scope for
confusion with this wording, the first construction would broaden the current intent of the bill while the second would be likely to narrow its intent. As a result of this, the Office of Parliamentary Counsel have come up with the words that are used in the government’s amendment, which we believe implements the intent of the Senate committee’s recommendation, and I commend that amendment to the chamber.

In the summing up speech I gave earlier, I outlined the government’s position on cultural background. Senator Ludwig refers to a debate that took place 12 years ago when I was debating the issue and supported the inclusion of ‘cultural background’. Certainly, a lot has happened in the last 12 years and the examples this bill intends to address are some of those events which have occurred and are reasons for change. We saw recently that the summit on Indigenous violence brought out a great deal of community concern on that issue. As I mentioned earlier, and as was covered by the Law Reform Commission in Western Australia and by the other examples that I mentioned, the government believes that it is timely to introduce these amendments. Antecedents, as I have mentioned, are still contained in the Crimes Act and can be taken into account and relate to the person concerned. The government believe that, by maintaining cultural background in that list, undue emphasis could be placed on it and we want to give a clear direction to the courts as to how that section is to be interpreted and relied upon. I think it is up to the Commonwealth to display leadership. It is appropriate that we do it and that we do it in the context of the meeting of the Standing Committee of Attorneys-General in the next two days and also the COAG meeting yet to come, because we are setting a standard for others to follow. That is the position of the government.

Twelve years ago when ‘cultural background’ was included there was certainly Indigenous violence and the issues that we are grappling with today, but 12 years ago we did not have a national law enforcement body such as the Australian Crime Commission setting up in Alice Springs its headquarters for a national approach to fighting Indigenous violence across the country. Twelve years ago ATSIC had not been abolished. That was a huge change in Indigenous affairs. Of course, we still have the issue of black deaths in custody and the Australian government continues to work at addressing that issue and the recommendations from the royal commission with state and territory governments. We continue to have an overrepresentation of Indigenous people in our jails and we still continue to address that.

The broad issues have remained, but the actions that have been taken have changed and we have seen that in the few stark examples that I have just given to the committee. We believe that simply saying, ‘Twelve years ago it was appropriate, and it should stay,’ is not the way to approach this. We have taken a fresh approach across the board to Indigenous affairs in this country. I could point to the trials of the Council of Australian Governments where it has said, ‘Let us as a nation have a whole-of-government approach to having trials in Indigenous communities.’ That was unprecedented. The abolition of ATSIC was another huge change that would have been unthinkable 12 years ago.

Again, the national law enforcement approach through the Australian Crime Commission to deal with Indigenous violence that I have just mentioned would have been incapable of being implemented 12 years ago. In fact I have been on record as applauding the state governments of Western Australia and
South Australia and the government of the Northern Territory in combining to deal with Indigenous communities that straddle the borders of those states and the Northern Territory. Twelve years ago it would have been unthinkable to get that level of cooperation between three governments. I think they have addressed it in a very comprehensive fashion in relation to law enforcement, where you have had the South Australia Police working with the Western Australia Police and the Northern Territory Police to deal with those Indigenous peoples who live in an area which straddles those three jurisdictions. Twelve years ago we were still talking about the artificial lines that were drawn on the sand which delineated one state from another. Today, as never before, I believe we have a more whole-of-government approach in relation to Indigenous affairs. This is a positive step forward. What we are doing today with this proposed legislative amendment is providing that leadership for continuing progress.

Senator LUDWIG (Queensland) (11.16 am)—I have a brief point to make and then I will allow the matter to continue. What concerns me most about the submission and the argument that has just been made by the government is that it is effectively an admission that violence and abuse in Indigenous communities has become worse under the Howard government. That is what you are saying if you are saying that circumstances have changed in the last 12 years. The only thing you could possibly point to is that, under the Howard government, your policies have failed. That is what you have actually demonstrated by your submission just now, and it really does say very little about what this government has positively done. Why don’t you talk about those issues instead of trying to find a way to escape your words of 1994? When you said those words in 1994, you said them with passion and truth, and now you are forced to defend them and you cannot.

Question negatived.

Senator BARTLETT (Queensland) (11.17 am)—The Australian Democrats oppose schedule 1 in the following terms:

(2) Schedule 1, item 4, page 4 (lines 16 to 17), TO BE OPPOSED.

In my view this is much more important than the previous amendments because it goes to the core issue of contention in the legislation. Again, it reflects precisely the recommendation made by all senators in the report of the Senate Standing Committee on Legal and Constitutional Affairs. But, as Senator Ludwig said, there was a dissenting report by the ALP that was not dissenting from recommendations other than the final one that the bill be passed subject to the preceding recommendations.

I emphasise the third recommendation as well. Government senators on the committee recommended that the bill be amended to remove item 4, which is what the matter before us seeks to do, so as to retain in section 16A(2)(m) of the Crimes Act 1914 the phrase ‘cultural background’ in the list of factors that a court must take into account in sentencing an offender if relevant and known to the court. That recommendation is based upon and drawn from the overwhelming evidence presented to the Senate committee inquiry.

It was clear from that evidence that there had been virtually no consultation with anybody else prior to this being brought forward. So, really, the Senate committee inquiry in this case was the only substantive opportunity for consultation and engagement with the community to examine the proposed legislation. I remind senators and those listening to the debate that it is sad that we need to be reminded of these things, but we do these days. Legislation is put forward by
government, but the fact that the government thinks legislation should pass does not mean that that is what is meant to happen. Under our system, governments have the responsibility to put forward proposed laws and proposed changes to laws. It is then the role of the parliament, and particularly the Senate, as the house of review, to assess those proposals, to consult with the community and to examine in detail what the practical impact of those changes would be.

The fact that the government puts forward laws and says, ‘We think this should happen,’ is step 1 in the process. Step 2 is the parliament looking at the proposed laws. That step 2 is not even an optional extra these days; it is a sort of superfluous redundancy in the minds of many in the government and, unfortunately, in the minds of many in the mainstream media who have this view that the government is elected to govern and everyone else should get out of the way. We do have a Constitution and we do have checks and balances in place that are specifically put there to ensure that a decision by one arm of our system of government—the executive—can be assessed by another arm—the parliament, including the Senate.

The courts then have a separate role of interpreting the law. I make that point because those who have been involved with the way the courts have interpreted this aspect of the existing law—those involved in the legal profession and those that the Senate consulted about this matter—all said that this was the wrong way to go. They did not just say, ‘This won’t have the effect that is suggested’; they said, ‘This is the wrong way to go.’ The committee’s report and recommendation reflected that, so all I am doing here is providing the opportunity for some members of the government to vote in favour of the recommendation put forward unanimously by the government members on the Senate committee.

In his second reading response the minister said that there is a problem with a lack of testing of what is a cultural background and whether what is claimed to be a cultural background is actually genuine. Taking that comment at face value, the next question is: even if that is the case, what do you do about it? Do you try to find ways of ensuring that claims are genuine in the same way as you would, I assume, with any other case somebody puts forward as mitigating or relevant information in a sentencing consideration? Any piece of information that is put forward which suggests it is a matter that should be taken into consideration—cultural background or anything else, potentially—might be difficult for the judge to test. You do not fix it by just taking it all out. Senator Ellison used the quote from Sue Gordon about the problem of there being whitefella law, blackfella law and bulldust law, which is not a bad quote. I do not dismiss the concern that, on some occasions, solicitors or barristers arguing the case for their client might seek to dip into bulldust law. I do not dispute that that may be tried from time to time. Senator Ludwig is more familiar with the foibles of the legal profession, so he may wish to defend the profession’s honour to the hilt, but people are there to try to get the best for their clients and occasionally they may try to dip a bit too deeply into their bag of tricks and stretch the boundaries beyond what they should be. Again, you do not fix it by just getting rid of a provision altogether.

I would also say that that is not the only circumstance where you get bulldust when it comes to the law. This whole procedure before us, which is frankly a load of bulldust, is being put forward under the pretext of dealing with Indigenous violence. Yet, as the evidence provided to the committee quite clearly said, it may catch other things as well. Paragraph 8 of the committee report quotes the Aboriginal and Torres Strait Is-
lander Social Justice Commissioner and Acting Race Discrimination Commissioner (Social Justice Commissioner) telling the committee:

The Commonwealth Crimes Act 1914—
that is, the legislation we are dealing with now—

... does not apply to offences of violence ... They are covered by state and territory laws.

This act we are amending does not deal with violence, whether by Indigenous people or by anybody else. The report went on:

... this amendment does not address anything to do with Indigenous violence. Under federal legislation there is nothing in the Crimes Act that addresses issues like assault, rape or sexual violence.

It appears that the things it may potentially catch that are relevant to Indigenous communities might be social security offences and the like. I am not saying it will have no effect at all, but in terms of the core rationale that is being used to justify this change I think ‘bulldust’ is the appropriate label to apply. Again, the issue here is the principle of equality before the law. That is why opposing this schedule is so important. I am not just opposing this schedule as a matter of form—because it was a recommendation of the committee—I am opposing it because I think it is very important. I am sure the committee thought so; otherwise it would not have made the recommendation.

I accept that it can be counterintuitive at first glance, which may be why this aspect of the law is sometimes misrepresented and subject to beat-ups by shock jocks and the like. It is a bit counterintuitive. You think, ‘Some people have a cultural background,’ and take into account that it is not a level playing field. The simple fact is that when you go beyond your first instinct and look at the reality of how the law operates—the practical context, the practical consequences—enabling all factors, including cultural background, to be taken into account is a key part of ensuring equality before the law. This is not just what I think Senator Ellison was trying to imply—that it is something that was tried 12 years ago but the world has changed since then. Of course the world has changed since then. I said in my remarks in the second reading debate that this was not just some bright idea that a few trendy people thought up in the middle of the 1990s and thought we should give it a go. This is based on and builds on fundamental common-law principles, which in shorthand means it has been around a while. It is also a measure that flowed out of comprehensive inquiries and thorough reports by the Australian Law Reform Commission and others.

The committee report in paragraph 3.47 says:

Many submissions and witnesses contended that the Bill is not based on, or supported by, any evidenced research. On the contrary, as HREOC argued, the Bill is in conflict with every major inquiry into the role of cultural background and customary law in the Australian legal system, including five reports of the ALRC.

The most recent report, Same crime, same time, was in 2006 and recommended the retention of cultural background in the factors listed in the relevant part of the Crimes Act. It also recommended that Aboriginal and Torres Strait Islander customs specifically should be enumerated factors, rather than just having a general reference to cultural background. So not only is the bill in conflict with that recommendation; it goes in the other direction. It is diametrically opposed to the recommendations of the Australian Law Reform Commission in numerous reports. According to the views of the Australian Law Reform Commission, it is also in conflict with the recommendations of the Royal Commission into Aboriginal Deaths in Custody.
I am not saying that we have to adopt everything the Australian Law Reform Commission says without a second thought, but you would want to have a pretty good reason and substantive evidence to go against it. That is why the government members of the Senate Standing Committee on Legal and Constitutional Affairs, I assume—I cannot speak for them—came up with the recommendation that the phrase ‘cultural background’ should be retained in the list of factors a court must take into account in sentencing an offender. I urge government senators to consider that and to vote in accordance with that recommendation.

I want to mention briefly the concern about the bill being in conflict with the recommendations of the Royal Commission into Aboriginal Deaths in Custody. It does not negate every one of the 300-plus recommendations—it only goes to one factor—but I do want to reinforce the point that Senator Chris Evans made in his contribution and also point to the very immediate reality in my own state of Queensland. That is the current concern following the coroner’s inquest into the death of an Indigenous man in custody on Palm Island and the finding of the coroner that that death was caused by the actions of a police officer. This bill before us, I hasten to say, will not address that issue at all, but the relevant point is that the coroner made recommendations stating the need to implement and continue to enforce the recommendations of the royal commission into black deaths in custody. The report clearly went to the failures—in this case the Queensland government’s—to properly implement and continue to implement and maintain the effect of those recommendations.

I am making that connection because there is clear concern amongst the Indigenous community that when we have all these reports that recommend various things governments then stand up and say: ‘Yes, we support the recommendations. We’re doing the right thing. Here’s another report showing that we’ve done it. Here’s another report reporting progress. Here’s another report reporting on the report.’ But when you actually get to the nitty-gritty of what is happening on the ground and have it examined properly by somebody independent you see that it is not being followed through on.

This is another example of that where a conscious decision is being made. We are being told and the Senate committee is being told a change is being made that is in conflict with one of those recommendations. How can you expect the Indigenous community to believe that governments are genuine when they say they adopt these reports and when they say they are genuine about acting upon these things if their actions do not match their words, if their actions go completely against not only their own words but the considered findings of report after report after report? We can now add to that the report of the Senate committee examining this legislation. The considered findings of the Senate committee were that, perhaps with the best intent in the world, this bill will make things worse.

Whilst I am ferociously critical of this legislation, I am trying not to reflect on the government or the intent, at least, of all government senators in what is being done here. Perhaps I have once or twice with regard to the minister, but I am sure there is a genuine intent to make things better. I know people on the Senate committee. Senator Scullion is in the chamber and was on that committee and I know he thinks about these issues regularly and deeply, and they are difficult issues. I am not suggesting in saying that this is bad that we have all the answers, but the fact that we do not have all the answers is no excuse to do something that we know is bad, that we know is wrong, that we know will make things worse and that we know will reduce
equality before the law. That is why this particular section of the bill should be removed. That is why the recommendation of the Senate committee report should be supported.

Senator LUDWIG (Queensland) (11.32 am)—I will not go over the same issues that Senator Bartlett raised. He raised them directly and cogently in relation to his proposal. Labor is prepared to support the proposal. I will add, in short, just a couple of matters to what Senator Bartlett said about this area. The original EM said:

The effect of this amendment is that a court will no longer be expressly required to consider a person’s “cultural background” when passing sentence on that person for committing a federal offence.

That is what the original EM said, but it then had a proviso which said:

Subject to the amendment to be made by item 5, a court will still be able to take into consideration the “cultural background” of an offender, in sentencing that offender, should it wish to do so, but this amendment removes an unnecessary emphasis on the “cultural background” of convicted offenders.

But the government has been arguing that of course we should all be treated equally before the law. That really is one of those easy phrases to say and one that you can bandy about, but I know Senator Ellison is a lawyer and I know he does not really mean that when he says it. It does not work that way, and Senator Ellison knows that clearly. The easiest proof of that is what Mr Daryl Williams, who became the Attorney-General under the Howard government, said about this when he added the phrase in 1994:

The bill will add the words ‘cultural background’ to this list. The effect of this will be to make the cultural background of a convicted federal offender a matter which a court must take into account when passing sentence or making an order. One could interpolate and say that, if the Crimes Act did not specify any matters, it would not be necessary to introduce the cultural background of the offender. But, given that there is something of a checklist for the judges and magistrates to refer to, an exclusion of an item such as the cultural background could suggest an intention that it not be taken into account. This amendment is appropriate.

So what it did was provide a checklist or guidance for judges. That is what Mr Williams expressed back then. What the government is saying today—in its words—is that it wants to give clarity. The clarity was there in the original provision, and what you now want to do is muddy the water so that you can provide Mr Brough some protection from his claims. That is all that it is, because when you look at the way it operates it does no more than that. This government knows that, but it will use that circumstance to try to hide the matter.

But the other curious matter that has come to light—and I ask the minister about this; it is appropriate to deal with it during the debate on Senator Bartlett’s proposal to omit the schedule—is that there is another reference in the act we are dealing with. The reference is in section 19B, which deals with the term ‘cultural background’. I was wondering why that has not been dealt with in this if the intention is to deal with cultural background in the way that you have argued today. It seems that section 19B of the Crimes Act, which deals with the discharge of offenders without proceeding to conviction, contains a similar reference to cultural background. If you were serious, why did you not address that issue in section 19B as well?

Senator ELLISON (Western Australia—Minister for Justice and Customs) (11.37 am)—At the outset can I say that the government is opposed to the Democrats proposal. I think I have covered that adequately in previous debate on the issue. Senator Ludwig has raised a question about section 19B of the Crimes Act 1914, which deals
with the discharge of offenders without proceeding to conviction. That provides:

(1) Where:

(a) a person is charged before a court with a federal offence or federal offences; and
(b) the court is satisfied, in respect of that charge or more than one of those charges, that the charge is proved, but is of the opinion, having regard to:

(i) the character, antecedents, cultural background, age, health or mental condition of the person—

and other factors—

that it is inexpedient to inflict any punishment, or to inflict any punishment other than a nominal punishment, or that it is expedient to release the offender on probation ... It then provides a discretion for the court, by order, to dismiss the charge or charges or discharge the person without proceeding to conviction. There are a number of other provisions in that section.

In relation to why that has not been amended I will take advice from the officials. I understand that the section deals with minor offences, which would not be contemplated here. I will take that on notice and provide the committee with further details. Perhaps we can deal with the Democrats proposal which we are facing now. The government has its amendments and I can deal with this question more fully during the debate on those two amendments.

Senator LUDWIG (Queensland) (11.39 am)—I hope you do, because it is not good enough, when you have made a statement in both the second reading speech and in the legislation about how you are going to fix this area. You might be able to say that it is to deal with minor issues but I do not know that because it is a discretion for the court to operate under as to how section 19B will operate. When you look at the provision it appears that you are saying—I hope that you can clarify this, because it is of great concern—that it is okay to excuse it at the point of being found guilty, prior to conviction and sentencing, but it is not okay to deal with it for bail. I suggest that that is a very difficult issue and in my view it exposes the hypocrisy of this government when it deals with this matter.

You say that you want to remove the reference to ‘cultural background’ from this as a lead. It seems to me that you are saying that, in this instance, after the guilty verdict is found the magistrate that you have appointed can use section 19B to not go on to sentence, but if the magistrate does go on to sentence they cannot use it. That is the ridiculous position you have put. I hope I am wrong, because if I am not wrong then all of your arguments have been blown out of the water and you are left with just a fig leaf in front of Mr Brough. If I am wrong then I am prepared to concede that point. I hope you have had enough time, now, to have a look at it and tell me why I am wrong.

Senator ELLISON (Western Australia—Minister for Justice and Customs) (11.42 am)—I will reserve my comments until the debate on the government amendments because they will touch on this issue.

The CHAIRMAN—The question is that schedule 1, item 4 stand as printed.

The committee divided. [11.46 am]

(The Chairman—Senator JJ Hogg)

| Ayes | 34 |
| Noes | 30 |
| Majority | 4 |

AYES

Abetz, E.  
Adams, J.  
Barnett, G.  
Bernardi, C.  
Boswell, R.L.D.  
Calvert, P.H.  
Chapman, H.G.P.  
Colbeck, R.  
Eggleston, A.  
Ellison, C.M.  
Ferguson, A.B.  
Ferris, J.M.
Wednesday, 8 November 2006 SENATE 29

Fielding, S. Fierravanti-Wells, C.
Fifield, M.P. Heffernan, W.
Humphries, G. Johnston, D.
Joyce, B. Kemp, C.R.
Lightfoot, P.R. Macdonald, I.
McGauran, J.J.J. Minchin, N.H.
Nash, F. Parry, S.
Patterson, K.C. Payne, M.A.
Ronaldson, M. Santoro, S.
Scullion, N.G. * Troeth, J.M.
Trood, R.B. Watson, J.O.W.

NOES
Allison, L.F. Bartlett, A.J.J.
Bishop, T.M. Brown, B.J.
Brown, C.L. Carr, K.J.
Crossin, P.M. Evans, C.V.
Faulkner, J.P. Hogg, J.J.
Hurley, A. Hutchins, S.P.
Kirk, L. Ludwig, J.W.
Lundy, K.A. Macdonald, J.A.L.
McLucas, J.E. Milne, C.
Murray, A.J.M. Marshall, G.
O’Brien, K.W.K. McEwen, A. *
Ray, R.F. Nettle, K.
Siewert, R. Polley, H.
Sterle, G. Sherry, N.J.
Webber, R. Stott Despoja, N.

* denotes teller

PAIRS
Brandis, G.H. Forshaw, M.G.
Campbell, I.G. Conroy, S.M.
Coonan, H.L. Campbell, G.
Macdonald, J.A.L. Milne, C.
Mason, B.J. Marshall, G.
Vanstone, A.E. Wong, P.

Question agreed to.

Senator ELLISON (Western Australia—Minister for Justice and Customs) (11.50 am)—by leave—I move:

(1) Schedule 1, item 3, page 3 (lines 24 to 28), omit paragraph 15AB(1)(b), substitute:
   (b) must not take into consideration any form of customary law or cultural practice as a reason for:
   (i) excusing, justifying, authorising, requiring or lessening the seriousness of the alleged criminal behaviour to which the alleged offence relates, or the criminal behaviour to which the offence relates; or
   (ii) aggravating the seriousness of the alleged criminal behaviour to which the alleged offence relates, or the criminal behaviour to which the offence relates.

(2) Schedule 1, item 5, page 4 (lines 20 to 23), omit subsection 16A(2A), substitute:

(2A) However, the court must not take into account under subsection (1) or (2) any form of customary law or cultural practice as a reason for:
   (a) excusing, justifying, authorising, requiring or lessening the seriousness of the criminal behaviour to which the offence relates; or
   (b) aggravating the seriousness of the criminal behaviour to which the offence relates.

Of course, we have had some debate in relation to these amendments. As I said earlier, the government amendments address the concern of the Senate committee about the need to clarify the scope of the changes to the Crimes Act. I mentioned why we think the wording is preferable—because of the scope for ambiguity—and I believe that the wording of the two amendments will address the intent of the Senate committee.

I return to Senator Ludwig’s question, which deals with section 19B of the Crimes Act. The Senate Standing Committee on Legal and Constitutional Affairs did not make a reference to this, on my reading of the report. It did not reveal that this was a matter addressed by the Senate committee. The wording in relation to section 19B is somewhat different in relation to proposed section 15AB and section 16A, as we are amending them. In fact, in our amendment that deals with proposed section 15AB, we are dealing with the provision 15AB(1)(b): the court must not take into consideration any form of
customary law or cultural practice as a reason for excusing certain behaviours.

Section 16A is similar in its expression. It contains a list of provisions which deal with sentencing under the heading ‘Matters to which court to have regard when passing sentence’. Again, that is a discretionary matter. Section 19B is couched more in terms of a court being satisfied in respect of certain matters. What I am saying is that the wording of proposed section 15AB and section 16A is couched in terms of general discretion. Section 19B talks about the court being satisfied. That is a different scenario. Section 19B sets out an exhaustive list of things a court can take into account. It is a different approach entirely from those of proposed section 15AB and section 16A.

Senator Ludwig is saying we should take ‘cultural background’ out of section 19B to be consistent with—

Senator Ludwig—I’m asking why you haven’t addressed it.

Senator ELLISON—Senator Ludwig has asked why proposed section 15AB and section 16A are couched in similar terms in dealing with discretion and section 19B is not. But I think that in the circumstances—

Senator Ludwig—You can read section 19B; it is a discretion.

Senator ELLISON—It says ‘the court is satisfied’. That is not a discretion. The court has to be satisfied. Section 16A has a list of things the court may take into account. There are very different considerations in proposed section 15AB and section 16A on one side and section 19B on the other. We will take that on notice and advise Senator Ludwig accordingly.

Senator LUDWIG (Queensland) (11.55 am)—We are really now in an absurd position. The amendments that were made in 1994 inserted ‘cultural background’ into sections 16A and also 19B of the act, which deals with the discharge of offenders without proceeding to conviction. It says that, if a discharge for a federal offence is proved, a court may—there is the discretion—nevertheless dismiss the charge or charge the offence on conditions without recording a conviction if it is considered that it is expedient to do so having regard to the matters listed in the section. As with section 16A, the Australian Law Reform Commission report Multiculturalism and the law recommended that an offender’s cultural background be included in the list of matters which the court should take into account in determining whether to proceed to a conviction. This clause implements that recommendation.

What we have now heard from the government exposes that they were ill-prepared, that it was ill-conceived and that they did not properly look at all of the matters in terms of how to deal with this issue. They took the Mal Brough approach of just jumping in with their gumboots on. They made a statement that they would remove ‘cultural background’ from section 16A without doing their research, quite frankly—without having a look at section 19B or going back and having a look at the argument when it was first introduced. I am happy to be corrected.

We now have the government ramming through a bill which takes this absurd position. If a person is charged with a federal offence and it is proved, a court can then dismiss it—in other words, there is a discretion there—on conditions without recording a conviction if it considers it expedient to do so, having regard to cultural background as a matter that it can take into account. That was introduced in 1994. But if the court says, ‘We don’t think that we should exercise that discretion; we should proceed’—in other words, if they say: ‘We don’t need section 19B. We will not dismiss the charge or discharge the offender on conditions; we will
proceed to the next step of convicting, imposing a sentence and then reconvening for a sentencing hearing'—then under section 16A it is not a matter that is listed to be taken into account.

The government were purporting to tackle the relatively high level of violence and abuse in Indigenous communities. I said that the legislation will not achieve anything of the sort. It has now been highlighted that, with these two provisions, they have missed the point of the whole exercise. They have now split it. They are going to say it is okay to take cultural background into account if you wish to dismiss a charge and record no conviction but it is not okay if the magistrate or the judge decides to proceed to conviction and sentencing. The position the government are now advocating is absurd and quite surprising. The bill is flawed, and I think they should have removed it right from the word go, which was my clear suggestion. They should then have sent it off and waited for SCAG and for COAG to come back, instead of trying to rush ahead like they have. It seems they have made a fatal error in how this scheme is going to work.

Senator LUDWIG (Queensland) (12.00 pm)—The silence of the government is deafening. There is one other matter that has concerned me during this debate. I will call it for what it is, because I am perhaps a little agitated about it. It was a matter that got raised in the Northern Territory Police News. I have spoken to a range of state police whilst serving in the Senate and being the representative for Labor in the shadow justice and customs portfolio. I did not see the original interview but I do read the police journal, and it had this interview reproduced in full. I might have missed it otherwise, so I appreciate the opportunity that they granted me. It was an interview between the Hon. Mal Brough and John Laws. This is the disturbing part, and it is a question of whether or not the government agrees with this position that Mr Brough is putting:

Secondly, the rule of law needs to apply equally and therefore police need to be stationed and empowered and not turn a blind eye if something—a crime is committed from one black person to another.

He went on to say:
The problem you’ve got in a place like Alice Springs, it’s so large and it’s such a—it’s not isolated, of course, because it’s such a huge tourism hub. And so you can’t just say, well, make this a dry community, you can do a hell of a lot more than is currently being done, and I think it needs to be done urgently.

And I can’t see why—look, it is a law today in Alice Springs, that you can’t sleep in public places in the creeks and the rivers where there has been something like 16 murders over the last couple of years, yet why aren’t those laws policed?

John Laws responds:
Well, nobody—they’re not.

Mr Brough’s response was:
There is no willingness to police them.

I am really concerned when people in responsible positions, such as Mr Brough, say—I would have said ‘seem to suggest’, but it seems to me that he actually says—that the Northern Territory Police are not doing their job. I believe the Northern Territory Police are doing their job and they do it very well in difficult circumstances. When you have a federal minister making those unsubstantiated comments about policing in the Northern Territory, it does concern me. I think it is a matter that is serious enough to put on the record during this debate and serious enough that it should be responded to by the government as to whether or not they agree with Mr Brough’s comments.

Senator ELLISON (Western Australia—Minister for Justice and Customs) (12.03 pm)—I have not had a chance to see those comments by Minister Brough, but I am not
aware of Minister Brough being critical of state or territory police. That is certainly not my understanding. I place on record the government’s view that the Northern Territory Police have had a good deal of experience in law enforcement with Indigenous affairs, and I am on record as saying that we value the cooperation that we get from the Northern Territory Police. I said that in Alice Springs recently. I believe that they do a good job and I stand by that statement. I do not accept that Minister Brough has criticised the Northern Territory Police. I am not aware of him criticising any of the state or territory police. In fact, at the summit, we were talking about the cooperation with the state and territory police as being fundamental to progress in this area. I certainly believe the Northern Territory Police do a good job, and we appreciate the cooperation we get from them. Commissioner White does a very good job in leading the Northern Territory Police.

**Senator ludwig** (Queensland) (12.04 pm)—The heading of the article is ‘Federal Minister criticism of NT Police’. That is what the headline of the article says. I do not know why the Howard government feels the need to abuse and denigrate the Northern Territory Police in the way that Mr Brough has in that article, but these people do not operate on a ‘fly-in, fly-out’ basis. They try very hard under very difficult circumstances. They deal with the problems of violence in Indigenous communities every day. Abusing the Northern Territory Police will do not one thing, not one jot, to solve the problems. The point I make is that neither will this bill.

**Senator Scullion** (Northern Territory) (12.05 pm)—Because of my particular interest in this matter and the fact that I was with the minister in Alice Springs over that period of time, perhaps I can share with the chamber the circumstances that led to those comments. Mr Brough was speaking to a number of Indigenous people in the township of Alice Springs particularly early in the morning. He met with several groups and inquired as to their injuries—how they happened, why they were like they were and whether they had rung the police. They reflected to him: ‘No, the police won’t come.’ Since then I know that the minister has met with representatives of the police, spoken to a number of police officers and, in fact, been on night patrols himself.

The overall comments he has made reflect upon the resources that are provided to the police officers of the Northern Territory, and I am quite sure that Minister Brough will not resile from those remarks. The very good police officers in the Northern Territory cannot do their job unless the Northern Territory government provides them with the resources to do so. That is the overwhelming position that Mr Brough has taken on all of these matters. When he said that the police appeared unwilling to attend, that was just a reflection of anecdotal information that had been passed to him that very day, so one could understand people taking that remark in a slightly different context. Because of the nature of the remarks that have been made I just thought I would put that explanation on the record.

**Senator Ludwig** (Queensland) (12.07 pm)—I do not want to prolong the debate unnecessarily but, in relation to the Northern Territory government, the previous government had 27 years to address this. It cannot be sheeted home to the short period that the Northern Territory government has been under Labor, which seems to be the flavour of comments from a range of people. These things did not appear overnight; they have been there for a long period. It is now necessary to put aside the way Mr Brough plays the blame game. These issues are very serious and they do need a proper lead, across the board, by a federal government in coor-
dation with the states. It is a serious issue and that is how it should be dealt with.

Question agreed to.

Bill, as amended, agreed to.

Bill reported with amendments; report adopted.

Third Reading

Senator ELLISON (Western Australia—Minister for Justice and Customs) (12.09 pm)—I move:

That this bill be now read a third time.

Senator BARTLETT (Queensland) (12.09 pm)—I want to make a final comment on this because we are dealing with a serious matter and I think this is a seriously wrong move. Because I feel strongly about it I want to reinforce how very strongly the Democrats oppose what is being done here. I also reinforce that if, as seems inevitable, all government senators vote for the third reading of the Crimes Amendment (Bail and Sentencing) Bill 2006 they will be voting against the concluding recommendation of the government controlled Senate committee in its report into this legislation. That recommendation of the Senate Standing Committee on Legal and Constitutional Affairs was that the Senate pass the bill subject to the removal of the item dealing with cultural background. The chamber chose not to remove that, therefore negating the opportunity to remove one of the most serious flaws in the legislation. If the vote is taken to pass this bill without that amendment then it is worth emphasising that that is a total repudiation of the climactic recommendation of the Senate committee report.

I think we need to emphasise the reality of the issue we are dealing with. There has been a monumental amount of evidence, not just to the very short Senate inquiry but also through report after report, about the importance of ensuring that cultural background is able to be considered, amongst a list of other factors, in decisions such as sentencing. This legislation is only amending the Crimes Act; it only deals with certain offences. It does not deal with a whole range of situations, but it is a dangerous move. I think it overturns a long and well-founded history, based on facts, in which enabling and supporting the recognition of cultural background as part of the legal process has been a way of making the process fairer and more equal for everybody. That is a goal that can never be fully, totally and utterly achieved, but it is one that we should always aspire to. We certainly should not blithely go in the other direction.

In being critical about this matter I also take the opportunity to emphasise that I in no way put myself or the Democrats on the high moral ground when it comes to Indigenous affairs. I think we should take every opportunity, frankly, to point out that everybody in the political system—all political parties, large and small; left-wing, right-wing or balanced sound-thinking centrist people like the Democrats—has failed to give adequate priority to the issues affecting Indigenous people. I do not think there is a single area of public policy where we have more comprehensively failed to deliver genuine results over decade after decade. So in criticising the government I do not seek to suggest that I or the Democrats have all the answers. But I do suggest that, firstly, we need to give much greater priority to the issue—and I guess to some extent one could say that at least the new minister is showing some signs of doing that. But in giving priority and continued intensity to the issue we also need to work with Indigenous communities. I know some consultation goes on from time to time and there are some meetings here and there. But working with people does not just mean dropping in for a chat now and then, important though that is; it means consulting, taking account of the views of and giving some
empowerment to people at the community level amongst Indigenous Australians. They are the ones with the best ideas about what are the best ways forward.

As I said before, our record collectively as politicians and parliamentarians is one of pretty much consistent failure. There have been some positives here and there; I should not be too absolutist about it. But it has been pretty much a consistent failure overall. Given that, I am not sure that we can claim we are the best ones to turn to for the answers now, particularly when we have never actually tried the alternative of genuinely empowering, enabling and working with Indigenous Australians to try out the solutions that will work for them. On the issue of violence in Indigenous communities, which has been raised a bit in this debate—even though, I point out again, it has nothing to do with the legislation before us—different solutions will work in different areas and a one-size-fits-all approach is not likely to produce positive results across the board.

I would like to finish by once again emphasising that voting for this legislation without the core amendments goes against the totality of the monumental and quite damning Senate committee report and its final recommendation that it should be amended before it is passed. I reflect once again on the comment that was made about bulldust in law and bulldust in political debate. I recommend people who want to explore this issue further to read a book by a philosopher called Harry Frankfurt. It is not quite called ‘On Bulldust’; it is called ‘On something else’, but it would be unparsimonious of me to give it its full title. It is a good reflection on the nature of people engaging in bulldust and the difference between that and lying—the liar being someone who deliberately communicates something they know is false.

The person engaging in spreading bulldust is basically indifferent to what is true and what is not and just wants to put forward something that suits their argument at that time. I do not know which example is most accurate with regard to what the government is doing here. It might be a fine philosophical discussion but neither of them is good. To put a positive twist on it, the same person has just brought out a new book called On Truth. It is a book that perhaps all of us could do with reading. It is not very long. We could give it to each other for Christmas, perhaps. There may be a few leftovers for people up in the press gallery as well, who may reflect on the nature of truth.

Amongst other things, Professor Frankfurt, who is a professor of philosophy at Cambridge University, comes out with the fairly unromantic assessment that basically truth is useful in society to make well-informed judgements and decisions. If we do not have truth then basically we are all blundering around in the dark moving from one situation to another without any common reference point. Purely from a utilitarian point of view, apart from anything noble, I think we could do a bit better at basing decisions on the evidence and the truth. By not amending this legislation, by supporting it unamended, we are going against the overwhelming facts provided to the Senate committee.

Senator ELLISON (Western Australia—Minister for Justice and Customs) (12.17 pm)—I would like to clarify a statement I made earlier. I will take up the matter of section 19B with the Attorney-General and raise with the Attorney-General the matters that Senator Ludwig has raised in debate.

Secondly, I mentioned earlier the different wording. There is different wording in relation to sections 15 and 16 on the one hand and section 19 on the other. There is a discre-
tion in section 19 and, although the court must be satisfied in the first instance as to the guilt, as I understand it, there is a subsequent discretion. There is a difference in the wording between the sections which has given rise to the different approach to these sections by the government. That is something that Senator Ludwig has questioned. I will take that on notice and take it up with the Attorney-General.

Question agreed to.

Bill read a third time.

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

Second Reading

Debate resumed from 18 October, on motion by Senator Santoro:

That this bill be now read a second time.

upon which Senator Chris Evans moved by way of amendment:

At the end of the motion, add “but while welcoming the many positive measures in the bill, the Senate expresses its serious concern about:

(a) the Government’s decision to proceed with the bill without providing any protection for low income families who may lose income as a result of changes to the child support scheme;

(b) the failure of the Government to properly manage transitional issues in circumstances where parents are worse off under the bill, as recommended by the Ministerial Taskforce on Child Support;

(c) the failure of the Government to make any attempt to quantify the financial impact of the bill on existing child support customers;

(d) the failure of the Government to provide up-to-date demographic information about existing child support customers;

(e) the unreasonably short timeframe imposed by the Government on the Community Affairs Committee’s inquiry into the bill, particularly given the extent of the changes to the child support scheme and the potential financial impact on low income families; and

(f) the overly-complex nature of the changes in the bill”.

(Quorum formed)

Senator SIEWERT (Western Australia) (12.21 pm)—When I left off previously I was articulating the Greens’ concern about the combined impact of Welfare to Work with potential reduction in payments of child support and the lack of modelling of the interaction between these two. The Greens are also concerned about unpaid child care and how this has been accounted for in the proposed new formula. The proposed new child support formula does not adequately recognise the costs of unpaid child care. The cost is overwhelmingly borne by resident parents who are typically, but of course not exclusively, single mothers. The formula recognises that the financial costs of older children are higher but does not recognise that the unpaid care responsibilities of younger children are greater. It is argued that ignoring unpaid care creates a bias in the system, predominantly against women who provide the majority of unpaid care.

The opportunity costs of providing care include forgone earnings, super and career advancement, loss of access to training and professional development, and reduced social networks. Unpaid care is accounted for, in part, under the existing child support formula by the different self-support component for resident and non-resident parents. This no longer exists under the new formula, suppos-
edly as part of the move from a one-home to a two-home model.

The argument put forward by Professor Parkinson when further questioned on this issue was that financial provision for unpaid care was mainly made in the way that the Family Court assigned assets on separation. He effectively implied that this dealt with the issue, and hence it was of lesser or no concern in the child support calculation. However, this provision in effect only applied where there were significant assets to divide—meaning that this only benefited divided families who had significant assets prior to separation. Therefore, the proposed arrangements will impact more unfairly on those on low incomes who have few or no assets.

In addition, it assumes that settlement happens as soon as couples separate. It may take years to come to court and arrange a settlement. In the meantime people do not have access to resources; sometimes they do not even have access to the family home. We acknowledge that measuring the monetary value of unpaid care has always been a problem for policy makers. We believe that more work needs to be done in this area.

Unpaid care is emerging as an important policy issue in other areas. I refer for example to aged care, where pressures are growing via an ageing population. There is a wealth of contemporary analysis around these issues which we believe could have better informed the task force’s deliberations. We need to balance the opportunity costs of unpaid care against the ongoing and future benefits of caring for children and, through them, the future wellbeing and productivity of the nation. We believe that ongoing monitoring and evaluation of this process is absolutely critical if we are to ensure that this new formula and Child Support Scheme are successfully implemented.

I would like to touch now on enforcing compliance. We welcome the long overdue enhancement of the Child Support Agency’s compliance capabilities, which will better enable the agency to pursue non-resident parents who fail to provide any support for their children. The fact that only half of all non-resident parents meet their child support obligations in full and on time is a longstanding problem. We welcome the introduction of a minimum payment for parents who deliberately minimise their income to avoid paying child support. In his submission the task force chair, Professor Parkinson, expressed concern that these provisions of the bill may need to be strengthened to remove doubt. To this end we will put forward some amendments, which have been circulated, following suggestions made by Professor Parkinson.

We also support some of the proposed changes to deal with the current problems with defaulters. The proposed changes will allow parents to pursue unpaid child support through the courts. We believe this is a significant improvement, provided there are sufficient resources for legal support and that there is equity of access. However, we believe there is an emerging problem now that the agency has started to provide some resources to pursue nonpayment, and is serving notices on non-resident parents—in this case, mostly fathers—for large amounts of unpaid child support. Sometimes this is extending over a lengthy period of time. But there are occasions when this is starting to generate conflict, and I think this needs to be adequately addressed. That is not to say that we do not believe that these defaulting parents do not need to be chased, but we need to recognise that it can cause conflict when people are starting to be pursued after many years.

We also have some concerns about shared care agreements. While the shared care provisions are in some ways an improvement on the existing system, we believe there are
some potential problems. It was identified in
the evidence presented to the committee that
some of the shared care arrangements are
tenuous and that the most likely outcome
over time is for slippage to take place,
whereby the child often ends up living with
one parent—usually the mother. Some of the
shared care agreements end up enforcing a
particular set of financial arrangements while
at the same time the percentage of care with
the non-resident parent often drops off con-
siderably. The current arrangements seem to
lock that in. We will propose an amendment
to the bill that addresses this matter, so that
arrangements can be reviewed and they are
not locked in permanently. Again, that
amendment has been circulated in the cham-
ber.

In conclusion, I still have some reserva-
tions about the government’s decision to
proceed with this bill without proper provi-
sion to protect low-income families who may
lose income as a result of these changes. I
am disappointed that the government failed
to model and to qualify the likely impacts of
the bill on existing child support recipients.

Some significant issues were raised in the
report by the Senate Standing Committee on
Community Affairs which, disappointingly,
were not put forward explicitly as recom-
mandations and subsequently have not been
addressed by the government as amend-
ments.

As I said, we have developed some
amendments which we have circulated in the
chamber. These relate to issues identified by
Professor Parkinson, the task force chair, and
discussed by the committee. I understand
there is a willingness on the part of govern-
ment to consider these recommendations. As
I said at the beginning of my speech some
weeks ago, we do support the need for re-
form of the child support system, so we will
be supporting this bill with the amendments
that I have circulated. I believe they address
some of the concerns that were expressed to
the community affairs committee inquiry. I
believe the amendments will strengthen the
bill. However, as I said, the Greens will be
supporting this bill because we believe that
there is a need for change in the child sup-
port area. We believe that the bill represents
a step ahead, even though we have articu-
lated some concerns with some aspects of the
approach that has been taken.

Senator BARTLETT (Queensland)
(12.29 pm)—The Democrat view on the
Child Support Legislation Amendment (Re-
form of the Child Support Scheme—New
Formula and Other Measures) Bill 2006 is
similar to that just expressed by Senator
Siewert. There is a need for reform and we
are prepared to support it, but we also ac-
knowledge that the reforms contained in the
legislation could be improved through
amendment.

The issue that this legislation deals with is
a fraught one, of course, as I imagine pretty
much everybody in this chamber and in the
wider community realises. Child support
issues, whether they are financial calcula-
tions or other aspects to do with access to
children, division of property and all those
other things in the family law area, are in-
credibly fraught and very difficult, particu-
larly when circumstances are such that peo-
ple are not able to work things out between
them to their own satisfaction anymore and
require another party, a court, legislative
compulsion or whatever to come in. That is
always going to be a less than forensic
mechanism for ensuring the closest approxi-
mation of fairness in every circumstance.

At the end of the debate on the previous
legislation I was talking about the value of
truth and ensuring that our deliberations are
based upon some sort of verifiable fact and
evidence rather than just pronouncements
that have no consideration about whether or
not they reflect reality. That is certainly true but, as this area reminds us all, that is just the start. Trying to actually base things on facts, truth and evidence is necessary but not sufficient. In this area, perhaps more than most, one person’s undeniable, blatant, obvious fact is another person’s blatant pile of nonsense. There are incredibly conflicting views and opinions between people caught up in the child support system about what they believe is fair and reasonable. Such things will inevitably be influenced by the perspective that the individual is coming from.

Of course, in many of these circumstances, which involve a lot of personal hurt and emotional pain, perceptions can be further influenced by those immediate personal factors. As legislators we cannot and should not make decisions solely based on reacting to such personal hurt and pain but nor should we be completely oblivious to it. We do need to recognise it and seek to address it as much as possible. We also need to try to get an outcome, which, above all else, is as close to consistently and universally fair as can be done. Any legislation in an area that deals with the myriad individual circumstances that people find themselves in is going to have difficulty managing fairness every time.

It is about trying to apply a mathematical formula that will deal with every situation. It is a mathematical formula with different components to enable it to be flexible enough for different situations, but it is still just a formula. Then there are a group of public servants who have to implement and administer it and use their discretion to ensure it operates fairly. That is always going to leave some people dissatisfied. That should not be used as an excuse to not try to continually make it better but it must nonetheless be acknowledged that, even with these changes and even if we make amendments to get the legislation as close to perfect as we like, there will still be a lot of dissatisfied people.

As we all know in going through this process, there are dissatisfied people with regard to this legislation. Some think it has not gone far enough, some think it has gone too far and some think at least components of it are off the track altogether. But it is the end of a very long, considered process and, unlike the previous legislation, it does at least reflect an attempt to engage with the conflicting realities and circumstances, the competing demands and the competing and conflicting principles involved. To that extent I think it should be acknowledged that the Senate committee process once again proved its worth by identifying some areas where further improvement could be made in weighing up legitimate concerns that some had that there was an excessively unfair impact on some with high incomes. It is worth trying to address that. The fact that people have high incomes does not mean that the fairness of the situation should be completely discounted but it certainly should get lower priority than ensuring fair outcomes for those on lower incomes.

There is legitimate concern that some aspects of the reforms put forward in this legislation will impact negatively on some with low incomes without adequate reason, I might say. That is something that I think does need further examination and certainly the Democrat view is very much to align ourselves with the amendments that will be put forward in the committee stage of the debate by Senator Siewert and potentially by others. I might leave any further contributions I make until we get to that stage of the debate.

Senator STERLE (Western Australia) (12.36 pm)—I rise to speak in support of the Child Support Legislation Amendment (Reform of the Child Support Scheme)—New
Formula and Other Measures) Bill 2006. This bill does four main things. It introduces a much needed independent review of all Child Support Agency decisions by the Social Security Appeals Tribunal. It broadens the powers of the courts to ensure that child support obligations are met and it strengthens the relationship between the court and the Child Support Scheme. It allows separating parents more time to work out parenting arrangements before their family tax benefit is affected and it introduces a new child support formula by which child support payments are calculated, with this measure to commence on 1 July 2008.

Labor acknowledges that there is considerable concern in our community about the fairness of the formula for assessing child support obligations under the regime that was set up by the Hawke government in 1988 and accepts the need for reform of the Child Support Scheme. Labor’s approach to child support reform has always been guided by a belief that the interests and wellbeing of the children must always come first. Central to this is Labor’s belief that it is the responsibility of both parents, whether they are living together or apart, to provide a loving, nurturing environment for their children to grow up in where they are safe, they are encouraged and they learn to develop into strong adults free from fear, knowing that they are accepted and loved.

After careful consideration, Labor has decided that the new scheme is likely to be fairer and more focused on the needs of children. The ALP recognises that establishing a new formula based on fairer and sounder principles means that some payments will go up and others will go down and that child support payers and payees will be affected in different ways according to their income, the number of children involved, who cares for the children, how often they care for the children, the age of the children and whether or not second, third or even fourth families are involved.

When this bill becomes law, residential parents will get to keep all of their family tax benefit where a non-residential parent has care of their child for less than 35 per cent of nights in a year. That is fewer than five nights a fortnight. Non-residential parents who have care of their child for at least 14 per cent of that time, that is one night a week, will continue to be eligible for the rent assistance component of family tax part A and continue to be eligible for the healthcare card. Parents who have financial responsibility for a stepchild in a second family will now be able to apply to have the stepchild considered when calculating the child support for the parent’s first family if no-one else can financially support the stepchild.

The most important aspect of the changes to the child support formula is that it treats first and second families more equally and more fairly. Senators will know that a constant concern raised with us by people who repartner is that the children of the second relationship are not currently treated on an equal basis by the application of the formula. I think we overcome that problem in the new formula.

The bill before us today is the culmination of a process which started with the inquiry of the House of Representatives Standing Committee on Family and Community Affairs into family separation issues which led to the report titled Every picture tells a story. That inquiry recommended the establishment of a ministerial task force to examine the Child Support Scheme, including an examination of the cost of raising children in a post-separation household. I place on record my congratulations to Professor Parkinson and the members of his task force, who have done a very solid task in reviewing all of the empirical research both in Australia and
overseas to try to arrive at a far more objec-
tive child support formula. I also acknowl-
edge the role that the Chief Whip of The Na-
tionals, Kay Hull, played when she chaired 
the House of Representatives Standing 
Committee on Family and Community Af-
fairs that delivered the report. On my side, I 
acknowledge the roles that the deputy 
chair—the member for Fowler—the member 
for Throsby, the member for Franklin and the 
honourable member for Chifley played on 
that committee. The committee demonstrated 
the very best traditions of this parliament—
government and opposition members on a 
parliamentary committee working together in 
the best interests of the Australian commu-
nity.

The centrepiece of the reforms is the new 
child support formula based on new Austra-
lian research on the costs of caring for chil-
dren and reflecting community values on 
shared parenting. The current formula uses 
fixed percentages of income, assuming peo-
ple spend the same proportion of their in-
come on children regardless of their level of 
income. Whilst we know that people with 
higher incomes spend more money on their 
children than people with lower incomes, 
they spend less as a percentage of their in-
come. The current formula treats the income 
of resident parents more generously than it 
does the income of non-resident parents and 
does not compensate a non-resident parent 
who looks after their children for up to 29 
per cent of the time. Second families are also 
unfairly and inconsistently taken into ac-
count under the current formula. The current 
formula also fails to distinguish between the 
ages of children, so the significantly higher 
expense that comes with teenagers goes un-
recognised.

The new formula, on the other hand, will 
explicitly be based on the costs of children as 
drawn from Australian research showing the 
real costs of children according to the level 
of income of parents and the ages of chil-
dren. In the new formula, parents who care 
for their children for 14 per cent of the time, 
which equates to a night a week, will be rec-
ognised and compensated for the cost they 
incur. In the new formula, during the first 
three years after separation, parents who are 
using income from second jobs and overtime 
to help re-establish themselves will be able 
to apply to have their child support calcu-
lated taking into account their re-
establishment costs.

I think that is an important issue. It is con-
stantly raised with me that, when relation-
ships break down, the costs of repartnering, 
establishing new households and establishing 
new care provisions are not properly com-
pensated in the current formula. In the new 
formula, an income share approach will be 
used so that both parents will have the same 
amount deducted as self-support. The in-
comes of both parents will be taken into ac-
count in establishing the cost of the children, 
and the resulting cost will be apportioned 
between the parents according to their share 
of the combined income.

I think the most important change to the 
child support formula proposed in this bill is 
the attempt to ensure that all biological and 
adoptive children be treated as equally and as 
fairly as possible. Under the old formula, 
more money would go to supporting children 
of the first family than to a new child in the 
second family. Parents who have financial 
responsibility for stepchildren will now be 
able to apply to have the stepchild treated as 
a dependant under the child support formula 
for the parent’s first family.

Debate interrupted.

MATTERS OF PUBLIC INTEREST

The ACTING DEPUTY PRESIDENT 
(Senator Moore)—Order! It being 12.45 
pm, I call on matters of public interest. I 
have been advised an arrangement has been
agreed to between senators that there will be a time-share arrangement between Senator Heffernan and Senator Ian Macdonald. I ask the clerk to set the clocks accordingly.

Federal Judicial Commission

Senator HEFFERNAN (New South Wales) (12.45 pm)—It is important that Australians have confidence in our judiciary. There are many fine judges in this country—and they do a great job—but we must have a means by which we can deal with those who are not. Bad judges undermine the community’s belief in our system of democracy. Today, we have even more evidence of the need for a judicial commission. I hope the Attorney-General’s Department are listening and giving consideration to the authentication of documents that I sent to them this time last year. I want to quote an article in the Hobart Mercury of 31 October 2006 with regard to a magistrate. It says:

The magistrate appointed to hear the sensational criminal charges against dumped Labor ex-deputy premier Bryan Green and former Labor health minister John White is a staunch member of the Labor Party—

which I think is not important—

and a close friend—

which is important—

of Mr White.

Chris Webster, who was appointed a magistrate in February this year by outgoing Labor attorney-general Judy Jackson, also stood as the Labor candidate for the Upper House seat of Newdegate in 1986.

Before becoming a magistrate, Mr Webster worked closely on the state election teams of several high-profile Labor figures, including John White’s own election campaign to win Newdegate in a by-election in 1998.

Mr Green and Mr White both face criminal charges of conspiracy and ‘interfering with an executive officer’.

And, of course, those charges are being heard by none other than their close friend. I would have thought that that was enough for that person to immediately withdraw. The article continues:

Mr Webster adjourned the Green-White case for it to be heard before him again at 10am on January 10 in the Hobart Magistrates Court.

He made no attempt to disqualify himself as presiding magistrate because of any perceived conflict of interest over his strong Labor links.

A Labor insider who worked on Mr White’s Newdegate by-election campaign confirmed that she met Mr Webster at Mr White’s Battery Point home in August and September 1998.

She said Mr Webster, a former president of the Law Society of Tasmania, was described to her as Mr White’s campaign manager.

I do not think we need to say much more. This is a clear example of what people will do if they think they can get away with it. Clearly, Mr Webster should not have heard this case. He should have withdrawn. I understand the DPP’s office was fuming and could do nothing about it. It is a perfect example of why we need to have a process so that people can have confidence in the judiciary.

To give further emphasis to this, I would also like to raise a matter which is suppressed in the Glebe Coroners Court. I have had complaints against this person, who died in a bizarre circumstance following some bizarre lifestyle choices—

The ACTING DEPUTY PRESIDENT (Senator Moore)—Senator Heffernan, I remind you of standing order 193 and draw your attention to that before you go any further.

Senator HEFFERNAN—Is it about casting aspersions? This gentleman is dead.

The ACTING DEPUTY PRESIDENT—His reputation does not die with him, Senator Heffernan.
Senator HEFFERNAN—I am just saying that I have had complaints regarding a court matter that involved several million dollars that was of a like matter to the matter that is before the Hobart court system. I think it is intolerable that a person in those circumstances would not withdraw from the case. I think this is a perfect example of why Australians deserve a process to deal with complaints, not necessarily of a criminal nature, against judges. There is simply no process in the federal jurisdiction if you have a complaint that is not a matter of criminality that would go straight to the police. You have to somehow conjure up both houses of parliament to agree to deal with the matter. If there is no process, I do not know how you can put an argument to get both houses of this parliament together. I think the system is failing. This is a perfect example of why we need to take urgent action; otherwise, the public will rightfully lose confidence in the judiciary.

Queensland Parliament

Senator IAN MACDONALD (Queensland) (12.50 pm)—A few weeks ago the Queensland Premier, Mr Beattie, was waxing lyrical about reform of the Senate. His reform, you might recall, consisted of giving him and his fellow Labor premiers a seat in this chamber of the Australian parliament. I do not understand how the presence of these people in the Senate would add any substance or intellect to this chamber, although I suspect it is one way to get a few more Labor senators into the chamber, which they seemed incapable of doing at the general election. If Mr Beattie is so interested in reform of the upper house, perhaps he should get his own house in order first.

Queensland is the only state in Australia with a unicameral system. I believe that two houses of parliament would better protect liberties in our state. Perhaps more importantly, from my point of view, a bicameral legislature would give the ability to tap into new and different thoughts and would help to ensure fairness and progress right across the state, not just in the south-east corner, where the majority of voters are.

In the 2004 state election, with just 47 per cent of the primary vote, the ALP secured 63 of the Legislative Assembly’s 89 seats and a rare third term in office. This was not because of a malapportionment or a gerrymander but simply the result of an electoral system based on single-member constituencies in one house of parliament.

Queensland, like most liberal democracies, is an increasingly diverse place. An electoral system in which the contest for effective political will is divided between two partisan groups with a winner-take-all outcome is less representative than it could or should be. Why don’t we have an upper house in Queensland? The Legislative Council in Queensland was abolished in 1922 in dubious circumstances following a referendum in which Queensland electors voted against abolition. The then Labor government packed the Legislative Council with its own nominees, who then voted themselves out of existence.

Many would have said, perhaps, that an upper house was obstructive. Many would say that upper houses do not work because, in spite of the best intentions of the founders of our systems of parliament, these houses have become the playthings of political parties, either to rubber-stamp or to obstruct the democratically elected lower house of parliament. I say ‘rubber-stamp’ or ‘obstruct’ depending on whether the government of the day has a majority in the upper house or whether the opposition of the day has a majority in the upper chamber.

An upper house, including the Senate in my view, should not be able to hold up legislation indefinitely and should not be able to
bring a government down. As in recent reforms in the House of Lords, upper houses, in my view, should be able to delay and, in circumstances, amend government legislation but not reject it. An upper house can allow proper scrutiny of government decisions and can, by delaying legislation, give opportunity for expression of popular disagreement. If an upper house were unable to bring down a government or permanently reject the will of the popularly elected chamber, political partisanship in the upper house would be unnecessary.

And what better way to address the complaint that having a second chamber would involve a costly election than to have an upper chamber of people who have already been popularly elected—members who are closest to their constituents, parliamentarians who are at the coalface or grassroots of democracy and governance. Queensland already has 125 such people. They are mayors from all over the state, democratically elected on a fixed date for a four-year term. That figure of 125 is soon to be reduced by about one-third, by announcements the Queensland government has made and which it intends to bring into effect in the future.

Having a second chamber comprised of mayors drawn from all over the state, intimately attuned and connected to Queenslanders, would provide benefits that would be tangible, particularly for those of us who live in the north or the west of the state, and there would be no cost in monetary, political or governance terms. I am proposing that there be some research into a new upper house for Queensland. The upper house would consist, as I say, of popularly elected mayors. The upper house members would get, perhaps, a daily allowance while sitting in parliament but would otherwise continue to rely on their existing mayoral salary.

The upper house would be able to delay legislation for a maximum of, say, six months. In some cases it could amend legislation but not bring down a government by blocking supply. Any delay of legislation would allow popular pressure to be brought to bear against legislation seen to be unfair or just plain stupid. The benefits would include real and independent scrutiny of all Queensland government decisions, because—and I repeat—the inability to block legislation or bring down a government would mean that political grouping or political point scoring would not be necessary. Having mayors from all over the state as part of the legislature for a fixed four-year term would bring stability and continuity to government processes and would mean that the needs and aspirations of those parts of Queensland outside the south-east corner would be better served and recognised.

It is all very well for Mr Beattie to ignore the governance arrangements in his own state and venture into activities on how to reform this chamber, which I believe works very well, even with a government majority. This government has senators who are still prepared to critically examine government legislation and to make recommendations to the parliament that at times conflict with the government—something you would never experience were the Labor Party ever in control of the Senate and in power in the lower house of parliament. Nevertheless, Mr Beattie, rather than worrying about reform of this chamber, should look at his own governance arrangement. A unicameral system in Queensland has certain inadequacies and deficiencies, and it does not have the ability to protect the liberties that those of us who are Queenslanders might expect.

My proposal for an upper house takes away the objections of obstruction for obstruction’s sake. It takes away the objection of a costly chamber—one that would be
costly to elect and costly to maintain. You would get some of the very best people—
some of the very best brains—some of the people who are closest to public attitudes in
Queensland into the Parliament of Queens-
land. Not all the mayors that I know of are
independent. Some of them are very obvious
members of the Labor Party, like Tony
Mooney in Townsville and a few others
around the place. There are also, of course,
many mayors who are members of the Lib-
eral Party, like the mayor of Cairns and the
mayor of Brisbane. One could name quite a
number of other mayors who are, or have
been, members of the Liberal Party. But,
across the board, you would get a group of
people who are more interested in their con-
stituency than in playing political games. It
would be such a change from the Labor
Party in this chamber or in the other place,
who only oppose for opposition’s sake and to
try to make some political points.

Senator Carr—Is this the conversion on
the way to retirement? Is this the sort of
thing you see?

Senator IAN MACDONALD—Senator
Carr is, of course, a prime example of that—
no real ideas, no real policy and only here to
try to get into power for power’s sake. That
is the way he operated when he was a union
heavy—just in there for power’s sake; not to
make a contribution. My proposal would
obviate all those objections and would bring
real democracy and a new era to governance
in the state of Queensland.

Merchant Seamen

Senator O’BRIEN (Tasmania) (1.00
pm)—From time to time I have made contri-
butions in this place about the important role
that our Australian merchant fleet plays in
the security of this nation. I have not heard
anything from those opposite about that im-
portant role. Indeed, their lack of attention to
that leads me to the view that they are com-
pletely unaware of the very important role
that the merchant navy have played in the
security of this nation and they are therefore
content to see the reduction in the number of
vessels crewed by Australians, flagged with
the Australian flag and serving this nation on
its coastal trade as well as its international
trade.

I was taken with an address by Patricia
Miles, the Curator for Economic and Com-
mercial History at the Australian National
Maritime Museum, on World Maritime Day
on 29 September this year. In fact, I was so
taken by it that I intend to place most of it on
the record, because I think it needs to be on
the record. Those opposite—and indeed the
wider public—should be aware of some of the
matters that Patricia drew to the attention
of those of us who were fortunate enough to
be at her presentation. I quote from her ad-
dress:

According to the official war history of Australia,
30 merchant ships were lost by enemy attack in
Australian waters, with 654 deaths—
this is about World War II. It continues:

About 200 were Australian merchant seamen.
These are the official figures. But it is difficult to
put a number on Australian merchant mariners
killed in the war. Seamen moved from ship to
ship and went all over the world. Australians were
present in the Mediterranean and the North Atlan-
tic convoys, while many merchant seamen killed
in Australian waters were of other nationalities:
Greek, Chinese, American, Yugoslav, Norwegian
and Dutch seamen all served on ships on the Aus-
tralian coast. The Seamen’s Union calculated 386
Australian deaths from all ships and all causes.
But by 1989 the Australian War Memorial had
compiled a list of 520 names of Australian mer-
chant mariners who had died.

Because of wartime secrecy, and because the
merchant navy had no institutional structure as
the armed services did, and perhaps also because
of the derogatory attitudes to merchant seamen
among some people in the community, who
thought they were escaping real war service, the
merchant navy’s wartime role and losses were not so much forgotten, as never really recognised.

Australia’s official history of World War II comprises 22 volumes. Two volumes are devoted to the Navy. They mention merchant ships in passing when they are part of the navy’s story. They contain a one page rundown on the merchant navy, and the only list of merchant ship losses is an incomplete one in a footnote. The two volumes on the war economy devote a large chapter to shipping, but as an industry. This looks only at large-scale tonnage and statistics.

It was the Seaman’s Union of Australia who first published a map showing east coast casualties in the Seaman’s Journal, some time after the end of the war. The headline read ‘War Secrets Revealed’. This alluded to the fact that the names of ships and the locations involved were almost never given in newspaper reports of wartime casualties. This may partly be why some of the worst tragedies, such as the sinking of some of the iron ore ships, were not better known, except among the families and shipmates of those affected, and the people in the coastal towns where survivors sometimes came ashore. Standard newspaper wording of the time described a spate of losses like this: ‘one large and two small Australian freighters, one medium sized American freighter, one small Norwegian freighter.’ And: ‘Some survivors were brought to an Australian port’. (Although curiously, the names of crew members and even their street addresses were freely given in listing the dead or interviewing survivors.)

It is well known that merchant ships are a prime target for destruction in war. A crew member of a German raider in the southern oceans said, long after the war, that their mission had been to destroy merchant ships in the British trade routes, and to avoid engagement with naval ships at all costs. He said ‘Every ounce of petroleum, every grain of wheat, every piece of war equipment that we could stop reaching the enemy would be so much nearer to starving them into submission’. And trained officers and crews were just as valuable as ships to their governments.

Early in the war, German ships laid minefields off the eastern and southern coasts. Four fields were laid between Newcastle and Sydney. Their first victims were the British cargo ship Cambridge off Wilson’s Promontory, on November 7 1940, and the day after, the American merchant ship City of Rayville off Cape Otway. This was in fact the first American casualty of the war, in which the USA was not yet involved.

Then a month later, on 5 December 1940, the first Australian-registered merchant ship to be lost sailed into a mine off Norah Head on the Central Coast. It was a small motor ship of the North Coast Steam Navigation Company, the Nimbin, of 1,052 tons gross tonnage. It was on its way from Coffs Harbour back to Sydney, with a cargo of three-ply timber packed in bundles and a large number of pigs. One third of the ship was blown away and it sank in three minutes. Seven men were killed. The remaining thirteen clung to bundles of plywood which served as rafts, while the terrified pigs swam round squealing and trying to get onto the rafts but slipping off. After some hours an air force plane saw the survivors and directed another coastal ship, the SS Bonalbo, to pick them up. An ambulance met them and rushed the injured to hospital. The rest, in clothes borrowed from their rescuers on the Bonalbo, were sent home by car. The newspaper report said there had been an internal explosion. Most of the Nimbin’s crew were old employees of the North Coast Steam Navigation Company. Captain Bryanston and the Chief Officer Charles Chapman, who both died, had been with the company for 20 years and 26 years respectively.

After this the Navy cleared the minefields, but not completely because in March 1941 the Red Funnel Company’s fishing trawler Millimul, of 287 tons, fished up a submerged mine in its trawl not far from where the Nimbin had gone down. The mine exploded and the ship sank in a minute. Five of the crew got into a lifeboat and stayed with the wreckage all night. They hoped to find the other seven men, including the captain, whose cries they had heard in the darkness. But in the morning there was no sign of them, so they rowed and sailed all day toward the coast. After 18 hours they were picked up by the sixty-miler Mortlake Bank.

The aim of destroying merchant shipping was evident in the campaign of Japanese submarine attacks off Australia’s east coast in 1942 and
1943. Action concentrated around Darwin in the 1942 bombings, around New Guinea and islands where merchant ships were supplying fighting troops, and by far the greatest concentration around the New South Wales coast, where supplies vital for steel and munition production were concentrated and merchant ships were targeted for submarine attack. It was said that seamen called the iron ore ships ‘death ships’ because they sank so quickly. They believed the Japanese could single them out, even in convoys.

Of the 19 ships sunk off the New South Wales coast, all except the two mine victims were sunk by torpedoes or shells from submarines. They ranged from a British cargo ship of more than 8,000 tons gross tonnage, to a little fishing trawler of 223 tons. More than 150 seamen died in them, from 15-year-old deckhands to master mariners in late middle age. Most had no training for war. Many were pursuing the normal course of their livelihood. Although most ships were ‘Defensively Equipped’, the guns mounted on them were not very useful against submarines. They had only one or two naval gunnery ratings trained to use them, directing an amateur gun crew drawn from the ship’s company.

The convoy system with armed escorts was hastily begun in June 1942, after the midget submarine attack on Sydney and the loss of two iron ore ships, Iron Chieftain and Iron Crown. It continued until 1944. But it was unwieldy, it slowed down cargo movement, and it was no proof against torpedo attack, especially for ships which fell behind. It did have the advantage that crews of torpedoed ships in convoys had more chance of being picked up and saved. This did not help BHP’s ore carrier the Iron Knight, sunk in convoy off Bermagui in February 1943, with 36 lives lost. In a recent ABC documentary, the only survivor now still alive, then a boy of 16, described how the ship sank in two minutes before his terrified eyes.

What sort of men were the merchant seamen who had these experiences? Most were ordinary everyday seamen, untrained for war, and unprepared for what befell them—usually an explosion in the middle of the night. There were countless anecdotes of courage, distress and fortitude. Wireless Operator Stafford went down with the Iron Chieftain in the icy waters of a June night while continuing to signal the ship’s position to rescuers. Survivors said they owed their rescue to him. William Reid, master of the fishing trawler Dureenbee, shouted desperately to his attackers on the Japanese submarine that he was only a harmless fishing boat, but was answered by shells and bullets which shot the bridge away. Fifteen-year-old John Bird, a deckboy on the Norwegian cargo ship Fingal, was blown out of his bunk and into a hold when a torpedo struck. He came round in the sea, with his shipmates patting his bruised and cut face. A Norwegian steward gave the boy his place on an upturned lifeboat supporting many crew. The steward spent the next hour swimming about until they were picked up.

Watching a torpedo rushing towards them, and also seeing an attacking submarine surface and circle round the wreckage, were chilling experiences often reported by survivors. After their ship sank, shocked seamen from the Iron Chieftain crouched in their pyjamas on rafts fearing that they would be machine-gunned. The submarine cruised among them, its decks awash, before vanishing into the dark. Although 12 men from the Iron Chieftain were rescued after four or five hours on rafts, another 25 spent two days in a lifeboat before coming ashore at The Entrance. They were helped ashore by locals and sheltered in the houses with first aid, blankets and cups of tea. A local woman washed all their blackened pyjamas and rinsed off their lifebelts. Police arrived and arranged their accommodation in a guest house.

Don Burchell, a 17-year-old seaman who had been rescued from one of the rafts and landed in Sydney, recalled in later years that he was given ‘a large woman’s coat and a pair of boots to wear on the train back to Newcastle’. In matters like this, naval personnel had a much different experience.

After the war some people argued that merchant seamen were well compensated for their war service by the war risk bonuses they were awarded. These were progressively increased by Union action throughout the war. The bonus varied according to destination of the voyage, and length of time with the same employer, rising to 50 per cent. The Deputy President of the Repa-
triation Commission, Jocelyn McGirr, in her Inquiry into the Needs of Australian Mariners in 1989, concluded that merchant seamen probably ended up about equal to their naval counterparts, when naval allowances, taxation, payment for food and accommodation, and other matters were balanced out. But she pointed out that all merchant seamen, by virtue of their jobs, were always in areas of risk, while members of the army, navy or air force quite often went through part or all of the war at home bases without ever being in a field of combat. And while sea-going members of the navy generally went to sea in vessels designed for warfare, with armour plating and watertight sections, merchant seamen went to sea in ships not designed for warfare. In naval ships whole crews were trained to engage and fight hostile forces, and naval ships had crews up to five times the size of merchant crews, and carried medical staff and facilities. Most merchant ships were coal-fired and were considerably exposed both by day and night because of sparks and smoke trails visible for vast distances, unlike the predominantly oil-fired ships of the navy.

The McGirr Inquiry was held in order to examine the position of merchant navy veterans who were not covered by the same pensions Act as naval personnel. Its recommendations improved the position of merchant navy veterans in many respects. This process had started with the award of Merchant Navy War Service medals, and the inclusion of the merchant navy in Anzac Day marches in the mid-1970s. But by the time the Inquiry’s recommendations were implemented in 1994, the 15-year-old deckboys would have been in their mid-60s, while a seaman of 50 when the war ended would have been 100.

The often maligned BHP with its dreaded ‘death ships’ did at least pay formal tribute to the war service of the people who served and died in its ships. BHP’s head, Essington Lewis, dedicated a plaque in a ceremony at the Newcastle steelworks in 1950. This plaque is now part of a memorial to seamen on Newcastle’s foreshore. At least this was much needed recognition for these men, their families and their shipmates while events were still fresh. Other small memorials to merchant seamen from individual ships or places exist around Australia, but it was not until 1990 that the Merchant Navy Memorial was set up at the Australian War Memorial in Canberra, too late for most of the men whom it honours ever to see it.

I say again: we need to recognise the important role that our merchant navy have played and play in the security of this nation and that they would no doubt play that role in the future if this government gave the Australian merchant navy a chance to survive and stopped giving rights to work on the Australian coast to foreign vessels in the way that it does. (Time expired)

Lebanon

Senator ALLISON (Victoria—Leader of the Australian Democrats) (1.15 pm)—I want to report today on my visit to Lebanon in the first week of October, which was funded from my study leave entitlement. I joined Mr Laurie Ferguson, the member for Reid, and 11 Lebanese Australians. We went there to see first hand the damage that had been done in Lebanon, both in Beirut and in southern Lebanon. We did not visit Israel. There can be very little doubt that Israel’s month-long military response to the capture of two Israeli soldiers was a humanitarian disaster of massive proportions and was hugely disproportionate to the act that gave rise to it. It is also worth noting that Israel has many more Lebanese soldiers held in its prisons. I understand that soldiers are routinely captured on both sides to give leverage in negotiations.

The vast majority of targets in Lebanon were civilians and infrastructure, with 1,301 people killed in Lebanon. Almost all of them were Lebanese civilians and one-third of them were children. There were also 4,097 Lebanese civilians wounded, including about 1,000 children. That compares to 160 Israelis killed, of which 73 per cent, or 117, were military. Almost half the civilian deaths were of Arab Israelis. Each of those deaths is a
tragedy, but the point that I want to make is that a disproportionate number of Lebanese were affected. Amnesty International said in its report on the conflict that Israel deliberately targeted civilian infrastructure, that both sides committed war crimes during the month-long conflict but that Israel’s actions went beyond collateral damage and amounted to indiscriminate and disproportionate attacks under the Geneva conventions on the laws of war. The bombardment of power and water plants and transport links was understood to be a deliberate and an integral part of Israel’s military strategy. This collective punishment of the whole civilian population is a breach of the Geneva conventions, which outlaw collective punishment and reprisals against non-combatants.

In the four days that we were there, we met with the President, the Prime Minister and the Speaker. We also met with General Aoun, the foreign minister, and members of parliament. We met a former Prime Minister and other former ministers. We also met the Secretary-General of the Lebanese Community Party. We visited war-ravaged suburbs in southern Beirut and towns in southern Lebanon, where the heaviest fighting caused widespread damage. We went to Bint Jbeil, where we met with the mayor and the sister of one of our party. The damage to her house had left only one barely inhabitable room with cloth on the blown-out windows. She nonetheless made us welcome and plied us with coffee. We went to Maroun al-Ras and Qana, where UN officers and 27 villagers, sheltering in what they assumed to be a safe haven, were killed. Villagers showed us awful graphic images of the burnt remains from this inferno. We went to Sidon, Tyre, Kafra, Tibnine and Sidiqine. I also met with Mr Phillipe Daunelle and the staff of UNICEF at their headquarters in UN House in Beirut.

All of those we met with stressed the urgency of removing the unexploded bomblets or submunitions of cluster bombs. There are estimated to be one million to 1.25 million of these devices dispersed across large areas of Lebanon. The bombs used were US-made M42 cluster bombs and were dropped by Israel in the last 72 hours of the conflict. Bomblets are only about half the size of a hand grenade and are designed to be dispersed up to a kilometre or more from the site of the explosion. Between 10 per cent and 50 per cent will not explode on impact. Some are designed to spin and can easily be caught in vegetation by attached strings. Others are milled in a way that produces small pieces of shrapnel. At the time of our visit, they had already killed 16 children and adult civilians and injured around 100. This unexploded ordnance has made agriculture and mobility impossible in many parts of Lebanon, including villages and towns.

They are attractive to children—indeed some look just like toys, such as one that looks like a small segmented orange ball; another looks like a butterfly. They are small enough to be picked up by a small child and they are toy-like in form. It is astounding that someone would design such a device, let alone make it, sell it or use it. They are often hidden in rubble, making the clean-up process hazardous. Winter rains and new vegetation will likely worsen the likelihood that they will not be detected by those attempting to go about their daily lives. All parties with whom we met asked that Israel be pressed to provide the maps that show the precise locations of the cluster bombs dropped. Only 592 general locations have been identified so far out of 6,000 that were known to have been dropped in those last few hours of the hostilities. I understand that Hezbollah also used cluster bombs. If this is the case, it too is contemptible.

Maps were also requested from Israel for the sites of an estimated 400,000 remaining landmines planted in previous conflicts, only
10 per cent of which have been cleared so far. Lebanon would welcome more assistance from Australian munitions experts in de-mining and cluster bomb removal. Beirut Airport is again operational. The ports have been rebuilt and dozens of bridges we saw en route to southern Lebanon were being repaired and reconstructed. However, very little progress has been made on housing reconstruction. Vast areas of densely populated south Beirut have been razed, with 10- and 12-storey buildings reduced to huge piles of rubble.

Standing in the midst of that rubble, I was struck by the scale of the damage, moved by how frightening it must have been to have been there and astounded that there were not more people killed. I am told that the resilient Lebanese have become accustomed to finding safe refuge in basements and the like. Some progress is being made with clearing those sites and in using the rubble to rebuild the port and other engineering work, but there is still much to be done before rebuilding can even commence. People’s desperation was demonstrated by some families residing in very insecure parts of remaining complexes. It is not easy housing a million displaced people and overcoming what is now a very serious overcrowding problem.

In southern Lebanon even less work has been done in clearing away rubble, and many people are living in extremely crowded conditions, often in houses that are seriously damaged. In the town of El Khiam, for instance, no building was left untouched and more than 70 per cent of houses and three of its five schools were destroyed. Most of the remaining 23,500 people in El Khiam left for Beirut or Tyre, according to UNICEF. Only one of El Khiam’s four health centres was left functioning, and there has been no running water since the start of the war. There is an urgent need for emergency prefabricated housing in these areas, which will soon experience extreme cold. It snows in southern Lebanon at 500 metres above sea level. We were asked if Australia could assist in providing that kind of housing.

Travel by road is very slow and hazardous in many places, as we found. Trucks and cars need to circumnavigate damaged bridges and roads. Work is being carried out, and attempts are being made to improve the passage throughout Lebanon, but it is certainly not easy just yet. In areas north of Beirut, very distant from Hezbollah concentrations, damage was also carried out. Of course, there is no railway system in Lebanon and there is very little public transport, so there are few options other than passenger vehicles on the road.

I understand that Lebanon now receives all of its power from neighbouring countries because their oil based generating system was wiped out with bombing. The resulting oil spill on the coast requires a huge clean-up operation of the foreshore. Oil has settled on the seabed just below the waterline—the sandy area has been cleaned up—and is very difficult to get to. If this cannot be done, then it will take two years or more to dissipate with natural conditions.

The war and this environmental disaster have largely emptied Lebanon of tourists, on which it was heavily reliant for its economy. Lebanon has surf beaches that are not unlike those in Australia. They are very attractive indeed. The one that we saw was empty but for a few United Nations personnel enjoying R&R.

Blackouts are common and our meetings in central Beirut were often plunged into darkness for short periods—something no-one even commented on, so routine it was. Water distribution and supply systems were extensively damaged, with pipes and tanks blown up. In El Khiam a huge reservoir was destroyed and 36 reservoirs, two major arte-
sian well stations and three major pumping stations were damaged. Electricity was cut to around 60 pumping stations that now require generators to function. El Khiam seems to have been largely obliterated. While other towns survived with less damage, the infrastructure destruction was very common.

There are still around 11 villages in southern Lebanon that need to receive bottled water. Sewerage works were also extensively damaged, leading to serious problems with sanitation. One hundred and fifty-six public schools were totally destroyed, 250 seriously damaged and 800 less so. Resumption of school after the summer holidays was delayed a month in order to allow some repairs to take place and for students to be transferred to other schools. Although it has now been lifted, the Israeli imposed embargo caused Lebanon even further hardship, particularly in fuel supplies. Interestingly we were told that there were no retail price rises during that period, as might have been expected in other countries in these circumstances.

Shebaa Farms was mentioned by everyone we met. This is a small town of 800 or so farms in southern Lebanon. The matter of the sovereignty of Shebaa Farms needs to be resolved urgently. For many years it was controlled by Syria and now it is controlled by Israel. Syria recognises Lebanese sovereignty over the Shebaa Farms, but there is no indication so far from Israel that it will be returned to Lebanon. It was urged that Australia take a strong stand to have all parties act on the UN resolutions that relate to the region. Particularly stressed was UN resolution 1701.

I want to thank UNICEF for the briefing they provided and to congratulate them for their work. I know that they are not the only agency providing relief in Lebanon, but I consider their work very important in protecting the many children affected by hostilities in Lebanon. Young people aged zero to 18 make up 40 per cent of the Lebanese population of 3.9 million. An estimated 389,673 children were displaced in the conflict. That is a massive number. UNICEF distributed material warning children and others against contact with unexploded bomblets, with photographs of the bombs on leaflets, posters, TV and radio programs and on over a million water bottle labels. They were working directly with children, young people, parents and teachers to keep children safe. They also urged the need for further assistance to remove as soon as possible these dangerous munitions.

UNICEF has conducted teacher and parent training in trauma management for 2,500 people. It is engaging youth by providing activities such as camps for children in dealing with trauma and guiding them into civic engagement, the emphasis of which is on resolving conflict and encouraging reflection on peace—not an easy task, given the anger that is no doubt felt there. As there are many very young mothers, particularly in southern Lebanon, trauma is often stronger and deeper and, combined with crowding, is causing significant family violence. The loss of power meant vaccines could not be stored, but UNICEF has been able to restore routine inoculation of all babies using mobile clinics. Its other programs include equipment for 1,400 public schools, schoolbags and school supplies for 400,000 children and rehabilitating schools that hosted displaced people.

UNICEF set up 51 water tanks of 5,000 litres for internally displaced person centres and provided tanker water for 25,000 people. It has trucked an estimated two million litres of water to over 100 villages in southern Lebanon where populations have returned. It has distributed hygiene kits with soap, toothbrushes and towels door to door. It has provided essential drugs for 70,000
displaced people and has vaccinated 21,000 against measles and 8,000 against polio. Three thousand adult and baby hygiene kits have been delivered. Bottled water is still being distributed, with water carted to 33 villages, repairs made to 15 water reservoirs, 300 collapsible water tanks installed and so on. As I have said, other agencies are doing remarkable and similar work through Lebanon. I seek leave to incorporate the remainder of my comments.

Leave granted.

The speech read as follows—

As a postscript, I note:

The admission by Israel a few weeks ago that they dropped phosphorous bombs on Lebanon—a chilling reminder that weapons were used that have caused untold suffering to Lebanon’s civilian population.

Phosphorous bombs cause extreme chemical burns which may explain reports of bodies charred in a way not been seen before. In Lebanon we were told that people knew phosphorous bombs were used because fires ignited when material was exposed to air. Israel claims their phosphorous bombs were used in line with international law but this is contestable and humanitarian organisations, including the International Red Cross, are calling for a complete ban on these weapons—a move that the Democrats strongly endorse.

I want to thank the Australian Friends of Lebanon committee who organised the trip—a difficult task I would not have managed—and the 11 Lebanese Australians who came with us representing the United Australian Lebanese Movement, Al Tayar, the Amal Movement, the Marada Party, the Lebanese Communist Party and the Lebanese Community Council of NSW.

I strongly urge the Australian Government to assist Lebanon in the ways outlined here already.

[Senator EGGLESTON]—Western Australia today is easily the most exciting and dynamic part of this country. Rather amazingly, Perth is set to overtake Sydney as having the highest median home prices in Australia. The China boom which Western Australia is experiencing is the greatest boost to that state’s economy since the Kalgoorlie gold rush of the 1890s. And, just as the gold rush of the 1890s profoundly changed the economy of Western Australia, what Western Australia is experiencing now will have a profound effect on its economy for years to come.

A few weeks ago I was speaking to the CEO of a major corporation in Sydney, who said that he thought the leading cities in Australia now were not Sydney and Melbourne but Sydney and Perth. That is surely indicative of how things have changed in Western Australia. But, in the midst of all this economic boom in Western Australia, we have to question how sustainable the boom is. According to the Minerals Council of Australia, in 30 years time the largest economies in the world will be China, closely followed by India, with the United States coming in third.

Western Australia is very well placed geographically to engage with the emerging powerful economies to its north. Provided Western Australian industry pursues a long-term policy objective to engage with these countries, the economic boom should be maintained. While exports of iron ore and liquid natural gas to China are driving the current economic boom in Western Australia, there is great potential for the West to engage the countries of the region in other fields, including agriculture, education, tourism and service industries.

I would now like to have a look at the potential and the pitfalls in Western Australia’s growing engagement with its regional neighbours. Firstly, Australian exports to China have grown enormously over the last decade, chiefly in the minerals sector. China has become the world’s largest consumer of industrial materials, including cement, cop-
per, iron ore, zinc and aluminium. This is reflected by the fact that our exports of minerals and energy to China—very largely from Western Australia but also from Queensland with coal—have increased by more than 700 per cent over the last 10 years. Resource exports account for almost 60 per cent of total Australian goods exported to China.

By next year, China is expected to become Western Australia’s largest trading partner, displacing Japan, which has been the largest trading partner of Western Australia for 30 years—since the 1970s. In 2005, iron ore exports to China increased by 126 per cent to reach a total of $5.7 billion. Now, with price increases, that figure will go up substantially. From this year, the North West Shelf venture will supply China with $1 billion of liquid natural gas annually for the next 25 years. The economies of Australia and China are highly complementary. As a major resource exporter, we are well placed to meet China’s insatiable demand for raw materials and fuel its economic growth.

In respect of our service trade with China, China is now our largest source of overseas student enrolments, with over 81,000 Chinese students enrolled in Australia’s educational institutions. Western Australia is very well placed to take more of these students into its tertiary centres. There were also more than 285,000 Chinese visitors to Australia last year. This figure can only grow, offering a great opportunity to the Australian tourist industry, which is flagging somewhat at the moment. There are 800,000 Chinese tourists visiting Singapore annually, and it would surely not be too difficult to attract a significant percentage of those Chinese tourists to the western side of Australia, particularly to the north-west via the Broome gateway airport project.

In April 2005, Australia and China agreed to launch negotiations on a free trade agreement. This represents an invaluable opportunity to tie in our economy with the most rapidly expanding economy in the world, with a market of 1.3 billion people. Although China has reduced its tariffs and other trade barriers since it became a member of the World Trade Organisation in 2001, its tariff barriers are still higher than ours. Australia’s agricultural tariffs average 1.3 per cent, compared with China’s average of 15.3 per cent. Our tariffs on manufactured goods average around five per cent, while China’s range up to 45 per cent.

China is now seeking access to Australia for more of its manufactured goods, including motor vehicles, which would carry adverse implications for our own motor vehicle manufacturing industry. I am pleased to say that I have been told that Australia will not pursue a free trade agreement with China at any price but exports to China could still continue to grow strongly, even in the absence of a free trade agreement.

These developments all provide great opportunities for Western Australian industry. However, there are some political issues in our relationship with China which we need to think about as Australians. China’s economic development has not been matched by a corresponding political liberalisation. The Chinese people continue to endure the burden of an authoritarian state, with the Communist Party remaining firmly in charge and giving no indication that it has any intention of loosening its hold on power. Some commentators believe that in the not too distant future there will be some kind of confrontation between the political forces of the authoritarian communist state and the forces of the free market economy in China. The consequences of such a clash for Australia are unclear.

While trade is the basis for our present relationship with China, we must understand
that China is seeking to resume its historic role as the most powerful entity in this region, and this may pose problems for Australia should China choose to flex its muscles over Taiwan, for example, or should Taiwan provoke China by unilaterally declaring independence. In that case, the United States is likely to come to Taiwan’s aid, which is likely to present a dilemma for Australia. As we become increasingly enmeshed in the Chinese economy, we may find that our political options and independence of choice are more limited than we might expect.

India is another country to the north of Australia which offers great opportunities to Western Australia in particular. India is often neglected by Australia but nevertheless it is a country which we could do well to become more closely involved with. India is the world’s most populous democracy, home to more than one billion people. It has the added advantages of a significant number of well-educated, English-speaking people as well as a tradition of British law, which is important to commerce.

During the 1990s, the Indian economy was gradually opened up to international forces. Trade and foreign investment laws were progressively liberalised, resulting in lower tariffs and the lowering of other non-tariff barriers. The effect of this has been that India now has one of the world’s fastest growing economies and is expected to have the second largest economy in the world, behind that of China, in the foreseeable future. In the mid-nineties, India achieved annual real gross domestic product growth of more than seven per cent, which is quite remarkable. It has slowed in recent years to five or six per cent, which nevertheless is still higher than Australia’s economic growth rate per annum.

The opening of India’s economy has led to a resurgence of opportunity for Australians in general and Western Australians in particular. Australia’s merchandise exports to India amounted to $7 billion in 2005, which is remarkable considering our merchandise exports to India in 1991 were a mere $660 million. This has meant that India is now Australia’s sixth largest merchandise export market, overtaking the UK and Taiwan.

Education is an increasingly important service which Australia, and Western Australia in particular, can provide to India. In the past, most Indian students would go to either North America or Europe for secondary and tertiary education. In 1997, only 14 Indian students came to Australia. Since then, Australia has become an increasingly popular destination for Indian students, and it is now ranked in the top destinations for Indian students. There are now some 28,000 Indians studying in Australia.

Australian direct investment in India has grown over the past decade from about $100 million in the early 1990s to several billions today. Hundreds of Australian companies have directly invested in India in industries as diverse as information technology, telecommunications, media, insurance, minerals and petroleum, transport, brewing and infrastructure. There are many opportunities for Australian business in India. As I said, Western Australia, facing the Indian Ocean as it does, is very well placed to exploit those opportunities and develop trade contacts with India which will maintain the growth in the Western Australian economy.

The third country to our north which offers Western Australia great opportunities is Indonesia, as I have pointed out several times here previously. Because of the close geographic proximity, the future of Indonesia and Australia is inevitably one in which both countries will have a lot more to do with each other. The north-west coast of Western Australia is very close indeed to the islands
of Indonesia. While most of the Indonesian population lives at subsistence level, 30 million people—which is, after all, 1½ times the population of Australia—have a high level of disposable income, presenting obvious opportunities to Western Australian exporters and businesses. Indonesia is already an important destination for Western Australian agricultural exports, which largely consist of live cattle and wheat but also include dairy products, seafood, fruit, vegetables and fresh juices, all of which come largely from the south-west.

Indonesia is the world’s largest exporter of liquid natural gas, making Indonesia and WA competitors in the export of LNG to the Asian region. In fact, both Indonesia and WA were competing to supply LNG to China’s Guangdong project. While the North West Shelf joint venture ultimately prevailed and was awarded the contract, Australians should not be complacent about the competition posed by Indonesia in this region.

Education is an area in which Australia plays a very prominent role in Indonesia. We currently have about 18,000 Indonesian students in Australia. I understand that there are four graduates of Australian universities in the Indonesian cabinet and that the Indonesian President’s son recently graduated from Curtin University. That emphasises how important our educational links with our Asian neighbours can be. When one considers the closeness of Western Australia to Indonesia, it is quite obvious that there is great scope for the development of business and other contacts between us and there are great opportunities which Western Australia can capitalise on to maintain its economic growth.

In conclusion, I have no doubt that the current boom in the WA economy can be sustained and extended by exploiting the unique advantage of Western Australia’s closeness to Asia. Engagement with the countries to WA’s north will reap economic benefits and will keep the state at the forefront of the Australian economy in the future. From the Kimberley in the north and to the south-west, there are great opportunities to be found for WA by turning our focus to our northern neighbours.

**Australian Broadcasting Corporation**

**Senator LUNDY** (Australian Capital Territory) (1.45 pm)—The ABC is one of our most important national institutions. It is widely understood that a strong and independent ABC plays a crucial role in Australia’s media market. The ABC often sets the standard for quality news, current affairs, documentaries, drama and kids TV. As such, it is an essential pillar of our democracy—perhaps even more so in light of the recent removal and watering down of cross-media laws. With these changes likely to reduce competition in Australia’s media markets, the ABC’s role in maintaining standards is more important than ever. Unfortunately, the ABC’s capacity to do so is continually undermined through lack of sufficient funding. After 10 long years of a Howard government, we have seen the ABC starved of funding, leading to a reduction in drama production, a cut in digital channels, new media advances being made on the smell of an oily rag and, perhaps the greatest travesty of all, its independence being threatened.

I find it hard to fathom how the tough, serious, no-nonsense ABC news service is interpreted as left-wing bias by the Prime Minister and his cronies. The only explanation is that this government have moved so far to the political right and the ABC has stayed unerringly in exactly the same middle spot it always has, leaving the government feeling precious about not being represented in the way that they would like. This arrogance has led the Howard government to bully and pressure the ABC into towing a new line: the
government’s line. And, as arrogant governments do, they will try to force the ABC to interpret the world and goings on through their eyes and in their own image.

The government have attacked the ABC’s independence with a multitude of weapons. They cut the funding to the ABC where it hurt the most; they appointed their crony Jonathan Shier as CEO; they stacked the board with conservative mates; they forced the staff representative off the board of the ABC; coalition senators in Senate estimates attacked the ABC on endless spurious grounds; they changed editorial policy for news and current affairs; they forced the introduction of an expensive internal monitoring program; they continue to underfund the ABC’s digital expansion; they appointed more conservative extremists to the board; they relaxed genre restrictions on ABC multichannels and then did not provide any funding for digital content; and on and on it goes.

And now we see changes to editorial guidelines for the content of factual programs. This is apparently at the behest of the ABC board, which we can interpret as the Howard government, given the amount of board stacking that has been going on. The ridiculous new editorial guidelines announced last month will manipulate the content of ABC programs. It is being claimed that these guidelines will achieve a whole new level of so-called impartiality for the ABC. It is claimed that a wide range of programs will come under the jurisdiction of the new guidelines, including children’s programs, science programs, chat shows, comedy shows and documentaries. The changes will even extend to radio announcers. Under the new editorial guidelines, all of these genres will have to meet stringent impartiality tests, similar to those for current affairs and news. It is bizarre that the ABC board thinks it is necessary, or even appropriate, to monitor and regulate the content of many of these types of shows. But, then again, this board was appointed by the Howard government to do exactly that: obsess about nonexistent bias. These new guidelines are the Howard government’s latest attempt to pressure the ABC and bully and push their political perspective through even more types of content.

It is worthwhile thinking about just what this means in its practical application. Wildlife documentaries: I can imagine the trouble this conservative bunch will have interpreting the social life of the humble hermaphrodites! Will the board try and change Bananas in Pyjamas into apples for fear that people will be reminded of the rising cost of living under the Howard government, with rising interest rates, petrol prices and, indeed, the cost of bananas, every time they see them coming down the stairs? I hasten to add that the price of apples is not looking so rosy either. Will polluting corporations get the same airtime as shows advocating care for our environment? Science programs: I want to know if the ABC board will require equal time for creationism as for science documentaries. Do not laugh; remember who is on the board. Do these new rules mean comedy and satire must be controlled to ensure equal measure is taken out of respective parties? Just ask the crew of The Glass House how real the changes are to them. What an indefensible disgrace that this show was cut. It makes me wonder if these guidelines will be extended to drama next. You never know: we might see the board demanding a right of reply for Mary, Queen of Scots, following the success of the miniseries Elizabeth. If it were not so appalling and ridiculous, it might even be worth laughing about.

What about ABC local radio? How will the impartiality test work there? What about talkback on the ABC? What if the audience is biased or has a set view? There was an example on AM last month, when an interviewer asked a number of students what they
thought of the request for them to report suspicious activity on campus. My memory of the report is that every student who was approached by the reporter thought the idea was absurd. How is the ABC going to manage impartiality there—fake a few students to give the perception of balance?

The practical application of these guidelines does not bear any thinking about, because it will not be possible. How will these guidelines affect presenters who rely on provocative interviews to give momentum to their shows? Will they censor callers to achieve so-called balance? It is not really public opinion that is being expressed at all; it is the presenter’s or the producer’s opinion—it is manipulated. How absurd. How ridiculous. No doubt the other big losers will be documentaries. Concerns have already been raised by some program makers that these new guidelines will ‘bland out’ ABC documentaries. How can anyone argue that this is in the public’s interest? We on this side of the Senate certainly do not believe it. Labor believe it is clearly not in the public interest.

There is also evidence that the culture being inflicted upon the ABC will result in blatant censorship. Remember how the ABC commissioned Chris Masters to write a biography of Alan Jones and how the ABC board effectively censored it? This presents a dangerous precedent for censorship. These moves to manipulate ABC content in the variety of ways that I have described are inappropriate and unworkable. They represent censorship of the worst kind, where decisions are made through a politically motivated board that is bullying and influencing employees, rather than a transparent process governed by professionals who are charged with the responsibility of ensuring that community opinion is represented through their work. These changes mean that we will not know what is and what is not being censored on the ABC. We as a community are therefore at risk of being manipulated and misled as the government asserts its control of Aunty.

For 10 long years, the Howard government has been intent on starving the ABC of funding and on bullying it into giving the government favourable coverage. With these guidelines in place and a board of welded-on Howardites, I suspect the Howard government will begin to drip-feed the organisation with funding on the government’s terms. It is blackmail really. I can see the threat: ‘You do this or you won’t get the funding you seek.’ Minister Coonan must be a master of the art by now. She and many ministers before her in this portfolio have had plenty of practice.

I refer to a similar scenario played out for another important national cultural institution—the National Museum of Australia. The museum was starved of funds, and independent thinkers were weeded out. When a Howardite board was fully in control—including, former Liberal-National President, Tony Staley; the Prime Minister’s biographer, David Barnett; and well-known conservative, Liberal apologist and columnist, Christopher Pearson—a funding lifeline was issued to the now compliant administrators, and the dictums of the board were implemented.

**Senator Kemp**—Madam Acting Deputy President, I rise on a point of order. It is very rare that I would butt in on Senator Lundy. My courtesy is well known to this chamber, but Senator Lundy is making claims which are quite outrageous. She knows those claims are untrue. To suggest that we starved the National Museum of Australia of funds when in fact we built it seems to me an extraordinary claim.

**The ACTING DEPUTY PRESIDENT (Senator Kirk)**—Senator Kemp, there is no
point of order. Senator Lundy, please con-
tinue.

Senator LUNDY—Thank you, Madam
Acting Deputy President. I think it is a very
important point to make that, yes, this gov-
ernment did build the National Museum, but
they did not build it with the right to then
cast their own political view on the nature
and content of that institution. That is not the
purpose of building national institutions. I
think any reasonable Australian citizen
would agree that the government’s role and
responsibility is to make that investment in a
sound and reasonable way and to establish
the governance of that institution in such a
way that it can function independently. I do
not believe that has occurred with a number
of institutions under the Howard govern-
ment. I use the museum as an example be-
cause I have followed very closely its for-
tunes in various budgets of the Howard gov-
ernment and I know that the institution was
placed under serious pressure. It was not the
case when Senator Kemp was the minister; it
occurred under previous ministers. The alle-
gation I have made will stand the test of time
as that board’s influence on the nature and
content of that institution continues to be
exerted.

We know and have observed for a long
time now that there is a cultural war occur-
ring, that the Howard government has made
a conscious decision to use cultural institu-
tions such as the ABC and the museum to
have its view of the world reflected within
those institutions. We can see it through the
evidence as I have presented today and pre-
viously.

Going back to the editorial independence
of the ABC, I think the proposed new edito-
rial guidelines will rob the ABC of genuine
independence. They constitute nothing more
than an attempt by this government to force
the ABC to advocate the government’s own
agenda. This pressure can be observed every
time we have an estimates hearing and a tag
team of coalition senators line up to nitpick
through a series of spurious arguments that
they actively garner and seek through asking,
presumably, Liberal Party members and oth-
ers to make specific complaints at estimates.
This is particularly objectionable when you
think that the Senate estimates process is one
of the few forums where we, as opposition
senators, have the rare opportunity to pursue
issues with the government, government
agencies and cultural institutions to hold the
government accountable. It is a pretty seri-
ous, focused and, I would say, highly politi-
cally motivated tactic on behalf of coalition
senators to use that time.

The issue for the longer term with the cul-
tural wars and the Howard government’s
treatment of our national institutions is that
some balance will have to be restored. Labor
have already stated that when we win gov-
ernment our policy will be to restore genuine
independence to the board of the ABC and to
allow that institution to regain the proud
status it had under previous Labor govern-
ments. Hopefully, we will by example be
able to teach a lesson to the Howard gov-
ernment on how not to abuse your responsi-
bility when you have been charged with
managing these institutions. I urge senators
opposite to take note: do not be so arrogant
with important cultural institutions such as
the ABC. (Time expired)

QUESTIONS WITHOUT NOTICE

Interest Rates

Senator CHRIS EVANS (2.00 pm)—My
question is directed to Senator Minchin, the
Minister representing the Prime Minister.
Does the minister recall the Prime Minister’s
statement at the last election when he asked,
‘Who do you trust to keep interest rates
low’? Given that we have had four interest
rate rises since the Prime Minister made that
statement, doesn’t it prove that Australians cannot trust the Prime Minister to keep interest rates low? Why should the Australian public ever trust the Prime Minister again? Will the Prime Minister and the government now accept responsibility for this increased burden on Australian families?

Senator MINCHIN—The opposition do seem to want to revisit the 2004 election repeatedly, which surprises me given the trouncing they properly got at that election. That was an election at which the Australian people quite properly accepted the proposition that we put: that interest rates were always likely to be lower under a coalition government than under a Labor government. Of course, that continues to be the case.

It continues to be evident on the basis of the facts. The fact is that, under the former Labor government, home mortgage interest rates averaged 12.75 per cent for the 13 years of their government. Under us, they average 7.18 per cent. The fact is that, based on the 25 basis point increase in the cash rate today to a 6.25 per cent cash rate, we would anticipate mortgage interest rates rising to 8.05 per cent. It is a fact that home mortgage interest rates never got as low as 8.05 per cent in the whole 13 years of the Labor government.

Most interestingly, when interest rates went to 9.5 per cent in September 1994, Kim Beazley, now Leader of the Opposition, was finance minister. This is what Mr Beazley had to say then about a 9.5 per cent interest rate:

... I point out that this is still a very low interest rate regime in Australian historical standards. It is a regime that is capable of being held at that level ... because the fundamentals of the economy ... are very good indeed.

Apparently in 1994, under then finance minister Mr Beazley, a home mortgage interest rate level of 9.5 per cent—about ⅓ per cent more than is currently the case—was a very low level and a very low interest rate regime. They never got interest rates as low as 8.05 per cent. Now they have the temerity to criticise this government for a level of home mortgage interest rate that they were never able to achieve.

We do not retract one bit the assertion we properly made at the last election that interest rates will always tend to be lower under our government than under the federal Labor government, for the reasons cited by the Prime Minister this morning and, most particularly, because of the fact that, on current Labor Party policy, which is to recentralise and reregulate industrial relations in this country, it is certain that under a federal Labor government we would have a flow-through of wages right through the economy which would produce the wage inflation that we saw under previous Labor governments. That would put pressure on interest rates.

We know that, under a federal Labor government, there would be a looseness in fiscal policy. They are already proposing to loosen fiscal policy by spending the earnings of the Future Fund. All of the policy prescriptions of the Labor Party will put pressure on interest rates. Their track record on interest rates is appalling. As the Prime Minister said today, no-one likes home mortgage interest rates to rise, but no-one likes inflation to rise, and we never want to see inflation go back to the levels that pertained under the previous Labor government.

Senator CHRIS EVANS (2.04 pm)—Mr President, I ask a supplementary question. In doing so, I note that the minister’s tie has a lot of sevens prominent on it. I think he will have to change it to give more prominence to the eights. But, given his answer, which again seeks to mislead the Australian public, is he aware that the Liberal Party’s own website still advertises, ‘The Howard government’s plan will keep interest rates at record
After eight consecutive rate rises, does the government accept that interest rates are no longer at record lows? Why do the Prime Minister, the government and the Liberal Party continue to mislead the Australian public about interest rates?

Senator MINCHIN—The average mortgage interest rate under our government, at 7.18 per cent, is much lower than it ever was under the former Labor government, when interest rates for Australian families were 12.75 per cent. Compared to the record of the previous Labor government, interest rates remain at record lows.

Living Standards

Senator FIFIELD (2.05 pm)—My question is to the Minister for Finance and Administration, Senator Minchin. Is the minister aware of any indications of changes in the living standards of Australian families over the last 10 years? What do these figures show about the distribution of incomes across the community?

Senator MINCHIN—I thank Senator Fifield for that question. Our objective in government is to maintain strong economic management on the basis that we want it to provide real benefits to Australian families. Last week, Dr Ann Harding of the National Centre for Social and Economic Modelling provided her latest findings on changes in living standards in the last 10 years under the Howard government. The first major finding was that, taking into account wage growth, tax cuts and changes to family and welfare payments, the real disposable incomes of Australian households has grown by 25 per cent under the Howard government.

The second major finding was that, as Professor Harding said, the income gains were spread across the income spectrum. In other words, the gains have been shared broadly across the community. The third major finding of this research was that the biggest gains accrued to middle-income earners. Middle-income earners in this country have seen their real, after-tax incomes rise by some 32 per cent in the last decade of our government.

These findings do put the lie to two of the great cliches in the Australian economic debate. The first cliche is that the rich have gotten richer and the poor have gotten poorer. In fact, the evidence of this NATSEM modelling is that households right across the spectrum have seen substantial rises in their living standards over the last 10 years. The second cliche is that the rich are getting richer and the poor are looked after through welfare, but the middle class miss out. Again, from this detailed research, we see that the middle 20 per cent of income earners are the ones who have enjoyed the biggest gains in income.

We do not think there is any mystery to these results. As Professor Harding pointed out, the earnings of this middle group have risen because of lower unemployment and bigger pay packets. In addition, the changes to the family tax benefit system have provided the biggest benefit to middle-class families with children.

The findings confirm what senators on this side of the chamber have always known: the Liberal and National parties are the parties that represent the great Australian middle class. The Labor Party, by contrast, has never understood the concerns and aspirations of these families. There is evidence for that: in the last election campaign just two years ago, the Labor Party promised to scrap family tax benefit part B, which has provided substantial support to one-income families with young children. They also promised to scrap the annual $600 per child family tax benefit lump sum, which would have been arriving in many household bank accounts at around this time of year. The Labor Party, infa—
mously, in that election claimed it was not real money but I am sure middle-income families can tell them otherwise.

As we know, the Labor Party presided over double digit unemployment, declining real wages and, infamously, a 17 per cent home mortgage interest rate. The NATSEM research shows that the first fundamental prerequisite for improving living standards is running a strong economy with low unemployment and rising real wages, which we have delivered. The second is to have a strong budget position which allows you to reduce taxation and increase family payments for the benefit of low- and middle-income families. Mr Beazley and his party had 10 years to come up with a plan to keep the economy strong, create jobs, increase wages and maintain a budget surplus. They have completely failed in the task. They have wasted 10 years in Australia, just as they failed Australia in their 13 years in government.

Inflation

**Interest Rates**

**Senator SHERRY (2.09 pm)**—My question is to Senator Minchin, the Minister representing the Prime Minister. Doesn’t the current advert on the Liberal Party website still claim falsely that the Howard government will ‘keep inflation under control’? In its statement today, when increasing interest rates—the eighth increase since May 2002 and the fourth since the 2004 election—didn’t the Reserve Bank directly refer to:

The headline CPI increase has been noticeably larger than this recently—

a reference to underlying inflation of three per cent? Given it is a fact that inflation is continuing to rise, when will the Liberal Party’s website be updated to honestly state ‘Liberal government lost control of inflation’?

**Senator MINCHIN**—The Liberal Party website is a matter for the Liberal Party, but I will pass on your concerns to the Liberal Party. The Liberal and National government is very proud of its record on inflation. Inflation under this government has averaged 2.6 per cent compared to the 5.2 per cent average under the former Labor government.

Senator Sherry cites the statement by Glenn Stevens, the new Governor of the Reserve Bank. In addressing the question of why the Reserve Bank felt it necessary to raise the cash rate by 25 basis points to 6.25 per cent, the governor referred to the fact that the world economy has grown strongly in 2006 and is generally expected to grow at an above average pace in 2007, and that strong conditions are prevailing in most of the developed and developing world and the global expansion that we are experiencing and enjoying the benefit of has contributed to high levels of commodity prices, which continue to add to incomes and spending in this country. He also noted that domestic demand has been expanding at a relatively strong pace against a background of limited spare capacity, that labour market conditions have remained tight and businesses are reporting high levels of capacity usage. The combination of all these forces cited by the Reserve Bank has contributed to an increase in inflation.

In the September quarter, the underlying inflation rate was around three per cent, up from 2½ per cent at the end of last year, and is likely to remain around that rate in the near term—in other words, it is an expectation that inflation has gone to three per cent, a rate which the former Labor government could not even dream of because they averaged 5.2 per cent. So to suggest that somehow we have lost control of inflation is utterly fatuous and not even Senator Sherry could possibly believe that.
What is important is that we have given the Reserve Bank an independent charter to ensure that inflation does not get out of control as it did previously. It does that by ensuring that interest rate policy is used to keep inflation in the band of two to three per cent over the cycle. It has increased the cash rate to 6.25 per cent to ensure that end. To ensure that we maintain the prosperity that this country enjoys and that inflation does not get out of control that monetary policy is used judicially to achieve that end, which the Reserve Bank has done.

Senator SHERRY—Mr President, I ask a supplementary question. Given an almost 10 per cent increase in food prices over the last year to September and the eighth successive increase in interest rates, aren’t Australian families paying the price for your government’s broken promises? With interest rates rising today and pressure on inflation continuing into the future, hasn’t the government lost control of parts of the economy?

Senator MINCHIN—Of course no-one likes higher mortgage interest rates. Some 35 per cent of Australian households have owner-occupier mortgages—and I declare an interest: my wife and I have a rather large mortgage and we will be paying a higher interest rate as a result. We understand the difficulty that Australian families with owner-occupier mortgages will experience if, as is the case today, interest rates go to 8.05 per cent. But Australians, as I pointed out in my answer to the question from Senator Fifield, have experienced growth in real disposable incomes of some 25 per cent under our government; real wages have gone up 16.4 per cent under our government. In the whole 13 years of the Labor government, real wages went up 0.2 per cent—that is not per annum; that is over 13 years—compared to 16.4 per cent. I think Australians understand who is more likely to deliver higher real wages. (Time expired)

Migration

Senator RONALDSON (2.14 pm)—My question is to the Minister for Immigration and Multicultural Affairs, Senator Vanstone. Will the minister advise the Senate of efforts to manage the migration program in the long-term interests of Australia? Will the minister also advise the Senate of efforts to ensure integrity within the system? Further, is the minister aware of any alternative approaches?

Senator VANSTONE—I thank Senator Ronaldson for his question. Of course, the management of the migration program in the long-term interests of Australia is a very important task, and our single biggest achievement in terms of managing the migration program in Australia’s long-term interests was in fact winning government and getting rid of the people on the other side, who were not managing the migration program in Australia’s long-term interests. This was the biggest single change in migration policy in decades—

Senator Chris Evans—Does Cornelia Rau agree with you? Does Vivian Solon agree with you?

Senator VANSTONE—because our focus in managing this program is to bring skills into Australia, the skills that Australia needs.

Senator Carr interjecting—

Senator VANSTONE—Labor’s focus was to bring in family reunion—and I will come to the purpose of Labor having that focus in its migration program. Labor brought in 70 per cent family reunion and 30 per cent skills. Under us, it is the other way around entirely: we bring in the skills Australia needs to build jobs and have 30 per cent family reunion. We have turned it round completely.

Opposition senators interjecting—
Senator VANSTONE—Now, what does it mean, Mr President? I notice there are interjections; I think they can sense where this is going, because I suspect they are familiar with family migration and what that really means to the Labor Party. Labor mercilessly used the migration system to build a political base. Members of the Labor Party could imply that by joining Labor your family could get into Australia—not all of the Labor Party; I am sorry Senator Robert Ray is not here, because I want to make the point that he was one of the ministers that did in fact make a very decent attempt to increase rigor in the system and he should be congratulated for that. But Senator Robert Ray is a lonely figure in this context.

We can turn to Mr Hong Lim, a member of the Victorian parliament, who used migration to encourage people to, in his words, ‘join the fight’. Let us go not to what I say about Mr Hong Lim but to what he has said. In an interview he did with the Age, he acknowledged that he encouraged Cambodians as well as other immigrant groups to join Labor. He said people came to his office trying to sponsor a family member to come to Australia and:

According to the policy now, which admits something like 500 parents from around the world, you have to wait between 20 and 40 years, and they’ll be dead and you have to cremate them and bring their bones here …

He goes on:
People break down in tears in my office and I say, ‘Look, join the fight’.

What do you reckon that means, Mr President? ‘Here is the form, sign up, join the Labor Party—join the fight.’ That is what Labor used the migration program for. There is not the slightest doubt about it.

There is quite a lot on this issue that needs to be brought out. Barry Jones, a former President of the Labor Party, admitted that Labor’s handling of the migration program was ‘less than distinguished’. How can it be that you are a Labor member and you describe your own team as handling migration in a ‘less than distinguished’ way? Family reunion was, in Mr Jones’s words, ‘a real advantage to the party’. Mr Chris Herford said recently that permanent residency had been given to Sheikh al-Hilali because he said it would have some political influence on the New South Wales state election. Alan Wood, the economics writer for the Australian, points out:

… under the Hawke government, immigration policy was badly run and widely rorted, more concerned with vote buying and branch stacking than broader national issues.

That is what happened under the Labor Party, and that is what will happen if they ever get re-elected. (Time expired)

Interest Rates

Senator HURLEY (2.18 pm)—My question is to the Minister representing the Prime Minister, Senator Minchin. I refer to the Prime Minister’s statement at the coalition campaign launch for the last election when he said:

Rising interest rates dominates everything else when it comes to family security.

Is the minister aware that families are paying $195 extra a month on a $300,000 mortgage since the Prime Minister’s statement? Isn’t it the case that the Prime Minister has made Australian families less secure by giving the green light to the eighth consecutive rate rise? When will the government take responsibility for the additional financial pressures faced by Australian families?

Senator MINCHIN—I read the Reserve Bank statement very carefully and I did not see any reference to the Prime Minister having told the Reserve Bank to increase interest rates. The Reserve Bank is independent. The Reserve Bank does have a charter to keep
inflation between two and three per cent over the economic cycle. The Reserve Bank has decided that, because of factors that I mentioned before—the strength of the world economy, high commodity prices and the strength of the Australian economy, meaning that it is important to keep inflation under control and to maintain the prosperity that we have—the cash rate should go to 6.25 per cent. That will take the home mortgage interest rate to 8.05 per cent, which will of course still be considerably lower than the 10.5 per cent we inherited when we came into office. When we came into office and inherited government from the Labor Party, the standard mortgage variable interest rate was 10.5 per cent. When it increased to 9.5 per cent under Mr Beazley as finance minister—remembering that Mr Keating’s boast was that he had the Reserve Bank in his pocket—Mr Beazley said that 9.5 per cent was a low mortgage interest rate. Today’s rate of 8.05 per cent compares comfortably to that, and it certainly compares comfortably to the 10.5 per cent mortgage rate when we came into office.

The government have worked assiduously to ensure that, to the extent that a federal government can, we keep pressure off interest rates. The way we have done that is by eliminating the $96 billion in debt that we inherited from the Labor government when we came to office. The interest payments out of the government budget were some $8 billion a year. We were spending as much on interest on the government debt as we were spending on defence or education—an outrageous position for the government to be in. We found that we had inherited from them a deficit of $10 billion a year.

The most significant thing any federal government can do to take the pressure off interest rates is to ensure that, through its own fiscal management, it does not add to pressure on interest rates. We have done that by eliminating that $96 billion debt without any help from those opposite. We have returned the budget to surplus and run strong surpluses, which on occasion those opposite have the audacity to actually attack us for—for running high surpluses. It is the high surpluses and the removal of debt that enable the federal government to do our utmost to reduce the pressure on interest rates. The other thing that we can do to ensure that we minimise the pressure on inflation and therefore on interest rates is to decentralise and deregulate the industrial relations framework in this country. Again, these are great achievements by this government which have been opposed all the way by those opposite.

Senator HURLEY—Mr President, I ask a supplementary question. Does the Prime Minister believe that making families pay an extra $195 a month is the best thing to do to get inflation under control? Why should Australian families pay the price for your failure to manage the economy?

Senator MINCHIN—As a result of the reduction in interest rates that has occurred over the period of our government, from 10.5 per cent when we were elected to the current 8.05 per cent, that does save Australian families around $449 per month in interest charges on an average new mortgage of $220,000. We are very proud of our record in using our government’s fiscal policy, industrial relations policies and fiscal restraint to ensure that we do reduce the pressure on interest rates, and that we have over the course of our government saved Australian families on the average mortgage some $449 per month compared to the situation we inherited from those opposite.

**Workplace Relations**

Senator BARNETT (2.23 pm)—My question is to Senator the Hon. Eric Abetz, the Minister representing the Minister for
Employment and Workplace Relations. Will the minister update the Senate on how the Australian government’s Work Choices and Welfare to Work policies are benefiting job seekers? Is the minister aware of any alternative policies?

Senator ABETZ—I thank Senator Barnett for his question and his commitment to getting more of our fellow Australians into employment. The Howard government has a two-pronged strategy to assist job seekers into work: Work Choices and Welfare to Work. The success of Work Choices in creating new jobs in the Australian economy is now very well documented: 205,000 new jobs—and counting—and, of those, 185,000 are full time. Long-term unemployment in this country now stands at just 245,000, the lowest level in 20 years. Do you know what it was when Mr Beazley was employment minister in May 1993? Have a guess. It was 329,800—74 per cent higher than it is today. Remember all the doom and gloom about Work Choices, but not a single question from those opposite in the past 26 weeks!

So what about Welfare to Work? Let us remember Labor Senator Wong’s assertion about Welfare to Work in this place on 22 June this year. She said:

... the government [is] putting in place the harshest breaching regime that one could probably consider ... a breaching regime which will see 18,000 people without any income support whatsoever for a two-month period.

All the same hysteria as we got on the GST and Work Choices.

Senator Wong interjecting—

The PRESIDENT—Order, Senator Wong!

Senator ABETZ—So there I was on Thursday, sitting patiently at estimates waiting for Senator Wong to ask a question to prove her point: how many people have received two-month non-payment penalties under the new Welfare to Work regime. Guess what? The question never came, because the answer is not 18,000, nor is it 11,000, nor is it 5,000—not even 1,000. No, it was just 650 per month, just six per cent—

Senator Chris Evans—They are your figures, you goose!

The PRESIDENT—Order! Senator Evans, I remind you about parliamentary language.

Senator ABETZ—of the number of payment penalties under the old system. And of this miniscule number of non-payment penalties, 76 per cent were under the age of 30, three per cent of those being male. Only two of those breaches were by principal carer parents and, guess what, on being breached, one of them went back to New Zealand. No people with partial work capacity had had eight-week penalties applied. So much for Labor’s gloom and doom.

Let us remember that the reason people receive non-payment penalties is that they are repeatedly failing to meet their obligations in return for a dole payment. This government will always look after those unable to work or care for themselves. However, the community does rightly expect—and we agree—that those who can work should work. What these figures prove is that under Work Choices and Welfare to Work many more people are meeting their mutual obligation requirement and, most importantly, many people are getting off welfare and into work, growing a more prosperous and self-reliant Australia, something that Mr Beazley, if he were ever given the chance, would destroy.

DISTINGUISHED VISITORS

The PRESIDENT—Order! Before I call Senator Murray, I would like to draw the attention of honourable senators to the presence in the advisers box for the Democrats of
former distinguished Democrat senator John Cherry. Welcome back to the Senate.

Honourable senators—Hear, hear!

QUESTIONS WITHOUT NOTICE
Indigenous Australians: Stolen Wages

Senator MURRAY (2.27 pm)—Mr President, it is a good thing that you stopped me wandering off to chat to him. My question is to Senator Minchin, the Minister representing the Prime Minister. Is the minister aware of the stolen wages issue where wages supposedly held in trust for Aboriginal workers last century were not paid out? Is the minister aware that both the Queensland and New South Wales governments have apologised for the mismanagement and misappropriation of millions of dollars supposedly held in trust and that reparations are now being organised? Is the minister aware that the Senate Standing Committee on Community Affairs reported that the same problem of stolen wages applies to child migrants and non-Indigenous children institutionalised last century? Is the minister aware that these two groups reported on by the committee lack the same sort of well-funded advocacy network that Aboriginal activists rightly have? What can the Prime Minister’s office do to assist the recovery of stolen wages for all sectors of the community in Australia?

Senator MINCHIN—I thank Senator Murray for that question. Indeed, I took the liberty of reading Senator Murray’s fine contribution on this subject in the adjournment debate last night and commended him on his words. They were obviously said with great sincerity and purpose, and he has diligently pursued this matter. The government obviously does believe that the issues raised about the experiences of former child migrants, those who grew up in institutionalised care, and Indigenous people are significant and matters properly inquired into by this parliament.

The government responded to the inquiry into child migrants in 2002 and the inquiry into children in institutional care in 2005. As Senator Murray pointed out, Senator Marise Payne’s Senate Standing Committee on Legal and Constitutional Affairs is currently inquiring into Indigenous stolen wages. I place on record the government’s enormous sympathy for the distressing experiences that many faced, including the withholding of wages and entitlements. Allegations of mismanagement of these moneys by state and territory governments and agencies are obviously the responsibility of those governments and agencies. In relation to children in out-of-home care, the Commonwealth has contributed $300,000 for counselling and support services, a national conference and a contribution towards memorials. For child migrants, the Commonwealth has contributed to a travel fund, family tracing and counselling services and memorials.

Further on the issue of child migrants and children in care, this is not directly a Commonwealth responsibility; but, on the basis of Senator Murray’s particular interest in this issue, I will ask the Prime Minister to consider writing to the relevant premiers and chief ministers to seek a fair resolution of these claims and to ensure that the states and territories—who have direct responsibility for these matters—understand our concern and act with resolution to bring these matters to a conclusion.

Senator MURRAY—Mr President, I ask a supplementary question. I thank the minister for his answer. Minister, further to your commitment to request the Prime Minister in that regard, I am aware that other aspects relating to these matters are on the COAG agenda. Would you agree to ask the Prime Minister to put this matter on the COAG agenda to assist in ensuring that justice is done and that a fair go is given to all those who had their wages stolen, misappropriated...
or mislaid simply because they were too disadvantaged and powerless to do anything about it? My own feeling is that if it is on the COAG agenda it can be driven a bit harder by the Prime Minister than it otherwise would be. I would appreciate your view on that suggestion.

Senator MINCHIN—I am more than happy to personally pass on Senator Murray’s request to the Prime Minister and to ask him to consider that matter.

Indigenous Mental Health

Senator PAYNE (2.32 pm)—My question is to the Minister for Ageing, Senator Santoro, representing the Minister for Health and Ageing. Will the minister outline to the Senate the efforts of the government in combating mental health issues in greater Western Sydney’s Indigenous community?

Senator SANTORO—I thank Senator Payne for her question and acknowledge her particular focus on the Western Sydney region, where her Senate office is based. I know that Senator Payne has an abiding interest in mental health and that she has a longstanding interest in the work of the Men’s Health Information and Resource Centre project, the Men’s Shed. The Men’s Shed is a component of the University of Western Sydney project which is called Networks of Support: building individual, family resilience and community capacity in Western Sydney. It aims to facilitate men in the Mount Druitt area, both young and old, to gain access to appropriate mental health information and, in particular, to support those from the Aboriginal community. The Men’s Shed drop-in centre assists about 500 men a year with not only counselling and direct mental health issues but also welfare, legal aid and employment services.

I am pleased to say that the Howard government continues to fund the Men’s Shed under the National Suicide Prevention Strategy, which commenced in 1999 and builds on the former National Youth Suicide Prevention Strategy. Indeed, the government has supported the Men’s Shed through funding of almost $400,000 between 2003 and 2006. Under the National Suicide Prevention Strategy, the government provides funding for the development of national and community based models of suicide prevention.

The key objectives of the Men’s Shed project are: to build resilience and social connectedness in men at risk of suicide; to engage with community groups in the Mount Druitt area, in collaboration with local partner organisation the Holy Family Centre; to provide a non-judgemental drop-in centre for men—either self-referred or from families, communities or other services; to direct men to appropriate services, building upon an existing network of service partners; to provide support to marginalised Aboriginal men in distress; and to build networks with appropriate elders. The project also aims to extend culturally appropriate support to men from culturally and linguistically diverse backgrounds who are in distress. This is especially important as almost 30 per cent of the population of Western Sydney are people from such backgrounds.

I would like to again sincerely thank Senator Payne for the great work that she is doing with worthwhile community projects such as the Men’s Shed in Western Sydney. Only recently I opened a facility sponsored by the Uniting Church on the north shore of Sydney—in fact, in my ministerial colleague Joe Hockey’s electorate—where I was made aware of the whole idea of a Men’s Shed. Many people at that opening came up to me and, in a very genuine and spontaneous way, paid testimony to the many success stories that they have witnessed as the Men’s Shed concept is applied in practice. They talked of individual cases where men have been saved from a terrible fate that could have been self-
inflicted had they not the companionship, counselling and very supportive atmosphere that exists in these places. They paid me the honour of asking me to open their annual national conference in Sydney. They have written to me and indicated that it is going to be held in June or July 2007. I have today, quite coincidentally before Senator Payne asked me her question, drafted a letter suggesting that the request is under very active consideration and that, if I can attend, it will be my privilege to open their annual conference next year.

Interest Rates

Senator WONG (2.36 pm)—My question is to Senator Minchin, the Minister for Finance and Administration and the Minister representing the Treasurer. Does the minister recall saying in May 2005: ‘There have been no further interest rate increases, because of the tremendous record of economic management of this government’? Can the minister advise the Senate whether this is the same economic management that has delivered eight successive interest rate increases? Is this the same tremendous economic management that has delivered today’s interest rate increase, which will mean almost an additional $50 to the monthly repayment on a $300,000 mortgage and an additional $380 a month since interest rates started to rise in 2002? Can the minister explain to Australian families why he regards eight successive interest rate rises as ‘tremendous economic management’?

Senator MINCHIN—We are very happy to compare our record on economic management with the record of the Labor Party. At the next federal election, the Australian people will have to make another judgement on which party is most likely to manage this economy well and maintain the prosperity which this country has enjoyed increasingly over the last 10 years. As I said today, NATSEM, through Professor Ann Harding, has established that, over the course of the last decade, while we have been in office, Australian families have seen real after-tax incomes rise by 25 per cent. We have an economic management team that has produced an outcome where the government has paid off $96 billion in debt. We have turned a $10 billion deficit into a $10 billion surplus. We have unemployment at a 30-year low. We have inflation at half the rate, on average, that it was under the former Labor government. We are very happy to compare our record on economic management with that of the party opposite any time they like.

Senator WONG—Mr President, I ask a supplementary question. I again refer the minister to his May 2005 statement, and I ask him why it is that the Howard government is happy to claim responsibility for interest rates when they do not go up but runs away from any responsibility when interest rates rise. Hasn’t this latest interest rate rise been signed, sealed and delivered by the Howard government’s failure to manage inflation?

Senator MINCHIN—I refer Senator Wong to the Reserve Bank statement, where they make the point that a strong world economy, significant demand for commodities, the high level of commodity prices from which Australia is benefiting and domestic demand being very strong are signs of a very strong economy. If you want to maintain a strong economy and maintain prosperity, from time to time it is important to put your foot on the brake, to touch the brakes, to ensure that the economy does remain on track to continue to deliver the real wage increases that we have delivered for Australian people against a low inflation and low unemployment environment.
West Papua

Senator NETTLE (2.39 pm)—My question is to the Minister representing the Minister for Foreign Affairs. Given that a Newspoll survey earlier this year found that 77 per cent of Australians supported self-determination for West Papua, including independence, what actions will the federal government be required to take against the people who support self-determination in West Papua as a result of the new security treaty with Indonesia? Can the minister answer specifically in relation to politicians, journalists working for public broadcasters, public institutions and public servants how the government will be required to take action on their activities in supporting self-determination? Finally, have the Indonesians indicated the kinds of actions that constitute secessionist campaigns that the government is required to act on under the treaty?

Senator MINCHIN—I think Senator Nettle is referring to the announcement that negotiations on a treaty level Australia-Indonesia agreement on the framework for security cooperation have concluded. Mr Downer has announced that he will travel to Lombok on 13 November to sign that agreement with his Indonesian counterpart. We are delighted that such an agreement has been able to be reached with our near neighbour, Indonesia.

I note that the Greens have raised the question of Papuan independence. I reiterate in this Senate that the treaty does not in any way infringe or seek to infringe on the rights to freedom of expression or freedom of association. The treaty provides that Australia and Indonesia, as governments, will not support or participate in ‘activities by any person or entity which constitute a threat to the stability, sovereignty or territorial integrity of the other’.

It is quite proper and sensible that we have a treaty level commitment with Indonesia under which each party respects the other’s sovereignty and territorial integrity. We think that is perfectly sensible and proper. That includes, of course, recognition of Indonesia’s sovereignty over Papua. That has been a longstanding policy of successive Australian governments of both political persuasions. It is not the case that the Australian government is going to seek to contribute to or seek to foment any sort of secessionist movement or the break-up of Indonesia. That would not be in Australia’s national interest whatsoever and is not something we as a state should advocate.

However, I reiterate, and I guess this goes to the point of Senator Nettle’s question, that this treaty, which as I say will be signed on Monday—and a very good one it is—will not infringe in any way on the rights to freedom of expression or freedom of association of Australians. I am sure both major parties—the government and the alternative government—are very committed to ensuring the appropriate freedoms of expression for Australians to voice their concerns and opinions. The treaty essentially reiterates what has been a longstanding government policy on both sides—that is, that we respect the sovereignty and territorial integrity of Indonesia.

Senator NETTLE—Mr President, I ask a supplementary question. Is the minister able to provide any more detail about what impact the treaty will have for Australia, particularly for any government institutions, such as universities, that may be involved in activities with the independence movement in West Papua? Also, given reports that over 100,000 West Papuans have been killed at the hands of Indonesian authorities, what has the Australian government put into this security treaty to ensure that these killings do not continue? Has the Australian government put
anything into this security treaty to deal with any human rights abuses that may occur in Indonesia?

Senator MINCHIN—This is, as I said, an Australia-Indonesia agreement on a framework for security cooperation. That is a great achievement on the part of this government. We will continue to urge the Indonesian government to investigate allegations of human rights abuses and to ensure that the human rights of all Indonesians are respected. We understand that the Indonesian authorities, including the National Human Rights Commission, are investigating recent violent incidents and Australian embassy officials continue to raise these allegations with relevant authorities as they arise. We also strongly support the development of Papua as a stable and prosperous part of the Republic of Indonesia and that is best done through the full and effective implementation of special autonomy and respect for human rights. We as a government do not support separatism; we respect Indonesia’s territorial integrity, including their sovereignty over Papua.

Interest Rates

Senator HUTCHINS (2.45 pm)—My question is directed to the Minister for Finance and Administration, Senator Minchin. Is the minister aware that many families in the south-western suburbs of Sydney, who now face increases in their mortgage repayments of $50 or more a month, are also experiencing a fall in the value of their homes? Is the minister aware that people in the suburbs of Campbelltown, Pendle Hill and Windsor have all experienced an average drop of 10 per cent in the value of their homes in this year alone? Is he also aware that experts predict that with today’s rate rise these families face a further 10 per cent fall in the value of their homes? Having given the green light to this latest interest rate increase, hasn’t the Prime Minister ensured that these families will pay more for homes that are worth less?

Senator MINCHIN—This is another way of asking the same question, and I can only give the same answer. The government understands the difficulties faced by the 35 per cent of Australian households who have owner-occupier mortgages and who will be paying—depending on their own circumstances and whether they have a fixed loan or a part fixed loan and on whether they extend the term of their loan—another one-quarter of a per cent on their home mortgage.

What Australian families in these situations want us to do as a government is to use the levers at our disposal to ensure that inflation remains as low as possible—and inflation is half the rate under our government that it was under the previous government—to ensure that real wages continue to rise, as they have under our government, and to continue to ensure that they have 30-year lows in unemployment so that they can maintain their role in the workforce and retain security of employment. These are the things that are critical to Australian families.

While I acknowledge that those families with mortgages will pay more as a result of this rate rise, they will have the comfort of knowing that mortgage rates, even at 8.05 per cent, are considerably lower than they were when we came into office, when they were at 10.5 per cent. On the average mortgage, people are paying much less than they would be paying if mortgage rates had stayed at 10.5 per cent.

Senator HUTCHINS—Mr President, I ask a supplementary question. Is the minister aware that house prices in some suburbs of south-western and Western Sydney have fallen by up to 40 per cent over the last three years as interest rates have climbed eight times? Hasn’t a Sydney property expert stated that this rate rise ‘could be the final
straw for the property market’? Will the minister now apologise on behalf of the Prime Minister for misleading the families of south-western and Western Sydney in claiming that he would keep interest rates at record lows?

Senator MINCHIN—It is a fact that Sydney house prices have experienced some volatility. Having been raised in Sydney, I know that that has been the case in the entire post-war period. Sydney house prices experienced huge rises over the recent period and there has been some easing in the house prices in Sydney. The beneficial effect of that is that it makes it easier for new home purchasers to buy a home. When house prices go up, Senator Carr whinges about affordability; when they go down, Senator Hutchins complains about house prices falling. This is typical of the Labor Party. If they go up, they complain; if they go down, they complain. The fact is that, in Sydney, house prices will sometimes go up and will sometimes go down. The virtue of some easing in Sydney house prices is that more young Australian couples will be able to afford a house.

Drought Assistance

Senator McGAURAN (2.49 pm)—My question is to Senator Kemp, the Minister representing the Minister for Human Services. Will the minister outline the services available to help communities access drought assistance measures?

Senator KEMP—I thank my colleague Senator McGauran for that important question. We appreciate his very hard work on behalf of regional and rural Australia. We are all aware of the impact of the current drought. It is having a serious impact on communities across the country. The impact is far reaching, and the Prime Minister recently stated:

This prolonged drought is having a terrible impact on farming communities across Australia especially in the Murray-Darling Basin, and has inevitable consequences for city dwellers.

To help communities through this very difficult time, the Australian government is providing more than $2.3 billion to farmers and communities affected most by this drought. It is important that those who need this assistance get the support that they require in a timely fashion.

Centrelink, as we all know, is playing a major role in assisting farmers to access drought assistance provided by the Australian government. Centrelink delivers a number of programs on behalf of the Department of Agriculture, Fisheries and Forestry to assist farming families. These programs for drought affected farmers include exceptional circumstances relief payments. This is an income support payment for farmers and their partners whose farm is located in an area that has been declared to be in exceptional circumstances.

On 16 October, the Prime Minister announced an extension of 18 areas and a further commitment of $350 million. Exceptional circumstances certificates enable farmers to obtain interest rate subsidies through the relevant state authorities. Farm Help provides a range of assistance measures, including up to 12 months of income support for farmers and their families whose farms are experiencing particular financial difficulties and who cannot borrow further against their assets. A re-establishment grant of up to $50,000 can be payable when an eligible farmer leaves the farming industry and undertakes not to become a farm owner or operator for a period of at least five years.

In addition to these important programs, Centrelink is also progressively introducing a new role known as the rural services officer. This is a new specialist position that will work closely with rural communities. The primary role of rural service officers will be
to improve access to Centrelink’s products and services in rural Australia. This position will have a very important role in responding to the impact of the drought in rural Australia. I remind senators that Centrelink currently has two specialist rural call centres—one at Port Augusta and one at Maryborough in Queensland. The aim of the rural call centres is to provide a service that is sensitive to the needs of individuals, families and communities in rural and regional Australia. They recognise that customers living in these areas are particularly dependent on access to services through the telephone.

The Prime Minister also announced yesterday an extension of exceptional circumstances assistance of income support and interest rate subsidies for small business impacted by drought in rural areas. This small business drought assistance package will cost approximately $210 million over two years. Small business operators who are able to demonstrate that 70 per cent or more of their total income comes from farm business in exceptional circumstances declared areas will now be able to access income support and interest rate subsidies. The drought is having a severe impact on our farmers and communities across the country, and the Australian government stands ready to provide the support they need to help them through this very difficult time.

**Housing Affordability**

**Senator CARR** (2.53 pm)—My question is to Senator Minchin, the Minister representing the Prime Minister. I refer to the Prime Minister’s statement in the House of Representatives on 30 October when, comparing records on mortgage affordability, he said:

...the proper comparison is the proportion of income on a new mortgage, and it is lower now than it was when you had interest rates at 17 per cent.

Isn’t it the case, using the Prime Minister’s preferred measure, that the proportion of family income devoted to meeting home loan payments has actually been higher on average under the Howard government than under Labor? Is the minister aware that the Real Estate Institute of Australia has calculated that this year’s interest rate rises will add another $33,000 to interest payments over the life of an average home loan? How can the Howard government expect middle Australia to trust it on home ownership when its record on mortgage affordability is actually the worst ever?

**Senator MINCHIN**—Again, Senator Hutchins and Senator Carr ought to talk if they want to get their lines together on housing affordability. We have Senator Carr complaining because housing is too expensive and Senator Hutchins complaining because house prices are going down. This is just typical of the incompetence of the Labor Party: one arm does not talk to the other arm. It is a completely hopeless approach to economic policy. As I have said repeatedly in this place, the fact is that when we came into office interest rates were 10.5 per cent on the average variable home loan. They are now, even after this increase of 25 basis points, 8.05 per cent, saving Australians hundreds of dollars a month on the average mortgage of $220,000.

Australians do understand that, under the coalition, interest rates are lower than they were under the Labor government or would be if that mob over there were ever elected to office, with their proposals to recentralise wage fixation in this country and to spend all the earnings of the Future Fund, to let go of the fiscal restraint that this government has exercised and to follow the path of the state Labor governments, which are now moving into deficit and putting pressure on interest rates, in their own way, by going into the markets to borrow funds. I have said to Sena-
I point out to Senator Carr that the land release policies and stamp duties policies of state Labor governments have a very big impact on the cost of housing. In 1973 land represented 33 per cent of the price of a typical house and land package. In 2006 it represents 78 per cent of a typical house and land package. Stamp duties on land transfer in Australia represent 1.6 per cent of GDP compared to an OECD average of 0.7 per cent. Senator Carr’s concern for the affordability of housing is admirable. If he is concerned about it, he ought to talk to his own state Labor governments.

Senator CARR—Mr President, I ask a supplementary question. I have a very simple proposition for the minister: won’t the latest interest rate rise actually increase the proportion of income needed to pay for a new mortgage? Doesn’t this mean that, using the Prime Minister’s preferred measure, the Howard government’s record on mortgage affordability—already the worst ever—is going to get worse?

Senator MINCHIN—By that measure, the worst ever was under the Labor Party in 1989, when it was 30.4 per cent. That is the highest it has ever been in this country, and the Labor Party was in government at that time.

Australian Federal Police

Senator PARRY (2.57 pm)—My question is to the Minister for Justice and Customs, Senator Ellison. Will the minister inform the Senate of measures taken by the Australian Federal Police to ensure close and ongoing cooperation with law enforcement agencies in our region and around the world?

Senator ELLISON—I thank Senator Parry for an important question on law enforcement activities that the Australian Federal police is engaged in overseas. We now have 86 officers in 31 cities in 26 countries around the world taking the fight offshore in relation to transnational crime and counter-terrorism. This has been an outstanding success in the history of the Australian Federal Police. We have seen intelligence gathered from the presence of our police overseas and we have also engaged with foreign law enforcement to assist them in capacity building in areas such as South-East Asia and the Pacific in particular.

It is fair to say that a range of initiatives that we have put in place have protected Australia’s interests. I refer to such things as the Jakarta Centre for Law Enforcement, which is in Semarang in Java, that has provided the region with a centre of excellence for training in the fight against transnational crime and terrorism. We have the Manila operations centre in the Philippines, which we have set up. That too provides a regional focus in that area for the fight against transnational crime and terrorism.

As well as these, we have set up teams such as the sex trafficking team and the Commonwealth extraterritorial child sex tourism strike force, operating with our offices overseas. We have seen successful prosecutions in relation to sex trafficking and also in relation to Australians who travel overseas for child sex tourism. All of that has been facilitated by a strong presence overseas by the Australian Federal Police. This is taking the fight offshore, and it does this in a number of ways. We pick up intelligence and we also provide intelligence.

It is interesting to note that each year more than 13,000 pieces of information are transmitted from the Australian Federal Police international network desks in Canberra to overseas law enforcement agencies via our AFP officers overseas. More than 11,000 pieces of information are returned via this
process. A staggering 24,000-plus pieces of information go to and from Australia in relation to the fight against terrorism and transnational crime, and all of it through the Australian Federal Police and our overseas network.

The fight against drugs is at the forefront of our presence overseas. We saw just recently an operation with the Royal Malaysian Police in which an illegal clandestine amphetamine laboratory was closed down with the assistance of intelligence gathered from the Australian Federal Police. We have seen a very large laboratory of a similar kind closed down in both Indonesia and Fiji, all with the cooperation of overseas law enforcement and the involvement of the Australian Federal Police.

I certainly commend the work being done by the men and women of the Australian Federal Police who work overseas, often in very dangerous situations. From Myanmar to Bogota and Colombia, and from areas in the remote Pacific and the South-East Asian region to Europe, the United States and the United Kingdom, the Australian Federal Police are fighting against transnational crime and protecting Australia’s interests.

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

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

Inflation

Interest Rates

Senator CHRIS EVANS (Western Australia—Leader of the Opposition in the Senate) (3.01 pm)—I move:

That the Senate take note of the answers given by the Minister for Finance and Administration (Senator Minchin) to questions without notice asked by Opposition senators today relating to inflation and interest rates.

Today we saw the eighth increase in a row in mortgage interest rates. We now know that on an average mortgage, or a mortgage of about $300,000 a year, families in Australia will have to pay an extra $195 a month, about $50 a week, to service their mortgage—to pay for the house in which they live. This is a huge burden. It is the highest burden in a decade, and it represents a record share of people’s income being spent on the cost of their mortgages. With rising house prices and the rising size of mortgages, people in Australia are now paying a record share of their income to service their repayments.

What we have from the government today is an out of touch, arrogant response to the concerns and pressures on Australian families. Mr Costello, the Treasurer, and the Prime Minister continue to describe interest rates as ‘extremely low’. I do not know what planet they live on and I do not know what they know about paying a mortgage, but everyone I know does not describe these interest rates as ‘extremely low’. Everyone I know realises that they have had to suffer eight increases in a row, that the pressure on their families to meet those repayments is huge, that they are feeling threatened and that their financial security is threatened as a result of this. And this government does not seem to care.

We also know that the Liberal Party’s website still carries the promise—John Howard’s claim that he would keep interest rates at record lows. That was his promise to the Australian people at the last election: he would keep interest rates at record lows. He has breached the trust of the Australian people. He has let them down, because interest rates are not at record lows. We know they are not at record lows, but the Liberal Party is in denial. The Liberal Party will not accept the fact that it has lost control of inflation and, as a result, Australian families are pay-
The government are in denial. They do not want to talk about the promise made before the last election. They want to run from that. Mr Howard wants to rephrase and reclarify what he promised. But we know that the Prime Minister has breached a promise to the Australian public. He will not and has not been able to keep interest rates extremely low, and now he wants to move on. We know also that he gave the green light to the Reserve Bank to increase interest rates. He saw it as the interest rate hike that we had to have. What he said to Australian families is: ‘Because we have lost control of inflation and because you are paying 10 per cent extra on your grocery bill compared to what you were paying last year, we have let the economy run out of control. Because of that, someone has to pay a price. And who is going to pay the price? Australian families are. We have given the Reserve Bank the green light so they can put up interest rates. So ordinary families will pay 50 bucks extra a month because we failed—because we let inflation get out of control. You will pay the price.’

Senator Minchin today said, ‘Governments need to touch the brakes.’ That was his phrase: they need to touch the brakes. What he meant was that every family servicing a mortgage will have to pay in excess of $50 a month extra as the government seek to touch the brakes. ‘Touching the brakes’ means ‘touching you’. Touching you and increasing your repayments is the way the government touch the brakes on the economy. They have not invested in infrastructure, they have not invested in skills, they have not managed inflation, and now it is all out of control and Australian families are paying the price.

Australian families will be very interested to hear that you are so out of touch as a government—that you are so unconcerned with this that you continue to say, ‘Oh well, it is the states’ fault,’ or, ‘It is the former Labor government’s fault.’ Today you are trawling around the press gallery with a document saying what Kim Beazley said in 1994. Take some responsibility. Take up your commitment to the Australian public. You will not take responsibility for your failure. You want to take credit for the positives, but you will not front up. You have breached your faith with the Australian public. You said that you would keep interest rates at record lows. You have let them down, and you ought to front up and take some responsibility. (Time expired)

Senator Ferguson—How much more do they pay if they’ve got a fixed interest rate?

Senator Chris Evans—You are asking the Australian people: why didn’t they fix their interest rates? I hope Hansard got that.

Senator Ferguson—So do I.

Senator McGauran (Victoria) (3.06 pm)—I welcome the interjections of Senator Ferguson, because he comes with a very sound understanding of economics. He would agree with me that today there has been a breakthrough in question time. For the first time since the last election, which was two solid years ago, the Labor Party spent the whole hour on economics. This is a first. After the last election, the message from the Australian people was loud and clear that you had to establish your economic credibility. It has taken them two years to finally dedicate a whole question time to the economic state of the nation. And what a muddled affair it was. We had Senator Hutchins, who is going to get up after me, saying that housing prices have dropped, that they are now too cheap and that the Howard government is to blame for that. No sooner had
he sat down than up jumped ‘Mr Economic Credibility’ himself, Senator Carr. How could you even allow him to get up on economics? He got up and said that housing prices are way too expensive. I know they are from different states, but surely they talk and swap questions. Obviously not. You would have thought that they would, What a muddled affair that was.

Senator Sherry, who is still in the chamber, yesterday and today and any time he has jumped up has tried to say that the government have had absolute responsibility for the decision to increase interest rates, that we can control and direct the Reserve Bank. He knows only too well that that is not the case. He is not that dumb—or is he? He knows only too well that one of the first reforms the government introduced was the independence of the Reserve Bank to make such decisions about the economy and the inflation rate. There was a good reason for introducing that reform in 1996—one of the first fundamental reforms the government made to the economy—and that is that the previous government had lost all credibility in the markets, in the community and in this parliament because they boasted that they had the Reserve Bank in their back pocket. The Treasurer and Prime-Minister-to-be boasted that he directed the Reserve Bank’s decisions on interest rates. Of course, we know where interest rates ended up with that government. It was the most blunt, heavy-handed monetary tool used, because of a lack of fiscal discipline displayed by the previous government.

Senator Sherry is getting the previous government mixed up with this government. They know only too well that it is a cheap political trick to say that John Howard has given the green light to the Reserve Bank to increase interest rates. Nothing could be further from the truth. The only thing I can say is that I congratulate the other side for at least spending one solid hour—you must have all walked out with headaches—on economic questions. It is a first in the two years since the last election.

I will move now to the substance of the issue, but I felt I had to make that point. At least I acknowledge that the Labor Party have spent one hour on economics. The point is, of course, no-one likes the increase in interest rates. We in this parliament know that it hurts businesses and it affects household budgets, but we also know that it is done against the backdrop of a sound and solid economy where the fundamentals are in place. Employment is at a record high. Productivity is on the increase and wages are increasing also. So there is an economic security, a foundation stone, on which this decision to increase interest rates has been based.

We know that the last inflation figures were above the bounds given to the Reserve Bank, at 3.9 per cent. But over the 10 years of this government they have been below three per cent, at an average level of 2.6 per cent. I only regret that time does not allow me to answer the proposition put by the previous speaker, Senator Evans, about taking responsibility for the increase in interest rates. I invite Senator Evans and those on the other side to look at a quote from the former Governor of the Reserve Bank, Ian Macfarlane, who warned that the biggest threat to interest rates and inflation in this country is the state government budgets. (Time expired)

Senator HURLEY (South Australia)—The Prime Minister, Mr John Howard—‘Honest John’—made a major issue at the last election of interest rates remaining at record lows. Now the Liberal Party, and especially Senator Ferguson, are saying that people should be careful about their borrowing, that they should organise
their affairs so that they have fixed interest rates. So we have to turn ordinary house-
holders into economists and financiers in order for them to afford the interest rate rise.

People relied on the Prime Minister’s judgement. People relied on his word when
they borrowed. He has let them down; he has badly let them down. All the government can
do is run their mantra on interest rates under the Labor Party. They will not take responsi-
bility for their own lack of actions in this regard. That is the problem here. A huge
amount of cost pressure has built up on ordi-
nary everyday families over the 10 years of
the Liberal government.

The Liberal Party have made life more
expensive in a number of ways over a range
of essential services—for example, health
care. People have been forced into private
health care by the government, by their cam-
paign. Okay, there is a 30 per cent rebate, but
people are still paying health care costs that
go up every single time there is a review.
They are paying more for education. The
government have funded private schools, but
public schools are still struggling. If a stu-
dent goes on to tertiary education, where the
HECS debt is now sky high, that is another
cost pressure on families. Child care is an-
other cost pressure on families. It is difficult
to access and very expensive when you do
access it.

What has happened is that a broad based
cost pressure on families is affecting the
economy. We are not just talking about ba-
nanas here, despite what Senator Minchin
seems to imply. We are not even talking
about petrol. We are talking about broad
based cost pressures that affect every single
family in Australia.

On inflation the government goes back to
history—goes back to Labor’s past, goes
back to its averages—but increasingly we
have seen that the government has lost con-
trol of inflation—not just the headline rate
but also weighted medians and trimmed
means. They are outside the Reserve Bank’s
band and the reserve is desperately trying to
keep them under control—without the help
of the government, I should say.

You could argue that the very severe
drought that is affecting us means that the
rural sector is already in recession. In the
urban areas, families are feeling the effects
of the government’s mismanagement of the
economy. That is because the Liberal gov-
ernment—as Liberal governments always
seem to do—think in the short term. They
have had a populist approach and now, after
10 years, it is starting to affect our economy,
because of the capacity constraints on our
economy. Our leader, Mr Kim Beazley,
keeps talking about capacity constraints and
I think it is starting to become a common
term because people realise what it means.
They realise the real effect on our economy
because of underinvestment in infrastructure
and underinvestment in training. It is affect-
ing our productivity, our ability to meet the
cost pressures and the demand of world eco-
nomic growth.

It is now too late for the Prime Minister to
fight inflation first, because he has not laid
the background to fight inflation. He has sent
mixed signals from the start. We have the
baby bonus and tax rises while the govern-
ment has been preaching about low inflation,
and they are just incompatible. For the last
10 years, this government has ridden on the
coat-tails of the former Labor government’s
reform of the financial system and now it has
to face the consequences of its own short-
term policies.

Senator ADAMS (Western Australia)
(3.16 pm)—I rise to take note of the answers
given by Senator Minchin. I think that it is
very important, having listened to what has
come from the other side today, that we go
through what the coalition has done and what Labor has done. With the interest rate rise today, it is now 8.05 per cent. The mortgage rate, as we have been told, was never as low under Labor. Never in the course of 13 years did Labor get the mortgage rate below 8.05 per cent.

By contrast, in 1996, when the Labor Party left office, interest rates were 10.5 per cent. In the course of Labor’s 13 years in office, home loan interest rates averaged 12.75 per cent. Mortgage interest rates peaked at 17 per cent in 1989 and 1990—and I can certainly relate to that, as we were buying more property. In the last 10 years, interest rates have averaged 7.17 per cent. The reduction in mortgage interest rates since 1996, even after today’s increase, would still save a typical family $449 per month in interest payments on an average $220,000 home loan.

Having heard Senator Evans mention the press release that is going around about what his leader, Mr Beazley, said, it is important that I read this out, because people may not be aware of what he said. In September 1994, when Mr Beazley was finance minister, home loan mortgage rates were 9.5 per cent, and this is what he said:

... I point out that this is still a very low interest rate regime in Australian historical standards. It is a regime that is capable of being held at that level largely because the fundamentals of the economy in this country are very good indeed.

That is what Mr Beazley said in 1994, in case those opposite are wondering what he said. So, in 1994, a 9.5 per cent interest rate was considered low and keeping interest rates at that level was regarded as an achievement and a testament to the economic management of the Labor Party.

Throughout the last 10 years, and particularly in the 2004 election campaign, we made the point that interest rates have been lower under the coalition than they were under Labor. That is an indisputable historical fact. Why would interest rates be higher under Labor? In 2004 we made two points about interest rates under the Labor Party. Firstly, a Labor government would create a risk of higher inflation because they would return us to a centralised, union dominated system of industrial relations which would remove the link between pay rises and productivity. That issue is even more important in 2006 because, with the commodity boom affecting wage outcomes in the resources sector, Labor’s centralised industrial relations system would create the risk of a wages outbreak and higher inflation, just like we saw during previous booms—for example, in the early 1970s.

Secondly, we made the point that Labor had a big spending program. In the 2004 campaign, Labor promised some $40 billion in new spending over four years to be funded by some vague and rubbery savings. In 2006 the Labor Party had already outlined a substantial spending agenda. Labor’s promise to spend the annual earnings of the Future Fund represents a fiscal loosening of over $2 billion a year. Labor’s promise to raid the Communications Fund and spend it on present-day projects represents a further one-off $2 billion fiscal loosening. Labor has committed to a long list of vague and unfunded promises. Australian families do not trust Labor to keep interest rates low, because after 10 years Mr Beazley and the Labor Party have not done the work to articulate a clear alternative economic plan.

As far as affordability goes, Australia has a very high level of home ownership. Home ownership in Australia is 70 per cent. In the G7, only Italy has a higher rate. The most important ways to improve housing affordability are to keep unemployment low, keep real wages rising, keep interest rates low, maintain a competitive and efficient housing
construction sector, ensure adequate land release and minimise taxes on land transfer.

**Senator HUTCHINS** (New South Wales)—I want to take note of the answers given by Senator Minchin this afternoon. Having listened to the contributions by the coalition colleagues, I understand that they just do not get it. They just do not get it that, right at the moment, Australian families are suffering. I listen to Senator Minchin’s answers all the time because I admire him in that, unlike a lot of other government ministers, we do not get the diatribe about 13 years of Labor government or what they did here or what they did there. Generally, if you listen to Senator Minchin’s answers, he will try to give you an answer to the question you have put to him, but not today. All we got from him today was haranguing. We were flippantly dismissed because of the serious questions we were asking. I can come to only one conclusion: this mob is worried.

In my question to the minister, I chose three suburbs in Western Sydney that are in areas held by the coalition. I know what is going on in those suburbs because I live out that way. I know that the men and women and their families who live there are suffering. As a result of what has occurred today with the Prime Minister’s inspired rate increase, those families will continue to suffer. They are suffering not only because of what they will have to pay in additional payments but also because of falling house prices. In the last few years, house prices have fallen by as much as 40 per cent in parts of Western Sydney and south-western Sydney.

In the last few years, people have borrowed on the basis that their house would be worth $300,000 to $350,000. But now people have been told that they cannot sell. Only a few weeks ago, a family—a husband, his wife and their eight children—came to my office. The family needed to relocate, but if they sold their home they would be in debt until they died. They could not afford to move because they had borrowed on the basis of the promises given by this Prime Minister when he went to the last election. We know what he said: ‘You can trust me.’ But, in the last three years, we have had eight rate increases. For an average mortgage of $300,000, these increases have resulted in an increase of $350 per month or $4,000 a year. Where are people going to get that money from?

I do not know how things are for people who live in the areas that Senator Adams and Senator McGauran represent, but I can tell you that things are getting tighter and tighter for people living in Western Sydney. People are not getting the overtime that they used to get; they are two-income families. There are pressures at home. People cannot move because they cannot afford to sell. Why can’t they afford to sell? Because they will end up in extreme debt. This has all happened on the government’s watch. It has all happened on the watch of the coalition senators, and it will continue.

We were promised by the Prime Minister that we could trust him to deliver on interest rates. Recently, the *Sydney Morning Herald* interviewed a family in Claremont Meadows, which is in the seat of Lindsay and represented by Jackie Kelly—that well-known landlady of Western Sydney. Mrs Slan said of Jackie Kelly:

She’s just a cheer squad for John Howard, but the issues that affect people in Kirribilli are very different from here.

Mr Elly Slan said:

By and large, we are supposedly wealthier, even though it’s only on paper. But we’re in debt now. He allowed the housing boom to go on for too long. We’ll be in a lot of trouble if interest rates continue to rise.
I say to Mr and Mrs Slan of Claremont Meadows: Interest rates have risen again today. What is there to say that they will not rise again? You are already worse off under this government. People like you are already committing 29 per cent of your income to paying the mortgage, which is more than they paid under Labor. Where will this all end? I will tell you where it will end: people like the Slans and those who came to see me will have to relinquish their houses and go into debt for most of the rest of their lives.

Question agreed to.

Indigenous Australians: Stolen Wages

Senator MURRAY (Western Australia) (3.26 pm)—I move:

That the Senate take note of the answer given by the Minister for Finance and Administration (Senator Minchin) to a question without notice asked by Senator Murray today relating to Indigenous Australians and stolen wages.

In taking note, I want to record my appreciation for the nature of his response to my question. He knows, as I do, that the issue of stolen wages is not one to play politics with; it is one to get sorted. Not many people appreciate that during last century there were over 500,000 institutionalised and in-care Indigenous and non-Indigenous Australians and child migrants, that very large numbers of these people ended up working—as young people, as teenagers—on farms, as domestic labour, in factories and so on and that most of them were supposed to be paid on the basis of a pocket-money contribution, with money being placed in a trust fund.

Many people do not recognise that Aboriginal people have been able to advance their cause because they have a well-funded advocacy network. Anyone who reads the Indigenous Law Centre’s report entitled Eventually they get it all: government management of Aboriginal trust money in New South Wales will know that the kind of research and digging into non-existent and partial records from decades ago requires a great deal of commitment and resources.

These advocacy networks and resources are not available to anything like that extent to former child migrants or to non-Indigenous institutionalised Australians, and therefore it is incumbent on people like me and those on the Senate Community Affairs References Committee to bring to the notice of the parliament and the government this state of affairs and to say to them: ‘Look, these people need a hand-up. It is quite proper and right to have pursued the issue of Aboriginal stolen wages and the reparations with respect to that matter as it is being done at present, but there is a whole other sector of the community which needs attending to.’ For people who are interested in these issues, I gave an adjournment speech on this matter last night, which they can refer to. In preparing for these brief remarks, I glanced back again at the report of the Senate Community Affairs References Committee entitled Lost innocents: righting the record—report on child migration of August 2001. The inquiry was a very distressing experience for those senators who participated in it.

There are a few things I would draw to your attention about what work was like for people at that time. I will give you a couple of quotes. The first comes from paragraph 4.58 of the report. It says:

I, for one, worked up the nursery with two other girls …We girls did all the work like dressing, bathing, feeding, and putting babies on pots. The children that were from 2-5 could feed themselves. Yes, we had babies in cots and we bottle-fed them too and cleaned up. The Sister that was there didn’t do much at all, just supervised. We girls worked very hard, even got up throughout the night to the babies. Not only did I work up at the nursery, I also worked in the convent laundry. This was before and after going to school.

Paragraph 4.60 says:
At some of the farm homes children were removed from schooling before school-leaving age to work full time on the farm.

Somewhere between my age of 12 and a half and 13 years of age I became a full time worker on the farm. I received no further schooling from that time on as I was working full time on the farm …

My workday would commence at 4.00am and I would finish many hours after dark. My duties were to work in the vegetable garden, the piggery as well as general farm work which included long days of ploughing the fields. I also had to look after the dairy herd, cleaning fields, collecting firewood … These were long and hard hours, which caused me great distress … I was truly a young child slave.

Later on in the report, at paragraph 4.70, it says:

From Padbury Boys Farm School I was sent to a farm … I was 16 yrs of age. The conditions were very poor and I worked from daylight till dark. Holidays I never got. I was never paid wages and if I was the money was sent to the Child Welfare Dept. Later I found out that 10 shillings was paid to the Child Welfare Dept to keep for you until we turned 21 yrs. And then it was £1-0-0 taken out … Where is the money now? And why was it never paid to us? when we turned 21 yrs.

(Time expired)

Question agreed to.

PETITIONS

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

Pregnancy Counselling Services

To the President and Senators of the SENATE of the Australian Parliament Assembled: The humble petitioners and citizens of New South Wales call upon the Australian Federal Government:

To reject Senator Natasha Stott-Despoja’s of the Democrats, “Transparent Advertising and Notification Bill.”

To maintain laws requiring those providing pregnancy counselling in Australia to maintain professional discretion and advice without requirement to state their personal views on abortion.

To maintain laws to protect counselling services and clients from enforcement of public notices regarding their views on abortion.

In the interests of patient care, to make resources available for adequate follow-up including counselling and referral. And your petitioners, as in duty bound, will ever pray.

by Senator Stephens (from 13 citizens).

Human Stem Cells: Therapeutic Cloning

To the President and Senators of the Senate of the Australian Parliament Assembled: The humble petitioners and citizens of New South Wales call upon the Australian Federal Government:

To reject any possible private members bill or party bill regarding therapeutic cloning for the production of embryonic stem cells.

To reject bills permitting creation of hybrid or chimeric embryos involving human tissue. To reject any bills allowing use of embryos for research or harvest of cells for human use or body parts Your petitioners, as in duty bound, will ever pray.

by Senator Stephens (from 13 citizens).

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 damag-
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 Stephens (from 15 citizens).

Petitions received.

NOTICES
Presentation

Senator Bartlett to move on the next day of sitting:


Senator Bartlett to move on the next day of sitting:

That the following bill be introduced: A Bill for an Act to amend the Migration Act 1958 to allow the issue of interim orders for the release of detainees, and for related purposes. Migration Legislation Amendment (Duration of Detention) Bill 2006.

Senator Sherry to move on the next day of sitting:

That the Senate notes:

(a) that the interest rate rise on 8 November 2006 is the eighth consecutive increase since May 2002 and the fourth since the 2004 election;
(b) that the headline inflation rate increased to 3.9 per cent for the year ending September 2006;
(c) that national and personal debt levels are increasing; and
(d) the lowering of productivity and trending down in manufacturing and services export.

Senator ELLISON (Western Australia—Manager of Government Business in the Senate) (3.32 pm)—I give notice that, on the next day of sitting, I shall move:

That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the Maritime Legislation Amendment (Prevention of Pollution from Ships) Bill 2006, allowing it to be considered during this period of sittings.

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

Leave granted.

The statement read as follows—

Purpose of the bill
The bill amends the Navigation Act 1912 and the Protection of the Sea (Prevention of Pollution from Ships) Act 1983 to incorporate the International Maritime Organization’s (IMO’s) revised versions of Annex I (prevention from pollution by oil) and Annex II (prevention of pollution by noxious liquid substances) to the International Convention for the Prevention of Pollution from Ships (MARPOL).

Reasons for Urgency
The IMO’s revised Annex I and revised Annex II of MARPOL comes into effect internationally on 1 January 2007. Implementing legislation for both Annexes are included in the bill for introduction and passage in the 2006 Spring sittings.
There is a risk if implementing legislation does not commence on 1 January 2007 that any prosecution action taken after that date by the Australian Maritime Safety Authority as a result of pollution of the territorial sea and exclusive economic zone by oil and/or chemicals using current legislation may not be enforceable due to the inconsistency between domestic legislation and the new international regulations. Any incident involving oil and/or chemical pollution of the marine environment has a high likelihood of raising adverse media and community reaction so it is in the government’s interest to avoid or reduce the risk of ineffective legislation.

(Circulated by authority of the Minister for Transport and Regional Services)

Senator Nettle to move on the next day of sitting:

That the Senate—

(a) notes that:

(i) the security treaty, Framework Agreement for Security Cooperation, between Australia and Indonesia has been agreed to by the two governments,

(ii) a recent poll found 77 per cent of Australians supported self-determination for West Papua,

(iii) the treaty will commit Australia to opposing West Papuan self-determination, and

(iv) the treaty also envisages increased defence cooperation with the Indonesian security forces; and

(b) calls on the Government not to sign the treaty and instead express support for West Papua’s right to self-determination.

COMMITTEES

Selection of Bills Committee Report

Senator FERRIS (South Australia) (3.33 pm)—I present the 13th report of 2006 of the Selection of Bills Committee and move:

That the report be adopted.

Senator ELLISON (Western Australia—Minister for Justice and Customs) (3.33 pm)—I move:

At the end of the motion, add “and, in respect of the Commonwealth Radioactive Waste Management Legislation Amendment Bill 2006, the Employment, Workplace Relations and Education Committee report by 30 November 2006”.

Senator BARTLETT (Queensland) (3.33 pm)—I had an amendment circulated in regard to the Commonwealth Radioactive Waste Management Legislation Amendment Bill 2006 and foreshadow that I will be moving that amendment. But I guess we all know what the issue is, in any case. It is becoming a bit of a case of ‘here we go again’ every time a Selection of Bills Committee report is tabled. I indicate that, whilst I am a member of that committee, I was not able to attend yesterday’s meeting. The cloning legislation was in the committee stage at the time the meeting was held and I did not think I was in a position to step out from that debate to go to it, particularly given that we all know what happens these days in Selection of Bills Committee meetings—we just get the legislation served up and the government insists on ridiculously unrealistic time frames.

The proposal here, if I heard the minister correctly, was 30 November for the Commonwealth Radioactive Waste Management Legislation Amendment Bill. The Democrats believe that is far too short a time frame for what we believe is significant legislation which is of interest to the community and on which the parliament would benefit from having access to the expertise and views in the community.

I should emphasise that, with Senate committee processes, as a party and as senators we would like more time to be able to consider things—30 November is three weeks away. Whilst we have two non-sitting weeks in front of that, I do not know about the rest of us, but mine are pretty much wall-
to-wall committees and inquiries already, given all of the other legislation and issues that we have jam-packed in and on which we have to report by the end of year.

It is not just about giving ourselves more time or making life more convenient, although I do think, frankly, it is appropriate, given the significance of the role that is entrusted to us, that we show respect in doing at least some semblance of a reasonable job. It is also part of the public education and public debate process. The Senate committee processes are not just for the convenience of senators; they actually play an important part in enabling the information to get out into the public arena. The people in the press gallery endeavour, of course, to follow every piece of legislation that comes through here and ensure they give comprehensive coverage on all of the detail on significant matters. Also, of course, for people in the wider community—particularly these days, with more use of the internet, with submissions and *Hansard* being online and also often with committee inquiry hearings being streamed so that people are able to watch them—there is much more ability for those who are interested to follow, react, respond and put the debate out quite quickly to interested sections of the community that may have nothing to do with the mainstream media.

I guess in that sense we can perhaps accept that we can be a little quicker than we were five years ago with some of these inquiries, but, once again, this is far too short a time frame—31 January is not stretching it out into the ether; it is still a fairly short time frame when you consider that Christmas will be intervening. A lot of people will obviously be focused on other things and having a bit of a break. To allow only three weeks in effect for such legislation, I believe, is really bringing the political process into disrepute.

This is not the first time; this is pretty much a weekly occurrence when we sit. Legislation is tabled, immediately bundled off to a committee, shunted to an extremely quick hearing with an extraordinarily short turnaround time for people to put in submissions, with absurdly short time frames for reports to be written and then bundled into the Senate and railroaded through before half of us even know what it is that we are looking at. It draws the Senate and the whole process into disrepute. Sometimes I wonder if it is not actually part of the government’s agenda to do that. Either way, we do not need to speculate on the agenda. The consequence is a very poor one. It is a poor process. We are not just debating points here; we are making laws and we should at least show the public the courtesy and respect of doing our job properly, given they have given us the responsibility of being in parliament.

The DEPUTY PRESIDENT—Senator Bartlett, I am advised by the Clerk—I do not have the two amendments before me—that your amendment is in effect an amendment to the amendment and it should be moved that way.

Senator BARTLETT (Queensland) (3.38 pm)—I move an amendment to Senator Elliott’s amendment:

Omit “30 November 2006”, substitute “31 January 2007”.

Senator SIEWERT (Western Australia) (3.38 pm)—I rise to support Senator Bartlett’s amendment to the amendment of the Commonwealth Radioactive Waste Management Legislation Amendment Bill 2006. The Greens also believe that the reporting date is absolutely ridiculous. The government’s proposed reporting date of November is ridiculous if they are truly trying to encourage a proper informed analysis of these legislative amendments. The proposed amendments are quite significant, and I be-
lieve members of the community will want to comment on them. To meaningfully analyse the import of these amendments takes a period of time. It takes time to get out and inform people that these changes are happening. As these changes have only come onto the agenda recently, people will not be aware of the extent of the changes. They need time to analyse them, to get their submissions in. Committee members need time to adequately consider the submissions and make meaningful comment. The time allowed is insufficient to give proper analysis of the amendments, so we are supporting the amendment to the amendment that Senator Bartlett just tabled.

Senator STEPHENS (New South Wales) (3.40 pm)—Labor is also supporting the amendment to the amendment. If you look at the Selection of Bills Committee report today, the committee resolved to recommend that this legislation be referred immediately to the committee but was unable to reach agreement on a reporting date. There are two reasons provided in the statements for reasons for referral about the reporting. The real issue is that the government has proposed that the reasons for urgency are that the bill addresses concerns raised by the Northern Land Council in relation to nominating a site under the Commonwealth Radioactive Waste Management Legislation Amendment Bill 2006. Fancy that! We know exactly what the Northern Land Council has been thinking in terms of the proposal to site radioactive waste in the Northern Territory. The government is suggesting that, if this is not addressed, the Northern Land Council may be unwilling to nominate a site should a community within its jurisdiction wish to volunteer its land. How likely to happen is that? Any nominated site needs to be included in the current Commonwealth radioactive waste management legislation site characterisation program as soon as possible to ensure that such a site is given adequate consideration. Glory be! We know exactly why the government wants to have this reported in such an absurd and obscene time frame by 30 November.

Senator Bartlett is quite right: considering the workload that the environment committee has, it is quite extraordinary. The environment committee is where this should be going; the government has referred it to the Senate Standing Committee on Employment, Workplace Relations and Education—that in itself is an intriguing event, but never mind. The Australian people who are most affected by this legislation are yet again going to be denied an opportunity to participate meaningfully in an inquiry. Yet again, they are going to be excluded from the process of consideration of the detail of a bill and, yet again, they are going to have their hands forced by this government which is determined to find a site in the Northern Territory for radioactive waste. We are very concerned that yet again due process is being superseded by this extraordinary measure and we support an extension of the time for discussion and investigation of this legislation to the date proposed by Senator Bartlett.

Senator ELLISON (Western Australia—Manager of Government Business in the Senate) (3.43 pm)—I raise the reason for the urgency at an early point to cut to the chase in relation to this whole business. The Commonwealth Radioactive Waste Management Legislation Amendment Bill 2006 amends the Commonwealth Radioactive Waste Management Act 2005 and provides for the failure to comply with the site nomination rules in section 3B, and does not affect the validity of the minister’s approval under section 3C of a nomination. It amends it to remove any entitlement of procedural fairness in relation to a nomination made under section 3A and provides, should a nominated site ultimately be chosen for the Commonwealth radioactive waste management site.
waste management facility, for the Commonwealth to return the nominated site to its original owners when it is no longer required. The bill also amends the Administrative Decisions Act to exclude the application of the act to a site nomination under section 3A of the Commonwealth Radioactive Waste Management Act to ensure consistency with existing provisions of the act relating to sections 3C and 7 of that act.

The bill is therefore a rather technical one but important nonetheless. It addresses concerns raised by the Northern Land Council in relation to nominating a site under the Commonwealth Radioactive Waste Management Act. If these concerns are not addressed, the Northern Land Council may be unwilling to nominate a site should a community within its jurisdiction wish to volunteer its land. Any nominated site needs to be included in the current site characterisation under the Commonwealth Radioactive Waste Management Act program as soon as possible to ensure that such a site is given adequate consideration within the current project schedule. So, if there is any nominated site, we need to deal with that as quickly as possible. If this reporting date is extended, as proposed by the Democrats, we will be taking this into early next year. We are able to deal with this act with sufficient Senate committee scrutiny and we can then deal with it in the final sitting fortnight, which is coming up. For those reasons, the government considers this to be urgent, and that is why I moved my amendment for an earlier date for reporting.

The DEPUTY PRESIDENT—The question is that the amendment moved by Senator Bartlett be agreed to.

Question negatived.

The DEPUTY PRESIDENT—The question now is that the amendment moved by Senator Ellison be agreed to.

Question agreed to.

The DEPUTY PRESIDENT—The question is that the motion, as amended, be agreed to.

Question agreed to.

Senator FERRIS (South Australia) (3.48 pm)—I seek leave to have the report incorporated in Hansard.

Leave granted.

The report read as follows—

SELECTION OF BILLS COMMITTEE
REPORT NO. 13 OF 2006

(1) The committee met in private session on Tuesday, 7 November 2006 at 4.21 pm.

(2) The committee resolved to recommend—

That—

(a) the provisions of the Commonwealth Radioactive Waste Management Legislation Amendment Bill 2006 be referred immediately to the Employment, Workplace Relations and Education Committee for inquiry and report, but was unable to reach agreement on a reporting date (see appendices 1 and 2 for statements of reasons for referral); and

(b) the provisions of the Anti-Money Laundering and Counter-Terrorism Financing Bill 2006 and the Anti-Money Laundering and Counter-Terrorism Financing (Transitional Provisions and Consequential Amendments) Bill 2006 be referred immediately to the Legal and Constitutional Affairs Committee for inquiry and report by 28 November 2006 (see appendix 3 for a statement of reasons for referral).

(3) The committee resolved to recommend—

That the following bills not be referred to committees:

- Australian Securities and Investments Commission Amendment (Audit Inspection) Bill 2006
- Customs Legislation Amendment (New Zealand Rules of Origin) Bill 2006
The committee recommends accordingly.

(4) The committee deferred consideration of the following bill to its next meeting:


Appendix 1

Proposal to refer a bill to a committee

**Name of bill(s):** Commonwealth Radioactive Waste Management Legislation Amendment Bill 2006

**Reasons for referral/principal issues for consideration**

To examine the provisions of the bill in relation to:

- Consequences of the Commonwealth indemnity against damage to the land;
- Removes entitlement to procedural fairness;
- Fare to comply with site nomination rules;
- Interaction with the Land Rights Act and other relevant legislation

Possible submissions or evidence from:

- David Noonan, Australian Conservation Foundation
- Jim Green, Friends of the Earth, Victoria
- Aboriginal Land Councils
- The Environment Centre NT
- Environmental Defenders Office NT
- Medical Association for Prevention of War
- Arid Lands Environment Centre
- ARPANSA
- ANSTO

Committee to which bill is referred:

Employment, Workplace Relations and Education Committee

**Possible hearing date:**

**Possible reporting date(s):** 31 January 2007

Appendix 2

Proposal to refer a bill to a committee

**Name of bill(s):** Commonwealth Radioactive Waste Management Legislation Amendment Bill 2006

**Reasons for referral/principal issues for consideration**

Statement of Reasons for Introduction and Passage in the 2006 Spring Sittings

**Purpose of the bill**

The bill amends the Commonwealth Radioactive Waste Management Act 2005 (CRWM Act) to:

- provide that failure to comply with the site nomination rules in section 3B does not affect the validity of the Minister’s approval under section 3C of a nomination;
- remove any entitlement to procedural fairness in relation to a nomination made under section 3A; and
- provide, should a nominated site ultimately be chosen for the Commonwealth Radioactive Waste Management Facility (CRWMF), for the Commonwealth to return the nominated site to its original owners when it is no longer required.

The bill also amends the Administrative Decisions (Judicial Review) Act 1977 to:

- exclude the application of the Act to a site nomination under section 3A of the CRWM Act to ensure consistency with existing provisions of the Act relating to sections 3C and 7 of the CRWM Act.

**Reasons for Urgency**

The bill addresses concerns raised by the Northern Land Council (NLC) in relation to nominating a site under the CRWM Act. If not addressed, the NLC may be unwilling to nominate a site should
a community within its jurisdiction wish to volunteer its land.

Any nominated site needs to be included in the current CRWMF site characterisation programme as soon as possible to ensure that such a site is given adequate consideration within the current CRWMF project schedule.

Possible submissions or evidence from:
Committee to which bill is referred:
Employment, Workplace Relations and Education Committee

Possible hearing date:
Possible reporting date(s): 30 November 2007

Appendix 3
Proposal to refer a bill to a committee
Name of bill(s):

Reasons for referral/principal issues for consideration
Statement of Reasons for Introduction and Passage in the 2006 Spring Sittings
Purpose of the bills
This “first tranche” of legislation repeals and replaces much of the Financial Transaction Reports Act 1988 and better implements parts of the revised (June 2003) Forty Recommendations of the OECD-based Financial Action Task Force on Money Laundering (FATF) and several of FATF’s Special Recommendations on Terrorist Financing. The remainder of the FATF Recommendations (except for those implemented by other legislation) will be implemented via a future “second tranche” of legislation.

Reasons, for Urgency
Passage of the bills is required in the 2006 Spring sittings to implement outstanding international obligations (arising out of Australia’s membership of FATF) to upgrade anti-money laundering and counter-terrorism financing measures.

Possible submissions or evidence from:
Committee to which bill is referred:
Legal and Constitutional Affairs Committee
Possible hearing date:
Possible reporting date(s): 28 November 2006

BUSINESS
Rearrangement
Senator ELLISON (Western Australia—Minister for Justice and Customs) (3.48 pm)—by leave—I move:
That:
(a) on Thursday, 9 November 2006:
(i) the hours of meeting shall be 9.30 am to 8.40 pm, and
(ii) the routine of business shall be that of a normal Thursday, as set out in standing order 57; and
(b) the Senate not meet on Friday, 10 November 2006.

Question agreed to.

NOTICES
Postponement
The following items of business were postponed:
General business notice of motion no. 608 standing in the name of Senator Nettle for today, relating to water resources of the Murray-Darling Basin, postponed till 27 November 2006.

General business notice of motion no. 612 standing in the name of Senator Stott Despoja for today, relating to Mr David Hicks, postponed till 9 November 2006.

General business notice of motion no. 620 standing in the name of Senator Siewert for today, relating to the Gwydir wetlands, postponed till 9 November 2006.
INTERNATIONAL JEWISH SOLIDARITY NETWORK

Senator ALLISON (Victoria—Leader of the Australian Democrats) (3.50 pm)—I move:

That the Senate—

(a) notes the petition organised by the International Jewish Solidarity Network and published in the *New York Times* in September 2006 that declares:

i. As Jews of conscience living in the United States, we are outraged by the violence being perpetrated in our name, both as Jews and US citizens.

ii. ... There is no Jewish safety, nor Jewish claims to justice, reason, or equity, beyond Jewish commitment to the unconditional safety and liberation of the peoples of Palestine, Lebanon and the other Arab and Muslim countries currently under assault by Israel, the US and its allies.

iii. We, Jews of Conscience, demand that the US government:

1. Require Israel to stop its brutal siege on Gaza and on Lebanon and call for an unconditional cease fire.

2. Require Israel to stop the expansion of the Israeli Wall of Separation, dismantle the completed sections, and completely withdraw from Gaza, the West Bank and East Jerusalem.

3. Support the United Nations resolutions demanding that Israel uphold international law and support the sanctions against Israel necessary to enforce these resolutions.

4. End military and economic aid to Israel.

5. Support reparations for the Palestinian and Lebanese people for the death and destruction they have suffered and for aid towards the rebuilding of their countries; and

(b) encourages the Government to support the demands of the petition.

Question put.

The Senate divided. [3.54 pm]

(The President—Senator the Hon. Paul Calvert)

Ayes…………… 6

Noes…………… 51

Majority……… 45

AYES

Allison, L.F. 
Brown, B.J. 
Siewert, R. 

NOES

Adams, J. 
Bernardi, C. 
Brown, C.L. 
Chapman, H.G.P. 
Crossin, P.M. 
Ellison, C.M. 
Faulkner, J.P. 
Ferris, J.M. 
Fifield, M.P. 
Hogg, J.J. 
Hurley, A. 
Johnston, D. 
Kirk, L. 
Lundy, K.A. 
Macdonald, J.A.L. 
McEwen, A. 
McLucas, J.E. 
Nash, F. 
Parry, S. 
Polley, H. 
Ronaldson, M. 
Sherry, N.J. 
Sterle, G. 
Trood, R.B. 
Webber, R. 
Wortley, D. 

*B denotes teller

Question negatived.
NOTICES
Postponement
Senator SIEWERT (Western Australia) (4.00 pm)—by leave—I move:
That business of the Senate notice of motion No. 1 standing in the names of Senators Siewert and Milne for today, proposing the reference of matters to the Rural and Regional Affairs and Transport Committee be postponed until 9 November 2006.
Question agreed to.

DUCK HUNTING
Senator BARTLETT (Queensland) (4.00 pm)—I move:
That the Senate—
(a) recalls its resolution of 25 March 1998 calling on all state and territory governments to ban the practice of recreational duck hunting;
(b) notes that:
(i) since that time, the Australian Capital Territory has joined New South Wales and Western Australia in having banned the practice, and
(ii) the Queensland Government has now introduced legislation to ban recreational duck and quail hunting in that state;
(c) congratulates the Queensland Government on its action; and
(d) reiterates its call for the remaining states and territory to follow suit.

Question negatived.

NOTICES
Postponement
Senator JOYCE (Queensland) (4.01 pm)—by leave—I move:
That notice of motion No. 619 standing in my name for today, relating to United States military commissions, be postponed till 9 November 2006.
Question agreed to.

MATTERS OF PUBLIC IMPORTANCE
Inflation and Interest Rates
The PRESIDENT—I have received a letter from Senator Sherry proposing that a definite matter of public importance be submitted to the Senate for discussion, namely:
“The Government’s poor economic performance, including:
(a) higher levels of housing mortgage repayments, national and personal debt, and inflation; together with
(b) lower productivity and a trend down in manufacturing and services exports”.
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 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) (4.03 pm)—Mr President, I am speaking to the motion on behalf of Senator Sherry. I think you will find that we will be renegotiating the formal arrangements regarding speaking times, with the cooperation of the whips. I think that this matter came on a bit earlier than Senator Sherry expected. The important thing to understand is, firstly, he is here now; and secondly, it is an important debate given the focus today on the interest rate increases and the concern about the future of the economy.

Senator SHERRY (Tasmania) (4.04 pm)—I apologise for being late. I was trying to access the Liberal Party website, which contains an interesting message. I will get to the matter of the Liberal Party website
shortly, because I think it is very embarrassing for the government. Today we are discussing a number of key aspects of the recent economic performance of the country, particularly the very poor contribution by the current Liberal government.

First and foremost is the issue of interest rates. Today the Reserve Bank announced the eighth interest rate increase since 2002—the fourth increase since the last election. That brings me to the matter of the Liberal Party website which I was attempting to access and was therefore held up in getting to the chamber. You cannot download the message, but the Liberal Party website still contains the Howard government plan: ‘keep inflation under control and keep interest rates at record lows.’ That is the message which is still on the Liberal Party website. Of course, it is patently wrong with regard to inflation and interest rates. I will talk a little more about interest rates before I get to inflation. The message on the website which states, ‘keep interest rates at record lows’ is patently untrue. It has to be false, because we have had four interest rate increases since the last election. Today we had the fourth increase.

Today’s increase will impact significantly on the community in a number of ways. It will impact not only on mortgage repayments—which is what is referred to mainly—but also on small business, small business loans and the farming community, particularly in a time of drought. The last eight interest rate increases have seen housing interest payments—that is, the actual monetary amount that individuals now have to pay as a percentage of their household income—running at 9.1 per cent. So, after the increase today, close to $1 in $10 of household income has to be contributed towards higher interest payments. The Liberal government is fond of looking at history. If we compare that to the proportion of household disposable income some 10 years ago, we see that it was then 5.6 per cent. So, 10 years ago, when the Liberal government was elected—at the end of the Labor Party government—interest rates as a proportion of the dollar income of Australians were considerably lower.

I have referred to history. Time and time again today we questioned Senator Minchin about the Liberal government’s broken promise of keeping interest rates at record lows—because clearly they are not at record lows—and time and time again the minister referred to the record under Labor in Labor’s 13 years. As I referred to, the valid comparison is actually the percentage of household disposable income—the actual amount of money from your pay packet—that you have to use to repay your mortgage. It has increased significant under the Liberal government. If we want to refer to history—and some people may not be able to remember back this far, but I certainly do—we should refer back to when John Howard, the current Prime Minister, was Treasurer.

Senator Johnston—We do want to go back in history.

Senator Sherry—I am very happy to. If it is a history lesson people want, it should be noted that interest rates reached 22 per cent when the current Prime Minister was Treasurer.

But what is important is the impact on families in Australia today. Why have these higher interest rates come about? Despite the fact that the Prime Minister, Mr Howard, and the Liberal and National parties misled the Australian people at the last election, they have come about because inflation is increasing. Inflation has now reached 3.9 per cent. It has increased significantly over the last 12 to 18 months. Indeed, the Reserve Bank, in its announcement today, referred quite specifically to escalating inflation as being a major
factor in the need for yet another increase in interest rates.

The Liberal government takes the credit and takes responsibility when the news is good but, when the news is bad, everyone else is to blame—it runs a mile and will not take responsibility. So, when the news is good, you take responsibility and you take the credit but, when the news is bad, you blame someone else. I notice the Liberal Party whip from the Northern Territory nodding in agreement.

Senator Scullion—Absolutely.

Senator SHERRY—He says, ‘Yes, absolutely.’ The Liberal Party blames someone else when the news is bad and takes the credit when the news is good. What we are seeing is the Liberal Party in blame game. When interest rates go up it is someone else’s fault—bananas or the states. ‘It’s the states,’ is the most common excuse, but it could be bananas, world oil prices or anything—anything but the Liberal government taking responsibility for any economic bad news. The Liberal government just will not take responsibility. The government is out of touch and arrogant. We see a continual arrogance from this out-of-touch government, particularly since it has had a majority in the Senate.

As I said, inflation has been rising. As at September 2006, it was 3.9 per cent. The headline rate has increased significantly, as has the core rate, in the last 12 to 18 months—contribute to some of the difficulties that Australian families are having to grapple with at the present time. If you go to the supermarket and do the shopping, you see that, as a component of the inflation rate, food prices in the year to September rose by almost 10 per cent—and it was not bananas, I have to say.

So increasing inflation—which the government has lost control of—has obviously fed into higher prices. Food is an obvious and unfortunate example that has a significant impact on households in Australia, particularly low- to middle-income households. At the same time, inflation is feeding into higher interest rates. Of course, for many Australian families, that has a severe impact because they are having to make higher repayments—after the latest rise, approximately another $50 a month. So a real double whammy is being suffered.

I remind people who are listening to this debate that this is a government that still has on its website ‘Keeping inflation under control’ and ‘Keeping interest rates at record lows’. Again, I see the Liberal and National party senators nodding. How can you claim that you have kept interest rates at record lows when there have been eight increases in the last couple of years—and four increases since the election? Clearly, interest rates are not at record lows. The Liberal Party continues to mislead—and I have to say that I am using relatively gentle language; I would not use the word ‘lie’—the Australian community about its recent very poor record in keeping interest rates low and keeping inflation under control. I would not be surprised if its website is adjusted. It should be pulled down or readjusted to read ‘Allowing inflation to increase’ and ‘Eight interest rate increases in a row since the election’. That is the sort of adjustment that should be made to the website. Indeed, at the bottom there should be an apology from the Prime Minister, Mr Howard, for having misled the Australian people.

But inflation feeding into higher interest rates and impacting on families and their ability to pay the bills are just some of the more important poor recent economic indicators. I want to turn to a couple of other areas. One is productivity performance and productivity growth, which has declined significantly over the last two years as well. Pro-
ductivity growth is important because it is fundamental to maintaining growth in real wages and fundamental to growing employment. If productivity growth starts to decline, and it has declined significantly in the last two years, that has a significant economic impact. The government, because of its arrogance and because it is out of touch, has failed to deal with a number of important issues in respect to labour market demand, other labour market issues and productivity generally—for example, there should be a much greater focus on education and training issues. Because of its neglect in the area of productivity, we have seen a significant increase in the number of foreign workers coming into this country to try and redress the economic issues around labour market demand. It should be Australians first. Because of this government’s neglect, there is an increasing reliance on foreign workers. That should not be the preferred approach of any government. The government has taken its eye off the ball in regard to elements of productivity.

There are some other worrying signs as well. Look at debt levels, both national debt and personal debt. At the moment, Australia’s foreign debt is approximately $500 billion. We heard a lot about Australia’s debt levels when the current government was in opposition, but over the last 10 years under this Liberal government foreign debt levels have increased some 2½ times, to $500 billion. That equates to a foreign debt level of approximately $25,000 for every man, woman and child in this country. If you took the debt truck that the Liberal Party has parked for the last 10 years in the garage and brought it out, you would have a B-double. The size of Australia’s debt has grown. This is very important, because this impacts on interest rates as well.

If you look at Australia’s interest rates by world comparison, if you have growing foreign debt and problems with your current account exports and imports—those economic difficulties—then there will be upward pressure on interest rates. Because the government has paid insufficient attention to growing foreign debt and to ensuring that our exports are stronger—for example, in the areas of services and manufacturing, where they have been slipping; mining is doing well, but manufacturing and services are declining—that means that you have to attract capital into the country. That is one of the reasons why interest rates are higher than they otherwise would be. As of today, Australia has the second-highest interest rates of all advanced Western European style economies. Only New Zealand has a higher interest rate. Australia’s interest rate has been very high by international comparisons for some years. That is because of that neglect of the issues of foreign debt and our current account exports and imports. As we have seen recently, and which is again reflected in today’s decision, there has also been neglect of inflation. (Time expired)

Senator BERNARDI (South Australia) (4.19 pm)—I admire Senator Sherry—I have to say that from the outset—because he has obviously adopted very early in his life the idea that if at first you do not succeed then you must try and try again. He repeatedly comes into this chamber and tries to attack this government on its economic record. Once again, he has failed. But he will be back, because he insists on raising the economic record of this government. The Labor Party, to their credit, do their very best. They trot out their finest economic spear carriers and hurl their spears at the economic record of this government. Unfortunately for Senator Sherry and his Labor Party colleagues, the only spears that they are carrying are spears of overcooked asparagus. The Australian public will not swallow overcooked asparagus. Nor will they swallow the rhetoric
and point scoring that Senator Sherry and the Labor Party are engaging in. They are seeking, quite simply, to undermine the economic prosperity that this government has delivered for this nation and the Australian people. Critically analysing the Labor Party’s economic policy is like considering the hole in a Krispy Kreme doughnut: there is simply nothing there. There is no pastry; there is not even a sprinkling of sugar to make it more palatable. Rather than consider the hole in a Krispy Kreme doughnut which the Labor Party produces, let us consider the balanced meal that is the economic record of this government and compare it with the empty calories that are being produced by the other side.

Australian householders’ balance sheets are in very good shape. Nominal wealth has increased in this country by about 11 per cent per annum since we have taken government. Don’t just take my word for it: Mr Ric Battellino wrote in a Reserve Bank of Australia bulletin—and this is what the Labor Party has been focusing on today—that interest rates ‘should not be viewed in isolation’ and that many households are ‘increasing both their debt and their holdings of financial assets’. So, yes, there is a corresponding increase in debt for people, but we are also talking about an increase in household net worth. This is lost on the Labor Party; they focus on the hole. We cannot continue to respect these isolationist, empty arguments, which are full of calories but with no viable nutritional value.

In his considerations, Senator Sherry also raised inflation. Access Economics—widely regarded and often used to support arguments—said in their recent Business Outlook:

Underlying inflation is rising as demand catches up to the economy’s supply-side potential, which, in turn, is raising wages and the cost of materials. Headline inflation has risen even more, topped up by bananas and petrol prices.

We accept that. But any balanced or reasonable economist knows that you look at core inflation. The headline inflation rate is discounted for these variables. Core inflation in this country is still at less than three per cent—I understand the medium adjusted inflation rate is 2.9 per cent. Access Economics continues:

The momentum behind demand may keep underlying inflation flirting with 3% for a while, but its next big move is down. New supply is coming—more workers, factories, mines and roads. That will send underlying inflation back down through 2007 and 2008.

A spoonful of sugar helps the medicine go down. And to the Labor Party I say: this is your medicine. We are going into a controlled inflationary environment that is going to sustain the economic prosperity of this nation and benefit the Australian people.

Let us talk about productivity for a moment. The Labor Party will have you believe the trend is down. I suggest to them that they have their graphs upside down because labour productivity output per hour worked grew by 1.4 per cent through the year to the June quarter. If that is a trend, it is a pretty good one. If you look at it on a five-year cycle, as produced by the Australian Bureau of Statistics, what used to take five hours of work to produce now takes four in this country. That is a pretty good trend. So, turn your graphs up the other way and perhaps you will start to get some coherent economic analysis going.

What about national and personal debt levels? Once again the Labor Party is full of rhetoric and light on substance. They are talking about national debt levels. This government, to my knowledge, does not have net debt. I think national debt is owned by companies that make prudent decisions in accordance with business policy. Sometimes that
money is invested overseas, or in fact borrowed from overseas. It is sustaining economic growth in this country, it is sustaining productivity and it is sustaining prosperity.

The Labor Party once again focus only on the negative. They fail to recognise that they are cultivating a culture of fear and negativity that revolves around scaring the Australian people. The Australian people will not swallow these empty lines. They know that they cannot continue to eat sugary substances, because it will affect their overall health. No matter what you throw out there and produce, they are going to see through it.

The Labor Party forget that our households have $6 in total assets and $2 in total financial assets for every single dollar in debt. The net nominal wealth for households in Australia is about $5,225 trillion. That is $5,225 billion. That is nearly three times the level it was at the time this government took office. When the Labor Party was in office, it was $1.748 billion. So the trend towards increased nominal wealth is also supported.

Let us touch on the subject du jour of mortgage rates. No one likes higher mortgage rates. We know that they cause pain to Australian families. But we also know that sometimes the Reserve Bank, acting independently, has to take measures that are in the best interests of sustaining economic growth in this country. This government has never sought to interfere in interest rates, aside from pursuing prudent fiscal monetary policy. Senator Minchin said today that interest rates, at 8.05 per cent today, were never ever seen under Labor’s 13 years of hard labour, which they foisted on the people of Australia. In 1996, when we took office, interest rates were 10.5 per cent. They are now nearly 2½ percentage points, 250 basis points, below that.

Let us talk about housing affordability. In 1989, under Labor, 30.4 per cent of disposable income went out to pay off the average mortgage. It was high; it was unacceptably high: 30.4 per cent. It is less under this government. Let us be realistic about this. When I was growing up bank managers used to say, ‘If you want a mortgage, the bank will assess your suitability for a mortgage on your ability to repay the loan.’ Banks are still making these decisions today. There are, once again, conflicting stories on the Labor Party side about housing affordability. One is lamenting the decline in house prices and one is lamenting the affordability. What is the preponderance of that? It is zippo. You have a hole. There is nothing there. One negates the other. There is zero coherent policy on the other side.

What about the other trends they are barking on about today? I have to repeat: they have their graphs upside down, because trade is good. Manufacturing exports in this country increased by 12 per cent to a record $39.5 billion in the last 12 months. In volume terms, they rose by 6.4 per cent in 2005-06. The choice for the Australian public is very clear: they can have a balanced meal, one that will sustain them for many years, with this coalition government, or they can chase empty calories, which are very dangerous to health, wealth and prosperity, by appointing a Labor government and undoing the good work that has been done over the last 10 years.

Senator MURRAY (Western Australia) (4.29 pm)—The issue before us is not an immediate, today’s issue—it is a culmination of a long-term effect, which is the effect of underlying inflation and demand on the economy and, consequently, the determination of the Reserve Bank to apply a monetary policy ‘brake’—and I note that that was the word used by Senator Minchin in replying to a question today.
Inflation, of course, has many causes. One of them is a shift in import prices. Import prices, the cost of capital and the flow of capital are indeed affected by interest rates and whether they have a premium over foreign interest rates. But probably the greatest effect for import prices in recent times has been the exogenous effect of a rise in oil prices, and we recognise that. And there is very little either this government or any government can do about that. So we really have to look at the endogenous area—the domestic area, domestic policy. If you look at the issue of business costs, businesses’ costs rise when events occur which force them to increase their prices, and of course that has an inflationary effect. It is a direct consequence of the government’s obsession with markets and with a backing-off of intervention that, to some extent, we have inflationary effects on business costs.

The first and most obvious example is a failure to recognise that reducing the percentage of GDP spent on education and training would result in fewer skills being available. The consequence of fewer skills being available is that businesses have to pay more to make sure that they get those skills. If they pay more, they then have to raise their prices. So government had a very conservative view and a very economic rationalist view, which I think they are backing off from now, which said: ‘Let the market control these matters. The market will supply the skills and the people that are required.’ If anyone thinks we do not have the raw numbers available, one in 20 Australians are unemployed and one in seven are underemployed. If they had been properly trained and educated and if other things had been done, we probably would not have that price effect.

Another effect has been recognised by the government, and that is regulatory overlap—the consequence of a failure to invest in infrastructure or in resolving the various regulators that govern the economy. The government has now recognised this, but the delay in attending to that has meant that bottlenecks have occurred. When bottlenecks occur, costs rise for businesses and they pass them on in prices. So there are underlying effects on inflation from that area.

In the area of consumer demand, the failure of the government to follow the lead of advanced Western economies and restrict and restrain negative gearing has contributed to asset inflation. Essentially, over a million households are engaged in negative gearing. They record something like $10-odd billion of tax losses on their negative gearing. They have freed up the equity in their homes, or they have borrowed, in order to acquire assets to lay them off for a tax purpose now, with the intention of gaining a capital gain later. The consequence of that is excessive demand in the economy, excessive confidence. And eventually the market will work and people will get burnt and hurt, and, to some extent, this interest rate is a consequence of that.

I recognise that government ministers have slogged their guts out, working very hard at things they think important. But I think they have not paid enough attention to the future, and by not paying enough attention to infrastructure, to skills and to the issues of negative gearing and restraining asset inflation they have contributed to an inflationary situation. Unfortunately I only have five minutes—otherwise I would give you much more of the same, but I hope you have got the message.

Senator WONG (South Australia) (4.34 pm)—At the last election, Middle Australia put their trust in John Howard on interest rates. And what have they got back since then? They have got back four successive rate increases. Today the Prime Minister got what he has been softening up the electorate
for, with the rates rise he gave the green light to—his fourth consecutive interest rate rise since the last election, since the commitment was given to keep interest rates at record lows, and the eighth successive increase in interest rates since 2002, I think.

The reality is that Australians are more highly indebted than they ever have been, and the proportion of disposable income that families have to find to meet the interest payments on their mortgages is higher now than it ever was under Labor. Australian families understand what the new interest rate reality is, and there is no such thing as a small interest rate rise.

But unfortunately this government is too arrogant and too out of touch to understand this. We have a Treasurer who says that any interest rate below double figures is low. We saw Mr Turnbull, when commenting on the previous rate rise, trying to argue that that last rate rise was overdramatised. And then, today, here we have Senator Bernardi, who suggests that Labor’s criticism of the government’s economic management resulting in an interest rate increase was akin to the hole in a Krispy Kreme doughnut. I am sure the Australian families who are going to struggle with the ever-increasing cost of meeting their mortgage interest repayments arising out of eight successive interest rate increases think this is a little more important than a hole in a Krispy Kreme doughnut.

Let us have a little discussion about the sort of pressure that the government’s broken promise is placing on Middle Australia and the reasons behind the most recent interest rate increase, consistent with previous warnings from the Reserve Bank. It is probably useful to go to the governor’s statement, where he states:

 domestdemand has been expanding at a relatively strong pace against a background of limited spare capacity. Labour market conditions have remained tight and businesses are reporting high levels of capacity usage.

This combination of forces has contributed to an increase in inflation. In the September quarter the underlying inflation rate was … 3 per cent …

What are the factors which are contributing to inflation? If you read what the Reserve Bank has said both on this occasion and on previous occasions—warnings that the Howard government has simply failed to acknowledge and failed to act upon—it is quite clear that the Reserve Bank has been saying for some time that the supply side of the economy, the capacity constraints which exist and the fact that demand has grown so substantially have added to inflationary pressure. It is quite clear from what the Reserve Bank has said that we are looking at capacity constraints. This is putting pressure on inflation which, in turn, is putting pressure on interest rates.

But of course that is not what the Howard government say. They seek to blame anyone and everyone else when it comes to the inflationary pressures in the economy which, in turn, are putting pressure on interest rates. The reality is the Howard government are failing to manage inflation, and this is the primary reason we see interest rates going up for the fourth successive time since they promised to keep interest rates at record lows. What are some other things the government have ignored? The Howard government have been too short sighted to act appropriately on the skills crisis. They have failed to invest sufficiently in research and development and innovation and they have failed to invest in infrastructure.

I want to briefly comment on household debt levels, because the government does not seem to understand the reality that is facing Australian families. The reality is that mortgage interest repayments under John Howard
are around nine per cent of disposable income. That is higher than they ever were under previous Labor governments, and families are using a greater proportion of their income on mortgage interest repayments than ever occurred under Labor. That is the reality. I tell you what else is the reality: we are more highly indebted than we ever have been. The average Australian household now owes $1.57 in debt for every $1 of disposable income they earn. The government can only talk for so long about the balance sheet and the growth in assets values to justify the ever-increasing proportion of disposable family income which is being spent on mortgage interest repayments.

Let us look at what the Prime Minister says. Do you see him saying, ‘I see that the Reserve Bank yet again has talked about capacity constraints, skills and the labour market being tight’? No. He says, ‘There is also upward pressure on interest rates now being exerted because some state governments are going into deficit.’ It is extraordinary. He is trying to blame Labor state governments.

I want to briefly talk about investment in skills, and Senator Murray was right to identify that as a major problem. As I have previously said in this place, it is an extraordinary act of economic irresponsibility for the government to allow us as a country—the only OECD country, I think; certainly one of the few—to go backwards in terms of public investment in education and training over the last decade. According to the most recent figures, the average OECD increase in public investment in post-school education—that is, vocational and higher education—was a 48 per cent increase. What has Australia’s investment been during the term of this government? Minus seven per cent. That is the government’s contribution to skilling the Australian workforce, increasing productivity and ensuring that the economy on the supply side has the capacity to meet increasing demand.

Underinvestment is something that not just Labor but the Reserve Bank and business have been telling the government about for years. So, whilst the Prime Minister might want to continue to blame the states and to mislead the public about who sets interest rates and what impact they have, he fails to take responsibility for the fact that, under his government, there has been a massive underinvestment, in international terms, in post-school education. Also, the Productivity Commission has recently warned the Howard government against its narrow focus on the commercialisation of public research and called for a rethink of industry research and development incentives. We all know that innovation is critical to Australia’s ongoing economic prosperity. It delivers critical economic, social and environmental benefits. The Productivity Commission is echoing a range of concerns, which have been raised by others, about the government’s failure to have a coherent strategy on innovation and about the underinvestment in research and development.

I turn very briefly to infrastructure. Infrastructure has been identified as one of the
factors contributing to capacity constraints in the economy on a number of occasions. Do we have national leadership from the How-
ard government when it comes to infrastruc-
ture? We do have national leadership, but do
you know what it is for? It is for pork-
barrelling. That is what the infrastructure
leadership from the Howard government is for—National Party interest before the na-
tional interest and, frankly, that has to stop.
There are a range of examples which demon-
strate the government’s propensity to spend
funds—which should be spent on productive
infrastructure—on what can only be de-
scribed as electoral pork-barrelling. For ex-
ample, in the Liberal Party seat of Forde, the
government spent over $5 million on a steam
train that has not generated enough steam to
boil an egg and, in the seat of Dobell, $1.5
million was spent to dredge the famous
Tumbi Creek, which was already clearing
itself. Meanwhile, again in the electorate of
Forde, $370,000 a year could deliver Labor’s
trade completion bonus, which is a plan to
halve the current dropout rate of apprentices
and produce an extra 46 qualified local
tradespeople.

We know from the Business Council of
Australia there is a substantial shortfall—$90
billion—in Australia’s infrastructure, and the
response from the Howard government is to
continue to pork-barrel. In the very short
time I have allocated, I want to say one
thing. We saw Senator Minchin today, again,
refuse to take responsibility for this matter.
In 2005, when there was not an interest rate
increase, he put that down to the govern-
ment’s record of economic management. I
cannot recall the exact quote—‘great eco-
nomic management’, ‘good economic man-
agement’ or something like that.

Including today, there have been eight
successive interest rate increases—four since
the last election. Do we see the government
stepping up to take responsibility and recog-
nising that their economic management has
contributed to this? No, we do not. We see
yet more blame-shifting and more finger-
pointing—‘anybody but me’. They are happy
to take the upside, they are happy to take the
credit—but not the responsibility. (Time ex-
pired)

Senator FIFIELD (Victoria) (4.45 pm)—
Labor have been hoping for this day. You can
imagine how excited they were flying to
Canberra on Sunday night thinking to them-
selves, ‘Only two more sleeps to the RBA
board meeting.’ You can imagine how ex-
cited they were when they woke up this
morning: ‘Only a few hours until 9.30 am
when the RBA will announce its decision.’
The sad truth is that Labor have been
athinkin’ and awishin’ and ahopin’ and
prayin’ for this rate hike. They could barely
contain their excitement. Mr Beazley was out
there yesterday with his billboard. Labor
have already released their TV ads. They
popped their MPI in before the RBA had
even issued its release. They were just that
keen. But let me pose a question: what has
the Labor Party done in opposition to help
create a low interest rate environment? What
has the Labor Party done in opposition to
help take pressure off interest rates?

Senator Wong—You’re in government.

Senator FIFIELD—People might laugh
and think, ‘Well, they’re in opposition: what
could they possibly do?’ There are things an
opposition can do to help. Let me tell you
what they are. Labor, as we have heard them
say, are in favour of lower interest rates. Yet
everyone in this chamber knows that they
delivered a $96 billion debt to us when we
came to office.

One thing we do know is that high gov-
ernment debt and large budget deficits put
upward pressure on interest rates. Having
delivered nine budget deficits in 13 years,
having left a $96 billion debt—which was
putting upward pressure on interest rates—you might think Labor felt some obligation, felt some sense of responsibility, to help solve the problem. But no: Labor opposed every single measure in this chamber and in this parliament designed to put the budget back into balance. They say that they support balanced budgets; it is just that they oppose every single measure designed to get the budget back into balance. They say that they support low inflation and they say that they support low interest rates; it is just that they oppose the very policy settings required to create a low interest rate environment—such as paying off debt and supporting a government that is endeavouring to budget without resort to deficits.

Yet Labor have the audacity and the absolute hide to come into this chamber and lecture us about interest rates. Labor have done everything that they could in opposition to help maintain an economic environment like the one they left behind. They have done everything they possibly could to maintain a high-inflation environment, a high interest rate environment and a high-unemployment environment. Despite Labor’s obstructionism and despite their opportunism, they have failed. Labor have failed to prevent us from balancing the budget. Labor have failed to prevent us from reforming the tax system. Labor have failed to stop us freeing up the labour market. Labor have failed to stop us lowering inflation, interest rates and unemployment. And Labor have failed to stop us keeping the economy growing strongly.

Now, having been opponents of good policy at every step, Labor feel they have somehow earned the right to delight in and crow about a rate rise. The opposition are seeking to misrepresent the government’s comments on interest rates. They seek to verbal us—to claim that we contended that rates would not rise under a coalition government. But what we said was that rates would be lower under a coalition government than they would be under a Labor government. We never said that rates would never move again. We never said that rates would only ever fall. What we said was that rates would be lower under a coalition government than under a Labor government. That is what we said. And you know what? We were right. We were right then and we are right now.

Why did we make that claim at the election? Why did we say that interest rates would be lower under a coalition government than under a Labor government? Because mortgage rates under Labor peaked at 17 per cent, because mortgage rates under Labor averaged 12.75 per cent and because mortgage rates under Labor when they lost office were still 10.5 per cent. Labor say: ‘Don’t worry about that. That’s all in the past. That was a long time ago. We’re different. We’ve learnt.’ Well, how different are Labor now? When they were in government Kim Beazley was Deputy Prime Minister and Minister for Finance. Who are Labor putting up as the alternative Prime Minister today? A Mr Kim Beazley. It must be a different Kim Beazley if Labor have changed that much. Why do I look at Labor’s record? Because any good psychologist will tell you that the best predictor of future behaviour is past behaviour. Do not listen to what Labor say; look at what they have done.

On this side of the chamber we are happy to be scrutinised and we are happy for people to look at what we have done. We are happy for people to look and see that under this government mortgage rates are down from 10.5 per cent to 8.05 per cent, that mortgage rates have averaged around 7.18 per cent. The interest rate reduction from 10.5 per cent under Labor to the interest rates we have today would save a person with an average new mortgage of about $220,000 around $449 per month. We are very happy for people to look at our record. There are a couple
of good case studies as to the callous disregard that Labor have for homebuyers—one is federal and one is state.

I will start with the federal example. I read an article in the *Australian* newspaper on 1 December last year with the heading ‘‘Energy-guzzling’’ McMansions in Labor’s sights’. It said:

AUSTRALIA’S ‘‘energy guzzling’’ McMansions are in Labor’s sights under a new housing policy designed to tackle the nation’s supersized houses.

... ... ...

The new housing agenda calls for a ‘‘redesign’’ of the popular first-home-owner grant scheme ...

I think we all know what a ‘‘redesign’’ of that scheme might mean—that it will not be there for every new homebuyer as it is currently. That is what Labor have in mind. That is what Labor think of first homebuyers—they want to ‘‘redesign’’ the first home owners grant. The article goes on:

As Kim Beazley prepares to chase the aspirational vote at the 2007 election, the report suggests a radical rethink of Australia’s lust for bigger houses.

... ... ...

Opposition housing spokesman Kim Carr—who the article says lives in a large, sprawling two-storey house in Melbourne; and there is a lovely picture of it—wants to generate a debate on housing. He told the *Australian*:

‘‘I am saying we cannot continue to build energy-guzzling houses without explaining to people the cost of building a house where you need two airconditioners to make it habitable,’’ he told *The Australian*.

How dare the Australian public want to own a large house! How dare they want a house that has two air conditioners!

Labor have some scary policy proposals in mind for Australian homebuyers when they get into government. Clearly, they want to do something funny on the first homeowners scheme and they want to re-educate the Australian people about the sorts of houses they should be buying. Fiona Allon, a fellow at the University of Western Sydney’s Centre for Cultural Research, warned in that article that homeowners might find a re-education campaign patronising. I think they would find it patronising. There is something the Labor Party can do if they are seriously concerned about housing affordability: the state Labor governments can free up more land in the capital cities and do something about stamp duty. (Time expired)

**Senator NETTLE** (New South Wales) (4.53 pm)—The Australian government’s failure to act to reduce greenhouse gas emissions is feeding into the decision today by the Reserve Bank to increase interest rates. In his statement on monetary policy today, the Reserve Bank Governor, Glenn Stevens, confirmed that the Reserve Bank had taken ‘‘careful note of the likely economic effects of the drought’’. The current drought is being exacerbated by the climate change that we face in our community. Climate change is going to drive up the cost of fuel, it is going to drive up the cost of food and it is going to drive up the cost of water, all of which will fuel inflation.

As my colleague Senator Brown said earlier today, the Howard government likes to talk about its record on fighting inflation, yet it has failed to tackle the No. 1 long-running cause of the increased cost of living in Australia. The government’s failure to address climate change now and, indeed, over the last 10 years has fuelled inflation and contributed to the interest rate increase we have seen today. While today’s interest rate increase is only in part due to the current drought, there is little doubt that petrol prices, energy prices, water prices and food prices will face upward pressure due to both the direct impacts of climate change and the
introduction of policy mechanisms designed to address climate change.

Australians have said time and time again that they are willing to pay more to protect themselves from climate change. Yesterday’s ACNielsen poll showed that 91 per cent of Australians believe climate change is a serious problem, and 63 per cent said they would be prepared to pay more to tackle the problem. It is ironic that the Prime Minister says he will not introduce a carbon tax because of the cost to taxpayers when it is those same taxpayers who are now paying higher interest rates because of the government’s failure to tackle climate change.

The Australian Greens are the only party to have voted against this year’s round of income tax cuts. We argued at the time—and we continue to argue—that those tax cuts would have been better spent helping to address the pressing problem of climate change. Unfortunately, those same tax cuts have increased consumer spending, which is inflationary and has contributed to today’s interest rate rise. Australia’s economy and Australia’s environment need the same thing: urgent action from the government to reduce greenhouse gas emissions.

The Greens have a far better track record than this government when it comes to putting forward proposals on how to manage an economy that is in the midst of a climate change crisis—and the community recognises that. In a recent Roy Morgan poll of around 11,000 Australians, 48.1 per cent said the Greens were the best party to tackle climate change. The Greens have been proposing mechanisms by which the Howard government can change our economy to deal with climate change for decades—mechanisms such as a carbon tax; a price signal for carbon, through a carbon emissions trading scheme; and investment in renewable energy, rather than tax breaks for polluting and extractive industries.

Just last week in the United Kingdom the Stern report warned of dire consequences for our economy if we do not address climate change. Sir Nicholas Stern warned that the economic and social consequences would be ‘on a scale similar to those associated with the great wars and the economic depression of the first half of the 20th century’. Over the last 10 years, the government has failed to tackle the challenge posed by climate change and to reorient our economy to deal with the climate challenge. Let us see the much-needed investment in renewable energy. Let us see a commitment to a carbon tax—from the government and, indeed, the opposition. We need to see the political leaders of our day make a commitment to our country, our economy and our environment.

Senator JOHNSTON (Western Australia) (4.57 pm)—Labor attacking the government on the economy is utterly incredible. It reminds me of a scene from the movie Monty Python and the Holy Grail in which the Black Knight has lost his arms and legs in a fight. He demands that his assailant continue the fight, telling him it is ‘only a flesh wound’. For 13 years, this country saw Labor economically lose arms and legs. The one overriding reason Labor have been in opposition federally for 10 years is that, in government, they are hopeless economic managers—incompetent and useless. What do we get today? No policy, no ability. The states, under Labor, are all running deficits—and that gives us a little entree of what we would get under Mr Beazley.

Let us look at Labor’s legacy as hopeless economic managers of this country for 13 years. Under Labor the net government debt was $95.8 billion in 1995-96; under this government it is minus $4.8 billion today. Interest on government debt under Labor in
1996-97 was $8.4 billion; today it is $0.5 billion. Under Labor there were 8.3 million Australians in work; today we have 10.1 million Australians in work. The unemployment rate was 8.2 per cent in March 1996; today it is 4.9 per cent. There were 197,800 long-term unemployed in March 1996—and I will have some more to say about them in a moment—and there are 91,000 today. Average inflation was 5.2 per cent under Labor; today it is 2.5 per cent. Average mortgage rates were 12.75 per cent under Labor; under us they are 7.15 per cent.

One of the most important statistics is that, when we took over, we ranked 13th on the OECD table of living standards; today we rank eighth. We have exceeded a number of countries, including Germany, Italy, Denmark, Sweden—a host of European countries—and Japan. Household wealth was $2,047 billion in March 1996; today it is $4,632 billion. That is a snapshot of the difference between this government and Labor and of the economic drive that this government has brought to bear for this country.

What do we get from Labor? As my learned friend and colleague Senator Fifield said, they are awishin’ and ahopin’. It is the greatest free kick they think they have ever had, yet we still do not have the sense, smell or aroma of any policy. There is a black hole of policy. What would they do in government with respect to inflation? Silence is the stony reply. Under Labor Australia’s credit rating was twice downgraded. That is how successful Labor was as an economic manager. In 1986 and 1989 Standard and Poor’s took us back. In 2003 our credit rating was finally restored to AAA by this government. That is our achievement. The runs are on the board and the objective international commentators have acknowledged that.

Let us talk about the long-term unemployed for a moment. The number of long-term unemployed stands at 91,000 today. That figure has come down by 106,000 or 54 per cent since the coalition came into office. The number of long-term unemployed peaked at 329,800 in May 1993. Guess who was the employment minister then: the current Leader of the Opposition. He presided over the largest number of long-term unemployed in recent times. More particularly and more worrying is teenage unemployment. The number of 15- to 19-year-olds looking for full-time work stood at 63,900 in June 2006, down from 133,400 in July 1992. That was the number of young people trying to get a job, seeking work at that time. Under Mr Beazley’s management there was a complete dearth of employment.

Let us look at what Labor did in their last five years in office. In the last five years of the Labor government, from 1991 to 1995-96, cumulative deficits totalled $69 billion. Under Labor, net government debt rose from $16.9 billion to $95.8 billion—a huge achievement. They were spending like drunken sailors. They were the government of tax and spend. That is Labor’s record.

Mr Beazley was Minister for Finance from December 1993 to March 1996. Over this period net government debt climbed from $55.2 billion in 1992-93 to $95.8 billion in 1995-96—the highest level on record. That is the dubious distinction of Labor’s track record—and they come along here today to lecture us on interest rates! It is absolutely laughable. Net interest payments on debt increased from $2.9 billion in 1992-93 to $7.8 billion in 1995-96—the highest level of government debt on record, and it was under Mr Beazley’s stewardship. Goodness me: what a lot to look forward to if he were ever—frightening as it is to contemplate—elected to lead this country!
The ACTING DEPUTY PRESIDENT (Senator Hutchins)—Order! The time for
the debate has expired.

COMMITTEES
Privileges Committee
Report

Senator FAULKNER (New South Wales) (5.05 pm)—I present the 129th report
of the Committee of Privileges entitled Person referred to in the Senate: Dr Clive Hamilton.

Ordered that the report be printed.

Senator FAULKNER—I move:

That the report be adopted.

This report is the 49th in a series of reports recommending that a right of reply be af-
forded to persons who claim to have been adversely affected by being referred to, ei-
ther by name or in such a way as to be read-
ily identified, in the Senate.

On 25 October 2006, the President received
a submission from Dr Clive Hamilton relating
to comments made by Senator Eric Abetz in
the Senate on 18 October 2006 during ques-
tion time. The President referred the submis-
sion to the committee under privilege resolu-
tion 5. The committee considered the submis-
sion on 7 November 2006 and recommends
that Dr Hamilton’s proposed response, as
agreed by the committee and Dr Hamilton, be
incorporated in Hansard.

The committee reminds the Senate that in
matters of this nature it does not judge the
truth or otherwise of statements made by hon-
ourable senators or the persons referred to.
Rather, it ensures that these persons’ submit-
sions, and ultimately the responses it recom-
mands, accord with the criteria set out in privi-
lege resolution 5.

I commend the motion to the Senate.

Senator ROBERT RAY (Victoria) (5.07
pm)—Once again the Senate has accorded an
Australian citizen a right of reply under sec-
tion 5. As I have said previously, I think it is
very commendable that the Senate allows
this provision to be exercised. I have often
drawn the odious comparison with the other
place, the House of Representatives, which
to my knowledge, although I have not up-
dated it of late, has only ever allowed one
reply. They have very similar provisions to
ours. Mr Acting Deputy President, I could
not tell you how many replies we have al-
lowed but I think there would have been at
least 50 over the last decade or more. The
House of Representatives, in the early stages,
took the attitude that generally they would
not allow any replies. The reason for that is
that at least one or two precious individuals,
including a grub I know very well, always
took the attitude you should never give any-
one the chance to criticise politicians. That
was the reason that even the government
members on the House of Representatives
Privileges Committee always felt stymied.
Now that person has gone from the place, I
would expect them to lift their performance
in this particular way.

The Senate Standing Committee of Privi-
leges has the onerous duty of not merely
ticking a reply but making sure that it is in
conformity with the provisions of privileges
resolutions and also our past practice. In
other words, this is not just an open go. If the
person responding starts to open up a new
front or is abusive or overly critical in their
response, we have to suggest that it be modi-
fied. This was the case in this particular re-
sponse, and it is often the case, because we
do not want to start tit-for-tat warfare in this
chamber. In general, these amendments are
negotiated, usually by the secretary of the
committee with the concurrence of the chair
and deputy chair of the committee, and even-
tually we see the reply in the form that it has
arrived in today.

The committee does not distinguish be-
tween the natures of misrepresentation, defa-
information et cetera—but I do. I think there are different forms. I think things said about colleagues in this place can always be responded to but an attack on the character of a third party, if it is a preplanned attack like an arranged question and a detailed answer read out, goes beyond the pale on occasions and is far more serious than the offhand and hot-headed remarks that senators often make and later regret. I also think we should think seriously if it is an attack based on someone’s philosophical or religious beliefs, and I find it hard to distinguish in this case whether that was the case. If you attack someone’s spiritualism in this place, I do not think that actually enhances the role and reputation of the Senate. I would also say about this particular case that what really bemused me was not the attack against Dr Hamilton but the allegation that the Australia Institute is some sort of front organisation for the Labor Party and the Greens. I have never heard of it and I have never heard of Dr Hamilton, so if he is a stooge of ours he will come as a surprise to me and, I think, many other senators. We have seen him in the public domain before expressing views, but he certainly does not speak on behalf of the Labor Party or at our behest.

Question agreed to.

The response read as follows—

Appendix One

Response by Dr Clive Hamilton
Pursuant to Resolution 5(7)(b) of the Senate of 25 February 1988

On 18th October 2006, in reply to a question from Senator Heffernan, Senator Abetz launched a personal attack on me ostensibly in response to my comments on drought relief to Australian farmers. By taking some words of mine wholly out of context, he attempted to defame me by ridiculing my religious experiences.

The same words used by Senator Abetz were used by Senator Parer to attack me on 25th September 1997, in reply to a question from Senator Abetz ostensibly about my views on greenhouse policy. The Privileges Committee recommended that my response to Senator Parer be incorporated in Hansard, which was duly done on 21 October 1997.

In 1994 I was invited by Caroline Jones to be a guest on her ABC Radio program *The Search for Meaning*. *The Search for Meaning* was a long-running program that provided an opportunity for well-known people to discuss their personal spiritual and religious journeys. It was difficult for me to decide whether to accept the invitation to appear because it would require some intimate revelations about my own spiritual journey. I feared that I may be misunderstood and, possibly, ridiculed by people who have little understanding of the subject. After the program, I had many letters and telephone calls from people around Australia thanking me for my candour and willingness to speak of these issues.

Senator Abetz has selected from the one-hour interview my description of the stage of the spiritual journey known as the ‘confrontation with the shadow’, a well-known aspect of the process of ‘individuation’, that is, the process of achieving psychological wholeness. There is an extensive psychological literature on this process.

Many eminent Australians—including authors, scientists, poets, academics and religious leaders—have spoken or written of similar experiences, as any regular listener of Caroline Jones’ program would know. The experience of confronting the shadow is a persistent theme of the world’s literature. Some celebrated examples include Goethe’s *Faust* and Dante’s *Inferno*. I could name dozens more which deal with it explicitly. The theme also figures prominently in Australian literature including the work of A.D. Hope and Patrick White, the latter in his seminal work *Voss*, to name but two.

This literature in turn reflects the graphic treatment of these experiences in the great religious writings of the world. They feature prominently, for example, in both the old and new testaments of the Bible and in the Bhagavad-Gita. Several of the best-known Christian theologians, including St John of the Cross, Master Eckhart and Hildegard of Bingen, provide detailed accounts of their experiences which closely resemble mine in form, content and resolution.

CHAMBER
I was dismayed to hear Senator Abetz use intimate revelations about my spiritual journey in an attempt to smear me as an individual and undermine my credibility as a commentator on drought relief. The very same views on drought relief have been expressed recently by a wide range of experts and commentators including Professor Peter Cullen, Professor Mike Young, Mr Ross Gittins, the Productivity Commission and the Government-endorsed Agriculture and Food Policy Reference Group.

My credentials as a commentator have not been questioned by anyone, but in case any observer should have doubts after Senator Abetz’s attack I would like to record the following. I hold a degree in Pure Mathematics from the Australian National University, a First Class Honours degree in Economics from the University of Sydney and a DPhil from the University of Sussex. I have held permanent or visiting positions at the Australian National University, the University of Sydney, the University of Technology, Sydney and the University of Cambridge.

I have published widely, including seven books and many articles in Australian and international refereed academic journals. I have been employed to carry out research by many government, business and community organisations including the House of Representatives Standing Committee on Environment, Recreation and the Arts, the Department of Environment Sport and Territories, the Academy of Technological Sciences and Engineering, and the Sustainable Energy Development Authority.

Clive Hamilton
19 October 2006

Scrutiny of Bills Committee

Report

Senator ROBERT RAY (Victoria) (5.11 pm)—I present the 10th report of 2006 of the Senate Standing Committee for the Scrutiny of Bills. I also lay on the table Scrutiny of Bills Alert Digest No. 13 of 2006, dated 8 November 2006.

Ordered that the report be printed.

Senator ROBERT RAY—I seek leave to move a motion in relation to the report.

Leave granted.

Senator ROBERT RAY—I move:

That the Senate take note of the report.

In tabling the committee’s Alert Digest No. 13 of 2006, I would like to draw senators’ attention to a matter of concern to the committee.

In recent Alert Digests, the committee has sought clarification from ministers in relation to provisions for the inclusion of significant powers and offences in legislation and has drawn senators’ attention to the limited justification provided for such powers and offences.

In this current Digest, the committee has considered two bills which fall into this context: the Anti-Money Laundering and Counter-Terrorism Financing Bill 2006, which seeks to introduce strict liability and absolute liability offences; and the Copyright Amendment Bill 2006, which seeks to introduce strict liability offences.

No doubt there are well thought out policy reasons for each of these provisions. The committee has noted before that the Minister for Justice and Customs has established within his portfolio a consultative process aimed at ensuring that offence, penalty and enforcement provisions are framed in a sound, effective and coherent manner. This process requires the explanation and justification of the proposed amendments in order to secure the agreement of the Minister for Justice and Customs and is supported by the Guide to framing Commonwealth offences, civil penalties and enforcement powers, which provides a consolidated statement of legal policy, principles and advice relevant to the framing of these types of provisions.

The committee’s concern is that the justification for these types of provisions is often
given scant attention in the explanatory memorandum.

These are significant and intrusive powers and should only be conferred in exceptional and specific circumstances. The committee expects that proposals for the inclusion of such powers in legislation should be accompanied by detailed justification in the explanatory memorandum as to why such powers are required in the particular circumstances.

This would not only limit correspondence between the committee and the relevant minister, but would be of valuable assistance to the committee and the parliament in the consideration of the bill.

Question agreed to.

Australian Crime Commission Committee
Additional Information

Senator SCULLION (Northern Territory) (5.14 pm)—At the request of the Parliamentary Joint Committee on the Australian Crime Commission, I present additional information received by the committee on its inquiries into cybercrime and the trafficking of women for sexual servitude.

AUSTRALIAN PARTICIPANTS IN BRITISH NUCLEAR TESTS (TREATMENT) BILL 2006
AUSTRALIAN PARTICIPANTS IN BRITISH NUCLEAR TESTS (TREATMENT) (CONSEQUENTIAL AMENDMENTS AND TRANSITIONAL PROVISIONS) BILL 2006

Report of Foreign Affairs, Defence and Trade Committee

Senator SCULLION (Northern Territory) (5.14 pm)—On behalf of the Chair of the Foreign Affairs, Defence and Trade Committee, Senator Johnston, I present the report of the committee on the provisions of the Australian Participants in British Nuclear Tests (Treatment) Bill 2006 and a related bill together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

MEDICAL INDEMNITY LEGISLATION AMENDMENT BILL 2006
SCHOOLS ASSISTANCE (LEARNING TOGETHER—ACHIEVEMENT THROUGH CHOICE AND OPPORTUNITY) AMENDMENT BILL (No. 2) 2006
CUSTOMS TARIFF AMENDMENT (2007 HARMONIZED SYSTEM CHANGES) BILL 2006
CUSTOMS AMENDMENT (2007 HARMONIZED SYSTEM CHANGES) BILL 2006
COMMUNICATIONS LEGISLATION AMENDMENT (ENFORCEMENT POWERS) BILL 2006
HIGHER EDUCATION LEGISLATION AMENDMENT (2006 BUDGET AND OTHER MEASURES) BILL 2006
LONG SERVICE LEAVE (COMMONWEALTH EMPLOYEES) AMENDMENT BILL 2006
TELEVISION LICENCE FEES AMENDMENT BILL 2006
CORPORATIONS (ABORIGINAL AND TORRES STRAIT ISLANDER) BILL 2006
CORPORATIONS (ABORIGINAL AND TORRES STRAIT ISLANDER) CONSEQUENTIAL, TRANSITIONAL AND OTHER MEASURES BILL 2006
CORPORATIONS AMENDMENT (ABORIGINAL AND TORRES STRAIT ISLANDER CORPORATIONS) BILL 2006
BROADCASTING LEGISLATION AMENDMENT BILL (No. 1) 2006
Messages from His Excellency the Governor-General were reported informing the Senate that he had assented to the bills.

COMMITTEES

Foreign Affairs, Defence and Trade Committee

Reference

Senator SCULLION (Northern Territory) (5.16 pm)—At the request of the Chair of the Foreign Affairs, Defence and Trade Committee, Senator Johnston, I move:

That the following matter be referred to the Foreign Affairs, Defence and Trade Committee for inquiry and report by 16 August 2007:

The changing nature of Australia’s involvement in peacekeeping operations and the implications for the Australian Defence Force, AusAID, the Department of Foreign Affairs and Trade and the Australian Federal Police and other departments and agencies likely to be called on to assist a peacekeeping operation, with particular reference to:

(a) the policy framework, procedures and protocols that govern the Government’s decision to participate in a peacekeeping operation, for determining the conditions of engagement and for ceasing to participate;

(b) the training and preparedness of Australians likely to participate in a peacekeeping operation;

(c) the coordination of Australia’s contribution to a peacekeeping operation among Australian agencies and also with the United Nations and other relevant countries; and

(d) lessons learnt from recent participation in peacekeeping operations that would assist government to prepare for future operations.

Question agreed to.

Rural and Regional Affairs and Transport Committee

Reference

Senator O’BRIEN (Tasmania) (5.16 pm)—I move:

That the following matter be referred to the Rural and Regional Affairs and Transport Committee for inquiry and report by 19 June 2007:

The adequacy of Australia’s aviation safety regime, with particular reference to the performance by the Civil Aviation Safety Authority of its functions under the Civil Aviation Act 1988, including its oversight of Lessbrook trading as Transair.

Let me say at the outset that this is the second occasion on which I have sought to refer matters pertaining to the administration of aviation safety and the Civil Aviation Safety Authority, particularly with reference also to the Lockhart River tragedy in May 2005, to this Senate committee. I am informed that once again the government has decided not to support this referral.

Labor has been advocating a full inquiry into the Civil Aviation Safety Authority for quite some time. I am particularly disappointed because I was hopeful that the new minister had not yet been, as Sir Humphrey Appleby would have said, house trained by his officials. That appears to have been an error on my part. The minister clearly is fully in the control of his officials in this regard.
We are seeing this new minister cowed by his new responsibilities and unwilling to stand up to the overbearing advice of CASA officials—a minister who joins a long line of mediocre ministers that John Howard has appointed to the very important portfolio of transport, a minister who clearly does not take his responsibility for safety of the Australian people seriously. He is in fact the leader of a party that claims to represent rural and regional Australians but, when asked to, turns his back on and betrays the families of those killed in the Lockhart River disaster.

The tragic events of 7 May last year when 15 people died in the Lockhart River air disaster are one of the reasons Labor has advocated this inquiry—one reason, but not the only reason. In September this year, Minister Truss announced a number of changes, including that of the governance arrangements for CASA. The minister said at the time:

In 2003 the Government abolished the Board of CASA to make it more directly accountable to the Minister for its performance. CASA’s governance arrangements have since been reviewed against the recommended directions of the Uhrig template for administrative agencies. As a result of that review the Government has decided to further improve CASA’s accountability and performance by making it subject to the Public Service Act 1999 and the Financial Management and Accountability Act 1997. This legislative framework recognises that CASA is a government regulator and not a commercial business.

This announcement by the previous minister is confirmation that the government is also concerned about the accountability of CASA. In fact, the government has been concerned about the accountability of CASA since before 2003. If the minister does not believe that CASA is sufficiently accountable, how can the parliament and all the travelling public be convinced that nothing is wrong and that no inquiry is necessary? In March, when I moved for an inquiry into CASA, I said:

The simple fact is that many Australians have lost confidence in Australia’s aviation safety regime. In particular, they have lost confidence in CASA ... I stand by this remark. If anything, the information that flowed from estimates last week has not only reinforced but strengthened that belief. My office has been contacted time after time with issues regarding CASA administration—issues as diverse as complaints about the charges levied against general aviation and the effect this is having on the industry; lack of public consultation for changes; and even similar concerns about the closed-door consultation favoured by CASA which excludes groups who have traditionally been consulted because they have expertise in the relevant areas. I have had calls about staff being overwhelmed by the volume of work following downsizing and even calls regarding the technical expertise of staff being pressed into service as branch offices around the country are being gutted. Then there is the anguish of the families of those killed at Lockhart and their search for answers in relation to what may have been a preventable accident. I have to say my office has not received the bulk of those calls, and I will leave it to Senator McLucas to describe them.

It is of great concern to me, and should be of concern to every senator, that many of the calls made to my office are anonymous as callers are genuinely concerned about revenge action that CASA may take against them which potentially could harass them to the point of driving aviation companies out of business. It is clear that only a full Senate inquiry will give these people both the opportunity and the protection needed against the management structure within CASA,
which clearly does not have the confidence of many in the industry.

Notwithstanding the fact that these callers feel the need to remain anonymous, I believe the information my colleagues and I have received paints a picture of an organisation in turmoil, and consequently an organisation that is failing in its primary role—that is, oversight and maintenance of aviation safety in this country. Where possible, these issues have been raised either in the Senate chamber itself or at estimates hearings. However, constraints such as time and lack of opportunity to call relevant witnesses mean that this is the second-best option to a full and proper Senate inquiry, where witnesses can appear under the protection of parliamentary privilege and where the committee can determine whether to take evidence in camera so that those who are concerned about what might occur if they say things in public can nevertheless say them to the Senate committee in private.

I do find the government’s position not to support an inquiry particularly contemptible because senators from both sides have taken up issues about CASA which question the competence and even-handedness of the organisation. I have had complaints raised with me by senators who sit opposite who themselves have raised issues with a minister—I will not say ‘the minister’, because it was with the previous minister—ultimately with no outcome. As I said, these issues have questioned the even-handedness of CASA. It seems to me that the fact that senators on both sides of this chamber have become aware of these problems means that they are widespread. I think it reflects the frustration felt by members of the public that so many of the senators in this place have been approached about problems in this area.

In my opinion, many senators already suspect or know that CASA is an organisation that is not within the control of the minister. It is apparent that it is an organisation that takes a big stick to some operators and tragically, as it appears in the case of the Lockhart River disaster, regulates with a very light touch when it suits. I mentioned last week’s estimates hearings. Anybody who watched or listened to those hearings, or who has read the *Hansard*, would have been surprised that it took CASA so long to make the significant admission that the air operators certificate of Transair had been cancelled. In fact it took over 15 minutes of sustained questioning by senators to get to this fundamental point. This is an appalling example of an agency that at best is incompetent and at worst displays an attitude that borders on contempt for the parliament.

Another extraordinary admission from the head of CASA is that they are not going to do a safety case in relation to a significant change to the system of licensing of some commercial pilots. It is not only my opinion but also that of the parliament that safety is the No. 1 priority for CASA, and this is demonstrated in no less a document than the act under which CASA operates. At the very least, the conduct of a safety case in relation to changes in licensing arrangements should be mandatory. This is just another example of a complacent and arrogant organisation.

As I have said, there is an emerging pattern of incompetence within the organisation. Perhaps ‘emerging’ is not the correct term; I think it is out there for all to see. It is now on the public record that CASA knew in November 2001 that Transair, the airline whose aircraft was involved in the Lockhart River disaster, had—and I quote from the enforceable voluntary undertaking put in place by CASA in May this year—‘ongoing compliance and structural problems’. That is ongoing, not one-off, not here and there but ongoing. We know when problems were identified, and we even know that there were 14
separate safety breaches. What we do not know is why CASA did not act in November 2001, or in August 2004 when it audited again, or in February 2005 when it audited yet again. These audits all took place before the tragic events of May 2005. As I have already mentioned, only sustained Labor questioning forced CASA to reveal that it had secretly suspended Transair’s air operators certificate just the week before. The secrecy that CASA operates under is a major concern. A Senate inquiry would assist in lifting the rock that these unaccountable officials are cowering under and reveal the truth of what CASA knew and when they knew it, or what they did not know.

The Queensland coroner and the Australian Transport Safety Bureau will report on the accident; however, whether these reports will cover the apparent systemic failings of CASA prior to May 2005 is yet to be seen. A Senate inquiry could be set up and we could have answers to some of these questions in a matter of weeks—not months or years as will be the likely delay in those other proceedings. A Senate inquiry would provide the protection necessary to encourage those callers, who as I have said do not want to give their names, to come forward either to give evidence under parliamentary privilege in public or perhaps even to give evidence in camera in certain circumstances and as far as possible place on the public record their knowledge and concerns. It has come to my attention—in fact I have known for quite some time—that there are some pilots, for example, who were associated with Transair who would be prepared to appear before a Senate inquiry and detail what they told CASA about Transair well before the Lockhart River tragedy. But without the Senate inquiry it is doubtful that we will get that evidence.

I am told that the government’s view is that the committee would have placed before it, some time later this year or early next year, legislation regarding airspace reform and that a limited inquiry could be held then. I do not regard that as satisfactory. I do not regard an approach in which the committee would be limited by the boundaries of a proper inquiry into a bill which, as I understand it, would be about the transfer of the power to regulate airspace from Airservices Australia to CASA as a full inquiry into the Civil Aviation Safety Authority. If that is all we get then perhaps it will be better than nothing, but it will not be much better.

With regard to the motion before the Senate, I know there are many senators here who, left to their own devices—and I mean those who sit on the other side of the chamber—would be voting for this motion and who believe it is time that there should be an inquiry into the Civil Aviation Safety Authority. They believe it is time that we looked at some of the background into the Lockhart River tragedy and that it is time that we looked at the performance of CASA in Western Australia, where we have had adverse coronial comment about the role of the regulator in relation to deaths involving aviation.

It is time that we looked at the way that officers of CASA in Western Australia persecuted an operator from the northern part of that state. I will not name them now, but it is a matter that I have raised at estimates and it is a matter that has been raised with me and with the minister by one of the senators who sit opposite. It is about an operator that spent thousands and thousands of dollars to keep their aviation business afloat and their planes in the air against a persistent and hostile action by the Civil Aviation Safety Authority, allegedly on the basis of safety but now with the operation having won its actions through the courts and flying only because the business had the resources to fight the legal fight for years.
Those are issues that ought to be before a Senate inquiry. They are issues which ought to be pursued not on the basis of political interest but on the basis of public interest. There is no doubt that aviation safety is a matter which can be pursued without regard for anything other than the public interest. I urge senators, particularly senators opposite, when they consider how they vote on this motion to consider their duty to their constituents. It is not good enough for us to close our eyes and let things continue to happen as they have. It is not good enough to allow the Civil Aviation Safety Authority to hide behind the protection of an inadequate scrutiny regime—the Senate estimates—which does not give us the time to properly pursue these matters nor the opportunity to call witnesses other than officers of the department or of the authority to test the evidence that we are given.

The only way in which we can properly test this matter, assist the public and do our duty in relation to aviation safety is to have the inquiry that I propose. This is the sort of action which has been supported by the government in the past when they did not have a majority in their own right here. One can only assume that the only thing that has changed is that now the minister has the power to call the shots and to say no, and the government are saying no because they can. It is time for this inquiry to happen. I urge senators to support the motion.

Senator FERRIS (South Australia) (5.34 pm)—Senator O’Brien has put up a case this afternoon for an inquiry into CASA. The government opposes that inquiry. Although I have listened carefully to Senator O’Brien’s argument, I remain here to defend the government’s position on air safety. It is the case that we have one of the safest aviation industries in the world. However, there is no room for complacency. All of us in this chamber who fly as frequently as we do know that we need to get on to an aircraft knowing that we are going to be safe. The statistics show that we have a very safe industry in this country, and there is no room for complacency. CASA know it and all of the travellers in Australia know it. They can take confidence in knowing that.

Under the Director of Aviation Safety and Bruce Byron, CASA’s Chief Executive Officer, CASA has actually increased its surveillance in air safety over the last couple of years. There are 1,401 active permission holders in general aviation, and 97 per cent of them have been subject to CASA surveillance in just the last 14 months. One of those 1,401 permission holders is Transair. Senator O’Brien spoke quite extensively about Transair today. The initial draft ATSB report into Transair’s Lockhart River crash does not suggest there was a mechanical problem that led to the accident. In fact, CASA’s decision to revoke Transair’s air operators certificate late last month was not in any way related to the accident at Lockhart River. It was as a result of a series of maintenance management issues that could not be resolved by Transair. The final ATSB report has not been released. It is due for release around December this year, and the coronial inquest into the 15 deaths must also occur before any final conclusions can be drawn.

This is, of course, extremely difficult for the families of those who died in that tragic crash. Coming from South Australia, I remember very clearly the Whyalla Airlines disaster, in which eight people died. I remember the difficulties that came after that, the length of time that it took for ATSB and CASA to resolve those issues and the length of time it took for the coroner to report. It was a stressful time for those families, and all of us who were in this place then remember it very well and sympathise with those families, as we do with the families of the Lockhart River crash victims.
The cause of the Lockhart River disaster has not been determined, and it would therefore be quite premature for the Senate to inquire into CASA and its systems in association with the accident. Senator O’Brien mentioned that he had been speaking with pilots. Pilots have also contacted people on this side of the chamber. The pilots that have contacted us have indicated that they will give evidence to a coronial inquiry, and at this stage there is no suggestion that that opportunity will not be accepted by the coroner. I, for one, will be watching closely to ensure that those people do have the opportunity to present the evidence that they have and for the coroner to take that into account very carefully when he is determining the cause of this accident. The final report is due in December or January. We questioned closely at estimates and discovered from CASA and the ATSB that the report is now in its final stages, and we expect that it will be completed if not in December then by January next year. However, the coroner’s inquiry is unlikely to commence before March 2007.

There is no suggestion at all in the three ATSB interim reports on the Lockhart River crash that the accident was due to any failure by CASA. In fact, the ATSB report states that the aircraft was operating normally at the time of the accident, with no defect or malfunction evident.

More broadly, the investigation has been given a high priority by the ATSB and it has included an analysis of management, organisational and human performance issues; standard operating procedures; flight crew training and checking; regulatory oversight of the operator’s activities, including approvals and surveillance undertaken; and the design and chart presentation of the instrument approach that was used. So far, the ATSB has issued three absolutely factual reports on the accident, the most recent of them at the end of August this year.

In the course of the investigation, the ATSB has made three safety recommendations to CASA and one to the department. CASA has completed action on one of those three recommendations and the ATSB is monitoring CASA’s actions on the other two. In relation to the fourth recommendation, drafting instructions for the suggested legislative change are currently with the Office of Parliamentary Counsel. So it is not true to say that nothing has been done or that too little has been done. As I say, the ATSB expects to release its final report very soon, and then the coroner will begin his inquiry.

As Senator O’Brien knows, there have been numerous inquiries and reviews of CASA’s performance since it was formed in 1995 and none of them have found any serious deficiencies in aviation safety. The most recent of these was a Senate inquiry into regional aviation, which included an extensive examination of CASA’s interactions with industry and its approach to industry and safety regulation. Senator O’Brien, as he knows, was a member of that committee. The committee made some recommendations about CASA’s processes, but we were unable to identify any deficiencies that would impact on safety at the time. There have also been earlier reviews of CASA, including two by the Australian National Audit Office.

Australian air travellers have the right to feel safe in the sky, and CASA has the job of ensuring that standard of safety. They are the experts and they will determine whether safety action should be taken. Potential safety action might include a fine, the suspension of an AOC or the immediate grounding of aircraft. As well, CASA has the responsibility of drawing the line between safety and actually allowing flights to occur. Qantas, Virgin Blue, Rex and others need to be able to fly without unnecessary restrictions or red tape; regional centres like Dubbo, Coffs Harbour, Bundaberg and Bun-
bury need operators like Brindabella and Skywest to be able to continue operating without unnecessary compliance costs; and, importantly for all of us who take charter aircraft, small private operators deserve to be able to fly their planes without being grounded by unnecessary paperwork.

Politicians cannot draw that line between safety and allowing flights to occur. Only the safety regulator can draw that line. In order to meet these difficult challenges, CASA’s workforce is changing. It is hiring more quality people with relevant skill mixes to ensure aviation safety. The Director of Aviation Safety and his experts at CASA do not need another politically driven inquiry from the Labor Party. They need to be treated with the seriousness that they deserve as world-class air safety professionals. Let not any of us in this chamber hold ourselves up as better safety regulators than Australia’s CASA safety experts. The travelling public deserve no less.

Senator McLUCAS (Queensland) (5.43 pm)—I rise to support the motion from Senator O’Brien to conduct an inquiry into the operations of the Civil Aviation Safety Authority in Australia. In doing so, I am speaking on behalf of the families of the 15 people who were tragically killed in May of last year in the accident known now as the Lockhart River disaster. Can I also say to Senator Ferris that I reject absolutely any allegation that this inquiry has a political motivation. The families of those people who were killed are desperate to understand what led to that disaster. It is part of the grieving process that an understanding of why an event occurred needs to be found in order to even start thinking of any sense of closure. I am actually quite annoyed, to the point of angered, that there would be a suggestion that an inquiry such as we are proposing would be a political inquiry, as she has suggested. It is an inquiry that is in the public interest, and it is in the interest of those 15 families.

Since the disaster in May 2005, a series of allegations about the operations of Transair and its sister company in Cairns have been made. Three separate former pilots of Transair came to us, and their allegations were aired in Senate estimates. They alleged serious mismanagement by this company and serious lack of maintenance of their aircraft prior to the disaster. These were serious allegations, and they were not allegations from an opposition operator; these were allegations from inside the company. We have had to take those allegations through the Senate estimates process to try to find out some answers on behalf of the families.

As I said, former pilots have made some serious allegations and other airline operators based in North Queensland have also made allegations. It has come down to using Senate estimates to try to get some understanding of whether or not these allegations have any basis in truth. Since the disaster last year, my colleagues and I have used every estimates to try to get some answers on the operations of Transair. Basically, every time we have asked questions I have essentially been patted on the head and told that it is okay, that everything is fine. Our questions have been partially answered. I have to say that I believe CASA has been uncooperative and unhelpful in assisting to test the serious allegations that various people have made. In fact, in May of last year, Mr Gemmell from CASA was asked by a colleague of mine about another audit that had been conducted. The question was:

You did this safety audit on TransAir back in February-March. Media reports ... suggest that CASA gave TransAir a clean bill of health ...

Mr Gemmell said:
Clean bill of health stuff, I think I said last night...

These are the sorts of answers that I have been receiving: ‘Everything is fine. Stop worrying about it, Senator McLucas. Everything is going on okay.’ But continually we are receiving more and more allegations of things that are not going right. So we turn up again at Senate estimates and continue to ask those questions.

We have had two ATSB interim factual reports, as I recall to this point. I do not think that they have given any comfort to the families about the operations of Transair and the operations of that flight that went from Bamaga to Lockhart River on that day. The first interim factual report indicated that the cockpit voice recorder was not functioning. So we do not have any information about the last minutes of that flight. We do not know what occurred. The report also indicated that there was no load sheet left at Bamaga, the port of departure. Further, this was normal practice from Transair. They did not bother leaving a load sheet so that someone could find out what the weight on the plane actually was.

The third thing that we found in that first interim factual report was that human factor management training, which was mandated in the operations manual, was not complied with by pilots that were flying that plane. That sounds like a technical item that was identified in that factual report, but the thing that troubles me about that is that every time I ask CASA why they did not ensure that the pilot and the copilot of that plane had undertaken human factor management training, even though it was mandated in the operations manual, they tell me that they do not worry about making sure that everything that is mandated in the operations manual is actually complied with. I have to say I get pretty offended when Mr Gemmell tells me that they do not follow up everything that is in the operations manual because they put things in the operations manual like ‘you have to wear a long-sleeved white shirt and epaulets’ and they could not be bothered following that up. He then equates human factor management training with a white shirt and epaulets. I have to say that the people that I talk to in Far North Queensland find that mighty offensive.

The second interim factual report was also pretty revealing. Basically, it confirmed that the regulatory oversight of Transair—that is, the operation of CASA—was still a matter under investigation. The ATSB itself was looking at the way that CASA was providing regulation over Transair.

Those two interim factual reports raised more questions than answers in the minds of the families and more questions in my mind, and they were questions that needed to be answered. So, as usual, I turned up at Senate estimates last round, having indicated in advance to CASA that I was going to ask some questions about the enforceable voluntary undertaking that had been signed between Transair and CASA on, I think, 5 May this year. When I started asking questions about the EVU at Senate estimates I was pretty annoyed when Mr Byron essentially said: ‘We have not got that detail with us here. We’ll take that on notice.’ That has been his tactic right from the beginning—not to have the material with him and to say: ‘That’s fine. We’ll take that on notice. That’s very complex, Senator.’ I actually found his behaviour towards me quite patronising and offensive, so I said, ‘No, you will answer these questions tonight.’

It was only after really pushing him that he finally said, almost as an aside, ‘Oh, by the way, you probably need to know that we’ve withdrawn Transair’s air operating certificate.’ This is the company that operated the flight that killed 15 people in Far
North Queensland—‘Oh, by the way, Senator, we’ve just taken away their AOC, something that might be of interest to you.’ I then had to extract from them bit by bit what the enforceable voluntary undertaking actually enumerated.

The act requires CASA, when it has made an undertaking with a company, to place ‘details’ of an EVU on its website. The ‘details’ of the EVU run to about 15 lines and give people no information of what that EVU entails. As Senator O’Brien has said, the EVU is alarming. The EVU points to an ongoing failing by CASA to maintain, in my view, any regulation of Transair since 2001. The third point of the EVU states:

The company was the subject of CASA audits in November 2001, August 2004, February 2005 and February 2006, which disclosed to CASA auditors that it had ongoing compliance and structural problems.

This is not something that happened after the accident; this has been ongoing since 2001. How do you think the families of those 15 people feel when they read that and know that CASA placed on its website not that document but a paltry—

Senator O’Brien—Summary.

Senator McLUCAS—I am sorry, Senator O’Brien, but you cannot call it a summary. It is not a summary. It is misleading. Reading that document, you would think we are off and running and tidying up what perhaps is a little bit of a problem. I have asked Mr Byron to see whether he thinks CASA has complied with the act by putting these 15 lines up on its website, after finding out that the EVU enumerates there have been ongoing problems for over five years.

Since further publicity of that event has occurred, a further two allegations of improper activity by Transair have been made to me. One has been made anonymously and the other has been made by someone who does not want his name used. I can take those questions to the February estimates and ask them again in an attempt to get some answers out of Mr Gemmell and Mr Byron and then get another round of emails from the families involved and from people who read that transcript. They will say, ‘You poor thing, Jan’—that is what they say to me—‘he will not answer your questions.’ That consistently has been the situation and it is the situation we are in now. We have a group of people who are extremely frustrated. They see an organisation that is intentionally not answering questions and is telling us that Transair has a clean bill of health, when at the same time there are audits of this organisation that show ongoing structural and compliance problems.

It is no wonder that these people have no trust or faith in the system that regulates air safety in this country. It is no wonder that they also are calling on the government to agree to undertake the inquiry that Senator O’Brien’s motion today again calls for. They were furious when the government did not support such a reference earlier this year. If any government senator does not do the right thing and cross the floor today, again they will be furious—and for good reason.

The grief process requires information that will assist people to understand what has happened to the person they love, and this government is ensuring that they cannot access such information. We do not know why that plane went down, but we do know now that CASA knew more in the period leading up to it going down than it has told us. The fact that the government will not allow this inquiry to proceed adds to the frustration of these people and their feeling that their grief is not being accommodated.

The allegations that have been made to me in the last few days go to the training and qualifications of pilots who have flown Tran-
sair planes over time. My correspondence states:

CASA is an organisation that accepts no blame for any of their failings—for example, the Seaview Air disaster and the Monarch Airlines fiasco, which are on record in the CASA files. For CASA to put the finger on Transair for the Lockhart crash would be an admission of their own failure to step in prior to the crash. This crash would never have occurred if CASA were conducting a proper surveillance of this operator with respect to crew training standards, which was the cause of the disaster.

I have considerable respect for the person who made this allegation, and that is his view, but it is a view that needs to be tested. I cannot evaluate that allegation. The coroner might do some work to evaluate that allegation but not necessarily, because it goes to the operations of the regulator, CASA. It is my view that the only way we can test this sort of allegation is to conduct a proper Senate inquiry.

The second set of allegations that have been made to me this week go to the cooperation—or, in fact, lack of cooperation—between CASA and ATSB. It concerns me—and this is not the first time I have heard this allegation—that the Australian Transport Safety Bureau, in conducting its inquiry into the disaster, has not had full cooperation from CASA. But I cannot test this until we get to next February’s estimates, when I will ask Mr Gemmell again whether he has been helpful and cooperative with the ATSB, and he will assure me, I am sure, that he is doing everything he can. How do I test that? Then I have to turn up to the ATSB.

This requires a proper inquiry so we can get to the bottom of who is covering up what, or in fact if they are. Certainly, there are a lot of people in North Queensland who think that they are doing just that. Earlier this year, when we moved this reference, no-one from the government spoke; no-one took the opportunity to defend the fact that they were not going to support an inquiry that would have allowed these families some closure. But after that Senator Ian Macdonald came into the chamber and so did Senator Joyce.

Senator O’Brien—Where are they now?

Senator McLucas—That is correct, Senator O’Brien: they are not here. But let me remind the chamber of what they said then. Senator Macdonald said:

I do not think we need the inquiry, but perhaps if they—

referring to matters that have been raised by me—

are not properly addressed in the future this is something that could well be considered.

I say to Senator Macdonald: now is the time. Now is the time that we need to consider what we should do. These matters have not been properly addressed, and the conduct of this inquiry is something that could well be considered. I invite him to stand up for the people of North Queensland and to come and sit with us when the vote is taken. Senator Joyce said:

Currently there is no evidence of a failure of the aviation safety regime, despite claims by some, and there is no clear public interest justification at this stage for an inquiry.

I did not agree with him then, but I certainly do not agree with him now. I believe that there is evidence of failure of the aviation safety regime. That is proved by the EVU and the fact that CASA has known since November 2001 that we have had a problem with this airline. There is a failing in the regulation of air safety now, and I also invite Senator Joyce to sit with us, to vote up this inquiry.

I think the final word in this discussion should go to Mr Shane Urquhart. Mr Urquhart’s daughter, Constable Sally Urquhart, was killed in the disaster, and I quote from last week’s Torres News:
Our main question is: now that the shonky, arrogant and shadowy operations of CASA have been exposed, will the federal government show some accountability to the people of Australia and invoke a Senate inquiry into CASA posthaste? We think that only then will the full story of this whole stinking episode in Australian aviation history be revealed.

I urge government senators to support this reference. It is the right thing to do. It is the right thing to do by the 15 families who lost a family member. It is the right thing to do by general aviation more broadly. And it is the right thing to do to restore some of the travelling public’s confidence in our aviation safety. (Time expired)

Senator BARTLETT (Queensland) (6.03 pm)—I do not in any way seek to suggest I have followed this issue as closely as the two opposition speakers certainly have, but I have endeavoured to at least keep an eye on the issue in amongst everything else. And certainly as a senator for Queensland I am very much aware that the tragedy of Lockhart River is still being very much felt today by many people who are affected by it.

Of course, tragedies happen in all sorts of circumstances and in all situations in life, but that is no reason to compound them—to compound the tragedy, to compound the hurt and drag it out—by the inadequate sort of response that we have had in relation to this issue and that circumstance in the more than a year since. And I know Senator McLucas, who is from the far north of Queensland, would be able to give—as she has just done—a much stronger and more direct indication of just how much of an effect this continues to have on those people. Senator O’Brien went more widely, and this is not solely about Lockhart River—there is a range of other issues here. I think he put a very strong case for why there are sufficient grounds for a comprehensive Senate committee inquiry.

Let us just remember that it is actually not that long ago—it might feel like it, but it is not that long ago—since the government did not control this place; it is less than 18 months. And in all of the period prior to that, for 23 years prior to that, we did have a continual recognition in this place that, when there was a solid case built for a Senate inquiry for proper examination of the issues—not the sort of revisiting it briefly every three or four months, in the way that is required through Senate estimates, as Senator McLucas has described, but actually having a good, thorough, solid look at the evidence—99 times out of 100 the Senate would agree.

The case has been made. It is a valid issue, and we should examine it. We should have an opportunity for the public to raise some of those issues, for some of the facts that have come forward and some of the extra information that people are prepared to put into the public arena to be able to be properly examined in a consistent way. That is really one of the tragedies that has happened since the government got control of the Senate—that anything that a minister decides he or she does not want to happen just does not happen. Frankly, that is a tragedy in terms of this totally supportable, totally valid proposal from Senator O’Brien, which we all know many on the government benches recognise and would and should support.

Over the last couple of days we all had what is called a conscience vote. I do not suggest that we just have a free vote on every single issue, including committee references and procedural matters, but we really need to have much greater scope and recognition, particularly in the Senate—it is not the house of government; it does not determine who is in government or whether votes pass or fail—for coming to a decision based on the merits of the case.
With respect to missed opportunity—and this is a missed opportunity for the public—this is not just a missed opportunity whereby the Senate can say, ‘Hooray, we have a Senate inquiry,’ or Senator O’Brien can put out a press release and get some recognition for the work he has done. All of that is totally valid, but that is not the missed opportunity. The missed opportunity is to properly examine the issue, which we all know is a very important and substantive issue and that valid concerns have been raised.

I do not profess to put forward a position or express an opinion about some of those concerns. I have not followed the issues closely enough, but that is part of the point with Senate inquiries—that senators who have not followed the issues thoroughly, who have only a passing acquaintance with the issues, get the opportunity to see all the information together in one place, see public submissions and get a better understanding of issues that they need to know about. If we as a house of review are going to be serious, as we used to be for 23 years, then those are the sorts of things that we have to do.

I would urge, whether on this vote or future votes, as people are reflecting over the Christmas break, that government senators give more thought to exercising their independence in these sorts of matters, thereby enabling valid Senate inquiries to be established. It does not mean you have to support everything. The Democrats do not support every proposal that is put forward. There has to be a valid case made. We know the statistics of the massive increase in the number of inquiries and the proposals for inquiries that are being knocked back purely on the say-so of government senators and, in most cases, their actions are purely on the say-so of the relevant minister. So we have one minister in the ministerial wing of this parliament making decisions as to what the Senate does and does not do. That is not satisfactory. It has happened time and time again. The percentage of proposals for inquiries that have been knocked back has increased dramatically—monumentally—since the government gained control of the Senate.

I could name—I will not go through it all now—a number of cases where, collectively, every single member of the Senate committee, including government members, has agreed: ‘This is a good topic for inquiry; these are good terms of reference. We all agree the committee should do this.’ It goes back to the government party room and the minister says no. The coalition members of that committee are put in the impossible—or awkward, anyway—position of then having to vote against an action that they fully accepted just days before in the meeting of the relevant Senate committee.

That is a perversion of the process—and let me emphasise, again, that it is a lost opportunity. Inquiries are about providing opportunities for public concerns to be heard and for valid areas of concern to be examined. At least on this occasion, unlike the last occasion, we had a government senator come in here and put a case. I suppose that is a tiny increase in respect being shown for the Senate, the process and the people who have concerns about this issue, so I would, at least, welcome that. With all due respect to the relevant speaker, I do not think it was a terribly compelling case. Unlike the major parties, the Democrats do have a bit more flexibility to make up our minds on how we vote, based on the case that is put. As I said quite openly before, this is not an area I have huge expertise in. I am quite willing to hear the case for and against. It was not a very compelling case and, by contrast, I think the contributions of Senator O’Brien and Senator McLucas put the case very well.

This is not some politically motivated point-scoring exercise. Most people in the
general community will not be changing their vote on the basis of the minutia of how CASA does its job. It is not that sort of inquiry that is being put forward. It is a legitimate policy inquiry, it is a legitimate area of public interest and it is a legitimate area of public administration, where legitimate concerns have been raised and where existing accountability mechanisms, such as the estimates process, have been found to be wanting. I think Senator McLucas detailed that quite well. It is not one of those situations where there is one problem, one incident, and people say, ‘Let’s have a Senate inquiry.’ Some people like to do that a lot. It is a good way to get a quick headline. Something happens and someone is concerned: ‘Just put out a media release, saying, “We’re going to call for a Senate inquiry. We won’t bother to tell anybody and the committee won’t bother to make a case. We’ll just put out the media release.”’ This is not one of those situations.

Senator O’Brien and Senator McLucas, as we all know, have been fighting on this issue for a long time. They have pursued the mechanisms that are available to them, including the estimates process, which they have found to be inadequate for the task and the importance of the issue. Whether that is because of the attitude of CASA or whether that sort of piecemeal approach is just not sufficient, I will not pass judgement.

Again, I repeat, a case has been made. To conclude, specifically in my own position as a senator for Queensland, I know the ongoing frustration, anger and pain resulting from the Lockhart River tragedy and the way the matter has been handled and mishandled since then. Sadly, some of that is often due to people feeling as though they are not getting the facts—not getting a straight story. While Senate committee inquiries are not perfect, they do at least provide some mechanism—a greater opportunity, a greater prospect—for more of the facts to get out into the open. People can get an idea of what the story is, and at least there can be some greater recognition and acknowledgement shown towards their very valid concerns. I hope that on this occasion we do get an opportunity to enable the Senate committee process to perform that valuable task.

**Senator IAN MACDONALD** (Queensland) (6.14 pm)—This tragedy is something that affected all of us in North Queensland. It is a tragedy, and anything anyone can do to make sure that it is not at some time in the future repeated is something we should all accept and strive for. I fly a lot in North Queensland in this particular area. It is incidents like this that make one wonder if one’s commitment to serving outlying areas is worth the effort if there is not a possibility of flying safely in the remoter parts of Queensland.

Unfortunately I have been busy today and have not been able to hear the full debate so I am unaware really of what has been said apart from what was said by the previous speaker. I have also been approached by the father of the policewoman who was killed in the accident, although I have not as yet had the opportunity to speak with him. Suffice to say that it is an area that concerns me and concerns most people in North Queensland, who are more intimately aware of the incident and the problems that may have occurred—certainly they are more intimately aware of the results of the accident. I understand that the Australian Transport Safety Bureau, the ATSB, has already inquired into the incident a couple of times and that a further report is coming in the very near future. I suspect that this attempt by Senator O’Brien—well-meaning though it perhaps may be—is again a little premature. I think the Senate would be well advised to leave this particular inquiry at this stage and see what the further report of the ATSB does elucidate.
Some people have made the comment that, since the government got a majority in the Senate, the Senate is just a rubber stamp. That is quite clearly not true. I think it needs to be emphasised that government members in the Senate discharge their duties appropriately and accept that they have a greater obligation, now that the government does have a majority in the Senate, to more carefully peruse government legislation and decisions. I think that has been demonstrated fairly clearly in relation to the migration debate earlier on and in relation to the communications package in the previous month. There is also an ongoing inquiry into the amendments to the Environment Protection and Biodiversity Conservation Act. I think all of that demonstrates that government senators participate in the process perhaps, I might say, more seriously than opposition senators. Opposition senators very often—I am not saying it is the case in this particular instance—to enter into an issue to try to score political points and to try to oppose for opposition’s sake and not always with the approach of trying to do what we are really charged with doing in this Senate.

I have a view that government senators have a greater responsibility now that we do have a majority. As I say, I think you will find that the evidence in the last six months or so clearly demonstrates that government senators are accepting that responsibility and discharging it appropriately. Those who might have suggested that our opposition to this motion is another whitewash because the minister picked up the phone should not be under that misapprehension any more than the minister might be under that misapprehension—because there are many of us in this Senate who do intend to do what is right in the interests of the government, and that means in the interests of what is right for Australia.

Our government is a government that has shown that its real commitment is to Australia and what is in Australia’s best interest, but it does not always get that right. Sometimes issues are so complex that ministers themselves cannot be intimately aware of all the details. The public servants who advise ministers do so very ably, very honestly, very fairly and very competently, but they are not the source of all wisdom either. I think senators—from their wide experience in meeting with the people out there, understanding what is happening out there and having wide discussions with people out there—at times can contribute to the debate in a way that public servants living in this city, no matter how competent, honest and able they are, cannot quite appreciate. That is why I think that there are many issues where the Senate can add value to the process for the purposes of adding value to the process—not for the purposes of scoring a political point and not for the purposes of opposing for opposition’s sake but for the purposes of ensuring that government decisions and government legislation enhance the government’s goals and outlooks and get a better result for what the government is trying to achieve.

I will not be supporting this particular motion today, notwithstanding the fact that I understand the sentiments of it are genuine and perhaps appropriate. I think we are a tad early in setting up a completely new inquiry into this. I understand that the government is concerned about this, as are many members of parliament, particularly those of us who come from North Queensland, where the accident had greater impact. It is not an issue that is going to go away quickly; it is an issue that we will try to get to the bottom of. But I do not think we should be doing anything that interferes with the processes that are in place at this time to get to that result. So I am hopeful, if not confident, that the processes will get to the bottom of the issue
Senators, I am sure that you will be aware of the great concern that we share over the tragedy at the Lockhart River airbase. We all want to avoid such disasters in the future and I think the Senate will have to co-operate in order to achieve that. As you know, Senator Ferris, has called for a Senate inquiry. I would like to hear your views on the matter, Ms Ferris.

Senator Ferris—The inquiry is essential to learn the lessons and to prevent accidents like this from happening in the future. We have a responsibility to be concerned about the safety of lives. The Government and the Opposition will support her in the Senate inquiry.

The Chairman—Thank you, Ms Ferris. Senator O’Brien?

Senator O’Brien—We are talking about a committee that has a history of trying to get to the bottom of things. It has a history of unanimous findings—findings which were not political but, rather, based upon fact. In my experience it has had an extensive history of this. We are talking about a committee that has not had a history of partisan performance—on either side. I suppose.

We are talking about a proposal which would allow a Senate committee to look at not just the Lockhart River tragedy—a significant subject in itself—but also other matters pertaining to the performance of the Civil Aviation Authority. The committee would take evidence from members of the community who do not get the right to appear at Senate estimates, who cannot stand up in this chamber and put their point of view and who in some cases are worried that standing up and putting their point of view anywhere might attract the wrath of officials of the Civil Aviation Safety Authority, to the detriment of their businesses.

Some members opposite know very well what I am talking about, because they have raised those very matters with me. Some members opposite know very well that it is
time for an inquiry into CASA, because privately they have said they believe that is the case. Frankly, I am not expecting that they will all stand up and vote with the opposition on this issue today. Obviously, some believe that, whatever their personal views, they are obliged to carry out the will of the minister. And that is what they will be doing because, in this case, the minister will be calling the tune. There will be senators who will vote the way it has been determined their party will vote on this issue. That might not be the case for everyone. We will wait and see. At least one senator has expressed a slightly different view to me, but we will see what happens.

I want to deal with Senator Macdonald’s contribution. I think he said as much as he could, but he said he thought this was a genuine attempt for an inquiry. Thank you very much. It certainly is—and so was the last one. His other comment was that it is perhaps appropriate. Thanks again. It is good that there are concessions from the other side and that Senator Macdonald is leaning to the view that the inquiry ought to be supported. But he also said we are waiting on another ATSB report. The ATSB report will be a continuation of the inquiry into what happened in relation to a particular crash.

I do not believe that the ATSB is as well placed, in some regards, as a Senate inquiry to prosecute the case of the performance of the regulator, because the regulator has a right to accept or reject their recommendations. The regulator has input into those recommendations and, in my experience, where there is a disagreement about those regulations, matters can be delayed and, in relation to the implementation of recommendations, it can be a determination of CASA that they not be implemented. So I do not know that the ATSB is in a position to completely deal with the issues in relation to the Lockhart River crash—if that were the only aspect of CASA’s performance into which this resolution would allow the committee to inquire.

I am sure Western Australian senators would have heard of an operation called Polar Aviation—which, funnily enough, operates in the north-west of Western Australia, so it is a peculiar name, but they are entitled to have it. That operation has been fighting for its existence before the AAT and the Federal Court. Recently, CASA withdrew all actions against it. That has been painted by CASA as having been resolved at every point. But I am certain that if this inquiry took place there would be people from that operation who would completely contradict CASA’s view of what took place and what the outcome was.

When we go to estimates, the picture of Polar Aviation and the outcome there is painted in a way which seems to reflect positively on CASA, and I expect no different. It is only through the opposition’s pursuit of CASA at estimates that some of these matters have come to light and that we have elicited answers which can be tested over time. But that is not the be-all and end-all.

As Senator Macdonald said, if senators in this place are performing their duties they will regularly travel this country. Most of us will travel regional Australia and remote Australia in all sorts of aircraft, large and small. So I plead guilty to the fact that I have a vested interest in the regulator acting properly. But I also say that, in doing so, I am acting in the interests of the people who put me in this place, as would every other senator if they supported this inquiry. I will be saying to my constituents that I have stood up and said, ‘The regulator who is supposed to make things safe for you when you fly ought to be properly examined by the Senate committee.’ I do not think anything should be put in the way of that happening.
In the Senate estimates process, we have fewer estimates rounds and the rounds have been shortened, so there is actually less time to apply ourselves to the performance of different authorities and different sections of departments. So it is even harder now to use that process—and it was not possible before—to properly scrutinise authorities like the Civil Aviation Safety Authority, with all the detail involved and the delay between giving evidence and answering questions on notice, and getting obscure answers that subsequently have to be clarified at the next round of estimates. It all takes too long.

The only way to properly deal with this matter and get to the bottom of the issues that are being raised is: to conduct a hearing in which CASA gives evidence and has its view tested by others and in which others give evidence and have their views tested by CASA; to call witnesses back again, as these committee inquiries do; and ultimately to review the Hansard and come out with a finding based on the facts. That is the opportunity that this motion is giving senators in this place. The choice is, frankly, to take the easy way out and say: ‘Someone else can do this. It is too hard now; maybe it is premature.’ That is the choice that perhaps some, maybe all, on the other side will take. But we are not going to take that choice.

I am absolutely disgusted that this minister has chosen to accept the recommendation from a Civil Aviation Safety Authority that, in my view, is extremely worried about the possibility of an inquiry. I am extremely critical of this minister. I think it is a gutless act not to allow this inquiry to take place before a committee chaired by Senator Hefernan on which the government has a majority and not to look into this matter and come out with a finding which, in all likelihood—as with most of the inquiries before this committee—would be unanimous and based on the facts.

We will see what the vote is. But the opposition is not going to go away on this. If we lose this vote we will be seeking whatever opportunity we can to expose this matter. As I said in my original contribution, there are suggestions that some inquiry into a bill will give us an opportunity to look into this matter. And we might chip away at some of the issues, but that will not be anywhere near as adequate an opportunity as the one which would be provided by this inquiry. If senators opposite are using that as an excuse to justify voting against this motion then I am afraid it is a weak and shabby excuse. I urge them to vote for this proposition.

Question put:

That the motion (Senator O’Brien’s) be agreed to.

The Senate divided. [6.39 pm]

(The President—Senator the Hon. Paul Calvert)

Ayes…………… 30

Noes…………… 32

Majority……… 2

AYES

Abetz, E. Bartlett, A.J.J.
Bishop, T.M. Brown, B.J.
Brown, C.L. Crossin, P.M.
Faulkner, J.P. Fielding, S.
Hogg, J.J. Hurley, A.
Hutchins, S.P. Kirk, L.
Ludwig, J.W. Lundy, K.A.
Marshall, G. McEwen, A.
McLucas, J.E. Moore, C.
Murray, A.J.M. Nettle, K.
O’Brien, K.W.K. Polley, H.
Ray, R.F. Sherry, N.J.
Siewert, R. Sterle, G.
Stott Despoja, N. Webber, R. *
Wong, P. Wortley, D.

NOES

Allison, L.F. Adams, J.
Barnett, G. Bernardi, C.
Boswell, R.L.D. Calvert, P.H.
Chapman, H.G.P. Colbeck, R.
Senator STERLE (Western Australia) (6.42 pm)—I am continuing my speech begun earlier in the day on the Child Support Legislation Amendment (Reform of the Child Support Scheme—New Formula and Other Measures) Bill 2006. This corrects a cause of constant concern expressed by people who say that currently second families, in particular the children of second families, are unfairly and inconsistently taken into account. There will also be changes to the maintenance arrangements for family tax benefit part A so that the reduction under the maintenance income test that applies to payment above the base level will be limited to those children in the family for whom child support is paid. More flexible arrangements, with better legal protection, will be made for parents who want to make agreements between themselves about the payment of child support and for how lump sum payments are treated. I think all of those positives in this legislation will go a long way to addressing the longstanding grievances that are expressed by both payers and payees about the child support system. These reforms are to ensure the scheme works in the best interests of children while balancing the interests of parents and reflecting community expectations.

In summarising, we must acknowledge that the impact on children of the separation of their parents should be minimised and that the psychological and emotional stress that separations can cause is often compounded by the current child support regime. Any change to this that will reduce the negative impact on children deserves the support of all senators.

Senator MOORE (Queensland) (6.44 pm)—When the Child Support Legislation Amendment (Reform of the Child Support Scheme—New Formula and Other Measures) Bill 2006 was being introduced in the other house, the statement was made was that these changes aim to:
... reduce conflict between separated parents, particularly through encouraging shared parenting as part of a system that is fairer and puts the needs of children first.

Importantly, the new formula reflects the value of shared parental responsibility and treats children more equally. This is a very noble sentiment and one that we all agree with. It does not differ too much from the sentiments that were expressed when the original legislation was brought down both in this place and in the House of Representatives. What has happened in the interim is that there has been a need—a quite clearly identified need, I think—for the legislation to
be reviewed. We celebrate the fact that through this process—and it has been a long-standing process—there has been a genuine attempt to have a look at the legislation, to talk with the people who are affected by the legislation and to try to make it better. It is a very difficult task because, as we all know, when we are dealing with the child support system and working with families that are dissolving, there is going to be conflict, there are going to be competing interests and there is going to be a wide range of views about what is fair and what is not.

The legislation before us cannot be looked at alone, because it reflects a wide range of processes which have been put in place over a number of years to change the way the child support system operates. Labor supports the fact that the system needs to be reviewed and that there needs to be change. We are deeply concerned about the impact that this legislation will have on the thousands of families who currently live with the child support system on a daily basis. It is a difficult process. It is one on which we should be prepared to engage. But I am particularly worried about how this legislation has been rushed through at this time. This saddens me, because the process of community consultation has been done with strong intent.

We know that the House of Representatives Standing Committee on Family and Community Affairs spent an extensive period of time working through community consultation, working through legal involvement and also working to achieve some genuine issues that we can bring in to effective legislation into the future. I really hope people have taken the opportunity to read the Every picture tells a story report, because that was the result of months of intensive effort. Other senators have given respect to the number of members of the House of Representatives who gave up a great deal of their own time and also brought their own personal experiences to that final report. As a result of that report, the government then instituted a review, wonderfully chaired by Professor Parkinson. Again taking on board the need for the involvement of a range of people, particularly those who work with the system, out of that process came, I believe, a genuine commitment to making sure that we have a look at better and stronger legislation.

However, in many ways that incredibly valuable process has now been affected negatively by the shameless rush at the last round. We have set up a process where we need to work with people. We have expressed that publicly. The process around the introduction of this legislation has been appalling. That came out. People who were involved in the community affairs committee process looking at this bill came to us voluntarily to be part of the review of incredibly complex legislation. As their first point, the majority of witnesses who came to our committee—I was going to say every witness, but I do not think the department said it—stated that they had had inadequate time to consider the legislation. The legislation itself was very many pages. The explanatory memorandum was over 300 pages. What it was dealing with was particularly detailed changes to the legislation which were going to impact on their financial survival.

So what we have is an intent to engage people—an intent to make sure that people understand the background to the legislation, are involved in the implementation, understand the complexities and work together to implement the changes—and we immediately offend, dismiss and disrespect. And I do not understand why. That disrespect has been heightened by the fact that we needed to rush through the community consultation on the legislation. We gave people so little time to prepare their comments on the legislation. We gave the committee itself and the secretariat a ridiculously short time to pre-
We have a legislation program implemented, and then it is changed. We are told the reason for the important rush was, quite realistically, the wide range of changes that had to be implemented across a number of departments, including the complex range of technological changes that had to be made in computer systems. Anyone who has worked in the system understands that need, because we have an implementation schedule that lasts over two years. My understanding is that the final range of legislation is due to be implemented in 2008. Given the time, I think I will cease my remarks there, rather than moving on to the next step.

Debate interrupted.

**DOCUMENTS**

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

**Special Broadcasting Service Corporation**

**Senator Faulkner** (New South Wales) (6.51 pm)—I move:

That the Senate take note of the document.

I rise to speak on the tabling of the Special Broadcasting Service Corporation annual report 2005-06. The Special Broadcasting Service, known to most as SBS, has a unique role and unique responsibility in Australian broadcasting. That role is to reflect the multicultural nature of Australia within a media that reflects and amplifies the mainstream. These days, much of our commercial programming seems to reflect the American mainstream. But SBS reflects the varied and diverse cultures and histories of those who make Australia their home.

On SBS television you can see programs in more than 60 languages—subtitled, of course, in English. SBS was established to give a voice to multicultural Australia—to define, foster and celebrate Australia’s cultural diversity in accordance with their charter obligation to ‘provide multilingual and multicultural radio and television services that inform, educate and entertain all Australians and, in doing so, reflect Australia’s multicultural society’. SBS television is watched by more than seven million Australians each week. What they see is a unique mix of Australian produced and international programs drawn from over 400 national and international sources.

Perhaps this is why some of the senators on the other side of this chamber spend so much time watching SBS. But I suspect not. I suspect that the reason senators such as Senator Fierravanti-Wells and Senator Ronaldson spend so much time watching SBS, and apparently making notes on every single word they find questionable, is not an admiration for the way SBS fulfils its mandate or an appreciation of the wonderful diversity of the Australian community reflected in SBS programming. Their farcical performance at Senate estimates last week made it clear that these two senators cannot find anything better to do with their time than police one of our public broadcasters in a desperate search for something to justify their ideological opposition to SBS. How else can we understand Senator Fierravanti-Wells’ complaints that on a Dateline program:

... a left-wing candidate is referred to as a ‘leftist’ but the conservative candidate is referred to as ‘right wing’ twice.

I hope the people of New South Wales appreciate the efforts that Senator Fierravanti-Wells has taken on their behalf to clear up this absolutely crucial question of, and I quote Senator Fierravanti-Wells, the ‘far-left-wing bias’ of SBS. This farce would be laughable if SBS were not so important to
our community. SBS celebrates difference and it promotes understanding. It gives Australians access to other cultures and languages, and it targets prejudice, racism and discrimination. SBS is the voice and the vision of multicultural Australia. But, as we have seen recently in comments by Mr Robb, this government has no time for multiculturalism. I quote from a story in the Weekend Australian on 4 November:

The Howard Government is looking to scrap the word ‘multiculturalism’ ...

As the Australian reported, this is:

... a shift in emphasis away from fostering diversity ...

The Howard government wants a monocultural Australia to suit their one-eyed vision of our nation. But they will never understand what SBS demonstrates: that our diverse, cosmopolitan, multicultural community is one of this country’s greatest strengths.

Question agreed to.

Bureau of Meteorology

Senator WATSON (Tasmania) (6.59 pm)—I move:

That the Senate take note of the document.

The Bureau of Meteorology annual report of 2005-06 outlines some of the bureau’s notable achievements, which include but are not limited to: progress towards the establishment of the Australian tsunami warning system; the installation of new radar facilities at Tennant Creek and Mackay; the new Doppler radars for Adelaide and Brisbane; commissioning the new meteorological office at Mackay; significant progress on rebuilding of facilities on Willis Island; the introduction of the seven-day forecast for all capital cities; the signing of a memorandum of agreement with the United States National Oceanic and Atmospheric Administration; providing access to the latest software systems for forecasts and warnings; and commencement of the SunSmart UV Alert service in collaboration with the Cancer Council and the Australian Radiation Protection Nuclear Safety Agency.

Other achievements include: successful completion of the Tropical Warm Pool International Cloud Experiment observation phase—the largest international weather experiment to take place in Australia; recognition of the bureau’s website as the most popular government website and nationally the most popular Australian education reference website in 2005; the implementation of the new version of the Australian regional area prediction system using satellite and wind observations, and work in collaboration with CSIRO on the Australian Community Climate Earth System Simulator. There was also the work on the generation earth system simulator and the celebration of the 30th anniversary of the Cape Grim Baseline Air Pollution Station in my state of Tasmania—one of the premier meteorological stations in the world—and part of the Global Atmosphere Watch network.

The bureau has a very fine record of providing all Australians with quality information and working with international organisations to help set up important integrated global systems. I commend their professionalism, innovation and hard work, and I am sure that they will continue to meet their world-class standards into the future. The bureau reached and exceeded many of its performance targets, which were identified in the 2005-06 portfolio budget statements. However, while indicating continued maintenance of satisfactory performance levels, these targets do not convey the vulnerability of the operations in the medium to longer term under its present budget arrangements, with increasing demands for services. I believe that careful consideration will be needed to realign targets to reflect the bureau’s real capacity to meet community ex-
pectations with current resource levels. Given the national significance of drought, climate change and aggregate forecasts for cyclones, floods and fire conditions, I suggest the need for far more positive attitude towards funding.

The Bureau of Meteorology and the CSIRO have been at the forefront of the government focus on climate change and water initiatives. I would like to address the progress of falling rainfall in my own state of Tasmania and its effect. I have got a lot of this information from the bureau. Over the past hundred years, most of Tasmania has seen a reduction in average rainfall of 10 millimetres over a decade. In the last 30 years, this has increased to a reduction of up to 30 to 40 millimetres throughout the state. I note that part of the west coast region has actually seen an increase. However, even if we experience normal rainfall to the end of December 2006, Burnie, on the north-west coast, will experience its driest year since records began. The reduction in rainfall has been especially felt in other parts of the state, particularly south of Oaklands, a normally dry part of Tasmania. It has experienced a dry winter and a dry spring, and harsh frosts have retarded the growth of grass. This will affect the ability of much of the state to produce hay, which in turn will affect the productivity of livestock next winter.

On my own personal property in West Tamar I have observed just how harsh the seasons are becoming. The combination of low rainfall and regular frosts has this spring in effect killed off bracken fern. I remind senators that the bracken fern is amongst the most robust of plants. I also acknowledge that generations of rural families have been providing rainfall readings for over a hundred years. I acknowledge the May family at Sandford, the Cotton family at Swansea, the Legge family at St Marys, the Loney and Porter families at Mangalore, the McShane and Bisdee families at Melton Mowbray and the Smith family at Yolla. All families have been awarded 100-year Tasmanian rainfall recording excellence awards. (Time expired)

Senator IAN MACDONALD (Queensland) (7.04 pm)—I join Senator Watson in congratulating the bureau staff on the excellent work they do. The agency is one of the unsung heroes of government and does a job that few Australians understand fully. Its annual report, as Senator Watson has mentioned, highlights some of their particular initiatives and achievements during the course of the year. The redevelopment of the Willis Island Meteorological Office is certainly one of those. When I was the parliamentary secretary to the minister for the environment and in charge of the weather bureau, I had the opportunity of visiting Willis Island. It is a very small coral atoll a long way out into the Coral Sea, some 400 kilometres east-north-east of Cairns.

The people who used to man that island station did a fabulous job, but they were completely isolated for two and three months at a time. Being so far away from other human activity did sometimes have some challenges. But people in the bureau have maintained that station for many a year, and it is particularly important to those of us who live in North Queensland as a first line of defence, one might almost say, to the cyclones that we are used to in the north. I recall from when I stayed there for a few days the thought of going into the bunker if a tidal wave came across in the time of a cyclone—which it would easily do; I think the maximum height above sea level is about two or three metres at its very highest. So it was very vulnerable, and the people who operated it performed a magnificent service for Australia. Those who support that place at Willis Island continue to be a very important part in the network.
Senator Watson mentioned also that Cape Grim in his state of Tasmania is a world-class facility. It is placed at Cape Grim because, as I understand it, the winds that move around the globe from east to west have no landmass before them. If you go to the other side of Tasmania and then go right around the globe, the winds do not touch any land before they come back to land at Cape Grim. It is for that reason that the facility was set up there. It is called Cape Grim for obvious reasons—although, as I recall when I went to visit, it was a beautiful, sunny, clear day with not a ripple on the water. It was rather disappointing to me to think that Cape Grim was such an idyllic place! But, again, the people who work there do a fabulous job.

The Bureau of Meteorology at the moment is under the control, in a government sense, of Mr Greg Hunt, the Parliamentary Secretary to the Minister for the Environment and Heritage. The bureau, of course, is led very ably by Dr Geoff Love. Australian meteorologists have had a very significant impact on the world. The previous director of meteorology, Dr John Zillman, was for many years the head of the World Meteorological Organisation and gave great credit to the science of meteorology and to Australia in the way he performed the role of head of the meteorological agencies right throughout the world.

One of the things that many of us politicians particularly like about the Bureau of Meteorology is the fabulous calendar they produce every year. Those who are privileged to be on the list would have recently received their copy. The calendar has magnificent photos of quite unique weather and meteorological phenomena and is in great demand. All credit to those who produce it. I seek leave to continue my remarks.

Leave granted; debate adjourned.

---

**Inspector-General of Taxation**

Senator WATSON (Tasmania) (7.09 pm)—I move:

That the Senate take note of the document.

The Inspector-General of Taxation seeks to improve the administration of the tax laws for the benefit of all taxpayers. This is achieved by identifying systemic issues in the administration of tax laws and providing independent advice to the government on the administration of the tax laws. The Inspector-General of Taxation has two distinct important roles. As the public office holder he reports, and is accountable to, the Minister for Revenue and Assistant Treasurer, and is also accountable to the Treasurer in meeting his statutory role. As the Chief Executive Officer of the Office of the Inspector-General of Taxation, Mr Vos is responsible for the operation and performance of his office—a small office of approximately eight people. The inspector-general’s two outputs derive from the statutory functions. These outputs involve the application of systemic issues for inclusion in the work program and the provision of independent advice to government, as I said earlier.

The year 2005-06 was eventful. We had a new taxation commissioner, the *Report on aspects of income tax self assessment*, known as the ROSA report, the implementation of promoter penalty laws, the implementation of a comprehensive inquiry into tax administration by the Joint Standing Committee on Public Accounts and Audit, and the government’s reiteration of its intention to introduce a new regulatory framework for tax agents.

The inspector-general says that his relationship with the Australian Taxation Office through the year has, unfortunately, been considerably strained in respect of some of the reviews, with several legal opinions being sought either on issues identified in a review or on the scope of his powers to ob-
tain information. The inspector-general, I have to acknowledge, has a high productivity output from his small staff, and he is actually not afraid to touch on some delicate issues. This is to be commended. However, I reiterate a note of caution that I mentioned during estimates.

The inspector-general’s relationship with the tax office had been considerably strained, as I said, and in some reviews perhaps the frustration was shown in what I believe were some intrepid remarks on his part about the tax office. I challenged him on this during the Senate Economics Committee estimates hearing last week. His response was:

Coming out of the private sector after many years, I am inclined to use a vernacular that might overplay my hand at making a point, and I take on board what you say.

He said that in future he would be more careful not to say the sorts of things that came out in the report, which I thought were unfortunate because I think he does a good job. It is important that the tax office and the inspector-general are able to work in harmony to the benefit of tax laws in this country. I commend the report to the Senate.

Question agreed to.

Director of National Parks

Senator BARTLETT (Queensland) (7.14 pm)—I move:

That the Senate take note of the document.

I take note of this Director of National Parks annual report. The name ‘national parks’ is mostly a misnomer in Australia because most of our so-called national parks are managed by state governments. But there are actually some national parks managed by the national level of government, and this report goes to those. It is quite a thorough report, and I congratulate them for pulling it together.

As some senators would be aware, the Senate Standing Committee on Environment, Communications, Information Technology and the Arts is currently moving towards the end of its year-long inquiry into issues relating to national parks and other protected areas in Australia, including marine protected areas, and basically how we are going at that task and what issues we need to examine. I take the opportunity to note the strong cooperation from the department and, in particular, the Director of Parks Australia, Mr Cochran. He has been very helpful in assisting the committee in its work. For a lot of the period through to about September, I was the chair of that inquiry. Then the government made a decision to amalgamate committees and helpfully lightened my workload by taking that chair position away. But I still maintain an ongoing interest, as, I am pleased to report, do quite a number of other senators.

I want to mention a couple of parts in particular. I note that the report does detail the organisational structure of the board of management for the Booderee National Park, which covers the Wreck Bay and Jervis Bay area; the Kakadu National Park board of management; and the Uluru-Kata Tjuta National Park board of management. Each of those parks has majority traditional owner involvement. Just to use the example of the Uluru-Kata Tjuta National Park area, which the committee was very privileged to visit for a far too brief a period a few months ago, the board of management has 12 people on it, eight of whom are traditional owners. Of those eight traditional owners, four are male and four are female, four live inside the park and four live outside the park. That is a good model and a good mix in representation that I think provides a model that, frankly, a lot of state governments could take into account.

In my view, we do not perform terribly well in involving traditional owners and Indigenous people more broadly in the genuine management and decision-making roles surrounding national parks. I spoke in this place
on an adjournment debate a month or so ago about a completely erroneous, unacceptable and, indeed, offensive suggestion that is put from time to time by some purporting to come from a conservationist perspective— and I was particularly referring to a chapter in a new book by Mr William Lines called Patriots. I have not read the whole book—I readily concede that—but the section dealing with Aboriginal knowledge and management of the land was republished in the Australian, which, funnily enough, thought it would be worth while to give a lot of coverage to somebody completely falsely suggesting that Aboriginal people had nothing to contribute, no special relationship with the land and no knowledge in relation to land management and that it was just some nice, cuddly myth to suggest otherwise. As I said, that was completely offensive but also completely false.

If we are looking at improving our performance in managing the land then, as the head of Parks Australia said at one of our Senate committee hearings, there is an enormous amount we can learn from Indigenous people regarding their traditional knowledge in how better to manage land. We would be stupid not to take advantage of that, and we are not doing anywhere near as well as we should. I would also like to emphasise in relation to that that we must continually move away from any suggestion that ‘wilderness’ means that it never had people there. The reason why these areas are national parks, are so magical and have such biodiversity and cultural values is precisely because Indigenous people were there and were part and parcel of delivering the biodiversity and the cultural diversity that still exists in many cases through to the present day. They delivered that, and for us to now not take advantage of that and not make use of and not involve them properly in the management of those parks is a disgrace. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Consideration

The following government documents tabled earlier today were considered:


Australian Fisheries Management Authority—Report for 2005-06. Motion to take note of document moved by Senator Webber. Debate adjourned till Thursday at general business, Senator Webber in continuation.

Australian Pesticides and Veterinary Medicines Authority—Report for 2005-06. Motion to take note of document moved by Senator Webber. Debate adjourned till Thursday at general business, Senator Webber in continuation.

Australian Postal Corporation (Australia Post)—Equal employment opportunity program—Report for 2005-06. Motion to take note of document moved by Senator Webber. Debate adjourned till Thursday at general business, Senator Webber in continuation.

The following orders of the day relating to government documents were considered:

Department of the Environment and Heritage—Reports for 2005-06—Volumes 1 and 2. Motion of Senator Bartlett to take note of documents agreed to.

Australian Institute of Aboriginal and Torres Strait Islander Studies—Report for 2005-06. Motion to take note of document
moved by Senator Bartlett. Debate ad-
journed till Thursday at General Business,
Senator Bartlett in continuation.

General business orders of the day nos 43, 45
and 48 to 56 relating to government docu-
ments were called on but no motion was
moved.

ADJOURNMENT

The ACTING DEPUTY PRESIDENT
(Senator Crossin)—Order! It being 7.20
pm, I propose the question:

That the Senate do now adjourn.

Microenterprise Lending

Senator BERNARDI (South Australia)
(7.20 pm)—My interest in small business is
well known to my friends. It began long
ago—my father was a small business man.
Indeed, I have been a small business man,
having started a number of small enterprises
and been a self-employed hotelier. More than
95 per cent of businesses in Australia are
defined as small, and currently there are
more than 1.2 million small businesses in
Australia. They all make an invaluable con-
tribution to the prosperity and productivity of
this country, providing jobs for more than 3.3
million people. It is interesting to note, given
that we are faced with a very difficult
drought circumstance, that 40 per cent of all
small businesses in Australia actually operate
in rural and regional areas.

It is timely that the government have an-
nounced some support measures to ensure
the survival of regional and rural communi-
ties, but we have done much more than this
for small business over many, many years.
First and foremost, small business has bene-
fited from a stronger economy. More Aus-
tralians have higher incomes and more small
businesses have more customers. They all
benefit from lower interest rates. Small busi-
ness lending rates have averaged 8.8 per cent
since 1996, compared with a whopping
14.25 per cent under Labor’s reign. A reduc-
tion in company tax rates has benefited small
business. It has fallen from 36 per cent to 30
per cent. We have made workplace relations
simpler and fairer. We are encouraging em-
loyment and growth. However, perhaps one
of our most successful small business policy
initiatives is the federal government’s New
Enterprise Incentive Scheme, or NEIS, which
is the Department of Employment and
Workplace Relations’s most successful la-
bour market program.

The NEIS program helps eligible unem-
ployed people to start and run their own new,
viable small business. During the first year
of business, NEIS is there to train, support
and help the entrepreneur to become self-
supporting and independent. NEIS partici-
pants undertake an accredited three-month
small business management course and in
the first year business advice and mentor
support help the business to become success-
ful. The statistics tell the story. Seventy-five
per cent of small businesses are known to
fail in their first year simply because the en-
trepreneurs are not equipped to manage them
effectively. Those entrepreneurs fail to plan
or to research and sometimes they fail to
properly cost their products and services.
But, under the NEIS program, 75 per cent of
projects succeed. Financial support for these
microenterprises together with business
training and mentoring through the NEIS
program make for more successful small
businesses in Australia.

I rise tonight to support a scheme recently
announced by the National Australia Bank
that I feel is extremely important. I commend
the National Australia Bank for taking the
initiative to assist in the development of very
small business enterprises. The NAB re-
cently announced that it has developed a
specialised product to deliver affordable
small loans to financially disadvantaged mi-
croenterprises. These microenterprises are
small businesses with five or fewer people.
Typically, they include owner-operator businesses and businesses operated from home; more often than not, they are operated by a stay-at-home partner. Typically, a loan to a microenterprise is between $500 and $20,000, which the NAB lends at a competitive interest rate. It financially supports the growth and establishment of new businesses in this country. These loans are designed to assist people who earn low incomes, have low asset bases and have very few or even no avenues to access affordable business credit.

Over time this void typically has been filled by loans from family members or by encumbering any assets these microenterprises have. Microbusiness is a way for the less fortunate amongst us who aspire to become self-employed to become so. It allows them to pull themselves out of the trap that they are in and more fully participate in the productivity and prosperity that is being generated in this country. Each year there are thousands of Australians with the drive, the motivation and the skills to set up a small business; they are only limited by their lack of access to capital and affordable credit.

Microenterprise schemes have been in the press quite recently, with a Nobel Prize being awarded to a microenterprise lender in India. In Australia we want to see a strong commitment to free enterprise and an encouragement of what I like to call the ‘culture of entrepreneurship’. Free enterprise builds the economy, creates jobs and can mean a way out of scarcity for many Australians on low incomes who have genuine business aspirations but are unable to realise them.

I have mentioned that we have 1.2 million small businesses in this country. They are a vital source of jobs, economic growth and innovation. By early 2007, many enterprising Australians will have had the opportunity to access affordable credit through microenterprise loans being offered by the National Australia Bank and by working within the NEIS program. It is heartening to see Australia’s biggest bank come on board and develop a successful microenterprise lending program. It is most likely that it will not be profitable for the National Bank, but it will make a very important contribution to the development of small business in this country. It goes to show that partnerships between government, business and, indeed, small business are indeed formidable. The combination of NEIS, NAB and Australia’s entrepreneurs will allow the culture of entrepreneurship to continue to grow—and I am very pleased to say that it continues to grow in my home state of South Australia.

Under NEIS, two young Adelaide women, Louise and Sapphira, both in their early 20s and with young children, saw a niche that needed filling in the Adelaide cafe market. As young mothers, they constantly found it difficult to meet where they could enjoy the atmosphere when accompanied by their children. Together they came up with the idea of a cafe that welcomed adults as well as children. Louise and Sapphira wanted to create a venue that served good coffee and healthy food in the type of environment that would keep children entertained and allow parents to relax.

They joined the NEIS program, through which they gained valuable business knowledge, training and skills. They started their business with only a few thousand dollars and it began to grow. Faced with the beautiful summers that are increasingly prevalent in Adelaide, Louise and Sapphira knew they would have to install reliable air conditioning and refrigeration systems. They had no assets to borrow money against, so they approached the National Bank, with the support of NEIS, for a small loan to enable them to make these purchases.
Not only were the National Bank impressed with how professional and dedicated Louise and Sapphira were towards their business venture but they also recognised the high level of business acumen Louise and Sapphira had developed through the NEIS program, so they were only too happy to assist. The result of this partnership is Cafe Komodo on Prospect Road. Louise and Sapphira were both inspired by their own children and Cafe Komodo now has classes for children in everything from art, music and puppetry to yoga and cooking. It provides parents with a place where they can network and meet with other young parents, building a sense of community and support.

But, importantly, the approach of Louise and Sapphira to the National Bank helped the National Bank identify a gap in the market—a gap that they readily acknowledged may not make money for them but which they see as an important part of community service. It is a service that I wholeheartedly support. It is an example of how strong financial backing together with positive business training and mentoring can change people’s lives for the better and lead to successful small business growth, which will contribute to our nation’s economic prosperity. It shows how successful partnership between government and private enterprise will continue to benefit Australia. I conclude by commending the National Bank on their willingness to implement microenterprise lending. I wish them and their partnership with small business in Australia working with the NEIS program every success.

Northern Australia

Senator SIEWERT (Western Australia) (7.29 pm)—I rise to talk about Northern Australia. There has been a lot of talk lately about development of Northern Australia. It seems to put forward the proposition that it is a big empty space waiting be developed, and there is a ‘development of the last frontier’ mentality. Usually ‘the north’ is taken as tropical Northern Australia, covering a region of approximately 100 million hectares, comprising Cape York Peninsula, the gulf region, the Top End and the Kimberley. Each is ecologically distinct but connected as a whole to form a coherent bioregion. The area is universally recognised for its natural and cultural heritage significance. It is the earth’s largest remaining tropical woodland. It is home to a stunning array of plants and animals.

The north includes a variety of different environments that have evolved in response to the wet-dry monsoonal climate. It is a highly variable climate. The north has one of the most extreme seasonal climates in the world. The monsoonal climate of the north has led to the development of a unique life cycle. Large amounts of water fall in relatively short periods of time to form rivers that are a virtual trickle during the dry but in the wet become swollen very quickly and burst their banks, leading to the most magnificent ephemeral wetlands, which are, of course, covered with breeding waterbirds that are internationally recognised.

This country has been managed for millennia by its traditional owners. Aboriginal people of the north maintain connection to traditional places today. Until fairly recently, the north has been spared from the more destructive impacts associated with land clearing, intensive agriculture and dam building that have so plainly affected southern Australia. Its diverse land and sea environments remain interconnected and largely intact, although unfortunately there are disturbing signs starting to emerge that this environment is facing increasing development pressures and starting to face conservation challenges.
Unfortunately, there is a trend of regional extinction of small mammals such as quolls, bettongs, tree-rats and bandicoots. Recent research has shown that at least 16 bird species, nearly all of them grass-seed eaters, have declined greatly in range. Some, such as the Gouldian finch and the golden-shouldered parrot, are now highly endangered. It was in the past thought that there were no endangered species of the north. But subsequent research has found the species that I have just outlined.

The causes of these losses in what are largely intact landscapes are still not completely clear. It appears that the major changes in traditional burning practices of the savanna woodlands, combined with the effects of cattle grazing, introduced weeds and feral animals, are causing subtle changes to the habitats of many of these species and tipping them over the edge. The National Land and Water Resources Audit showed that the condition of Australia’s living natural heritage is, in many cases, deteriorating rapidly. We have already lost dozens of Australia’s unique animal and plant species, and about 1,500 more are on the edge of extinction. Some 3,000 whole ecosystems are now listed as threatened.

Unfortunately—and this is no claim to fame—we have one of the world’s worst records of biodiversity loss, and the most recent data shows that we continue to lose species and ecosystems at an alarming rate. Unfortunately, we still have one of the highest clearing rates in a developed nation on the planet. We also have, unfortunately, the dubious distinction of having one of the world’s worst land degradation rates for arable land. An area nearly twice the size of Tasmania is at risk of salinity by the year 2050 unless we do something about it. It is now well documented that the clearing of our forests and our woodlands, agricultural irrigation and the construction of dams and weirs on rivers has had a disastrous impact on our natural environment. You only have to look at the depressing record I have just articulated to understand that. As rivers are degraded and our precious plants and animals are threatened across southern Australia, it is absolutely imperative that we learn from these lessons and not repeat them in the north.

There has been quite a bit of thinking around appropriate economies for Northern Australia. And guess what? It is being done by the Northern Australia Environment Alliance and other environment groups, who are not opposed to development of the north but believe that it needs to be done in an environmentally and culturally sensitive manner. They have a vision, which is shared by me and many others, of a future for the north in which economic and social wellbeing is secured through development that ensures ongoing protection of the natural environment, recognises Indigenous rights and responsibilities, and builds on the comparative advantages embedded in the natural and cultural diversity of the region.

The focus on appropriate economies aims to foster viable economic activity across Northern Australia generally, but particularly for Indigenous people, with outcomes that will protect culture and nature, generate jobs and income and uplift social conditions. Further, the group believe that three key steps are needed to start fostering appropriate economies. They are, obviously, identification of appropriate economies, in partnership with people and communities of Northern Australia—they aim to identify economic activities that are appropriate for the region, based on our scientific, cultural, social and Indigenous knowledge, and to consider a range of new options and ideas, clearly explicating the economic outcomes sought in terms of employment and revenue—the development of a facilitative framework to as-
sust that; and a demonstration of regional and national economic benefits and viability.

Recently a workshop was held in the north that looked at sustainable agriculture. The group looked at areas there for development for what they thought was appropriate agriculture. They identified the needs to develop agriculture that fits between the skills base and the enterprise. They looked at environmental sustainability; the appropriateness to the community; awareness or, in other words, involving the community in decision making; the occurrence of our natural resources; understanding of our water resources and hydrology, which is highly appropriate at the moment; the scale of the enterprise and the goal; the research facilities in the area and what needs to be established; ensuring that it is consistent with local cultural values; maintaining the intrinsic value of the country; supporting Indigenous community initiatives; and looking at demographics, where the towns are and where new towns could be developed.

The group thought there were some key principles that need to be looked at for appropriate development. These included: participatory planning with people in the region; the consent of regional communities; partnerships with private capital; government respect and support for the outcomes of participatory planning—in other words, you involve the community and then implement the outcomes—training that is appropriate to the region, with job opportunities and other support; and environmental sustainability.

These are all key issues that I—and many people in the north—believe need to be taken into account when we are developing the north. We also believe that we need to learn from lessons in the past. The Ord River, in my home state of Western Australia, is a very good example. The Ord River Dam and associated agriculture are often advertised as a successful model for regional development. However, the validity of the financial rationale supporting construction of the dam has been seriously questioned on many occasions since its inception. In the 30 years or so it has been in operation, the dam has been heavily subsidised. The decision to build the dam and the associated infrastructure and agriculture was at the time based on poor science that lacked any ecological investigations or regard for Aboriginal custodians. As a result, there are serious environmental and social repercussions. Mistakes of the past, made outside of a sustainability assessment, with poor planning and lacking consultation, are now weighted on the current generations to solve.

We are in danger of rushing headlong into developing the north without heeding the lessons of the past. We need to carefully consider what natural resources are up there, the Indigenous owners and other, environmental implications. We do not want to see the rush of extensions that we have seen in the south—we are already facing those in the north—with major impact on the landscape up there. If we do not stop and consider this and develop industry and agriculture in sympathy with the environment, we are in danger of repeating the past. We need to be setting a framework for how we move ahead, based on participation of the local community, of all Australians and of the environment.

**Senate adjourned at 7.40 pm**

**DOCUMENTS**

**Tabling**

The following government documents were tabled:

- Australian Fisheries Management Authority—Report for 2005-06.
- Australian Pesticides and Veterinary Medicines Authority—Report for 2005-06.
Australian Postal Corporation (Australia Post)—Equal employment opportunity program—Report for 2005-06.
Special Broadcasting Service Corporation (SBS)—Report for 2005-06.
Telstra Corporation Limited—Equal employment opportunity program—Report for 2005-06.

Tabling

The following documents were tabled by the Clerk:

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

Civil Aviation Act—
Civil Aviation Regulations—Instrument No. CASA EX60/06—Amendment of instrument CASA EX55/06 [F2006L03640]*.
Civil Aviation Safety Regulations—Airworthiness Directives—Part—
105—
AD/A330/31 Amdt 2—Airworthiness Limitations Items—Time Limits/Maintenance Checks [F2006L03645]*.
AD/BEECH 300/19—Passenger Seat Modification [F2006L03615]*.
AD/CT4/2—Horizontal Stabiliser Rear Spar [F2006L03617]*.
AD/DHC-6/31 Amdt 4—Structural Component Inspection, Modification and Life Limitation [F2006L03633]*.
AD/F28/90—Fuel Tank Safety—Fuel Airworthiness Limitations [F2006L03593]*.
AD/F50/96 Amdt 1—Bottom Skin Chine Line [F2006L03618]*.
AD/F100/83—Fuel Tank Safety—Fuel Airworthiness Limitations [F2006L03589]*.

AD/F2000/21—Wing Anti-Ice Telescopic Tubes [F2006L03591]*.
AD/GENERAL/54—Magnetic Compasses Fitted in Compliance with ANO 20.18—Calibration [F2006L03634]*.
AD/SA 315/5—Hoist Hooks [F2006L03624]*.
AD/SA 315/6—Tail Rotor Blade Skin [F2006L03625]*.
AD/SA 315/7—Main Rotor Blades [F2006L03626]*.
AD/SA 315/8—Tail Rotor Gearbox Support Lugs at Tail Boom [F2006L03627]*.
AD/SA 315/10—Main Rotor Blade Attachment Fittings [F2006L03628]*.
AD/SA 315/11—Main Rotor Hub [F2006L03629]*.
AD/SA 315/12—Transmission Support Platform Forward Attachment Fittings [F2006L03630]*.

107—
AD/SEATS/26—Aviointeriors Passenger Seat Rear Fitting Attachment—Replacement [F2006L03631]*.
AD/SEATS/27—Equipment—Passenger Seats—Inspection of Seatbelt Shackle [F2006L03632]*.

Customs Act—Tariff Concession Revocation Instruments—
91/2006 [F2006L03635]*.
92/2006 [F2006L03639]*.


Safety, Rehabilitation and Compensation Act—Safety, Rehabilitation and Compensation (Licence Eligibility) Notice 2006 (4) [F2006L03636]*.

Veterans’ Entitlements Act—Statement of Principles concerning—

Acute sprain and acute strain No. 56 of 2006 [F2006L03571]*.

Fracture No. 54 of 2006 [F2006L03563]*.

* Explanatory statement tabled with legislative instrument.
QUESTIONS ON NOTICE

The following answers to questions were circulated:

**Human Services: Customer Service**

(Question No. 853)

Senator Chris Evans asked the Minister representing the Minister for Human Services, upon notice, on 4 May 2005:

With reference to the department and/or its agencies:

(1) For each of the financial years 2000-01 to 2004-05 to date, can a list be provided of customer service telephone lines, including: (a) the telephone number of each customer service line; (b) whether the number is toll free and open 24 hours; (c) which output area is responsible for the customer service line; and (d) where this call centre is located.

(2) For each of the financial years 2000-01 to 2004-05 to date, what was the cost of maintaining the customer service lines.

(3) For each of the financial years 2000-01 to 2004-05 to date, can a breakdown be provided of all direct and indirect costs, including: (a) staff costs; (b) infrastructure costs (including maintenance); (c) telephone costs; (d) departmental costs; and (e) any other costs.

(4) How many calls have been received, by year, in each year of the customer service line’s operation.

Senator Kemp—The Minister for Human Services has provided the following answer to the honourable senator’s question:

The Department of Human Services was established on 26 October 2004.

**Core Department**

(1) (a) In respect of the Core Department, the general enquiry line is 1300 554 479.

(b) This number is open 8:30am – 5:30pm AEST, and can be reached for the cost of a local call from anywhere within Australia.

(c) The Core Department is responsible for the customer service line.

(d) Canberra.

(2) The cost of maintaining the customer service line between 11 November 2004 (when the phone line was established) and 30 June 2006 was $376.

(3) For the number of calls received by the general enquiry line, it has not been administratively efficient to keep records of expenses to the level of detail requested. Infrastructure and staff costs in particular were unable to be estimated, as all calls are managed in our already established offices, by existing staff, as an additional duty.

(4) There were 1200 calls between 11 November 2004 and 30 June 2005.

**Child Support Agency**

(1) As per the attached Table A

(2) Maintenance costs for the customer service lines are built into the contracted call carriage costs and are not able to be distinctly quantified.

(3) The following table summarises the total costs associated with the CSA’s entire telephony solution for 2004-05.
<table>
<thead>
<tr>
<th>Component</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Staff Costs</td>
<td>$461,470</td>
</tr>
<tr>
<td>(b) Infrastructure</td>
<td>$9,168,462</td>
</tr>
<tr>
<td>(c) Telephone Costs</td>
<td>$3,485,502</td>
</tr>
<tr>
<td>(d) Departmental Costs</td>
<td>$0</td>
</tr>
<tr>
<td>(e) Other Costs</td>
<td>$53,342</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$13,168,775</strong></td>
</tr>
</tbody>
</table>

(a) Staff costs include the direct and indirect costs associated with CSA telephony support staff only.

(b) Infrastructure costs include all handsets (including administration handsets), voicemail facilities, PABX, computer-telephony integration software licenses and other items of infrastructure necessary for providing telephony related services and the related facilities management costs.

(c) Telephone costs includes all call carriage costs to, from and within CSA including calls to Customer Service Lines, outbound calls, internal administration calls and faxes.

(d) There is no material available regarding Department Costs with respect to telephony services.

(e) Costs of maintaining White Pages entries around Australia are summarised under Other Costs.

(4) As per the attached Table B.
TABLE A: Summary of CSA Customer Service Lines

<table>
<thead>
<tr>
<th>Service Number</th>
<th>Name of Client Service Line</th>
<th>Cost to Caller</th>
<th>Business Hours (Mon to Fri)</th>
<th>After Hours Service</th>
<th>Output Area</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>131272</td>
<td>General Enquiries</td>
<td>Local Call</td>
<td>08:30 to 16:45 (all Time zones)</td>
<td>Closed Message</td>
<td>Collection Support, New Clients, Debt Management Services, Employer Accounting Services, Regional Service Centres, International Teams</td>
<td>Major Sites – Brisbane, Townsville, Canberra, Newcastle, Parramatta, Penrith, Sydney, Wollongong, Albury, Dan- denong, Geelong, Melbourne, Hobart, Adelaide, Perth, Regional Service Centres, Ballina, Bendigo, Bunbury, Bundaberg, Cairns, Campbeltown, Coffs Harbour, Darwin, Dubbo, Frankston, Gosford, Launceston, Mackay, Maroochydore, Morwell, Mount Gambier, Palm Beach, Port Augusta, Rockhampton, Toowoomba, Wagga Wagga</td>
</tr>
<tr>
<td>131107</td>
<td>Info Service (Self Service Facility)</td>
<td>Local Call</td>
<td>24 hours, 7 Days</td>
<td>N/A</td>
<td>N/A (Self Service facility)</td>
<td>N/A</td>
</tr>
<tr>
<td>131141</td>
<td>Change of Assessment Enquiries</td>
<td>Local Call</td>
<td>08:30 to 16:45 (all Time zones)</td>
<td>Closed Message</td>
<td>Change of Assessment Teams</td>
<td>Brisbane, Townsville, Melbourne, Adelaide, Perth, Newcastle, Parramatta,</td>
</tr>
<tr>
<td>132919</td>
<td>Complaints Service</td>
<td>Local Call</td>
<td>08:30 to 16:45 (all Time zones)</td>
<td>Closed Message with option to leave Voice Mail</td>
<td>National Complaints Team</td>
<td>Brisbane, Townsville, Melbourne, Adelaide, Geelong, Wollongong, Parramatta, Newcastle, Albury, Canberra</td>
</tr>
<tr>
<td>1800062610</td>
<td>Complaints Central Fax</td>
<td>Free Call</td>
<td>24 hours, 7 Days</td>
<td>N/A</td>
<td>National Complaints Team Employer Accounting Services</td>
<td>Brisbane, Parramatta, Penrith, Albury, Adelaide, Perth</td>
</tr>
<tr>
<td>1300362366</td>
<td>Employer Accounting Services</td>
<td>Free Call</td>
<td>08:30 to 16:45 (all Time zones)</td>
<td>Closed Message</td>
<td>Victorian Regional Mail Team</td>
<td>Melbourne</td>
</tr>
<tr>
<td>1300309949</td>
<td>Victorian Central Fax</td>
<td>Free Call</td>
<td>24 hours, 7 Days</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

QUESTIONS ON NOTICE
<table>
<thead>
<tr>
<th>Service Number</th>
<th>Name of Client Service Line</th>
<th>Cost to Caller</th>
<th>Business Hours (Mon to Fri)</th>
<th>After Hours Service</th>
<th>Output Area Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>1800241272</td>
<td>Payments Processing Hot Line</td>
<td>Local Call</td>
<td>08:30 to 16:45 (all Time zones)</td>
<td>Closed Message with option to leave Voice Mail</td>
<td>Payments Processing Team, Albury</td>
</tr>
<tr>
<td>0800440953</td>
<td>New Zealand Freecall</td>
<td>Free Call</td>
<td>08:30 to 16:45 (AEST)</td>
<td>Closed Message with option to leave Voice Mail</td>
<td>International New Zealand Team, Hobart</td>
</tr>
<tr>
<td>1800637445</td>
<td>International Service for Australian residents</td>
<td>Local Call</td>
<td>08:30 to 16:45 (AEST)</td>
<td>Closed Message with option to leave Voice Mail</td>
<td>International New Clients, International Collection &amp; Enforcement, Australian Collection &amp; Enforcement, New Zealand Teams, Hobart</td>
</tr>
<tr>
<td>1800180272</td>
<td>International Solicitor’s Hotline</td>
<td>Local Call</td>
<td>08:30 to 16:45 (AEST)</td>
<td>Closed Message</td>
<td>International Legal Staff, Hobart</td>
</tr>
<tr>
<td>1800053477</td>
<td>National Personnel Fax</td>
<td>Local Call</td>
<td>24 hours, 7 Days</td>
<td>Closed Message with option to leave Voice Mail</td>
<td>National Payroll Team, Brisbane</td>
</tr>
<tr>
<td>1800059785</td>
<td>National Personnel Local Call</td>
<td>Local Call</td>
<td>08:30 to 16:45 (AEST)</td>
<td>N/A</td>
<td>Payroll &amp; Recruitment Teams, Brisbane</td>
</tr>
<tr>
<td>1800021272</td>
<td>National Restricted Access Client Service Line</td>
<td>Local Call</td>
<td>08:30 to 16:45 (AEST)</td>
<td>Closed Message</td>
<td>National Security and Fraud Team, Brisbane</td>
</tr>
<tr>
<td>1800054226</td>
<td>National Recruitment</td>
<td>Local Call</td>
<td>08:30 to 16:45 (AEST)</td>
<td>Closed Message with option to leave Voice Mail</td>
<td>National Recruitment Team, Brisbane</td>
</tr>
<tr>
<td>1800631187</td>
<td>National TTY - Hearing Impaired Service</td>
<td>Local Call</td>
<td>08:30 to 16:45 (AEST)</td>
<td>TTY Message Facility</td>
<td>Collection Support, Brisbane</td>
</tr>
<tr>
<td>Service Number</td>
<td>Name of Client Service Line</td>
<td>Cost to Caller</td>
<td>Business Hours (Mon to Fri)</td>
<td>After Hours Service</td>
<td>Output Area</td>
</tr>
<tr>
<td>----------------</td>
<td>-----------------------------</td>
<td>----------------</td>
<td>-----------------------------</td>
<td>--------------------</td>
<td>-------------</td>
</tr>
<tr>
<td>1800004245</td>
<td>Translator &amp; Interpreter Service - NSW clients</td>
<td>Local Call</td>
<td>08:30 to 16:45 (AEST)</td>
<td>Closed Message</td>
<td>Collection Support, New Clients, Debt Management Services, Regional Service Centres</td>
</tr>
<tr>
<td>1800004246</td>
<td>Translator &amp; Interpreter Service - QLD clients</td>
<td>Local Call</td>
<td>08:30 to 16:45 (AEST)</td>
<td>Closed Message</td>
<td>Collection Support, New Clients, Debt Management Services, Regional Service Centres</td>
</tr>
<tr>
<td>1800004249</td>
<td>Translator &amp; Interpreter Service - SA clients</td>
<td>Local Call</td>
<td>08:30 to 16:45 (CST)</td>
<td>Closed Message</td>
<td>Collection Support, New Clients, Debt Management Services, Regional Service Centres</td>
</tr>
<tr>
<td>1800004232</td>
<td>Translator &amp; Interpreter Service - Vic/Tas clients</td>
<td>Local Call</td>
<td>08:30 to 16:45 (AEST)</td>
<td>Closed Message</td>
<td>Collection Support, New Clients, Debt Management Services, Regional Service Centres</td>
</tr>
<tr>
<td>1800004248</td>
<td>Translator &amp; Interpreter Service - WA clients</td>
<td>Local Call</td>
<td>08:30 to 16:45 (WST)</td>
<td>Closed Message</td>
<td>Collection Support, New Clients, Debt Management Services, Regional Service Centres</td>
</tr>
<tr>
<td>1800005619</td>
<td>Newly Separated Unemployed Parents - Deregistration Service</td>
<td>Local Call</td>
<td>24 hours, 7 Days (Voicemail Service)</td>
<td>N/A</td>
<td>NSUP Specialist</td>
</tr>
<tr>
<td>Service Name</td>
<td>Total Calls 2004/05</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>------------------------------------------------</td>
<td>--------------------</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>131272 General Enquiries</td>
<td>3,064,099</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>131107 Info Service (Self Service Facility)</td>
<td>2,213,747</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>131141 Change of Assessment Enquiries</td>
<td>160,484</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>132919 Complaints Service</td>
<td>18,841</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1800062610 Complaints Central Fax</td>
<td>298</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1300362366 Employer Accounting Services</td>
<td>49,177</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1300309949 Victorian Central Fax Service</td>
<td>33,948</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1800241272 Payments Processing Hot Line</td>
<td>11,098</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>0800440953 New Zealand Freecall</td>
<td>8,535</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1800637445 International Service for Australian residents</td>
<td>7,770</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1800180272 International Solicitor’s Hotline</td>
<td>334</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1800053477 National Personnel</td>
<td>6,066</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1800059785 National Personnel Fax</td>
<td>3,230</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1800082703 DHS Personnel</td>
<td>204</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1800021272 National Restricted Access Client Service Line</td>
<td>396</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1800054226 National Recruitment</td>
<td>1,501</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1800631187 National TTY - Hearing Impaired Service</td>
<td>367</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1800004245 Translator &amp; Interpreter Service – NSW/ACT clients</td>
<td>4,684</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1800004246 Translator &amp; Interpreter Service - QLD clients</td>
<td>603</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1800004249 Translator &amp; Interpreter Service - SA clients</td>
<td>320</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1800004232 Translator &amp; Interpreter Service - Vic/Tas clients</td>
<td>3,735</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1800004248 Translator &amp; Interpreter Service - WA clients</td>
<td>531</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1800005619 Newly Separated Unemployed Parents - Deregistration Service</td>
<td>352</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**CRS Australia**

1. CRS Australia provides two customer service lines
   - 1800 289 289 (Career Counselling service contact number); and
   - 1800 624 824 (general CRS Australia customer contact number)
   - Both customer service lines are toll free and can be called 24 hours a day
   - 7 days per week. Service lines are staffed during business hours only.
   - The general CRS Australia customer contact number directs telephone calls to the closest service delivery unit. Local service delivery staff answer the calls.
   - CRS Australia does not operate call centres.

2. From 26 October 2004, the cost of maintaining two customer service lines is as follows:
   - Career Counselling service contact number - $6,223.00
   - General CRS Australia customer contact number - $10,505.00

3. CRS Australia is unable to provide a breakdown of direct and indirect costs.
   - There are no direct staff costs associated with answering the two customer service lines as costs are absorbed into normal operational.
   - There is no additional maintenance, telephone, departmental or other costs associated with providing two customer service lines. CRS Australia service delivery staff use the existing equipment to answer the calls and costs are absorbed into normal operational costs.
(4) Since 26 October 2004, CRS Australia has received
15,323 calls via the Career Counselling service contact number; and
10,944 calls via the general CRS Australia customer contact number.
(please note: current and future CRS Australia clients also contact the local unit directly)

**Centrelink**

(1) (a) The telephone number of each customer service line is provided in the table below

<table>
<thead>
<tr>
<th>Customer Service line</th>
<th>Phone Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Family Assistance Office</td>
<td>136150</td>
</tr>
<tr>
<td>Retirements</td>
<td>132300</td>
</tr>
<tr>
<td>Disability, Sickness and Carers</td>
<td>132717</td>
</tr>
<tr>
<td>Youth and Students</td>
<td>132490</td>
</tr>
<tr>
<td>Employment Services</td>
<td>132850</td>
</tr>
<tr>
<td>ABSTUDY</td>
<td>132317</td>
</tr>
<tr>
<td>Appointments</td>
<td>131021</td>
</tr>
<tr>
<td>Centrelink Multilingual Call</td>
<td>131202</td>
</tr>
<tr>
<td>Report Employment Income</td>
<td>133276</td>
</tr>
</tbody>
</table>

(b) Calls to ‘13’ numbers can be made from anywhere in Australia for the cost of a local call. The numbers listed above operate Monday to Friday between 8.00 a.m. and 5.00 p.m. except for the Family Assistance Office and the Report Employment Income lines, which are open from 8.00 a.m. to 8.00 p.m. Monday to Friday.

Centrelink also provides emergency call centre operations for Federal and State Government Agencies such as: Department of Foreign Affairs and Trade, Bali Emergency Response Hotline, Tsunami Hotline and the South Australian bushfire hotline. Emergency hotlines operate up to 24 hours a day, seven days a week, when required.

(c) Centrelink Call Canberra works in conjunction with all branches in the Stakeholder Relationship Division and each customer service line may have accountabilities across more than one output area

(d) Centrelink operates a virtual call centre network comprising 26 sites located around Australia. Customers phoning Centrelink’s call centre network are routed to the first available Customer Service Officer in the network with the relevant skill to answer the enquiry. There are other specialist services which operate for specific customer groups eg. two rural call centres located in Queensland and South Australia and three networked call centres in Cairns, Darwin and Kalgoorlie that provide a service for Indigenous customers living in remote areas.

The following table indicates the location of the call centres and their customer service lines.

<table>
<thead>
<tr>
<th>Call Centres</th>
<th>Retirement</th>
<th>Disability Carers and Sickness</th>
<th>Family Assistance Office</th>
<th>Employment Services</th>
<th>Youth and Student</th>
<th>Abstudy</th>
<th>Indigenous</th>
<th>Rural</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adelaide</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bendigo</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Brisbane</td>
<td>X</td>
<td></td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bunbury</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cairns</td>
<td>X</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Coffs Harbour</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Geelong</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gosford</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hobart</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Illawarra</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**QUESTIONS ON NOTICE**
CALL CENTRES

Retirements  Disability Carers and Sickness Family Assistance Office Employment Services Youth and Student Abstudy Indigenous Rural

Kalgoorlie
La Trobe  X  X
Launceston  X  X  X
Liverpool1  X  X X
Maryborough  X  X
Moorabbin  X  X X
Moreland  X  X
Newcastle  X  X X
Palmerston  X  X
Perth  X  X  X
Port Augusta  X
Port Macquarie  X  X
Toowoomba  X  X
Townsville  X  X
Tweed Heads  X
Wendouree  X 2  X

1 represents the Multilingual call centre.
2 represents the two call centres which operate extended hours of operation from 8.00am – 8.00pm Monday to Friday.

The call centre locations have remained the same since 2000-01. Some customer service lines have increased staff numbers since 2000-01 and have included additional sites. For example, the Youth and Students customer service line was expanded into Tweed Heads call centre and Illawarra call centre in late 2004. The expansion of the customer service lines allows for flexibility in managing customer demand.

(2) The cost of maintaining the customer service lines is represented in the table below:

<table>
<thead>
<tr>
<th>Cost Type</th>
<th>26 October 2004 to 30 June 2005</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tel 13’ charges</td>
<td>$8,808,256</td>
</tr>
<tr>
<td>Equipment charges</td>
<td>$8,354,671</td>
</tr>
<tr>
<td>CTI*/IVR**</td>
<td>$4,091,679</td>
</tr>
<tr>
<td>Total</td>
<td>$21,254,606</td>
</tr>
</tbody>
</table>

*aCTI – Computer Telephony Interface
**IVR - Interactive Voice Response

(3) A breakdown of all direct and indirect costs

<table>
<thead>
<tr>
<th>Costs</th>
<th>26 October 2004 to 30 June 2005</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Staff</td>
<td>$145,427,448</td>
</tr>
<tr>
<td>b) Infrastructure</td>
<td>$18,156,211</td>
</tr>
<tr>
<td>c) Telephone</td>
<td>$21,254,606</td>
</tr>
<tr>
<td>d) Departmental</td>
<td>$13,799,087</td>
</tr>
<tr>
<td>e) Property</td>
<td>$10,796,389</td>
</tr>
</tbody>
</table>

(4) How many calls have been received from 26 October 2004 to 30 June 2005

<table>
<thead>
<tr>
<th>Customer Service line</th>
<th>Successful calls (million) 26 October 2004 – 30 June 2005</th>
</tr>
</thead>
<tbody>
<tr>
<td>Family Assistance Office</td>
<td>5.5</td>
</tr>
<tr>
<td>Retirements</td>
<td>1.4</td>
</tr>
<tr>
<td>Customer Service line</td>
<td>Successful calls (million)</td>
</tr>
<tr>
<td>-----------------------------------------------------------</td>
<td>----------------------------</td>
</tr>
<tr>
<td>Disability, Sickness and Carers</td>
<td>1.7</td>
</tr>
<tr>
<td>Youth and Students</td>
<td>2.3</td>
</tr>
<tr>
<td>Employment Services</td>
<td>2.4</td>
</tr>
<tr>
<td>ABSTUDY</td>
<td>0.1</td>
</tr>
<tr>
<td>Appointments</td>
<td>1.5</td>
</tr>
<tr>
<td>Centrelink Multilingual Call</td>
<td>0.9</td>
</tr>
<tr>
<td>Report Employment Income</td>
<td>3.9</td>
</tr>
<tr>
<td>Emergency / Temporary / Specialised</td>
<td>0.9</td>
</tr>
<tr>
<td>Network Total</td>
<td>20.6</td>
</tr>
</tbody>
</table>

**Medicare Australia**

(c) Customer Service Lines

<table>
<thead>
<tr>
<th>Enquiry line and Reports</th>
<th>Hours of Operation</th>
<th>Call Centre Location</th>
<th>No. of Calls (Oct 04 to Jun 05)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australian Childhood Immunisation Register</td>
<td>24 x 7</td>
<td>Brisbane/Perth</td>
<td>207,401</td>
</tr>
<tr>
<td>Aboriginal Torres Strait Islander Access</td>
<td>08:30 - 17:00 M-F</td>
<td>Brisbane/Melbourne/Perth</td>
<td>27,655</td>
</tr>
<tr>
<td>Australian Organ Donor Register</td>
<td>24 x 7</td>
<td>Brisbane/Hobart</td>
<td>47,137</td>
</tr>
<tr>
<td>Authority Notification System</td>
<td>24 x 7</td>
<td>Brisbane</td>
<td>53</td>
</tr>
<tr>
<td>Botulinum Toxic</td>
<td>1800 819 296</td>
<td>Hobart</td>
<td>2,227</td>
</tr>
<tr>
<td>Broadband</td>
<td>24 x 7</td>
<td>Brisbane/Melbourne</td>
<td>5,562</td>
</tr>
<tr>
<td>Better Medication Management System Technical Support</td>
<td>1300 850 155</td>
<td>Hobart</td>
<td>373</td>
</tr>
<tr>
<td>Bowel Cancer</td>
<td>1800 613 620</td>
<td>Hobart</td>
<td>277</td>
</tr>
<tr>
<td>Customs Prescription Drug Smuggling</td>
<td>1800 032 288</td>
<td>Brisbane</td>
<td>41</td>
</tr>
<tr>
<td>Compensation</td>
<td>132 127</td>
<td>08:30 - 17:00 M-F</td>
<td>Brisbane/Sydney</td>
</tr>
<tr>
<td>Department of Veteran - Allied</td>
<td>1300 550 051</td>
<td>08:30 - 17:00 M-F</td>
<td>Adelaide</td>
</tr>
<tr>
<td>Department of Veteran Affairs - Hospital</td>
<td>1300 551 002</td>
<td>09:00 - 17:00 M-F</td>
<td>Melbourne/Perth</td>
</tr>
<tr>
<td>Department of Veteran Affairs - Medical</td>
<td>1300 550 017</td>
<td>09:00 - 17:00 M-F</td>
<td>Melbourne</td>
</tr>
<tr>
<td>Electronic Transactions (ETA fax)</td>
<td>1300 633 201</td>
<td>24 x 7</td>
<td>Brisbane/Hobart</td>
</tr>
<tr>
<td>Easyclaim Hotline</td>
<td>1300 131 102</td>
<td>07:30 - 19:00 M-F</td>
<td>Brisbane/Hobart</td>
</tr>
<tr>
<td>Fraud Hotline</td>
<td>1800 202 011</td>
<td>09:00 - 17:00 M-F</td>
<td>Brisbane/Syd/Melb/Hobart/Adelaide/Perth</td>
</tr>
</tbody>
</table>

QUESTIONS ON NOTICE
<table>
<thead>
<tr>
<th>Service</th>
<th>Phone Number</th>
<th>Hours of Operation</th>
<th>Location</th>
<th>No. of Calls Oct 04 to Jun 05</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Practice Registrars' Rural Incentive</td>
<td>1800 032 259</td>
<td>08:30 - 17:00 M – F</td>
<td>Adelaide</td>
<td>1,610</td>
</tr>
<tr>
<td>Payments Scheme</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Glivec</td>
<td>1800 242 679</td>
<td>09:00 - 16:00 M - F</td>
<td>Hobart</td>
<td>2,612</td>
</tr>
<tr>
<td>Herceptin</td>
<td>1800 069 288</td>
<td>08:00 - 17:00 M – F</td>
<td>Hobart</td>
<td>4,906</td>
</tr>
<tr>
<td>HIC GST</td>
<td>1800 069 288</td>
<td>24 x 7</td>
<td>Adelaide</td>
<td>1,748</td>
</tr>
<tr>
<td>HIC Online</td>
<td>1800 700 199</td>
<td>08:00 - 17:00 M – F</td>
<td>Brisbane/Sydney/Perth/Hobart/Melbourne</td>
<td>46,930</td>
</tr>
<tr>
<td>HIC Crisis Call Centre</td>
<td>1800 195 908</td>
<td>24 x 7</td>
<td>Canberra</td>
<td>0</td>
</tr>
<tr>
<td>Improved Monitoring</td>
<td>1300 302 122</td>
<td>08:30 - 21:00 M – F</td>
<td>Brisbane</td>
<td>237,849</td>
</tr>
<tr>
<td>Entitlements</td>
<td>08:30 - 17:00 Sat</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Immunisation Hotline</td>
<td>1800 246 101</td>
<td>24 x 7</td>
<td>Hobart/Bronte</td>
<td>3,459</td>
</tr>
<tr>
<td>Location Specific Practice Number</td>
<td></td>
<td></td>
<td>Canberra</td>
<td>3,631</td>
</tr>
<tr>
<td>Medical Indemnity</td>
<td>1800 800 314</td>
<td>08:30 - 17:00 M – F</td>
<td>Hobart</td>
<td>7,234</td>
</tr>
<tr>
<td>Medclaims</td>
<td>1300 788 008</td>
<td>08:30 - 17:00 M – F</td>
<td>Brisbane/ Sydney/Melb/Hobart/Adelaide</td>
<td>56,844</td>
</tr>
<tr>
<td>Medicare Levy Exemption</td>
<td>1300 300 271</td>
<td>08:30 -17:00 M – F</td>
<td>Hobart</td>
<td>8,299</td>
</tr>
<tr>
<td>Medicare Provider</td>
<td>132 150</td>
<td>08:30 - 17:00 M – F</td>
<td>Melbourne/Perth/Sydney/Adelaide/Casurina</td>
<td>1,045,529</td>
</tr>
<tr>
<td>Medicare Public</td>
<td>132 011</td>
<td>08:30 - 17:00 M – F</td>
<td>Sydney/Adelaide/Casurina</td>
<td>1,434,681</td>
</tr>
<tr>
<td>Healthconnect</td>
<td>1300 850 111</td>
<td>09:00 - 17:00 M – F</td>
<td>Canberra</td>
<td>225</td>
</tr>
<tr>
<td>National Electronic Data Interface Helpdesk</td>
<td>1300 550 115</td>
<td>24 x 7</td>
<td>Canberra</td>
<td>2,167</td>
</tr>
<tr>
<td>Optometrist Interactive Voice Response</td>
<td>1300 652 752</td>
<td>09:00 - 19:00 M – F</td>
<td>Canberra</td>
<td>1,203,602</td>
</tr>
<tr>
<td>Optometrist Calls Transferred</td>
<td>1300 652 752</td>
<td>24 x 7</td>
<td>Canberra</td>
<td>20,196</td>
</tr>
<tr>
<td>PBS Authorities</td>
<td>1800 888 333</td>
<td>24 x 7</td>
<td>Brisbane/ Sydney/Ipswich/Orange/Perth/Melbourne/Casurina</td>
<td>4,054,880</td>
</tr>
<tr>
<td>PBS General</td>
<td>132 290</td>
<td>24 x 7</td>
<td>Brisbane</td>
<td>272,178</td>
</tr>
<tr>
<td>Public Key Infrastructure Health E Signature</td>
<td>1800 660 035</td>
<td>08:00 - 20:00 M – F</td>
<td>Brisbane</td>
<td>14,309</td>
</tr>
<tr>
<td>Prescription Drug helpline</td>
<td>1800 550 147</td>
<td>24 x 7</td>
<td>Brisbane</td>
<td>8,274</td>
</tr>
<tr>
<td>Professional Review (fax)</td>
<td>1800 019 961</td>
<td>24 x 7</td>
<td>Brisbane</td>
<td></td>
</tr>
<tr>
<td>Practice Incentive Program Payments</td>
<td>1800 222 032</td>
<td>08:30 - 17:00 M – F</td>
<td>Adelaide</td>
<td>15,830</td>
</tr>
<tr>
<td>30% Rebate</td>
<td>1300 554 463</td>
<td>05:30 - 17:00 M – F</td>
<td>Perth</td>
<td>3,252</td>
</tr>
<tr>
<td>Rural Health E Signature Reimbursement Scheme</td>
<td>1300 700 177</td>
<td>24 x 7</td>
<td>Perth</td>
<td>0</td>
</tr>
<tr>
<td>(RHECS)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rural and Remote</td>
<td>1800 005 751</td>
<td>08:30 - 17:00 M – F</td>
<td>Perth</td>
<td>80</td>
</tr>
<tr>
<td>Rural Retention Program</td>
<td>1800 101 550</td>
<td>08:30 - 17:00 M – F</td>
<td>Adelaide</td>
<td>590</td>
</tr>
<tr>
<td>Simplified Billing</td>
<td>1300 130 043</td>
<td>09:00 - 17:00 M – F</td>
<td>Brisbane/Adelaide/Hobart/Perth</td>
<td>43,489</td>
</tr>
</tbody>
</table>
Wednesday, 8 November 2006

QUESTIONS ON NOTICE

<table>
<thead>
<tr>
<th>(c) Customer Service Lines</th>
<th>(a) Customer Service Telephone Number</th>
<th>(b) Hours of Operation</th>
<th>(d) Call Centre Location</th>
<th>(4) No. of Calls (Oct 04 to Jun 05)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Software Vendor Help Desk (Eclipse)</td>
<td>1300 550 115</td>
<td>08:30 - 17:00 M – F</td>
<td>Canberra</td>
<td>12,270</td>
</tr>
<tr>
<td>Specialised Drugs</td>
<td>1300 005 750</td>
<td>08:00 - 17:00 M - F</td>
<td>Hobart</td>
<td>3,001</td>
</tr>
<tr>
<td>Special Assistance / Balimed</td>
<td>1800 660 026</td>
<td>24 x 7</td>
<td>Perth/Brisbane</td>
<td>992</td>
</tr>
<tr>
<td>Telecentre General enquiries</td>
<td>1800 815 116</td>
<td>24 x 7</td>
<td>Brisbane</td>
<td>3</td>
</tr>
<tr>
<td>Telephone Claiming</td>
<td>1300 360 460</td>
<td>24 x 7</td>
<td>Brisbane/Sydney/Perth</td>
<td>17,330</td>
</tr>
<tr>
<td>Teletypewriter hearing Impaired</td>
<td>1800 552 152</td>
<td>24 x 7</td>
<td>Brisbane/Sydney/Melbourne</td>
<td>N/A</td>
</tr>
<tr>
<td>Veteran Affairs</td>
<td>1300 550 017</td>
<td>08:30 - 17:00 M – F</td>
<td>Perth/Melbourne</td>
<td>23</td>
</tr>
<tr>
<td>Visiting Medical Practitioners</td>
<td>1300 434 113</td>
<td>08:30 - 17:00 M - F</td>
<td>Perth</td>
<td>1,595</td>
</tr>
</tbody>
</table>

(b) The costs of the customer service lines to the customer are as follows:

1300 and 132 numbers – customers calling from a land line are charged at the local rate. Calls from mobile phones and pay phones incur additional charges depending on the carrier.

1800 numbers – this is a free call to customers calling from a land line. Calls from mobile phones and pay phones incur additional charges depending on the carrier.

(2) The cost of maintaining the customer service lines since the HIC came under the umbrella of the Human Services Department on 26 October 2004 to 30 June 2005 was $28,126,590. This cost includes direct and indirect staff costs and related expenses.

(3) A break down of costs is not available for the customer service lines above.

(4) Please see the call volumes for each line as detailed in the table above.

**Australian Hearing**

Australian Hearing operates a small customer support centre which is co-located with its Port Macquarie Hearing Centre in NSW. From April 2004, this customer support centre expanded to a national function with a core responsibility of outbound telephone calls which previously were handled by individual hearing centres.

The primary function is to confirm appointment and voucher details for hearing impaired clients throughout the entire network. Provision of this national function has resulted in an improvement in clinical efficiency and continuity of client service.

A secondary function is handling inbound calls from mobile phones within NSW and VIC, and as a business continuity option where temporary diversion of inbound calls reduces client service disruption. A recent example was the floods experienced in Northern NSW and Southern Queensland where temporary closure of Lismore, Tweed Heads and Southport hearing centres resulted in temporary diversion of inbound calls from these centres to the customer support centre.

Reporting is provided for the full 04-05 FY.

(1) Reporting is on 04-05 FY only.
(2) Reporting is on 04-05 FY costs only.

<table>
<thead>
<tr>
<th>Subsidiary Lines</th>
<th>Toll Free</th>
<th>Open 24 hrs</th>
<th>Output area</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>02 65832522</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>As above</td>
</tr>
<tr>
<td>02 65834211</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>As above</td>
</tr>
<tr>
<td>02 65834233</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>As above</td>
</tr>
<tr>
<td>02 65834322</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>As above</td>
</tr>
<tr>
<td>02 65836266</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>As above</td>
</tr>
<tr>
<td>02 65838900</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>As above</td>
</tr>
<tr>
<td>02 65839133</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>As above</td>
</tr>
<tr>
<td>02 65839599</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>As above</td>
</tr>
<tr>
<td>02 65844691</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>As above</td>
</tr>
<tr>
<td>02 65844871</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>As above</td>
</tr>
<tr>
<td>02 65845084</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>As above</td>
</tr>
<tr>
<td>02 65845319</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>As above</td>
</tr>
<tr>
<td>02 65845498</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>As above</td>
</tr>
<tr>
<td>02 65847126</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>As above</td>
</tr>
</tbody>
</table>

Phone Number Toll Free Open 24 hrs Output area Location

(3) Reporting is on 04-05 FY costs only.

<table>
<thead>
<tr>
<th>Cost of Maintaining Customer Service Lines</th>
<th>$6,696</th>
</tr>
</thead>
</table>

(4) Reporting is on 04-05 FY only.

<table>
<thead>
<tr>
<th>Staff</th>
<th>$579,842</th>
</tr>
</thead>
<tbody>
<tr>
<td>Phone Costs</td>
<td>$82,289</td>
</tr>
<tr>
<td>Infrastructure</td>
<td>$20,658</td>
</tr>
<tr>
<td>Departmental Costs</td>
<td>NIL</td>
</tr>
<tr>
<td>Other Costs</td>
<td>$89,796</td>
</tr>
<tr>
<td>Total Cost</td>
<td>$772,585</td>
</tr>
</tbody>
</table>

Health Services Australia

As Health Services Australia Group does not provide information on Government programs or provide details of its own services direct to the public, it does not maintain customer service telephone lines.

To prepare this answer it has taken approximately 81 hours and 17 minutes at an estimated cost of $4219.

---

**Jian Seng**

*Question No. 1670*

Senator O’Brien asked the Minister for Justice and Customs, upon notice, on 29 March 2006:

With reference to the abandoned vessel identified as the *Jian Seng*:

(1) On what date was the vessel first sighted in Australian waters.

(2) Who first sighted the vessel.

---

**QUESTIONS ON NOTICE**
(3) Who reported it to the Australian Customs Service and/or another agency.

(4) On what date was it reported.

(5) What was the location of the vessel when first sighted.

(6) What activity was the vessel engaged in at the time of this first sighting.

(7) Was the vessel under tow.

(8) Was the vessel drifting.

(9) Were any people on board the vessel.

(10) Was the vessel in the vicinity of other vessels; if so, what is the identity of these vessels.

(11) On what date was the: (a) Australian Customs Service (b) the Minister’s office; and (c) the Minister, informed of this sighting.

(12) On what date did Customs undertake an aerial inspection of the vessel.

(13) What prompted this aerial inspection.

(14) If it was a further sighting: (a) who made the report; (b) what was the location of the vessel at the time of this sighting; and (c) what activity was the vessel engaged in at the time of this inspection.

(15) Was the vessel drifting.

(16) Was the vessel in the vicinity of other vessels.

(17) What was the location of the vessel at the time of the aerial inspection.

(18) What activity was the vessel engaged in at the time of this inspection.

(19) Was the vessel in the vicinity of other vessels; if so, what is the identity of these vessels.

(20) Was the vessel under tow.

(21) On what date was a Customs vessel dispatched to intercept the vessel.

(22) From which port was the Customs vessel dispatched.

(23) What prompted the dispatch of the Customs vessel.

(24) If it was a further sighting: (a) who made the report; (b) what was the location of the vessel at the time of this sighting; and (c) what activity was the vessel engaged in at the time of this inspection.

(25) Was the vessel drifting.

(26) Was the vessel in the vicinity of other vessels.

(27) On what date did the Customs vessel intercept the vessel.

(28) On what date was the vessel boarded.

(29) What was the reason for the delayed boarding.

(30) How was the vessel identified.

(31) What volume of rice was found on board.

(32) What other goods were found.

(33) Did officials of any other agency board the vessel with Customs.

(34) With reference to the statement by a Customs spokesperson that “it appears to have been adrift for some time before we boarded it”: how was it ascertained that the vessel had been adrift for some time.

(35) How long has the vessel been adrift before it was boarded.

(36) On what dates was (a) the Australian Maritime Safety Authority (AMSA) (b) the Office of Transport Security; and (c) Maritime Safety Queensland, informed the vessel was drifting in Australian waters.
(37) On what date were other vessels in the area alerted about the hazard represented by the unmanned and unlit vessel.

(38) On what date was responsibility for the vessel passed to AMSA.

(39) What disaggregated costs have been borne by the department and its agencies in relation to the identification and management of the vessel.

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

(1) The first confirmed sighting of the vessel in Australian waters was on 7 March 2006.

(2) The vessel was sighted by a Coastwatch aircraft.

(3) The Coastwatch aircraft reported the sighting to the Australian Customs Service (Customs).

(4) The vessel was reported to Customs on 7 March 2006.

(5) The Coastwatch aircraft reported the vessel as being three nautical miles inside the Australian Exclusive Economic Zone, 127 nautical miles North-West of Cape Wessels.

(6) The Coastwatch aircraft reported the vessel was anchored and did not report the vessel was engaged in any visible activity.

(7) See answer to question 6.

(8) See answer to question 6.

(9) The Coastwatch aircraft did not report sighting any people on the vessel.

(10) The Coastwatch aircraft reported two other vessels within one nautical mile of the vessel. These other vessels were not individually identified.

(a) Coastwatch first reported a sighting of the vessel on 7 March 2006. An Australian merchant vessel later reported the vessel to Coastwatch on 23 March 2006.

(b) My office was informed of the later sighting of the vessel, and the proposed response on 24 March 2006. A later examination of Coastwatch data indicated that the vessel had previously been sighted on 7 and 8 March 2006. My office was briefed about those sightings on 29 and 27 March 2006 respectively.

(c) I was informed of the sighting of, and proposed response to, the vessel on 25 March 2006. I was briefed about the 8 March 2006 sighting of the vessel on 27 March 2006. On 29 March 2006, I was advised that the vessel had also been sighted on 7 March 2006.

(12) The Coastwatch helicopter conducted an aerial inspection of the vessel on 24 March 2006.

(13) The helicopter was deployed as a result of a report received by Coastwatch.

(a) The report was made by a commercial vessel.

(b) The vessel was reported at 1349S, 14119E.

(c) The helicopter reported that the vessel appeared to be drifting but this could not be confirmed until it was boarded.

(15) See answer to question 14(c).

(16) The Coastwatch helicopter that sighted the vessel on 24 March did not report any other vessels in the immediate vicinity.

(a) The vessel was reported at 1349S, 14119E.

(b) See answer to question 14(c).

(19) See answer to question 16.

(20) No.

(21) An Australian Customs Vessel (ACV) was tasked to investigate the vessel on 24 March 2006.
(22) The ACV was dispatched from Thursday Island.

(23) The ACV was tasked by Coastwatch to investigate the vessel following the sighting by the Coastwatch helicopter.

(24) (a) See answer to question 23.
      (b) See answer to question 14(b).
      (c) See answer to question 14(c).

(25) See answer to question 14(c).

(26) See answer to question 16.

(27) The ACV intercepted the vessel on 25 March 2006.

(28) The vessel was boarded on 25 March 2006.

(29) The ACV arrived at the location during the dark hours of the morning of 25 March 2006 and boarded at first light. Customs does not conduct night boardings due to safety issues.

(30) The crew of the ACV located a life jacket with the words Tian Feng written on it.

(31) Several hundred kilos of rice was found on board.

(32) A quantity of spirits was also found on the vessel.

(33) No other officials boarded the vessel with the Customs officers. Customs Officers are both authorized under the Fisheries Management Act, the Migration Act and the Quarantine Act and also trained in the basic requirements to enable the Boarding Party to make an initial assessment of all risks to the border. This is standard operating procedure for all Customs boardings.

(34) The statement was made on the basis of available information, particularly information from the Coastwatch aircraft and officers on-board the ACV.

(35) There is no information available to make a definitive statement of the period of drift.


(37) AMSA released a alert to shipping in relation to the vessel on 24 March 2006.

(38) AMSA and Customs worked together in relation to management of the vessel until 26 March 2006 when the ACV handed over responsibility for the vessel to an AMSA charted response vessel.

(39) It is not possible to disaggregate the costs associated with surveillance, identification of sightings and management of responses to the component level of individual vessels.

Mass Marketed Schemes

(Question No. 1815)

Senator Webber asked the Minister representing the Minister for Revenue and Assistant Treasurer, upon notice, on 25 May 2006:

Given that the Australian Taxation Office (ATO) has stated that it was keen to pursue promoters of mass marketed tax effective projects: did the ATO refer any of the promoters of these projects who should have lodged a prospectus under corporations law, but did not, to the Australian Securities and Investment Commission for action.

Senator Minchin—The Minister for Revenue and Assistant Treasurer has provided the following answer to the honourable senator’s question:

In accordance with the law, release of taxpayer information allows the ATO and ASIC to exchange information regarding mass marketed schemes in limited circumstances.

Whether breaches of the Corporations Law occurred is a matter for ASIC to determine.
Australian Wheat Board: Pakistan  
(Question Nos 2200 to 2203)

Senator Chris Evans asked the Minister for Justice and Customs, upon notice, on 14 July 2006:

(1) Is the Minister or the department aware of a report published in the *Australian* of 8 December 2005 that the Government of Pakistan has launched an inquiry into alleged kickbacks paid to Pakistani officials by AWB Limited.

(2) Has: (a) the Government of Pakistan sought any assistance from the Australian Government in relation to its inquiry into alleged kickbacks paid by AWB Limited to Pakistani officials including officials of the Ministry of Food, Agriculture and Livestock; or (b) the Australian Government offered the Government of Pakistan any assistance to enable it to investigate alleged kickbacks paid by AWB Limited to Pakistani officials including officials of the Ministry of Food, Agriculture and Livestock; if so, can the Minister advise how the Minister or any department or agency for which he is responsible has assisted the Government of Pakistan.

(3) Has the Minister or the department received any advice of the outcome of any investigation undertaken by the Government of Pakistan in relation to alleged kickbacks paid by AWB Limited to Pakistani officials; if so: (a) can any outcomes of any investigation be provided; and (b) if the Government of Pakistan has sought further action or assistance from the Australian Government, what action or assistance has been sought and how has the Australian Government responded.

Senator Ellison—The answers to the honourable senator’s questions are as follows:


(2) As a matter of course the Government does not disclose details of government communications at the diplomatic level with foreign governments, operational law enforcement communications with law enforcement authorities of a foreign government or details of requests made or received under the Mutual Assistance in Criminal Matters Act 1987.

(3) As a matter of course the Government does not disclose details of government communications at the diplomatic level with foreign governments, operational law enforcement communications with law enforcement authorities of a foreign government or details of requests made or received under the Mutual Assistance in Criminal Matters Act 1987.

Airports (Control of On-Airport Activities) Regulations  
(Question No. 2310)

Senator O’Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 7 August 2006:

With reference to the Airports (Control of On-Airport Activities) Regulations 1997, can the following details be provided:

(1) By financial year from 2003-04 how many persons have been appointed as authorised persons under Regulation 114 and 121.

(2) How many of these persons are: (a) employees of the Department; or (b) Protective Service officers or Special Protective Service officers of the Australian Federal Police; or (c) employees of an airport-operator company, or of a contractor to an airport-operator company.

(3) Has the responsibility of the departmental secretary, provided under Regulation 114 and/or 121 to appoint an authorised person, been delegated in accordance with Regulation 156 to any other person or position; if so, to whom.
(4) What is the extent of powers exercised by authorised persons in relation to Part 4 of the regulations.

(5) Do authorised persons have the power to demand production of a state government issued driver’s licence.

(6) Are authorised persons, categorised under Regulation 114(c) or 121(c), in the course of their duties required to carry or produce identification to establish bona fides; if so, is there a required form of statement that advises the extent of the powers exercised by the holder and what is that wording; if not, why not.

(7) Do authorised persons, categorised under Regulation 114(c) or 121(c), have the power to arrest or detain vehicle drivers.

(8) Do formal processes exist to resolve allegations of misuse of powers or complaints concerning conduct of authorised persons: (a) if so, since the 2003-04 financial year to date: (i) how many complaints have been received, (ii) what was the nature of the complaints, (iii) how are complaints investigated, and (iv) which complaints were upheld; and (b) if a formal process does not exist, why not.

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

(1) The Airports (Control of On-Airport Activities) Appointments (the Instrument) is the instrument of appointment made pursuant to the Airports (Control of On-Airport Activities) Regulations 1997 (the Regulations). The Instrument appoints each person from time-to-time holding, occupying or performing the duties of the positions detailed in the instrument as an authorised person for the purposes of the specific provisions of the Regulations. The exact numbers are not available as the appointments relate to classes of persons rather than individuals and the numbers of people performing duties under the authorisation depends on the operational requirements of the Airport Operator Companies (AOCs) at any given time. The classes of persons may include, depending on the particular airport, members of the Australian Federal Police Protective Service; members of the state police forces; and employees of the airport or security firms engaged to perform specific enforcement duties.

(2) With regard to (a), no Departmental Officers have been appointed as authorised persons. With regard to (b) and (c), see response to question 1.

(3) Pursuant to Regulation 156 of the Regulations, the Secretary has delegated the authority to appoint nominated persons as authorised persons under Sections 114 and 121 to the Department’s Deputy Secretary, SES 2 in Aviation and Airports Business Division, and SES 1 in Aviation and Airports Business Division.

(4) The extent of powers exercised by authorised persons in relation to Part 4 of the regulations is as described in Part 4 of the regulations.

(5) No.

(6) Regulation 4CE requires an authorised officer who is exercising his or her powers under the Regulations to produce his or her identity card or other identification as an authorised officer at the request of the person, for inspection by the person. There is no requirement for the extent of the powers that can be exercised by the holder to be listed on identity cards. The cards allow members of the public to identify authorised persons. Authorised persons must act in accordance with the Regulations.

(7) No.

(8) Complaints are handled by the AOCs of the respective airports as part of their responsibilities for the day-to-day administration of vehicle control services. Each AOC manages complaints in accor-
dance with their corporate guidelines. The numbers requested are not available as the AOCs are not required to report the numbers of complaints to my Department.

**Veterans: Nuclear Test Compensation Payments**  
*(Question No. 2329)*

Senator Allison asked the Minister for Veterans’ Affairs, upon notice, on 10 August 2006:

Can details be provided for each compensation payment made to Australian veterans of nuclear test since 1996: (a) the date of the payment; (b) the amount; (c) the nature of the compensable injury; (d) the legislative vehicle through which payment was effected; (e) whether or not the case was the subject of appeal and the outcome of that appeal; and (f) the cost of legal services associated with the case.

**Senator Ian Campbell**—The Minister for Veterans’ Affairs has provided the following answer to the honourable senator’s question:

<table>
<thead>
<tr>
<th>Case</th>
<th>(a) Date</th>
<th>(b) Amount</th>
<th>(c) Compensable Injury</th>
<th>(d) Legislative Vehicle</th>
<th>(e) Appeal Outcome</th>
<th>(f) Cost of Legal Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>26/3/02 and 10/9/04</td>
<td>$33,815 and $47,073</td>
<td>Chronic Lymphocytic Leukaemia and Lung / Bowel Cancer</td>
<td>SRCA*</td>
<td>No appeal</td>
<td>$2,722</td>
</tr>
<tr>
<td>2</td>
<td>7/1/05</td>
<td>$203,000</td>
<td>Death due to Leukaemia</td>
<td>SRCA*</td>
<td>No appeal</td>
<td>None</td>
</tr>
<tr>
<td>3</td>
<td>34/4/02</td>
<td>$27,421</td>
<td>PTSD</td>
<td>SRCA*</td>
<td>No appeal</td>
<td>None</td>
</tr>
<tr>
<td>4</td>
<td>6/5/03</td>
<td>$15,005</td>
<td>Cancer</td>
<td>SRCA*</td>
<td>No appeal</td>
<td>None</td>
</tr>
<tr>
<td>5</td>
<td>11/5/05</td>
<td>$32,080</td>
<td>Myelodysplasia</td>
<td>SRCA*</td>
<td>No appeal</td>
<td>None</td>
</tr>
<tr>
<td>6</td>
<td>8/6/05</td>
<td>$68,599</td>
<td>Multiple Myeloma</td>
<td>SRCA*</td>
<td>No appeal</td>
<td>None</td>
</tr>
<tr>
<td>7</td>
<td>2/9/05</td>
<td>$68,750</td>
<td>Myeloid Dysplasia Syndrome</td>
<td>SRCA*</td>
<td>The claim went before the AAT. The claimant was successful.</td>
<td>$40,971</td>
</tr>
<tr>
<td>8</td>
<td>8/9/97 and 18/9/98</td>
<td>$154,502 and $45,497</td>
<td>Death due to radiation</td>
<td>SRCA*</td>
<td>No appeal</td>
<td>None</td>
</tr>
<tr>
<td>9</td>
<td>6/11/00 and 14/3/01</td>
<td>$59,995 and $209,960 and $4,033</td>
<td>Squamous cell carcinoma and Death due to radiation and Funeral Expenses</td>
<td>SRCA*</td>
<td>No appeal</td>
<td>None</td>
</tr>
</tbody>
</table>

* All payments were made under the Safety Rehabilitation and Compensation Act 1988. Note: Compensation for medical expenses and household services are not included in the above cases as these are ongoing.

**Higher Education Contribution Scheme Debt**  
*(Question No. 2330)*

Senator Allison asked the Minister representing the Minister for Education, Science and Training, upon notice, on 10 August 2006:

(1) What is the overall mean level of Higher Education Contribution Scheme (HECS) debt in Australia?

(2) What is the mean level of HECS debt for those who have completed their courses in Australia?

(3) What is the average HECS debt for those who have completed their courses in Australia.

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

All Higher Education Contribution Scheme (HECS) debts became Higher Education Loan Programme (HELP) debts on 1 June 2006. The Australian Tax Office has provided the following responses.

(1) The overall mean level of Higher Education Contribution Scheme (HECS) debt in Australia. At 30 June 2006 the mean outstanding HELP debt was $10,475.
(2) The mean level of HECS debt for those who have completed their courses in Australia. The Australian Taxation Office is unable to provide this data. Data is not collected to answer this question. The Tax Office records accumulated HELP debts for each individual. No differentiation is made between the completion of some, or all units of a course. DEST does not collect separate data on accumulated HELP debts.

(3) The average HECS debt for those who have completed their courses in Australia.

See answer to (2).

**Parliamentary Secretary to the Minister for Immigration and Multicultural Affairs:**

**Staff**

(Question No. 2333)

Senator Hurley asked the Minister representing the Special Minister of State, upon notice, on 10 August 2006:

(1) Can the Minister confirm that as of 1 May 2006, the Hon Andrew Robb MP, Parliamentary Secretary to the Minister for Immigration and Multicultural Affairs: (a) was served by eight personal staff; (b) had a personal staff allocation which exceeded the personal staff allocation of all other parliamentary secretaries; and (c) has a personal staff allocation which exceeds the personal staff allocation of the Minister for Arts and Sport, the Minister for Community Services and the Special Minister of State.

(2) Can an outline be provided of the process that led to the allocation of eight personal staff positions to Mr Robb.

(3) Has the number of staff or classification of Mr Robb’s personal staff changed since 1 May 2006; if so, can details be provided.

(4) (a) What are the permanent work locations of Mr Robb’s current personal staff members; and (b) are any of the permanent work locations within Parliament House; if so, can each office location be provided.

Senator Abetz—The Special Minister of State has supplied the following answer to the honourable senator’s question:

(1) (a), (b) and (c) Yes.

(2) On the 30 January 2006 the Prime Minister allocated Mr Robb, as a Parliamentary Secretary, one (1) Adviser position, one (1) Assistant Adviser position and one (1) Executive Assistant/Office Manager position. On the 13 February 2006 the Prime Minister approved the allocation of one (1) Senior Adviser (non-Cabinet) position, two (2) Adviser positions and one (1) Secretary/Administrative Assistant position. On the 2 March 2006 the Prime Minister approved a second Senior Adviser position in Mr Robb’s office for a fixed period.

(3) The approved second Senior Adviser position allocated to Mr Robb’s office for a fixed period expired on 1 July 2006.

(4) (a) The permanent work locations of Mr Robb’s current personal staff members as at 1 August 2006 are provided below:

<table>
<thead>
<tr>
<th>Position</th>
<th>Home base</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 x Senior Adviser (non-Cabinet)</td>
<td>1 x Melbourne</td>
</tr>
<tr>
<td>3 x Adviser</td>
<td>2 x Melbourne, 1 x Canberra</td>
</tr>
<tr>
<td>1 x Assistant Adviser</td>
<td>1 x Canberra</td>
</tr>
</tbody>
</table>
(b) Staff based in Canberra, as indicated in the answer to 4 (a), are located in Mr Robb’s Parliament House Office.

**Discretionary Grants Programs**

*(Question Nos 2354 to 2373)*

**Senator O’Brien** asked all ministers, upon notice, on 11 August 2006:

With reference to the answer to questions on notice no. 1821-1840 (Senate *Hansard*, 10 August 2006, p. 104), provided by the Minister for Finance and Administration after it was transferred on 9 August 2006, which refers to documents which have not yet been tabled, can the following information be provided:

1. What new discretionary grant programs are being established in this portfolio during the financial years 2005-06 and 2006-07.
2. What are the details, including eligibility criteria and name, of any new or projected programs.
3. What quantum of funding has been appropriated for these programs.
4. What was the reason for this question being transferred to the Minister for Finance and Administration.

**Senator Minchin**—On behalf of all ministers I provide the following answers to the honourable senator’s questions:

1. Agencies are required to publish in their annual reports a full list of discretionary grants programmes. In addition, all new grants programmes are published as measures in Budget Paper No.2 or in the Mid-Year Economic and Fiscal Outlook publications.

2. Information about discretionary grant programmes is generally accessible from the Grantslink website (www.grantslink.gov.au) which acts as a portal to websites of individual agencies. Application forms and eligibility criteria are usually available on individual agency websites. While there is not a mandatory requirement to provide grants programmes details online, the Australian National Audit Office’s Better Practice Guide for the Administration of Grants recommends grant programmes should be available online to increase the transparency of grant administration.

3. Under the Australian Government’s financial framework, funding is appropriated at the outcome level, with individual grant programmes subsumed within these outcomes. Agencies report on individual grants programmes at the end of the year in their annual reports including funding provided.

4. I have provided answers to both the original questions and the Senator’s new questions on behalf of all ministers as most of the information that has been sought is available in the public arena.

**United Kingdom Pensioners**

*(Question No. 2374)*

**Senator Siewert** asked the Minister representing the Minister for Families, Community Services and Indigenous Affairs, upon notice, on 14 August 2006:

With reference to the former Minister for Family and Community Services Senator Kay Patterson’s media release of 27 May 2005 and her commitment to resolve the issue of United Kingdom (UK) pensioners living in Australia being denied indexed pensions by the UK Government:

1. Since the date of this media release what action has the Minister taken on this issue.
2. How long does the Minister think it will take for this situation to be resolved.
Senator Kemp—The Minister for Families, Community Services and Indigenous Affairs has provided the following answer to the honourable senator’s question:

(1) As Senator Siewert may be aware, successive Australian Governments over the last few decades have tried to convince the UK Government to change its indexation policy.

Since the media release was issued in May 2005 the then Minister for Family and Community Services wrote to her various UK counterparts on the indexation issue urging them to reconsider their policy that today adversely affects over 241,000 UK pensioners in Australia.

Senator Patterson wrote in June and September 2005 to express her extreme disappointment that the UK Government continues to treat its pensioners differently based solely on where they live and urged the UK Minister to support a ‘free vote’ in the House of Commons on the indexation issue. In November 2005, the Minister wrote to the newly appointed Secretary of State for Work and Pensions, drawing his attention to the indexation issue.

In addition, the Australian High Commission to the UK pressed the matter in August 2005 during a meeting with the UK Secretary of State for Work and Pensions.

The Australian Government has also been monitoring debate on indexation of pensions in the UK. In December 2005 the Minister wrote to seven members of the House of Lords to thank them for their support on the indexation issue during a debate in the Lords. The Minister also wrote to 136 members of the House of Commons who were signatories of Early Day Motions 366 and 1001, that call for the indexation of all UK pensions.

In March 2006, the new Minister for Families, Community Services and Indigenous Affairs, Minister Brough wrote to his UK counterpart asking him to have a fresh look at his Government’s indexation policy and advising him that the issue is important to the Australian Government and that it will not go away.

Unfortunately the response from the UK continues to be that the Government has no intention of changing their existing indexation policy.

In September this year, the Secretary of the Department of Families, Community Services and Indigenous Affairs met with the UK Permanent Head of the Department of Work and Pensions and raised the indexation issue. Again the response was that there was no prospect of the UK Government changing its position, simply because of cost.

(2) The resolution of the indexation issue is a major issue for this Government. However, it is a very complex issue.

Senator Siewert may be aware that the UK Government has been able to successfully defend its policy in the UK courts and is currently being challenged in the European Court of Human Rights. The Australian Government will closely monitor the progress of the case in the European court as a positive outcome has the potential of resolving the indexation issue for all of the 241,000 UK pensioners in Australia. The case is expected to be heard sometime between March and June next year. Further options to resolve the issue will be considered, if necessary, after the court has made its decision.

Bankstown Airport

(Question No. 2379)

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

With reference to the closure of runway 18/36 at Bankstown Airport:

(1) What consultations were undertaken before the decision by Bankstown Airport Limited to close runway 18/36.
QUESTIONS ON NOTICE

(2) Was the Civil Aviation Safety Authority (CASA) consulted on the closure of runway 18/36.
(3) Did CASA commission a report on the impact of the closure either internally or externally; if so, when and who provided the report.
(4) Do weather conditions affecting runway 11/29 ever result in closure of this runway to air traffic.
(5) Do weather conditions ever make runway 11/29 unsuitable for landings by any type of aircraft; if so: (a) can details be provided of any such occurrences; and (b) what alternative arrangements have been made to ensure that the safety of aircraft operating out of Bankstown Airport will not be compromised.
(6) Will the proposed closure in 2008 of Hoxton Park Airport impact on any alternative arrangements for aircraft operating from Bankstown Airport.
(7) Following the closure of Hoxton Park Airport, other than Sydney Airport, what alternative arrangements have been made for a north/south runway in the Sydney basin; if no arrangements, other than Sydney Airport, exist or are planned, what impact are landings at Sydney Airport likely to have on the operation of that airport.

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

(1) Bankstown Airport Limited (BAL) undertook significant public consultation prior to the closure of runway 18/36 in July 2005. The runway closure was widely canvassed within the general aviation industry and the local community, notably in drafting its 2005 Master Plan, which required a 90-day public consultation period.

A survey by BAL of over 1,300 general aviation operators using the airport found that they used runway 18/36 for less than 1% of all activity.

(2) Yes.

(3) No. CASA has advised that no report has been commissioned, though it has considered internally the potential safety system issues raised in respect of trainee and low-time pilots operating from Bankstown Airport in the event of emerging adverse meteorological conditions, given the closure of the north-south runway at Bankstown, and the forthcoming closure of the alternate aerodrome at Hoxton Park. CASA notes it is the professional responsibility of pilots to ensure they have planned their flight to ensure a safe landing, taking into account expected meteorological conditions, including wind shifts. For trainee pilots, CASA expects that flying schools would apply appropriate restrictions on students using Bankstown aerodrome, to take account of forecast adverse wind conditions.

a. Specific details of occurrences are not known to Airservices Australia.

b. In common with all aerodromes in Australia, pilots will request information in relation to alternative locations when weather conditions are not suitable at their primary destination. The response from air traffic control will depend on the particular circumstances, including providing information on other local airfields. The pilot in command will then decide the appropriate course of action.

(4) No. Airservices Australia has not closed 11/29 due to weather conditions.

(5) Airservices Australia has advised that the pilot in command of an aircraft has the responsibility to determine whether to land on a particular runway, taking into account the aircraft’s operating parameters and pilot experience. In common with all aerodromes in Australia, there are occasions when pilots decide not to select particular runways due to adverse weather conditions.

a. Specific details of occurrences are not known to Airservices Australia.

b. In common with all aerodromes in Australia, pilots will request information in relation to alternative locations when weather conditions are not suitable at their primary destination. The response from air traffic control will depend on the particular circumstances, including providing information on other local airfields. The pilot in command will then decide the appropriate course of action.

(6) Airservices Australia has advised that from an air traffic control perspective, there is no operational impact for aircraft operating from Bankstown Airport.
(7) There are a number of aerodromes in the Sydney area other than Sydney Airport with runways that could be used on the rare occasions when the weather is unsuitable to land at Bankstown. Camden, Wedderburn, Warnervale, Mittagong, Wollongong and The Oaks aerodromes have all been identified.

RAAF Williams Point Cook
(Question No. 2384)

Senator Mark Bishop asked the Minister representing the Minister for Defence, upon notice, on 15 August 2006:

(1) Following the announcement by the former Parliamentary Secretary to the Minister for Defence on 29 February 2004 to establish a National Aviation Museum Trust for the Point Cook Royal Australian Air Force (RAAF) Facility in Victoria and the forming of a Trust Establishment Group (the Group): (a) how many positions on the Group were created; (b) who was invited to join the Group; (c) what was the basis for their selection; (d) who made the selection for those invited to join the Group; and (e) what was the charter of the Group.

(2) (a) When did the Group first meet; (b) who attended the meeting; (c) what was the agenda for the meeting; (d) what was the outcome of the meeting; and (e) can copies of the minutes be provided.

(3) (a) On what dates did the Group meet; (b) who attended each meeting; (c) what was the outcome of each meeting; and (d) can copies of the minutes be provided.

(4) When was the decision taken to disband the Group.

(5) Who made the decision to disband the Group.

(6) On what basis was the decision made to disband the Group.

(7) (a) When was the decision taken to create the RAAF Heritage Advisory Council; (b) who determined the composition of the Council; (c) what was the basis for selection to the Council; (d) how long is an appointment to the Council; and (e) when will the first term expire.

(8) (a) How often has the RAAF Heritage Advisory Council met since its inception; (b) where were the meetings held; (c) on what dates were meetings held; and (d) can copies of the minutes of the meeting be provided.

(9) (a) When was a detailed Heritage Management Plan for Point Cook completed as per (press release dated 3 November 2005); (b) which consultants to the department were responsible for the development of the plan; (c) what were their recommendations; (d) which recommendations were accepted and which rejected; and (e) who received a copy of the plan.

(10) When did the RAAF Heritage Advisory Council meet with consultants to review and implement the recommendations.

(11) On Friday 11 August 2006, it was reported in the Herald Sun that a number of civilian users and businesses at Point Cook had been given notice to quit their premises by 12 September 2006: (a) which civilian users and businesses were given notice to quit; (b) why was notice to quit given to these groups; (c) what arrangements have been made to assist the civilian users in this process; (d) what advice has been given to groups on the future development of business facilities at Point Cook; and (e) what is the long-term plan for civilian users and businesses of Point Cook RAAF base.

(12) Will any work be carried out on the Bellman hangars which are considered to be ‘no longer safe’; if so: (a) who will finance the maintenance of the hangars; (b) when will work commence on the hangars; and (c) when will the work be completed.

(13) What decision has been made on the future use of the hangars at the site.
(14) Will the Point Cook RAAF Base be ‘retained in public ownership with the airfield and majority of the land’; if not, what are the current plans for the site.

Senator Ian Campbell—The Minister for Defence has provided the following answer to the honourable senator’s question:

(1) (a) Five. (b) No invitations were issued to join the group, the Group was self-elected. (c) The Trust Establishment Group was elected to represent a number of groups that were interested in establishing a presence at Point Cook should a part of or the entire site become available for long term non-Defence use. A wide range of interested aviation stakeholders endorsed the Group on 14 April 2004. (d) See response to part (1) (b). (e) To conduct negotiations with the Commonwealth for the formation of the National Aviation Heritage Trust – Point Cook.

(2) and (3) This information is not recorded as Defence was not represented on the Group, did not attend meetings of the Group and has not been provided with agendas, minutes or outcomes of meetings of the Group.

(4) October 2005.

(5) The then-Parliamentary Secretary to the Minister for Defence, the Hon Teresa Gambaro MP. The decision to disband the Group was supported by the Group.

(6) Due to the lack of progress by the Group in establishing the National Aviation Heritage Trust – Point Cook and the subsequent resignation of the Chairman on 7 September 2005.

(7) (a) Formed on 24 August 2005. (b) The Chief of Air Force. (c) Members were selected for their ability to contribute meaningful and impartial advice to the Chief of Air Force on heritage matters. (d) Nominally for a two-year period, however this period may be varied by the Chief of Air Force. (e) The nominal two-year period will expire for all inaugural council members on 18 November 2007.

(8) (a) Three times. (b) RAAF Williams Point Cook and Department of Defence, Russell Offices. (c) 18 November 2005, 10 February 2006 and 1 September 2006. (d) As the council has no decision-making authority, it would be inappropriate to release minutes of council meetings.

(9) (a) December 2004. (b) The Heritage Management Plan was completed by Woodhead International. (c) and (d) The plan does not detail recommendations; it details heritage assessments and observations of RAAF Williams Point Cook facilities to guide future heritage works. (e) Defence organisations involved in the planning and management of RAAF Williams Point Cook.

(10) The RAAF Heritage Advisory Council has not met with the consultants, however the plan was reviewed by the RAAF Heritage Advisory Council on 10 February 2006.

(11) (a) The organisations issued with termination notices were:

- Oasis Flight Training Pty Ltd;
- Jeliffe Pty Ltd;
- John Oliver;
- Mathews, McCrystal, McKee; and
- Point Cook Flying Club.

(b) Termination notices were issued on safety grounds. In May 2006, a structural assessment of four Bellman Hangars located in the southern tarmac area of RAAF Williams Point Cook was completed. The report resulting from the assessment advised that “the hangars were not safe for occupancy or use in their current condition”. In addition, extensive works are planned in the southern tarmac area and Defence is concerned for the safety of the occupants of all buildings in the southern tarmac area. This includes buildings 203 and 210.
Civilian tenants have been offered use of land at RAAF Williams Point Cook to store equipment or to erect temporary facilities in which to store equipment or continue to operate. Licences have been offered this arrangement until the outcomes of a review into the future of RAAF Williams Point Cook are known, which is expected by June 2007.

Tenants have been advised that the future use of RAAF Williams Point Cook will be guided by the outcomes of the Defence reviews into the future use of RAAF Williams Point Cook.

The long-term plans for civilian users of RAAF Williams Point Cook will be determined once Defence has completed its reviews into the future use of RAAF Williams Point Cook.

The decision of future works on the Bellman Hangars will be made after detailed inspections and evaluations of the buildings and cost analysis have been completed on the options available for the hangars. A decision on the financing of works on buildings in the southern tarmac area will be determined once a decision is made on the future of buildings and the future Defence use of RAAF Williams Point Cook. A date for the commencement of works on the Bellman Hangars cannot be made until the nature and scope of such works are determined.

The decision of future works on the Bellman Hangars will be made after detailed inspections and evaluations of the buildings and cost analysis have been completed on the options available for the hangars.

In November 2005, the Parliamentary Secretary for the Minister for Defence issued a press release advising that RAAF Williams Point Cook would remain in Defence use and management indefinitely. Since that time, Defence has been reviewing the future use of RAAF Williams Point Cook. Decisions on civilian use of RAAF Williams Point Cook will be made once the outcomes of the reviews are known, which is expected by June 2007.

### Carers

**Question No. 2389**

Senator McLucas asked the Minister representing the Minister for Human Services, upon notice, on 16 August 2006:

1. For each of the years 2003 to 2006, what number of recipients of Carer Allowance and Carer Payments who attend secondary school are: (a) under 17 years old; and (b) under 18 years old; and
2. For each of the years 2003 to 2006, what number of unsuccessful applicants for Carer Allowance and Carer Payment were: (a) under 17 years; and (b) under 18 years.

Senator Kemp—The Minister for Human Services has provided the following answer to the honourable senator’s question:

1. We are unable to advise how many Carer Allowance and Carer Payment customers are in secondary education as Centrelink does not collect this information in relation to customer claims.

![](https://example.com/Carer-Allowance-Carer-Payment-Table.png)

<table>
<thead>
<tr>
<th>Age of carer*</th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
<th>2006**</th>
</tr>
</thead>
<tbody>
<tr>
<td>Under 17</td>
<td>153</td>
<td>131</td>
<td>198</td>
<td>116</td>
</tr>
<tr>
<td>Under 18</td>
<td>157</td>
<td>141</td>
<td>160</td>
<td>87</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Age of carer*</th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
<th>2006**</th>
</tr>
</thead>
<tbody>
<tr>
<td>Under 17</td>
<td>99</td>
<td>103</td>
<td>135</td>
<td>99</td>
</tr>
<tr>
<td>Under 18</td>
<td>96</td>
<td>100</td>
<td>106</td>
<td>74</td>
</tr>
</tbody>
</table>

---

*Age of carer: Age of the carer.*

**2003 to 2006:**

(12) The decision of future works on the Bellman Hangars will be made after detailed inspections and evaluations of the buildings and cost analysis have been completed on the options available for the hangars. A decision on the financing of works on buildings in the southern tarmac area will be determined once a decision is made on the future of buildings and the future Defence use of RAAF Williams Point Cook. A date for the commencement of works on the Bellman Hangars cannot be made until the nature and scope of such works are determined.

(13) The decision of future works on the Bellman Hangars will be made after detailed inspections and evaluations of the buildings and cost analysis have been completed on the options available for the hangars.

(14) In November 2005, the Parliamentary Secretary for the Minister for Defence issued a press release advising that RAAF Williams Point Cook would remain in Defence use and management indefinitely. Since that time, Defence has been reviewing the future use of RAAF Williams Point Cook. Decisions on civilian use of RAAF Williams Point Cook will be made once the outcomes of the reviews are known, which is expected by June 2007.

---

**QUESTIONS ON NOTICE**
* Under 17 refers to customers aged 16 years and under. Under 18 refers only to customers who are aged 17. All data is calendar year and these tables indicate the number of transactions (rejections) that have occurred. Customers may retest their eligibility for payment at any time and may make more than one claim in any calendar year.

** data for the 2006 year is as at 4 August 2006.

To prepare this answer it has taken 8 hours at an estimated cost of $425.

Carers

(Question No. 2390)

Senator McLucas asked the Minister representing the Minister for Human Services, upon notice, on 16 August 2006:

(1) Can details be provided of when a child/adult recipient of a Carer Payment or Carer Allowance is required to reapply for their payment.

(2) For children with permanent disabilities, such as Down Syndrome, is the parent required to reapply for their payment; if so, how often.

(3) Is a review every 2 years required to establish if circumstances have changed.

(4) Is the form used for the review the same as for the initial application.

Senator Kemp—The Minister for Human Services has provided the following answer to the honourable senator’s question:

(1) A customer would be required to reclaim if they had their claim rejected or their payment cancelled and their circumstances had changed since that rejection or cancellation. These customers reapply using a ‘re-claim’ form if they have reclaimed within 26 weeks of their cancellation or rejection of their claim. If it is more than 26 weeks since their previous claim they would need to complete a full new claim.

When a child turns 16 years of age, the Carer Payment and Carer Allowance that is paid to their carer is cancelled. The criteria for both of these payments is different for carers of people aged 16 or over. A letter is sent to the carer three months prior to the child turning 16 to advise that they need to re-test their eligibility for Carer Payment and/or Carer Allowance. The carer would complete a full claim form to test their eligibility for these payments.

(2) Customers are only required to re-apply for Carer Payment or Carer Allowance when the child cared for turns 16.

Their claim would be lodged in line with Question 1.

Note: Down Syndrome is included in the Lists of Recognised Disabilities for Carer Allowance (child). This means that their carer will not need to provide another medical report when their payment is reviewed during their entitlement period.

(3) The frequency of review is impacted by:

The type of payment a customer receives:
- the care receiver’s disability/medical condition; and
- their care needs.

Customers receiving Carer Payment for a child under 16 have their circumstances reviewed every two years from the date that the payment was granted. Generally circumstance reviews are conducted over the telephone. It may lead to a medical review in cases where the customer advises that the care receiver’s medical condition has improved.
Customers receiving Carer Allowance for a child under 16 are reviewed at developmental milestones. Generally the review includes a Treating Doctor’s Report as well as a review of their circumstances. The developmental milestones that reviews are undertaken at are:

- 3 years, 4 months (only if Carer Allowance was granted before the child turned 2 years of age);
- 4 years, 8 months;
- 7 years;
- 10 years;
- 13 years; and
- 15 years, 9 months (this is the letter advising customer of the eligibility changes when their child turns 16).

The carers of children who have a medical condition or disability that is on the Lists of Recognised Disabilities will not need to provide another Treating Doctors Report but will still have their circumstances reviewed. Generally circumstance reviews are conducted over the telephone.

Customers receiving Carer Payment and/or Carer Allowance for caring for an adult have their circumstances reviewed every two years.

Medical reviews are not undertaken if the care receiver has been assessed under the Adult Disability Assessment Tool with a score over 40 where the condition is permanent and non-improving. However, these customers will have a circumstance review every two years. Generally circumstance reviews are conducted over the telephone.

For Carer Payment customers caring for a terminally ill person a circumstances review is conducted by telephone six months after grant, and every six months thereafter.

Income and asset reviews are done annually for customers who receive Carer Payment under the special carer receiver’s income and assets test.

Annually, income and asset reviews are conducted on Carer Payment recipients using a random selection methodology.

For Carer Allowance (child) and Carer Payment (child) customers without a recognised disability the initial medical and functional assessment review forms are the same as the forms used in the initial application.

For Carer Allowance (child) and Carer Payment (child) customers with a recognised disability circumstance reviews are conducted over the telephone as a medical review is not required. If the customer is not available by phone a review form is sent. This form is different to the initial claim form.

For Carer Allowance and Carer Payment adult reviews the forms used for these reviews are different to the forms used when claiming a payment. This is because the review forms used contain specific questions relating to the type of review being conducted and the information required to assess the person’s on-going eligibility.

For medical reviews the medical review form contains questions about the care receiver’s care needs and the care being provided. The forms that the Treating Doctors and Health Professionals completed at the new claim stage are the same as the forms that accompany the medical review form as the information required is the same.

For customers that do not require a medical review, a confirmation of the carer’s circumstances is usually conducted over the telephone and if the carer cannot be contacted a circumstance review form is mailed to the carer for completion.

Income and Assets reviews are conducted by mail and do not use the same forms as completed in the initial claim process.
To prepare this answer it has taken 3 hours and 50 minutes at an estimated cost of $218.

**Wilderness Society**

(Question No. 2414)

Senator Bob Brown asked the Minister representing the Minister for Families, Community Services and Indigenous Affairs, upon notice, on 17 August 2006:

Has the Minister met with representatives of the Wilderness Society in the past 5 years; if so, on what dates.

Senator Kemp—The Minister for Families, Community Services and Indigenous Affairs has provided the following answer to the honourable senator’s question:

No meeting has been held with representatives of the Wilderness Society during the past five years.

**Digital Television Reception**

(Question No. 2427)

Senator Conroy asked the Minister for Communications, Information Technology and the Arts, upon notice, on 23 August 2006:

(1) Is the Minister aware of consumer complaints about poor quality digital television broadcasts in Tuggeranong, Australian Capital Territory.

(2) What is the cause of these reception problems.

(3) Why do the reception problems only occur in broadcasts by Prime Television and WIN Television and not the other free to air broadcasters.

(4) What steps is the Government taking to improve the quality of digital television in areas where there are reception problems.

(5) Is the quality of digital television reception being monitored by the department or the Australian Communications Media Authority.

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

(1) The Australian Communications and Media Authority (ACMA), which is the independent statutory body responsible for planning and regulating broadcasting services, has advised me that it is unaware of complaints about digital television reception in Tuggeranong.

(2) See answer to part (1).

(3) See answer to part (1).

(4) See answer to part (5).

(5) ACMA investigates reports about systemic reception difficulties.

**Illegal Fishing**

(Question No. 2437)

Senator Ludwig asked the Minister for Justice and Customs, upon notice, on 24 August 2006:

With reference to departmental tender 06/1466, *Provision of a Chartered Vessel with Full Crew to Conduct Patrols in Australia’s Northern Waters*:

(1) (a) Did the proposal originate from the Australian Customs Service (ACS); if not, from where did the proposal originate; (b) when was the proposal first raised; and (c) what was the impetus for the proposal.
(2) Were there any discussions with industry on any aspect of the proposal before the issue of the tender document; if so: (a) what industry bodies were consulted; (b) what were the discussions about; (c) did the discussions with industry include the timeline of the tender, and the timeline for the procurement of the vessel; and (d) did industry raise any concerns about any aspect of the tender and, what were they.

(3) If there were no discussions with industry; why not.

(4) Has ACS had any discussion with industry since the tender document was released; if so: (a) what were the discussions about; and (b) did industry raise any concerns about any aspect of the tender and what were they.

(5) How was the timeline developed.

(6) How many responses to the tender have been received.

(7) Has the deadline for the tender been altered in any way; if so, why and can details be provided of the alterations.

(8) Is it the case that detainees will be held aboard the vessel for up to 30 days; if not, why is it a key requirement of the tender that the vessel must have the capacity to hold persons for up to 30 days.

(9) Will there be separate, or additional holding areas for detainees who are judged to be a high risk of harm to themselves or others; if so, do these areas have any special arrangements for suicide, or other self-harm watch; if not, why not.

(10) If the need arises, will the vessel be used to hold asylum seekers.

(11) If the need arises, does the vessel have the capacity to hold asylum seekers.

(12) Will asylum seekers detained onboard the vessel be held in the same holding areas as illegal foreign fishers; if so, will there be any arrangements in place to ensure their security.

(13) Will the vessel have separate holding areas for women and children; if not: (a) will women and children detained onboard the vessel be placed in the general population holding areas; and (b) what steps will be taken to ensure their welfare.

(14) (a) What level of medical care will detainees have access to onboard the vessel; and (b) how many medical officers will be onboard the vessel and what will be their qualifications.

(15) Will the civilian crew be required to perform duties that: (a) include guarding of detainees; (b) include assistance in boarding operations; and (c) involve the use of firearms, explosives or pyrotechnics (please specify).

(16) Will the civilian crew receive any training for: (a) the use of force, firearms, explosives or pyrotechnics; (b) safety issues involving the use of force, firearms, explosives of pyrotechnics, by either themselves or others, onboard the vessel; (c) any other safety issues (please specify); (d) the detention of prisoners; (e) the care of prisoners; (f) the transfer of prisoners; and (g) any other training specific to the operation of this vessel (please specify).

(17) (a) What level of English language proficiency will be required of members of the crew; (b) how will this level of proficiency be ascertained; and (c) can details be provided of the exact standard.

(18) (a) What level of medical care will the civilian crew and Government officers have access to onboard the vessel; (b) how many medical officers will be onboard the vessel; and (c) what qualifications will they have and will these include training in mental health.

(19) Will the crew of the vessel be required to undergo security checks:

(a) if so: (i) specifically what security checks will the crew be required to undergo, (ii) which agency or department will carry out these checks, and (iii) will the security checks be completed by the time the vessel is intended to be operational in January 2007; if not, will the crew be allowed to operate on the vessel without these checks; and
(b) if not, why not.

(20) Will all non-crew members, that is, Government officers, be required to undergo security checks:
   (a) if so: (i) specifically what security checks will the non-crew be required to undergo, (ii) which agency or department will carry out these checks, and (iii) will the security checks be completed by the time the vessel is intended to be operational in January 2007; if not, will the non-crew be allowed to operate on the vessel without these checks; and
   (b) if not: (i) why not, and (ii) which non-crew members of the vessel will be exempt from the requirement of security checks.

(21) Will the crew of the vessel be the subject of a legally enforceable ‘gag’ order or similar prohibition on discussing their activities in a non-operational role:
   (a) if so: (i) what is the form of the ‘gag’ order or other prohibition, and (ii) what is the extent of the operation of the ‘gag’ order or other prohibition; and
   (b) if not, why not.

(22) Will there be an officer onboard the vessel to oversee the conditions of the detainees:
   (a) if so, what guarantees of independence will the officer have; and
   (b) if not: (i) why not, (ii) how often will the conditions onboard the vessel be subject to oversight, and (iii) what other mechanisms for overseeing the conditions onboard the vessel will be available.

(23) What access to legal services will the detainees be afforded while they are onboard the vessel.

(24) Will there be a legal officer stationed onboard the vessel to provide advice to detainees.

(25) Will the detainees be subject to questioning by ACS or other officers while detained onboard the vessel.

(26) Why are ships flagged with non-Australian flags being considered for the tender.

(27) Will ACS take into account whether a vessel has a flag of convenience in deciding the tender; if so, what weight will be given to this consideration; if not, why not.

(28) Has ACS received advice whether the domestic laws of a non-Australian flagged ship would apply to the detention of prisoners; if so, can the advice be provided; if not, why not.

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

(1) (a) and (b) On 9 May 2006 the Government announced a $388.9m funding increase to further combat illegal fishing in northern Australian waters. Under the integrated whole-of-government plan, the Australian Customs Service (Customs), Australian Fisheries Management Authority, Australian Quarantine and Inspection Service, Department of Agriculture, Fisheries and Forestry, Department of Defence, Department of Immigration and Multicultural Affairs, the Great Barrier Reef Marine Park Authority, Attorney-General’s Department, the Australian Federal Police and Commonwealth Director of Public Prosecutions will be provided with the resources to more than double the number of illegal foreign fishing boats that are apprehended each year.

The additional resources will meet the costs associated with the apprehension, transportation, processing and accommodation of the several thousand fishermen likely to be detained each year. It will also fund the expansion of fishing boat management and destruction facilities, and the additional investigations and prosecutions.

(c) The new funding provides significant support to Customs and Navy patrol boats already engaged in responding to and apprehending illegal vessels as part of the Government’s program to enhance Australia’s fisheries and maritime surveillance, compliance and enforcement arrangements.
and (3) It is not common practice to engage in consultation with industry in regard to government operational procurements of this type, particularly when Customs has experience in the acquisition/tendering of large vessels, eg the Southern Ocean patrol vessel, Oceanic Viking.

(4) Customs has responded to individual queries from prospective tenderers about aspects of the tender documentation. Customs has posted several addenda on the AusTender website to clarify its requirements as a result of these enquiries.

(5) The timeline for the tender was based on Customs previous experience with a similar tender process for the Southern Ocean patrol vessel, the Oceanic Viking.

(6) The information on how many tenders were lodged cannot be divulged. It is subject to probity considerations until the tendering process has been concluded.

(7) The tender deadline was extended from 10.00am on Monday 4 September 2006 to 4.00pm on Tuesday 5 September 2006, to provide more time for tender responses. An addendum notifying the change in date was posted on the AusTender website on 25 August 2006.

(8) Illegal foreign fishers (IFFs) will not be held aboard the vessel for up to 30 days. The tender documents (Part B, page 2) state the vessel will embark IFFs “for approximately two or more days per occasion”. This time period will depend on the time required to transit from the area of operations to the nearest shore facility (subject to weather and distance considerations) and transfer the IFFs ashore for further processing.

The key requirement that the vessel must have the capacity to “carry and store provisions for the full complement (including up to 30 Australian Government officials and up to 30 IFFs) for a minimum of 30 days” was to prevent having to reprovision the vessel each time the charter vessel departed an Australian port. Elsewhere in the tender documentation it states that: “Port visits during designated patrols to hand over IFFs and/or transfer towed vessels are to take less than 24 hours, with the vessel getting underway as soon as the hand over is effected.”

(9) The new northern patrol vessel will have a specially designed secure facility to accommodate any apprehended persons deemed to be high risk. There will also be a staffed medical facility to assess people for issues such as self-harm.

(10) and (11) The key role of the vessel is to respond to illegal foreign fishing in northern Australian waters. However, the vessel will be capable of responding to a range of border protection concerns, including suspected illegal entrants. In the event of suspected illegal entrants the vessel would be used only for the purposes of transporting them to a land-based processing facility.

(12) It is not intended for suspected illegal entrants to be held alongside IFFs.

(13) (a) Customs policy is to separate women and children from other adult male IFFs, except where families or guardians express the desire to stay together. (b) Women and children will be offered the same rights and protections as afforded to other apprehended persons.

(14) There will be a medical facility on board, the precise composition of staff to be determined in accordance with operational requirements.

(15) As with the Oceanic Viking model, contractors or civilian crew will have no role in boarding, apprehension or enforcement activities concerning illegal fishing vessels. They will have no access to the weapons that are stored on board. Customs has certified arrangements in place for the safe storage of armaments and access by authorised officers is strictly controlled. The role of the civilian crew is to operate the chartered vessel.

(16) See answer provided to Question (15) above.

(17) (a) The Request for Tender specifies that all crew must speak English. (b) and (c) Customs will accept the assurance provided by the vessel owner/operator that this requirement has been satisfied.
Civilian crew and government officials will have access to the same level of medical care as that provided for apprehended persons.

(19) (a) In addition to security checks associated with the new Maritime Security Identification Card system, all potential crew will be required to undergo Customs security vetting. While not a full security clearance, they will be required to provide Customs with sufficient personal information to pass ‘fit and proper’ checks in order to assess the risk that a crew member might pose to Customs maritime operations.

(ii) Customs will carry out these checks in liaison with State and Federal police agencies and other law enforcement agencies as necessary.

(iii) The checks will be completed by the time the vessel is intended to be operational in January 2007; if not, the crew will not be permitted to deploy.

(20) All Government officials on board the vessel will be required to hold a security clearance at a classification sufficient for the duties they will be performing and the information which they will be accessing. Customs will accept the security vetting process performed by the employee’s department/agency. All Customs officers are currently required to hold a security clearance to the minimum level of PROTECTED.

(21) For reasons related to operational security, contractors and crew will not be permitted to disclose information related to the vessel and its activities.

(22) The Customs Group Commander has responsibility for all apprehended persons on board the vessel in accordance with Customs legislation, policy and procedures. Consistent with the method of operations for other Customs and Navy patrol boats.

(23) and (24) As the apprehended persons are in transit while temporarily accommodated on board the vessel, they will not have access to legal services which are more appropriately available at land-based processing facilities.

(25) During their period of temporary accommodation on board the vessel, IFFs are not interviewed for the purposes of evidence gathering, merely asked initial processing questions relating to their identity and nationality and whether they have any immediate health issues.

(26) The tender is seeking the best and most suitable vessel for Customs needs. It is open to tenderers to source a non-Australian flagged vessel overseas and put that forward as part of their tender proposal. For example, the Customs and Fisheries patrol vessel, Oceanic Viking, was originally a Norwegian flagged vessel which was subsequently re-registered in Hobart.

(27) Any proposed vessel would need to satisfy International Maritime Organisation and Australian Maritime Safety Authority requirements as stipulated in the Request for Tender documentation.

(28) The selected vessel will be contracted to the Commonwealth and distinguished by a Customs flag as prescribed under the Customs Act 1901. As a consequence, Australian laws will apply to persons on board, notwithstanding that it may be a non-Australian flagged vessel.

Illegal Fishing

(Question No. 2438)

Senator Ludwig asked the Minister for Justice and Customs, upon notice, on 24 August 2006:

With reference to vessels engaged to transfer detainees to mainland Australia or other ports from the Australian Customs Service detention vessel which is the subject of departmental tender 06/1466, Provision of a Chartered Vessel with Full Crew to Conduct Patrols in Australia’s Northern Waters:
(1) (a) What procedures are in place to effect the safe transfer of detainees from the detention vessel to the transfer vessels; and (b) do these procedures cover all naval and weather conditions; if not, what conditions are not covered.

(2) How will these vessels be engaged.

(3) How many vessels will be engaged for this purpose.

(4) In relation to personnel onboard these vessels, how many will be: (a) government officials; and (b) civilian crew.

(5) Will the civilian crew receive any training in: (a) the use of force, firearms, explosives or pyrotechnics; (b) safety issues involving the use of force, firearms, explosives of pyrotechnics, by either themselves or others, onboard the vessel; (c) any other safety issues (please specify); (d) the detention of prisoners; (e) the transfer of prisoners; and (f) any other training specific to the operation of these vessels (please specify).

(6) What quarantine facilities will be available on these vessels.

(7) What distance (in terms of travel time from port) will these vessels be required to transport detainees.

(8) How long will these vessels be required to hold detainees.

(9) Will these vessels contain separate detention facilities for women and children; if not: (a) will women and children detained onboard the vessel be placed in the general population holding areas; and (b) what steps will be taken to ensure their welfare.

(10) What security arrangements will be made for these vessels.

(11) What is the projected annual cost of these vessels.

(12) (a) What level of medical care will detainees have access to onboard these vessels; and (b) how many medical officers will be onboard the vessel and what qualifications will they have.

(13) Will the crew of the vessel be required to undergo security checks:

   (a) if so: (i) what security checks will crew be required to undergo, (ii) what agency or department will conduct these checks, and (iii) will the security checks be completed by the time the vessel is intended to be operational in January 2007; if not, will the crew be allowed to operate on the vessel without these checks; and

   (b) if not, why not.

(14) Will all non-crew members, that is government officers, be required to undergo security checks:

   (a) if so: (i) specifically what security checks will the non-crew members be required to undergo, (ii) what agency or department will undertake these checks, and (iii) will the security checks be completed by the time the vessel is intended to be operational in January 2007; if not, will the non-crew members be allowed to operate on the vessel without these checks; and

   (b) if not: (i) why not, and (ii) which non-crew members of the vessel will be exempt from the requirement of security checks.

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

(1) (a) The transfer of alleged illegal foreign fishers (IFFs) from the apprehended vessel will be carried out by suitably trained officers using small craft supplied from the chartered vessel. All personnel including IFFs will be supplied safety equipment and transfers will only take place if the conditions are deemed to be safe. (b) Standard Operating Procedures for maritime operations consider all sea and weather conditions, giving guidance to the Government official in charge of the on-scene operations.
(2) Towing and Transport vessels will be engaged via the “Panel” arrangement as detailed in Request For Tender (RFT) 06/1496. A panel of providers will be established and used as required in response to operational activity. The tow vessels will be used to transport illegal foreign fishing vessels to designated ports; the transport vessels will be used to transport IFFs (with Customs personnel embarked) to designated ports. The large northern patrol vessel, which is currently being chartered through a separate RFT process, will also be able to transport IFFs to designated ports.

(3) As indicated in the RFT, all vessels (and the companies that operate them) that comply with the RFT and are judged as “value for money”, will be considered for the Panel arrangements.

(4) (a) The number of Government officials will depend on the task being performed and the number of IFFs. The RFT has identified a maximum of six and minimum of two for Government officials. 
(b) The service provider, taking into consideration compliance with Uniform Shipping Laws Code (USLC), section 3 and relevant Marine Orders, will determine the number of civilian crew.

(5) As with the Oceanic Viking model, contractors or civilian crew will have no role in boarding, apprehension or enforcement activities concerning illegal foreign fishing vessels or crew. They will have no access to the weapons that are stored on board. Customs has certified arrangements in place for the safe storage of armaments. Access to armaments is restricted to authorised officers only.

(6) There will be no quarantine facilities on board these vessels. Customs officers are briefed by Quarantine and Health officials on their requirements. If any issues are identified they are referred back to the relevant agency for further advice on action that may be required in advance of the vessel arriving at land-based processing facilities. Accommodation on board will allow for appropriate isolation of any individuals who pose a high health risk.

(7) The distance and travel time will depend on the ‘Area of Operation’. Typically, vessels will operate between the ports of Broome, Darwin, Gove, Weipa, Thursday Island and out to Australia’s Exclusive Economic Zone (EEZ) boundary (200 Nautical Miles).

(8) IFFs will only remain on board the vessel(s) for as long as it takes to transport them from the area of operation to onshore processing facilities.

(9) (a) Customs policy is to separate women and children from other adult male IFFs, except where families or guardians express the desire to stay together. (b) Women and children will be offered the same rights and protections as afforded to other apprehended persons.

(10) Customs officials will provide security whilst the vessels are contracted to carry out Government business.

(11) The allocated budget for this project totalled $15.3 million (GST inclusive) for the four-year period. This includes contracted services, Customs staffing and initial project costs.

(12) The staffing of the on board medical facilities and qualifications of personnel are yet to be determined. Currently all maritime Customs officers have basic first aid training with some officers having senior first aid and trauma pack training. Government officials and IFFs will be afforded the same medical access.

(13) (a) (i) In addition to security checks associated with the new Maritime Security Identification Card system, all potential crew will be required to undergo Customs security vetting. While not a full security clearance, they will be required to provide Customs with sufficient personal information to pass ‘fit and proper’ checks in order to assess the risk that a crewmember might pose to Customs maritime operations. (ii) Customs will carry out these checks in liaison with State and Federal police agencies and other law enforcement agencies as necessary. (iii) The checks will be completed by the time the vessel(s) are intended to be operational; if not, the crew will not be permitted to deploy. (b) Not applicable.
(14) All Government officials on board the vessel will be required to hold a security clearance at a classification sufficient for the duties they will be performing and the information which they will be accessing. Customs will accept the security vetting process performed by the employee’s department/agency. All Customs officers are currently required to hold a security clearance to the minimum level of PROTECTED.

Australian Securities and Investments Commission
(Question No. 2461)

Senator Watson asked the Minister representing the Treasurer, upon notice, on 1 September 2006:

(1) Can the Minister confirm that in a meeting of the Parliamentary Joint Committee on Corporations and Financial Services, on 13 June 2006, the Deputy Chairman of the Australian Securities and Investments Commission (ASIC), Mr Jeremy Cooper, informed senators and members that ASIC had written to 306 participants in its surveillance activity known as ‘shadow-shopping’ of licensed financial advisers.

(2) Did Mr Cooper advise the committee that the purpose of the letter was to ‘invite each and every one of them to make a formal complaint’, presumably about any aspect of the financial advice they had received and with which they were not satisfied.

(3) Did ASIC inform the Minister of the outcome of the letter writing exercise.

(4) How many replies has ASIC received to the letter.

Senator Minchin—The Treasurer has provided the following answer to the honourable senator’s question:

(1) Yes.
(2) Yes.
(3) No.
(4) ASIC has advised that it has not received any queries as a result of the letter. ASIC has advised that it is not aware of whether participants pursued other complaint avenues that were mentioned in the letter.