COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES

Senate

Official Hansard

No. 14, 2006
MONDAY, 27 NOVEMBER 2006

FORTY-FIRST PARLIAMENT
FIRST SESSION—SEVENTH PERIOD

BY AUTHORITY OF THE SENATE
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RADIO BROADCASTS

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

Governor-General

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

Senate Officeholders

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

Senate Party Leaders and Whips

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

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

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

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

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

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

Minister for Justice and Customs and Manager of Government Business in the Senate  Senator the Hon. Christopher Martin Ellison
Minister for Fisheries, Forestry and Conservation  Senator the Hon. Eric Abetz
Minister for the Arts and Sport  Senator the Hon. Charles Roderick Kemp
Minister for Human Services and Minister Assisting the Minister for Workplace Relations  The Hon. Joseph Benedict Hockey MP
Minister for Community Services  The Hon. John Kenneth Cobb MP
Minister for Revenue and Assistant Treasurer  The Hon. Peter Craig Dutton MP
Special Minister of State  The Hon. Gary Roy Nairn MP
Minister for Vocational and Technical Education and Minister Assisting the Prime Minister  The Hon. Gary Douglas Hardgrave MP
Minister for Ageing  Senator the Hon. Santo Santoro
Minister for Small Business and Tourism  The Hon. Frances Esther Bailey MP
Minister for Local Government, Territories and Roads  The Hon. James Eric Lloyd MP
Minister for Veterans’ Affairs and Minister Assisting the Minister for Defence  The Hon. Bruce Frederick Billson MP
Minister for Workforce Participation  The Hon. Dr Sharman Nancy Stone MP
Parliamentary Secretary to the Minister for Finance and Administration  Senator the Hon. Richard Mansell Colbeck
Parliamentary Secretary to the Minister for Industry, Tourism and Resources  The Hon. Robert Charles Baldwin MP
Parliamentary Secretary to the Minister for Health and Ageing  The Hon. Christopher Maurice Pyne MP
Parliamentary Secretary to the Minister for Defence  Senator the Hon. John Alexander Lindsay (Sandy) Macdonald
Parliamentary Secretary to the Minister for Transport and Regional Services  The Hon. De-Anne Margaret Kelly MP
Parliamentary Secretary to the Minister for Immigration and Multicultural Affairs  The Hon. Andrew John Robb MP
Parliamentary Secretary to the Prime Minister  The Hon. Malcolm Bligh Turnbull MP
Parliamentary Secretary to the Treasurer  The Hon. Christopher John Pearce MP
Parliamentary Secretary to the Minister for the Environment and Heritage  The Hon. Gregory Andrew Hunt MP
Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry  The Hon. Sussan Penelope Ley MP
Parliamentary Secretary to the Minister for Education, Science and Training  The Hon. Patrick Francis Farmer MP
Parliamentary Secretary (Foreign Affairs)  The Hon. Teresa Gambaro MP
SHADOW MINISTRY

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

(The above are shadow cabinet ministers)
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<td>Joel Andrew Fitzgibbon MP</td>
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<td>Revenue and Shadow Minister for Small Business and Competition</td>
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<td>Shadow Minister for Transport</td>
<td>Senator Kerry Williams Kelso O’Brien</td>
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<td>Shadow Minister for Sport and Recreation</td>
<td>Senator Kate Alexandra Lundy</td>
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<td>Shadow Minister for Homeland Security and</td>
<td>The Hon. Archibald Ronald Bevis MP</td>
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<td>Shadow Minister for Veterans’ Affairs and</td>
<td>Alan Peter Griffin MP</td>
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<td>Shadow Minister for Immigration</td>
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<td>Shadow Minister for Overseas Aid and Pacific Island Affairs</td>
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<td>John Paul Murphy MP</td>
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<tr>
<td>Shadow Parliamentary Secretary for Defence and Veterans’ Affairs</td>
<td>The Hon. Graham John Edwards MP</td>
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The Senate met at 12.30 pm

ABSENCE OF THE PRESIDENT

The Clerk—Pursuant to standing order 13, I advise the Senate that the President is temporarily absent today attending the funeral service for former President of the Senate Sir Harold Young. The Deputy President will take the chair accordingly.

The DEPUTY PRESIDENT (Senator Hogg) thereupon took the chair and read prayers.

COMMITTEES

Employment, Workplace Relations and Education Committee

Meeting

Senator FERRIS (South Australia) (12.31 pm)—by leave—At the request of Senator Troeth, I move:

That the Employment, Workplace Relations and Education Committee be authorised to hold a public meeting during the sitting of the Senate today, from 4 pm, to take evidence for the committee’s inquiry into the provisions of the Commonwealth Radioactive Waste Management Legislation Amendment Bill 2006.

Question agreed to.

BUSINESS

Rearrangement

Senator ELLISON (Western Australia—Minister for Justice and Customs) (12.32 pm)—I move:

That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the following bills, allowing them to be considered during this period of sittings:

- Anti-Money Laundering and Counter-Terrorism Financing Bill 2006
- Copyright Amendment Bill 2006
- Customs Legislation Amendment (New Zealand Rules of Origin) Bill 2006
- Environment and Heritage Legislation Amendment Bill (No. 1) 2006
- Inspector of Transport Security Bill 2006
- Medibank Private Sale Bill 2006

I table a further statement of reasons justifying the need for these bills to be considered during these sittings. I seek leave to have the statement incorporated in Hansard.

Leave granted.

The statement read as follows—

Datacasting Transmitter Licence Fees Bill 2006 and Broadcasting Services Amendment (Collection of Datacasting Transmitter Licence Fees) Bill 2006

Purpose of the bills

The Datacasting Transmitter Licence Fees Bill 2006 and Broadcasting Services Amendment (Collection of Datacasting Transmitter Licence Fees) Bill 2006 (the bills) will implement the Government’s decisions relating to the imposition and collection of annual licence fees, by way of taxes, on channel A datacasting transmitter licence holders, based on revenue received by the datacasting transmitter licence operator.

Reasons for Urgency

The bills supplement the Broadcasting Legislation Amendment (Digital Television) Act 2006 (the Act) passed by the Parliament on 18 October 2006. The Act (amongst other measures) provides mechanisms for the allocation of channel A datacasting transmitter licences (Channel A) and channel B datacasting transmitters (Channel B) to provide new services for consumers.
The Australian Communications and Media Authority (ACMA) must design a price-based process for the allocation of Channel A and Channel B.

It is important that when Channel A is offered to the market, the offer documents should provide a clear description of Channel A, including all its characteristics and the impositions to which it will be subject. If the allocation process begins without the bills being passed, it would be unclear whether Channel A would be subject to the condition that the licensee will be subject to an annual licence fee. This would create uncertainty about the conditions under which the licences will operate after allocation. It is therefore necessary for the legislation to be considered by Parliament and the outcome of this consideration to be known to allow the offer to be put to market. Preparations have begun in relation to the processes leading to allocation of channel A datacasting transmitter licences with the aim of conducting the allocation as soon as possible in 2007. Therefore the bills should be debated in both Houses of Parliament before the end of 2006 to enable new services to be provided to consumers as soon as possible.

Circulated with the Authority of the Minister for Communications, Information Technology and the Arts.

Senator Bob Brown—Mr Deputy President, on a point of order: could that statement of reasons be circulated in the chamber immediately?

The DEPUTY PRESIDENT—It will be circulated as quickly as possible.

Senator CARR (Victoria) (12.32 pm)—Mr Deputy President, could the Environment and Heritage Legislation Amendment Bill (No. 1) 2006 be treated as a separate item?

Senator Ludwig—And the Medibank bill.

Senator CARR—along with the Medibank Private Sale Bill 2006?

The DEPUTY PRESIDENT—If that is the request, it is within the province of the chair to divide the question. We will divide the question. Senator Carr, could I confirm for the record that you are referring to the environment bill and also the Medibank Private bill.

Senator CARR—Yes, if they could be treated separately.

The DEPUTY PRESIDENT—All right; that is what we will do.

Senator ELLISON (Western Australia—Minister for Justice and Customs) (12.33 pm)—I agree to the question being divided so as to separate the bills, as indicated. The reasons for urgency of these bills have been set out in the statement circulated in the chamber. I point out to the Senate that so far this year only seven bills have been exempted from the cut-off which, including these bills, is the lowest number in any calendar year since this regime has been in place. I commend the motion to the chamber.

Senator CARR (Victoria) (12.34 pm)—I oppose the exemption to the cut-off of the Howard government’s proposals contained in the Environment and Heritage Legislation Amendment Bill (No. 1) 2006. The Minister for Justice and Customs has just indicated that the reasons for urgency of these matters have been circulated in the chamber. We have yet to see those reasons. We have not been advised of those reasons. This is a particularly controversial piece of legislation which highlights just how extreme, arrogant and out of touch this government has become. This is the latest in a long list of measures that actually go to attacking the fundamental principles of democracy and which seriously undermine the environment and heritage protection regime that has hitherto existed in this country.

I will remind the Senate of some basic facts. This bill had no exposure draft and no environmental or heritage groups were consulted before the bill was tabled. There are 409 pages of legislation which were introduced into the House on a Thursday. It was
debated the following Wednesday. The debate occurred in the House without there being a Bills Digest and before submissions had been received for what is essentially a perfunctory Senate inquiry. There was very little capacity, even at that stage, for environmental or heritage groups to be consulted.

As part of the Labor team that took part in the Senate inquiry into the bill, I was given barely 10 minutes—at best 12 minutes—to question witnesses that appeared before the inquiry. This is the process by which this bill has been introduced and is to be dealt with by this parliament, which highlights just what a travesty the legislative regime in this country has become. Senator David Johnston was absolutely right when, on 18 October 2006, in discussing the explanatory memorandum for this piece of legislation, he told the Senate:

This explanatory memorandum is probably one of the most appalling I have ever seen in the short time I have been in the Senate. It discloses no motivation, no reasoning and no justification for some of the most draconian powers that this parliament can conceivably and possibly enact: rights of search and seizure without warrant and rights of personal frisking without warrant.

... this legislation should go back to the drawing board.

So it is not just Labor senators and senators from the cross benches who express their profound reservations about the actions of the executive with regard to this legislation; it is members of the government’s own backbench. Here we have a situation where the parliamentary processes of this country are being prostituted to the domineering executive in a manner which is most disturbing. We have a situation in which the parliamentary and public consultation processes have been fundamentally subverted.

Any individual or organisation wishing to make a submission or give evidence on this bill was given about a week to do it. This is a 409-page bill involving some of the most extreme actions a government can take with regard to civil liberties in this country, and we had one week while the chamber was sitting to analyse this through the process of preparing submissions on this bill. If you had an interest in other matters before the parliament during that week, you were rightly somewhat divided in the time that you could spend.

Is it any wonder that there was not one witness before this quick and dirty Senate inquiry who said that they had had sufficient time to examine the implications of this legislation? Experts in the field could not answer questions or give opinions on whole sections of this bill simply because they did not have time to examine the implications of this legislation. So is it any wonder that the environmental and heritage constituencies that this government has employed and manipulated in the past to support its agenda are now in open revolt about being fundamentally ripped off, abused and used by this arrogant government which is essentially treating them all as a bunch of mugs? Is it any wonder that people who know something about the operations of the law have expressed such profound reservations about what this government is proposing to do? Yet in the motion that the government has put to this chamber today we are expected to give the tick on this process without further complaint. I take the view that this chamber ought to say no.

Organisations which are not known for their radicalism in the environmental movement—the National Trust, for example, a highly respectable, thoroughly conservative, middle-class organisation—have simply said, ‘You’ve gone way too far.’ The World Wide Fund for Nature has similarly been used and abused and now says, ‘We’ve been conned by this government.’
Essentially the problem that the government faces is that it is seeking to ram through this parliament highly regressive legislation that explicitly and implicitly promises to make fundamental changes to the way in which our heritage and environmental protections can be undermined for good. It breaks basic protocols on which the government in the past—and I say this on a bipartisan basis—has sought to operate when it came to the question of environmental and heritage management in Australia. This is fundamentally bad public policy which, when exposed, will easily be able to be demonstrated as being based on a government’s ideological precepts that the government feels it now has the opportunity to pursue without proper debate within the community. It is a proposition which has been advanced in haste by a government which has an urgent desire to ram through its program in the run-up to an election year.

We are watching and being asked to acquiesce to a government at its most arrogant. This government has essentially been advised by its own backbench that these actions are totally inappropriate, yet we are told to tick off on this bad public policy. It is quite clear that the government will truck no criticism and will accept no contrary opinion, no matter what side of the chamber it comes from. We have a situation now where our environment and our fragile national heritage will suffer directly as a result of the negligence and arrogance of this government in seeking to pursue its agenda to wind back the clock with regard to environmental and heritage reform that has been in place in various forms throughout the last generation. The government could hardly do less in its attitude to the existing legislation, but now it is seeking to provide the legislative framework in which it will not have to measure up to its responsibilities. This extraordinary proposition is summed up by the simple fact that in these 409 pages of legislation the term ‘climate change’ is simply not used because the government’s approach is very old-fashioned. It is fighting the old wars of the 1970s and it is seeking to reinvent the disputes of that time and to force its position through this parliament at this time.

And it is appropriate for this Senate to say no; it is appropriate for the Senate in these circumstances to say, as Senator Johnston said, ‘This legislation should go back to the drawing board.’ It is not appropriate to acquiesce to the actions of an arrogant executive seeking to impose its will upon this parliament without proper debate and without consultation. It is not appropriate that we should turn a blind eye to such fundamental and far-reaching legislation when such important issues are at stake. I urge senators to reject this motion.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (12.45 pm)—The Greens will be opposing the motion. It is an abuse of the Senate. It is an abuse of the public’s right to be informed about legislation being dealt with by this parliament and, as Senator Carr has said, it is the height of arrogance by this government, at the end of this legislative year, to be putting through this table of bills without the standing orders prevailing. The standing orders insist that there should be some six weeks to look at legislation. That is so there can be a committee and so the public can look at the legislation at hand and give feedback to the committee. It is so the committee can then adequately inform the Senate, and the Senate can make a much more measured contribution to the debate. All that has been put aside since the government got the control through the numbers in this place, and what we are seeing here today is, as Senator Carr says, a process of accelerating through the Senate, before the election year next year, some particularly nasty pieces of legislation.
My colleague Senator Siewert points to the Commonwealth Radioactive Waste Management Legislation Amendment Bill 2006, and I understand there is a committee hearing about that today. And here we are removing the decent time scheduling for that piece of legislation, which amongst other things may allow for alternative sites to be looked at in this country for a potential nuclear waste dump. The Senate is being asked through this motion to cast all that aside and put this bill through in the next week or two. There is no way the people who are going to be affected by that sort of decision are going to be able to adequately give feedback to the Senate. It is going to be in a remote region of Australia. I will guarantee that the people affected by that, by and large, have no idea that this is being debated here in the Senate today. They are small in number and they are away from the scene, so the Howard government does not care.

The Medibank Private Sale Bill 2006 is a hugely important piece of legislation. It is privatising an important institution for the Australia people. The Greens will be opposing that legislation. What the government is saying through this process is: ‘Let’s not have a proper public debate about this. Let’s get on and privatise’—with legislation that has come through here and that is going to be effectively catapulted through without a proper public debate on it, simply because the government does not want a public debate on that piece of legislation.

Then we come to the Environment and Heritage Legislation Amendment Bill (No. 1) 2006. As Senator Carr says, it is 409 pages and it is pretty complex. But it is also very evident what has happened here. Firstly, let me point out to you, Acting Deputy President, that the minister for the environment, whose bill this is, is absent from the chamber. Yet, from his own contribution to the chamber earlier, we know that the government has been considering this legislation for two years. When we talk about the government considering legislation to weaken the one piece of environmental legislation laying out the Commonwealth’s responsibility for protecting this great nation’s natural and cultural heritage, there needs to be a very careful look at that. We did not get that; we got, again, an accelerated, totally unsatisfactory, two short days of hearings.

Most of the people who are affected by this legislation have no idea it is being rushed through here. What the legislation does is extract teeth from a piece of environmental protection law that actually needs more teeth put into it. The issues of the environment, like climate change and the massive impact that is going to have on accelerating the extinction of species in this country, deserve to be looked at very prudently by government and addressed with laws to turn around the processes which are killing this natural heritage.

We are not going to get that. What we are going to get is legislation which weakens the ability of the minister or the government of the day—or I should say the responsibility, because the minister has shown no great ability—to protect this nation’s biodiversity and to ensure that we do not have worsening climate change, for example, with the impacts of bushfires, drought, coastal erosion, extinction of species and loss of snow cover, and a huge impact on the agricultural industries of this country, for one. Instead of putting teeth into this legislation which says, ‘If there are projects in Australia which are going to make climate change worse, the minister has a responsibility to do an assessment and to not allow that damaging process to go ahead’, the legislation effectively weakens the minister’s hand. It should be introducing a trigger on climate change. Instead of that, it is removing some of the very limited protections there are already.
Let me cite the forests of Australia. That legislation, Acting Deputy President Lightfoot, you will be alarmed to know will prevent citizens in future from going to the courts to take legitimate action against the government because it calls for a surety up front. If you cannot put millions of dollars up for Gunns woodchipping or whatever it might be then you cannot take court action. Or, to look at the same corporations powers—I am talking about the Gunns corporations powers—this legislation is going to make it clear that in the fostering of the Gunns pulp mill in Tasmania the minister will not be required to look at the impact on forests; in fact, he cannot do so. If there was any doubt about that, this legislation is there to say that the Minister for the Environment and Heritage cannot look at the environmental impact on forests of a pulp mill that is being built in Tasmania.

That brings me to the very important underlying reason for this legislation being jumped through the Senate in this unseemly fashion. Yes, the government has been looking at it for two years, even though it did not tell anybody here, and even though it did not level with the Australian public. Behind closed doors, the forestry and mining industries in particular have been fashioning this legislation. This is not so much government legislation as it is resource extractors’ legislation, and they do not want a public debate. Of course they do not. They do not want the public to be empowered. They want themselves to be empowered to avoid public scrutiny. They want to avoid the public being able to say, ‘We want to protect our nation’s environmental and cultural heritage.’

And we have a prime minister at the moment who says that he is concerned about the environment. This legislation points out that in fact the Prime Minister is an environmental heretic. He says one thing and he does another. We have one piece of legislation for the protection of this nation’s heritage, the Environment Protection and Biodiversity Conservation Act. The Prime Minister says he is concerned to protect this nation’s heritage, and what we have before the Senate today is a bill to weaken the one piece of legislation there is—to make the government’s responsibilities less. This is a fortnight after a High Court decision which empowered the Prime Minister through the corporations power to reach out and make things more difficult for working people all across this country, to give the corporations effectively what they wanted in disempowering working people in Australia. We get a sort of reverse process going on here where the government say that they will divest themselves of power to protect the nation’s heritage, the very thing the people of Australia would want them to do, because the corporations do not want that.

One of the difficulties with this legislation is trying to raise the issue. I tried to bring it up again this morning at the doors, where the press turn up and ask you about issues of the day. I tried to raise this issue. You could hear the clicks as they turned off. You could see the eyes roll up because it is complex and not well understood and the long-term impact is not understood. This is corrosive, erosive legislation as far as Australia’s environmental amenity and the federal government’s absolute responsibility for looking after that amenity are concerned. It is appalling legislation. It is a travesty of the Prime Minister’s responsibility to this nation. But the whole aim of the government—and it will be licking its lips about this at the moment—is to get the legislation through here in the next fortnight without anybody understanding it or its impact.

The Greens will be taking that legislation on when it comes into this place, when it is rushed in here in the next 24, 48 or 64 hours because it is critical legislation for this na-
tion. It is going to have a huge impact against the nation’s heritage. We would expect from a government in 2006 strengthening legislation, not poisonous legislation like this to disable the Commonwealth carrying out its obligations to protect this nation’s heritage. The process is under way; it is all being orchestrated out of the Prime Minister’s office. The corporations have been working with the government for a couple of years to get this result. It will be done largely unrecorded, without there being any public clamour and in the run-up to Christmas. Who cares? And the nation’s heritage is going to suffer for it forever and a day.

The best we can do here is to vote against that sort of legislation and to vote against this sort of tawdry process the minister puts forward to fleet-foot the legislation through a place where it should be not only knocked out but replaced by something more responsible and appropriate for this year, for this nation and for this nation’s cultural and environmental heritage. We will oppose it.

Senator McLUCAS (Queensland) (12.58 pm)—I rise to also oppose the exemption of the cut-off on the two bills identified by Senator Carr, the Environment and Heritage Legislation Amendment Bill (No. 1) 2006 and the Medibank Private Sale Bill 2006. I particularly want to speak to the ludicrous suggestion that it is important and necessary to exempt from the cut-off the Medibank Private Sale Bill which the government has proposed.

I want to take us to the purpose of having the cut-off principle. We had in this place, long before I came here, a situation where bills were being introduced late in a session. That caused a problem for the process of dealing with matters in a seemly way. For many years the Senate had attempted to introduce measures that would enable an appropriate and orderly dealing with matters. That is why, in 1994, the then Leader of the Opposition, Senator Hill, suggested that we introduce what we are now debating, the principle of the cut-off—and that is that legislation has to be introduced in the first two-thirds of a session in order to be dealt with in that session.

Labor accepts that there are times when the exemption has to be applied, but I can find no reason why that exemption should be applied to the Medibank Private Sale Bill. We know that the Medibank Private Sale Bill was introduced into the House of Representatives on 18 October this year. On 19 October the bill was referred by the Senate to a committee to report today. We have not had the report of that committee. We do not know what the Senate committee of inquiry says, but here we are making a decision about dealing with this bill expeditiously. Even before we know what the committee says in its report we are going to agree, if all of the people who sit on that side of the chamber dutifully follow their riding instructions, to exempt the Medibank Private Sale Bill from the cut-off.

The inquiry was advertised on 25 October—one advertisement; that is all. Then we had one day of hearing into a bill that will privatise the largest provider of private health insurance in this country—a one-day hearing, in one city. We did not go into any state, just to the ACT, and we are going to make a decision on the basis of one quick inquiry. I put on the record our thanks to those community organisations and health representatives who could make that extremely short deadline. I also put on the record the fact that there are many organisations who wanted to contribute to that debate and simply did not have the time to do so. We have come to expect that in this place now. That is the normal way that we operate: we just rush things through. I think the community understands that the Senate and
its processes are continually being abused by this government.

But the thing that annoys me most is the way the Department of Finance and Administration has treated our Senate inquiry. We are talking about the sale of an entity that will bring between $1 billion and $2 billion in revenue to this government if the bill is passed, yet the Department of Finance and Administration and the Department of Health and Ageing did not bother putting in submissions. I suggest that they probably thought they should, and I say here that I am sure it was on the direction of their respective ministers that they did not do so. We had the committee hearing on 3 November and a number of questions were asked that could not be answered. That is normal process, and department officials took those questions on notice. As I said, the report of the committee is to be tabled today. This morning we received from the Department of Finance and Administration a number of answers to those questions, but not all of them. I do not think that by the time the report is tabled this afternoon we will have received answers from the Department of Finance and Administration. That is the way this government treats scrutiny; it says, ‘Just roll this one right through.’ Between $1 billion and $2 billion is the expected revenue from the sale of Medibank Private, but we do not even want to wait for the Department of Finance and Administration to provide some answers. I suggest they are not going to at all.

We know that there are still significant legal questions remaining about Medibank Private: who in fact is the entity that owns it, and will compensation arise? We do not know the answers to those questions. It would have been prudent, in our view, to at least wait until there was some clarity over whether or not you can sell this thing; but, no, we are just going to push right on through with exempting the bill from the cut-off in order to avoid scrutiny. It is kind, I think, to say that this government is dealing with this sale bill with unseemly haste, but I think the truth of it is that this abuse of our Senate processes is for purely political purposes. This is no way to conduct business, much less a democracy. I have to concur with the explanation that is in Odgers’ Australian Senate Practice on why legislation was coming in late in a session. Odgers says:

... a view frequently expressed was that ministers or departments deliberately delayed the introduction of legislation until late in a period of sittings in the hope that it would be passed without proper scrutiny.

I concur with that. That is why we established the cut-off principle, and that is why it is good policy. That is why it is good practice to operate the Senate in a respectful way and it is important to ensure that scrutiny remains.

As I said, sometimes it is appropriate to exempt certain bills from the cut-off: if the bill is urgent for some reason or if it has been introduced late in a session in order to deal with issues that could not have been predicted. But I suggest to the Senate that the Medibank Private Sale Bill does not meet either of those criteria. It is not an urgent bill, and I have to say that the reasons proffered by the government to suggest that it is urgent are simply a joke. I will read them into the Hansard because I think it is important that people understand this. The statement of ‘Reasons for Urgency’ says:

On 12 September 2006, the Government announced its intention to sell Medibank Private Limited through a share market float in 2008. It is going to sell it in 2008. It goes on:

The legislation is essential to the sale of the Commonwealth’s share in Medibank Private Limited, and the sale timetable is dependent upon the legislation being enacted.

Yes, the sale timetable is dependent on it being enacted—in 2008. There is a fair bit of
time from now till then to get this process in
train. I have to say, this is hilarious. Is any-
one in the sector going to read this and actu-
ally think that that was the true reason for
exemption? The government is an absolute
joke. To say that you have to start the timeta-
ble now to sell something in 2008 is hilari-
ous. How did we deal with Telstra? Did we
take two years to work out how the process
for the sale of Telstra was going to occur?
Did we need two years or 18 months for
that? I do not think so. It is just absolute ar-
rogance to suggest that that is a reason for
dealing with this legislation now.

Has there been anything that has come up
in the last while that we could not predict
that requires this bill to be dealt with after
the cut-off? No, there has not—absolutely
nothing. The simple reason this government
want this legislation dealt with now is politi-
cal. They know that the community does not
support the sale of Medibank Private and
they also know that 2007 is an election year:
‘So let’s try and get this issue off the plate,
get it dealt with in the lead-up to Christmas,
hope that the community forgets and then we
can get on with having an election, clear of
the reality that the community does not sup-
port the sale of Medibank Private.’

The community do not support it for a
whole range of reasons. There are three mil-
lion members of Medibank Private. Their
membership of Medibank Private Ltd is ac-
tually in question. We do not know whether
compensation will be able to be raised by
class action of those members. We simply do
not know. We do know, though—and the
AMA, along with a whole range of other
health economists, supports us—that premi-
ums will rise. We know that. That indicates
pretty clearly why government want to put
off the sale of Medibank Private Ltd till after
the 2007 election. They do not want to deal
with premiums rising in an election year:
‘Let’s get the debate on before Christmas so
that we can have a clear run toward the elec-
tion next year.’ We also know that there is
real potential that a float of Medibank Pri-
vate Ltd will impact on the private health
insurance sector right across the country. All
private health insurance providers could well
be affected by the sale of Medibank Private
Ltd, but the government does not want the
community to have further scrutiny of that.

There is no legitimate reason for this leg-
islation to be exempted from the cut-off.
There is only a political reason. That political
abuse of this Senate has now been going on
since the government got the numbers in this
place. It has been getting to the point where
we sort of expect it now—we know that it is
going to happen. But, on behalf of the three
million members of Medibank Private Ltd,
who are annoyed that the government is
pushing this through, I suggest to the gov-
ernment that it should delete this legislation
from the cut-off in order to deal with it ap-
propriately and with respect for the opera-
tions of this Senate.

Senator BARTLETT (Queensland) (1.11
pm)—I might clarify for the record what is
before the chamber at the moment. We are
not debating the merits or otherwise of par-
ticular pieces of legislation but rather the
merits or otherwise of whether those pieces
of legislation should be able to be rushed
through all stages of debate in this chamber
before the end of next week. The motion be-
fore us lists 12 pieces of legislation, a couple
of which will be taken together as packages,
which the government want to have debated
before the end of next week. That is not all
they want debated before the end of next
week: there is another series of legislation
that does not need to be exempted from the
cut-off. The reason this motion is necessary
is that all of those pieces of legislation were
first introduced into the parliament only
quite recently.
The motion referred to in the standing orders actually has a heritage going back to the 1980s. It was originally called the ‘Macklin motion’ in recognition of my predecessor from the Queensland Democrats, Senator Michael Macklin, who was a key player in putting in place the standing order in relation to this motion. It was then modified somewhat in the early 1990s, but the principle was still the same—that legislation that has only recently been introduced into the parliament should not be able to be dealt with before the end of that same sitting period unless there is a good reason.

In many cases there is a good reason, such as the time line for implementation or the issue the legislation seeks to address. But the core aim of the standing order, which still exists, is there for a very good reason: we as a house of parliament, a legislature and a law-making body should not be rushing pieces of legislation into law until there has been a proper chance for scrutiny. That does not just mean a proper chance for those of us in this chamber to give it scrutiny—that is obviously essential and important—it also means a proper opportunity for public scrutiny and public debate, because all wisdom and all knowledge does not reside in the 76 people who happen to currently be senators in this chamber. I would hope that we would all acknowledge that there is much wisdom, expertise and knowledge out in the wider community that we all benefit from continuously. The only way that we can effectively consider the expertise and knowledge out in the wider community is if members of the community have sufficient time to look at the legislation and provide that feedback.

The key question here is whether or not the various bills that are put before us in this motion have had adequate scrutiny, given what is in them and/or given the immediacy of the need to implement some of the provisions. I believe that the simple problem here is that many of the pieces of legislation contained in this motion which the government is seeking to fast-track are not needed before the end of the year. There have not been good reasons given for them to be finalised before the end of the year.

This reflects a very common attitude now in the federal government. The government is more interested in getting legislation through than it is in getting the legislation right. It is not just a matter of whether you agree with the policy decisions underlying the legislation or whether you support the policy intent underlying, for example, the Environment and Heritage Legislation Amendment Bill (No. 1) 2006 or the Copyright Amendment Bill 2006; it is matter of whether the legislation as it is drafted properly implements that policy intent, whether there are unintended consequences, whether it could be worded more clearly and whether it will mean that the best law will then be implemented, which all of the people of Australia—and, in many cases, more widely—will have to be subjected to.

That is the fundamental part of our role in this chamber. When you scrape away all the differences about whether or not we support selling off a particular government asset or whether we support this power or that power being given to a minister, the core role that we play, surely above all else, is to at least make sure that the fundamentals of the legislation that we are putting into law are properly drafted and have been properly scrutinised. When you get to a situation where a government is more interested in getting legislation through than it is in getting the legislation right, you have reached a serious juncture from the point of view of democracy and from the point of view of our role as the law-making body in this country.

The role of public debate and public awareness about laws is as important, I
would suggest, as the content within the laws. It is worth stepping through the various pieces of legislation that are listed in this motion, because some of them have not had much attention. There are a few listed in this motion that the Democrats do believe have sufficient grounds for urgency. I think history quite clearly shows that the Democrats, as a matter of principle and process, have always been willing to examine legislation on its merits and to look for ways to improve the workability of legislation even where we do not necessarily support the policy intent. But the government is denying those of us who seek to work constructively the ability to do so, and it is doing that to the wider community as well.

A good example is the anti-money laundering and counter-terrorism financing legislation—which I do not think has been mentioned much by previous speakers. That bill is currently before a Senate committee inquiry. That committee has still not reported, so I cannot reveal what is going to be in that report—not least because I do not know. The committee is due to report tomorrow, 28 November, though it possibly may extend by another day or so. But I think it is clear from the evidence given to that inquiry that, whilst there is broad recognition of the need to improve our anti-money laundering legislation and to prevent the misuse of our financial system for the financing of criminal activity—whether it be terrorist or otherwise—there are still concerns about how the legislation is drafted.

Of course this is important, but we should not confuse important issues with urgent issues. We do want to get improved anti-money-laundering laws in place as soon as possible but we do want to get them right. This legislation will impose very significant compliance burdens on a whole range of financial institutions and other people, and they are the ones who will have to pay the costs involved in implementing the legislation—and in many cases those costs will flow on to the consumers. If these measures are essential and necessary parts of a strong anti-money-laundering framework, that is a price that I am sure we would all accept is one worth paying, but you do not want to be having extra unnecessary compliance and loopholes in the legislation—you want to get it right. Pushing this legislation through before the end of next week will reduce the chances of getting it right. Surely that is the least people can expect from us.

The Commonwealth Radioactive Waste Management Legislation Amendment Bill 2006 is also listed in the motion. The Democrats oppose this legislation—and we have been clear about that. In one sense, the government could say, ‘You’ve all decided what your view is, so why not just get it through?’ But there are also important components in this legislation that, particularly in areas like this, should not just be dismissed. The parliament should not be just a number-crunching machine—‘We’ve got the numbers, so we’ll roll it through; that’s all that matters.’ The parliament should enable proper scrutiny, proper public debate and public awareness.

Before the motion that we are now debating was moved, there was a motion moved to allow the Senate committee that is looking into the Commonwealth Radioactive Waste Management Legislation Amendment Bill 2006 to hold a hearing during the Senate sitting today—a practice that I think that we are starting to undertake far too often. The consequence of that motion, when you combine it with this motion to fast-track that bill, is that the people who are most directly affected by this legislation will not have a chance to be heard. The radioactive waste management legislation seeks to enable the views of the traditional owners or the local owners of a piece of land to be overridden by
a land council if the federal government wants that land for a radioactive waste facility.

Leaving aside what you think about radioactive waste facilities—and there are different views on that, and I think there is some validity in each of those views—the simple fact is that the people who are most directly affected, the traditional owners of the land that the facility is going to placed on, will have their views directly overridden by the legislation. By fast-tracking this legislation, we will also preclude their views from public debate and from being scrutinised by the Senate committee. Frankly, I think that shows gross disrespect. The least we can do, if we are going to be bulldozing over the basic rights of the owners of the land in question, is to hear from those people. The committee is not going to go to the Northern Territory; it is going to hold hearings in Parliament House at the same time as parliament is sitting—which will reduce further opportunities for scrutiny of what is going on—and the voices of the people who are directly affected will not be heard.

If we tried that with any other group in the community by saying ‘We’re going to change the laws so it will be easy for us to put a radioactive waste facility on your land’, most people would not be terribly happy about that for starters. But it is worse if we say, ‘We’re going to do it, we’re not even going to listen to you; we’ll pass the legislation and we’re not going to listen to your views. We’ll have an inquiry into it, we’ll hear from everybody else but we’re not going to listen to you.’ Unless it is absolutely necessary—and it is simply not necessary that it is done in the next two weeks—there is no reason that it could not be done in February of next year to at least enable views to be heard.

We have heard a couple of other speakers talk about the environment and heritage amendment legislation. Again, I will not go to the merits of the legislation. There are actually some positive components within it; there are some negative components as well, but I will not debate the legislation here. The simple fact is that it is 400 pages of legislation amending an act that is even bigger than that. It was brought in without consultation with the wider community, dropped in here, immediately referred to a committee and immediately forced through that committee, which had to report back within a few weeks. Even that process demonstrated flaws in the way the legislation is structured, let alone the policy intent.

Again, it is not urgent. There is absolutely no reason why those changes must go through in 2006 and could not go through in February 2007 after another month or two of proper examination and raising of community awareness. The people that actually live with and use this law every day would then not only be able to have input into it but also be more aware of what is coming down the track. The people that actually work with that law and many of these other laws know more about it than we do. They know more about the practical impact of these changes than we do, but we are not only not allowing them to inform us about what we are doing but also not allowing them to even inform themselves and others in the wider community about what is happening.

Senator McLucas spoke about the Medibank Private Sale Bill 2006. The justification given that this has to be railroaded through next week or this week so that we can sell it in 2008 is simply ludicrous. That has to be the worst excuse I have ever heard for why this is urgent. The only reason it is urgent is that the government wants to push it through, try to get it off the political agenda, and try to ensure that there is no uprising of concern.
even within their own ranks—which is the same thing as they did with the sale of the Snowy. They bulldozed that through before half of them even knew what was going on. Six months down the track, community outrage—combined with eventual dissatisfaction building up in the coalition—led to a backflip. The simple fact in this case with the Medibank Private Sale Bill is that it is not urgent. It is a flagrant abuse and dismissal of the principle that is inherent in the standing orders of this chamber. Standing orders are not just these optional extras that we can pay attention to when we feel like it. They are put in place deliberately. In particular, standing orders like this were put in place after a good amount of consultation, after a lot of consideration, and after the Procedure Committee back in the early 1990s decided that this would be the way to go. That is simply being dismissed.

The other piece of legislation that I have not mentioned, and I do not think anybody else has mentioned it, is the Copyright Amendment Bill 2006. I think the fact that it has not been mentioned is perhaps an example of how it has somewhat gone under the radar compared to some of the other issues before us. This again is legislation—it has 12 schedules in it—where the government is saying, ‘This is urgent because it needs to be put in place before 1 January 2007 to ensure compliance with the Australia-US free trade agreement.’ It is true that one of those schedules does, I still think that schedule needs improving, but it may be that we need to improve that schedule over the next two weeks such that it is in place so that we are not breaching our compliance with the free trade agreement. But the vast bulk of the legislation does not need to be passed before the end of the year. It does not relate to the US-Australia free trade agreement but it does have very long-term consequences for a whole lot of Australians—including our educational institutions and many ordinary Australians involved in all sorts of uses of items that have copyright over them.

The, again, disgracefully short Senate committee inquiry into this did bring up enormous concern amongst many people in the community about not just the intent of it but also, particularly in this case, the adequacy of the drafting. People from all different sides—and there are many different sides in copyright issues—complained about the workability of various provisions. The government said, ‘If everybody is unhappy, we’ve probably got it right because we have that balance.’ It could mean that, but it more likely means that they have got it totally wrong—so wrong that everybody recognises it is not workable.

I hear that there will be some amendments to the legislation from the government, but we do not know what is in them and we will have a very short time frame to look at them. Given that it is not urgent, given that this is the end stage of quite a long consultation process where there have still been significant flaws identified, why on earth are we trying to push it through before we get it right? It is that simple matter I come back to; that is the key principle here. It is not whether or not the Democrats, or anyone else here, like some of these bills and dislikes some of the others. That is not the point. The point is that these motions should only be agreed to when there is a credible case to be made that they are urgent pieces of legislation and/or that there is absolutely no harm in putting them through in the immediate future. Otherwise the default option, the precautionary principle or the safety net is that we make sure that there is proper scrutiny. And that does not mean just scrutiny by all of us here; it means scrutiny by the community, scrutiny by people who are much more likely, frankly, in many cases, to pick up mistakes and to identify problems. What we
have here is a classic example of the clear attitude of the government that they are more interested in getting legislation through than they are in getting it right, and that is an abdication of responsibility.

I suggest it is one of the biggest signs you can get of the hubris of this government. The Prime Minister often talks about how he is always wary of any signs of hubris—quite rightly—but this is as big a sign as you can get. This government has adopted a ‘them and us’ mentality, the clearest example of hubris and arrogance you can get. This government has flagrantly breached the commitment it gave, when it discovered that it had control of the Senate, that it would not abuse that power. It has clearly, time after time, abused that power, and this is another example of that abuse.

The ‘them and us’ mentality that has developed has meant a complete refusal to listen to any criticism or any concerns. In some cases, there has been a complete refusal to even provide the opportunity for those concerns to be expressed. That is not only offensive, frustrating and appalling; it means, above all else, that you will get bad law. If people are not even prepared to listen to valid criticisms and valid concerns, then it is inevitable you will get bad decisions, and that is what this motion allows.

Senator SIEWERT (Western Australia) (1.30 pm)—There are a number of points that I think the government has missed regarding its statement of urgency for the Environment and Heritage Legislation Amendment Bill (No. 1) 2006. It is obviously quite keen to rush this legislation through before the National Audit Office has completed its review of this legislation?

If this government is truly trying to improve this particular piece of legislation, surely they would wait for that audit to see if there were key things that should be included in the legislation. But, no, we have this bill being rushed through the parliament with an absolutely inadequate amount of time for those that use this legislation—the community and environmental groups—to comment and for the Senate committee to adequately review the depths of these changes.

There are 400 pages of legislation and we were given but a few weeks to review the implications. I suspect it will be the same as other pieces of legislation that have been rushed through this place: it will come back for amendment to fix inadequate legislation that was rushed through without being given proper scrutiny. Surely we should be waiting for the report from the Audit Office to come out so that we can include what I think would be well thought out suggestions that could improve the legislation.

Then, of course, we have the State of the environment report 2006, which is due out at any time. Again, I strongly suspect that this will once again highlight the parlous state of the environment in Australia—for example, Australia’s coral reefs. I very strongly suspect it will highlight the threats that climate change poses through both coral bleaching and acidification. I think it will also highlight the declining nature of our biodiversity in this country—the loss of species that continues apace in this country, building on the fact that Australia has the highest rate of mammalian species extinction in the world and that the threats are ongoing, particularly the threats of climate change.

I suspect that the report will look at the health of our wetlands in Australia, which
continue to decline—the Gwydir wetlands and the Macquarie Marshes wetlands are but two. And the state of our rivers is a national disgrace. The quality of our rivers continues to decline. As I said, species loss continues at an alarming pace. But we still have not seen the minister’s report on the triggers of national environmental significance. Under the current act, the minister is required to review every five years what are commonly called the national triggers or the points of national environmental significance. We have not seen that report. I am given to understand that it has been completed, but we have not seen it. I would have thought that that report should have been made public so that senators reviewing the legislation and the broader community could actually look at whether the amendments the government is proposing adequately pick up the findings of that report.

We should look at some of the issues that the government and the minister, in particular, are required to consider at the moment. One very close to my heart is, of course, the Burrup Peninsula. The minister was supposed to make a decision a while ago. He extended the consultation time, as is provided for under the act—in fact, comments close tomorrow, 28 November. If this legislation goes through, the minister can postpone making a decision on the Burrup Peninsula virtually indefinitely. This is rock art of world significance. It is arguably the most important rock art site in the world. A decision on the future of that may be delayed indefinitely by the minister once this legislation goes through.

I can actually see why the government wants to rush this legislation through and exempt it from the cut-off. It is so that nobody gets to review the State of the environment report 2006 prior to the amendments going through and so that people do not get to review the National Audit Office’s review of the current act. This is fundamental input into the review of this legislation and the government does not want to see it before it makes these changes. Why don’t they want to see it? Are they scared of what is going to be in that report? Why hasn’t the government released the report into triggers of national environmental significance when they are required to do a review? Why hasn’t that report been made public so that people can review that?

There is a great deal of evidence that we need new triggers around climate change and water. We all know of the water crisis facing Australia, and I think the State of the environment report will also pick up on those. We all know that there are a number of crucial decisions that the minister needs to make, including on the 500 critical habitats to be possibly listed on the national lists.

It seems to me that these are urgent issues that the government in fact wants to avoid. This is important legislation for the protection of our environment, at a most critical time. We are facing crises over climate change and water in particular. You would think that the government would want to review this legislation in light of those crises. You would think that the government would perhaps amend the legislation to deal with those two critical issues and to deal with land clearing, for example, as that also leads to biodiversity loss and species loss. And does not the name of this legislation include biodiversity conservation?

I too oppose the motion to exempt this legislation and the Medibank Private Sale Bill 2006 from the cut-off. I believe that if the government were truly intent on developing better environmental and heritage protection legislation, they would allow the three critical reports that I mentioned to be released and considered before rushing this legislation through this place.
Senator ELLISON (Western Australia—Minister for Justice and Customs) (1.38 pm)—I totally reject comments that we have not provided sufficient notice in relation to these reasons for applying urgency. I think Senator Carr might have mentioned that. The reasons for applying urgency to all of these bills, except for the datacasting bill, were incorporated in Hansard on 9 November this year. The reasons for urgency for the datacasting bill, I understand, were circulated last week. That is more than adequate notice in relation to the reasons for urgency.

On the issue of the government abusing its ability to seek the cut-off now that we have the numbers, I remind senators that this year the bills that we have sought to exempt from the cut-off number about a third of Labor’s average when it was last in government, in 1994-95. That demonstrates a significant deal more restraint than the previous, Labor, government. This is something that we approach on an as-needed basis. We have circulated the reasons for urgency for the cut-off and we stand by those reasons. I understand that we will deal with these bills in two parts.

Senator Carr—Three parts.

Senator ELLISON—Three parts. The government stands by its position that in all of these cases there is a matter of public interest and urgency, for the reasons I have circulated in the chamber.

The ACTING DEPUTY PRESIDENT (Senator Moore)—The question having been divided, the first question before the chamber is that the provisions of paragraphs (5) to (8) of standing order 111 not apply to the Environment and Heritage Legislation Amendment Bill (No. 1) 2006.

Question put.
The DEPUTY PRESIDENT—The question now is that the provisions of paragraphs (5) to (8) of standing order 111 not apply to the Medibank Private Sale Bill 2006.

Question put.
The Senate divided. [1.48 pm]
(The Deputy President—Senator JJ Hogg)

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

AYES

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

NOES

Allison, L.F. Bartlett, A.J.J. 
Brown, B.J. Brown, C.L. 
Carr, K.J. Crossin, P.M. 
Faulkner, J.P. Fielding, S. 
Forsdike, M.G. Hogg, J.J. 
Hurley, A. Hutchins, S.P. 
Ludwig, J.W. Lundy, K.A. 
Marshall, G. McEwen, A. 
McLucas, J.E. Milne, C. 
Moore, C. Murray, A.J.M. 
Nettle, K. O’Brien, K.W.K. 
Polley, H. Ray, R.F. 
Sherry, N.J. Siewert, R. 
Stephens, U. Sterle, G. 
Stott Despoja, N. Webber, R. 
Wong, P. Wortley, D. 

PAIRS

Calvert, P.H. Bishop, T.M. 
Chapman, H.G.P. Conroy, S.M. 
Mason, B.J. Campbell, G. 
Minchin, N.H. Evans, C.V. 
Troeth, J.M. Kirk, L. 

* denotes teller

Question agreed to.

The DEPUTY PRESIDENT—The question now is that Senator Ellison’s motion be agreed to in respect of the remaining bills.

Question agreed to.

Senator Bob Brown—I would like the Greens’ opposition to that motion to be recorded, please.

The DEPUTY PRESIDENT—It will be.


The DEPUTY PRESIDENT—That will be done.

INDIGENOUS EDUCATION (TARGETED ASSISTANCE) AMENDMENT BILL 2006

Second Reading

Debate resumed from 5 September, on motion by Senator Vanstone:

That this bill be now read a second time.

Senator WONG (South Australia) (1.51 pm)—I rise to speak on the Indigenous Education (Targeted Assistance) Amendment Bill 2006. This bill provides an additional $43.6 million over the period 2006-08, primarily to
extend tutorial assistance support for school students in year 9 and for students at TAFE and for other providers of vocational education and training. However, the bill fails to deal with some of the serious flaws in the government’s policies and programs, and there is little mention of the bad news for Indigenous students in Australia today, either in the legislation or in the minister’s second reading speech.

I indicate that the opposition will support the bill in order that urgently needed additional funding will be available. But our underlying concerns regarding the issues endemic in Indigenous education remain. For that reason, I move the second reading amendment standing in my name, which has been circulated in the chamber:

At the end of the motion, add:

“but the Senate:

(a) Condemns the Government for:

(i) failing to deliver urgently needed funding for Indigenous students by insisting on complex and bureaucratic administrative arrangements that prevent many schools and communities from benefiting from education programs;

(ii) causing a $126 million underspend in Indigenous Education Strategic Initiatives expenditure in 2004-05 through bureaucratic bungling;

(iii) imposing impenetrable red tape that has led to a decline in the involvement of Indigenous communities in the parent-school partnership initiative;

(iv) failing to provide sufficient resources for early intervention programs in schools to raise Indigenous children’s literacy standards;

(v) reducing the number of Indigenous school children who access tutorial assistance by making eligibility requirements more restrictive and short-term;

(vi) presiding for ten long years over continuing gaps in educational and training participation and performance between Indigenous and non-Indigenous students.

(b) Calls on the Government to reform its funding criteria and guidelines so as to address the above concerns and provide all Indigenous students with the opportunity to achieve quality schooling results”.

I will outline briefly why the opposition believe the parliament should support the concerns outlined in Labor’s second reading amendment. Whilst there have been some improvements in the last decade in relation to the performance of Indigenous students, there are a number of issues that we need to be mindful of. It is true, we acknowledge, that there are more Indigenous students completing secondary school now, for example, than there were in 1998 and that in 2005 the retention rate for Indigenous students increased to 39.5 per cent, which is an improvement. However, there remains a substantial gap between the apparent retention rates of Indigenous and non-Indigenous students in 2005.

Nevertheless, there is some evidence of improvement in the literacy and numeracy standards of Indigenous primary students over recent years. But the gap in these standards, compared with non-Indigenous students, remains considerable. For example, around 60 per cent of year 7 Indigenous students achieved the national reading benchmark in 2001, compared with just under 90 per cent for all students. By 2004 the achievement rate for Indigenous students increased to 71 per cent, which is still unacceptably below the level for all year 7 students, which is 91 per cent. There has been very little improvement in the percentage of year 7 Indigenous students who have achieved national benchmarks for numeracy.
The rate for year 7 Indigenous students has hovered at around 50 per cent over the period 2001 to 2004. That is compared with 80 per cent of all students who have achieved the benchmark.

The results for Indigenous students in some states and territories are particularly troubling. For example, the percentage of year 7 students achieving the 2004 national reading benchmark in the Northern Territory was just 39 per cent, compared with the national result for Indigenous students of 71 per cent and the national total for all students of 91 per cent. In Western Australia, the rate of Indigenous year 7 students in 2004 who achieved the reading benchmark was 58 per cent. It was 69 per cent in New South Wales and in South Australia. The rate in Queensland, on the other hand, was significantly better, at over 85 per cent. The numeracy rates for year 7 Indigenous students are even more worrying. Only around half of Indigenous students achieved the national numeracy benchmark in 2004. The rate for year 7 students in the Northern Territory in that year was a disturbing 27 per cent.

Clearly, from those figures, literacy and numeracy performance continues to be a fundamental concern in Indigenous education. Compounding these concerns is the high absentee rate of Indigenous students, which is about twice the rate of non-Indigenous students, and suspension rates that are six to nine times those of non-Indigenous students. The government’s key strategy for dealing with Indigenous literacy in primary schools has been its tutorial assistance scheme, known as ITAS. The guidelines for the scheme state that funding is available for Indigenous students in years 4, 6 and 8 after they fail to meet the national benchmarks in the previous year. The guidelines provide some flexibility to principals to allocate the funding for students who are at risk of not meeting the relevant literacy and/or numeracy curriculum outcome levels for their age.

What is needed are guidelines that encourage early intervention strategies at the school level—to provide principals and teachers with the resources they need to identify and prevent or minimise failure. There are problems other than the failure to adequately encourage early intervention which Labor believes are associated with the administration of the Howard government’s tutorial assistance program, which will now be extended to year 9 students. For example, this funding is not available for students who are in metropolitan areas that enrol fewer than 20 Indigenous students. That means that many students will miss out on the urgent assistance they need. The guidelines for funding also state that funding is limited, and those students in remote localities will be given priority. We all know that Indigenous children in remote areas deserve our support, but that does not mean that Indigenous students in regional and metropolitan areas do not have educational needs.

Funding should be available to all students who need help, not based on a competition for scarce resources between Indigenous students and similar families in metropolitan and non-metropolitan locations. There are many principals and schools which are frustrated and disillusioned by the federal government’s processes in this area. These frustrations are also matched by concerns about the operation of the Parent School Partnership Initiative. The increased bureaucracy in this program has had the effect of excluding many parents and many community members. Many parents have little understanding of the processes and feel remote from them. These are concerns which opposition members have raised a number of times, particularly last year. As a result, the department has made some changes, but schools are complaining that funding arrangements still re-
quire them to undertake considerable work to access very modest funding, if any.

Schools are also complaining that they are spending more time in submission writing and paperwork than in designing and implementing the best educational programs for their students. Chronic underspending on Indigenous education programs is compounding these problems. The Minister for Education, Science and Training’s department has admitted at Senate estimates that there was a $126 million underexpense in 2004-05. The Department of Education, Science and Training officers were reported as saying that the underspending was due to agreements with state and Catholic authorities not being finalised. It simply confirms that the Howard government has no real strategy for effectively delivering support for Indigenous students. It seems extraordinary, given the need in the community, that we could have a $126 million underexpense in 2004-05. Clearly, the administrative processes in place need urgent attention, but the underlying problems and policies need fundamental reform.

The bill before the chamber provides access to tutorial assistance for Indigenous students in TAFE and in other forms of vocational training. This is a welcome initiative. Many Indigenous people rely heavily on TAFE for the training and for the second chance opportunities TAFE provides. Indigenous enrolments in vocational education and training in 2005 were just over 62,500 students, which is around 3.8 per cent of total enrolments. But, regrettably, completion rates for Indigenous students remain low, and the bill does not cover any funding for Indigenous students in higher education. They will continue to be eligible for Commonwealth funding, including tutorial assistance under current guidelines, but it is disturbing to note that education department data indicates that Indigenous students starting a higher education course—

Debate interrupted.

QUESTIONS WITHOUT NOTICE

Nuclear Energy

Senator CARR (2.00 pm)—My question without notice is to Senator Ian Campbell, Minister for the Environment and Heritage. Can the minister confirm that he believes that the federal government, through its use of the corporations power in the Constitution, can override state governments in mandating sites for nuclear reactors? What legal advice has the minister sought and received on this issue? Does the minister believe that the views of local communities and state and territory governments are irrelevant and have no influence in determining where nuclear reactors might be sited? Does this mean that the Howard government alone will decide where nuclear reactors will be located?

Senator IAN CAMPBELL—I welcome the question from the Australian Labor Party on the nuclear industry report—I presume it refers to the Switkowski review report. The first part of the question seeks constitutional advice, and I suspect the best way to get that is not by asking the minister for the environment. However, the question refers to a number of very important issues about Australia’s future energy security and about emissions, because nuclear power is one of the technologies that the world is now turning to with significantly renewed enthusiasm.

I might say that at the United Nations Framework Convention on Climate Change a few days ago in Nairobi I met with a significant number of countries, and most of them, if they are not already pursuing redevelopment of their nuclear power capacity, are certainly well down the path to expanding it. That is because those countries—and I think Mr Switkowski in his review refers to some
32 countries where nuclear power is already a part of their energy mix—know that in the future we will not be able to continue to generate energy the way we have in the past. They know that you will not be able to pump another trillion tonnes of carbon dioxide into the atmosphere and they know that nuclear power will be part of the mix for their countries. It is interesting to note that view even here in Australia: the press today refers to former prime ministers Hawke and Keating both having said that nuclear power will need to be part of the mix.

What we see from the Labor Party is a deeply entrenched position that says no to fossil fuels. They are very anti coal; they are very anti Australia’s traditional energy sources. They are also anti nuclear, but they have a very ‘let’s walk on both sides of the fence’ position on nuclear power. That is, they are going to have to debate at their conference next year on whether they can overturn the stupid policy of some 25 years standing that we are only allowed to have uranium from three mines. In other words, you can have good uranium if it is on the South Australian side of the border but bad uranium if it is from Western Australia. As was so eloquently described in, I think, the Advertiser newspaper this morning by one of their correspondents or opinion writers, Mr Beazley’s policy on nuclear power is akin to letting people grow oranges but not allowing them to be juiced. So, if Mr Beazley gets his way, we are going to have a silly 1970s policy overturned, to allow uranium mining and allow the rest of the world to use it to create low-emission power, which is what the world needs—it needs more power and lower emissions—yet the Labor Party is so constrained, so conflicted and, in typical Mr Beazley fashion, so used to walking both sides of the street—

Senator Chris Evans—Mr Deputy President, I raise a point of order that goes to relevance. The minister was asked a question about the corporations power, about comments he made as reported in the press and about the location, and the decision about the location, of nuclear reactors. The minister has made no attempt to answer the question. He has given us another travelogue about his recent travels. I would ask you to draw his attention to the question. Questions of a minister at question time are designed to elicit answers on that subject, not a general rave about things he is otherwise interested in.

The DEPUTY PRESIDENT—On the point of order: as you know, I cannot instruct the minister on how to answer questions. I draw the minister’s attention to the question. Minister Campbell.

Senator IAN CAMPBELL—I have finished the answer.

Senator CARR—Mr Deputy President, I ask a supplementary question. Does the minister now dispute the AAP report of 22 November asserting that he is claiming the Commonwealth has the power to solely determine the siting of nuclear power stations? I would further ask the minister if he is aware of his own draft National Code for Wind Farms, where he states: Consultation with and engagement of the community is seen as a particularly critical issue. Further, he says: A … Code would include local communities in the decision-making process and capture their local knowledge about the potential impacts on the landscape, property values and wildlife in their area.

Is the minister seriously now suggesting that these principles should apply to wind farms but not to nuclear reactors?

Senator IAN CAMPBELL—I think they are very good principles for a national wind farm code, and they are in stark opposition to Senator Carr’s comrades, who want to ensure that you roll over local communities and put
wind farms where they do not want them. What the Labor Party need to understand is that if you are serious about climate change you have to be serious about wind energy, solar energy, energy efficiency and fuel switching. You have to be serious about clean coal. You also have to be serious about all the technologies. And you have got to have a policy on nuclear energy and uranium mining that is consistent, not a typical Mr Beazley policy of walking on both sides of the street and hoping you can get away with it—because you cannot. If you do not have a consistent policy on energy security and climate change, you cannot be taken seriously on climate change—and that is why you are not taken seriously on climate change.

Climate Change

Senator TROOD (2.07 pm)—My question is to the Minister for the Environment and Heritage, Senator Campbell. Will the minister advise the Senate of the action the Australian government is taking to address global climate change? Is the minister aware of any alternative policies?

Senator IAN CAMPBELL—Thank you to Senator Trood, who has taken a long-term interest in sensible environmental policies with a practical approach to solving the problem rather than resorting to the rhetoric and rubbish we get from the other side. The government is committed to finding sensible, practical responses to climate change, and that is going to take two things. It is going to need a global response that includes all of the major economies. The great news out of the latest United Nations framework convention meeting in Nairobi was that the foundation for building a new and effective post-Kyoto regime was put in place. The world agreed to a thorough, timely and robust review of the Kyoto protocol because most of the parties to that United Nations framework convention know that the Kyoto protocol is simply not working, that under Kyoto greenhouse gas emissions will rise by 40 per cent and that the need for a new Kyoto protocol is well and truly with us. So that review is a good response from around the globe. We will work positively with the rest of the countries around the world to build a new Kyoto protocol which involves all of the economies, not just the 35 economies that are within the Kyoto protocol and have seen greenhouse gases going up.

You also need a strong domestic policy. You have seen over recent weeks the announcement by the Australian government of funding to build the biggest solar power station in the world in Mildura and two major clean coal and carbon capture projects. Also last week I was able to announce the funding for the biggest carbon capture and storage project anywhere in the world—to bury three million tonnes of carbon dioxide from the Gorgon project. It will be pumped 2.5 kilometres under the Indian Ocean and stuck under the ground where it belongs to stop it going into the atmosphere. You need a policy that is technology neutral. You need a policy that says: ‘Let us have energy efficiency. Let us have fuel switching to gas, which reduces your emissions by 50 per cent. Let us have carbon capture and storage to store the carbon from burning fossil fuels. Let us have solar. Let us have wind. Let us have all of these measures.’

But you also need a policy that does not discriminate against nuclear. You have got 440 power plants around the world creating low-emission energy and yet the Labor Party geosequesters their head—sticks their head in the sand—and says, ‘No, we cannot consider that.’ You have also got Mr Beazley leading a Labor Party that is anti coal. It is now 19 days since the Newcastle City Council passed a resolution saying that there would be no new coal mines and Mr Beazley has not got the backbone to come out, call
them in and say, ‘Hang on, we need coal and we need new coal technologies.’

We have got a party that is conflicted on uranium. If you want to know how important uranium and nuclear is to the future of the world, do not listen to a Liberal politician here in Australia; listen to a Labor one in Great Britain. We need to quote the debate from the House of Commons Hansard on 15 November this year when Mr Tony Blair, the Prime Minister of Great Britain, said:

... we need to put nuclear power back on the agenda and at least replace the nuclear energy that we will lose. Without it, we will not be able to meet either our objectives on climate change or our objectives on energy security.

To the Prime Minister of Great Britain I say: hear, hear! To Mr Beazley I say: wake up!

**Nuclear Energy**

**Senator STEPHENS** (2.11 pm)—My question today is to Senator Minchin, Minister for Finance and Administration, representing the Prime Minister. Is the minister aware that the nuclear inquiry report states that if nuclear energy is to become viable in Australia we will need to introduce a carbon emission price signal of $15 to $40 a tonne? Given those findings, does the minister now support introducing such a price signal in order to make nuclear energy viable in this country or does the minister maintain the view that he expressed last week that a price should not be imposed on carbon emissions as our access to cheaper power makes Australia internationally competitive in a number of sectors? Does the minister believe that a $15 to $40 a tonne price signal on carbon emissions would cost jobs and reduce our competitiveness?

**Senator MINCHIN**—I support the Treasurer’s clear position on this and I am sure that it is the position of everybody in the government that the question of whether or not there should be a price signal on carbon is quite a separate issue from the question of whether or not nuclear power is an economically feasible option for Australia in its energy mix. The two things are quite separate and in no circumstances should it be said or asserted that in order to make nuclear viable this government will therefore move in the direction of some sort of carbon tax or carbon pricing. The two issues are separate to the extent that Australia needs to address the first question of whether or not some sort of carbon pricing should be part of our response to global climate change. There is a separate question as to whether nuclear power should be part of the energy mix of Australia.

On the first question what is remarkable is that the Labor Party is proposing that Australia go it alone on an emissions-trading system. It is Labor that is proposing that Australia price itself out of world markets, price its energy intensive industries out of world markets and put people out of work in those energy intensive industries by going it alone on a carbon-pricing scheme. It is no wonder the Labor Party is divided on this question, with people like Mr Ferguson and Mr Fitzgibbon extremely alarmed at the sorts of statements which Mr Albanese and others are making on this very question. They know and they have the intelligence to understand that if Australia goes it alone on such an issue you will have a disinvestment in this country, and the export of energy intensive industries and the jobs that go with them for absolutely no gain to the globe in terms of reduction in greenhouse gas emissions.

Our policy is quite clear. We are prepared to contemplate some sort of pricing signal for carbon if it is part of a global approach—one that will not unfairly disadvantage this country, one based on everybody understanding this issue and being part of a global solution. Otherwise, you simply get the industries that are greenhouse gas intensive moving into those countries that are not part of a
carbon-pricing system. That will simply disadvantage this country and put people out of work, with no benefit for the globe.

As to nuclear power, I have not yet had the privilege of reading all of the draft report from Mr Switkowski. It is out for discussion until 12 December, and then he will issue a final report. I look forward to reading it in that interim period and I encourage all those opposite to read the report.

What is extraordinary is that the Labor Party is jumping on the catastrophists’ bandwagon and running around adding to the hysteria about this issue, saying that Australia must go it alone on pricing carbon. But, oh no, we cannot even think about or contemplate the possibility that at some stage down the track nuclear power should be part of Australia’s energy mix. That is the extraordinary phenomenon we have today: a quite hypocritical, ludicrous position on the part of the Labor Party. We are prepared to contemplate the possibility that nuclear power may have a role to play in Australia’s energy mix down the track. Switkowski makes clear it is not currently economically viable. Circumstances will have to change before it could be economically viable. One of the changes that might make it viable would be if there was a global carbon emissions trading scheme put in place. That is not currently the case but it is something Australia is prepared to engage in.

Senator STEPHENS—Mr Deputy President, I ask a supplementary question. I thank the minister for confirming that the government is prepared to consider the issue of a price signal. I thank the minister for confirming that the government is prepared to consider the issue of a price signal. I ask the minister: does he recall his claim, as one of the foremost authorities on nuclear power, that the industry would not be viable in Australia for 100 years? Although he has indicated that he has not quite read all of the report but has delved into it, has he had the opportunity to examine the report and does he stand by that claim? Doesn’t that view rule out nuclear power as having a role in reducing our carbon emissions?

Senator MINCHIN—I think I am regarded for my appropriate modesty, and I have much to be modest about. I have certainly never claimed to be any sort of world authority; I have merely reported on my experience in the ministry in relation to uranium and nuclear matters and therefore take a great interest in this matter. While I have not read all of the Switkowski report, it is clear in his report that on current arrangements and current pricing, and with the significant advantage we have in fossil fuel energy, nuclear power is not currently viable. That is the fact, and it could only be viable if a price was placed on carbon. The only way you can do that is with a tax, which we are not in favour of, or an emissions-trading scheme, which Labor apparently want. They want to place an emissions-trading scheme on Australia without any reference to the rest of the world, therefore increasing energy prices, making electricity much more expensive for the people they claim to represent and pricing energy intensive industries in this country out of business.

Digital Television

Senator RONALDSON (2.17 pm)—My question is to the Minister for Communications, Information Technology and the Arts, Senator Coonan. Will the minister update the Senate on the digital action plan?

Senator COONAN—Thank you to Senator Ronaldson for the question and for his interest in Australia getting to the stage where we can turn off the analog signal and go digital. As many senators would be aware, even the humble television is being revolutionised by digital technology. Digital television is simply more efficient, more interactive, offers better picture and sound quality
and has the capacity to deliver exciting new services to consumers. To help accelerate the take-up of digital television in Australia and ensure that all Australians are equipped to make the digital switch, last week I released a digital action plan for Australia entitled: Ready, get set, go digital—a digital action plan for Australia. This digital action plan sets out a range of tasks for both government and industry as we head towards switch-over.

Opposition senators interjecting—

Senator COONAN—And I am pleased that Labor are wowed. This plan heralds an exciting moment for Australian television which will deliver new services and improved technology for consumers. During the transition to digital television, the government’s priority is consumers. We want to ensure that all Australians can enjoy the benefit that digital brings. The government’s plan will guide Australians in making informed choices about digital technology. It will enable digital switch-over to be achieved in a managed, responsible and practical way.

The government will direct more than $20 million over three years to establishing a new body, Digital Australia, to provide advice to consumers and liaise with industry to ensure a successful switch-over to digital between 2010 and 2012. Digital Australia will ensure consumers have access to detailed information about the rollout of digital services in their area, aerial and cabling issues, interference issues and where to go for technical support. It will introduce an easily understood and mandatory system of labelling of digital equipment at point of sale to ensure consumers are not misled about the capacity of the equipment they are buying.

This government will ensure that Australia does reap the benefits of the digital dividend—the benefits that flow to the economy more broadly of freeing up valuable spectrum for better and more effective use, such as more mobile spectrum for digital radio and so on. There are of course significant cost savings from freeing up this spectrum and ending the simulcast and there will be better reception and new services. There will be two brand new digital channels, and the free-to-air broadcasters, including the ABC and SBS, will be able to boost their range of services with additional digital multichannels. ACMA research released last week shows take-up of digital television has more than doubled since 2005 with these estimates showing that 29 per cent of Australian households had adopted free-to-air digital TV. When you take into account the take-up of digital pay TV, the total number of households signed up to digital TV rises to around 41 per cent. Of course, at the same time the basic prices for set-top boxes are continuing to fall.

The Australian government is now investing around a billion dollars in the digital conversion of ABC and SBS, and about $250 million to help regional broadcasters. Ready, get set, go digital will ensure that industry, broadcasters, consumers, technicians and retailers are working together with government to make the transition to digital a smooth one. Digital technology will simply transform the viewer experience so that Australian consumers have the very best that the world has on offer. (Time expired)

Oil for Food Program

Senator HUTCHINS (2.22 pm)—My question is to Senator Coonan, the Minister representing the Minister for Foreign Affairs. Can the minister confirm that AusAID took over an AWB Iraq contract on the eve of the invasion of Iraq because of AWB’s concern that they would be left stranded by the outbreak of war? Can the minister confirm that this meant that AusAID endeavoured to finalise internal distribution mechanisms to
enable wheat to be delivered to meet urgent food aid requirements in Iraq? Can the minister advise what communications there were between AusAID officials and AWB’s sole agent and exclusive trucking company in Iraq, Alia? Did AusAID report to the Minister for Foreign Affairs or his office about either the pricing of the contract or Alia’s capacity to provide trucking services?

Senator COONAN—I thank Senator Hutchins for his question. What I can say about this is that a full ministerial statement and the report of the commission of inquiry is due to be presented in the Senate later today. So I am certainly not going to respond to Senator Hutchins’s invitation to pre-empt the full disclosure that is forthcoming. I certainly do not propose to respond to Senator Hutchins’s question at this time.

Senator HUTCHINS—Mr Deputy President, I ask a supplementary question. I hope you will be able to respond to these two, Minister. Can the minister indicate whether AusAID’s involvement in AWB’s corrupt wheat contract with Iraq was considered by the Cole commission? If not, will the government now establish a new inquiry to ascertain the full extent of AusAID’s involvement in the AWB kickback scandal?

Senator COONAN—Thank you. I abide by my former answer. I think Senator Hutchins is referring to a comment by Mr Kelvin Thomson. But he has got that wrong, on my information, yet again. AusAID has not contacted nor dealt with Alia. The international partners referred to were the World Food Program and other governments that AusAID contacted to explore food distribution options. The information that I have and that I am prepared to provide to the Senate is that AusAID has never contacted nor dealt with Alia.

Telstra

Senator FIFIELD (2.24 pm)—My question is to the Minister for Finance and Administration, Senator Minchin. Will the minister update the Senate on the success of the Telstra 3 share offer?

Senator MINCHIN—I thank Senator Fifield for that question. I do appreciate the opportunity to report to the Senate on the outcome of the T3 sale last week. As senators are aware, when we announced on 25 August that we would proceed with T3, we said we were targeting an offer size of around $8 billion. I am pleased to confirm that, as a result of the structure of the offer that we put together, and Telstra’s success in rolling out their transformation strategy, the demand for T3 dramatically exceeded our own expectations. Thus we have been able to sell $15.5 billion worth of Telstra stock—4.25 billion shares at a price of $3.70 for institutions and $3.60 for retail investors. Thus, T3 is the second biggest public offering in Australia’s history.

We deliberately set the price at $3.70 to balance the interests of taxpayers, in getting fair value for their interests, with the interests of existing and new shareholders in having an orderly aftermarket in the shares. I think we have achieved that aim. The price of Telstra shares as of today, a week after the sale, is $3.69. So I think we got the pricing pretty right. The T3 instalment receipts traded up in the first week from a price of $2.10 for institutions and $2.00 for retail to around $2.25 as of today. I hope the investors are in there for the long run, but I am pleased the shares have traded positively in the short term. I do want to thank those investors who have participated in T3, especially the more than 100,000 new Australian investors in Telstra.

The other real benefit, of course, in being able to sell $15½ billion worth of shares is
that the remaining stake to be transferred to the Future Fund is a lot smaller. The fund will only hold 17 per cent of the company, a much smaller and more manageable stake. The fund will also get the full benefit of the $15½ billion in proceeds, which means the Future Fund is now very well placed to address the long-term pressures on Australia resulting from an ageing population. The only real threat to that task of meeting our targets in relation to the Future Fund and the ageing population is of course those opposite.

It is disappointing that the Labor policy on this is to strip out the earnings of the Future Fund and blow them on a pork-barrel scheme. As fund chairman, David Murray, warned in estimates, stripping out the earnings would mean the fund’s real growth would be ‘zero to negligible’ and would greatly damage the fund’s ability to meet its targets. Mr Murray also commented on Labor’s inane policy of stopping the fund from selling down the remaining 17 per cent of Telstra shares. As Mr Murray objectively explained, it would distort the fund, limit its growth and result in it being permanently overweighted in Telstra. This is the silly policy that the Labor Party want. They want to strip the fund and freeze the Telstra shareholding, which demonstrates just how unsuited to government they really are.

Labor are commercially clueless as well. They spent the last three months trying to talk down the sale. They said it would be a fire sale, they said the price would fall during the sale and they compared Telstra with a used car—they did all they could to talk down this sale. Despite their best efforts, T3 has been a great success. Telstra can now grow and prosper without the government as the major shareholder and we can address our responsibilities as the regulator of telecommunications with that conflict of interest completely abolished.

Iraq

Senator BOB BROWN (2.28 pm)—My question is to Senator Minchin, the Minister representing the Prime Minister. I refer to the comments of former key tactical planner for the Special Air Service, Peter Tinley, that the Iraq war is immoral and that it was and is a cynical use of the Defence Force by the Howard government. I ask the minister what his response is to this statement by a man right at the thick of the planning for the Iraq war. Directly, is it not a cynical use of the Defence Force by the Howard government? If it is not, could the minister say how it is not?

Senator MINCHIN—Senator Brown, I read Mr Tinley’s remarks on the front page of the Australian on the weekend. We note his remarks. As the Prime Minister said at the time that we announced our engagement, there are of course differences of opinion within the Australian community about whether or not we should have joined the coalition in seeking to remove Saddam Hussein from Iraq. No doubt those differences of opinion within the community would have extended to the defence forces themselves, but the defence forces are loyal to the government of the country. If Mr Tinley had that view when he was in the SAS—I do not know; he says now that that is his view—as I say, he is entitled to that view. The government accepts that he is free to express his opinion. That is one of the great things about this country: we respect his right to express his opinions on this matter, and we do not dismiss them lightly. Nevertheless, the government remains strongly committed to its views on this matter and remains strongly committed to—

Senator Sherry—Staying the course.

Senator MINCHIN—Staying the course, as Senator Sherry, no doubt helpfully, said.

Senator Sherry interjecting—
The DEPUTY PRESIDENT—Senator Sherry, it is not your question.

Senator MINCHIN—It is our view that our troops in Iraq, as modest as our commitment is, are continuing to make a significant contribution to Iraq’s rehabilitation and reconstruction. They are working very well in southern Iraq in particular to help the Iraqi people restore democracy, peace and freedom to the country. It is the government’s strong view that to do what the Labor Party apparently wants to do—to just cut and run; to leave immediately—would be absolutely disastrous and would be absolutely the wrong thing to do. We are not going to do that. We are not going to simply abandon the Iraqi people at this time. We do not think that is what the Iraqi people want. The Iraqi people desperately want our help and the help of the United States, Britain, Japan and other forces which are there to assist the Iraqi people in their time of need. We are not going to abandon them at the time that they need us. That would be to hand the terrorists a huge victory, which we are simply not going to do.

Senator BOB BROWN—I ask a supplementary question, Mr Deputy President. Can the minister give any evidence that the Prime Minister was not aware, at least nine months before the Iraq war, that Australian special services were being involved in planning for the Iraq war? When the minister himself reads about the 21 men and boys—one as young as 12 years old—being dragged out of their houses in Baghdad and shot in the night, how will he sleep?

Senator MINCHIN—In regard to the first part of the question, I am not aware of any reference to the SAS training in advance of our commitment. I can get Senator Brown further information on that matter. In relation to the second part of the question, I do find that quite extraordinary. We had in Saddam Hussein one of the greatest butchers the world has ever known—a man who committed mass murder on his own people. And Senator Brown comes in here and lectures us about what is going on now. Of course we deplore the violence that is going on in Iraq now. Of course we deplore it—what do you think, Senator Brown! But what we also deplore is what Saddam Hussein did to his own people: he butchered his own people, Senator Brown. We did the right thing in getting rid of him.

Forestry

Senator McGAURAN (2.33 pm)—My question is to the Minister for Fisheries, Forestry and Conservation, Senator Eric Abetz. What are the implications for the timber industry of Saturday’s election?

Senator ABETZ—Can I thank Senator McGauran for his question and note how ably he represents the state of Victoria in this place.

Senator Sherry interjecting—

The DEPUTY PRESIDENT—Order! Senator Sherry, and others, I need to hear the minister’s response in silence.

Senator Crossin—No, you don’t.

The DEPUTY PRESIDENT—I do.

Senator ABETZ—As a result of the Victorian election, another 40,000 hectares of forest will be locked away from sustainable timber harvesting. This is on top of the 21½ million hectares of forest which is already reserved in Australia. This further timber lock-up will put extra pressure on our remaining timber reserves. And it may not be in the terms of the East Gippsland Regional Forest Agreement—my department is seeking advice from Victoria in this regard. I will also be watching very closely to see that the Labor claims that there will be no job losses in the timber industry are adhered to. The most concerning aspect of this timber lock-up is that the decision was not based on any
scientific evidence or on any environmental imperatives. Rather, it was done in a cynical attempt to appease the Greens, who of course can never be appeased. Fortunately the voters of Victoria, like the voters of Tasmania earlier this year, are beginning to see through the Greens. Despite all the claims of the Greens about their result, the simple fact is that the Greens primary vote went backwards at Saturday’s election. Let us remember that, on election day, Greens leader Senator Brown said this in a press release:

Our projections are for three seats in the upper house with a very good chance in eastern metro and the potential for at least one rural upper house seat.

To be clear, that is five seats that Senator Brown was predicting. Yet, this morning, talking to Fran Kelly on Radio National, Senator Brown said, ‘The Greens never predicted five upper house seats.’ Can I advise: Senator Brown did predict five in a press release.

No amount of misleading of the Australian public and trying to rewrite the history will hide the fact that the Greens vote declined in Victoria, as it did in Tasmania. It declined because the community is coming to understand that an appropriate balance has been struck between sustainable forestry and the environment and that the Greens represent the extreme left-wing, kooky, nutbag policies.

Opposition senators interjecting—

Senator ABETZ—You can hear the cacophony of the Green-Labor—

The DEPUTY PRESIDENT—Senator Abetz is entitled to be heard in reasonable silence.

Senator ABETZ—A lot has been said about Saturday’s election, but I think Jason Koutoukis of the Age was closest to the mark yesterday in commenting on the Greens’ abysmal performance:

They were a flop in 2004, they were a flop yesterday and all indications are that the Greens will flop again at the ... federal election.

For Australia’s sake, I hope that that is the case. Sensible, practical environmentalism which includes a sustainable forest industry is what the Howard government has delivered to this nation and I encourage state governments to follow that lead.

Ms Schapelle Corby

Senator LUDWIG (2.38 pm)—My question is to Senator Ellison, Minister for Justice and Customs. I refer the minister to comments attributed to his spokesman at the weekend that profits from the sale of Schapelle Corby’s book My Story could be confiscated by the Commonwealth under the Proceeds of Crime Act. Has the minister sought advice on the confiscating of Ms Corby’s proceeds from the sale of her book? Can the minister confirm that the Commonwealth Director of Public Prosecutions has the power to initiate action on this matter? Can the minister now explain whether he intends to take any action in relation to this matter?

Senator ELLISON—This is a matter which is being looked at. It is something which is being considered by the DPP and the Australian Federal Police. The legislation that we have put in place does provide for literary proceeds which relate to criminal activity to be seized or an application to be made for the seizure of those proceeds. I think that in the circumstances there is no further comment I can make in relation to that. The Australian Federal Police are looking at the matter and seeking advice from the DPP. Of course, any action that may or may not be taken is not a decision for the government; it is one to be taken by the AFP and the DPP.

Senator LUDWIG—Mr Deputy President, I ask a supplementary question. Can the
minister explain whether he has any role in the matter and, if so, what that role is? Given that the book is already on sale at bookshops around Australia, when will the decision be made on this matter?

Senator ELLISON—As I said, this is a matter in which the minister is not involved—quite rightly so. It is an application which is made by the DPP for the seizure of proceeds of crime and that is assessed by the AFP and the DPP—for that matter, Customs and the Australian Crime Commission can as well. That is speaking generically. In relation to this matter, the AFP and the DPP are involved. I have no role in the decision in relation to this matter. As to timing, that is a matter for the DPP and the AFP.

Nuclear Energy

Senator ALLISON (2.41 pm)—My question is to Senator Ian Campbell, Minister for the Environment and Heritage. Minister, the frequently asked questions section of the Switkowski review report says: Nuclear power supplies baseload electricity—something that renewables like wind and solar energy cannot do economically until practical and affordable energy storage systems are available. Isn’t it the case that geothermal, biomass and hydro-electricity generation can and do already provide baseload power? Can the minister explain why this information was left out of the report? Will the government correct this misinformation on the public record?

Senator IAN CAMPBELL—I thank Senator Allison for the question relating to renewables. One of the points that all Australians should know—and I am sure Senator Allison knows this—is that we do in fact have substantial power supplied by renewables in Australia. Quite often there is reference to the Howard government’s mandatory renewable energy target. That was aimed at a two per cent increase in renewable energy. I think that quite often a lot of Australians think that we are trying to get to two per cent when, in fact, Australia at the moment is close to 11 per cent renewable energy. A lot of that does come from hydro, particularly in Tasmania.

I have not read the specific reference in the Switkowski review, in the frequently asked questions area, but I suspect that he was referring to wind and solar energy. The fact of the matter is that those energy sources do face hurdles in relation to the storage of that energy for use when either the wind is not blowing or the sun is not shining. They are constraints but they are constraints that the Australian government is very constructively seeking to overcome. We are funding through the CSIRO, at the solar centre in Newcastle, a project to do exactly that: get energy from the solar concentrator and use that energy to transform natural gas by increasing its, I think, hydrogen content. I will have to ask Professor Abetz about that because he is so good at science. The idea is to increase the energy coefficient of natural gas, which you can do by using solar concentrators, by about 30 per cent and then transport it. Storage is one of the very prospective technologies. We are also—through about a $40 million fund—looking at a range of other storage techniques so that renewables can in fact provide more reliable energy around the clock, regardless of when the sun is shining or the wind is blowing. I think that would be the explanation for that frequently asked question.

Though you can try to fudge it as much as you want—and those opposite certainly do—the reality is that, between them, fossil fuels and nuclear are substantially, across the globe, the biggest suppliers of baseload power. You can try to pretend and tell the world that you could put up enough wind turbines to replace that, but of course that is not the truth. You could pretend and tell the
world that you can do it through energy efficiency or just through more solar panels, but that is not the truth. The cold hard reality is that you need to address the issue of baseload power, you need to address the issue of carbon dioxide and other greenhouse gas emissions going into the atmosphere and you need to have a portfolio based approach. If you are to be successful, you need to capture carbon from burning fossil fuels, you need to ensure that the world increases its nuclear capacity, you need to put more resources into and build more renewables, you need energy efficiency, you need to plant more trees and stop deforestation and you need to transfer fuels. You need a portfolio approach. You need all of those technologies.

Senator ALLISON—Mr Deputy President, I ask a supplementary question. I will actually ask the same question again in my supplementary, if I may, since the minister did not answer it. Minister, is it not the case that geothermal, biomass and hydro can and do already provide baseload power? Will the minister admit that MRET, the mandatory renewable energy target, which he says was aimed at two per cent, is in fact less than one per cent and will be by 2010?

Senator IAN CAMPBELL—The MRET policy was aimed at, I think, 9½ megawatts. Although people like to confuse the message, the reality is that Australia’s proportion of renewables is somewhere between 10 per cent and 11 per cent. So it is a substantial sector in this community. It is a very successful industry. If the Greens, the Democrats and the Australian Labor Party want to run around telling Australians that they can solve the problem of ensuring that we have got a secure energy future and secure jobs and that they can also address climate change and dangerous greenhouse gas emissions by using renewables, then they are part of the problem and not part of the solution. You have to tell the truth about this issue and you have to have practical solutions. If you try to kid people by saying that, if you build enough wind turbines, you can solve the problem, you are misleading the Australian people and you clearly do not take climate change policy seriously.

Aged Care

Senator McLUCAS (2.47 pm)—My question is to the Minister for Ageing, Senator Santoro. Can the minister confirm media reports that eight residents at the Jindalee Nursing Home in Canberra have died as a result of a recent flu outbreak, with a further 72 residents and staff infected? Can the minister confirm the report that only half of the residents and staff had received a flu vaccination, which may have contributed to the outbreak? Under the Commonwealth care standards, are facilities required to offer vaccinations to all residents and are all staff required to have a vaccination? Has the standards agency conducted a review audit on this facility to assure residents and families that appropriate infection control measures are in place?

Senator SANTORO—I thank Senator McLucas for her question. Firstly, I would like to address the part of her question that dealt with vaccinations, because most Australians would appreciate that it is a very sensitive issue. The Aged Care Standards and Accreditation scheme was put in place by the Howard government, and I would suggest to the Senate that it is working very well to look after the interests of older Australians in residential care. Any constructive suggestions from other jurisdictions or from medical or aged care experts will always be considered seriously—and I would like to go on the record here as saying that we do appreci-
ate the suggestion that has been made by the Australian Capital Territory Chief Health Officer—but it must be remembered that immunisation is a voluntary decision for the individual concerned. In that context, I sought to prepare myself, Senator McLucas, to give you as constructive an answer as I could. I undertake to look very closely at the CHO’s suggestion and consider any workable suggestions for improvements in terms of the accreditation system, bearing in mind that, as I said, immunisation is a voluntary decision for individuals.

Going to the substantive part of Senator McLucas’s question, I am aware of an outbreak of respiratory illness in residential aged care homes within the Australian Capital Territory. Public health responsibility for monitoring communicable diseases and delivering immunisation services within the Australian Capital Territory rests with ACT Public Health. The Australian government, through its Office of Health Protection, is available to provide advice and assistance in the management of outbreaks of influenza and other diseases in conjunction with the ACT office of the department and has been in regular contact with ACT Public Health. I am advised that there has been very good and regular contact between the two.

Officers of ACT Public Health have been working with the management of homes in the ACT to monitor the outbreak and to provide antiviral and other treatments to staff and residents of the affected homes. I am advised that appropriate infection control procedures have been implemented and that homes where an outbreak has been identified are not admitting new residents and are limiting access to visitors to those homes. The Department of Health and Ageing is maintaining regular contact with the ACT health authorities and is continuing to monitor the situation. In addition, the Department of Health and Ageing is contacting all homes in the ACT and surrounding regions to ascertain whether any other homes are affected by respiratory illness. The Department of Health and Ageing provides regular reminders to providers on prevention of infectious diseases, including the need to vaccinate, the importance of good surveillance for symptoms and risk factors and the requirement to have in place infection control practices. The last reminder was issued to all homes in the ACT in June this year.

The Influenza Kit for Aged Care has been developed and provided to all aged care homes, specifically to assist care managers to implement influenza control planning. The kit includes a quick reference tool specifically focused to assist residential aged care homes and staff with information to reduce influenza outbreaks and risks and on ways to care for residents should an outbreak occur. Approved providers of aged care homes are expected to ensure that residents are made aware of the availability of the influenza vaccination program and how the program may be accessed. Pneumococcal vaccinations are also available for older Australians. Evaluation of the influenza program has shown that implemented vaccination coverage in Australians aged 65 or over has increased from 69 per cent in 1999 to 79 per cent in 2004.

Senator Abetz—That’s a good trend.

Senator Santoro—As Senator Abetz points out, given that vaccinations are a voluntary decision, that is indeed a very good trend. (Time expired)

Senator McLucas—Mr Deputy President, I ask a supplementary question. Can the minister confirm that this facility was reviewed in May this year, when the assessment team found that the facility did not have the staff needed to provide care ‘in accordance with the accreditation standards’ and that, ‘as a result of unfilled shifts and
extra workloads on existing staff, staff are unable to complete all tasks expected of them whilst on duty? Didn’t the assessment team recommend a two-year accreditation period with a follow-up visit within three months? Did that follow-up visit take place and, if so, what was found by the agency?

Senator SANTORO—The questions that have just been put to me by Senator McLucas are quite detailed in the technical material that will have to be available to me. I will have a look at the questions by Senator McLucas and I will get back to her if it is appropriate.

Pharmaceutical Benefits Scheme

Senator HUMPHRIES (2.53 pm)—My question is also to Senator Santoro as the Minister representing the Minister for Health and Ageing. Would the minister advise the Senate how the government is strengthening the Pharmaceutical Benefits Scheme? Can the minister tell the Senate what benefits the reforms will deliver to both patients and taxpayers?

Senator SANTORO—I thank Senator Humphries for his questions and again go on the record as saying that I appreciate the very valuable work that he has contributed to coming up with the solution that the government has worked out with the pharmacy industry of this nation. I know he has liaised very carefully with the pharmacists within the ACT and has contributed very significantly to the outcomes that we are able to boast about.

The government is making changes to the Pharmaceutical Benefits Scheme to give Australians continued access to new and expensive medicines while ensuring that the PBS remains economically sustainable into the future. Subsidies for prescription medicines by the PBS have increased from $2.5 billion in 1995-96 to just over $6 billion in 2005-06, which is an increase of 148 per cent. In 2005-06, around 170 million subsidised prescriptions were dispensed—or eight scripts for every person in Australia.

The PBS subsidises more than 600 medicines available in 1,800 forms and marketed as 2,600 differently branded items. Already, since August this year, new drugs worth more than $1 billion over a four-year period have been listed on the PBS. These included drugs like Herceptin for early breast cancers, at the cost of $470 million over the next four years; Lantus and Levemir for the management of diabetes, at a cost of $145 million over four years; and widened eligibility criteria for lipid-lowering drugs like Simvastatin at $158 million.

Beginning in July 2007, the government will introduce a number of changes to protect patients from higher out-of-pocket costs, to get better value from market competition among brands of generic off-patent medicines, and to recognise the importance of world-class, life-enhancing drugs to patients. These changes should make the PBS an even stronger system with the government paying less for certain medicines without increasing the cost to patients. In fact, for some medicines, patients should also pay less. Over the next few years, Australia will move to a system where the government gets better value for many medicines that are coming off patent. There will be a series of price reductions for these medicines and, over time, the price the government pays will move closer to the actual price at which these medicines are being supplied.

Patients will continue to have a choice of medicines and pay only the standard co-payment for a PBS script, which currently is $4.70 per script for a concession card holder and $29.50 a script for others. There should be more medications that cost less than $29.50, which will mean cheaper prices for some patients. A support package will help
pharmacies to adjust to the new arrangements. The package includes increased payments for dispensing medicines plus incentives to take up electronic health systems and to dispense medicines with no additional charges for patients. I would like to take the opportunity to recognise the important and positive role the Pharmacy Guild of Australia played in these exchanges and, in particular, to acknowledge the ongoing constructive way its president, Mr Kos Sclavos, continues to deal with the government.

It will be simpler for doctors to prescribe certain medicines. From July next year, around 200 medicines that treat long-term conditions such as diabetes will be authorised by the doctor alone without a phone call to Medicare Australia. These changes will save more than $580 million over the next four years, growing to $3 billion over the next 10 years. As a result, the PBS should be well positioned to meet future demand for new and expensive medicines, and patients will continue to have access to these medicines at a price they can afford. The fundamentals of the PBS will not change. Patients will continue to meet only standard co-payments. In some cases they will in fact pay less. The main changes will be in the way that the government prices medicines that are operating in a competitive market. *(Time expired)*

**Broadband**

**Senator Lundy** (2.58 pm)—My question is to Senator Coonan, the Minister for Communications, Information Technology and the Arts. I refer the minister to remarks by Rupert Murdoch that broadband in Australia is ‘a disgrace’. Is the minister aware that James Packer also recently described Australia’s broadband position as ‘embarrassing’ and that Fairfax has stated that Australian internet speeds are slower and internet pricing is more expensive than many other developed countries? Hasn’t the ABC’s managing director, Mark Scott, echoed these sentiments? Will the minister finally accept the consensus and condemnation of Australia’s broadband performance or does she believe that the leaders of the four largest internet and media companies in Australia are ignorant of the basics of their business?

**Senator Coonan**—I hope I have enough grace not to talk about who is ignorant here. I have seen some recent comments by a number of people relating to broadband in Australia and I do not share their conclusions. I can appreciate that, if you have a real commercial interest in getting people to buy very expensive product and content, as indeed both Mr Murdoch and Mr Packer have, you will be trying to get the government to subsidise as much of it as you possibly can. I note that the chairman of the ACCC, Mr Samuel, who has no commercial interest in these matters and who has been heavily involved in the details of some negotiations with Telstra this year, suggested that some business commentators could be ‘talking their own book’. He also said that most of the commentary reflects a total ignorance of what is really going on.

I am delighted that there is now so much interest in broadband. I think it is a very healthy debate to have in Australia. I am not claiming, and never have, that the availability of broadband capacity will meet everyone’s needs evenly right across Australia. Obviously we can, and we will, do better with our proposed investment of over $1 billion in broadband and subsidies for rolling out broadband in under-served areas. But I do want to make the point—and I am very grateful for the question—that the debate desperately needs a dose of reality. The perception that Australia’s broadband speeds are among the slowest and the take-up rates among the lowest is simply untrue.
Australia’s position in the international broadband stakes is neither a laggard nor a leader. Australia is aligned with comparable countries. It has a healthy and growing telecommunications sector and it has a significant investment in infrastructure which has supplied the majority of the Australian population with fast broadband speeds. The reality is that, over the last 12 months, Australians connected to broadband faster than any other OECD country except Denmark. There are now nearly four million premises connected to broadband. That is the OECD measurement for 1 July 2005 to 30 June 2006. Historically, Australia’s broadband take-up is well above the OECD average. So, before everyone gets hysterical about broadband, let us understand the facts.

In relation to broadband speeds, more than 80 per cent of Australian households and small businesses already have access to fast broadband. About 80 per cent of households can access ADSL broadband technology providing speeds of up to eight megabits from 19 different providers, and 14 providers are currently supplying speeds up to 24 megabits to about four million premises. Of course, Telstra is now rolling out its 3G network, which it claims will offer speeds of up to 14.4 megabits by 2007 to 98 per cent of the population, and HFC cable networks offer about 17 megabits.

So I think we have to put this well and truly in context. International comparisons and off-the-cuff statements by visiting businessman—or, indeed, resident ones—who may have a commercial interest in the government doing a bit more heavy lifting than we are doing in relation to subsidising services that help their business is not something that this government will entertain.

Senator LUNDY—Mr Deputy President, I ask a supplementary question. Noting that, of course, broadband penetration in Australia is in fact getting worse, and given that News Corporation, PBL, Fairfax, the ABC, the Internet Industry Association, the Australian Local Government Association, the OECD, the World Bank, the World Economic Forum, analyst Paul Budde, the former Telstra CEO and the current Telstra CEO all agree that Australia is a broadband backwater, why is the minister the only person in the country still in denial about the nation’s inadequate broadband infrastructure?

Senator COONAN—Obviously Senator Lundy could not think of a supplementary question, because it is precisely the same as the first one. The point about it is that I have set out in great detail here the fact that I do not agree with those comments. Indeed, I would suggest that if you have a look at the penetration rates they are certainly not sustainable comments. If you look at countries like Korea, for instance, it has about 100 megabits available across the country but only 14 per cent of the population actually subscribe. That is because not everybody needs or wants a particular speed. It is something where it is important that we continue to invest in the rollout of fast capacity, scalable broadband. That is precisely what this government is doing.

Opposition senators interjecting—

Senator COONAN—I can understand that it annoys the Labor Party that this government has over $1 billion to invest in very important services. That is precisely what we will get on and do, while Labor just harps.

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

QUESTIONS WITHOUT NOTICE:
ADDITIONAL ANSWERS

Customs

Senator ELLISON (Western Australia—Minister for Justice and Customs) (3.04
pm)—I undertook on 7 November in an answer to Senator Ray to table any further information I could. I table a further statement and seek leave to incorporate it.

Leave granted.

*The document read as follows—*

Mr President on Tuesday 7 November 2006 in response to a question from Senator Ray I undertook to further advise the Senate, to the extent that I was able to do so, on the question.

I have made enquiries and I can advise the Senate that the matter referred to by Senator Ray is in fact being investigated by the Australian Federal Police. Having confirmed the matter referred to by Senator Ray is the subject of a current investigation, in accordance with general practice, it would not be appropriate and nor do I intend, to provide any further comment on the matter.

**QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS**

**Nuclear Energy**

**Climate Change**

**Senator CARR** (Victoria) (3.05 pm)—I move:

That the Senate take note of the answers given by the Minister for the Environment and Heritage (Senator Ian Campbell) and the Minister for Finance and Administration (Senator Minchin) to questions without notice asked by Senators Carr and Stephens today relating to nuclear energy and climate change.

Today the Minister for the Environment and Heritage had the opportunity to rule out the use of the corporations powers to override state and territory governments on the question of the location of nuclear reactors in Australia. He failed to meet that challenge. This is the second occasion on which the minister has failed to meet that challenge. On 22 November, repeated questions were put to the minister by members of the press with regard to his attitude concerning the government’s use of the Constitution’s corporation powers to override the states in the building of nuclear power plants within their boundaries. What he said was that the government would do all it needed to do to secure the energy future.

The government has received the report from its hand-picked committee, and the Switkowski report has reignited the issue of nuclear power in Australia. That report, amongst other things, has suggested that there could be 25 nuclear power plants in Australia by 2050. That is just on the east coast of Australia. It is claimed that these 25 nuclear power plants could provide a third of Australia’s electricity and reduce environmentally damaging emissions by some 18 per cent.

Immediately a debate has arisen within Australia about the way in which the government would select the sites for these 25 nuclear power plants. We have seen that the government is deeply confused as to the direction it should take on nuclear power. On the one hand we have Minister Campbell suggesting that the government will use whatever power is available to it to impose these sites, these new power stations, on the states and territories—25 nuclear power plants on the east coast of Australia. On the other hand, the Minister for Industry, Tourism and Resources, Mr Ian Macfarlane, speaking from India on 24 November, said he could not see a situation where the government would consider using the corporations power to force power stations on a state. In another example, the Minister for Finance and Administration maintains his position that nuclear power will not be economically viable in Australia for 100 years. We have the minister for industry saying that planning could begin in 10 years. We have the minister for finance, who has claimed his own pre-eminent expertise, saying that nuclear power will not be viable in Australia for 100 years.
A report has been produced for the government on the costings of such a proposal, based on some very rubbery figures which have been the subject of considerable criticism. The report, by Mr Switkowski, relies on a study by the Electric Power Research Institute, which has sought to assert that nuclear power’s pricing in the future can be compared with the pricing of solar and wind energy today. It suggests that the future price for nuclear power of between $40 and $65 per megawatt hour could be compared with the 2006 price for wind, thermal biomass and solar photovoltaics of between $50 and $120 per megawatt hour.

The whole approach that the government has been maintaining has been based on a pea-and-thimble trick. There is quite clearly established now within this government a deep policy confusion—and paralysis as a result—on the whole issue of climate change. The Howard government has been both for and against, simultaneously, the link between greenhouse gas and climate change. The Howard government has been both for and against the Kyoto protocol. It has been at best ambivalent. It has sought on the one hand to say that the concerns are academic but on the other hand to maintain that it is going to provide leadership for some new hypothetical proposal in the future.

It is essential, if we are going to have nuclear power in Australia—and I am an advocate of nuclear power—that we have a waste repository system well and truly planned, like the Americans have at Yucca Mountain in Nevada. If you have a repository then the uranium atom can move very quickly, at about the same pace as H2O moves, through rocks. That is very important. I want to come back to that in a moment. So the hydrography and the geology are very important. We know that a repository is absolutely and totally necessary.

I have been to several nuclear power stations around the world. I have not just visited them and had a look in the office; I have had a look down in the reactors in Taiwan; in Argentina, at San Carlos de Bariloche; in the United Kingdom; and in the United States. I will take one nuclear powerhouse in the United States as an example. Calvert Cliffs,
in Maryland, is built on the edge of Chesa-
apeake Bay, which is arguably one of the most
environmentally sensitive areas in the United
States. Calvert Cliffs has 2,000 megawatts of
power in it. It produces many more mega-
watts per year. It draws 1.2 million gallons of
seawater from the bottom of Chesapeake
Bay, circulates it around the nuclear reactor
and returns that water to the top, where it is
four degrees warmer, without any damage to
the environment there whatsoever. Chesa-
apeake Bay is near the capital of the United
States of America. It is near DC, the District
of Columbia. It is near a population that
probably equates to the whole population of
Australia—nearly 20 million people.

Calvert Cliffs has 2,000 megawatts. We
are unlikely to ever build a power station in
Australia with 2,000 megawatts. But that
power station produces electricity into the
Baltimore gas and electricity grid at a cost of
about US$4c a kilowatt hour. It produces elec-
tricity wholesale. If that were not happening
and they were relying on coal or other fossil
fuel, there would be hundreds of millions of
toines of CO₂ being emitted from that one
power station alone. Remember that the US
derives 16 per cent of its power from nuclear.

For the other side to argue that we can
have wind power, solar power, hydro power,
hot rock power or conjure up power from
somewhere else—I do not know where—that
is the pea-and-thimble trick. Of course we
cannot. The wind does not blow all the time.
The sun does not shine all the time. The wa-
ter does not run all the time. These renew-
ables are important in the scheme of things.
It is very important to have these types of
renewables, but if we want industry to con-
tinue in Australia, if we want our kids to
have jobs, then nuclear power is the way to
go. *(Time expired)*

**Senator Stephens** (New South Wales)
(3.15 pm)—I too rise to take note of answers
to questions today, particularly the responses
from Senator Minchin to the questions that I
asked him about this very important report,
the Switkowski report. I am not too sure how
many people have read it, but it is a fascinat-
ing report: *Uranium mining, processing and
nuclear energy—opportunities for Australia?*
There is a question mark at the end, and
there are a lot of questions raised by it.

We would think, from what we are read-
ing and hearing, that this report is providing
the best option. But let me say a few things
about the report. It starts off with a very im-
portant point. The first assertion is that Aus-
tralia’s best option is clean coal. That is the
most profound thing that is in the report, I
have to say. Secondly, it says that nuclear
will only be viable if fossil fuels begin to pay
for their emissions. Senator Minchin this
afternoon was not actually able to discuss
that because he has not taken the opportuni-
ty to read the text around that argument in this
report—and it is a very important part of the
report. It suggests that a price of $15 to $40
per tonne of carbon dioxide equivalent
would be necessary to make nuclear electric-
ity competitive.

There are other problems that are identi-
ified quite clearly. First of all, the period for
planning, building and commissioning Aus-
tralia’s first nuclear power plant would be
between 10 and 20 years. What happens
next? We have a problem. The report ac-
knowledges that Australia lacks expertise
and skills in nuclear research. We on this side
of the chamber have been talking for a long
time about skills shortages. The report actu-
ally acknowledges this significant skills
shortage. Probably about 6½ thousand
skilled engineers and nuclear scientists are
missing from the planet, not just from Aus-
tralia. More are needed to enable this to hap-
pen.
There is no regulatory framework. The report identifies that very clearly. There is no regulatory framework for the industry, and it would be necessary to establish a single national regulator to cover all the aspects of the nuclear fuel cycle, drawing heavily again on overseas expertise. We have existing Australian laws that ban the establishment of nuclear fuel cycle facilities from power plants to enrichment plants. That goes to the question that was asked today by Senator Carr about whether or not the minister would consider overriding state powers on that important issue.

They are just some of the problems that we have. But it was very clear from what I have read of the report that the critical issue on the table is climate change. The report underlines that very clearly. Global warming is real, despite the protestations from those who suggest that it is not an issue. There is a compelling case for reducing greenhouse gas emissions, and yet we have the rejection of the electric car—that is not part of the solutions—and we have a very urgent need for the government on this issue, as with drought, not to go for quick-fix short-term solutions that create environmental disasters in the future.

The Switkowski report makes the best possible case for the nuclear industry—I will give it that—but it is a very overoptimistic case. I suggest that in many respects it is quite misleading. Not to be missed from all this—and I am sure Senator Crossin will pick it up—is the whole waste issue, which is trivialised in this report. Also not to be missed from all this is the high-handed approach of the parliamentary secretary for water, Mr Turnbull, linking nuclear reactors with the possibility of desalination plants to solve our water problems. Neither of those solutions really is in the best interests of the Australian community. Neither of those solutions is going to deliver any responses to the critical water issues that we are facing currently, not in 10 years time.

Senator RONALDSON (Victoria) (3.20 pm)—I hope that honourable senators will look at the contribution to this debate today of Senator Stephens and compare it to the contribution of Senator Carr. I suppose in some respects no-one should be surprised about Senator Carr’s comments today, but I think Senator Stephens has sensibly discussed some of the issues that we all need to talk about. It was a sensible contribution. I think Senator Stephens said that global warming is real and there is a compelling case for reducing greenhouse gas emissions. Absolutely. But what contribution did we hear from Senator Carr? He made those hand movements—the wringing hands that we expect from Senator Carr when he is trying to look sensible and make a contribution to the public debate. The only contribution that Senator Carr made today was to talk about the corporations power and the threat of ‘not in my backyard’. Did Senator Carr make one sensible contribution to the debate today? No, he did not. Did Senator Stephens attempt to make some sensible contribution to this debate today? Yes, she did.

Surely, we in this country are mature enough, politically and otherwise, to have a sensible debate about this matter. But, Senator Carr, your contribution, I am afraid, was what I would expect from you—that is, it was about the fear, about the backyard and about the corporations power. Did you sensibly discuss this issue today? Did you take the opportunity to make a contribution about what was in the Switkowski report? Did you have a look at the options that are facing this country over the next 50 years, of which nuclear power may well be one? I am probably in the camp which, for a wide variety of reasons, thinks it is highly unlikely. But does that mean we do not discuss these matters? Does that mean that we do not look at what
the options are? Do we not owe it to our kids and our grandkids to look at these options?

While I sometimes disagree with Matt Price, particularly on some of the comments he makes about me, over the weekend—

*Senator Crossin interjecting—*

**Senator RONALDSON**—He is what? He is a lap-dog for the Liberal Party, you say? I do not think so.

*Senator Crossin interjecting—*

**Senator RONALDSON**—That is what you just said. Matt Price quoted Ziggy Switkowski saying, ‘The only way you can justify any nuclear into the mix is if you are determined to reduce greenhouse gas emissions.’ That is absolutely right, and that is what this debate is about: how we best address the issue of reducing greenhouse emissions. Quite clearly, nuclear driven electricity generation will achieve that. Is it the best way of achieving it? That is what the community needs to debate. That is what we need to have a look at. And we need to have a look at whether we are better off investing large amounts of community resources in clean coal technology. We need to have a realistic assessment of whether solar and wind power will provide the electricity generation this country will need over the next 50 years to provide jobs for our children and to continue the growth of our economy. That is the debate we need to have in relation to this.

The debate we do not need to have is a Senator Carr debate, which is about saying, ‘Tell me where you are going to put them.’ What a disgraceful contribution to the debate it was from you, Senator Carr. And Senator Stephens, who is sitting behind you—

*Senator Carr interjecting—*

**Senator RONALDSON**—I knew you would arc up eventually. Senator Stephens, who is sitting behind you, should be sitting in front of you, because she is far more sensible than you will ever be, my friend. The fact is that you are there for factional reasons—*(Time expired)*

**Senator Ronaldson**—You are a goose.

**Senator Crossin**—Mr Acting Deputy President, on a point of order before I begin my speech: in Senator Ronaldson’s last comment I think he referred to my colleague Senator Carr as a goose. It might be appropriate if he seeks to withdraw that remark.

**The ACTING DEPUTY PRESIDENT (Senator Ferguson)**—I am sorry, I did not hear that. Please withdraw if you did so, Senator Ronaldson.

**Senator Ronaldson**—I withdraw.

**Senator CROSSIN** (Northern Territory) (3.26 pm)—I rise this afternoon to provide a contribution to this debate and to take note of the answers provided today. We have had an emotive outburst from Senator Ronaldson in relation to being asked: where are the nuclear reactors actually going to go? It is of course a question that this government will evade for time immemorial, particularly between now and the next federal election. The government will not want to identify its full plans in terms of nuclear power. It is a debate that has been generated by a Prime Minister and by a government that is running out of ideas in terms of where it will take this country over the next decade. The government is grasping at straws and has decided once again to pick an issue that is highly irrelevant and that diverts the nation’s attention from this government’s inability to come to grips with what is happening in terms of climate change. It is an attempt by this government to divert attention from why it has been so inadequate in dealing with environmental issues for the last 10 years.

This government is simply proposing that it swaps one set of problems for a dirty power source which no doubt will need a
government subsidy to make it affordable. There is no doubt that people will have heard over previous weeks that either this government introduces an emissions tax or charge on its coal fired energy and commits to the Kyoto protocol or we will have taxpayers subsidising outrageously unaffordable nuclear energy. I have heard time and time again in the media that Australians will not be able to afford nuclear power because it is so expensive. But it is a path that this government believes it needs to take us down one year prior to the election. The government’s current strategy on nuclear power also shows that there is a need to bully the Northern Territory into taking its radioactive waste. We might spend a lot of time talking about signing Kyoto or not and about greenhouse gas emissions and taxes versus the nuclear fuel cycle but, at the end of the day, let us have a discussion about where the nuclear waste will go if we enter the nuclear fuel cycle.

We know, quite categorically, that in the last 18 months this government has made a decision to override Northern Territory government laws, to totally ignore the discussion and the wishes of Indigenous traditional owners in the Northern Territory and to simply seek to dump onto the Northern Territory the radioactive waste that is coming back from France and Scotland and the radioactive waste that it now stores at Lucas Heights. For forever and a day people in the Northern Territory will remember Senator Ian Campbell’s infamous line when, two days prior to the last federal election, he said, ‘I give you a categorical assurance that the nuclear waste dump will not be put in the Northern Territory.’ That was a lie. And so was the commitment by the Prime Minister prior to that election that the Northern Territory was not on the nuclear waste dump map—another lie.

People in the Territory have been deceived about the issue of where this country wants to dump waste. We know that there are casks returning from France—there is debate about whether it is 2011 or 2015. We know now that those casks will involve storage of not only uranium but also plutonium because that is what you get at the end cycle when you embark on nuclear energy. Some people might suggest, as the Switkowski report suggests, that Australia could store high, medium, and low-level waste, that we have the place to do it. I know that they are thinking of outback Australia because in their minds no-one lives there, it is nobody’s home. It is somebody’s home when you come to the Territory. If we are going to have a radioactive dump in this country that will be the result of our embarking on a nuclear fuel cycle let us build it in the seat of Benelong. Why not the seat of Hastings or even the seat of Kalgoorlie? No, we could not do that. They are Liberal held seats and we would not want to get those voters offside. We will just dump it without consultation and without care in the seat of Lingiari. Why is that? Oh, that is only where Indigenous people in this country live and surely they do not care or mind. Not only that, the rest of the country will not care or mind either. (Time expired)

**Senator MILNE** (Tasmania) (3.31 pm)—I rise today to take note of various ministers’ answers in relation to climate change and nuclear energy. I want to begin by saying that it is time this whole parliament started to take climate change very seriously. It is no good continually grandstanding and playing games because this is the crisis of the century. The government has no consistent policy, no thought-out policy, to respond to climate change. It is mixing up two issues—energy security and climate change—and as a result we have got a plethora of policies all
over the place with ministers contradicting one another left, right and centre.

Let us start with the Prime Minister. Less than two months ago he said that he was sceptical about the more gloomy predictions for climate change. No, we were not going to have an emissions trading scheme. It would break the economy and drive Australia into the doldrums. It would make us uncompetitive. Then shortly afterwards he said that we were going to have an emissions trading scheme. The very day that the nuclear draft report came down the Prime Minister was out reassuring the coal industry—having said only a week before that we were going to look into emissions trading—that a price on carbon would be some time off and they need not worry.

What is going on here? We have got totally inconsistent policy left, right and centre. On the one hand you give the coal industry as much as you possibly can by way of government funding for carbon capture and storage and reassure the coal industry that you will not be having a price on carbon any time soon. Then suddenly you find out that the Business Council of Australia is going to support an emissions trading system so you rush out and say, ‘Let us have a task force to look into it and include you people, but nobody else,’ because the Prime Minister could not afford to be left isolated by the Business Council of Australia going out ahead of him.

Then on climate change matters suddenly we have the idea that nuclear is going to save the day in spite of the fact that the chairman of the task force said quite clearly that this is a strategy for some 50 years into the future—for 2050. That being the case, perhaps the minister for the environment or the finance minister can explain to the business community in Australia why they have lobbed into the middle of the business community the biggest grenade of insecurity and uncertainty. This is a government that has gone to election after election on the basis that it is the best economic manager and now in Australia nobody is prepared to invest at the moment in any of the energy areas because they simply have got no consistent signal out of the government as to where it is going to go. Would you invest in renewable energy right now not knowing whether you are going to have emissions trading or not and not knowing how a price was going to be set? Would you invest in nuclear when the private sector has said quite clearly that there will be no investment in nuclear without bipartisan support, and clearly there is not?

We have also got a situation where Minister Macfarlane reassured the business community and the Australian community that there would be no government subsidies involved in nuclear, and a week later he changed his mind. Now we will have government subsidies in nuclear. In fact the chairman of the task force said that not only would it require a price on carbon but it would require ongoing government subsidies. Then we were told that this is the way of the future for jobs. In that very task force report it said that the entry to enrichment, for example, is so difficult that Australian companies would not benefit; it would be multinational companies mainly based in France, the UK and the US that would benefit. So we are all over the shop on this.

The other thing that the chairman of the nuclear task force pointed out was that Australia does not need nuclear for energy security. So, Senator Minchin, your citing of Tony Blair in relation to energy security has got nothing to do with climate change. Prime Minister Blair has said that it is going to cost £70 billion for them to continue to refurbish and go down the track of decommissioning their old nuclear power plants, and you cannot even put a price on decommissioning
Lucas Heights. In the budget this very year you refused to put a price on decommissioning Lucas Heights. Now we are told by the nuclear task force that the price of decommissioning is going to be factored into the price of power. The government is all over the shop on energy policy and has thrown total insecurity into the energy market. If ever there was irresponsible economics, it is from this government. (Time expired)

Question agreed to.

CONDOLENCES

Hon. Sir Harold William Young, KCMG

The DEPUTY PRESIDENT—It is with deep regret that I inform the Senate of the death on 21 November 2006 of the Hon. Sir Harold William Young, KCMG, President of the Senate from 1981 to 1983 and senator for the state of South Australia from 1968 to 1983.

Senator MINCHIN (South Australia—Minister for Finance and Administration) (3.36 pm)—by leave—I move:

That the Senate records its deep regret at the death, on 21 November 2006, of the Honourable Sir Harold Young, KCMG, former President of the Senate and senator for South Australia, places on record its appreciation of his long and meritorious public service and tenders its profound sympathy to his family in their bereavement.

It is with great sadness that I rise today to speak on not only the passing of a former South Australian Liberal senator but also a personal friend. I have known Harold for over 20 years and I, like many of my colleagues particularly from South Australia, am saddened by his passing.

Harold Young was born on 30 June 1923 in Port Broughton, South Australia, and was educated at Prince Alfred College. Before entering parliament, Harold was a primary producer based at Gilberton in South Australia. He became an advocate for the farming industry and served as a member of the Australian Wool Industry Conference, the federal exporters overseas transport committee and the state Wheat Research Committee for South Australia. Sir Harold maintained an active interest in rural industries throughout his parliamentary career.

Harold Young was elected as a senator for South Australia in 1967, representing the Liberal Party, and commenced his term on 1 July 1968. He had a distinguished 15-year career in the Senate, culminating in his election in 1981 as President of the Senate, an office he held until his retirement in 1983, after what is widely regarded as an exemplary, if all too brief, presidency. He was a well-respected member of this chamber and also a popular figure within the Liberal Party in our home state of South Australia.

As a long-serving member of the Senate Harold brought to the office of President of the Senate the qualities of experience, character and dignity. As Presiding Officer his deliberations were marked by tolerance, firmness and objectivity. On the election of Sir Harold’s successor as occupant of the chair, Senator Don Chipp is recorded in Hansard as saying that Sir Harold Young had done a very creditable and worthwhile job, sometimes under extremely difficult circumstances. It is worth noting that not once during Sir Harold’s tenure of office was any motion of dissent from any of his rulings moved. He showed a significant understanding of the operation of parliament and Senate procedure.

Sir Harold distinguished himself as President of the Senate but before his elevation also served the Senate in a number of other significant roles. These included parliamentary party positions such as Government Whip from 1971 to 1972 and Opposition Whip from 1972 to 1975, and he was a member of the opposition shadow ministry from March to November 1975. He also
served with distinction on many Senate committees and represented the Australian parliament on a number of overseas delegations. In 1983 Harold Young was honoured for his service to the parliament by being made a Knight Commander of the Most Distinguished Order of St Michael and St George.

Our current President, Senator Calvert, is absent today to attend Sir Harold’s funeral service in Adelaide, representing the Senate—and he is being ably represented here today by you, Mr Deputy President. As Senator Calvert has indicated, Sir Harold was widely regarded as a gentleman in the classic tradition, with a fine appreciation of parliamentary democracy and a very good sense of humour.

Sir Harold was a regular attendee at lunches organised through my Adelaide office of current and former South Australian federal members and senators. Harold attended our last lunch just three weeks ago, and it is a matter of considerable sadness to me personally that I will no longer have the pleasure of his good company at such occasions in the future. I imagine we will drink a toast in his memory at our next lunch.

On behalf of the government, I offer our condolences to his wife, Lady Margaret Young, and his children, Sue, Scott, Andrea and Rob, and his extended family.

Senator CHRIS EVANS (Western Australia—Leader of the Opposition in the Senate) (3.40 pm)—On behalf of the Labor opposition, I would like to support the motion of condolence moved by Senator Minchin following the death last week of Sir Harold Young. I send our sincere condolences to his family and friends at this time and I recognise his service to the Senate. I did not know Sir Harold, and I am pleased that Senator Minchin had a personal relationship with him because I think on these occasions it is much easier to speak if you actually knew the person on a personal level. But it is clear Sir Harold had a very distinguished career representing the Liberal Party and South Australia.

Sir Harold was born in Port Broughton in 1923 and educated at Prince Alfred College in Adelaide. He was a well-known wheat farmer and grazier, and prior to entering parliament was obviously involved in a number of industry bodies. He was vice-president of the South Australian division of the Farmers and Graziers Association and a member of the Australian Wool Industry Conference, the Wheat Research Committee for South Australia and the exporters overseas transport committee. Sir Harold enlisted in the Royal Australian Navy in 1942 and served until 1946. He was a councillor for the Bunbury Municipal Council from 1954 to 1956.

Sir Harold was elected to represent South Australia in the Senate in 1967, for a term which commenced commencing in July 1968. He was subsequently re-elected in 1974, 1975 and 1977. He served on a number of committees during his 15 years of parliamentary service. These included the industry and trade legislative and general purpose committee for five years from 1970 to 1975 and the Senate Select Committee on Offshore Petroleum Resources for three years, on which he served as chairman for part of that time. He served on a number of estimates committees, joint committees and Senate standing committees. He was a member of the Joint Standing Committee on Foreign Affairs and Defence and also served on the Joint Standing Committee on the New Parliament House, of which he was joint chair.

Sir Harold served as Government Whip in 1971 and 1972 and then Opposition Whip from 1972 to 1975. It is always a good grounding for a President to understand
clearly the chamber and how the parties operate in the chamber. He became President of the Senate in 1981 and held that position until the end of his parliamentary career in 1983. I understand he was chosen for that office from a field of government senators at the time which included senators Reg Withers—alias the Toe Cutter—Donald Jessop and Neville Bonner. So it was clearly a very competitive field, and he must have had political skill as well as merit to win it. I have always thought that taking on Senator Reg Withers in a ballot was a very courageous act; to come out on top says a lot for the man. Senator Young’s time as President coincided with the coalition’s loss of control of the upper house, which the Fraser government had won at the election of 1975.

During his time as President, Senator Young came into conflict with the then Speaker of the House, Sir Billy Snedden, including a dispute they had over the appointment of a new Parliamentary Librarian. I understand there was also a fairly notable difference in 1982 over a report of two years earlier which recommended the merging of the Parliamentary Library, Hansard and the Joint House Department to form a new Department of Parliamentary Services—the more things change, the more they stay the same.

Early in 1982, Senator Young appointed the first woman to a position of attendant in the Senate saying that it was about time women overturned the traditionally male stronghold. That of course has been reinforced in recent years. Senator Young lost his Senate seat at the 1983 election. Speaking of Senator Young following the 1983 election, Senator Chipp, whose passing we remembered recently, said:

He was a great fighter for the Parliament and the Senate against the greedy clutches of the Executive.

We could do with him now. Other senators noted his long and determined service to his core constituency, the rural and farming community of South Australia. In 1983, Harold Young was knighted for services to the parliament. I understand from those I have spoken to that he was very well regarded across party lines in this place.

Sir Harold’s funeral is being held this afternoon at Norwood, and the President is representing all senators there. Once again we pass on our sincere condolences to Lady Young and the family and assure them of our best wishes on behalf of all senators.

Senator BOSWELL (Queensland—Leader of The Nationals in the Senate) (3.46 pm)—Sir Harold Young finished his term in the Senate at the time I was elected for my first term as a senator. At that time it was a double dissolution, so I never met him in the Senate, although I subsequently meet him.

Sir Harold served in the Royal Australian Navy from 1942 to 1946. He was a wheat farmer and grazier, served on a number of agricultural committees and was a councillor on the Bunbury Municipal Council. Prior to entering federal parliament, he was a member of the federal exporters overseas transport committee. This committee had the job of negotiating freight rates with the shipping industry, which was essentially a British monopoly at that time.

In his maiden speech in 1968, Sir Harold expressed his pride in our democratic system and the preciousness of our freedom and the responsibility that this brings. During his 15 years of representing the people of South Australia, he was a strong advocate for primary industries and the trade process, in particular maritime transport.

He served as Government Whip from 1971 to 1972 and then as Opposition Whip from 1972 to 1975. He was Chairman of Committees from 1976 to 1981. As President
of the Senate from August 1981 to April 1983, he was well regarded as a person who strongly supported and defended the Senate process. He presided over the Senate during a time when Malcolm Fraser was Prime Minister and the Senate balance of power had just been won by the Democrats. He carried out his duties in the distinguished position of President of the Senate with fairness and strength while still maintaining a sense of humour during what were often difficult circumstances. It is interesting to note that there was not a single motion of dissent moved against any of his rulings.

He was appointed Knight Commander of the Order of St Michael and St George on the 1983 New Year’s honours list for services to the parliament. On Sir Harold Young’s departure from the Senate in 1983, Senator Scott, the then leader of the National Party in the Senate, paid tribute to Sir Harold Young’s distinguished service not only in his occupation as the chair but also over a very long period in the parliament and all the committees that he served on. On behalf of the Nationals in the Senate, I sincerely extend my condolences to Lady Young and his family.

Senator WATSON (Tasmania) (3.48 pm)—I also wish to associate myself with the condolences for my distinguished former colleague Sir Harold Young, who lived a long and productive life. He was a senator for South Australia from 1968 to 1983—in fact, he was a Senate colleague of mine for the first five years I was a senator. There are very few of us left.

He was President of the Senate for the last two years he was a senator. In fact, he was knighted for his distinguished service to the parliament. I believe that act alone speaks for itself as his work earned him wide respect across the whole community. I believe he was one of nature’s gentlemen, and he also had a very well developed and entertaining sense of humour. It was an honour to have worked with him but, more importantly, to have deemed him as a friend and learned from his approach to parliamentary service, which helped me very much during my early years in this place. I therefore wish to also pass on my sincere condolences to Sir Harold’s family at this time of their sad loss.

Senator FERGUSON (South Australia) (3.50 pm)—I rise to support the motion moved by Senator Minchin in relation to the death of Sir Harold Young last week in Adelaide. I have known Sir Harold Young for the last 20-odd years since he left the parliament, although he was born at Port Broughton, which is only 40 miles from where I live. He was a well-known farmer—both a wheat farmer and a grazier—on the northern Yorke Peninsula not far from my home.

Sir Harold Young’s involvement in primary industry has been well recorded by those who have spoken today. It was his association with the farming organisations of South Australia that helped lead him to become one of South Australia’s rural senators in the mid-sixties. He came almost at the same time as Sir Condor Laucke, who preceded him as President of the Senate, and both men were elected as rural senators from South Australia. As the only senator from South Australia who resides anywhere outside the metropolitan area, I feel some sympathy for those two gentlemen, particularly Sir Harold, as they tried to cover the state of South Australia when it was not as easy as it is today to visit the far-flung parts of the state.

Sir Harold Young was a senator at the time when the Liberal Party had some 60,000 members—or the LCL had 60,000 members, because at that stage we were known as the Liberal and Country League. Senator Young was well known to most of those rural members of the party as he
sought to serve them in the federal parliament representing their interests, and represent them he did. His talents were obviously recognised at an early stage because, having come here in 1968, he was Government Whip a couple of years later, and was later Opposition Whip in the Senate before he became the Deputy President in 1976 while Sir Condor Laucke was the President.

I note that Senator Evans mentioned that Sir Harold Young was the first President to appoint a female to the chamber, which showed you the type of person he was. I am not suggesting he was a ladies man! But he was someone who appreciated the role of women in society and felt that this place needed female attendants as well as male attendants, which there had only been for the first 80 years of the Senate. I know that Senator Watson, who knew Senator Harold Young well, would appreciate the fact that that would be something that he would have been proud of.

I was also very proud to be part of what I might loosely term the old boys lunches, which Senator Minchin referred to in his speech, when a number of us new chums and youngsters used to go and regularly have meals with Sir Harold Young, the Hon. Jim Forbes, the late Hon. Bert Kelly and the late Jack McLeay. Those four gentlemen, who were the old-timers, we might say, from the party, used to delight at lunches in giving us young turks a little bit of free advice. It was free advice that we would have been very wise to take note of because, in their retirements, each of these gentlemen—sadly, Bert Kelly and Jack McLeay passed on before Sir Harold Young—had time to reflect on their time in parliament and to put to good use the time that they had in reading the events of the day and giving us their interpretations. I enjoyed Sir Harold Young’s company. He was a wonderful raconteur, great company, and I know that he left a lot of friends in this place when he left the parliament. I join with others in extending my sympathy to Lady Young and to the family.

Question agreed to, honourable senators standing in their places.

PETITIONS

The Clerk—A petition has been lodged for presentation as follows:

Military Detention: Australian Citizens

To the Honourable the President and Members of the Senate in Parliament assembled.

The Petition of the undersigned draws to the attention of the Senate the continuing operation of the United States military detention facility at Guantanamo Bay. This facility exists in contravention of international law and has been widely condemned by the leaders of other Western nations, the United Nations, respected jurists and religious leaders. The recent decision to release 134 detainees following a review by the US Department of Defense, 119 to their countries of citizenship, further highlights the illegitimacy of the facility’s operation.

Your petitioners believe:

(a) the United States’ military detention facility at Guantanamo Bay exists in a jurisdictional void, denying detainees’ fundamental human rights;

(b) those suspected of any crime, including terrorist-related offences, have a right to a fair trial, to allow them an opportunity to defend all charges against them;

(c) South Australian David Hicks has been detained at Guantanamo Bay for more than four years, and it is unlikely he will be repatriated by the Australian Government in the foreseeable future, despite the repatriation of the citizens of nearly every other Western nation;

(d) in the absence of any effort to ensure the human rights of detainees, and following allegations of outright violations of these rights, the facility must be closed.

Your petitioners therefore request the Senate urge the Government to support calls for the military
detention facility at Guantanamo Bay to be closed.

by Senator Stott Despoja (from 884 citizens).

Petition received.

NOTICES

Presentation

Senator Allison to move on the next day of sitting:

That the Senate—

(a) notes that the undersigned Members of the European Parliament recently returned from a fact finding mission to Israel and Palestine, shocked and appalled by what they saw and experienced in Gaza, saying:

i. Due to economic sanctions, almost all public institutions have shut down. The hospitals are overcrowded and receive neither money nor sufficient medicine. The public employees have not been paid for months. The doctors told us that some deadly injuries are not caused by traditional weapons but most likely by new experimental chemical weapons. More amputations than ever are necessary. They have not had the time to examine the dead bodies yet as they are busy dealing with the wounds of those who have survived.

ii. The closure of Rafah and Karni crossing for people and goods has turned Gaza into an open air prison. Recently, Gaza has seen horrible carnage.

iii. We call upon Israel to stop the violation of human rights and repeated breaches of the Geneva Convention.

iv. We call for a complete ceasefire by Israel, an immediate withdrawal of troops from Gaza and an end to the military incursion in the West Bank.

v. We strongly object to the description by Israel of those it has killed as “terrorists”.

vi. We call and insist that the EU [European Union] should review the association agreement and consider imposition of sanctions on Israel unless it ceases the killing of civilians and the violation of human rights, thus complying with article 2 of the association agreement.

vii. We urge Hamas and Fatah and all the democratic Palestinian forces, even under these circumstances, not to stop their efforts to form a Unity Government as already agreed on the document of national reconciliation which recognizes the 1967 borders of the state of Palestine and Israel and to take every possible measure to halt the firing of Qassam rockets.

viii. We call upon the EU to open dialogue with all the Palestinian national institutions and to put pressure on the Israeli government to release the tax revenues confiscated from the Palestinian government.

ix. We ask the UN and the quartet to send international forces to protect the Palestinian and Israeli civilian populations, while calling for an international conference with all the parties involved reaching a comprehensive and just peace for the area.

MEP Luisa Morgantini (Italy), GUE/NGL
MEP Vincenzo Aita (Italy), GUE/NGL
MEP Allesandro Battilocchio (Italy), N.I.
MEP John Bowis (UK), EPP-ED
MEP Chris Davies (UK), ALDE
MEP Jill Evans (UK), GREEN/EFA
MEP Hélène Flautre (France), GREEN/EFA
MEP Gyula Hegyi (Hungary), PES
MEP Miguel Portas (Portugal), GUE/NGL
MEP Karin Resetarits (Portugal), ALDE
MEP Alyn Smith (UK), GREEN/EFA
MP Norman Paech (Germany), Die Linke; and

(b) calls on the Minister for Foreign Affairs (Mr Downer) to visit Palestine and Israel in the near future and to consider backing the requests of the European Parliamentary delegation in an effort to bring peace to the region.

Senator Allison to move on the next day of sitting:

That the Senate—

(a) notes that:

(i) in 2000, Germany introduced a solar scheme requiring electricity companies to buy back electricity generated from household panels connected to the grid at premium price rather than at the normal wholesale electricity rate,

(ii) the German scheme has meant approximately 400,000 households have now installed solar panels,

(iii) the German scheme has lead to a boom in the photovoltaic (PV) industry with revenues expected to be $25 billion in 2006, increasing to $100 billion by 2010,

(iv) Germany’s success with the scheme has led to Spain, Italy, France, Greece and Canada introducing almost identical schemes,

(v) in 2004, Germany passed a new law that guaranteed people who built solar parks a minimum price for each kilowatt of electricity that was two to three times the market price, for example, a German pig farmer struggling with drought took advantage of the scheme and covered his 200 acre farm with 10,050 solar panels, which at full capacity could supply power to all 7,000 residents of the local village resulting in the farmer making more than $600,000 a year from the sale of this electricity, and

(vi) California has developed the ‘Million Solar Roofs’ plan that will provide 3,000 megawatts of additional solar generation by 2018 using a combination of regulatory and market mechanisms;

(b) notes that an Australia-wide feed-in tariff could increase the number of PV units in Australia from 10,000 to 150,000 by 2010; and

(c) calls on the Federal Government to work with state governments to introduce a solar scheme similar to that in Germany.

Senator Allison to move on the next day of sitting:

That the Senate—

(a) notes that:

(i) Californian Republican Governor, Mr Arnold Schwarzenegger, has signed the Californian Global Warming Solutions Act of 2006,

(ii) the Act aims to reduce carbon emissions by 25 per cent, to 1990 levels, by 2020 and by 2050 will reduce emission to 80 per cent below 1990 levels, and

(iii) the Act requires the Californian Air Resources Board (CARB) to:

• Establish a statewide greenhouse gas emissions cap for 2020, based on 1990 emissions by January 1, 2008.

• Adopt mandatory reporting rules for significant sources of greenhouse gases by January 1, 2009.

• Adopt a plan by January 1, 2009 indicating how emission reductions will be achieved from significant greenhouse gas sources via regulations, market mechanisms and other actions.

• Adopt regulations by January 1, 2011 to achieve the maximum technologically feasible and cost-effective reductions in greenhouse gas [emissions] including provisions for using both market mechanisms and alternative compliance mechanisms.

• Convene an Environmental Justice Advisory Committee and an Eco-
nomic and Technology Advancement Advisory Committee to advise CARB.

- Ensure public notice and opportunity for comment for all CARB actions; and

(b) calls on the Federal Government to follow California’s lead and legislate to set greenhouse gas reduction targets, introduce caps on emissions and introduce market and regulatory mechanisms to achieve reductions.

Senator Allison to move on the next day of sitting:

That the Senate—

(a) notes that:

(i) the global carbon market is worth almost $40 billion a year,

(ii) the World Bank reports that the global carbon trading market was worth approximately $28 billion in the first 9 months of 2006, compared with $13 billion in 2005,

(iii) the Kyoto Clean Development Mechanism (CDM) market was valued at $2.9 billion for the first three quarters of 2006, and

(iv) the United Nations Framework on Climate Change Executive Secretary, Mr Yvo de Boer, recently said the Kyoto CDMs could generate annual investment of $133 billion in ‘green investment flow to developing countries’;

(b) recognises that joining the Kyoto Protocol now could give Australian business the chance to get early mover advantages in the booming global carbon trading market; and

(c) calls on the Federal Government to ratify the Kyoto Protocol and work within this framework to encourage other countries such as the United States of America, China and India to sign on.

Senators Johnston and Adams to move on the next day of sitting:

That the following bill be introduced: A Bill for an Act to amend the Commonwealth legislative framework applying to the Australian wheat industry, and for related purposes. Wheat Marketing Legislation Amendment Bill 2006.

Senator Siewert to move on the next day of sitting:

That the Senate—

(a) notes that:

(i) the Australian Council of Social Service (ACOSS), the peak council of the community services and welfare sector, is celebrating 50 years of representing that sector and advancing the interests of disadvantaged Australians, and

(ii) ACOSS was established in 1956, with the aim of reducing poverty and inequality by developing and promoting socially, economically and environmentally responsible public policy and action by government, community and business while supporting non-government organisations which provide assistance to vulnerable Australians; and

(b) congratulates ACOSS on 50 years of outstanding community service.

Senator Watson to move on the next day of sitting:

That the order of the Senate of 9 October 2006, authorising the Joint Committee of Public Accounts and Audit to hold public meetings during the sittings of the Senate, be varied as follows:

Paragraph (b), omit “Thursday, 30 November 2006, from 10 am to 1 pm”, substitute “Thursday, 7 December 2006, from 10 am to 1.30 pm”.

Senator Siewert to move on the next day of sitting:

That there be laid on the table by the Minister for the Environment and Heritage, no later than 3.30 pm on Wednesday, 29 November 2006, the report on the review of matters of national environmental significance made under section 28A
of the *Environmental Protection and Biodiversity Conservation Act 1999*.

Senator Ellison to move on the next day of sitting:

That—

(1) On Tuesday, 28 November and 5 December 2006:
   (a) the hours of meeting shall be 12.30 pm to 6.30 pm and 7.30 pm to adjournment;
   (b) the routine of business from 7.30 pm shall be government business only; and
   (c) the question for the adjournment of the Senate shall be proposed at 10 pm.

(2) On Thursday, 30 November 2006:
   (a) the hours of meeting shall be 9.30 am to 6.30 pm and 7.30 pm to 11.40 pm;
   (b) the routine of business from 7.30 pm shall be government business only;
   (c) divisions may take place after 4.30 pm; and
   (d) the question for the adjournment of the Senate shall be proposed at 11 pm.

(3) The Senate shall sit on Friday, 1 December 2006 and that:
   (a) the hours of meeting shall be 9 am to 4.25 pm;
   (b) the routine of business shall be:
      (i) notices of motion, and
      (ii) government business only; and
   (c) the question for the adjournment of the Senate shall be proposed at 3.45 pm.

(4) On Wednesday, 6 December 2006, the routine of business be varied to provide that:
   (a) matters of public interest be called on at 1.15 pm; and
   (b) questions without notice be called on at 2.30 pm.

(5) On Thursday, 7 December 2006:
   (a) the hours of meeting shall be 9.30 am to 6.30 pm and 7.30 pm to adjournment;
   (b) consideration of general business and consideration of committee reports, government responses and Auditor-General’s reports under standing order 62(1) and (2) shall not be proceeded with;
   (c) the routine of business from not later than 4.30 pm shall be government business only;
   (d) divisions may take place after 4.30 pm; and
   (e) the question for the adjournment of the Senate shall be proposed after the Senate has finally considered the bills listed below, including any messages from the House of Representatives:
      Australian Nuclear Science and Technology Organisation Amendment Bill 2006
      Copyright Amendment Bill 2006
      Customs Legislation Amendment (New Zealand Rules of Origin) Bill 2006
      Crimes Amendment (Bail and Sentencing) Bill 2006
      Datacasting Transmitter Licence Fees Bill 2006 and Broadcasting Services Amendment (Collection of Datacasting Transmitter Licence Fees) Bill 2006
      Defence Legislation Amendment Bill 2006
      Environment and Heritage Legislation Amendment Bill (No. 1) 2006
      Education Services for Overseas Students Legislation Amendment (2006 Measures No. 1) Bill 2006 and Educa...
tion Services for Overseas Students Legislation Amendment (2006 Measures No. 2) Bill 2006

Families, Community Services and Indigenous Affairs and Veterans’ Affairs Legislation Amendment (2006 Budget Measures) Bill 2006

Indigenous Education (Targeted Assistance) Amendment Bill 2006


Independent Contractors Bill 2006 and Workplace Relations Legislation Amendment (Independent Contractors) Bill 2006

Medibank Private Sale Bill 2006

Tax Laws Amendment (2006 Measures No. 4) Bill 2006


**Senator Stott Despoja** to move on the next day of sitting:

That the Senate—

(a) notes that:

(i) 25 November was White Ribbon Day, the United Nations’ International Day for the Elimination of Violence Against Women,

(ii) White Ribbon Day marks the start of 16 Days of Activism Against Gender Violence, a world-wide event encouraging action to end violence against women, which ends on International Human Rights Day on 10 December,

(iii) 2006, which is the 16th anniversary of the 16 Days of Activism Against Gender Violence campaign, celebrates activists who have made the campaign a success and honours women human rights defenders who have suffered intimidation and violence for their activism,

(iv) it is estimated that more than 1 million women have experienced violence in a relationship and that for more than two-thirds of women victims of violence, their children had witnessed the violence, and

(v) the White Ribbon Day campaign receives no government funding; and

(b) calls on the Government to fund the 2007 White Ribbon Day campaign, as a demonstration of its commitment to preventing violence against women.

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

(1) That a select committee, to be known as the Select Committee on Mental Health Services, be appointed to inquire into, monitor and report by 30 June 2008 on ongoing efforts towards improving mental health services in Australia.

(2) That the committee have the power to consider and use for its purposes the transcripts of evidence and records of the Select Committee on Mental Health appointed on 8 March 2005.

(3) That the committee have the power to send for and examine persons and documents, call for and receive submissions, and convene public hearings, roundtables and symposia on developments in mental health including new and changing issues in policy.
(4) That the committee may report from time to time its proceedings and evidence and any recommendations, and shall make regular reports of the progress of the proceedings of the committee.

(5) That the committee shall have reference to the reports of the Select Committee on Mental Health *A national approach to mental health - from crisis to community*, the National Action Plan on Mental Health agreed to at the July 2006 meeting of the Council of Australian Governments, and the National Mental Health Strategy and associated plans.

(6) That the committee consist of 7 senators, 3 nominated by the Leader of the Government in the Senate, 3 nominated by the Leader of the Opposition in the Senate and 1 nominated by the Leader of the Australian Democrats.

(7) That the chair of the committee be elected by the committee from the members nominated by the Leader of the Government in the Senate.

(8) In the absence of agreement on the selection of a chair, duly notified to the President, the allocation of the chair be determined by the Senate.

(9) That the deputy chair of the committee be elected by and from the members of the committee immediately after the election of the chair.

(10) That the deputy chair act as chair when there is no chair or the chair is not present at a meeting.

(11) That the quorum of the committee be 3 members.

(12) Where the votes on any question before the committee are equally divided, the chair, or the deputy chair when acting as chair, shall have a casting vote.

(13) That the committee and any subcommittee have power to send for and examine persons and documents, to move from place to place, to sit in public or in private, notwithstanding any prorogation of the Parliament or dissolution of the House of Representatives, and have leave to report from time to time its proceedings and the evidence taken and such interim recommendations as it may deem fit.

(14) That the committee have power to appoint subcommittees consisting of 3 or more of its members and to refer to any such subcommittee any of the matters which the committee is empowered to consider.

(15) That the quorum of a subcommittee be 2 members.

(16) That the committee be provided with all necessary staff, facilities and resources and be empowered to appoint persons with specialist knowledge for the purposes of the committee with the approval of the President.

(17) That the committee be empowered to print from day to day such documents and evidence as may be ordered by it, and a daily *Hansard* be published of such proceedings as take place in public.

Senator Bob Brown to move on Wednesday, 29 October 2006:

That the Senate calls for a halt to all logging destruction in Tasmania’s Weld River valley until and unless:

(a) the Government completes a World Heritage evaluation of the forests;

(b) the Tasmanian Government shows that there is no prudent or feasible option to that destruction;

(c) an independent evaluation of the valley’s long-term economic value, including its tourism potential and carbon sink value, has been completed; and

(d) the full loss of water, carbon, biodiversity and honey production value from the destruction proposed is known.

Senator Watson (Tasmania) (3.56 pm)—Following the receipt of a satisfactory response, on behalf of the Regulations and Ordinances Committee, I give notice that at the giving of notices on the next day of sitting I shall withdraw business of the Senate notice of motion No. 1 standing in my name.
for 10 sitting days after today for the disallowance of the Inclusion of species in the list of threatened species (Nos 42 to 45), made under section 178 of the Environment Protection and Biodiversity Conservation Act 1999. I seek leave to incorporate in Hansard the committee’s correspondence concerning these instruments.

Leave granted.

The correspondence read as follows—

Inclusion of species in the list of threatened species (Nos 42 to 45) made under section 178 of the Environment Protection and Biodiversity Conservation Act 1999

7 September 2006
Senator the Hon Ian Campbell
Minister for the Environment and Heritage
Suite MG61
Parliament House
CANBERRA ACT 2600
Dear Minister

I refer to the following instruments made under subsection 184(1) of the Environment Protection and Biodiversity Conservation Act 1999

Inclusion of species in the list of threatened species under section 178 of the Environment Protection and Biodiversity Conservation Act 1999 (42)
Inclusion of species in the list of threatened species under section 178 of the Environment Protection and Biodiversity Conservation Act 1999 (43)
Inclusion of species in the list of threatened species under section 178 of the Environment Protection and Biodiversity Conservation Act 1999 (44)
Inclusion of species in the list of threatened species under section 178 of the Environment Protection and Biodiversity Conservation Act 1999 (45)

The information regarding consultation that is supplied in the Explanatory Statements to each of these four instruments notes that “parties with relevant expertise were directly consulted regarding their views”. It would assist in understanding the nature of the consultation process if the Explanatory Statements named these parties and also gave some indication of their responses to the changes that are made by these instruments. The Committee therefore seeks further information about the nature of the consultation undertaken with regard to these instruments.

The Committee would appreciate your advice on the above matter as soon as possible, but before 12 October 2006, to enable it to finalise its consideration of these instruments. Correspondence should be directed to the Chairman, Senate Standing Committee on Regulations and Ordinances, Room SG49, Parliament House, Canberra.

Yours sincerely
John Watson
Chairman

24 October 2006
Senator John Watson
Chairman
Senate Standing Committee on Regulations and Ordinances
Room SG49
Parliament House
CANBERRA ACT 2600
Dear Senator Watson

Thank you for your letter of 7 September 2006, regarding instruments made under section 184(1) of the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) and the explanatory statements accompanying the instruments.

In order to amend the EPBC Act’s lists of threatened species, ecological communities and key threatening processes, I must sign an instrument which is then registered on the Federal Register of Legislative Instruments, and tabled in the Parliament with an accompanying explanatory statement.

You note in your letter that the explanatory statements advise that “parties with relevant expertise were directly consulted regarding their views”. You also requested information about the nature of the consultation undertaken with regard to the instruments.

As part of the process for assessing nominations to amend the lists of threatened species, ecologi-
cal communities and key threatening processes, I must consider advice on the nomination provided to me by the Threatened Species Scientific Committee (the Committee). In preparing its advice to me, the Committee routinely identifies and approaches people or organisations with relevant expertise – for example, on the biological characteristics of, or the threats impacting on, a species nominated for listing. The Committee asks specific questions of these experts in order to fill any information gaps that may exist in the nomination, to ensure that its advice to me is based on the most thorough and up-to-date knowledge available.

Additionally, my Department places each nomination on its website for a period of two months to allow for members of the public to submit comments on the proposed amendment to the list. Any relevant scientific information that is provided as part of this process is considered by the Committee when it prepares its advice to me.

To ensure the integrity of the scientific information provided by experts, all personal details are kept confidential.

Yours sincerely
Ian Campbell
Minister of Environment and Heritage

Senator Bob Brown—Mr Deputy President, I rise on a point of order. I wonder whether I could ask Senator Watson for a copy of those documents, please.

The DEPUTY PRESIDENT—The documents will be circulated.

Senator Milne to move on the next day of sitting:

That the Senate—

(a) notes:

(i) Australia’s obligation under the World Heritage Convention to protect the World Heritage-listed Macquarie Island that provides nesting habitat for nearly 4 million seabirds, and provides Environment Protection and Biodiversity Conversation-listed ‘Critical Habitat’ for two nationally threatened albatross species, the wandering and grey-headed albatross;

(ii) that the feral rabbit population on Macquarie Island has exploded since the late 1990s from 10 000 to more than 100 000 as a result of reduced effectiveness of myxomatosis, eradication of feral cats and climate change resulting in increasing rabbit breeding success, and

(iii) that recent landslips have wiped out hundreds of king penguins and that the grey-headed albatross faces immediate risk of extinction in Australia due to the destruction by rabbits of the birds’ only known Australian breeding site on Macquarie Island; and

(b) calls on the Government to take immediate action to fund and implement the eradication plan for rabbits and rodents costing at $15 million so work can start immediately to ensure on-ground baiting can start in winter 2008.

Senator Milne to move on the next day of sitting:

That the Senate—

(a) notes the draft report of the Uranium Mining, Processing and Nuclear Energy Review Taskforce appointed by the Prime Minister (Mr Howard); and

(b) calls on the Government to reject:

(i) any proposals for the deployment of nuclear power in Australia,

(ii) the construction of nuclear reactors on or offshore around Australia,

(iii) the construction of nuclear waste dumps in Australia, and

(iv) any proposal for the development of nuclear enrichment facilities in Australia.
COMMITTEES

Legal and Constitutional Affairs Committee

Meeting

Senator FERRIS (South Australia) (3.59 pm)—by leave—At the request of the Chair of the Legal and Constitutional Affairs Committee, Senator Payne, I move:

That the Legal and Constitutional Affairs Committee be authorised to hold a public meeting during the sitting of the Senate on Tuesday, 28 November 2006, from 3.30 pm, to take evidence for the committee’s inquiry into Indigenous workers whose paid labour was controlled by Government.

Question agreed to.

Rural and Regional Affairs and Transport Committee

Extension of Time

Senator FERRIS (South Australia) (3.59 pm)—by leave—At the request of the Chair of the Rural and Regional Affairs and Transport Committee, Senator Heffernan, I move:

That the time for the presentation of the report of the Rural and Regional Affairs and Transport Committee on Australia’s future oil supply be extended to 5 December 2006.

Question agreed to.

LEAVE OF ABSENCE

Senator WEBBER (Western Australia) (4.00 pm)—by leave—I move:

That leave of absence be granted to Senator Conroy for the period 27 November to 7 December 2006 for personal reasons.

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 30 November 2006.

General business notice of motion no. 626 standing in the name of Senator Carr for today, proposing the introduction of the Avoiding Dangerous Climate Change (Kyoto Protocol Ratification) Bill 2006 [No. 2], postponed till 28 November 2006.

COMMITTEES

Treaties Committee

Reference

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (4.01 pm)—I move:

That the following matter be referred to the Joint Standing Committee on Treaties for inquiry and report by 15 February 2007:

The new security treaty with Indonesia, with particular reference to:

(a) the long-term defence and security implications for Australia;
(b) the civil and political rights, in particular the rights of free speech and political activity of Australians and Indonesians, in particular, West Papuans;
(c) the long-term implications for Australia of the proposals relating to nuclear technology;
(d) Australia’s international treaty obligations; and
(e) any related matters.

Question put.

The Senate divided. [4.05 pm]

(The Deputy President—Senator JJ Hogg)

Ayes……….. 8
Noes……….. 41
Majority…….. 33

AYES

Allison, L.F.
Brown, B.J.
Milne, C.
Siewert, R. *

Bartlett, A.J.J.
Fielding, S.
Nettle, K.
Stott Despoja, N.
Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (4.09 pm)—I move:

That the Senate supports the following resolution of Newcastle City Council:

Newcastle City Council recognises the urgent need to protect local and global environments from increasing greenhouse gas emissions and to reduce Newcastle’s role in that increase.

Therefore Newcastle City Council:

1. Recommends that the NSW Government establishes a cap on coal exports from Newcastle at existing levels.
2. Recommends that the NSW Government initiates an independent Inquiry into the environmental, social and economic sustainability of the current coal industry and proposed expansion of the Hunter Valley coal industry.
3. Recommends that pending such an Inquiry, the NSW Government initiates a moratorium on new coal mine approvals at Anvil Hill and elsewhere in NSW.
4. Calls on the NSW and Federal Governments to establish a mandatory renewable energy target of 25% by 2020, with 20% by 2014 as a first step, in keeping with targets set by the South Australian Government.
5. Calls on the NSW Government to establish a contribution of 10c/tonne on coal exports through the Port of Newcastle to fund a community trust to be administered through Hunter Councils, to support a transition to a clean energy economy in the Hunter and to invest in local renewable energy projects.
6. Calls on the NSW Government to build a more efficient public transport system in the Hunter, linking major regional cities defined in the Lower Hunter Regional Strategy.

Question put.
The Senate divided. [4.10 pm]

(The Acting Deputy President—Senator PR Lightfoot)

Ayes…………. 7
Noes…………. 41
Majority……… 34

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

NOES
Adams, J. Barnett, G.
Bernardi, C. Brandis, G.H.
Brown, C.L. Carr, K.J.
Colbeck, R. Crossin, P.M.
Ferguson, A.B. Ferris, J.M.
Fielding, S. Fierravanti-Wells, C.
Fifield, M.P. Forshaw, M.G.
Humphries, G. Hurley, A.
Hutchins, S.P. Johnston, D.
Lightfoot, P.R. Ludwig, J.W.
Lundy, K.A. Marshall, G.
McEwen, A.  
McLucas, J.E.  
Nash, F.  
Parry, S. *  
Polley, H.  
Santoro, S.  
Sherry, N.J.  
Sterle, G.  
Watson, J.O.W.  
Wortley, D.  
McGauran, J.J.J.  
Moore, C.  
O’Brien, K.W.K.  
Payne, M.A.  
Ronaldson, M.  
Scullion, N.G.  
Stephens, U.  
Webber, R.  
Brown, B.J.  
Carr, K.J.  
Faulkner, J.P.  
Forshaw, M.G.  
Hutchins, S.P.  
Lundy, K.A.  
McEwen, A.  
Milne, C.  
Murray, A.J.M.  
O’Brien, K.W.K.  
Ray, R.F.  
Siewert, R.  
Sterle, G.  
Webber, R. *  
Brown, C.L.  
Crossin, P.M.  
Fielding, S.  
Hurley, A.  
Ludwig, J.W.  
Marshall, G.  
McLucas, J.E.  
Moore, C.  
Polley, H.  
Pelley, K.  
Sherry, N.J.  
Stephens, U.  
Stott Despoja, N.  
Wortley, D.  
* denotes teller

Question negatived.

**CIVIL AVIATION SAFETY AUTHORITY**

Senator O’BRIEN (Tasmania) (4.12 pm)—I move:

That there be laid on the table by the Minister representing the Minister for Transport and Regional Services, no later than 3.30 pm on Wednesday, 29 November 2006, a copy of:

(a) the reports of the November 2001, August 2004, February 2005 and February 2006 Civil Aviation Safety Authority (CASA) audits of Lessbrook Pty Ltd trading as Transair;

(b) the enforceable voluntary undertaking by Lessbrook Pty Ltd trading as Transair accepted by CASA in May 2006;

(c) all show cause notices issued by CASA to Lessbrook Pty Ltd trading as Transair since November 2001; and

(d) the written notice issued by CASA to Lessbrook Pty Ltd trading as Transair in October 2006 cancelling Transair’s Air Operator’s Certificate.

Question put.

The Senate divided. [4.18 pm]

(The Acting Deputy President—Senator PR Lightfoot)

Ayes………… 30
Noes………… 32
Majority…….. 2

AYES

Wortley, D.  
POLLEY, H.  
PAYNE, M.A.  
RUTHERFORD, M.  
SANTORO, S.  
SCULLION, N.G.  
STEPHENS, U.  
WEBBER, R.  
WEBSTER, R.  
WORTLEY, D.  

NOES

Abetz, E.  
Adams, J.  
Barnett, G.  
Bernardi, C.  
Boswell, R.L.D.  
Brandis, G.H.  
Campbell, I.G.  
Colbeck, R.  
Eggleston, A.  
Ellison, C.M.  
Ferguson, A.B.  
Ferris, J.M.  
Fierravanti-Wells, C.  
Fifield, M.P.  
Flecker, S.  
Ferris, J.M.  
Heffernan, W.  
Humphries, G.  
Johnston, D.  
Joyce, B.  
Kemp, C.R.  
Lightfoot, P.R.  
Macdonald, I.  
Macdonald, J.A.L.  
McGauran, J.J.J.  
Nash, F.  
Parry, S. *  
Payne, M.A.  
Pelley, K.  
Ronaldson, M.  
Santoro, S.  
Scullion, N.G.  
Siewert, R.  
Sterle, G.  
Stott Despoja, N.  
vanstone, A.E.  
Watson, J.O.W.  

PAIRS

Bishop, T.M.  
Calvert, P.H.  
Campbell, G.  
Mason, B.J.  
Conroy, S.M.  
Chapman, H.G.P.  
Evans, C.V.  
Coonan, H.L.  
Hogg, J.J.  
Minchin, N.H.  
Kirk, L.  
Troeth, J.M.  
Wong, P.  
Patterson, K.C.  

* denotes teller

Question negatived.

**MEXICO: PROTESTS**

Senator NETTLE (New South Wales) (4.21 pm)—I move:

That the Senate—

(a) notes:

(i) the tragic shooting of two protesters and one journalist by gunmen partici-
participating in the attack on striking teachers and their supporters in the City of Oaxaca in Mexico on 27 October 2006,

(ii) that one of those killed, Mr Bradley Roland Will, was a camera man working for the independent news group
Indymedia, and

(iii) that these killings bring the number of protesters shot and killed by security forces to at least six during this 6
month protest; and

(b) calls on the Government to:

(i) condemn the use of lethal force against journalists, teachers and protesters by Mexican authorities,

(ii) urge the Mexican Government to bring to justice all those involved in the killings of the protesters in Oaxaca, and

(iii) express its condolences to the families of those killed.

Question negatived.

MINISTERIAL STATEMENTS

Oil for Food Program

Senator SANTORO (Queensland—Minister for Ageing) (4.22 pm)—On behalf of the Attorney-General, I table a statement on the Report of the inquiry into certain Australian companies in relation to the United Nations Oil-For-Food Programme, together with the report.

Senator CHRIS EVANS (Western Australia—Leader of the Opposition in the Senate) (4.22 pm)—by leave—I move:

That the Senate take note of the documents.

Today the parliament received the five-volume report of the royal commission into the wheat for weapons scandal. It is interesting that the government in the Senate did not even bother to make a ministerial statement in this chamber. We can only imagine how long the report might have been if Commissioner Cole had been given full and adequate terms of reference by this government to examine the whole story that underlies the wheat for weapons scandal. Instead, the government has rorted the terms of reference and from the outset used the inquiry to deflect scrutiny from its negligence and incompetence.

Senator Heffernan—We should have looked at the UN, they’re the crooks.

Senator CHRIS EVANS—I know, Senator Heffernan, that you think bribing people is appropriate behaviour but we do not. What this report will clearly show is that this scandal is among the biggest in public administration in this country. The government has ignored the national interest. It has refused to be held to account and it has proven that it governs in its own political interests—not in the interests of Australia.

Senator Heffernan—Put your heart into it.

Senator CHRIS EVANS—Go back to tracking paedophiles, you grub. Get out of here.

The ACTING DEPUTY PRESIDENT (Senator Lightfoot)—Order! Senator Evans.

Senator Heffernan—Put your heart into it.

Senator CHRIS EVANS—You ought to go and get treatment, Senator.

The ACTING DEPUTY PRESIDENT—Senator Heffernan, please desist.

Senator CHRIS EVANS—Thank you, Mr Acting Deputy President. I should not be baited by Senator Heffernan but his behaviour is beyond the pale. The government only allowed Commissioner Cole to make determinations about whether three Australian companies had breached Australian law. The terms of reference prevented the commissioner from making determinations about whether ministers met their obligations. In March, the solicitor assisting, in a letter to the shadow foreign minister, confirmed that the commission did not have terms of refer-
ence enabling it ‘to determine whether Australia has breached its international obligations or a minister has breached obligations imposed upon him by Australian regulations’. There you have the solicitor assisting making it clear that Mr Cole’s terms of reference did not include the capacity to look at the actions of the ministers. The letter goes on to indicate that those matters are ‘significantly different to that in the existing terms of reference’.

So when we hear John Howard, Alexander Downer and Mark Vaile saying that the inquiry has cleared their government, we know it has done nothing of the sort. We know from the solicitor assisting that the matters investigated and reported on by the commission were significantly different to whether or not ministers had met or breached their obligations. The government has cynically claimed that its own role has been reviewed and that there has been transparency, scrutiny and accountability. What absolute nonsense. The government went into damage control when it received the request from the UN and set up the inquiry on its own terms to try to limit the damage. This has been about damage limitation, not about a full, transparent case of scrutiny and accountability.

The government rorted the terms of reference to prevent scrutiny of its role and extended its cover-up to the Senate. For three successive estimates rounds, the government has prevented public servants from answering questions from senators on the wheat for weapons scandal. The government has not allowed the Senate to play its role and inquire into what occurred inside the bureaucracy. It is one of our core functions. It is one of the reasons that the estimates process has been established and serves this country well, but the government has point-blank refused over the last year to allow the Senate to fulfil that function. It was a convenient excuse to prevent proper examination of it and its departments’ activities. This went ahead, I might add, despite Commissioner Cole’s statement that such inquiries at Senate estimates committees would not disrupt his inquiry. So in spite of the cover-up, the rorted terms of reference and the gag on estimates, these facts remain. These are facts that the government cannot walk away from.

Australia’s monopoly wheat exporter passed $300 million in bribes to the Saddam Hussein regime. AWB was the biggest single rorter of a sanctions regime designed to provide food and medical and humanitarian supplies to the people of Iraq—$300 million and the biggest rorter. The Department of Foreign Affairs and Trade, headed by Mr Downer and Mr Vaile, approved the contracts that contained the bribes. Australian regulations regarding the oil for food program only allowed Australian companies to export to Iraq under a permit issued by the Minister for Foreign Affairs where, ‘The Minister is satisfied that permitting the exportation will not infringe the international obligations of Australia.’

Under this regulation, Foreign Minister Downer approved 41 AWB contracts over a five-year period. This is not a question of the minister perhaps missing something or, in a rush, not noticing the detail; nor is it a question of it being an occurrence that was not brought properly to his attention. The minister approved $300 million in bribes and 41 contracts. This is a scandal on an enormous scale. This is bribery, fraud and breach of the UN obligations on a scale not seen in any other country. The Howard government was warned about the bribes—not once, not twice but on 35 separate occasions. On 35 separate occasions, reference was drawn to concerns. This included reports and cables from Australian officials and warnings from other countries. It was a hot issue in the US about how we were getting away with it. On 35
separate occasions, reports, cables, warnings were ignored: hear no evil, see no evil.

Despite claiming ignorance of sanctions busting by the AWB, the Prime Minister used Saddam’s corruption of the oil for food program as a pretext for committing Australian troops to the invasion of Iraq. Ironically in Iraq our troops faced an insurgency in part funded by the $300 million we paid them. They were able to arm themselves with the money we were bribing them with. How do you think the Australian Defence Force feel about that?

This has been the worst corruption scandal in Australia’s history, with hundreds of millions of dollars funnelled to the Saddam Hussein regime under contracts approved by the foreign minister of this country. It has done immeasurable damage to Australia’s international trading reputation, and that price is being paid by wheat farmers across Australia. What does this say about morality, responsibility and accountability in politics in this country? In question time, again, the government was trying to take the moral high ground about its commitment of troops to Iraq without UN approval by saying: ‘Saddam Hussein was a butcher. We’ve done the good thing by getting rid of Saddam Hussein.’ There is no question that Saddam Hussein was a butcher. There is no question that the world is better off without him being in power.

The government is trying to take the moral high ground when the whole justification for the invasion of Iraq was based on a lie—that of Saddam’s weapons of mass destruction. AWB has been exposed as having profited over many years by breaching, rorting and paying bribes while we lectured the world on best practice in governance. We committed troops, we continued to breach sanctions and we ignored 35 warnings from various departmental advices inside the government that said there was a problem. Where is Australia’s standing? Where is the morality? After what occurred under this government’s watch, how can we hold our heads up with any pride in our ability to maintain proper standards of accountability in this country?

We committed troops to a war against a force that had been sustained by our rorting and our bribes. It is a scandalous situation—as I say, one that has not been seen on this sort of scale before in Australian public life. I think the question to ask now is: will there be any ministerial accountability for this? Will any minister say: ‘I take responsibility for this. I should’ve done better. I should’ve known. I should’ve heard the warnings’? You can bet your bottom dollar, no.

John Howard threw out ministerial accountability about 8½ years ago. No-one has taken responsibility for anything in the last eight or nine years. No minister has taken responsibility for anything that has occurred in their department or on their watch. Again, we will have the same here. It will all be somebody else’s fault: ‘Nothing to do with us.’ If it is not the former Labor government’s fault it will be somebody else’s fault. The government will take no responsibility for the largest scandal in Australian public administration we have ever seen, because they refuse to own up to their responsibilities. They had the National Party mates club rorting this system, bribing Saddam Hussein’s government, and now they will not take any responsibility for their actions. (Time expired)

Senator BRANDIS (Queensland) (4.33 pm)—Contrary to the rather ignorant remarks that have fallen from the Leader of the Opposition in the Senate just now, the government has taken responsibility in relation to this matter in the most direct, immediate and transparent way, and that is by establish-
ing the Cole commission to thoroughly investigate the scandal. Let there be no doubt about this. This is a great scandal—one of the great scandals of Australian history. But it is not a political scandal; it is a commercial scandal. It is conduct of an egregious character engaged in by AWB Ltd, a commercial enterprise no longer, nor at the time of these events, a government owned corporation.

In the report of his inquiry, tabled in the House of Representatives within the last hour, Mr Cole, a commissioner whose independence, integrity and thoroughness are not subject to dispute, has made some key findings. I will turn to them in a moment. Let me read onto the record what Mr Cole said about the context of his inquiry. He said this:

... AWB has cast a shadow over Australia’s reputation in international trade. That shadow has been removed by Australia’s intolerance of inappropriate conduct in trade, demonstrated by shining the bright light of this independent public Inquiry over AWB’s conduct.

So who would you believe? Would you believe the cheap rhetoric of the Australian Labor Party, who claim that this is a cover-up? Or would you believe the observation of the independent commissioner who subjected these events to a searching inquiry lasting for 76 hearing days, who produced a five-volume report nearly a foot thick, who has no axe to grind and no end in view but to expose the truth? Of course Mr Cole is the man who speaks with authority on these matters. He speaks with more authority than anybody else in Australia, and his assessment is that the inquiry has shone a bright light on AWB’s conduct.

I, of course, have not had time to absorb the contents of these five volumes in the last hour or so—but I understand that the commissioner recommends that several individuals, most of them officers or former officers of AWB Ltd, be referred to the Director of Public Prosecutions so that the criminal law may take its ordinary course. But, the significant—because, as I said at the start of this contribution, this may be a commercial scandal but we now know as clearly as can be from Mr Cole that this is not a political scandal—finding on Mr Cole’s part in relation to the allegation of governmental and political involvement is this. Let me read from paragraphs 6.26 and 6.27 of the report:

I—that is, Mr Cole—closely examined the role of the Commonwealth, and particularly that of the Department of Foreign Affairs and Trade, in relation to the operation of the Oil-for-Food Programme, with particular emphasis on the Department’s role in the export of wheat to Iraq by AWB during the programme. I found no material that is in any way suggestive of illegal activity by the Commonwealth or any of its officers. There was thus no basis for my seeking any widening of the terms of reference in that respect.

One of the red herrings that has been tossed around with carefree intellectual dishonesty by the Australian Labor Party is the suggestion that the inquiry was artificially narrowed in its scope by a limitation of the terms of reference. Not so. That is not the truth. The truth is that on five occasions Mr Cole asked for his terms of reference to be expanded so that he could pursue what he considered to be relevant lines of inquiry. And five times, without demur, the terms of reference of the Cole inquiry were expanded. So the suggestion that this commission has had too narrow a focus does not bear scrutiny and could not be maintained by any honest person who is familiar with the history of the inquiry. As Mr Cole himself said in today’s report:

I found no material that is in any way suggestive of illegal activity by the Commonwealth or any of its officers. There was thus no basis for my seeking any widening of the terms of reference in that respect.
Not my words, nor Mr Downer’s or Mr Howard’s words—Mr Cole’s words.

That is the governmental or public administration aspect or focus of the inquiry, which gave DFAT and its officers a clean bill of health. But what about specifically the political implications—the suggestion that there had been some political involvement or some breach of political duty on behalf of the ministers of the government? Mr Cole addressed that matter as well. He said, and I quote from paragraph 30.241 of the report:

... there is no evidence that any of the Prime Minister, the Minister for Foreign Affairs, the Minister for Trade or the Minister for Agriculture, Fisheries and Forestry were ever informed about, or otherwise acquired knowledge of, the relevant activities of AWB.

As well, Mr Cole found there was no evidence to support any inference that anyone had turned a blind eye to the matters the subject of his inquiry.

So those are the findings. For some months now in the political debate in this country, the Australian Labor Party has thrown around in a loose, careless and intellectually dishonest way all manner of allegations, directed particularly at the Prime Minister, the Minister for Foreign Affairs, the Minister for Trade and various other members of the government. The government’s response has been consistent. The government has merely said, ‘Let us wait and see what Mr Cole finds.’

But if it is good enough for the government to be judged by what Mr Cole finds then it is good enough for the opposition and the political critics of the government to be held to his findings too. His findings could not be more unambiguous: that there is no evidence of any misconduct or any neglect of duty or any turning of a blind eye at the political level, by Mr Downer, by the Prime Minister, by the Minister for Trade or by any other relevant actor; nor is there any evidence of misconduct by any officers of DFAT. There is evidence of grievous misconduct on the part of a number of individual business executives, but this, as I said at the start—as Mr Cole has now told us in clear, unambiguous language—was only ever a commercial scandal. The attempt, for opportunistic reasons, to inflate it into a political scandal does not now bear scrutiny in light of what the Cole report has told the parliament today.

Senator MURRAY (Western Australia) (4.43 pm)—I want to draw the Senate’s attention to volume 4 of the Report of the inquiry into certain Australian companies in relation to the United Nations Oil-For-Food Programme. Volume 4 covers the findings. At pages 120 to 122 the question is put in this manner:

Did AWB mislead the United Nations?

In the response to that question, the commissioner says the following things:

First, AWB denied to the United Nations and the Commonwealth that it was making payments to Iraq outside the Oil-for-Food Programme.

Second, AWB knew that the fee it was paying to Alia was not for the provision of transport services. It knew the fee was a payment to Iraq.
Third, AWB knew it was not responsible for transportation within Iraq. AWB knew it had no contract with Alia to provide transport services. It was obliged to pay a fee.

Fourth, AWB went to extraordinary lengths to hide the payment of the fee to Alia.

Fifth, AWB knew that its contracts submitted to the United Nations did not reflect the true agreements it had with Iraq.

Sixth, the proposition in paragraph 51 amounts to a contention that, the United Nations having imposed sanctions to prevent payments to Iraq, if told that such payments in breach of sanctions were to be made to Iraq, would have approved contracts which so stated.

That section ends:

I find that AWB did mislead the United Nations.

Mr Cole has found that the AWB misled the United Nations, so the question is: how could that happen if DFAT and the ministers were doing their job? The thing we should pay attention to in reacting to the Cole commission is the abysmal immediate response of the government. They immediately said to the world at large: ‘We were not to blame. We did not know what was occurring.’ They should be saying that there are real problems in government systems and processes, in government competency and in government’s ability to do the job that it is supposed to do on behalf of the Australian people—and they should address those problems.

One question that Mr Cole was not asked was: how could DFAT and the ministers remain ignorant of wrongdoing going on under their very noses? What is wrong with our oversight and accountability systems? What is wrong with our mechanisms? We should be able say to the Australian people, when Australia commits itself to United Nations resolutions and accountability and sanctions regimes, that there will be the ability to conduct proper oversight. The Cole commission had limited power to look at the most important player in this whole sorry AWB scandal. The government itself did not, could not and would not do the job which it is required to do, and that is to run the department properly and to properly examine the 35 separate contracts it had to look at. AWB not only misled the United Nations but also, in doing so, misled the Australian people and the Australian government. And we trusted the Australian government to make sure that they did not do so.

If the government—and two ministers in particular—had an obligation to know what was happening under their very noses and they did not do that job, they were therefore delinquent and negligent. They did not have to turn away or turn a blind eye; they were not even looking. That means incompetency. That means a dereliction of duty. What the government have to say to us senators and members, representing the Australian people, is: ‘This will not happen again. We will institute systems and processes and accountability and oversight mechanisms such that this cannot happen again.’ How do we know that this sort of scandal is not going on somewhere else if we do not have the proper systems in place to oversight these matters?

The inconvenient truth is that the government should have known about the $290 million paid to the Saddam Hussein regime. The government failed to protect Australia from breaching the resolutions and the sanctions that we had agreed to stand by. We know that the Australian coalition government has a poor accountability and probity record. As with many important issues of domestic and international concern, when it has acted it seems to have been mostly reactive and a follower not a leader. It has gone backwards on electoral disclosure, freedom of information and public accountability laws. In making progress in corporate governance and
standards, it has mostly just responded to international pressure, except where it has wanted to protect revenue, where it has been proactive. In my opinion, the coalition is good at money and poor on morality and accountability. It minimises ministerial responsibility and specialises in blame shifting.

We have here a failure of the government to do the job for which it is appointed, and that is to properly protect Australia’s interests. With respect to the AWB, the Howard government has failed on three major counts. Firstly, it has failed to comply with its obligations under international law to institute to the full the OECD and United Nations conventions with respect to bribery and corruption and ensure that our law made such things absolutely prohibited. In that respect, Mr Cole has been obliged to make recommendations to increase and improve our law.

Secondly, the Howard government has failed to enforce vigilance and probity in public sector oversight and management of sensitive foreign dealings. That is not just a minor issue. The oil for food regime required the Minister for Foreign Affairs to be directly responsible for 41 contracts that were approved and which passed through DFAT’s hands, and yet on not one of those occasions was a warning taken seriously and taken up to such an extent that AWB was warned off. AWB should have been warned off from practices which—it is quite clear from the evidence—it regarded as perfectly normal commercial dealings. If that was so in one company dealing in exports from this country, how likely is it to be the case in many other companies? It seems very unlikely to me that AWB stands alone in these sorts of practices, and that therefore means that our laws and our oversight need be strengthened.

Thirdly—and I am particularly offended by this—this failure to exercise proper ministerial responsibility has resulted in a diminishing of the reputation of Australia. Because of my background and my contacts, I am very well aware of people who deal with Australia on an international basis. This scandal has affected our reputation, not because people are surprised that we have some criminals in our community—because that is perfectly well understood and expected in any country—but because they are surprised that our government systems, our government mechanisms, are so poor that this was allowed to go on under the very noses of the department that was responsible.

The Cole inquiry should have highlighted the delinquency, the negligence, of our systems, but of course it could not do so because the terms of reference were too limited and it was solely focused on whether anyone in government knew, or was known to have known, about these matters. On that count, of course, it found that they did not know. That they did not know, to me, is the greatest failure of all. They should have known.

The Democrats call on the Labor Party to commit, if it wins the next election, to guaranteeing a return to the Westminster tradition of ministerial responsibility and to implement the recommendations of the former Senate Finance and Public Administration References Committee in respect of ministerial staff. We think that we have to return accountability in this country to a far more rigorous standard than is employed under the Howard government. Under the Howard government, money reigns supreme but accountability comes a distant second. We think that right from the start the terms of reference of the Cole inquiry were too limiting. We think that it was wrong that the Senate was prevented by the government from inquiring separately into the Cole matter through the estimates process. We are concerned that some material from the relevant bureaucrats and departments arrived too late...
for proper analysis and that other documents
might not have been supplied. (Time expired)

**The ACTING DEPUTY PRESIDENT**
(Senator Forshaw)—Order! The time allot-
ted for the debate at this stage has expired. I
am advised that it will appear on the *Notice
Paper* again on Thursday of this week.

**Senator Siewert**—I seek leave to make a
five-minute statement now.
Leave granted.

**Senator SIEWERT** (Western Australia)
(4.54 pm)—I thank the Senate. The govern-
ment claims that this is not a political scan-
dal and that there was no illegal activity. Mr
Cole was not asked to find illegal activity. In
the report Mr Cole stated:
It is not my function to make findings of breach
of the law; my function is to indicate circum-
stances where it might be appropriate for authori-
ties to consider... criminal or civil proceedings ...
It is quite clear that many of the areas that
should have been looked at in this inquiry
were not able to be looked at because of the
limited terms of reference. I agree with Sena-
tor Murray: there are a number of concerning
areas apparent just from the very quick look
at the report that we have had time for. I am
greatly concerned about a number of the
findings.

For a start, let us look at the incompetence
in the oversight of the WEA, the Wheat Ex-
port Authority. The Cole report shows that,
quite clearly, the WEA was not carrying out
its functions. Paragraph 29.60 of volume 4 of
the report states:
In relation to exports to Iraq, the Wheat Export
Authority did not display the necessary strength
or vigour.
Mr Cole, in the report, goes on to recom-
mend:
... there be a review of the powers, functions and
responsibilities of the body charged with control-
ling and monitoring any Australian monopoly
wheat explorer. A strong and vigorous monitor is
required to ensure that proper standards of com-
mmercial conduct are adhered to.

The WEA very clearly reported to the Minis-
ter for Agriculture, Fisheries and Forestry.
Why were these issues not picked up? Just
by asking questions at estimates, it was indi-
cated very clearly that the WEA has a very
narrow interpretation of its terms of refer-
ce and of its functions and that it was not
carrying out its functions of oversight of the
AWB adequately.

In looking at the whole of the issue around
the AusAID payment for wheat, in the report
I can find reference to the contracts, but I
cannot find any direct comment about
AusAID and the way that that contract was
established and a decision made on it. That is
exactly the sort of thing that the Cole inquiry
could not adequately look into, because it
looked at the government’s role and at the
agency’s roles in decision making and at its
failure to carry out what I believe are statu-
tory requirements and an adequate review of
the $83 million that was paid out to buy
wheat. Of that $83 million, $38 million went
to shipping and $45 million went to truck-
ing—54 per cent of the money went into
handling and distribution costs.

When a decision is made about the alloca-
tion of money to AusAID, there is a very
rigorous process that is undertaken for allo-
cation of that money. There are very strict
requirements under the financial manage-
ment legislation, and delegates must take all
reasonable steps to ensure expenditure of
public money provides value for money,
aligns with the public interest and provides
an assurance of probity. I understand that the
minister takes an interest in and does not use
a delegate for anything over a certain amount
of money spent by DFAT on AusAID—I un-
derstand it is over $1 million. So DFAT was
not carrying out its job properly. It did not
carry out scrutiny of the contracts, so there
was a failure in process, a failure to report to
the government. In one way or another, there was a failure by the government to adequately oversee the functions of its agencies, both the WEA and AusAID.

From the less than an hour that we have had to review the report, I feel sure that the report is full of similar stories of government failure to properly carry out governance of the many boards that were involved in the decision making process. There clearly needs to be a thorough review of how agencies operated through this whole sorry saga—not just from a legal perspective, as was the undertaking of Mr Cole, but from those of their governance, their decision making processes and their oversight of these programs. Quite clearly, ministers have been failing in their duties in respect of these agencies. (Time expired)

Debate adjourned.

DOCUMENTS

Tabling

The ACTING DEPUTY PRESIDENT (Senator Moore)—Pursuant to standing orders 38 and 166, I present the following documents which were presented to the Deputy President and temporary chairs of committees since the Senate last sat. In accordance with the terms of the standing orders, the publication of the documents was authorised.

The list read as follows—

Committee reports

1. Legal and Constitutional Affairs Committee—Interim report—Provisions of the Copyright Amendment Bill 2006 (received 10 November 2006)

2. Legal and Constitutional Affairs Committee—Final report, together with the Hansard record of proceedings and documents presented to the committee—Provisions of the Copyright Amendment Bill 2006 (received 13 November 2006)

3. Environment, Communications, Information Technology and the Arts Committee—Report, together with the Hansard record of proceedings and documents presented to the committee—Provisions of the Environment and Heritage Legislation Amendment Bill (No. 1) 2006 (received 21 November 2006)


Government documents

1. Official visit to the United States of America by the Minister for Ageing (Senator the Honourable Santo Santoro), June 2006 (received 10 November 2006)


4. Australian Communications and Media Authority—Report for 2005-06 (received 20 November 2006)


Report of the Auditor-General


Ordered that the reports of the Legal and Constitutional Affairs Committee and Environment, Communications, Information Technology and the Arts Committee be printed, in accordance with the usual practice.
COMMITTEES
Community Affairs Committee
Additional Information

Senator PARRY (Tasmania) (5.00 pm)—On behalf of the Chair of the Senate Standing Committee on Community Affairs, Senator Humphries, I present further additional information received by the committee on its inquiry into legislative responses to recommendations of the Lockhart review.

DELEGATION REPORTS
Parliamentary Delegation to the 26th AIPO General Assembly, Laos and a Bilateral Visit to Pakistan

Senator CAROL BROWN (Tasmania) (5.00 pm)—by leave—On behalf of Senator Webber, I present the report of the Australian parliamentary delegation to the 26th AIPO general assembly in Laos and a bilateral visit to Pakistan which took place from 17 to 30 September 2005. I seek leave to move a motion in relation to the report.

Leave granted.

Senator CAROL BROWN—I move:
That the Senate take note of the document.

(Quorum formed)

Senator WEBBER (Western Australia) (5.04 pm)—I wanted to make some brief remarks on this report, as has been outlined by my colleague Senator Carol Brown. It is the report of the delegation that visited both Laos and Pakistan from 17 to 30 September last year, so it has been over 12 months between the visit and now presenting the report and, as you can imagine, some of the memories are not exactly fresh. However, I did want to place on the record some brief remarks.

Firstly, the visit to Laos was for an Australian delegation to act as observers to the ASEAN forum. I wanted to mention that because ASEAN is a forum that Australia as a nation has strived to join from time to time and, therefore, I think it is particularly important that, when they have parliamentary fora and the like, Australia sends an observer delegation. Parliamentarians from all of the member nations of ASEAN attended and made some useful contributions. There were roundtables held between parliamentary representatives of ASEAN member countries and all of the observer nations—Australia was not the only observer nation; New Zealand and others were there as well.

It is probably timely to mention that one of the key issues that were raised with the Australian delegation in our roundtable discussion was our attitude towards climate change and our environmental policy. It was at the forefront of members’ minds because they are trying to deal with this issue, and I do not think they quite understood the confusion happening in Australia at the time. So to say that developing nations are not taking this challenge seriously and not having that political discussion would be to misrepresent them. They definitely are having that discussion and they are looking for leadership from other nations. It is an important issue for Australia to address, particularly if we are seeking to join ASEAN. It is something that we need to address in a more timely and thoughtful manner than perhaps we currently are.

As part of the delegation’s visit to Laos, not only did we attend the ASEAN forum but there were a number of side visits organised by the Australian post there, the most moving of which, to my mind, was a visit to an agricultural university. Australian university students are often critical of the lack of support that governments of all persuasions give to our tertiary institutions, sometimes quite rightly critical, in my view. However, those criticisms dim when you look at the circumstances in which tertiary education is delivered in an impoverished country.
Laos was the most heavily bombed country during the Vietnam War and is therefore struggling with the development of its resources sector because there is still not enough contribution—although there is some Australian contribution—from countries involved in that conflict to removing all of the unexploded ordnance. Hundreds of children every year in Laos are still dying because of the unexploded ordnance. The Australian government does make some contribution but there is a real need for a much greater contribution to be made. If this country is to develop and to go forward and exploit the genuine natural resources that they have then there is an onus on all countries that have been involved in the conflicts in that region on both sides to do more about funding the removal of the unexploded ordnance.

After our visit to Laos the delegation moved on to Pakistan. We were the first parliamentary delegation from Australia to visit Pakistan in over 10 years I think. There had not been a parliamentary delegation visit Pakistan in the life of this government, that is for sure, and we were there as a precursor to the Prime Minister’s visit. Pakistan was in the midst of some local elections at the time and I must say that they are very lively occurrences in that country. We think we take our campaigning seriously and we sometimes think that it gets very personal but, to use a colloquialism: you ain’t seen nothing yet until you get to a place like Pakistan.

The delegation was privileged to meet with both the President and the Prime Minister. We also had the honour to meet with quite a few very assertive, very progressive, very strong and dynamic women parliamentarians from all levels of government. Indeed, President Musharraf went out of his way to point out the percentage of female parliamentarians in Pakistan and drew an unfavourable comparison with Australia. He also pointed out to those of us from the Labor Party that he did not need a rule to achieve the amount of female participation.

Whilst we were there the delegation also visited the Khyber Pass and we saw some of the Afghani refugee camps that are on the border in Pakistan. As we know, Pakistan also has some economic challenges ahead, but to see their commitment to dealing as best they can with the refugee crisis that has been created by the conflicts in that region is something that we should note and place on record.

In closing, I would like to place on record my thanks to the support staff from the parliament who assisted with the delegation, my fellow members of the delegation and the Australian Federal Police who accompanied us mainly in Pakistan where they take the security of parliamentarians even more seriously than we do here—and sometimes I think it can be a bit stifling in this building. They certainly take it very personally there. So my thanks to the AFP and to the people from the Australian posts in both Laos and Pakistan.

Question agreed to.

AGED CARE AMENDMENT (RESIDENTIAL CARE) BILL 2006
FINANCIAL TRANSACTION REPORTS AMENDMENT BILL 2006
Assent

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

MEDIBANK PRIVATE SALE BILL 2006
Report of Finance and Public Administration Committee

Senator McGauran (Victoria) (5.11 pm)—On behalf of the Chair of the Senate Standing Committee on Finance and Public Administration, Senator Fifield, I present the report of the committee on the provisions of the Medibank Private Sale Bill 2006 together
with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

INDIGENOUS EDUCATION
(TARGETED ASSISTANCE)
AMENDMENT BILL 2006

Second Reading

Debate resumed.

Senator WONG (South Australia) (5.15 pm)—Prior to question time, I think I was indicating Labor was prepared to support this legislation.

The ACTING DEPUTY PRESIDENT (Senator Moore)—You were, Senator.

Senator WONG—Thank you. I was making the point that, as to Indigenous enrolment in vocational education and training, although there were around 62½ thousand Indigenous students enrolled in vocational education and training in 2005, the completion rates for those students remain low. We particularly want to note that education department data indicate that the numbers of Indigenous students starting higher education are continuing to fall. The 2004 commencements of 3,865 Indigenous students represent a nine per cent decline since 2002, and these trends are compounded by continuing concerns over Indigenous students’ completion rates.

The March 2006 report of the Indigenous Higher Education Advisory Council indicated that the success rate—that is, the progression of students through qualifications—is lower for Indigenous students. The council also reported that the course completion rate for Indigenous students, which is around 42 per cent, is only two-thirds of the completion rate for other students, which is around 65 per cent. In other words, Indigenous graduates are declining as a proportion of total Australian graduates.

These are unacceptable figures. We on this side understand the need for a more strategic approach to Indigenous students’ success and completion, and Labor’s white paper for higher education has foreshadowed that a Labor government will support Indigenous students to participate successfully in higher education. Amongst the policies which have been outlined, we have foreshadowed the provision of incentive payments to universities for Indigenous student enrolments in the second, third and fourth years of a degree course in order to improve Indigenous graduation rates. It is critical, if we are serious about improving the position of Indigenous Australians in this country, that we attend to increased educational outcomes at primary and secondary school and also at the higher education level.

The bill before us includes some urgently needed assistance but it does not consider some of the fundamental issues underlying education and training policies for Indigenous Australians. As I indicated at the outset, Labor will support this bill. I commend the second reading amendment that I moved earlier.

Senator NETTLE (New South Wales) (5.18 pm)—The Greens believe that governments should be investing in Indigenous education. We need a large amount of money invested across the board but what we see proposed in this bill are some small ad hoc funding pots, which Indigenous education needs less of rather than more. This bill shows the government’s lack of commitment to delivering social justice across the board for Aboriginal and Torres Strait Islanders. It delivers initiatives announced during the budget: extending tutorial assistance to year 9 Indigenous students; extending tutorial assistance to Indigenous vocational education training students; funding school based sporting academies; funding the Indigenous youth festival component of the Community
Festivals for Health Promotion program; and funding an educational component for a substance abuse initiative aimed at discouraging petrol sniffing in remote communities.

Given that these proposals increase funding for Indigenous education, the Greens welcome them but, as the Greens pointed out at budget time, they are set in a context of poor funding directions from this government from whom we have seen a cut to Abstudy by $15 million and a failure to deliver a much-needed increase in core funding for Indigenous and public education across the board. Despite implementing promising programs, the states have also failed to give sufficient priority to public school investment in Indigenous education. The extension of the Indigenous Tutorial Assistance Scheme to year 9 students is of course welcome but, at the same time, it is worrying because it is in part a recognition that the education policies of both state and federal governments are still failing our Indigenous students.

The Greens continue to point out that over 90 per cent of Indigenous students are educated in the public school system and that, under the Howard government, federal funding to public schools has dropped from around 45 per cent of total Commonwealth schools funding to less than 26 per cent today. Had the Commonwealth taken the opportunity to invest in the infrastructure, the staffing and the resourcing of our public schools at this time of unprecedented prosperity in Australia then the statistics that show that Indigenous students continue to lag behind their non-Indigenous schoolmates would not be as bad as they are today.

The core message that the Greens bring to this debate is: we need to invest to improve educational outcomes for Indigenous students, and the best thing we can do to achieve this is to have a massive reinvestment into our public school system. More specifically, the Greens policy includes an annual investment of $380 million of federal funding for a disadvantaged schools program, a significant proportion of which would target Indigenous communities. We also call for the Commonwealth to negotiate a nation building agreement between it and the states to address the ongoing inequity of educational outcomes for Indigenous Australians combined with the poverty, health and work challenges that so many Indigenous communities face.

Any Indigenous education agreement between the states and the Commonwealth must include funding to deliver mandatory preservice teacher education in Aboriginal and Torres Strait Islander culture, and educational needs and professional development for all existing teachers. It must also include funding to deliver a capital investment in new schools and facilities; increased numbers of Aboriginal education assistants in public schools; the exploration of modes of public education that integrate preschool, primary, secondary and TAFE as well as the complete range of public health and welfare services and community development; and increased numbers of teachers in Aboriginal and Torres Strait Islander literacy and numeracy programs. It is only with this kind of approach that the goals from the national strategy for Aboriginal and Torres Strait Islander education agreed by the state and Commonwealth ministers through the Ministerial Council for Employment, Education, Training and Youth Affairs, or MCEETYA, can be achieved, and with this kind of investment, and they are a long way from being achieved at the moment.

In May last year, MCEETYA agreed that improving outcomes for Indigenous students is the top priority for the 2005-08 quadrennium. But in the budget following this announcement the federal government cut
funding under the Indigenous Education (Targeted Assistance) Act to Abstudy and the Questacon Indigenous outreach program. How can the positive objectives agreed to in the ministerial council directions paper for Indigenous education 2005-08 be achieved when, in the first budget after that, the government cuts funding for Indigenous education?

Amongst the many recommendations the ministers agreed to was to provide all Indigenous children with access to two years of high-quality early childhood education prior to participation in the first year of formal schooling. That is a recommendation the Greens support. We would like to see it delivered through the public system. Where is the bill to assist with this vital objective? Another objective that all the ministers from around the country agreed to was that supplementary measures supporting Indigenous students through pathways into training, employment and higher education are pivotal to improving post-school transitions and breaking intergenerational cycles of poverty and disadvantage. How does this sit with the cuts to Abstudy we saw in the budget just after state and federal ministers had agreed to these objectives?

The sad reality is that whilst the government agrees to these excellent objectives outlined by the ministerial council document it continually fails to come up with an investment of the size and depth that is needed to make a real difference in outcomes for Indigenous education. It is appalling and shameful that so many Aboriginal students are being left behind by this lack of commitment. The Aboriginal population is a young one—40 per cent of Indigenous Australians are under the age of 15. This cohort is growing faster than any other part of the Australian population. It could, then, be argued that there is no better area than Indigenous education in which to spend an extra education dollar. But still the federal government in particular continues to drag its feet in this area. What a tragedy this is when so many great programs being pioneered in public schools around Australia are desperately in need of more support from federal and state governments.

Recently, I travelled around New South Wales as education spokesperson for the Greens. I visited a number of public schools that are running fantastic programs in Aboriginal education. Each of the schools were struggling with the maze of funding programs they had to navigate their way through to get funding to support the students in their school. All of them urgently needed simpler, more reliable and more generous funding streams to allow them to continue the work they were doing.

I want to tell you about some of the schools I visited. Evans River school in northern New South Wales caters for students from kindergarten all the way through to year 12. It has 560 students, 15 per cent of whom are Indigenous. There are Indigenous students from kindergarten all the way through to high school. A number of Indigenous staff are employed at that school, including an Aboriginal deputy principal. They explained to me a great program they run to increase young Aboriginal people’s attendance at school, which is called ‘Race to the top’. It involves an opportunity for students to be involved in making go-karts for some of the time they are at school, in order to attract them to school. It is designed to motivate Indigenous kids to improve their attendance. It has been a successful pilot program that was running in Sydney, and it is now going to be run at Evans Head in the north of New South Wales.

But it has not been easy. In order to secure the funding, the Aboriginal teaching assistant in particular, and a number of other staff,
have had to spend a lot of time out of the classroom writing and rewriting funding applications in order to try and get money from the Commonwealth to run the program—funding which, incidentally, will run out after six months. They have taken a tremendous amount of time to write applications to get the funding. The program is funded by a grant from the federal Department of Education, Science and Training. The school went through with me the approximately 20 programs they run for Indigenous education. The programs are funded by the federal government from different pots. Each has a different application regime and each has a different reporting regime. This uses up a tremendous amount of staff time which, therefore, is not spent educating Indigenous children in these schools. They also described to me how some of the federal government funding models punish them for their success. If they improve the language and literacy skills of the Aboriginal students, they do not get the funding any more, so they are back to square one in terms of being able to ensure that the Aboriginal students get the support and tuition they need.

Another school I went to in that area was the Cabbage Tree Island Public School. It has a small transition class—a pre-primary class—and primary classes up to year 6. They cater for the Aboriginal community on Cabbage Tree Island, which struggles with low economic opportunity and the usual social stresses that come with that. The staff have done a tremendous job in improving the school and the quality of the education provided there. The staff are predominantly Aboriginal. They are incredibly committed and all work beyond the call of duty to build a future for the students there. I watched the year 6 students’ dance class prepare for a festival at which they were to perform. The pride on the faces of those students when they were doing those dances and the excitement about being in a festival—I think it was the Croc Festival—was fantastic. That school also has had problems with the interaction between all the different pots of money they need to get funding from—some state and some federal. When they receive funding from one level of government they lose the funding they were receiving from the other level of government—as a result of trying to balance those two programs.

At that school they spoke about how they no longer bother to apply for some of the federal funding because the government has made the application process so difficult; that it takes up too much of staff and the parent’s time to make the applications. Each of these schools was providing fantastic programs and doing incredible work. I saw students really enjoying what they were doing. But these programs were often pilot programs with no ongoing funding. A tremendous amount of a teacher’s time out of the classroom is required to fill in the different application forms for each of the different funding pots from which they hope to get funding, in order to run the great programs they are running.

Another school I visited was Broulee Primary School, which has around 300 students. This school has a fantastic Indigenous language program. It is a pilot program with limited funding available. They are doing it through Sydney university. They have two Indigenous staff who have set up a program where they teach their local language to the kids in that area—a language that has been a living part of that community for 10,000 years. The teachers did the work to get the language program to a point where it could be taught in all the classrooms. I sat through a year 6 class where all the students sang for me. They sang common songs that we have all heard, but they sang in the local Aboriginal language from that community. Some of
the elders were there to hear their language living in the community.

This school has a reasonably small proportion of Indigenous students. A lot of the students are from coastal communities involved in surfing. They sang for me in their Aboriginal language. The year 1 kids sang for me as well. It was incredible how much the elders enjoyed being involved. They were talking with the Aboriginal teachers about the importance of the language from the area. The teachers spoke to me afterwards and said that some of the students who had not excelled in other areas or other parts of the curriculum really found they could excel in the Aboriginal language. It created great opportunities for them to feel pride in the work they were doing at the school.

The program at that school will only run for 18 months because it is a pilot program. But that is exactly the sort of program that should be available in all public schools across the country, if they wanted to run it. There should be funding models at a federal level that allow schools to develop educational programs for Indigenous students that meet the needs of the local community and the Indigenous students and that allow easy access to the funding so that staff resources are not tied up in writing applications. That would bring enormous benefits to schools and local communities.

There are great things being done in public schools across this country for Indigenous education, and they need to be supported because, at the moment, the thing that frustrates all of these teachers I spoke to who are running Aboriginal education programs is that they have to spend so much time outside the classroom writing different application forms for different grant programs. They have to juggle the different grants and try to find which they can get on, how long they will last, how short term particular grants are and how the funding model has changed so they can change the way they do their applications. They want to just get on and teach the kids. They want to continue doing the great work that they do in the schools and we need to see that great work continue. We need to see an investment to achieve the outcomes that the ministerial council on education talks about wanting to achieve for Indigenous education. We need the investment so that the money is available and able to be accessed in such a way that staff can spend their time teaching, rather than spending their time on administrative duties and scrabbling around in every little pot of money to see what they might be able to do.

These are precisely the sorts of programs that the government should be supporting, and it should be providing across-the-board access to funding. This bill has more small, ad hoc pots of funding for which people will be able to make applications, rather than increasing the overall investment in our public schools—where 90 per cent of Indigenous students are—and ensuring that there is across-the-board access to funding for people who want to run great programs.

So I think it is time for the minister to visit some of these great public schools that are running these programs and to talk with the staff and the teachers about how they can be improved, how the minister can support these great programs and how these programs can continue in schools. We urge the minister to visit these schools, talk with these teachers and find ways to have long-term, uncomplicated funding available to support Indigenous education. Rather than seeing it as a problem area, it should be seen as a core element of education in Australia.

When you walk into a school of 300 students at a coastal community on the south coast of New South Wales and they all sing to you in the local Aboriginal language that
they have learned from the local teachers who are Aboriginal and from that area, it is incredibly impressive. It was great to walk into the school and see the little signs around the playground in the local Aboriginal language—on the canteen with a sign for food and under the trees in the playground with signs describing the different parts of the school. It was a wonderful feeling to walk into a school like that and see how much that learning is contributing to the atmosphere in the school and in the whole of the local community, and to see people from the Aboriginal community involved in the process.

That is what we need to see and that is where we would like to see the government investing. They need to make sure that these kinds of programs become a normal part of the curriculum and are available across the board to not only Indigenous students but also non-Indigenous students, so they can engage in this exciting, living part of our culture and so that everyone can contribute to it, learn from it, enjoy it and be proud of it. That is what we would like to see the federal government and the state governments doing—investing in making these opportunities available for all students in public schools across the country.

Senator McLUCAS (Queensland) (5.36 pm)—Others will speak far more eloquently about the elements of this Indigenous Education (Targeted Assistance) Amendment Bill 2006, but I thought it was an opportunity to talk more broadly about Indigenous education, from my experience as a former teacher in some rural parts of Queensland. All teachers, all parents and education commentators will tell you that for people who are disadvantaged education is the key to achieving a level of equity in the community. A government not offering Indigenous people that opportunity is a government that is not taking up its responsibility properly.

I want to make a point about the mess that schools in regional Queensland found themselves in in 2004 with the changes to the Tutorial Assistance Scheme and, more broadly, Indigenous funding streams. As an early childhood teacher in the later part of my career, the thing I find most egregious about this legislation is that there is still no attempt to invest in tutorial assistance for children in preschool and years 1, 2 and 3. We have to wait, apparently, until those children fail in their literacy test in year 4 and then we will provide them with assistance. Any educator will tell you that if you invest early you will reap the rewards of that investment. I urge the government to reconsider their assistance for tutorial support in early childhood education.

Senator CHRIS EVANS (Western Australia—Leader of the Opposition in the Senate) (5.38 pm)—The Indigenous Education (Targeted Assistance) Amendment Bill 2006 is important because it is vital that we improve the educational outcomes of Indigenous Australians. It is a key to breaking the cycles of poverty and social dysfunction which affect so many Indigenous people. Indigenous children ought to have the same chances and choices in life as we expect for every other Australian. The bill we are debating today provides additional funds for Indigenous education and training in 2006-08. It has a number of measures which are worth remarking upon. The first is the extension of tutorial assistance programs to students in year 9, vocational education and TAFE, although I note that this largely just restores former provisions; the second is support for community festivals promoting health and anti substance abuse programs; and the third is support for school based sporting academies and other activities for Indigenous students.

One of the things that I saw as a positive out of the last budget was the extension of
funding for those school based sporting academies. The Clontarf Academy in Perth has had tremendous success in developing opportunities for young Indigenous people. It is focused mainly on Australian Rules football but increasingly on a range of other areas. Of course, the programs extend to women as well. The Clontarf program run out of Western Australia has been a tremendous success and an example of what can be done. It is a tribute to all involved, particularly Gerard Neesham, the former Dockers coach, who is having more success, it seems, in running Clontarf than he ever had in coaching the Dockers. As a supporter I do not mean that in any disparaging sense.

I also have some criticisms of this bill which go to the failure to resolve some of the issues with parent-school partnerships, where there seems to be a drop-off in community involvement. That reflects my concern that the government’s interest is more in top-down approaches than approaches that seriously engage the community and give the community ownership.

Starting on one of the key points that Senator McLucas just made—and that is the question of early support in educational and family program measures—I see, and have done for many years, that this is the key to investment in children, particularly Indigenous children. Last week we saw the release of new research from Professor Fiona Stanley’s Telethon Institute for Child Health Research. Based on data from more than 5,000 WA children it found that, by the time they began year 1, 60 per cent of Aboriginal children were already significantly behind non-Aboriginal children. That is, by the time they got to school they were already at a serious disadvantage. It found that existing intervention programs were failing to cut through with Indigenous children as they were too little, too late. It highlighted the complex issues which need to be addressed to improve educational outcomes for many Indigenous kids, including providing assistance and support to parents who may be young and lacking in a positive educational background themselves, and dealing with housing, family, and financial strain and stress. One of the real issues in Indigenous education now is the fact that the parents of kids going to school have not had a positive education experience themselves and often have very poor literacy skills, so family support and reinforcement of the value of education is not there.

The Telethon institute report is further evidence that we need a comprehensive early intervention strategy which works with children and families in the very early years. It requires not only a developmental and educational focus but strategies to assist parents with parenting skills and support. It also points to the need to tackle issues including health, housing and family function. These are complex challenges and I do not believe we will make progress with headline-grabbing bandaid solutions that have been offered in recent times. Improving the socio-economic indicators of Aboriginal peoples’ wellbeing is a complex challenge which requires broad national, long-term, evidence based approaches.

The attitude that we have seen from Minister Brough—a sort of ‘spot the issue’ attitude—that, if you focus purely on law and order, somehow everything will be fixed, is just naive in the extreme. These are complex, multifaceted problems and you have to have a holistic approach, because dealing with just one issue will not lead to success. We need to ensure that Indigenous kids and families are set up for educational success before the kids reach school. There are a number of very good programs around. I went to one at La Perouse the other day. It was a program for parents and youngsters. It works with families on an introduction to reading, familiarity
with books and basic exercises that help the parents and help the kids be ready for school. We have to do better, as I said, in the education effort that we apply to Indigenous kids.

Recently there has been a lot of focus on truancy. Clearly, one way to improve the educational outcomes for children is to make sure that they are going to school. I think that is a point on which everyone would agree. It is not a Left or Right issue. Kids cannot get a decent education if they are not at school. In the first half of this year, the government carried out a truancy trial in Halls Creek in the Kimberley. The trial was a voluntary scheme linking parental employment activity and kids’ school attendance to the payment of welfare benefits.

The Minister for Employment and Workplace Relations recently released an evaluation of the trials, which concluded that they had failed in their intention. The report presented some important evidence about Indigenous school attendance. It concluded that there is a high degree of autonomy among Indigenous kids in Halls Creek and that, as a result, targeting their parents was not the most effective way to improve school attendance. The report underlined the importance of positive school culture and high-quality teaching. The report found that overcrowding and a lack of employment opportunities for parents constrained the families’ engagement in functional community life.

These are important and not counterintuitive findings. And they can be useful in developing strategies for getting kids into school. But discussing the report on Perth radio Minister Andrews suggested that he was considering revisiting the trial in compulsory form. He wanted to keep beating the drum that somehow family payments and educational outcomes were linked. He said: ... the voluntary nature of this trial hasn’t worked and therefore, I think we have to ask questions about whether or not we should make a program like this compulsory, rather than voluntary.

I have read the report. I do not know where he is coming from. Is it ideology or is it evidence based? It seems to me it is ideology. Where does the trial evaluation suggest making the scheme compulsory? It does not. The evaluation recommends ‘that the Halls Creek Engaging Families trial, as it has been implemented, not be extended for another period’. Rather than suggest extending the trial or making it compulsory, it said: ... in an environment where children make up their minds each day as to whether to go to school or not, the significance of the parent as a “method of engagement” for the children declines and the role of the school—particularly in terms of teacher quality and school culture—increases.

The report also said quite clearly: The type of ‘method of engagement’ used in the trial is very expensive and resource intensive, but can work in a voluntary context where there are no sanctions for not turning up for activities. It is too expensive to be considered for replication elsewhere and certainly should not be rolled out nationally.

That is what the government’s evaluation says. I thought the report did provide some valuable pointers: the importance of teacher quality, providing a social worker, improving employer awareness of the advantages of Indigenous employment and providing more access to jobs and to houses. But if Minister Andrews is looking to make the scheme compulsory, and is looking to the report for support, it is just not there.

Our approach in all Indigenous policy, including education, needs to be evidence based. We need to read what the report says. This report presents evidence of steps which can help, but it seems the government is intent on going down a path that it has already outlined, without regard for the evidence. It is a trend that worries me in a whole range of areas. Rather than focusing on which version
of history is taught to kids, or lecturing people on the decline in civility, we ought to focus on the key issues.

The recently tabled *National Report to Parliament on Indigenous Education and Training 2004* from the Department of Education, Science and Training showed a decrease in Indigenous higher education commencements of 3.2 per cent in 2003 and a further six per cent in 2004. The decline in Indigenous higher education commencements has been linked to the government’s Abstudy cuts by a separate DEST report. It showed that the higher-education retention rate of Indigenous students has remained around 20 per cent below that of non-Indigenous students since 1997. The gap has remained unchanged over eight years. The report showed that the proportion of Indigenous preschool children assessed as being ready for primary school in terms of their literacy and numeracy actually declined in the 2001 to 2004 period. This is not a success.

Despite this, in a February interview with Southern Cross Radio the Prime Minister said retention rates for Aboriginal school children had increased by 55 per cent in the last 10 years and hailed it as marking the success of practical reconciliation. This claim was highly misleading, as the 55 per cent increase largely reflects the growth in the school-age Aboriginal population. Attendance and retention rates in schools have been variable—some getting worse, most staying the same and some marginal improvements in the Northern Territory, South Australia and Victoria. In 2005 there was a 37 per cent gap in the retention rates at year 12 level between Indigenous and non-Indigenous students. The fact is that this government, and previous governments, do not have a great record to point to. It is time to put aside the cultural agenda, focus on the basics and implement evidence based approaches.

I think we do need national leadership in all this. I am concerned that we are not getting it. I am also concerned that the government has admitted it has frozen Indigenous Education Strategic Initiatives program funding for urban children, claiming that remote education is the priority. This highlights my concern with the government’s obsession with mainstreaming. Mainstreaming for the government is more than just making mainstream departments provide services; it seems now to be about asserting that you do not need to offer separate and additional programs for Indigenous children because of their disadvantage. Labor believes special measures are still required because Indigenous kids, and Indigenous people more generally, do not access services at the same level.

On a similar theme, Labor fully supports offering assistance to regional and a few remote Indigenous children to attend urban boarding schools, and we see the many benefits of those sorts of scholarships for Indigenous kids. However, we do need to ensure that we are providing support for choices and opportunities for Indigenous children, not forcing people away from their communities and culture due to a failure to provide appropriate services in rural, regional and remote areas. At the end of the day, only a small number of kids will benefit from the scholarships. We have to have an education system that serves all children’s needs.

I am also concerned about funding stability for successful Indigenous education providers. Some of the organisations funded under this bill, such as Tranby College, the Institute for Aboriginal Development, Redfern Dance Theatre et cetera, have lost their recurrent funding under the new arrangements introduced in 2005 and are now re-
quired to compete through open tenders on an annual basis. This sounds like it is more efficient, but of course it does remove the stability and certainty for those organisations and for the students. It does prevent strategic planning, and I do not think it is helpful.

We have seen a number of reports that have highlighted the problems with this type of funding, where people have to keep reapplying to provide ongoing services. The government’s own review into Indigenous VET providers, conducted during 2003, examined the role of the four organisations affected by this bill and identified insecurity about long-term funding which directly limits opportunities for systemic goal setting.

We have debated before the concerns about some of the changes to Abstudy. The 2006 budget contained measures to tighten eligibility for this assistance, in part to link it to school attendance. I can understand the logic behind that. Increasing school attendance is obviously a worthy goal but it is interesting to note that the government does not seem to expect that to happen. The budget papers as much as admit that the measure will not actually improve school attendance, because they forecast savings of $1.8 million. It seems to me that the focus is at the wrong point. The focus is not on the serious endeavour of increasing attendance but more on some sort of revenue-saving measure.

As I said, we have to address all the issues that impact on people’s attendance at school to try and lift Indigenous participation in education in this country. We need to provide more national leadership and we need to work more closely with Indigenous communities. We need to have an evidence based approach. We do not need to adopt the latest fad. Education outcomes will not be achieved by sending out volunteers to communities on an ad hoc basis. There is no substitute for a serious national plan that tries to tackle the root causes of Indigenous educational disadvantage.

The Halls Creek report pointed to the need for improved housing if we are to get kids succeeding at school. You cannot learn if you do not get to sleep and you cannot get to sleep if you live in a house with 17 other people and there is no room where you can sleep peacefully, particularly if the household has some other aspects of dysfunction. We have to deal with the issues of housing and health if we are going to improve Indigenous education outcomes.

It is not fair to say to teachers that it is all their responsibility when the kids get to school. The reality is that the whole system has to support the educational opportunities for these kids. If we do not tackle some of the health, housing and early intervention issues then you cannot expect underresourced teachers to succeed in educating kids who start well behind when they front up at school.

As I said, it is not a question of focusing on one issue. We have to treat this in a holistic manner and we have to try and address the deep-seated problems that are working against Indigenous kids getting a proper education in this country. One of the things we need to do as part of that is to involve Indigenous people in the decision-making process, in setting priorities and policy design. That is a fundamental prerequisite for success.

The Howard government seems increasingly focused on top-down solutions. Without Indigenous participation we will not make serious progress. One of the issues I wish to highlight is the question of grants. I think we need triennial recurrent funding to try and make sure these institutions have a strong basis on which to proceed.
We cannot underestimate the power of good teachers, and teaching workforce issues are a priority. In making sure that teachers can attend at more remote and regional schools, dealing with questions of teacher housing is an important part of the process. You cannot expect teachers to stay in remote communities doing difficult, if rewarding, work if their housing is so poor as to make the option unviable for them.

There are success stories; I try not to focus always on the problems. We have seen Dr Chris Sarra at Cherbourg State School in Queensland dramatically increase school attendance and performance through quality teaching, strong leadership and a positive school culture. When he introduced the strategy, nearly half of the teaching staff left the school, many of them because they did not believe it was possible to achieve equal outcomes for Indigenous students. I think that is a key point. We have to overcome the culture that says, ‘We accept defeat; we accept lower outcomes.’ We have to have a culture that says, ‘We don’t accept failure and we don’t accept Indigenous kids not achieving at the same level.’

Dr Sarra proved that by fostering an expectation of pride and success Cherbourg has produced some tremendous results. And there are lots of success stories around the country that prove that we can do much better than we are doing. But I want to stress that the Telethon Institute for Child Health Research’s most recent report reinforces once again the need for early intervention and investment in the early years. We know from brain development research that investing in kids at the age of five or six, if we have not invested in them and provided support earlier, is often too late, particularly for kids from disadvantaged backgrounds.

Indigenous communities are marked by issues of poverty. We need to invest in those kids in a way that means that when they do get to school they get an equal chance at success. We will not improve outcomes unless we start earlier. We have to look at those issues. (Time expired)

**Senator CROSSIN** (Northern Territory) (5.58 pm)—I rise this afternoon to provide a contribution to the second reading debate on the Indigenous Education (Targeted Assistance) Amendment Bill 2006. As the explanatory memorandum states, the purpose of this bill is to amend the Indigenous Education (Targeted Assistance) Act 2006 to appropriate additional funding to facilitate the provision of improved opportunities for Indigenous students in the school and training sectors, through additional tutorial assistance, support for community festivals, health promotion activities addressing substance abuse by Indigenous youth in remote regions, and delivery of school based sporting academies and related activities for Indigenous students.

The bill plans to do this through an appropriation of $25.7 million for additional tutorial assistance between 2006 and 2008 for Indigenous school students and Indigenous VET students; $19.1 million for school based sports academies; $7.3 million for Indigenous youth festivals, a component of the community festivals for the health promotion program; and $1.5 million for activities to discourage petrol sniffing and substance abuse in remote regions.

Of course, the Labor Party is not going to stand in the way of this bill. Why would we? Any money that can be appropriated to assist Indigenous education is a good thing. But, like my colleagues, I wish to make a number of comments about Indigenous education—and people in this place who know me would know that I would not miss an opportunity to do so. I will provide a few comments about the elements of this bill. The bill extends the
tutorial assistance to another year level in high school, to students in year 9 and in vocational training. The extension is certainly most welcome, but I would note that it simply restores the support that was previously available under ATAS, the Aboriginal Tutorial Assistance Scheme, which was not available under the current guidelines. So do not be under any misapprehension that this is a move by this government to provide some new whiz-bang initiative when it comes to support for Indigenous students. This measure simply puts back what was previously there.

The additional money, though, is offset by a tightening of the eligibility requirements for Abstudy allowance for Indigenous students under 16 years of age. The Indigenous Tutorial Assistance Scheme, ITAS, funding guidelines restrict access for students in urban centres. They have to attend a school with an enrolment of at least 20 students. That of course means that many students will be refused assistance to meet their needs. There may well be many schools that do not have 20 Indigenous students and, therefore, some kids will miss out. This measure looks pretty good when you read the second reading speech or the explanatory memorandum but, when you get to the fine print, you notice that there are some problems.

As I said, I have spoken quite frequently in this place about Indigenous education. In the Northern Territory, we have more remote Indigenous constituents than any other constituency represented in this place. In fact, 33 per cent of the Northern Territory’s population is made up of Indigenous people—and that percentage is growing at a fast pace. Like my colleague Mr Snowdon, I regularly spend my time visiting many of these Indigenous communities and I always ensure that I visit the schools when I am in those communities. So I can certainly stand in this chamber and pride myself on knowing what is going on out there and what the Indigenous views are about education.

Only last week or the week before, Minister Bishop made her first and only visit to date to the Northern Territory. No doubt she would have seen, as I have seen, many people in the Territory who are doing a fantastic job in Indigenous education—but usually under very difficult conditions. Some schools and classes are getting excellent results and outcomes in literacy and numeracy but some places have a fair way to go. The overall state of Indigenous education in this country is only too well known. In fact, I do not think a week goes by where I do not see a newspaper, journal article or research document that talks about the failure of this country with respect to Indigenous education. This government may claim—and rightly so in a few areas—that Indigenous education outcomes have improved over the years, but what this government will not tell you is that there is still an enormous gap between Indigenous and non-Indigenous outcomes. In fact, as Indigenous outcomes improve, so do non-Indigenous outcomes improve—and the gap is not getting any smaller.

Some weeks ago, this government tabled their annual report into Indigenous education. I think it was the fourth annual report. It was an initiative that I actually welcomed when it was introduced five years ago, but that report is 12 months overdue. The report is normally tabled in this parliament in October or November each year. This year, we got the 2004 report. I have yet to be able to ask questions in estimates as to why that is the case. Unfortunately, Indigenous education again got squashed into the last half-hour in Senate estimates this year, and asking such questions at 10.30 at night is probably not a good way to go when you consider that Indigenous education is in such a massive crisis in this country. I guess one of these days we might put Indigenous education up
front and centre in estimates and give it the
time that it needs. So we do not have any
answer yet from this government as to why
that report was tabled so late. But, with all
due respect, I suppose they have not actually
been given the opportunity to answer those
questions.

The massive changes that have been un-
dertaken in Indigenous education funding in
the last two years have seen an enormous
turnaround in the way that additional funding
is allocated to schools. The Indigenous edu-
cation act appropriates the IESIP money—
previously the Aboriginal Education Pro-
gram money. It is not mainstream school
funding; it is money that is appropriated over
and above the amount that is given to pri-
mary and secondary schools and VET col-
leges. It is a recognition that Indigenous stu-
dents are disadvantaged and an additional
bucket of money is needed to cater for their
needs. Labor have been a supporter of the
IESIP and the AEP money.

While Labor do support this bill—as it
does give additional resources to the area of
Indigenous education—I have to say that I
have been increasingly concerned at this
government’s approach not only to Indige-
nous education but also to Indigenous affairs
for a long time. With little or no evidence to
support them, the government, under the
former Minister for Education, Science and
Training, Dr Nelson, pushed through
changes to Indigenous education funding
which saw the old ASSPA, the Aboriginal
Student Support and Parent Awareness pro-
gram, abolished. It was a program that In-
digenous parents liked. It was an incentive
for them to participate in their child’s educa-
tion. But, when the funding of that program
changed, parents withdrew from their in-
volve ment in schools.

So we say to ourselves, ‘We’re not seeing
any change here in Aboriginal attendance at
schools; it has not been getting any better
over recent years.’ But I do not believe that
this government made a link between the
involvement of Indigenous parents through
ASSPA and their encouragement to get kids
to go to school. One would think that after
two years of this program being changed and
refocused somebody in DEST might say:
‘Maybe the way we gave funds directly to
the parents encouraged them to get involved
in the school. Maybe that was the link to
having good educational outcomes and good
attendance.’ But no-one has quite seen that
link—or this government is not prepared to
see the link.

As we know, the government conducted a
survey of the 3,800 committees in this coun-
try and got a response back from fewer than
70. On that basis they decided to make mas-
sive changes. People will be only too famil-
liar with the fact that back then, when this
chamber was able to do some constructive
inquiries that actually went in an intuitive
nature to what this government were doing,
we initiated the Indigenous education fund-
ing inquiry through the Senate Employment,
Workplace Relations and Education Refer-
ences Committee. That was an inquiry that
specifically looked at the impact of the
changes to the ASSPA program and now the
new parent schools participation program,
the PSPI. I will not reiterate all the speeches
and comments I have made in relation to the
refunding of that program, but I want to say
a few things about it.

We are still waiting for the government to
respond to the report on Indigenous educa-
tion funding, which was tabled in June last
year. The report made a couple of recom-
mandations, one of which was that the Aus-
tralian National Audit Office have a damned
good look at what DEST is doing in relation
to its IESIP funding and the way in which
the PSPI programs are being funded. We
recommended that the Auditor-General be
requested to conduct an efficiency audit on current arrangements for the application and processing of funding for PSPI programs. No doubt this government will not do that; it will refuse to do it. As a senator for the Northern Territory, I have drafted a letter which I intend to send this week in which I request that the ANAO go into DEST and have a really long hard look at the way in which this program is now being applied for and processed by schools. It is highly bureaucratic, full of red tape and now requires principals to apply for this funding twice a year—at least that is an improvement. It does not now require them to put in a concept plan—that is also an improvement. But, boy, it took a lot of damned hard work to get the government to move on that. I know I made positive comments about the department making those changes, but, my God, they have a long way to go to make it easier for schools to get hold of the funds. No-one has asked the real, critical question on the changes to this education funding: why is it that we are now seeing fewer and fewer Indigenous parents involved in their children’s education out bush? No-one is asking that question.

The report also suggested that Tom Calma, as the Aboriginal and Torres Strait Islander Social Justice Commissioner, pick up the changes to this Indigenous education funding arrangement and comment on the implications of the changed funding of the PSPI program in his annual report. I think it has now been at least three years that this program has been in place and it is time that someone asked the social justice commissioner to have a look at what this means.

The ASSPA funding was changed—from principals and teachers in a school nominating kids who needed that assessment to being tied to a formula whereby only kids in years 3, 5 and 7 who fail to reach the benchmark are counted as part of the formula to provide the extra tutorial assistance. I have used an example many times, thanks to a brilliant principal called Reg, who is working at Amanbidgi on the border of Queensland and the Northern Territory. I have used it again and again and I will keep using it. He says to me, ‘Trish, you know I’ve had 15 kids sit the year 3 test, and 13 of them passed, thanks to the tutorial assistance they had in the past.’ But under this formula the school now sends in only two kids who generate the formula that actually comes from the federal government. At the end of the day, it means that he can offer whatever money he can get to all the kids at the school. But essentially what is happening is that there is no incentive for schools to keep tutoring and providing additional assistance. It is almost as though, once the benchmark has been reached, ‘That’s it; we’ll wipe our hands of it and our job’s done.’ There is no commitment to ensure that these kids get ongoing assistance and training.

We know that in-class tuition funding was changed—from principals and teachers in a school nominating kids who needed that assessment to being tied to a formula whereby only kids in years 3, 5 and 7 who fail to reach the benchmark are counted as part of the formula to provide the extra tutorial assistance. I have used an example many times, thanks to a brilliant principal called Reg, who is working at Amanbidgi on the border of Queensland and the Northern Territory. I have used it again and again and I will keep using it. He says to me, ‘Trish, you know I’ve had 15 kids sit the year 3 test, and 13 of them passed, thanks to the tutorial assistance they had in the past.’ But under this formula the school now sends in only two kids who generate the formula that actually comes from the federal government. At the end of the day, it means that he can offer whatever money he can get to all the kids at the school. But essentially what is happening is that there is no incentive for schools to keep tutoring and providing additional assistance. It is almost as though, once the benchmark has been reached, ‘That’s it; we’ll wipe our hands of it and our job’s done.’ There is no commitment to ensure that these kids get ongoing assistance and training.

What I find with this government is that there is a lack of imagination when it comes to dealing with the problems of Aboriginal education. I clearly remember that in 1989 and 1990 the Aboriginal Education Program was first initiated and performance indicators were set by each state and territory. After
about six or seven years of that program there was a national review of the AEP. At the time it was headed by Mandawuy Yunupingu, who had just completed a course—his Bachelor of Education. But this government has been in power now for 10 long years—incredibly hard years, I have to say, for those of us who are sitting in opposition and for those of you in my electorate who are Indigenous—and we have not seen an attempt to have a national review of Indigenous education in those years. I know that there is an Indigenous education conference occurring this week in Brisbane—which I would love to be at but I which I cannot be at—but it has not been initiated by this government; it has been initiated by people out there who want to continue to swap and exchange ideas on what is happening.

This government has failed to look at Indigenous education at the national level. It has failed to set up a peak advisory committee on Indigenous education. There is one for higher education, so why doesn’t the government go the full yards and have one for primary and secondary education in the schools sector? This government has failed to look at some of the initiatives that could be undertaken in Indigenous education. We know that it funds states and territories based on the enrolment in schools. I know that states and territories only then fund schools based on the attendance at schools. So let us take a community in the Northern Territory which might have the capacity for 300 kids go to school. If only 30 kids are attending that school it is only funded based on the 30 kids that attend, not the number who could potentially be enrolled in that school. Why doesn’t the Commonwealth government be a little bit creative about this and decide, even on a trial basis, to give some of those funds to communities based on the ABS statistics of the actual number of kids in that community who may be able to go to a primary or secondary school? You might say that would create an excess number of teachers in that community. What would they do? Perhaps they might set up as a liaison between parents and the community. Perhaps their job might be, until more kids come to the school, to be out on the streets and in the communities first thing in the morning talking to people about the benefits of education.

You do not see anything creative coming from this federal government on Indigenous education. What do you see? You see Minister Bishop going to the Northern Territory. She had fewer than three days there and then she headed off to the Tiwi Islands. What did she say to that community? She said, ‘Unless you give up your land for 99 years, we are not going to build you the $10 million boarding school we promised you.’ That is not what was said to the people of the Mutitjulu and Yulara region when their boarding school was built. That was not the condition put on the people at Woolan.ing when their boarding school was built, and I notice that Minister Bishop went to Woolan.ing. There was no condition put on those Indigenous communities that they had to give up their land for 99 years—in other words, forever. Let us face it, if you give up your land for 99 years, five generations later you will never get it handed back to you.

Why are Indigenous people being forced by this government to give up their land in order to have a boarding school in their community? It is an outrageous proposition. It is certainly something that would never happen in Canberra. It would not happen in Fremantle, Brunswick or any areas I can think of in Sydney. No-one would be asked to give up their private property, and that is what this land is in these communities. The Indigenous people have the title to that land; they own that land. Nobody else in this country is being backed into a corner whereby they are being forced to give up their land in

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order to get $10 million out of this government to build a boarding school.

I notice that Minister Bishop and Minister Brough suggested that, if the Northern Territory government was not happy with those conditions, it ought to build the school. I just want to remind them that the CLP was in power for 27 years in the Northern Territory and did absolutely nothing—zero—about providing higher education to Indigenous kids in their communities. At least under a Martin Labor government secondary education is now being provided at Galiwinku, Maningrida, Kalkaringi, Lajamanu and Ngukurr. So there has been a start out there. At least the Labor government in the Territory is starting to provide education where there the CLP and this government have failed to. They were in power for 27 years in the Territory and have been for 10 years federally and the best they can do is lambaste people into giving up their land in order to have a secondary school.

No doubt people in this place know I could go on for quite a long time on this, but I just want to finish by saying that this government stands condemned for being in power for 10 years and failing to close the gap between Indigenous and non-Indigenous education outcomes and for failing to have any kind of initiative or imagination when it comes to dealing with the problem.

Senator COLBECK (Tasmania—Parliamentary Secretary to the Minister for Finance and Administration) (6.18 pm)—In summing up the debate for the Indigenous Education (Targeted Assistance) Amendment Bill 2006 I take the opportunity to thank senators for their contributions. The bill amends the Indigenous Education (Targeted Assistance) Act 2000 to increase the appropriations over the 2006-08 calendar years. This bill provides for intensive tuition for Indigenous students in year 9 and Indigenous students in vocational and technical education. These measures complement a suite of programs under the Indigenous Tutorial Assistance Scheme that targets assistance for Indigenous students at key points in their education. New funding for tutorial assistance appropriated under the bill is $14.5 million for Indigenous students in year 9 and $11.2 million for Indigenous students in vocational and technical education.

Additional funding will support community festivals for health promotion and activities addressing substance abuse by Indigenous youth in remote areas and it will deliver school based sporting academies and related activities for Indigenous students. Up to 18,000 young people annually will benefit from the Indigenous youth festivals initiative. These festivals will improve participation in education, promote healthy and positive lifestyles, increase vocational and career planning and reduce crime and drug abuse. The measures to address substance abuse and petrol sniffing in remote Indigenous communities further consolidate the whole-of-government regional approach that was announced in September 2005.

This bill will also provide young Indigenous boys and girls with increased opportunities to engage in education and sports activities. A measure to fund sporting academies and related strategies will be implemented in partnership with corporate and philanthropic organisations and will build on successful models that help young Indigenous people engage positively in education through sport and succeed later in life. Indigenous education is a major priority of the Australian government and it is committed to providing Indigenous Australians, wherever they live, with the same opportunities as other Australians.

In response to some comments that have been made by the opposition, I put on the
record that this government will not allow state and territory government and non-government education providers to use this funding to reduce their mainstream effort on Indigenous outcomes, as has been indicated by some speakers. I think it is important that we put that on the record. This bill will appropriate an additional $43.6 million to accelerate further closure of the education divide between Indigenous and non-Indigenous students.

The measures contained in this bill reflect the Australian government’s commitment to accelerating Indigenous education outcomes. To achieve this, new investment is necessary in the areas of schooling, vocational and technical education and health related activities. The Australian government is committed to developing the capacities and talents of Indigenous people so that they have the necessary knowledge, skills and values for a productive and rewarding life. I commend the bill to the Senate.

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

Third Reading
Bill passed through its remaining stages without amendment or debate.

EDUCATION SERVICES FOR OVERSEAS STUDENTS LEGISLATION AMENDMENT (2006 MEASURES No. 1) BILL 2006

EDUCATION SERVICES FOR OVERSEAS STUDENTS LEGISLATION AMENDMENT (2006 MEASURES No. 2) BILL 2006

Second Reading
Debate resumed from 14 September, on motion by Senator Sandy Macdonald:
That these bills be now read a second time.

Senator MOORE (Queensland) (6.23 pm)—In the short time remaining, I will start the debate on the Education Services for Overseas Students Legislation Amendment (2006 Measures No. 1) Bill 2006 and the Education Services for Overseas Students Legislation Amendment (2006 Measures No. 2) Bill 2006. The Education Services for Overseas Students Act was introduced to protect overseas students studying in Australia and to protect Australia’s international reputation as a provider of quality education services. We in this place all know the immense value of overseas students to our community and to our society. Taking a walk down Queen Street in Brisbane at any time—as you would know, Acting Deputy President Brandis—you will see the large numbers of overseas students who are receiving their education in various ways within just our own city of Brisbane, to say nothing of other cities right across the country. They provide enormous value to our community. It is important for all of us to protect them. The ESOS Act regulates the provision of education and training services for overseas students in Australia by ensuring that providers are nationally registered and required to meet certain obligations in terms of standard of provision, reporting on visa conditions and consumer protections—all extremely important regulations for people who are often considered to be most vulnerable in an overseas country.

Education services are Australia’s fourth largest export industry, behind—and I believe this is accurate—coal, tourism and iron ore. In many ways, it is important that such an interesting national industry as education is up there as an important contributor to our economy. Today, the Australian education export industry owes its genesis to the Hawke Labor government’s initiative in the mid-1980s to directly link trade and aid policy, including a decision in 1986 to open
Australian education to full fee paying overseas students. Then, international students were small in number but already a valued part of university and private school enrolments. They were an add-on rather than integral or essential to the wellbeing of the sector. Today, that has changed significantly. The industry is a major business and the sole focus of some private providers—for example, in English language intensive courses for overseas students—and a vital component of many services. Australia was an early player in the education export industry. Today, it is the largest provider per head of population and the third largest English-speaking provider of international education services, with seven per cent of the market, behind the US, which, I believe, has 32 per cent, and the UK, which has 15 per cent.

The ESOS Act included a statutory requirement for the evaluation of its operations three years after commencement. These bills implement some of the recommendations of the independent evaluation of the ESOS Act commenced in late 2003. One of the key issues in the bills is to do with fees and charges. All providers who deliver education and training services to overseas students in Australia must be registered on the Commonwealth register of institutions and courses for overseas students. Providers of education to overseas students must inter alia pay an initial fee and an annual fee to maintain their registration. Payment requirements are being changed to require automatic suspension from the register for failing to pay the annual charge by the due date.

Item 26 repeals the previous section 90 and inserts a new section. The proposed section 90 automatically suspends the registration of providers who have not paid their annual registration charge by the due date, as well as continuing to provide for automatic suspension for noncompliance with the reminder notice for payment of the annual fund contribution. This is issued under section 75. The proposed section 90(2) requires payment of all outstanding moneys, including late payment and reinstatement fees, before that suspension can be lifted. Item 17 replaces note 2 to section 23 to indicate failure to pay the annual registration results in automatic suspension of registration.

Concern has been raised by universities through a letter received from the Australian Vice-Chancellors Committee. It said: ‘Timely payment by universities or any other provider is contingent upon early receipt of notification from the Department of Education, Science and Training regarding the rules and calculation of the ARC’—the annual registration charge—‘for the period, which should include any discrepancies between DEST and provider calculations.’ This particular provision has been discussed with the department. Because losing your registration has great impact on any provider, it is incredibly important that the communication channels between the department and the provider are open and transparent so that there is no misunderstanding about exactly what the provisions of the charges are and what the time frame involved is so that any penalty that may be incurred is understood and justly given. That particular communication has, I know, been raised at length with different organisations and also through the professional groups.

The annual registration charge is required to be paid by section 23 of the ESOS Act and the amount is to be determined by section 5 of the Education Services for Overseas Students (Registration Charges) Act 1997. Under section 5 of that act, it is calculated at a $300 base amount plus a $25 per student contribution based on enrolments with the provider in the previous year. The annual registration charge relies on an agreement between the provider and DEST on the total enrolments in the previous year. Resolution
of discrepancies can affect the amount to be paid. Automatic suspension for nonpayment by the end of February when DEST is under no obligation to detail the extent of liability could well be seen as unfair. I stress that these provisions must always be based on that open communication process between DEST as the regulating agency and any of the providers. In that way, there can be no misunderstanding and no sense of injustice when it comes down to whether the charges have been incurred correctly or not.

Sitting suspended from 6.30 pm to 7.30 pm

Senator WONG (South Australia) (7.30 pm)—I rise to speak on the Education Services for Overseas Students Legislation Amendment (2006 Measures No. 1) Bill 2006 and a similarly entitled bill, the Education Services for Overseas Students Legislation Amendment (2006 Measures No. 2) Bill 2006. International education is Australia’s fourth largest export industry, recently revalued by the ABS as being worth over $9.8 billion. This significant contribution to the Australian economy demands that we demonstrate our commitment to protecting the consumers, Australia’s international students, and Labor believe that these two bills do support this end. Australia’s reputation as a provider of globally recognised education is reliant on our ability to maintain the standards of our providers. The ESOS regime is principally concerned with safeguarding that good reputation by regulating minimum standards of quality and ensuring that adequate consumer protection measures are in place.

The Australian Labor Party has been a strong supporter of the international education services sector since the Hawke Labor government first opened our universities to international students in the 1980s. This market has now grown to be worth almost $10 billion annually. I note that my home state of South Australia has increasingly led in the growth of international education through its universities. So it is with this 20-year history of initiating and supporting the Australian education export industry that Labor gives its support to the bills before us today.

These bills are in response to an evaluation carried out in 2004 which invited submissions from industry and from other stakeholders. The original ESOS acts were found to have some serious limitations, and the administration of the regime had also caused some problems. The evaluation report contained 41 recommendations aimed at improving the ESOS legislation, and some of these recommendations have been adopted in these bills.

One such recommendation relates to the registration of international education providers with the Commonwealth Register of Institutions and Courses for Overseas Students—a very long title; I understand CRICOS is the acronym. In order to qualify for registration, the provider must demonstrate an ability to comply with state or territory legislation as well as the ESOS Act and also satisfy a fit and proper person test.

Under the ESOS Act, all providers of education to overseas students must pay a registration fee annually. This fee is based on the total number of enrolments of overseas students for the previous year. Currently, enforcement action may be taken against a provider that fails to pay the registration fee. However, DEST has raised some concerns about the amount of resources being directed towards the recovery of registration fees. Thus the bills before the chamber allow for the automatic suspension of the registration of any provider that has not paid its annual registration fees. Suspension from CRICOS renders a provider unable to continue to pro-
vide education services to overseas students in Australia. Clearly, that is a severe san-
ction.

The opposition do recognise that chasing late registration fees is an administrative problem. During the estimates process, in response to our questions, the department revealed that, of the 1,193 providers liable, 493 had not paid by the due date. However, all providers have since paid the CRICOS registration fee, except for one, and this solitary provider has had its registration sus-
pended.

Labor believes the way the sanction for the late payment of CRICOS registration fees is currently proposed in the bill could be seen as unfair. The Australian Vice-Chancellors Committee, the peak representa-
tive body for 38 of Australia’s premier higher education providers, were also troubled by this particular amendment and have voiced their concerns in a letter, stating:

Timely payment by universities or any other pro-
vider is contingent upon early notification from the Department of Education, Science and Training regarding the rules and calculation of the annual registration charge for the period, which should include time to discuss any discrepancies between DEST and provider calculations. The annual registration charge is calculated according to section 5 of the ESOS (Registration Charges) Act 1997 at a $300 base amount plus a $25 per student contribution based on enrolments the previous year. Thus the AVCC is concerned that the provider and DEST are required to agree on the total number of enrolments in the previous year. Resolution of discrepancies can affect the amount to be paid and obviously could also be caused by departmental errors. There is no allow-
ance for adequate time to question the amount of the total registration fee charged under the proposed changes. In addition, DEST is under no obligation to detail the extent of the liability. For these reasons, automatic suspension at the end of February could be unfair.

So the opposition do share the concerns raised by the Australian Vice-Chancellors Committee and we will be moving an amendment to this bill in the committee stage with a view to allowing 28 days notice of the specific amount due as registration under the act. Our amendment does not sig-
ificantly impact on the department’s desire to gain administrative efficiencies in relation to registration payment recovery. However, at the same time it offers a more transparent process for providers and gives providers the certainty they need from the charge calcula-
tion process. I urge the government to con-
sider this amendment as a common sense approach advocated by the Australian Vice-
Chancellors Committee within its area of expertise.

The bills also propose a change through the fit and proper person test. As I said at the outset, the act provides for a fit and proper person test designed to ensure that past behav-
aviours which impact on the suitability of a provider to be registered are identified. Cur-
rently, this test is only applied at the time of initial registration. The bills before us amend this situation to allow for the test to be applied at any stage in the provider’s registra-
tion and also extend the test’s provision to include high managerial agents of the pro-
vider as a new category, along with providers and associates.

There have been some concerns raised about the extent of this amendment and in particular the amendment’s definition of high managerial agents as inclusive of teachers, consultants and principals. Issues resulting from this extension place onerous responsi-
bilities on large institutions and also could unreasonably expose an individual’s private information. Some providers have expressed apprehension about the diversion of re-
sources away from their priority of deliver-
ing high-quality education.
The Minister for Education, Science and Training promised in her second reading speech on these bills in the other place that these amendments will have a ‘minimal regulatory impact on providers’. In this instance concern has been expressed by various sectoral groups to the opposition that this objective may have been compromised by the burden of running background checks on large numbers of employees. However, it is commonplace in the financial services sector to maintain an up-to-date record of employee suitability. In the interests of consumer protection we believe that on balance the extension of the test is warranted. These bills also protect providers through the insertion of a sunset clause limiting the time for a claim by students for refunds to 12 months. This will ease pressure on providers, which will be required under the changes to the ESOS Act, to contribute to a tertiary assurance scheme covering the specific courses offered.

However, there is still a significant burden placed on providers regarding the enforcement of department of immigration student visa requirements. Currently, students who breach these conditions relating to attendance or satisfactory academic performance must be reported to DIMA. These bills remove the reference in the act to the precise visa conditions for which this occurs. Instead, these requirements will be placed in the regulations made under the ESOS Act. These regulations will be mirrored by migration regulations and will reflect the student visa conditions outlined in the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students—again, a very long title—known as the ‘national code’.

The national code has been redrafted this year and negotiations surrounding the measurement of a student’s performance with respect to visa conditions have created some problems. The Australian Vice-Chancellors Committee has been arguing for higher education providers to measure and report academic progress as opposed to attendance. For vocational education and training sector providers, however, there is an insistence on providing both academic and attendance information to DIMA. DEST needs to consider industry suggestions for sector specific measures rather than insisting on a one-size-fits-all approach, and we urge the government to consider this.

There are many other provisions in these bills focused on tightening the regulatory framework of the ESOS regime. It is important to note, however, that amending the regulatory framework surrounding providers will not necessarily achieve quality control. Ultimately, effective quality control requires that DEST enforces compliance with the legislative framework and actively pursues non-conforming providers in the interests of both the consumer and the Australian public.

A letter from joint sectoral peak bodies, in response to the draft national code made by the AVCC, the Australian Council for Private Education and Training, TAFE Directors Australia, and English Australia late this year stated:

DEST is not using the authority available to it in dealing with ... unscrupulous providers but rather has imposed more regulation on all providers in an attempt to resolve an area of substandard performance. That is, to date, the government has not used the existing consumer protection measures available to it to protect the interests of international students.

This joint statement demonstrates the frustration of several peak bodies in relation to their experiences in the day-to-day operation of the ESOS regime. In June last year the Auditor-General presented a report to the parliament which also highlighted that there was little evidence to show that DEST was proactively protecting students and the international education industry from unscrupulous
providers. It is time for the Howard government to stop paying lip-service to regulating a $9.8 billion industry and to show that the compliance burden placed on all providers is matched by a similarly labour-intensive administrative approach by the department to ensure compliance with the appropriate standards.

I want to move to the other amendment the opposition will be moving today relating to the inclusion of Christmas Island in the definition of ‘state’ contained in the act. Currently, the national code applies only to service delivery in Australia but not to the external territories. Senator Crossin has been advocating on behalf of Christmas Island High School that the scope of the ESOS Act should be extended to include Christmas Island. This would allow the provision of education to overseas students at the high school in years 11 and 12. The change is one that was recommended by the evaluation report of the ESOS regime which stated:

The policy and practical difficulties which apply to a sweeping extension of scope to all External Territories do not apply to Christmas Island High School.

We have understood informally that the government was inclined to support this recommendation. The redrafted national code released for comment by the minister removes one of the barriers to the extension of the ESOS regime to Christmas Island. However, we have received advice that any change to the national code to include Christmas Island also requires legislative amendment to the ESOS Act. Accordingly, in the committee stage of this bill the opposition will propose amendments to the definition of ‘state’ in section 5 of the act to include Christmas Island alongside the Northern Territory and the ACT. This will give the high school on Christmas Island the opportunity to take international students on a fee-paying basis, putting it on the same footing as providers of education on the mainland. The school would of course still need to meet all the other registration requirements under ESOS, as does any other provider, and to maintain itself as a provider of good standing. Our amendment today merely seeks to remove a barrier to Christmas Island’s participation in the regime.

The opposition is a strong supporter of ensuring consumer protection for our fourth largest export industry and we will continue to seek to promote the integrity and calibre of an Australian education in terms of our actions in this parliament and elsewhere. As such, we will be supporting the passage of these bills after proposing our minor amendments. The opposition is a keen advocate of the ESOS regime and its objectives, which have an important role to play in the promotion of this vital and valuable industry.

Senator STOTT DESPOJA (South Australia) (7.44 pm)—I rise on behalf of the Australian Democrats to express our support for the legislation before us, the Education Services for Overseas Students Legislation Amendment (2006 Measures No. 1) Bill 2006 and the Education Services for Overseas Students Legislation Amendment (2006 Measures No. 2) Bill 2006. The bills propose a number of amendments to the way the registration process is managed by the providers of education and training for overseas students and to the operation of the ESOS Assurance Fund. Senator Wong has given a very explicit description of the purposes of the bills before us and of the amendments that have been proposed by the Labor Party.

The Australian Democrats are supportive of the bills before us and indicate that we will be supporting the amendments that have been put forward by the Australian Labor Party. In particular, we support the amendment dealing with the issue of Christmas
Island. As Senator Wong pointed out on behalf of her party, that was actually a recommendation that came out of the evaluation of the ESOS Act, and we will be supporting it. Indeed, we are very supportive of the work that Senator Crossin has done in relation to the issue of Christmas Island in general. The Democrats have been involved in the framework governing education services for overseas students for many years. We were involved in the formation of the regulatory framework and we have often been involved in amendments or changes to the legislative framework to ensure the greatest protection available for overseas students involved in education and training in this country, so we strongly support any strengthening of those protective arrangements for students.

As Senator Wong has pointed out, a large number of the changes before us are technical. In the Education Services for Overseas Students Legislation Amendment (2006 Measures No. 1) Bill 2006 there is a strengthening and clarifying of the consumer protection aspects of the framework. Key to that is the so-called enhancement of the fit and proper person test. The Education Services for Overseas Students Legislation Amendment (2006 Measures No. 2) Bill 2006 deals largely with administration, student visas et cetera. Again, particularly in relation to the Education Services for Overseas Students Legislation Amendment (2006 Measures No. 1) Bill 2006, we are very conscious of the fact that these issues have been the focus of discussion through the evaluation of the act and we will be supporting those changes.

Senator Wong has also pointed out that this industry is worth more than $8 billion—I think she said more than $9 billion—in Australia today. It is our fourth largest export industry, in effect, and it is one that should be strongly supported with a regulatory framework that protects these students as, for lack of a better word, clients or consumers. But we also have a responsibility to ensure that we provide an environment that is conducive to this particular industry. I think we have all heard reports over the years of some of the barriers or obstacles that have stood in the way of this industry, such as those at the height of the so-called Hanson phenomenon, when overseas students reported an increase in racist behaviour or incidents on university campuses around Australia. In fact, I remember there was some kind of research or survey conducted by the Australian Vice-Chancellors Committee at that time.

Similarly, we do not want to perpetuate or in any way support the notion, self-described as it has been by students in that sector, of them being perceived or used as so-called ‘milking cows’. This is not simply a revenue stream, an opportunity to raise income for the government and/or universities—universities that of course are increasingly reliant on private funds as a consequence of this government’s decision to reduce its investment in public education in terms of per student commitments, particularly in higher education, over many years. That also means we have to provide cultural assistance where it is necessary and to provide bridging courses where appropriate. Again, that is largely a responsibility of institutions.

We also have to examine the issue of income support and how students, particularly overseas students, are coping with not just massive debts but up-front full-cost payments which are an incredible burden. I take this opportunity to draw the Senate’s attention to a story that was on the ABC’s AM on 10 November, at the end of the last sitting week, which highlighted the issue of what international students in this country were being forced to do, what kind of work they were being forced to undertake, in order to meet those financial commitments—that is, not only paying for expensive degrees but
also ensuring that they had some income while they were studying. The students union, according to AM, said that women end up in the sex industry because their visa restricts them to working just 20 hours a week during any one semester and they need high-paying jobs to survive.

In fact, a survey was done by Dr Sarah Lantz on student participation in the sex industry. She stated:

It looked at 40 students working in the Melbourne sex industry and it explored their lives and it was a qualitative study and a longitudinal study, so it looked at their lives over a four-year period.

One of the main issues was this issue of finance, particularly for international students. We had a range of domestic students and international students.

I raise that not to be alarmist, because over the years I am sure all of us here—particularly Senators McEwen, Wong and Crossin—have been involved in the debate about student income support not just in this place but in many other places, be it student organisations, the NTEU or other places. This is a real issue, and it is one particular area where the government has failed to show any initiative or, indeed, attention.

We have had a student income support inquiry. We have had the first ever Senate inquiry to specifically examine the issue of student income support generally in relation to the issues affecting not just international students but also domestic undergraduate and postgraduate students. We have the results of that particular inquiry, yet we have had no response from government. That committee reported in June 2005. There was a bit of hiatus due to the federal election in 2004. I take this opportunity to place on record that that particular Senate inquiry report, to my knowledge, has not been responded to by government. I ask the minister on duty through you, Mr Acting Deputy President, to inquire of the government as to why there has not been a formal government response to that particular inquiry.

There were a significant number of recommendations—I believe, Senator Crossin, you were the chair for that inquiry—that talked about the first and foremost recommendation, which was the government commissioning an independent expert panel to review the performance and effectiveness of the student income support system in Australia. This is an area that has not received adequate attention and it is at the forefront of the minds of students and their student representative organisations.

In the last couple of months I received a petition and a letter from the Sydney university postgraduate students association and the SRC at Sydney university. During National Anti-Poverty Week, they did a survey calling for various issues to be drawn to the attention of government in relation to student income support. They referred to the fact that the average full-time student, according to the AVCC in 2001—remember that report: Paying their way—worked 14.4 hours per week in paid employment every week, taking away from their study time. Obviously, this figure is on the rise since 2001. A typical youth allowance or Austudy student receives payments that are 40 per cent below the poverty line. Students who are on Austudy, as we know, are not eligible for rent assistance whereas those on the common youth allowance are, exacerbating poverty issues, particularly those affecting older students. I still do not understand the discrepancy in one group being able to access rent assistance and the other not—and I have yet to hear a member of the government explain it.

The health care card low-income threshold has been embarrassingly low, restricting access to low-cost medicines and other benefits. The removal of the educational textbook subsidy scheme has made textbooks more
expensive in Australia, and students often need to complete a vocational masters degree, sometimes only as a full-time student, to get a professional job, yet they cannot access Abstudy or the common youth allowance during that time. I acknowledge there is work being done by student groups on this issue; I also acknowledge there is work being done by academic and vice-chancellors groups. It is the unaddressed issue of education and training in this country and it is unacceptable. I can assure you: some of us will continue to campaign strongly on this issue.

I realise that was a slight tangent in relation to the education services for overseas legislation amendment bills but, as I said in my opening remarks, we will be supporting those bills for the reasons outlined in the speech that was made before me but also because, as I have made clear over many years on behalf of the Democrats, we will do what we can to strengthen protections and the regulatory framework for those students who are involved in some form of education and training and are from overseas. As I indicated earlier, we will be supporting the Labor amendments before us.

**Senator CROSSIN** (Northern Territory)  
(7.55 pm)—The Education Services for Overseas Students Legislation Amendment (2006 Measures No. 1) Bill 2006 and the Education Services for Overseas Students Legislation Amendment (2006 Measures No. 2) Bill 2006 provide for education and training to overseas students in Australia. Overseas student education is regulated by the Education Services for Overseas Students Act 2000. The ESOS Act, as it is known, protects the reputation and integrity of our education export industry by ensuring overseas students get education for which they have paid and at consistent standards through registration of all providers of courses. Only providers registered on the Commonwealth Register of Institutions and Courses for Overseas Students, known as CRICOS in the industry, are allowed to offer such education and training to overseas students.

The ESOS Act 2000 required the act to be reviewed within three years. This has been done, and the two bills being debated today are the first amendments arising from the review. Labor broadly support these changes, recognising the importance of education not only in general but also as an export industry for this country. International education is a major export industry if one can regard education in this way, and it earns $7 billion a year for Australia.

Protection of our reputation as a reliable, high-value provider of education to overseas students is essential in this highly competitive market. However, I want to constrain my remarks tonight and just talk to the extension of the ESOS Act to include the Christmas Island District High School, which is in a very small but significant and beautiful part of my electorate, Christmas Island, way out there in the Indian Ocean, closer to Asia than most parts of Australia.

When the current ESOS Act 2000 was being prepared, information from the Parliamentary Library said that consideration was given to extending its application to external territories, including Christmas Island. In fact, I have downloaded from the DEST website recommendations made by the review of the ESOS Act. Recommendation 3, ‘Scope of the ESOS legislation’, says:

The ESOS legislation is amended as appropriate to enable Christmas Island District High School to be registered on CRICOS for the purpose of delivering courses to overseas students, subject to the Western Australian Government committing to the placement of overseas students in appropriate tuition in the event Years 11 and 12 are discontinued at the High School.

Given the practical difficulties in extending mechanisms for approval, registration, accreditation and monitoring of compliance
with the ESOS requirements and the limitations on the abilities of the industry to offer suitable alternative tuition should an external territories provider fail, it was decided to exclude them from the ESOS Act 2000 and hence from the provision of any education to overseas students. Since then the Christmas Island District High School has been trying unsuccessfully to get approval under this act to bring in overseas students. The review of the ESOS Act has re-examined the case for external territories.

Christmas Island is a very remote and isolated community, with a large proportion of the population coming from and having strong family links with South-East Asia, in particular Malaysia. It is a very strong and close community, and a very safe community in which to bring up kids. Only within the last two years has the Christmas Island District High School been able to offer courses of study right up to year 12. Years 11 and 12 had been offered on the island on a trial basis, but there has now been a commitment to continue offering these years. They have been getting some good results. The students are now able to stay on the island and complete their school studies instead of going to the mainland, usually Perth, although some still choose courses that require them to leave home. There is no obligation to complete years 11 and 12 on the island.

Christmas Island is a very pleasant, family oriented community. It has a good high school that is providing education to year 12. I know from my studies there that not only has the school raised this with me but also the tourist association, the chamber of commerce and the economic development committee have raised with me the potential of the island being able to offer years 11 and 12 to students from South-East Asia. Many of the families on the island have family ties back to South-East Asia and would very much like to bring family children down to Christmas Island to attend school there. Families back in South-East Asia would be happy to send their kids to Christmas Island, I understand, to attend school.

The school and the community are absolutely confident that, if given approval, they could house overseas students within family contexts—and we know there is plenty of accommodation on the island given the expansion that is occurring at the moment—and the school is adequately resourced to provide education for overseas students. All they need is the ability to get a CRICOS number under the ESOS Act.

Following the review of the ESOS Act, I wrote to the then minister, Mr Brendan Nelson, back in May. There was a change of minister and Minister Bishop was then appointed. I received a reply from her on 13 June. In her reply, Minister Bishop stated that the review report did include a recommendation for the ESOS Act to apply to Christmas Island District High School, but she went on to say:

I support this recommendation in principle ...

However, she did have concerns about the school’s ability to address the consumer protection provisions of the ESOS Act, in particular how overseas students would be managed if the school were unable to continue offering years 11 and 12.

I have recently contacted the school and spoken to the principal, Ian Francis. He assured me that he is very positive about the way things are developing. He says it looks like they may be approved mid-2007 and can then start with overseas students. He reassured me though that they also need time to organise details such as accommodation. Year 11 and 12 classes continue to expand and currently there are 28 enrolled, with no sign of any reduction. So it is a catch 22, really. Years 11 and 12 will continue; no doubt they will be further enhanced if in fact

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the school can attract and have students from overseas.

From where I sit, I can see a review of the ESOS Act, with a recommendation to extend it to Christmas Island. There are some reservations about whether the courses will continue, but all indications are that it is growing from strength to strength. The school has started the process of being able to demonstrate compliance under the requirements of the ESOS Act and its national code. While I realise that the ESOS Act applies to some matters which are far bigger for the nation, I would hope that by now the department has been able to work out the detail necessary to include little Christmas Island District High School under the act to enable them to at least apply for registration and get a CRICOS number, and commence taking overseas students, if not in 2007 then in 2008.

I understand that the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students—commonly called the national code; a copy of which I have with me—had a final version produced in October 2006. A close reading of this code compared to the previous code showed that the previous code specifically mentioned an exclusion of Christmas Island District High School, and there is no mention of that in this final code. Perhaps Senator Colbeck might be able to get his advisers to advise me about that. I take it from this that if Christmas Island is not exempted then they are right to go. My suggestion, and why I have put up an amendment, is that this may well occur by good luck and good fortune rather than as a result of a deliberate exclusion in the act. The Labor Party is proposing that Christmas Island actually be specifically named in the act. In fact, I think one of our amendments is to have Christmas Island defined in this act as defined in section 4 of the Christmas Island Act. I do not think this in any way ensures that the island would start to offer courses for overseas students. They do need to comply under the national code and they do need to meet all of the requirements. But if they are specified in the act then that is a start.

There is goodwill, I think, from the government to allow this to happen. My suggestion and the Labor Party’s amendments would give some confidence to the Christmas Island community and the high school that at least this will shore up the process and then they can just continue as they are, seeking to become compliant under the act. I would urge the government to support this recommendation. And, as I said, Minister Bishop said in her reply to me that she supported this recommendation in principle. Time has moved on since June and I think the time is right now for us to actually extend Christmas Island as being defined under the act and provide them with the opportunity to get a CRICOS number so they can take this next endeavour one step further.

**Senator COLBECK** (Tasmania—Parliamentary Secretary to the Minister for Finance and Administration) (8.06 pm)—The Senate is considering the Education Services for Overseas Students Legislation Amendment (2006 Measures No. 1) Bill 2006 and a related bill, which amend the Education Services for Overseas Students Act 2000, the ESOS Act. Australia is a market leader in the delivery of education to international students and this position is due in no small part to the effectiveness of the ESOS regulatory framework. However, in order to retain our competitive edge, Australia must continue to set the pace in the effective regulation of international education and training. The amendments to the ESOS Act in these bills demonstrate Australia’s ongoing commitment to be a world leader in this area and will ensure the continued delivery of high-quality education to overseas students.
The ESOS Act protects the reputation of Australia’s education and training export industry by regulating education and training providers, providing consumer protection for overseas students and ensuring the integrity of the student visa program. The evaluation of the ESOS Act made recommendations for improvement and clarification of provisions to support its effectiveness.

The amendments proposed in these bills will have a beneficial impact on each of the three main objects of the ESOS Act, firstly in respect of regulation of education and training providers. The ESOS Act safeguards the interests of overseas students by setting standards for education and training providers. All providers who deliver education and training to overseas students must first meet state based quality requirements and then be registered on the Commonwealth Register of Institutions and Courses for Overseas Students. The amendments will ensure that all persons with positions of high managerial authority with the provider are subject to a fit and proper person test before the provider can be registered. As a result of the amendments, this test will also be able to be applied at any time during registration. These amendments will provide a further guarantee of the credentials of CRICOS registered providers by preventing persons with a history of noncompliance from taking up positions of responsibility with the provider.

The act also considers consumer protection for overseas students—consumer protection being central to the purposes of the ESOS Act. The amendments in these bills will refine the way in which the consumer protection mechanisms operate to protect the interests of students in the way intended. A sunset clause for claims on the ESOS Assurance Fund will provide the fund manager with more certainty regarding liabilities and assist with managing the fund’s assets. The fund manager will also be able to adjust a student’s refund in circumstances where academic credit or recognition of prior learning has been obtained.

Other amendments in these bills are designed to ensure effective support of a student in situations of provider default. For example, where a student accepts an offer of placement in a course as an alternative to a refund, that acceptance must now be in writing. And, in order to facilitate placement of a student in a suitable alternative course, a tuition assurance scheme will be able to access student information through the department.

The ESOS Act also supports the integrity of the migration system by placing obligations on registered providers to recruit only genuine students and to monitor and report on breaches of visa conditions relating to attendance and satisfactory academic performance. A breach of these visa conditions may result in the cancellation of a student’s visa. The revised national code, which is the product of extensive consultation with industry, will reflect a new approach to the visa conditions which focus on teaching, learning and assessment in each sector while maintaining the visa integrity intent of the act. The migration regulations will be amended to impose student visa conditions that support the revisions to the national code and these visa conditions will be prescribed in the Education Services for Overseas Students Regulations 2001, the ESOS Regulations.

The measures proposed in these bills are positive for overseas students and the international reputation of Australian education and training. They will further guarantee the quality of CRICOS registered providers and ensure that Australia continues to be a destination of choice for overseas students. I commend the bills to the Senate.

Question agreed to.

Bills read a second time.
In Committee

Bill—by leave—taken as a whole.

Senator WONG (South Australia) (8.11 pm)—by leave—I move circulated amendments (1) and (2) on sheet 5107 concurrently:

(1) Schedule 1, page 3 (after line 4), before item 1, insert:

1A  Section 5

Insert:

Christmas Island has the same meaning as in section 4 of the Christmas Island Act 1958.

(2) Schedule 1, page 3 (after line 12), after item 2, insert:

2A  Section 5 (definition of State)

After “includes”, insert “Christmas Island,”.

Senator Crossin may wish to add to her comments in the second reading debate in relation to this issue. These amendments deal with the specific issue of the inclusion of Christmas Island. This issue was canvassed in the second reading debate. Both Labor senators and also Senator Stott Despoja raised the issue of the redrafted national code removing one of the barriers to the extension of the ESOS regime to Christmas Island. Amendments (1) and (2), moved by the opposition, essentially have the effect of inserting Christmas Island into the definition of ‘state’ in the act and, as we understand it, extend the application of the regime to Christmas Island. I would be grateful if the parliamentary secretary would be able to indicate whether the government intends to agree to these amendments.

Senator CROSSIN (Northern Territory) (8.14 pm)—My query is on the final version of the national code. Because Christmas Island is now not specifically mentioned in that, are you therefore suggesting that this is one barrier that has been removed? Can you outline for me exactly what negotiations DEST or DOTARS are undertaking with the Western Australian government and when you might anticipate that will lead to a further amendment of the ESOS Act?

Senator COLBECK (Tasmania—Parliamentary Secretary to the Minister for Finance and Administration) (8.15 pm)—I can confirm that you are right; that is one impediment that has been removed. I do not have any specific details on the administrative issues other than that they are being dis-
cussed between DEST, DOTARS and the Western Australian government’s Department of Education Services. We are anticipating that we will be able to bring in a piece of legislation at the next sittings of parliament to deal with the issues that have been resolved as part of that negotiation process.

**Senator Wong** (South Australia) (8.15 pm)—I have one issue. Senator Colbeck said, ‘We are happy to do this later once we have sorted out some of the administrative details.’ I am not trying to verbal you, Senator Colbeck, but I think that is reasonably accurate. Given that this is a legislative change and the government is not open to the possibility of amending the legislation, the fact that—as I understand the registration process under the ESOS Act—there is the capacity in the legislation for this extension to occur does not preclude the continuation of these negotiations prior to the registration being effected.

**Senator Colbeck** (Tasmania—Parliamentary Secretary to the Minister for Finance and Administration) (8.16 pm)—My advice is that the legislation that we will bring forward will fit the outcomes of the negotiations that we are undertaking at the moment. Instead of going through the process that is being proposed at the moment, we would rather complete the negotiations and put in place legislation that fits the negotiations we are currently undertaking.

**Senator Crossin** (Northern Territory) (8.17 pm)—Does this then mean that Christmas Island District High School can do everything in its power possible to take the steps to becoming a CRICOS provider? Except, to get a CRICOS number, they need to be specified in the act—is that correct?

**Senator Colbeck** (Tasmania—Parliamentary Secretary to the Minister for Finance and Administration) (8.17 pm)—I think that is a fair assumption that could be taken from the discussions that we have just been having.

Question negatived.

**Senator Wong** (South Australia) (8.18 pm)—I move amendment (3) on sheet 5107:

(3) Schedule 1, page 5, (after line 30), after item 16, insert:

16A Section 23

Repeal the section, substitute:

23 Annual registration charge

(1) The Secretary must give to each provider who is liable to pay an annual registration charge for a year a written notice stating the amount of the charge.

(2) A notice under this section must be given to a provider by the last business day in the January of the relevant calendar year.

(3) Subject to subsection (4), a registered provider must pay the annual registration charge for which the provider is liable by the last business day in the February of the relevant calendar year.

(4) If the notice has not been given to a provider by the last business day in the January of the relevant calendar year, the annual registration charge for which the provider is liable must be paid within 28 days of the day on which the notice was given to the provider.

This amendment deals with the annual registration charge. I addressed this in my speech in the second reading debate. The opposition is moving this amendment in light of concerns raised by the Australian Vice-Chancellors Committee regarding some potential problems with the regime that is proposed in the legislation. We consider those concerns are worthy of support and, accordingly, I move this amendment, which is essentially a repeal of proposed section 23 and the substitution of a slightly amended regime.
Senator COLBECK (Tasmania—Parliamentary Secretary to the Minister for Finance and Administration) (8.18 pm)—The government does not support this amendment. We have had conversations with the Australian Vice-Chancellors Committee on this. There is an extensive process that providers go through in the lead-up to the payment of this annual registration charge. It is a self-assessed charge as part of the process. Consultation with the providers commences in November of the year previous to the date—that being 28 January. There is a process that provides for genuine consultation with the industry and one that provides plenty of opportunity for industry to understand what their costs and fees are likely to be and to interact with the agency and the government prior to paying the charge on 28 January as required by the proposed bill.

Question negatived.

Bill agreed to.

EDUCATION SERVICES FOR OVERSEAS STUDENTS LEGISLATION AMENDMENT (2006 MEASURES No. 2) BILL 2006

Bill—by leave—taken as a whole.

Bill agreed to.

Education Services for Overseas Students Legislation Amendment (2006 Measures No. 1) Bill 2006 and Education Services for Overseas Students Legislation Amendment (2006 Measures No. 2) Bill 2006 reported without amendment; report adopted.

Third Reading

Senator COLBECK (Tasmania—Parliamentary Secretary to the Minister for Finance and Administration) (8.22 pm)—I move:

That these bills be now read a third time.

Question agreed to.

Bills read a third time.

AUSTRALIAN NUCLEAR SCIENCE AND TECHNOLOGY ORGANISATION AMENDMENT BILL 2006

Second Reading

Debate resumed from 10 October, on motion by Senator Santoro:

That this bill be now read a second time.

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

At the end of the motion, add “but the Senate condemns the government for:

(a) its extreme and arrogant imposition of a nuclear waste dump on the Northern Territory;

(b) breaking a specific promise made before the last election to not locate a waste dump in the Northern Territory;

(c) its heavy-handed disregard for the legal and other rights of Northern Territorians and other communities, by overriding any existing or future state or territory law or regulation that prohibits or interferes with the selection of Commonwealth land as a site, the establishment of a waste dump and the transportation of waste across Australia;

(d) destroying any recourse to procedural fairness provisions for anyone wishing to challenge the Minister’s decision to impose a waste dump on the Northern Territory;

(e) establishing a hand-picked committee of inquiry into the economics of nuclear power in Australia, while disregarding the economic case for all alternative sources of energy; and

(f) keeping secret all plans for the siting of nuclear power stations and related nuclear waste dumps”.

Senator FORSHAW (New South Wales) (8.22 pm)—I rise tonight to continue my remarks on the Australian Nuclear Science and Technology Organisation Amendment
Bill 2006. It was some time ago when I started to speak on this bill. I think I got about four minutes into my speech before the debate was adjourned for question time that day. I see some degree of irony in the fact that this bill has come on for continuation of the second reading debate today, just after the report into nuclear power has been released. This report is known as the Switkowski report. I think most people have picked up on the fact that this is a report from a hand-picked committee designed to produce a predetermined outcome. I want to come back to that issue in a moment but I firstly want to make some comments about the bill that is before the parliament. This legislation makes a number of changes to the act and, for the most part, we do not disagree with the government’s proposals.

Certainly, a key feature of the legislation is that it will enable ANSTO to manage our nuclear waste in a more sensible and more efficient manner. One of the issues that have arisen—and it is a fact that people in the government did not pick up on this some time ago—is that under the current legislative framework ANSTO does not have the legal authority to manage all of the nuclear waste in this country. There are real questions about whether or not it can manage all of the waste that it produces at the Lucas Heights nuclear reactor and at its other facilities—the cyclotrons.

I think everyone who has followed this debate knows that the spent fuel rods from Lucas Heights are currently sent overseas to France for reprocessing. In the past some of that material has been sent to facilities at Sellafield in the UK. A key part of the agreement to have that nuclear waste processed overseas is that eventually it returns to Australia. That will commence in a few years time—I think the date is around 2011 or 2012—when the waste from the old reactor at Lucas Heights, known as the HIFAR, will commence to be returned to Australia. That waste has to be stored somewhere. Where the waste will eventually be stored has always been a major issue in the ongoing debate about Australia’s nuclear industry.

The technical problem that has arisen—and I am no scientist, but this is how I understand it—is that when the waste is taken overseas and reprocessed in France by Cogema it gets mixed up with a whole lot of other waste material that is being reprocessed, maybe from other reactors. So in a technical sense it is not exactly the same waste that we sent over there in the first place. So this amending legislation will ensure that in the future there will be no disputing ANSTO’s capacity to receive that waste back and to store it.

We agree with that. It is a valid exercise of the parliament’s power to make amending legislation to deal with that circumstance. But what is more important in this debate is that this highlights the government’s failure to properly address a range of nuclear issues that have been on foot, at least going back to the early 1990s. We have always known that the Lucas Heights reactor was eventually going to have to be shut down. It is planned to be shut down in the next year or two when the new OPAL reactor is fully commissioned.

Back in 1993 the Keating government commissioned an inquiry which produced a report on whether or not there should be a new reactor built and, if so, where it should be located. I want to refer to this inquiry report. It was the report of the Research Reactor Review, August 1993, Future reaction. It is otherwise known as the McKinnon report because the committee was chaired by Professor Ken McKinnon. Firstly, in its findings on the issue of waste storage and disposal, the report stated:
A crucial issue is the final disposal of high level waste which depends upon identification of a site and investigation of its characteristics. A solution to this problem is essential and necessary well prior to any future decision about a new reactor.

Secondly, the review committee went on to state:

If a decision were to be made to construct a new reactor, it would not necessarily best be placed at Lucas Heights. An appropriate site would best be decided after exhaustive search, taking into account community views.

I draw attention to those two findings of the McKinnon report because they go to the heart of what is at issue in the current discussion about nuclear power in this country. What the McKinnon report was saying was that before the government makes any decision about whether it needs a new research reactor—or power reactor—the committee was only looking at a new research reactor—there should be clear evidence that the issue of waste had been resolved, that a location for a waste facility in this country had been determined.

In 1997, after this government had only been in power for a year or so, the then minister for science, Mr McGauran, announced that there would be a new reactor built at Lucas Heights to replace the HIFAR. There was never any proper investigation of alternative sites. This Senate, this parliament, conducted a number of inquiries. I chaired one of them. But every time we sought to get information from the government as to whether or not it had considered alternative sites to Lucas Heights we were told either that that was confidential information or that it was an irrelevant issue. Indeed, as we found out later, one of the reasons the government could not tell us where those sites were that had been looked at was that that might scare the people who lived in the communities in those areas. The second point about that decision is that it was made when no investigation had been conducted into the location of a waste facility. So the government made a major decision without any consideration of the recommendations in the McKinnon review.

I have spoken about this on many occasions and I do not want to go into too much detail again now. But we now see the same approach being repeated; it is a rerun of that history. What did we see with the government’s decision to locate the proposed waste facility in the Northern Territory? First of all, we saw the government decide that it would be located in South Australia—that was its preferred location. In South Australia at the time that that was announced not only did the state Labor government say they would not accept it but the state Liberal Party said they would not accept it either. The Liberal Party opposition in South Australia said: ‘Not in our backyard. We’ve had enough of the nuclear industry in South Australia,’ with the mines that they have there now and the problems that occurred after the nuclear testing at Maralinga after World War II. So, when the Liberal Party in South Australia said they were not going to have a waste dump in their state, the Liberal-National Party government federally said, ‘Okay, they don’t want one, so we’re not going to give them one.’ The government then said it would be built on Commonwealth land.

Since then, the government have announced that it will be located in the Northern Territory. They still have not told us exactly where it will be in the Northern Territory. They have named a number of sites, and people have had to go through various processes to drag the details out of the government as to which actual sites they are considering. Of course, before the last federal election, promises had been made that under no circumstances would a nuclear waste dump be located in the Northern Territory, including, as I understand it, by Senator
Scullion from the Northern Territory. But that was all jettisoned after the election. Once the government had won, they very quickly changed their mind, Senator Scullion’s interests were pushed to one side and the Northern Territory is going to have the waste dump. Actually, I would not necessarily argue that it is not a suitable place to have a nuclear waste facility; I can think of quite a number of other places in this country that might be suitable. But the point is that at no stage have the government ever considered the interests of the people of those communities, just as they never took any notice of the interests of the communities of the Sutherland shire when they made their announcement about the replacement reactor at Lucas Heights.

So we now move to what has happened in the last few weeks. The Prime Minister, Mr Howard, has decided that nuclear power should be on the agenda. According to him, we should consider building nuclear power plants around Australia. That is an interesting proposal because it was only a couple of years ago that the government put legislation through this parliament to establish the Australian Radiation Protection and Nuclear Safety Agency—ARPANSA, as it is known. If you have a look at the legislation that established ARPANSA you will notice that it specifically excludes a range of nuclear facilities from the list that the agency is able to license—in other words, the head of ARPANSA, Dr Loy, is prevented from licensing certain nuclear facilities. And one of the nuclear facilities that he is prevented from licensing is a nuclear power plant.

So what we have had is this issue being thrown out there into the community by the current government and a report commissioned. Yet it was only a couple of years ago that this government put through this parliament the ARPANSA legislation, which regulates the nuclear industry in this country. It is confined to the research reactor plus some other facilities such as cyclotrons. The government said that it would not entertain the idea of nuclear power plants and it would not entertain the idea of enrichment. Indeed, Minister Minchin himself has said that time and time again. Yet we have this phoney debate being put up by the Prime Minister as his response to the major issue of climate change. So whilst we support this legislation, because it makes technical changes to the act that are required, this government has a lot to answer for in its failure to involve the community in its decision making with regard to the nuclear industry.

Senator SCULLION (Northern Territory)

(8.38 pm)—I have to say that I was absolutely delighted to hear at the end of the previous contribution, from Senator Forshaw, that those opposite will in fact be supporting what I would have thought is a highly commendable piece of legislation, despite the considerable add-ons from the other side that I think do not really inform the Australian public—in fact, in a number of cases, misinforms them. So I will talk primarily to the bill, but I would like to correct some errors from the other side.

The Australian Nuclear Science and Technology Organisation Amendment Bill 2006 effectively clarifies the role that ANSTO can play in the management of radioactive materials and waste on behalf of the Commonwealth. I think we are all agreed that is a pretty basic premise and one that would be supported. It also provides ANSTO with the clear authority to manage the reprocessed spent fuel returning to Australia from the overseas reprocessing facilities, as per a contractual arrangement between Australia and those countries and a contractual arrangement that is reflected between Australia and the International Atomic Energy Agency.
The bill also ensures that the Commonwealth can provide any assistance necessary to the states and territories, and obviously the enforcement sections of those jurisdictions, in the event of a hopefully unlikely catastrophe and in the event of a radiological terrorist incident; and it removes any legal impediment to ratification of the International Convention for the Suppression of Acts of Nuclear Terrorism. It is pretty basic, I would have thought. But, instead of simple support for these very good notions, we have had quite a bit of dissent from the other side that I think is unhelpful in view of the Senate’s very important role of informing the public on a whole range of matters.

Those on the other side, and quite a number of people who have not supported the legislation—disappointingly, some of those individuals are from the crossbenches—have asserted that this bill effectively opens the door to import and treat foreign waste. In other words, the notion is given that somehow waste from other countries that has nothing to do with Australia may come to Australia to be treated—which is of course absolute rubbish. There is no part of this amendment bill that does that. In fact, it clarifies ANSTO’s role in this matter: that they may manage waste arising from the conditioning of ANSTO spent fuel. It is very clear: ANSTO spent fuel. If you look at that through a definitional sort of process, that is fuel that has been irradiated by ANSTO at Lucas Heights. Nothing is unclear about that to me. I would have thought it beyond belief that one would somehow find that confusing.

I think that there are those also on the other side who live in this fool’s paradise—perhaps not only from the other side; I think some of these comments came from the Democrats, to be fair to those who are glancing at me oddly on the other side. There are those who have spoken against this bill, and I think they have been disturbingly misled that we should somehow rely on other countries to provide for radiopharmaceuticals. There is always mention of cyclotrons and other alternatives. The fact of the matter is that there are no alternatives available to producing some radioactive isotopes in a timely fashion, because of the short half-life, to be available to the Australian health system.

Somebody who I think is fairly reputable in this area, Dr ElBaradei, who heads up the International Atomic Energy Agency, said in a media statement late last year—I do not have the exact quote in my head—in effect that the biggest threat to the procurement of radiopharmaceuticals in an international sense was a growing reluctance from the airlines to carry radiopharmaceuticals. So anybody who is deciding to put the future of the health system of their country in the hands of others I think has made a very poor decision indeed. Conversely, Australia, which has decided to have some independence with regard to the provision of radiopharmaceuticals, and the very important aspect of our health system that deals with that, has made a very good decision indeed.

When I am talking about people being disturbingly misled, we have a serial offender in Senator Trish Crossin. I read with some dismay her contribution to this place during the last sittings. It is those little things that tend to grate with me personally—this almost childish referral to these things as ‘dumps’. It is very cool; the media will pick that up. But we are well and truly over that. In terms of trying to inform people, a ‘dump’ in a lot of people’s minds is a radioactive drum that is leaking and there is a big hole in the ground and we are sort of pouring stuff into the ground. What does that do? Does that seek to inform the Australian people? Or does it seek to misinform the Australian public about the intention of the Commonwealth in looking after their best interests?
I read with great interest Paul Toohey’s article in the most recent Bulletin, where he talks about some traditional owners being very concerned. The traditional owners were talking about a DVD or some photographs they were shown by an ‘environmentalist’ of children born without a face and without arms. Those sorts of scare tactics, whether they are absolute horror stories by some so-called environmentalists at the really rough end or the same disingenuous approach taken to this whole issue by people in this place like Senator Crossin, who continually refers to this process as ‘a dump’, are grubby tactics. It does her no good and, I have to say, it does not do this place any good.

Senator Crossin, in trying to inform the public, is saying, when the returning fuel comes from another country, ‘Of course, it’s not all our fuel.’ This is all about equivalence and proportionalities. There is nothing particularly difficult to understand. Perhaps I should refer Senator Crossin to economics I when she takes her dollar and puts it in the bank. When she goes to get her dollar back out of the bank will she look at it and say, ‘Oh, sir, this isn’t the same dollar; I want exactly the same dollar that I put in’? It is a complete nonsense. It misleads people about the fact that ANSTO’s material gets reprocessed overseas. We get back a proportional equivalent in this country as per a very carefully negotiated agreement that comes under the auspices of the International Atomic Energy Agency and is used as current world’s best practice around the globe. Again, she seeks to mislead and misinform individuals about this and, as I said, it brings her no credit.

Interestingly, in her contribution in the last sittings, Senator Crossin continued to say, ‘How dare the Commonwealth try to close loopholes!’ We found loopholes and we are deeming to close them; how dare we! It is sad that I have not heard Senator Crossin talk about the importance of the provision of radiopharmaceuticals, which is a fundamental part of our health system. I visited a hospital in Sydney recently, and they were going through the importance of products like technetium and the difference it has made to women, particularly women with breast cancer. In the dark old days a full mastectomy was required simply because it was very difficult to identify the exact location of lymph nodes under which a tumour may be draining. With the provision of technetium there is at least a good chance of finding out at the right time exactly which lymph nodes the tumour is draining into and therefore allowing far more forensic surgery. That is what we take for granted nowadays.

Those people who are misinforming us about the importance of the provision of radiopharmaceuticals to this country are simply running down the whole process of responsibility. We say that we have a right to a good system, but every right comes with a responsibility. The responsibility is to meet our requirements as Australians, as a nation and as individuals to ensure that we meet our agreement. We said that we are going to have the benefit of radiopharmaceuticals. Therefore, we need to take back the reprocessed fuel rods that are the waste for a reactor that does not produce power; it simply produces medicine. It is absolutely safe. There is no question about that and yet there are those on the other side who always like to say, ‘We’re a bit funny about this; we’re not sure how safe this really is.’

Senator Crossin goes on to say, ‘France has only high-level waste; obviously Senator Scullion is misleading you, as this intermediate-level waste is a bit of a furphy.’ If she has even a perfunctory glance at the legislation we are amending she will see in a series of definitions that it is very easy: high-level waste is waste that develops more than two kilowatts of energy. It is very simple: above
that, it is high-level waste; below that, it is intermediate-level waste. Low-level waste is measured on a completely different continuum because it is so low. It is not the sort of stuff we make up. If you continue to look to the ARPANSA or the International Atomic Energy Agency, headed up by Dr. ElBaradei, they give us guidance on those things. To say that we are misleading the public and that this is high-level waste is another furphy designed to confuse and frighten rather than to inform.

Parts of the contribution the other day absolutely stunned me. Senator Crossin told us that we need to be really careful because she read in a newspaper somewhere—an absolute tome of truth—that there was no security at ANSTO. She referred to an article about the nuclear reactor at Lucas Heights not being well looked after and ‘protected by a cheap padlock and a stern warning against trespassing or blocking the driveway’. She said:

This level of security may have been deemed as broadly adequate by the then Acting Prime Minister, John Anderson; however, this standard of security is deemed simply unacceptable by just about everyone else.

Maybe Senator Crossin forgets—maybe that is what it is. But, interestingly, she made that contribution during the last set of sittings. I am sure there is no mischief in it; I am sure that she just does not bother to follow the issues. But, perhaps, just for her information I could draw her attention to a media ethics committee that actually considered, surprisingly, this journalist’s report. I think it is very important. I will read the letter of complaint to ANSTO. It deals with the exact quote that Senator Crossin made when she said:

The back door to one of the nation’s prime terrorist targets is protected by a cheap padlock and a stern warning against trespassing or blocking the driveway.

Had someone wrapped themselves in the truth of this particular statement—it is a couple of weeks ago—one would have thought that they would have informed themselves that back in June this is what ANSTO had to say about the issue:

As you will note from the attached media clip, Jonathan Porter, the journalist who wrote the article, reported that one of the nation’s prime terrorist targets is protected by a cheap padlock and a stern warning against trespassing or blocking the driveway. This is a lie. Mr. Porter is very well aware of various levels of protection around the ANSTO research reactor, as only three days before he was personally escorted into the high security area where the reactor is housed, which is surrounded by double fencing and razor wire, as well as having 24-hour, seven-day a week video surveillance and armed guard protection.

That is right; this is the same description: it has 24/7 video surveillance and armed guard protection. It has a multitiered electronic pass system, so assessing the reactor is certainly not as simple as snapping the padlock and driving the 800 metres or so to the reactor, as the article states. Mr. Porter chose to ignore the facts and present incorrect information of outrageous proportions, presumably in pursuit of a front-page article. These are the materials that were used by Senator Crossin in this place to try to besmirch the very good security and officers of ANSTO.

Mr. Porter’s article also made incorrect statements regarding the consequences of an attack on the reactor’s cooling towers. When he visited the ANSTO site and its reactor, Mr. Porter was accompanied by executive director Dr. Ian Smith and media advisor Sharon Kelly. Mr. Porter asked Dr. Smith about the towers and Dr. Smith clearly explained the failsafe systems that exist, stating that the reactor would close down immediately should anything happen to the cooling towers. This expert information was not put forward and more fiction was set into play to paint a dismal picture of the reactor’s secu-
rity. In addition, Adam Cobb, to whom he refers, has never visited the ANSTO site and is not familiar with the security arrangements.

The letter goes on to say that the article also stated that the Weekend Australian journalist and photographers parked a one-tonne van outside the back gate for more than half an hour. This misleading term ‘back gate’—repeated in this place, I might add, by one Senator Crossin—used in the article is a totally misrepresentative description of a gate on a fire trail on the outer perimeter surrounding bushland, which does not form part of ANSTO’s secure grounds. In addition, when the journalist and his photographers did leave the main road and came close to ANSTO’s perimeter, they were quickly approached by the Australian Federal Police officers who were there to in fact ensure the protection of the site and to prevent anyone setting foot on ANSTO’s soil.

The panel concluded that the ANSTO complaint has been made out. They went on to say that they could have recommended a range of penalties but declined to do so in this case, believing that the finding, which upholds the complaint, is sufficient vindication for the complainant. So much for Senator Crossin informing this place. It was not for me to make the case, but for an ethics committee to make the case. Talking about being ethical in the place, senators should inform themselves about the sort of information that they bring to this place when they stand up and put their hands on their hearts and say, ‘I’m informing Australians.’ Senator Crossin’s recent contribution was hardly informing Australians.

Senator Parry—Alarming Australians.

Senator SCULLION—Thank you, Senator Parry. We also have had a second reading amendment moved by Senator Stephens. Reading the amendment, I am not sure whether Senator Crossin stepped in some cold water. The amendment is about the process of placing a radioactive waste facility in the Northern Territory. It talks about the imposition of a waste dump on the Northern Territory being extremely arrogant. I cannot stress any harder that, when the Commonwealth runs out of choices, this government is proud to act and show some leadership to ensure that we protect the fundamental rights of access to the very best health care that the world can offer. Australia continues to offer that and will continue to support those processes that do so.

That section of the amendment condemns the government for breaking a specific promise made before the last election not to locate a waste dump in the Northern Territory. I find this pretty amusing, really. Why are we in this position? If you want to talk about people being disingenuous, let us talk about Mike Rann, who agreed to undertake a four-year study after 1998 to ensure that we found the very best place for all Australians. Every state and territory agreed that that was the process. At a few minutes to midnight, Mike Rann said, ‘Let’s have a bit of mischief.’ That is why we are in the very sad position where there has to be some imposition on the Northern Territory. But we tried all other options.

This little network amazes me. We have Clare Martin, who is absolutely outraged that we might have radioactive materials traveling on the roads. They could even go by train, Senator Parry. Wouldn’t that be appalling? How does Mike Rann get his yellow-cake into Darwin? By the train—with the full consent of Clare Martin, the Leader of the Labor Party in the Northern Territory. Disingenuous? I do not have a great grasp of the English language, but I am sure that there are some stronger terms that could be applied to that particular set of disingenuous circumstances.
The amendment goes on to talk about the destruction of recourse to procedural fairness. The fairness was over when they reneged on a national campaign that cost millions of dollars and which everybody had agreed to and which was for the benefit of every single Australian because it would have guaranteed that all of our radioactive material was safely stored in a single and sensible repository. The Labor government in South Australia at the last minute said, ‘Sorry, we only gave our word, and that doesn’t really count for a lot.’ It is fairly sad. The last part of the amendment condemns us because we are keeping secret the plan for the siting of our nuclear power stations—when the report came fresh off the press yesterday. But I am not expecting too much of the other side.

It is a fairly simple bill. It clarifies the roles that ANSTO takes in the managing of radioactive materials on behalf of the Commonwealth. It provides us with a clear authority to take back the reprocessing plants, because that was part of the arrangement that we made, and it ensures that the Commonwealth provides further assistance to the states and territories with regard to their compliance regime and their police forces in the unlikely event of an act of terrorism. It is an excellent amendment to a very good piece of legislation, and I commend it to the chamber.

Senator WEBBER (Western Australia) (8.58 pm)—Senator Scullion is right in one respect: the Australian Nuclear Science and Technology Organisation Amendment Bill 2006 appears to be simple at first glance. What Senator Scullion failed to mention was that the explanatory memorandum for the bill informs us that the purpose of this bill:

... is to amend the Australian Nuclear Science and Technology Organisation Act 1987 to allow the Australian Nuclear Science and Technology Organisation (ANSTO) to condition, manage and store radioactive material and radioactive waste other than that which may arise directly from ANSTO’s activities.

That is right: other than that which may arise directly from their activities.

This bill allows us to examine the issues of nuclear power generation, uranium mining and waste management as part of our deliberations. It was interesting to hear Senator Scullion’s contribution on how safe waste storage in particular is. If it were so safe, you would think that Senator Scullion would be happy to have a nuclear waste dump in his backyard, or anyone in any state that does have jurisdiction—

Senator Scullion interjecting—

Senator WEBBER—Is that right? You are happy to have that, are you, Senator Scullion?

Senator Scullion—Absolutely.

Senator WEBBER—You are happy to have it in your back garden?

Senator Scullion—Safe as houses.

Senator WEBBER—If it were so safe, you would think that anyone who lived in any state, or any state government, would agree to it. They are not convinced—hence the federal government wants to override one territory government to ensure storage. It is not safe. The Australian people are not convinced of its safety. However, as I say, the EM for the bill says that it will allow ANSTO to ‘condition, manage and store radioactive material other than that which may arise directly from ANSTO’s activities’.

As I said, this bill allows us to examine the many issues related to nuclear power generation. We in this place and in the Australian community are now repeatedly being told by the leaders of the federal Liberal Party and the nuclear industry that nuclear power is the way of the future. They claim that nuclear power is the answer to climate
change, that nuclear power solves our greenhouse gas problems, that nuclear power is cheap and safe and that we must embrace it because otherwise we are heading for economic and environmental disaster.

Currently there are 441 nuclear reactors worldwide. There are plans for 56 new reactors to be built. That of course is without those proposed in the government commissioned report—the 25 extra. China is building three new reactors each year, but that is not good enough for this government; they have a report stating they want 25. Just the other day in Sydney the director of the World Nuclear Association told a conference that we would need to build an additional 8,800 reactors to prevent an environmental catastrophe.

The Prime Minister of Britain, the President of the United States and our own Prime Minister have all embraced the idea that we need to build new reactors as a means of dealing with climate change, environmental challenges and the increased demand for electricity. In this country, the government have tried to soften us up. They have tried to soften us up with stories in the print media, often contributed by politicians or nuclear industry insiders, and stories on 60 Minutes telling us that nuclear power is now the answer. Then of course the Prime Minister set up his own expert advisory panel to report on this issue—the report that we got last week.

I have seen and read many of the contributions in this debate, both in this chamber and the other place. I have heard the arguments about greenhouse gas emissions, about the role of nuclear medicine and about the safety, reliability and economics of nuclear power. However, I keep coming back to one simply statement. That statement was not made by a world leader, a scientist or even an environmentalist. It was made by a person who in fact has the potential to develop into any one of those things. That person is a 14-year-old girl, a year 9 student, who, after listening to a robust forum attended by industry and environmental representatives conducted in the northern suburbs of Perth earlier this year—in fact, in my office—came up to me and said, ‘They don’t know how to get rid of the waste properly, and there are other ways to get power.’ That of course echoes the concerns of millions of people worldwide.

Recently, petitions have been circulated in country towns in Western Australia about nuclear waste dumps. I have presented many of those petitions in this place. To say that I was overwhelmed by the response would be an understatement. People living in rural and regional Western Australia do not want a nuclear waste dump—not now, not ever. And they are very lucky: because they live in a state and not a territory, this government cannot override their wishes. Petitions on nuclear power have also been presented in this place from residents of Perth. Two more local government authorities have recently passed motions to make themselves nuclear free: the City of Joondalup, which has a mayor who is a member of the Liberal Party; and the City of Sterling, which also has a mayor who is a member of the Liberal Party. These petitions and actions at a local level have been driven by the Australian people’s realisation that they were being softened up for a dramatic change in national direction on nuclear power.

Let us just consider some of the more important statements in the nuclear power debate. The minister for industry claims that the construction of a nuclear power reactor in this country could commence within the next 10 years. Information available suggests that from the start of construction to commissioning takes five years. So, even if we started right now, we would see no power generated by nuclear power in this country until per-
haps the year 2021. It is difficult to see how undertaking a project that will not yield any power for 15 years or so is the answer to climate change. Surely we could be using technology for renewable energy, such as wind or solar, that will not take us 15 years to implement. Much of that technology is already available and is proven to work. Look at Denmark: Denmark will produce over 50 per cent of its power from wind energy alone by the year 2030. Surely we could produce a significant percentage of power in this country from wind energy within the 15 years it would take to commission a nuclear power plant.

We are told by experts that to make nuclear power viable in Australia we would have to have approximately five or six nuclear power stations, ideally on coastal sites and within 100 kilometres of major cities. Indeed, the government-commissioned report recommends 25 such sites. They have to be built with reliable sources of water for cooling and power generation. Given the experts are now saying that we are facing a serious shortfall of water in this country, the concept that we should be using scarce water to generate power is more than slightly ridiculous.

Take the situation in France, which is held up as the pinup nation as far as the nuclear industry is concerned, so much so that even Senator Scullion referred to it. France gets 80 per cent of its electricity from nuclear power generation. Last summer when France experienced a severe heatwave it had to buy electricity on the European spot market. The reason France had to do this was because water supplies at several reactor sites had reached a critical level and plants had to be shut down.

Of course when this proposition is put to industry advocates they immediately say that nuclear power can drive desalination plants to supply the water that they need. That makes it easier to understand why they want to position them on coastal sites. I understand that the best possible pricing for the construction of a nuclear reactor able to supply power would be in the vicinity of $2 billion to $3 billion. So to put five or six in this country is going to cost us somewhere in the vicinity of $10 billion to $15 billion. Imagine what 25 would cost. So Australia is looking at an enormous inflow of specialised equipment imports over the coming 10 to 15 years. Who is going to pay for that? We know that in the United States between 1947 and 1999 there were direct subsidies of some $115 billion to the nuclear power industry with indirect subsidies of an additional $145 billion. Will the nuclear power industry advocated for in this country be based purely on a commercial basis or will the taxpayers have to contribute?

Next let us turn to the supplies of uranium. Currently some 20 countries around the world have uranium deposits. Two-thirds of the total world production comes from just 10 mines. Australia currently produces about 22 per cent of world supply. Australia is claimed to have about 40 per cent of world reserves of uranium. Prices for uranium have risen enormously over the last decade. Estimates based on planned reactors suggest that the worldwide supply of uranium has to double to meet the demand anticipated. Consider this: if the present global output of electricity were obtained entirely from nuclear reactors as efficiently as best practice allowed, the uranium in all the known rich ore bodies in the world would keep them going for just nine years. So nuclear power using uranium is not the long-term answer for global electricity generation or for our environment. It is passing strange, to say the least, that when we are now talking about the issues around peak oil we should be considering an industry in Australia that would see uranium re-
serves depleted so quickly. Now, when the government’s polling must be telling them that the issue of climate change is starting to take hold in the electorate, they resort to the nuclear option.

I note that Senator Heffernan said the other day that the rainfall in this country had changed and we should be encouraging farmers to move to where the rain is. I would like to suggest another option. Why are we not encouraging our farmers, especially those on lands that are still in the grip of a long-term drought, to consider farming renewable energy? There is no need to suggest that they move north. How about a suggestion to farm something else: farm the electricity producing power of wind or that of the sun.

Then there is the issue that Senator Scullion was talking about, the issue of waste. The people of South Australia rejected the Commonwealth’s attempt to place a nuclear waste facility in their state. The government also knew that the Carpenter Labor government in Western Australia and the people of my home state also did not want a nuclear waste dump. The Commonwealth therefore places the waste facility in the Northern Territory where they can override the wishes of the local population. That is because the government of the Northern Territory, as I say, cannot prevent the facility being located there. That is the only reason for the choice of site.

I am always amazed that the issue of a nuclear waste dump is presented as a safe proposition, that there are going to be adequate safety provisions and security and that there is no risk to the community or the environment. However, there are no proposals to store this material in populous states or in major cities, although apparently Senator Scullion is happy to have one in his backyard. No, even with all their assurances and guarantees, they are storing it in a remote area of the Northern Territory. I have seen that even some government backbenchers are concerned.

Not so long ago the member for Tangney, Dr Jensen, said that he was quite prepared for a nuclear reactor to be built in his electorate. In the *West Australian* on 25 May 2005 Dr Jensen said that he would have no problem with a nuclear reactor being built in Tangney so long as it was a fourth-generation reactor. It seems fair enough. Dr Jensen is one of the advocates in that other place for a nuclear power industry and it seems that case is strengthened by his preparedness to have one in his own electorate.

Fast forward to the 10 October 2006 edition of the *West Australian*, which reported that Dr Jensen had pledged to give up his house at Halls Head in the electorate of Brand or perhaps Forrest—because Halls Head is in both electorates—and move to his electorate of Tangney. We have not heard an update from Dr Jensen as to whether he is still prepared to have a nuclear reactor in his electorate now that he is proposing to live there.

The electorate that I represent is all of Western Australia, as we know, and I do not want a nuclear reactor or a nuclear waste facility in my electorate. A fairly straightforward choice faces the people of Western Australia at the election next year. Vote for the Liberal Party or the National Party and you are voting for a nuclear power industry—a vote for yesterday’s power generation answer. Vote for the waste and we will have to manage it not for one or two years, not even for one or two centuries, but one or two thousand centuries. This is not a problem for our grandchildren or even our great-grandchildren. This is about a waste management issue for hundreds of thousands of years. We will not address the issues of cli-
mate change, of power supply or of greenhouse gases by going down the nuclear reactor path. The future for this country and for the rest of the world is to invest in renewable sources of energy.

Vote for the Liberal Party or the National Party and you vote for nuclear reactors in this country that, at best, will not deliver any power for at least 15 years, even on the admission of the Minister for Industry, Tourism and Resources in question time last month, when he said:

Under this government, wind energy capacity has increased in Australia by 7,000 per cent—from 10 megawatts in 2000 to 700 megawatts in 2005. Solar energy has also grown, with the number of solar hot-water systems doubling since 2000-01 and extra capacity in solar photovoltaic also being installed.

So why would they not continue down the path of renewable energy instead of this ridiculous attempt to jump onto the nuclear power bandwagon, whose time has well and truly passed?

If the wind energy capacity in this country continues to develop as it has over the first years of the 21st century without the interference of the Minister for the Environment and Heritage then we will end up with a nuclear industry that will not be required. A vote for the Labor Party at the next election will be a vote for an investment in renewable energy. A vote for Labor will be about meeting the challenge of climate change without looking backwards to a solution that is completely unsatisfactory.

Senator CHAPMAN (South Australia) (9.16 pm)—Effective legislation that will ensure clarity in interpretation is an important priority of the Howard government. The bill that we are debating this evening, the Australian Nuclear Science and Technology Organisation Amendment Bill 2006, clearly exemplifies this. By reducing the complexity of legislation, the Howard government is reducing the costs of compliance that are a burden on our economy whilst also reducing the potential for loopholes to be found.

This bill will ensure that the Australian Nuclear Science and Technology Organisation will have effective management of radioactive materials in Australia in a practical way. Managing energy will be of the highest importance to Australia if we are to remain a prosperous nation throughout the 21st century. This was highlighted by the Minister for Industry, Tourism and Resources, the Hon. Ian MacFarlane, on 16 October this year at the 15th Pacific Basin Nuclear Conference, when he spoke on the importance of effective management of nuclear energy as being complementary to other sources of energy.

The minister has reinforced the fact that Australia is leading the world in many aspects of the international collaboration on greenhouse gas reduction, clean energy development and public-private partnerships to commercialise projects using low emission technology. In underscoring the need for Australia to use cleaner fuels, he brought to our attention that we cannot simply overlook the importance of using nuclear fuel. Cleaner fuels will become a higher priority for all governments as we come to grips with the higher demand for energy and the possibility of global warming. Therefore, it is essential to consider the role of all energy sources.

Earlier this year, I arranged for the government members’ industry and resources committee, which I chair, to be briefed comprehensively by experts who understand the next generation of processing plants capable of full cycle nuclear power, including waste disposal, costing as little as 5c a kilowatt hour. When this is compared with 3.5c an hour for coal, 4.5c for gas, 8c for wind and 12c for solar power, clearly the role of nuclear energy must be considered. With over 30 countries already taking advantage of
clean nuclear power, it would leave Australia at a competitive disadvantage to overlook the possibility of integration of this source into our energy management.

I think that is a point that needs to be reinforced when we listen to what the opposition senators have been saying in this debate. Anyone would think that Australia was embarking on some new adventure by considering the possibilities of nuclear energy generation, when in fact we are one of the few developed countries that do not use nuclear energy. As I said, there are some 30 countries around the world already taking advantage of clean nuclear power and in fact renewing their commitment to that source of energy. The Prime Minister, quite rightly, has outlined his scepticism toward carbon trading, as it so clearly places Australia at a competitive disadvantage. Imposing a carbon trading policy on Australian business would undoubtedly result in a commercial flight of investment and jobs. But, again, it needs to be considered.

Australia has more than 40 per cent of the world’s uranium supply, a resource we are currently selling to other nations for them to use as a source of energy. It would clearly be daft of us to give other nations a competitive advantage through using clean fuels derived from our natural resources of uranium and gas while we continue to sit back and do nothing, as the Labor opposition would seek to have us do. We must not fail—as those in opposition continue to do with regard to policy initiatives—to undertake important new initiatives and legislative changes with regard to nuclear energy. I commend the government strongly for being bold and confident enough to stimulate public debate on the future of nuclear energy in Australia.

It is time to consolidate a succinct policy of nuclear management under ANSTO. As it currently stands, ANSTO has the authority to prepare, manage and store those radioactive wastes associated with the organisation’s activities, unless specified by regulation. ANSTO, in the past year, had a majority of its publications deemed by the research performance assessment to be in the top 25 per cent internationally. It has also embraced corporate responsibility, reporting on the responses it has made to environmental, safety and social issues that affect staff, customers, the Australian community and key stakeholders. The bill we are considering would involve ANSTO being engaged as the pre-eminent nuclear science and research agency to manage additional radioactive materials that arise from beyond its own activities.

These three broad additional categories would allow ANSTO to, first:

Participate in the management of radioactive material and waste in the possession or under the control of any Commonwealth entity. This would include material designated to be stored at the proposed Commonwealth radioactive waste management facility in the Northern Territory. Indeed, the Minister’s second reading speech indicates that ANSTO may be charged with operating that facility.

Secondly:

Where requested by a Commonwealth, State or Territory law enforcement or emergency response agency, deal with radioactive material and waste arising from a relevant incident, including a terrorist or criminal act.

And, thirdly:

Dealing with intermediate level waste (originating from spent nuclear fuel from ANSTO’s nuclear reactors) that is returned to Australia from overseas reprocessing facilities for storage and/or disposal.

Under the contractual arrangements that ANSTO has with the reprocessing plants in Scotland and France, Australian spent fuel may be combined with spent nuclear fuel from other sources and processed in bulk.
campaigns. Thus, technically, returned waste is not exclusively from ANSTO’s reactors, although the exact quantity would equate to that created by ANSTO.

This piece of legislation is very important for the future of Australia and for our role in all of the important future energy markets. The opposition have expressed scepticism in their arguments towards this legislation, arguing that it lacks public support, in particular from Northern Territorians who may be affected by a local federal processing and storage site. However, it needs to be said that the opposition is clutching at straw man arguments in relation to this bill. This legislation is important to ensure that all responsibility for the management of radioactive waste comes under ANSTO. It is for the benefit, not the detriment, of those concerned about radioactive waste that this be done. By putting ANSTO’s authority over the management of radioactive waste in Australia beyond doubt, we eliminate the duplication of any legal challenges to issues related to the management of radioactive waste. This is the clarity that is required for good legislation in the 21st century.

The government has suggested, following the tabling of the Commonwealth Radioactive Waste Management Act 2005, that storage of radioactive materials is likely to be in the Northern Territory. We need look no further than the arguments put forward by my Western Australian Senate colleague Senator Lightfoot in his speech in the second reading debate on that bill to understand that this is most appropriate. He clearly articulated that geological stability is the reason why the storage of radioactive waste should be in the Northern Territory. He explained that the rock under the Australian outback is the oldest in the world and that the stability this provides, free from any subterranean water flows, is the safest place in the world for the storage of radioactive waste. However, this is not an issue relevant to the bill before us, despite the arguments we have heard one after the other from opposition senators talking about the storage of radioactive waste in the Northern Territory. It is not the subject and it is not an issue in relation to this bill. There may be some arguments relevant to that issue but they are relevant to the waste management act and not the legislation we are debating tonight.

This bill is concerned with the management of radioactive material in Australia, not the location of its storage, so the contrived straw man arguments of the Labor opposition show how bereft they are of any policy with regard to the management of Australia’s resources in the international energy market. Continuing their traditional policy laziness that we have seen over the last decade, they fall back on scaremongering or points unrelated to the bill we are debating.

In the light of recent environmental and scientific developments, there needs to be a considered debate on nuclear energy in Australia. Many respected environmentalists have changed their opinion towards nuclear energy as it is clean, increasingly viable and complements the use of renewable energy resources. Just last week Dr Ziggy Switkowski released his landmark report that was initiated by the federal government on the possible future of the nuclear energy industry in Australia. He concluded that 25 nuclear reactors could produce a third of this country’s electricity by the year 2050.

The Prime Minister set up the inquiry entitled ‘Uranium Mining, Processing and Nuclear Energy—Opportunities for Australia?’—the Switkowski inquiry—in June of this year to find out if a nuclear energy industry was viable in Australia and whether nuclear power would be a clean alternative to coal-fired power generation. The Switkowski report found that Australia, with about 40 per
cent of the world's uranium, could have a viable nuclear enrichment and power industry within 15 years as the cost of cleaner coal and gas power increases. The report found that Australia could have about 25 nuclear reactors, which, as I said, could supply about a third of our electricity by 2050, drastically cutting greenhouse gas emissions, which currently contribute to global warming. Enrichment would also add billions of dollars to the value of uranium exports.

The report in its conclusion says that using nuclear energy to generate electricity involves fewer health and safety impacts than current technologies like coal, other fuel based generation and hydropower, taking into account both emissions during normal operation and the impact of accidents. In considering safety issues, the report notes that Australia is already an integral part of the long established international system for reviewing the scientific literature on radiation and its biological effects and for developing and issuing guidelines in achieving ever safer operation. Further, our health and safety requirements reflect best international practice.

It is a fact that nuclear power and renewable energy sources will become competitive in Australia in a system where the costs of greenhouse gas emissions are explicitly recognised. We have every reason to be confident of Australia's health and safety systems in an expanded uranium mining industry and the nuclear fuel cycle. In that context, I believe that nuclear energy would be an effective contributor to Australia's energy economy much in the same way that it has been for other comparable nations.

Sadly, the Labor opposition will have none of this—no rational debate for them, just cynical opportunistic scaremongering and the 'not in my backyard' or NIMBY approach, writ large. We only need to look at the pathetically populist response of the state Labor premiers to the Switkowski report. Next time I hear them bleating about the need to account for the costs of greenhouse emissions, forgive me if I treat them with a measure of disdain. Clearly, they refuse to give rational consideration to an energy source which is made competitive by such accounting and also has the capacity to meet baseload energy requirements in Australia while not producing greenhouse gas.

The Prime Minister has encouraged public debate on the issue—and he is to be commended for so doing—so that we can explore in a rational way the potential benefits and ramifications of the use of nuclear energy, and all we get from the Labor opposition, as I say, is this cynical, opportunistic scaremongering in response.

The purpose of the bill is reinforced by the submission to the Senate Standing Committee on Employment, Workplace Relations and Education by the Federation of Australian Scientific and Technological Societies. They argued:

It is prudent and rational that the scope of ANSTO's legislated functions be broadened so other Commonwealth agencies or law enforcement agencies and Commonwealth, State or Territory emergency or disaster agencies can access its considerable expertise in handling radioactive materials and waste.

This comment reflects the intention of the bill. Clear and effective legislation like this bill will see Australia continue to prosper in the future.

I note that concerns were also expressed by the Democrats, in the person of Senator Allison, that under the bill Australia may become a waste dump for foreign radioactive waste. That concern is unfounded. It is clearly stated that intermediate waste received from overseas will be accepted under this bill only if it equates to ANSTO spent fuel. This demonstrates that the Australian
Nuclear Science and Technology Organisation Amendment Bill is a sensible piece of legislation. It does not stand to make the Northern Territory a radioactive waste dump for foreign waste. It follows that the recommendations made by industry professionals that we provide ANSTO with the legislative power to fulfil their role effectively for all Australians warrant support.

Whether in times of emergency or otherwise, it is best to ensure that our pre-eminent nuclear science and research agency is capable of dealing with the management of nuclear material right across Australia. Although outside the scope of this bill, I do believe it remains the case that the Northern Territory is the safest location to store Australian radioactive material. It may in fact be the safest location for the storage of radioactive material in the world, as argued by Senator Lightfoot. But, again, that is not relevant to this legislation.

We need to manage our energy resources effectively, not only from an economic perspective but also, as this legislation will ensure, from a health and safety perspective. This bill will empower ANSTO, the most qualified organisation for the job, to manage radioactive waste in Australia in the safest possible way. To argue about unrelated issues, as we have heard from the Labor opposition, really misses the point of the legislation. I commend the bill to the Senate.

Senator ABETZ (Tasmania—Minister for Fisheries, Forestry and Conservation) (9.32 pm)—I thank honourable senators for their contributions in this debate on the Australian Nuclear Science and Technology Organisation Amendment Bill 2006, in particular Senator Chapman’s contribution, which I acknowledge was one of the better contributions in this debate. He has had a very long-standing interest in relation to these matters. Senator Chapman was talking about changes to the Australian Nuclear Science and Technology Organisation Act 1987 to allow ANSTO to more effectively fulfil one of its statutory functions—namely, the provision of services in connection with conditioning and management of radioactive materials and radioactive waste.

I understand that Labor senators are supporting this bill and the government appreciates that support. It is disappointing that the Democrats and the Greens cannot show the same commitment to ensuring radioactive materials are safely managed in the event of an emergency. This bill provides clear authority for ANSTO to provide assistance to Commonwealth, state and territory emergency services and law enforcement agencies. Such a need could arise as a result of materials that come into possession of law enforcement agencies in the course of investigations or that are collected or seized following a terrorist or other radiological incident, whether malicious or accidental.

In its current form, the ANSTO Act effectively limits the assistance ANSTO can provide to emergency services and law enforcement agencies to the provision of verbal advice. The New South Wales Police, the Victorian police and the Australian Federal Police have all raised their concern with ANSTO that they do not have the appropriate facilities to manage radioactive material they may seize in the course of an investigation.

ANSTO is Australia’s nuclear science and technology organisation with practical day-to-day experience in managing and handling radioactive materials and wastes. It has operated its facilities safely and reliably for 49 years. ANSTO has both the infrastructure and qualified personnel capable of managing radioactive materials that might be seized by police or otherwise need to be dealt with in the event of a radiological incident.
Democrat senators have made the rather bizarre assertion that this bill opens the door for ANSTO to import and dispose of foreign nuclear waste. This assertion, as outlined by Senator Chapman, is completely incorrect. This bill, if passed, clarifies that ANSTO may manage waste arising from the conditioning or reprocessing of ANSTO spent fuel—that is, nuclear fuel that has been irradiated in a reactor operated by ANSTO. The other matters that have been raised throughout the debate do not need to be responded to other than to say that this bill clarifies the role that ANSTO can take in the management of radioactive materials and wastes on behalf of the Commonwealth. I commend the bill to the Senate.

Question negatived.

Original question agreed to.

Bill read a second time.

In Committee

Bill—by leave—taken as a whole.

Senator ALLISON (Victoria—Leader of the Australian Democrats) (9.38 pm)—I move the amendment standing in my name:

Schedule 1, page 5 (after line 17), after item 8,

insert:

8A After subsection 5(2)

Insert:

(2A) The Organisation must not condition, manage or store high level radioactive material except material generated by, or associated with, the operation of the Lucas Heights Research Laboratories, or any health or medical facility operating within Australia.

(2B) For the purposes of subsection (2A), high level radioactive material includes radioactive waste.

Note: High level radioactive material is defined in section 3 of the Commonwealth Radioactive Waste Management Act 2005.

The government has been very equivocal, to say the least—wishy-washy, some might say—on the issue of storing high-level radioactive waste in this country that might come from other countries. We are concerned that the government intends or is under increasing pressure for Australia to in fact be a repository for high-level waste generated by other countries, particularly those to which we export uranium. As we all know, the government is very keen to massively increase the capacity of Roxby Downs, for one, is proposed to be increased by about 4.5 times the current level.

We have heard a good deal from the government about the concept of product stewardship with regard to uranium. That refers, of course, to leasing uranium—that is another term that has been used—whereby the supply of fuel to reactors and the subsequent management and storage of reactor spent fuel would become part of Australia’s operation. Specifically, if Australia were to join the US-led Global Nuclear Energy Partnership and become involved in enrichment, which is another proposal by the Prime Minister that comes and goes, it would be assumed that Australia would store the nuclear waste as part of that arrangement. In fact, on 14 May this year the deputy leader, Mr Mark Vaile, told the Nine Network that the door was open to take back nuclear waste fuel. On 15 May, the Prime Minister told journalists that he was not ruling out storing nuclear waste from overseas. The journalist said:

It is ruled out, guaranteed the waste won’t be coming back ...

The Prime Minister replied:

Look there’s nothing to rule out. See with respect you’ve … I think with respect you’re misunderstanding what’s involved in this process. We sell uranium, we don’t have anything on the table at the moment that involves the processing of uranium for sale or lease as nuclear fuel.
So, as always, the Prime Minister proposes something, then steps back from it and says: ‘Well, we’re not actually proposing it. We’ll see how we go. We’ll have a task force. We’ll try it out. We’ll let you know when we’ve actually reached a decision.’

On 19 November this year, Senator Ian Campbell told Laurie Oakes:

... the Prime Minister has made it quite clear that we won’t be storing other people’s waste in Australia.

Laurie Oakes asked:

And what about the question of storing nuclear waste here? Will we store only our own, or will we become goodwill citizens in the eyes of some and store the waste of other countries?

Senator Campbell replied:

Well, there are the issues that we need to address but we have, Laurie, exported enormous amounts of uranium to the rest of the world and storing waste has not been an issue. We haven’t stored any waste from that at this stage and the Prime Minister has made it quite clear that we won’t be storing other people’s waste in Australia. But I think we should wait for the Switkowski Review. I think the important aspect is that if you are serious about climate change, you have to be serious about nuclear ...

Again, two messages go out in almost the one sentence.

Ziggy Switkowski’s draft nuclear report has been released and it has suggested:

Should the Global Nuclear Energy Partnership ... be fully implemented, there may be opportunities—

‘opportunities’, I ask you to note—

for Australia to dispose of its spent fuel in an international repository in a fuel supplier nation such as the United States.

The report of the Australian industry framework also noted that the Global Nuclear Energy Partnership proposal ‘does not place an obligation on uranium producers, such as Australia, to take back nuclear waste’. So, even if Australia did engage in a global nuclear partnership, there is no obligation for Australia to take back nuclear waste.

However, what we know is that the government has a very poor record on keeping promises, particularly with respect to nuclear waste dumps. In 2004 the government ruled out a nuclear waste dump in the Northern Territory, yet this time last year the government forced through a bill overriding the Northern Territory government’s powers to allow for a nuclear waste dump in the Northern Territory. While the Prime Minister might stick to his word about not storing nuclear waste from overseas, his push for nuclear power in Australia means we would have to find somewhere to store high-level waste.

The Switkowski draft nuclear report suggests that Australia could have 25 nuclear reactors around the country and that we could have nuclear power within 10 years. The report notes that no country has yet implemented permanent underground disposal of high-level waste. So no country at all has yet done that, yet the report says:

Establishing a nuclear power industry would increase the volume of radioactive waste to be managed in Australia and require management of significant quantities of HLW—

that is, high-level waste. The report goes on to say:

Long-term HLW management options for Australia could include disposal in a national geological repository or an international geological repository. Australia has large areas with simple, readily modelled geology in stable tectonic settings and favourable groundwater conditions potentially suitable for nuclear waste disposal.

The report talks about the dangers of radioactive waste, noting that the potential hazard from high-level waste is ‘greatest in the first few hundred to 1,000 years’ and that the ‘geological repository must isolate waste from the biosphere over this period’. We are
not talking about a couple of years; we are talking about 1,000 years and more that this waste is deadly to humans, animals and our ecosystem. The report goes on to note:

At around 10 000 years, the level of activity is approximately the same as that in the original uranium ore body. However, protection is still required from long-lived transuranic elements and actinides.

We are not talking about a barrelful of waste. In fact, the report states:

Assuming a reactor lifetime of 60 years, 37 000 to 45 000 tonnes of spent fuel would be produced by a 25 GW nuclear industry in Australia.

That is 45,000 tonnes for one nuclear reactor, which would be equivalent to 1,125,000 tonnes of deadly toxic waste for 10,000 years.

_Senator Abetz interjecting—_

_Senator ALLISON—I put it to you, Senator Abetz, since you seem to think this is a bit of a joke—_

_Senator Abetz—I’m talking to Senator Sterle—don’t misrepresent me._

_Senator ALLISON—that this is a very dangerous legacy for your children and your children’s children in future generations. This Prime Minister is prepared to leave this legacy to his children and to your children, Senator Abetz, and your grandchildren and their grandchildren and so on. That is the current situation in this country. For that reason, we have moved both a second reading amendment and an amendment in this committee stage. I will provide some details of this amendment. It requires that ANSTO ‘not condition, manage or store high level radioactive material except material generated by, or associated with, the operation of the Lucas Heights research laboratories, or any health or medical facility operating within Australia’.

The crux of our amendment is to stop this government from allowing this country to be a dumping ground for the rest of the world’s radioactive waste. In America I think that billions of dollars has already been spent on a facility at Yucca Mountain, but it is still not acceptable to the American people. If Australia were to accept radioactive waste, we would certainly be solving a lot of political and environmental problems around the world for countries that do not want to deal with this waste, even though some might argue they have benefited from having nuclear energy. This amendment will assure Australians that this government has made a decision not to take waste from other countries. There has been an ‘on the one hand, but on the other hand’ approach and we have been told ‘maybe we will and maybe we won’t’, so this is the government’s opportunity. If it supports this amendment then it will be clear to all of us that we are not going to be that waste dump. If it does not support it, then we can assume that the real agenda is to turn this country into a waste dump.

No doubt Aboriginal land will be used, because we heard this evening that the proposal to effectively remove native title from land in the Northern Territory in order to allow the radioactive waste dump to operate there is already underway. We have seen the interests of Indigenous people overlooked. We have seen processes put in place which take away fairness and the reasonable ability of people to object to having a nuclear waste dump on their land. This land is a long way away from major metropolitan areas, so therefore we must assume the waste is dangerous if it has to be taken so far away. But, of course, no consideration is made for the interests of Indigenous people or their title over the land.

Progress reported.

**ADJOURNMENT**

The ACTING DEPUTY PRESIDENT (Senator Moore) (9.50 pm)—I move:

That the Senate do now adjourn.
Athol Park

Senator BERNARDI (South Australia) (9.50 pm)—Last week I considered myself fortunate to share with an Adelaide community the celebration of their very hard work. I was in Athol Park, a suburb in the north-west of Adelaide. It is a suburb of battlers that is dominated by housing trust homes where, even in this national environment of low unemployment, jobs are difficult to come by. I was in Athol Park to help recognise the achievements for which some members of that community have been recognised—one member in particular. That community minded person was Mr Allen Smith—a man who is short in stature but a giant in spirit. Allen received his award after being highly commended in the most outstanding participant category of the 2005 Prime Minister’s Work for the Dole Achievement Awards. He was one of the participants in the Building Athol Park Community Centre Work for the Dole project.

To me, Allen’s story was quite simply inspiring. He experienced unemployment which had undermined his self-belief and his confidence in his own abilities. Allen also suffered from a crippling arthritis condition which would have prevented anyone from being motivated to work. However, for Allen, the pain of his chronic arthritis paled in comparison to the pain of not being able to find a job. Allen wanted to provide for his family and to make a better contribution to his community.

Unfortunately, it is a fact of life that older people who have experienced a physical disability often struggle to get a fresh start in the job market. And often the greatest impediment to getting a job is their lack of confidence in their ability to contribute meaningfully to society. That is why I was in Athol Park last week. Allen had conquered his fears. He had done this with the assistance of the Work for the Dole program.

The Work for the Dole program has been operating for almost 10 years now and is one of this government’s proudest achievements—and with very good reason. It has grown from a pilot program with 10,000 places in 1997-98 to a program with over 64,000 places in 2004-05. It commands a $168 million investment from this government in helping to achieve the aims of placing our long-term unemployed.

I know there are thousands of success stories from this program and that these projects really do make an enormous difference in so many ways. Participants like Allen Smith gain valuable skills and work experience while taking part in projects that benefit their communities. Through this program they develop skills in problem solving, leadership, teamwork and responsibility—valuable life skills that will remain with participants for the rest of their lives.

Work for the Dole is a unique work experience program which focuses on three distinct outcomes. Firstly, participants have the chance to gain quality work experience. Secondly, job seekers have the opportunity to contribute in a practical and positive way to the greater good of our society. In return for the support given through the social security system, the Work for the Dole participants are able to give something back to the community and also receive reward for their efforts. Thirdly, the program provides a range of projects that directly benefit local communities.

Allen Smith and the Building Athol Park Community Centre project wholly embody these outcomes. Not only did Allen receive his award for being highly commended, but the community centre was a finalist in the best community activity category. The local residents of Athol Park were the driving
force behind the establishment of this community centre. The residents made it clear that they needed a community facility where people could come together and access essential support services such as information for families with children, particularly for the growing local migrant and refugee community.

Residents formed the Athol Park Community Group and worked in partnership with the City of Charles Sturt Council, Jobs Statewide, the local police and the South Australian Housing Trust to begin the redevelopment of two donated houses into a community centre complete with an office area, training rooms, a room for childcare facilities, a large open kitchen area and a large backyard garden where fresh vegetables are grown. Incidentally, the vegetables from this garden are used when the centre cooks up weekly dinners for some of the local disadvantaged families to ensure they get a healthy meal on a regular basis.

This is one of the great strengths of the Work for the Dole program—it provides a vehicle through which partnerships between government and community organisations can achieve practical and positive outcomes and make a real difference in people’s lives. The redevelopment of the Athol Park Community Centre provided Work for the Dole participants with the opportunity to develop a diverse range of technical and employment-ready skills such as carpentry, brickwork, plastering, tiling and painting.

Allen Smith developed these skills and as the project progressed he always did more than he was asked. As his skills improved, so did his confidence and self-belief. Allen’s determination made sure he stood out as someone determined to make the best of this opportunity. And despite being dealt many of life’s hard knocks, and struggling with a severe arthritic condition, Allen volunteered for the Work for the Dole program. By doing so, and through his involvement in this project, he demonstrated his leadership abilities. Allen proved his strong work ethic; he showed his reliability and enthusiasm. He worked above and beyond his required hours to contribute to the success of the project. Eventually, Allen became a mentor to the other participants, who would always seek him out for advice and guidance. He often took responsibility for group projects and took on that leadership role easily. His enthusiasm and pride in his work was infectious and was always encouraging to all the other participants working with him.

Despite the constant pain, Allen was committed to seeing the job through. He felt that being active and participating in work helped him to remain positive in the face of his ailment and helped him to remain limber from all the moving around he was doing at work. And Allen’s strong work ethic and diligence has paid off for him. I am pleased to say he now has a regular job, which he thoroughly enjoys. His present employers are indeed fortunate to have Allen on their staff. Allen sums up the benefits of the Work for the Dole program. In his words:

I learnt a lot on site and actually found myself going home and trying to use the skills I had gained. I also found myself gaining confidence in what I could achieve. I found that I felt really comfortable working in the group. I found there were people on the activity that helped me and I wanted to help others.

He said:

I loved my time on the Work for the Dole programme. The programme is an incentive. It gave me appreciation within myself and improved my level of self esteem. I was doing something good for myself and for the community.

Work for the Dole is a program that builds hope. It helps people establish their dreams by helping them regain their pride and their sense of worth. This has never been more
ably demonstrated to me than through meeting Allen Smith last week. It proved to me Allen Smith is a winner—not because he won an award but because he has worked for his community and worked to improve himself. Allen is a humble man, but even the most humble man deserves a sense of pride. To be there with Allen and his family when they shared in his achievement was a real privilege. And this government can be proud of the Work for the Dole program, which is making such demonstrable benefit to people’s lives—people just like Allen Smith.

White Ribbon Day

Senator LUNDY (Australian Capital Territory) (9.59 pm)—Saturday, 25 November was White Ribbon Day, the International Day for the Elimination of Violence against Women. The United Nation’s Declaration on the Elimination of Violence against Women was adopted in 1994. In 1999 the United Nations General Assembly declared 25 November as the International Day for the Elimination of Violence against Women, and governments, international organisations and non-government organisations were invited to organise activities to raise public awareness. In every country, gender based violence has been a means of maintaining oppression of women to include control of their ‘bodies, labour and productive capacities’ and to exclude women from public and economic power. So it remains vitally important that this day and this issue are not allowed to be forgotten.

A recent United Nations report, the Secretary-General’s report on violence against women, stated that 102 member states had no specific laws on domestic violence. There have, however, been some positive world developments in combating violence against women in 2006. For example, this month a world conference of Muslim scholars has called for all governments to ban the practice of female circumcision, declaring it contrary to Islam and not sanctioned by the Koran, and declaring the practice to be an aggression against women, inflicting physical and mental harm. We also had the news that a delegation of top Israeli, Palestinian and international women leaders met in September at the United Nations to marshal high-level political pressure to restart peace negotiations in the Middle East.

In Pakistan a historic women’s protection bill, the Protection of Women (Criminal Law Amendments) Bill 2006, has passed the national assembly, although it must still be approved by the upper house before it becomes law. The bill aims to alleviate the hardships of women and to help end excesses against them. It removes, for example, the requirement for four male witnesses before a conviction for rape can be made. Also, adultery will not be punishable by death.

Unfortunately, the recent United Nations report I referred to, the Secretary-General’s report on violence against women, listed Australia as a country with a high rate—31 per cent—of violence against women by their intimate partners. The United Nations Secretary-General, Kofi Annan, commented that governments were doing too little to prevent violence against women even though they recognised that this was a violation of human rights. Wearing a white ribbon on 25 November—and I know many of my colleagues are wearing the white ribbon in parliament today—signifies a personal resolve not to commit, condone or remain silent about acts of violence against women or children.

Again this year the ACT branch of the Australian Labor Party was an official partner with UNIFEM for White Ribbon Day. I am very proud of my local branch for taking that initiative. The theme set for this year, ‘If there is nothing you wouldn’t do for your
daughter, wear a white ribbon,’ had the aim of raising community awareness of violence against women and of encouraging men to participate in combating violence. Criticisms of the television advertisements were that they were too confronting and did not show men how to take greater responsibility or how to confront or speak out against violence in a culture or situation that condones it. One report commented that the statistics of violence in themselves should shock us into awareness—that 57 per cent of Australian women will be violently or sexually assaulted by a man during their lifetime, or that over the past 12 months 440,000 Australian women were attacked. However, it was pleasing to note that in Canberra the Domestic Violence Council gained the support for White Ribbon Day of the mostly male drivers and crews of more than 70 rally cars from the National Capital Rally. My colleague Mick Gentleman from the legislative assembly was directly involved in that particular initiative, and I congratulate him on it.

That Australia needs to do more to combat violence against women is highlighted not only by the adverse findings of the United Nations Secretary-General’s report on violence against women but also by the updated report of the Australian Bureau of Statistics, 2005 personal safety survey, which was released in August. In the ABS report, violence is defined as any occurrence, attempt or threat of either physical or sexual assault. In the 12 months prior to the survey, 4.7 per cent of women, or 363,000 women, experienced physical violence and 1.6 per cent of women, or 126,100 women, experienced sexual violence. A higher percentage of men than women—10 per cent of men—experienced physical violence, and a lower percentage of men—0.6 per cent—experienced sexual violence. Perpetrators of violence against both females and males were overwhelmingly male. Younger women and men experienced violence at higher rates than older men and women, and a higher proportion of women aged 25 years or more experienced violence compared with the proportion of men in that age group who experienced violence.

We also know that 33 per cent of homicide victims are female, with 52 per cent killed by an intimate current or former partner. Only 20 per cent of female victims of sexual assault and 28 per cent of female victims of other assaults in Australia report the incidents to police. Only 22 per cent of incidents reported nationally to the police resulted in charges being laid. Finally, the cost of domestic violence to the corporate and business sector in Australia was estimated in the year 2000 to be around $1 billion per annum.

This year the problem of violence in Indigenous communities has received much media attention but little useful government commitment. Indigenous Australians are overrepresented as both victims and perpetrators of all forms of violent crime in Australia. Indigenous women accounted for 15 per cent of homicide victims in Australia in 2002-03, despite representing just over two per cent of the total Australian population. The rate of family violence victimisation for Indigenous women may be 40 times the rate for non-Indigenous women. A ministerial summit was convened after media stories in May this year concerning alleged paedophile rings and sexual slavery in an Aboriginal community. According to the Australians for Native Title and Reconciliation, no Indigenous people were invited to the summit, and the media allegations were not substantiated by police investigations. So in June the Australians for Native Title and Reconciliation sponsored a parliamentary forum here in Parliament House to bring together Indigenous activists and academics who are dealing, often creatively and successfully, with these
issues in their communities. As Dr Carmen Lawrence has pointed out, perhaps the most important prerequisite to producing sustained improvements in violence levels is the involvement of Indigenous people in decision making at all levels. This depends on effective support for community development, including the provision of funds for training Indigenous leaders and staff.

But White Ribbon Day is not just about domestic violence. In Australian cities and towns each year, Reclaim the Night activities are organised to protest against the fear and repression that many women face. For the first time in the ACT, women at the Reclaim the Night march held a silent march. The Reclaim the Night march on Friday, 27 October was organised by the Canberra Rape Crisis Centre and was supported by the ACT Labor Party’s Status of Women Policy Committee. I would like to pay tribute to the work done by the Canberra Rape Crisis Centre, which has operated for 30 years since its establishment back in 1976 by a small group of volunteers who were committed—and still are committed—to raising awareness of sexual assault and sexual violence against women. The work is very stressful and underpaid.

I was pleased that this year the Canberra Rape Crisis Centre was recognised at the ACT International Women’s Day awards, winning the Community Award. This award recognises individuals and organisations which have worked to improve the quality of life for women in the ACT and region. The Rape Crisis Centre was acknowledged as a significant contributor to women’s services including counselling, advocacy, court support, education, training and community development. White Ribbon Day is becoming quite an institution in the Australian political landscape, and I would like to thank all of my colleagues who have chosen to be involved in White Ribbon Day activities. It is a very important issue, and the level of consciousness is rising in the community. I think that is very much a step in the right direction.

Queensland Dams

Senator BARTLETT (Queensland) (10.09 pm)—I would like to speak tonight, as I have a few times in the past, about the two major dams proposed in south-east Queensland by the Beattie Labor government. A lot of attention, quite understandably, has been focused on the Traveston Crossing Dam, just near Gympie on the Mary River, not least because of its potential impact on the endangered lungfish, an incredibly significant species of quite enormous biological importance—and of course the impact on the surrounding communities and the local economy. When one talks about the impact of dams on the environment, it is not just the impact on the section of the river that is dammed, where the water banks up and the area is flooded. There is of course a significant impact downstream and there are water quality issues as well as water flow issues, flowing right through to the coast. In this case, the Mary River flows into the World Heritage area of Fraser Island and the Fraser Island marine environment. As Senator Scullion would know, with his background in fishing, water quality flowing into these estuaries and into coastal environments can have a huge impact on the fish breeding potential and the entire ecosystems in the downstream section as well. So I do think those points need to be emphasised. I am sure that, when this matter is assessed for its environmental impact, the federal Minister for the Environment and Heritage will take into account the full potential consequences.

But I wanted to speak tonight about the often forgotten second dam, the Wyaralong...
Dam, which is a smaller one. It is to the south of Brisbane, near the area of Boonah, which, by coincidence—and it is completely irrelevant to my topic, but I will mention it anyway—is the birthplace of former Queensland Democrats senator John Cherry. The area that the Wyaralong Dam will inundate, and the area that is to be resumed, is significantly smaller than the Traverston Crossing Dam. There is no doubt that it will not have the same devastating social impact. Indeed, it does not have as much in relation to threatened species, such as the lungfish in particular. But I think there is a broader issue, and a question that really needs to be debated more fully with both of these dams, including the Wyaralong one, which is the fairness of the process, the accuracy of the process, the accuracy of the data and the accuracy of the arguments that are being put forward by the Queensland government to justify this very expensive infrastructure.

I am not one of those people who say that we should never have any dams anywhere, ever, and that they are always bad 100 per cent of the time. In an ideal world it would always be good not to have such infrastructure, which will always have a significant impact on surrounding ecosystems. But I do recognise that there are times when such infrastructure is necessary as part of a broader range of measures. I reinforce the point, as I take every opportunity to do so, about how bizarre it is that the Queensland government is going ahead with such incredibly expensive and always uncertain projects. You can never be sure how much water you are going to get out of a dam—you have to rely on the right amount of rain, in the right place at the right time. That we have such a huge wastage in water and a failure to adopt full recycling of water is a travesty and an absurdity. It is a political reality nonetheless, and one that occurs not just because of the lack of backbone from the state Labor government but in part because of the continuing opposition from at least part of the coalition parties—certainly from the National Party in Queensland. I think that is a real shame.

There is plenty of scientific evidence to show that, if it is done properly, water recycling for indirect potable reuse is safe. It is clearly reliable, because the water is already there. It is less expensive. It does consume some energy, that is for sure, but less than desalination does. Yet the Beattie government is going ahead with all of these other options except full water recycling. It is insisting on a plebiscite before it will go ahead with that. I think that is a bizarre approach, I must say. However, that is what is being done. We cannot force the state government to do something, but we can certainly try to ensure that laws are applied that prevent unwise or irresponsible projects from going ahead. I do think there are issues with the Wyaralong Dam that also need to be examined, one of which is the way the facts are being presented.

Earlier this year the state government was told that its development of the Cedar Grove Weir, which is a weir further down the Logan River, was not a controlled action under the federal EPBC Act. In its referral documentation where it was required to include any other relevant or interdependent developments, the state government indicated only that the Wyaralong Dam may be considered in around 2060. At that stage, there was no mention of the proposed Tilley’s Bridge Dam at Rathdowney, which was where the second dam was to go ahead. The state made it clear that that weir was a stand-alone project. On the basis of that information the federal Department of the Environment and Heritage decided that the weir did not trigger any issues under the federal environment laws. A continuing difficulty with the federal environment protection act, I might say, is the need to ensure that the full consequences of
any interrelated developments—the cumulative effects of a range of different developments—are properly considered. It is hard to get that right—to assess the cumulative impact of a number of separate developments. You cannot always tell that one will flow on from the other but, in this case, they are still required. Applicants, including the Queensland government, are still required to indicate any other relevant and interdependent development. The Queensland government stated on record that the Cedar Grove Weir was a stand-alone project. Now the state has submitted a referral for the dam on Teviot Brook, which leads into the Logan River at Wyaralong.

I have mentioned before in this place data and a report put together by Dr Brad Witt, who is an environmental scientist with quite a degree of expertise in water issues. He has assessed all the issues to do with water yield and has produced quite a comprehensive report about the issues relating to Wyaralong Dam and, I might say, alternatives. I think it is very laudable that he is not just complaining about a particular project and pointing to all the problems but also pointing out alternatives. He points out that for a fraction of the cost you could harvest water from further upstream, the Teviot Brook, and pump it across to the Moogerah Dam, which is in the adjoining catchment and has been basically empty for years and remains empty. That would obviously be a suitable water storage site for the water. It has been at consistently low storage levels for about the past 20 years. If you have a failed dam right in the adjoining catchment, you could easily harvest water at times of high flow and pump it at much less cost into the adjoining dam which has been at very low levels for decades now—well before the current drought.

So Dr Witt has put forward an alternative that I think needs to be properly considered. I would like to take the opportunity to table both his report and a supplementary report on the century scale performance—the historical rainfall data and performance of the dam storage area over the past 120 years. It is very thorough, as it would suggest, but what we need is more solid, thorough data, unless you have one-off lines and good sentences to get you out of the current media interview you are doing at a particular point in time. I seek leave to table the two documents entitled Wyaralong Dam: century scale performance and Wyaralong Dam: issues and alternatives.

Leave granted.

Senator BARTLETT—I thank the Senate. In conclusion I emphasise that the Queensland government is now stating that the Wyaralong Dam is a stand-alone proposal and not dependent on any other water infrastructure proposals in the area. That is despite the fact that, on their own data now, they are saying in their own public statements that they will not get the yield they previously said they would out of the Wyaralong Dam. They will need to rely on that in combination with the Cedar Grove Weir, for which they already have separate approval. It is this sort of dissembling that is consistently coming to light in the approach the Queensland government is taking to both these dams. It raises the very valid suspicions and cynicism of people in the community that they are basically just being given a snow job all the way along when that snow job potentially extends to the documentation provided to the federal government for approvals under the EPBC Act. I think we need to be very wary, and I repeat my calls for the federal Minister for the Environment and Heritage to ensure that these matters are looked at independently. (Time expired)

Queensland Dams

Senator TROOD (Queensland) (10.19 pm)—Like my colleague from Queensland
Senator Bartlett, I too want to mention the matter of dams this evening and draw the attention of the Senate to the thoroughly ill-conceived proposal of the Queensland Beattie government to build a dam on the Mary River just outside the southern Queensland town of Gympie, north of the Sunshine Coast. The proposal for the dam is not only another reflection of the abject failure of the Beattie government to plan for the development of public infrastructure in Queensland; it is a case study in how not to plan and undertake public works. The Queensland government contends that the dam is required to address the future water supply needs of Queensland’s south-east. But not only is there strong evidence that it will fail to meet this need; the dam’s construction will have disastrous environmental, social and economic consequences for the region and for the people who live there.

The dam is currently estimated to cost $1.7 billion of Queensland taxpayers’ money, yet a wide array of experts has already condemned the proposal. No-one, it seems, supports the dam but the Queensland government. First there are the elemental problems related to the dam’s site and construction. The Mary River is a low-flowing river, with periodic years of moderate flood flows and occasional spectacular floods. By every account it is an entirely inappropriate river for damming. The dam wall is proposed to be built on soft alluvial soil without a satisfactory solid rock base, necessitating complex and expensive engineering works that will include the need for a 30-metre deep foundation. When filled, the dam will have an average depth of only six to eight metres, so shallow as to lead to very high evaporation and making the dam prone to the build-up of algal blooms and other water contaminants. One expert predicts that the evaporation could be as high as the expected yield of the dam—150,000 megalitres a year.

Not only are there very profound problems with construction of the dam but it will have a disastrous impact on the environment. As a consequence of the dam’s construction, the downstream flow of the Mary River will be substantially reduced. As Senator Bartlett has noted, the quality of the water will be seriously affected. What is already a low-flowing river will suffer a further devastating impact with predictable consequences. Internationally protected RAMSAR wetlands will be affected as well as World Heritage areas, Commonwealth marine and heritage areas and, perhaps most significantly, the habitat of migratory and endangered species. The Queensland government’s own plans acknowledge that the dam will impact on the habitat of 17 threatened species, including two endangered, seven vulnerable and eight rare species. Most critically, the habitat of three endangered aquatic species, the Mary River cod, the Australian lungfish and the Mary River turtle, will be severely threatened.

The proposal will also have a disastrous impact on the economy and economic livelihood of many people in the Mary River Valley. The region is well known as being among Queensland’s most productive areas in dairying, as an agricultural region and as a region with an extensive range of productive small businesses. If built, the dam will also have a massive impact on existing local infrastructure. Parts of towns will have to be relocated and nine kilometres of the Bruce Highway will need to be rerouted, as well as up to 75 kilometres of local and arterial roads. A section of the electricity grid will need to be rebuilt, tourism facilities will need to be relocated and, most distressing for many local residents, provision will have to be made for the resiting of graves as a result of the flooding of a 100-year-old cemetery.

Then there are the community costs of the proposal. These are widespread and cause...
deep seated distress and anxiety to the residents. At one time, it was anticipated that 900 properties would be affected by the dam’s construction. The costs would be borne by every community in the Mary River Valley region. Although the dam has yet to proceed through the many stages required for approval, land acquisitions have already begun—in some cases, as it has turned out, unnecessarily, since the Queensland government has now changed its plans and has decided that the properties affected are no longer needed. In the course of resumption, there have been reports of intimidation and strong arm tactics by Queensland government officials.

**Senator Scullion**—Shame, shame, shame.

**Senator TROOD**—Thank you, Senator Scullion. I agree completely with that intervention. I can personally testify to the stress and anxiety that the proposal has caused to this small community. At a public meeting I attended in the area last Monday, several residents were in tears as they explained the impact of the proposal on their families, their lives and their businesses. The residents of the Mary River Valley are fully aware of the serious challenges that south-east Queensland faces over its future water requirements. They acknowledge that communities need to make sacrifices for the wider common good. But they are mystified as to why their community is being asked to bear the burden of this particular proposal. When the proposed site of the dam is so manifestly inappropriate and when there are better alternative not far away which would cost less and which would have lower social, economic and environmental impacts, they are rightly wondering whether their community has been made a victim of the long-term serial failure on the part of the Beattie government to address the state’s water needs.

The simple fact is that the Beattie government has forfeited any confidence that the residents might have had in the approval process as a result of the way it has proceeded with the proposal. It was presented in haste without adequate consultation, the plans dishonestly conveyed the government’s intentions, comprehensive information has been consistently withheld and the process has lacked transparency. All in all, it has generated immense pain and anxiety within the local community. And the community has not been assisted by the arrogant declaration by the Premier, Mr Beattie, that ‘this dam will be built whether it is feasible or not’.

The proposal to build the Traveston has now been referred to the federal Minister for the Environment and Heritage, Senator Campbell, under the Environment Protection and Biodiversity Conservation Act. The minister is required to make a declaration that the proposal requires approval under the Commonwealth legislation. There seems little doubt that the Commonwealth has an important role in this matter and the minister should make this declaration. The Queensland state government will then be required to proceed with the assessment. This should be done through a transparent process by way of a public inquiry, as provided for in the relevant legislation. Failure to take this course will underscore to all those connected with this proposal that the Queensland government does not have the confidence that the Traveston proposal will stand up to close public scrutiny. On the other hand, undertaking the public inquiry will perhaps go some way to arresting some of the concerns and anxieties of the Mary River community. But in the end the only correct course is for the Queensland government to abandon the proposal as thoroughly ill-conceived and to spare the community any further pain in relation to it.
In closing, I want to acknowledge the commitment and determination of the residents of the Mary River Valley in their efforts to draw the impact of the dam proposal to the attention of the wider community and to the attention of families, businesses and other interests around the valley. In particular, I would like to acknowledge the commitment of 1,464 people such as Mr Kevin Ingersole, Mr David Ross and the local members of parliament, state and federal, including my colleagues in the other place Warren Truss and Alex Somlyay and especially the new member for Gympie in the state parliament, Mr David Gibson. They have acted in true community spirit on this very difficult issue in trying to alert the community to what is potentially a disaster and something that needs to be terminated forthwith.

Sir Harold William Young

The PRESIDENT (10.28 pm) — Tonight I would like to pay tribute to the life and work of the Hon. Sir Harold William Young, KCMG, President of the Senate from 1981 to 1983 and a senator for South Australia from 1968 to 1983. I make these remarks during this adjournment debate because I was absent from the Senate earlier today when the motion of condolence was moved as I was in Adelaide attending Sir Harold’s funeral. Although I entered the Senate after Sir Harold left, I was privileged to meet him on several occasions when he and Margaret returned to Canberra for various events. He was a very warm individual, good humoured and generous natured.

Harold Young was born in Port Broughton, South Australia, in 1923. He grew up on the land and, after war service in the Navy, established himself as a wheat farmer. In those days, he did it the hard way. He drove a team of 12 Clydesdale horses and formed such a successful working relationship with them that he was very upset when he had to finally acknowledge that motorised equipment had supplanted their use on the farm. He became involved in agricultural politics, serving as a member of the Australian Wool Industry Conference, the Federal Exporters Overseas Transport Committee and as a member of the South Australian State Wheat Research Committee. He was significantly involved in shipping innovations, such as containerisation, and never forgot his interest in wheat. Indeed, a sheaf of Alford wheat was, most appropriately, placed on his coffin during the funeral this afternoon.

In the Senate, Senator Young maintained his interest in primary production and trade through committee service. In 1971, he became government whip and from 1972 to 1975 was the opposition whip in the Senate. He became a temporary chairman of committees in 1976, and held that position until elected as President in 1981. As President, Senator Young was obliged to preside over a Senate where the government had just lost its majority. That he did so without a single motion of dissent is a mark not only of his steady hand but also of the high regard in which he was held across the chamber. Sir Harold was knighted in the New Year’s Honours of 1983 for his parliamentary service. After leaving the Senate, he continued to maintain an interest in public affairs, notably through his membership of the Australian Bravery Decorations Advisory Council.

Sir Harold’s funeral was very well attended, including by several former senators and members of the other place, by my predecessor, the Hon. Margaret Reid, and by the Usher of the Black Rod, Ms Andrea Griffiths, representing Senate officers. It was clear from the affectionate tributes paid by the Reverend David Purling and the eulogy from Mr Scott Young that Sir Harold Young was above all a man highly regarded by all
with whom he came into contact and a husband, father and grandfather who was dearly loved and will be sadly missed. Harold Young loved Australia and in particular his state, and recently asked his wife to drive him around parts of rural South Australia so he could see the effects of the drought first hand. I extend my sincere sympathies to Margaret—Lady Young; to their four children, Sue, Scott, Andrea and Rob; and to all the members of their extended families.

**Senate adjourned at 10.32 pm**

**DOCUMENTS**

**Tabling**

The following documents were tabled by the Clerk:

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


Admiralty Act—Select Legislative Instrument 2006 No. 287—Admiralty Amendment Rules 2006 (No. 1) [F2006L03716]*.

Aged Care Act—Determination of amount of flexible care subsidy—ACA Ch. 3 No. 21/2006.

Air Services Act—Air Services Regulations—Instruments Nos—

AERU 06-053—Determination of Controlled Aerodromes [F2006L03798]*.

AERU 06-054—Determination of Flight Information Regions [F2006L03814]*.

AERU 06-055—Determination of Flight Information Areas [F2006L03815]*.

AERU 06-056—Determination of Class C Airspace [F2006L03817]*.

AERU 06-057—Determination of Class C Control Zones [F2006L03819]*.

AERU 06-058—Determination of Class D Airspace [F2006L03821]*.

AERU 06-059—Determination of Class D Control Zones [F2006L03816]*.

AERU 06-060—Determination of Class E Airspace [F2006L03818]*.

AERU 06-061—Determination of Class G Airspace [F2006L03820]*.

Australian Meat and Live-stock Industry Act—

Australian Meat and Live-stock (Beef Export to the USA — Quota Year 2007) Order 2006 [F2006L03600]*.


Australian Nuclear Science and Technology Act—Statement under section 7—Disclosure of the Australian Nuclear Science and Technology Organisation’s interests in company.

Broadcasting Services Act—Variations to Licence Area Plans for—

Griffith and the Murrumbidgee Irrigation Area Television — No. 1 of 2006 [F2006L03638]*.

Regional Victoria Television — No. 1 of 2006 [F2006L03637]*.

Charter of the United Nations Act—Select Legislative Instruments 2006 Nos—


299—Charter of the United Nations (Sanctions) Amendment Regulations 2006 (No. 1) [F2006L03699]*.


Civil Aviation Act—

Civil Aviation Regulations—Civil Aviation Order 40.3.0 Amendment Order (No. 2) 2006 [F2006L03683]*.

Civil Aviation Safety Regulations—Airworthiness Directives—Part—

105—
AD/B737/138 Amdt 1—Fuel Boost Pump Wiring [F2006L03804]*.
AD/B737/297—De-Icing Fluids and Main Wheel Well Electrical Connectors [F2006L03802]*.
AD/CIRRUS/6—Brake Caliper Piston O-Ring Seals [F2006L03801]*.
AD/ECUREUIL/122—Emergency Floatation Gear [F2006L03739]*.
AD/SA 315/13—Horizontal Stabiliser Spar [F2006L03811]*.

107—
AD/PMC/40—Blade Counterweight Bolt Replacement [F2006L03800]*.
AD/RAD/64 Amdt 1—Skywatch SKY497 [F2006L03799]*.


Commonwealth Authorities and Companies Act—

Notice under paragraphs 45(1)(a) and (b)—Formation of, and acquisition of shares in, National Health Call Centre Network Ltd.

Select Legislative Instrument 2006 No. 298—Commonwealth Authorities and Companies Amendment Regulations 2006 (No. 2) [F2006L03738]*.


Crimes Act—Select Legislative Instrument 2006 No. 288—Crimes Amendment Regulations 2006 (No. 2) [F2006L03649]*.

Customs Act—

Select Legislative Instrument 2006 No. 289—Customs (Prohibited Exports) Amendment Regulations 2006 (No. 4) [F2006L03705]*.

Tariff Concession Orders—

0509438 [F2006L03654]*.
0609671 [F2006L03750]*.
0610789 [F2006L03751]*.
0611081 [F2006L03752]*.
0613083 [F2006L03726]*.
0613257 [F2006L03660]*.
0613315 [F2006L03661]*.
0613316 [F2006L03672]*.
0613365 [F2006L03681]*.
0613388 [F2006L03675]*.
0613389 [F2006L03662]*.
0613390 [F2006L03680]*.
0613412 [F2006L03674]*.
0613415 [F2006L03753]*.
0613426 [F2006L03663]*.
0613479 [F2006L03664]*.
0613480 [F2006L03730]*.
0613481 [F2006L03673]*.
0613482 [F2006L03676]*.
0613541 [F2006L03754]*.
0613542 [F2006L03755]*.
0613545 [F2006L03678]*.
0613546 [F2006L03682]*.
0613547 [F2006L03728]*.
0613649 [F2006L03756]*.
0613749 [F2006L03757]*.
0613750 [F2006L03727]*.
0613834 [F2006L03758]*.
0613835 [F2006L03759]*.
0613836 [F2006L03760]*.
0613888 [F2006L03665]*.
0613889 [F2006L03729]*.  
0613890 [F2006L03761]*.  
0613891 [F2006L03762]*.  
0613892 [F2006L03732]*.  
0613893 [F2006L03679]*.  
0613896 [F2006L03731]*.  
0613897 [F2006L03734]*.  
0613933 [F2006L03735]*.  
0613934 [F2006L03733]*.  
0613954 [F2006L03736]*.  
0613955 [F2006L03737]*.  
0613956 [F2006L03777]*.  
0616001 [F2006L03781]*.  
0616089 [F2006L03780]*.  
0616090 [F2006L03775]*.  
0616091 [F2006L03779]*.  
0616137 [F2006L03782]*.  
0616334 [F2006L03773]*.  

Tariff Concession Revocation Instruments—  
93/2006 [F2006L03655]*.  
94/2006 [F2006L03656]*.  
95/2006 [F2006L03657]*.  
96/2006 [F2006L03658]*.  
97/2006 [F2006L03659]*.  
98/2006 [F2006L03745]*.  
99/2006 [F2006L03746]*.  
100/2006 [F2006L03747]*.  
101/2006 [F2006L03748]*.  
102/2006 [F2006L03749]*.  

Defence Act—Determinations under sections—  
58B—Defence Determinations—  
2006/58 – Overseas conditions of service – post indexes.  
2006/59 – Overseas conditions of service – amendment.  
2006/60 – Career Transition Scheme allowance rates.  

2006/62 – Member with dependants (unaccompanied).  
2006/63 – Annual review of accommodation contributions.  
2006/64 – Miscellaneous conditions – amendment.  
2006/65 – Class of travel – amendment.  
2006/67 – Navy – Aircrew retention and completion bonus scheme.  
2006/68 – Deployment allowance and extra risk insurance – amendment.  

58H—Defence Force Remuneration Tribunal Determinations Nos—  
7 of 2006—Reserve Remuneration Review.  
17 of 2006—Salary Rates for Senior Officers 07 and 08 Salaries.  

Environment Protection and Biodiversity Conservation Act—  
Amendment of list of specimens taken to be suitable for live import, dated 7 November 2006 [F2006L03717]*.  
Notice of proposed accreditation of the Western Tuna and Billfish Fishery Management Plan Amendment 2006 (No. 1), dated 14 November 2006  

Export Control Act—Export Control (Orders) Regulations—  
Export Control (Animals) Amendment Order 2006 (No. 3) [F2006L03685]*.  
Export Control (Fees) Amendment Orders 2006 (No. 3) [F2006L03694]*.  


Financial Management and Accountability Act—Financial Management and Accountability Determinations—

2006/73 – Australian Customs Service – Security Deposits Account Variation and Abolition 2006 [F2006L03715]*.


2006/77 – Australian Customs Service – Tradegate Fees Account Abolition 2006 [F2006L03742]*.

2006/78 – Australian Protective Service Account Variation and Abolition 2006 [F2006L03722]*.

2006/79 – Protective Services Special Account Establishment 2006 [F2006L03723]*.


2006/81 – Asia/Pacific Group on Money Laundering Special Account Establishment 2006 [F2006L03725]*.

Fisheries Management Act—Western Tuna and Billfish Fishery Management Plan 2005—Western Tuna and Billfish Fishery Management Plan Amendment 2006 (No. 1) [F2006L03669]*.

Food Standards Australia New Zealand Act—Australia New Zealand Food Standards Code – Amendment No. 89 – 2006 [F2006L03647]*.

Foreign Acquisitions and Takeovers Act—Select Legislative Instrument 2006 No. 286—Foreign Acquisitions and Takeovers Amendment Regulations 2006 (No. 1) [F2006L03741]*.

Health Insurance Act—Select Legislative Instrument 2006 No. 303—Health Insurance (Diagnostic Imaging Services Table) Amendment Regulations 2006 (No. 5) [F2006L03520]*.

Higher Education Support Act—

Guidelines for Commonwealth Scholarships [F2006L03667]*.

Higher Education Provider Guidelines—Amendment No. 1 [F2006L03704]*.

Other Grants Guidelines 2006 [F2006L03785]*.


Law Enforcement Integrity Commissioner Act—Select Legislative Instrument 2006 No. 291—Law Enforcement Integrity Commissioner Regulations 2006 [F2006L03711]*.


Migration Act—

Migration Agent Regulations—MARA Notices—

MN47-06b of 2006—Migration Agents (Continuing Professional Development – Private Study of Audio, Video or Written Material) [F2006L03460]*.

MN47-06c of 2006—Migration Agents (Continuing Professional Development – Attendance at a Seminar, Workshop, Conference or Lecture) [F2006L03462]*.
MN47-06e of 2006—Migration Agents (Continuing Professional Development—Preparation of Material for Presentation) [F2006L03463]*.

Migration Regulations—Instruments—IMMI 06/026—Areas for State and Territory Sponsored Business Owner Visa [F2006L01845]*.
IMMI 06/072—Travel Agents for PRC Citizens applying for Tourist Visas [F2006L03364]*.

Military Rehabilitation and Compensation Act—Military Rehabilitation and Compensation (Non-warlike Service) Determination 2006/2 [F2006L03712]*.

Miscellaneous Taxation Ruling—Notice of Withdrawal—MT 2039.


National Health Act—Arrangements Nos—
PB 51 of 2006—Highly Specialised Drugs Program [F2006L03690]*.
PB 52 of 2006—Chemotherapy Pharmaceuticals Access Program [F2006L03692]*.
PB 53 of 2006—Special Authority Program (Imatinib Mesylate) [F2006L03693]*.
PB 54 of 2006—Special Authority Program (Trastuzumab) [F2006L03696]*.

Declarations Nos—
PB 46 of 2006 [F2006L03668]*.
PB 49 of 2006 [F2006L03688]*.

Determinations Nos—
PB 47 of 2006 [F2006L03686]*.
PB 48 of 2006 [F2006L03687]*.
PB 50 of 2006 [F2006L03689]*.

Product Rulings—
Addendum—PR 2006/114.

PR 2006/152 and PR 2006/153.

Remuneration Tribunal Act—Select Legislative Instrument 2006 No. 296—Remuneration Tribunal (Members’ Fees and Allowances) Amendment Regulations 2006 (No. 1) [F2006L03695]*.

Safety, Rehabilitation and Compensation Act—Select Legislative Instrument 2006 No. 297—Safety, Rehabilitation and Compensation Amendment Regulations 2006 (No. 1) [F2006L03691]*.


Sydney Airport Curfew Act—Dispensation Report 08/06.

Taxation Determinations TD 2006/63-TD 2006/72.

Taxation Rulings—Old Series—Notices of Withdrawal—IT 134, IT 326, IT 2305, IT 2414, IT 2439 and IT 2470.

Telecommunications Act—
Telecommunications Labelling (Customer Equipment and Customer Cabling) Amendment Notice 2006 (No. 3) [F2006L03767]*.


Telecommunications (Interception and Access) Act—Select Legislative Instrument 2006 No. 293—Telecommunications (Interception and Access) Amendment Regulations 2006 (No. 2) [F2006L03703]*.


Veterans’ Entitlements Act—
  Determination of Non-warlike Service—Operation RAMP [F2006L03709]*.
  Select Legislative Instrument 2006 No. 294—Veterans’ Entitlements (Special Assistance) Amendment Regulations 2006 (No. 1) [F2006L03710]*.
  Veterans’ Entitlements (Special Disability Trust Beneficiary Requirements) Nomination of Agreement 2006 [F2006L03097]*.
  Veterans’ Entitlements (Special Disability Trust) Guidelines 2006 [F2006L03098]*.
  Veterans’ Entitlements (Special Disability Trust – Trust Deed, Reporting and Audit Requirements) Determination 2006 [F2006L03100]*.

Governor-General’s Proclamation—Commencement of provisions of an Act

  Electoral and Referendum Amendment (Electoral Integrity and Other Measures) Act 2006—Items 17 to 19 of Schedule 1—21 November 2006 [F2006L03740]*.

* Explanatory statement tabled with legislative instrument.

Departmental and Agency Contracts

The following document was tabled pursuant to the order of the Senate of 20 June 2001, as amended:

QUESTIONS ON NOTICE

The following answers to questions were circulated:

Illegal Entry Vessels
(Question No. 1411)

Senator Milne asked the Minister for Justice and Customs, upon notice, on 1 December 2005:

(1) How many rescues of suspected illegal entry vessels was Coastwatch involved in between 1 January 1999 and 31 December 2001; (b) what were the code names of those suspected illegal entry vessels; and (c) how many passengers were aboard those vessels.

(2) (a) What action was taken by Coastwatch on 27 March and 28 March 2001 in relation to the rescue at sea of the suspected illegal entry vessel codenamed Gelantipy; and (b) what records are held by Coastwatch in relation to the rescue at sea of this vessel.

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

(1) During the period 1 January 1999 and 31 December 2001 Customs was involved in the rescue of one suspected illegal entry vessel. The incident occurred on 8 November 2001, North of Ashmore Islands and involved the Australian Customs Vessel Arnhem Bay, Fremantle Class Patrol Boat HMAS Wollongong and the suspected illegal entry vessel Sumber Lestari. (b) The suspected illegal entry vessel was code-named SIEV 10. (c) During the course of the rescue, which lasted fifty-seven minutes, Customs and Navy personnel retrieved 164 people (including two deceased persons and four Indonesian crew) from the water. The Sumber Lestrai eventually burnt to the waterline and sank.

(2) (a) Coastwatch was not directly involved with the rescue of the suspected illegal entry vessel codenamed Gelantipy, however:
   • in accordance with Standard Operating Procedures, Coastwatch acted as a conduit for the exchange of information among relevant client agencies in relation to the vessel; and
   • on 27 March 2001, a Coastwatch aircraft was released to Australian Search and Rescue (AusSAR) to conduct a search for the vessel

(b) Coastwatch has records of exchanges of information with relevant client agencies and with AusSAR.

Illegal Entry Vessels
(Question No. 1443)

Senator Ludwig asked the Minister for Minister for Justice and Customs, upon notice, on 8 December 2005:

For each of the financial years 2002-03 to 2004-05 to date:

(1) How many Suspected Illegal Entry Vessels (SIEV) have been detected in Australian waters.

(2) How many SIEV were first detected by: (a) the Australian Customs Service (ACS) (b) other federal agencies (c) state or local government; and (d) other non-government agencies.

(3) For each SIEV: (a) on what date was the entry detected; (b) how many SIEVs were detected in each entry (c) how did ACS detect the SIEV (i.e. Coastwatch aerial surveillance, reports from another government agency, reports from an individual, any other manner); (d) where was the SIEV detected; (e) did ACS or Coastwatch intercept the SIEV; (f) on what date was the SIEV intercepted; (g) were any other agencies involved in the interception of the SIEV; if not, why not; and if not,
was another government agency able to intercept the SIEV; (h) was the SIEV impounded or turned around; (i) what was the number of persons on the SIEV; (k) what was the number of persons detained from the SIEV; (l) how many of those charges resulted in a prosecution; (m) how many prosecutions resulted in a successful conviction and what was the sentence; (n) if the SIEV was impounded: (i) has it been since released, (ii) has it been destroyed, or (iii) is it still impounded; (o) if it was released, to whom; and (p) if it was not impounded, what was done with the SIEV after it had been intercepted.

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

(1) 2002-03 - none
2003-04 - three
2004-05 – none
2005-06 to 8 December 2005 - one

(2) 2002-03 – not applicable
2003-04
(a) none
(b) none
(c) one
(d) none
2004-05 – not applicable
2005-06
(a) none
(b) none
(c) none
(d) none

(3)

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<tr>
<td>(a)</td>
<td>1 July 2003</td>
<td>4 November 2003</td>
<td>4 March 2004</td>
<td>5 November 2005</td>
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<tr>
<td>(b)</td>
<td>One</td>
<td>One</td>
<td>Not applicable</td>
<td>One</td>
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<tr>
<td>(c)</td>
<td>Report from State Government Statutory Authority</td>
<td>Report from an individual</td>
<td>Not found</td>
<td>Report from an individual</td>
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<td>(d)</td>
<td>Waters off Port Hedland</td>
<td>Melville Island</td>
<td>Ashmore Islands</td>
<td>North of Cape London-derry</td>
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<tr>
<td>(e)</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
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<td>(f)</td>
<td>1 July 2003</td>
<td>4 November 2003</td>
<td>Not applicable</td>
<td>5 November 2005</td>
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<td>(g)</td>
<td>Customs and Defence</td>
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<td>(h)</td>
<td>Impounded</td>
<td>Turned around</td>
<td>Vessel disembarked persons and departed Australian Exclusive Economic Zone.</td>
<td>Impounded</td>
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<tr>
<td>(i)</td>
<td>56</td>
<td>18</td>
<td>Total number of persons, including crew, unknown.</td>
<td>7</td>
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<td>(j)</td>
<td>56</td>
<td>18</td>
<td>15</td>
<td>7</td>
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<tr>
<td>(k)</td>
<td>Three individuals were each charged with an offence relating to the bringing / harbouring an illegal immigrant under section 232A of the Migration Act 1958.</td>
<td>No charges</td>
<td>No charges</td>
<td>No charges</td>
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<td>(l)</td>
<td>All</td>
<td>Not applicable</td>
<td>Not applicable</td>
<td>Not applicable</td>
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<tr>
<td>(m)</td>
<td>In March 2004 two of the three were convicted in relation to the arrival of SIEV 13. The second was found not guilty. In March 2005 the convictions of the first two men were quashed on appeal. In October 2005, the retrial of the two men was conducted. One was found not guilty and there was a hung jury for the other.</td>
<td>Not applicable</td>
<td>Not applicable</td>
<td>Not applicable</td>
</tr>
<tr>
<td>(n)</td>
<td>Destroyed</td>
<td>Not applicable</td>
<td>Not applicable</td>
<td>Destroyed</td>
</tr>
<tr>
<td>(o)</td>
<td>Not applicable</td>
<td>Not applicable</td>
<td>Not applicable</td>
<td>Not applicable</td>
</tr>
<tr>
<td>(p)</td>
<td>Not applicable</td>
<td>Not applicable</td>
<td>Not applicable</td>
<td>Not applicable</td>
</tr>
</tbody>
</table>

Post-Budget Function
(Question No. 1883)

Senator Milne asked the Minister representing the Prime Minister in the Senate and Other Ministers, upon notice, on 06 June 2006:
Did the Minister host a post-budget function after the release of the 2006-2007 Commonwealth Budget on 9 May 2006; if so:
(a) where was the function held;
(b) who was invited to the function;
(c) who attended the function;
(d) what was the cost of hosting the function;
(e) was the cost charged to the Commonwealth; if not, to whom was it charged;
(f) was a ticket price charged; if so, what was the ticket price;
(g) if no ticket price was charged, was a donation requested;
(h) how much revenue was collected by way of tickets charged or donations received; and
(i) to whom was the revenue paid.

Senator Minchin—The Prime Minister has provided the following answer to the honourable senator’s question:
I did not host a post-budget function on 9 May 2006.
However, for a number of years I have been associated with a budget night function hosted by a group of businessmen. I attend this function and extend invitations to my parliamentary colleagues. The function is private and any proceeds, after costs, are donated to charity.

**Post-Budget Function**

**(Question No. 1906)**

_Senator Milne_ asked the Minister representing the Minister for Community Services, upon notice, on 6 June 2006:

Did the Minister host a post-budget function after the release of the 2006-2007 Commonwealth Budget on 9 May 2006; if so:

(a) where was the function held;
(b) who was invited to the function;
(c) who attended the function;
(d) what was the cost of hosting the function;
(e) was the cost charged to the Commonwealth; if not, to whom was it charged;
(f) was a ticket price charged; if so, what was the ticket price;
(g) if no ticket price was charged, was a donation requested;
(h) how much revenue was collected by way of tickets charged or donations received; and
(i) to whom was the revenue paid.

_Senator Kemp_—The Minister for Community Services has provided the following answer to the honourable senator’s question:

The Minister for Community Services did not host a post-budget function after the release of the 2006-2007 Commonwealth Budget.

**The Nationals**

**(Question No. 1919)**

_Senator O’Brien_ asked the Minister representing the Special Minister of State, upon notice, on 8 June 2006:

(1) Can details be provided of office holders of The Nationals, a political party registered under the Commonwealth Electoral Act 1918.
(2) Can details also be provided of any changes to office holders in the 2005-06 financial year, to date.

_Senator Abetz_—The Special Minister of State has supplied the following answer to the honourable senator’s question:

The Australian Electoral Commission (AEC) has provided the following information in response to the question:

(1) The Commonwealth Electoral Act 1918 (the Act) requires that a registered political party have a registered officer (paragraph 126(2)(c)) and a party agent (subsection 288(1)). The AEC may also be aware of the name of the current secretary or equivalent of a party, but because of the operation of sections 126 and 134 of the Act, the AEC would not be formally aware of the holders of any other offices in registered political parties.

The registered officer of the National Party of Australia is Andrew Hall. The party agent of the National Party of Australia is Susan Mitchell and the Federal Director of the National Party of Australia (secretary equivalent) is Andrew Hall.

QUESTIONS ON NOTICE
(2) There were no changes made to the details of the National Party of Australia by the AEC during the 2005-06 financial year.

**Minister for Ageing: Overseas Travel**

*(Question No. 2018)*

Senator McLucas asked the Minister for Ageing, upon notice, on 15 June 2006:

With reference to the Minister’s overseas travel, since being appointed to the Senate, can the following details be provided:

1. What was the purpose of each trip.
2. (a) Was the Minister accompanied on any trip by a family member, relative, friend or other person; and (b) what was the cost to the taxpayer, if applicable, of this person’s travel, accommodation and any other charges incurred that were met by the taxpayer.
3. On what dates and for what duration was each trip.
4. For each visit: (a) what was the destination; (b) what hotels and other paid accommodation were stayed in; (c) what was overall cost to the taxpayer; and (d) can a copy of the report on the trip be provided.

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

Since being appointed to the Senate I have made one trip:

1. To represent Australia at the dedication of a memorial to honour the forty-four servicemen killed at Baker’s Creek in Queensland in 1945, participate in discussions on ageing issues, and attend events marking World Elder Abuse Awareness Day.
2. (a) Yes – the Minister’s Advisor and a departmental staff member.
   (b) $49,125.73 (this amount does not include $19,627 for accommodation, meals and transport which has been allocated to the Minister as it is not possible to split all accommodation and meal costs between the travellers on the Department of Finance and Administration Post accounts received to date).
3. 7 to 18 June 2006 – 12 days inclusive.
   (b) InterContinental Hotel, Texas; Jefferson Hotel, Washington and Waldorf Hotel, New York.
   (c) $109,598.32 (inclusive of all costs identified in 2(b) above).
   (d) The report is yet to be finalised.

**Estimates Training Sessions**

*(Question No. 2157)*

Senator O’Brien asked the Minister representing the Prime Minister in the Senate, upon notice, on 14 July 2006:

1. What Senate estimates training sessions have officers of the Minister’s departments and agencies attended in the past 3 financial years, by year.
2. For each of the past 3 financial years: (a) how many officers participated in; and (b) what was the total cost of, training for Senate estimates, by department and agency and by financial year.
3. Where training has been provided by a private provider, what was the name of the provider and the associated cost.

Senator Minchin—The Prime Minister has provided the following answer to the honourable senator’s question:
Sunday, 27 November 2006

QUESTIONS ON NOTICE

(1) and 2 (a) & (b)

2003-04 – Nil
2004-05 – Nil
2005-06 – As set out in the table below:

<table>
<thead>
<tr>
<th>Agency</th>
<th>Training Session</th>
<th>No. Staff</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prime Minister &amp; Cabinet (PM&amp;C)</td>
<td>Senate Estimates Training (Department of the Senate)</td>
<td>22</td>
<td>$2200</td>
</tr>
<tr>
<td></td>
<td>Communications training re Senate Estimates</td>
<td>3</td>
<td>$3520</td>
</tr>
<tr>
<td></td>
<td>Senate Estimates Training (for APEC 2007 staff)</td>
<td>7</td>
<td>$4950</td>
</tr>
<tr>
<td>Australian Public Service Commission (APSC)</td>
<td>Preparing to appear before Parliamentary Committees (APSC)</td>
<td>2</td>
<td>$1565</td>
</tr>
<tr>
<td>Australian National Audit Office</td>
<td>Budget &amp; Senate Estimates Process (Department of the Senate)</td>
<td>1</td>
<td>$210</td>
</tr>
<tr>
<td>Commonwealth Ombudsman’s Office</td>
<td>Nil</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Office of National Assessments</td>
<td>Nil</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Office of the Inspector General of Intelligence &amp; Security</td>
<td>Nil</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>National Water Commission</td>
<td>Nil</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Office of the Official Secretary to the Governor-General</td>
<td>Nil</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

(3) 2003-04 – N/A
2004-05 – N/A
2005-06 – Of the courses listed in question 1, the following were conducted by private providers:

<table>
<thead>
<tr>
<th>Agency</th>
<th>Name of private provider</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>PM&amp;C</td>
<td>Stone Wilson Consulting</td>
<td>$3520</td>
</tr>
<tr>
<td>APSC</td>
<td>Prakash Mirchandani of Media Guru Pty Ltd (for APEC 2007 staff)</td>
<td>$4950</td>
</tr>
<tr>
<td>APSC</td>
<td>Stone Wilson Consulting</td>
<td>$1565</td>
</tr>
</tbody>
</table>

Education, Science and Training: Travel Entitlements

(Question No. 2223)

Senator O’Brien asked the Minister representing the Minister for Education, Science and Training, upon notice, on 14 July 2006:

(1) What entitlement do partners or family members of senior officers of the department, or agencies for which the Minister is responsible, have to travel at government expense.

(2) If an entitlement exists, by department and/or agency: (a) what process is used to assess whether the travel costs of partners or family members are met by the Government; (b) who undertakes such an assessment; and (c) who approves funding for partner or family travel.

Senator Vanstone—The Minister for Education, Science and Training has provided the following answer to the honourable senator’s question:
Department of Education Science and Training including Questacon (DEST)

(1) Partners or family members of senior officers (SES) of DEST have entitlement to travel at government expense in the following circumstances:

When an employee undertakes long term posting overseas. Where family members accompany the employee for the period of posting overseas, entitlement exists for (i) travel to and from the overseas post, (ii) return to Australia at mid point of posting, (iii) if posted to a hardship locality, relief fare to nearest Australian equivalent city and (iv) for emergency or medical evacuation. Where family members do not accompany the employee for the period of posting overseas, entitlement exists for the family member to travel to the overseas post for the purposes of reunion.

When an employee is stationed in a remote locality within Australia, entitlement may exist for (i) payment of student travel fares (where a child of the employee is not schooled at the remote locality), (ii) payment of medical, dental or emergency fares (where appropriate treatment is not available at the remote locality) and (iii) payment of compassionate fares (to travel to close family members who become dangerously or critically ill).

When an employee undertakes short-term overseas mission, discretionary entitlement may exist for spouse accompanied travel.

When an employee is transferred, on a permanent or temporary basis, to another locality within Australia. Where family members accompany the employee for the period of transfer, entitlement exists for travel to and return from the transfer locality. Where family members do not accompany the employee for the period of transfer, entitlement exists for the family member to travel to the transfer locality for the purposes of reunion.

(2) (a) Family members’ travel at government expense is considered on a case by case basis having regard to the employees Australian Workplace Agreement and related employment policies including the DEST Overseas Conditions Policy, the DEST SES Travel Policy and the DEST Remote Fares Assistance Policy. (b) The Secretary on advice from her Corporate functional area. (c) The Secretary

Commonwealth Scientific and Industrial Research Organisation (CSIRO)

(1) CSIRO extends a spouse travel benefit in certain circumstances to senior staff to allow a spouse, partner or other family member to accompany them occasionally on official travel locally or overseas. A domestic spouse travel benefit is available to some senior managers once per year and for some senior officers where there is an invitation covering the senior officer and spouse. Special eligibility tests apply to the overseas spouse travel benefit. These benefits cover the cost of fares and additional accommodation only.

In the situation where a senior officer is required to relocate, CSIRO might offer to pay certain travel costs of affected family members.

(2) (a) For an overseas spouse travel benefit, requests are determined having regard to length of time in a senior position or length of absence overseas. For a domestic spouse travel benefit requests are determined having regard to the aptness of accepting an invitation covering a senior officer and spouse. Some senior managers are eligible for an annual domestic spouse travel benefit, which may be accumulated. For relocation of a staff member, expenses payable are subject to agreement between the senior officer and the responsible manager. (b) Divisional Chiefs or equivalent managers, or for staff classified as Chief or above, the discretion is with the next level manager. (c) As above for (b).

Australian Nuclear Science and Technology Organisation (ANSTO)

(1) The Executive Director has the discretion to approve requests by an officer for a spouse or family member to accompany them on an official trip to the extent of the travel expense. Private meal
costs and any difference in accommodation costs are the responsibility of the officer. Any FBT in relation to any private costs is at the expense of the officer.

(2) (a) Requests are determined on a case by case basis, but will generally take into account the extent and frequency of travel previously undertaken by the officer on behalf of ANSTO. (b) The Executive Director, ANSTO. (c) The Executive Director, ANSTO

Australian Research Council (ARC)

(1) The only entitlement for family accompanied travel is when a new employee travels from overseas to commence with the ARC. All other cases upon commencement are treated on a case by case basis.

(2) (a) Senior Officers travelling from overseas to commence with the ARC who have signed an AWA are re-imbursted upon production of receipts. All other cases on commencement are treated on a case by case basis. (b) The Executive Director, ANSTO. (c) The Executive Director, ANSTO

Australian Institute of Marine Science (AIMS)

(1) No entitlement

(2) Not applicable

Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS)

(1) AIATSIS Councillors and the Principal have entitlements for partners to travel as set out in clause 1.10 of Remuneration Tribunal Determination 2004/03, which applies to most Office Holders:

“Accompanied travel may only occur when the office holder’s employer certifies in writing that it is demonstrably in the interest of the Commonwealth, given the purpose of the travel, for the office holder to be accompanied by his/her spouse or partner.”

(2) (a) Requests are determined on a case by case basis. (b) Chairperson, AIATSIS Council. (c) Chairperson, AIATSIS Council

Anglo-Australian Telescope Board (AATB)

(1) No entitlement

(2) Not applicable

Phosdrin Insecticide

(Question No. 2302)

Senator Milne asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 4 August 2006:

(1) What are the quantities of Phosdrin insecticide supplied and sold in Tasmania since its registration.

(2) In what year did the commercial supply and sale of Phosdrin insecticide commence in Tasmania.

(3) What monitoring programmes have been put in place regarding Phosdrin insecticide supplied and sold in Tasmania since its registration.

(4) What is the known off-label use of Phosdrin insecticide supplied and sold in Tasmania since its registration.

Senator Abetz—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:

(1) The use of phosdrin insecticide has been restricted in Tasmania since the mid-1980s through a licensing and permitting system. Currently, there are 7 users in Tasmania permitted to use phosdrin insecticide for control of diamond back moth on brassica crops, in accordance with the approved label.
(2) The earliest records show that the Pesticides Advisory Committee recommended continued registration on 28 August 1973 but there are no records of the actual date of first registration (or of the first sale or supply).

(3) I am not aware of any monitoring programmes.

(4) No permits have been issued for off-label use of phosdrin in Tasmania by the Australian Pesticides and Veterinary Medicines Authority (APVMA) or by the Tasmanian Department of Primary Industries and Water.

Prime Minister and Cabinet: Departmental Leaks
(Question No. 2313)

Senator Wong asked the Minister representing the Prime Minister, upon notice, on 8 August 2006:

(1) Did Dr Peter Shergold, the Secretary of the Department of Prime Minister and Cabinet, deliver a speech at the National Press Club on 17 November 2004 in which he pledged to call in the police on each and every occasion government material was leaked.

(2) Is the Prime Minister aware of an article in The Daily Telegraph of 26 July 2006 which reported details of an examination by the Office of Workplace Services of the circumstances of workers that have appeared in Australian Council of Trade Unions advertisements.

(3) On what date did Dr Shergold seek the assistance of the Australian Federal Police (AFP) to investigate the leak of this information.

(4) What assistance has the AFP provided.

(5) If Dr Shergold did not seek the assistance of the AFP in relation to this leak was it because: (a) the leak was authorised; if so, by whom; and (b) the leak was authorised but serves the interests of the Government.

(6) If Dr Shergold did not seek the assistance of the AFP in relation to this leak can a reason be provided as to why no AFP assistance was sought on this occasion.

Senator Minchin—The Prime Minister has provided the following answer to the honourable senator’s question:

(1) I am advised that, consistent with his comments in the 17 November 2004 speech to the National Press Club, Dr Shergold will request the AFP to investigate alleged leaks that occur within his department. AFP involvement in investigating alleged leaks within other portfolios are a matter for the responsible Departmental Secretary.

(2) Yes.

(3) I am advised that, consistent with the answer in (1) above, AFP assistance was not sought by Dr Shergold.

(4) See response to Question 3.

(5) See response to Question 3.

(6) See response to Question 3.

Medical School Graduates
(Question No. 2332)

Senator Allison asked the Minister representing the Minister for Health and Ageing, upon notice, on 10 August 2006:

(1) How many medical school graduates are there annually.
(2) How many intern places and vocational training places currently exist for medical school graduates.

(3) Given that there will be a 120 per cent increase in the number of medical school graduates in Australia between the years 2000 and 2012, how many intern positions will be required to meet the need for training places in hospitals for these graduates by the year 2012.

(4) What processes are in place to ensure that these training places will be available.

(5) How much funding is provided for medical training in the Australian Health Care Agreements.

(6) Is Federal Government funding to the states/territories for medical training tied to performance benchmarks: if so, what are these benchmarks; if not, why not.

(7) If more medical schools are approved, what processes will be put in place to ensure that there are adequate training places for the additional graduates.

Senator Santoro—The Minister for Health and Ageing has provided the following answer to the honourable senator’s question:

(1) The table below outlines the number of medical school graduates from 2005, as well as estimated graduates for the current and future years. The figures are based upon the number of medical school intakes and an attrition rate of 3.5%.

<table>
<thead>
<tr>
<th></th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACT</td>
<td>0</td>
<td>0</td>
<td>77</td>
<td>77</td>
<td>77</td>
<td>77</td>
<td>77</td>
<td>77</td>
</tr>
<tr>
<td>QLD</td>
<td>289</td>
<td>303</td>
<td>341</td>
<td>373</td>
<td>398</td>
<td>410</td>
<td>449</td>
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</tr>
<tr>
<td>VIC</td>
<td>420</td>
<td>334</td>
<td>335</td>
<td>325</td>
<td>297</td>
<td>299</td>
<td>419</td>
<td>494</td>
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<td>155</td>
<td>164</td>
<td>174</td>
<td>180</td>
<td>177</td>
<td>178</td>
<td>186</td>
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<tr>
<td>WA</td>
<td>122</td>
<td>132</td>
<td>135</td>
<td>187</td>
<td>252</td>
<td>206</td>
<td>211</td>
<td>217</td>
</tr>
<tr>
<td>TAS</td>
<td>51</td>
<td>60</td>
<td>60</td>
<td>67</td>
<td>85</td>
<td>137</td>
<td>112</td>
<td>112</td>
</tr>
<tr>
<td>NSW</td>
<td>411</td>
<td>426</td>
<td>450</td>
<td>449</td>
<td>451</td>
<td>526</td>
<td>689</td>
<td>780</td>
</tr>
<tr>
<td>Total</td>
<td>1448</td>
<td>1419</td>
<td>1572</td>
<td>1658</td>
<td>1737</td>
<td>1833</td>
<td>2142</td>
<td>2333</td>
</tr>
</tbody>
</table>

(2) The estimate of such places for medical school graduates for 2006 is 3,449, derived from the following breakdown:
1,895 for Post Graduate Year (PGY) 1 intakes,
1,554 for PGY2 intakes.

(3) The table below shows a breakdown of the estimated Post Graduate Year (PGY) entrants for the period 2006 to 2012.

<table>
<thead>
<tr>
<th>PGY years</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>Entry to PGY1</td>
<td>1,895</td>
<td>2,088</td>
<td>2,162</td>
<td>2,232</td>
<td>2,475</td>
<td>2,700</td>
<td>2,708</td>
</tr>
<tr>
<td>Entry to PGY2</td>
<td>1,554</td>
<td>1,816</td>
<td>2,001</td>
<td>2,072</td>
<td>2,138</td>
<td>2,371</td>
<td>2,587</td>
</tr>
<tr>
<td>Total PGY entrants</td>
<td>3,449</td>
<td>3,904</td>
<td>4,163</td>
<td>4,304</td>
<td>4,613</td>
<td>5,071</td>
<td>5,295</td>
</tr>
</tbody>
</table>

(4) In signing the 2003-08 Australian Health Care Agreements, the states and territories have agreed to continue to provide support for medical specialist training positions.

(5) Funding for medical training purposes under the Australian Health Care Agreements is not specifically earmarked.

(6) There is a requirement under the Australian Health Care Agreements for States and Territories to report annually on the number of accredited medical specialist training positions by speciality.

(7) Refer to part (4).
Portfolio Appropriations
(Question Nos 2334 to 2353)

Senator O’Brien asked all Ministers, upon notice, on 11 August 2006:

With reference to the portfolio appropriation for the 2005-06 financial year; can the following information be provided:

(1) The quantum of any underspend or overspend in the administered appropriation by output or programme.
(2) The quantum of any underspend or overspend in the departmental appropriation by output or programme.
(3) By output or programme, what was the reason for any underspend or overspend.

Senator Minchin—I provide the following answers on behalf of all ministers to the honourable senator’s questions:

In accordance with annual report guidelines, agencies are required to provide their actual and budgeted spending information by outcome and output in their annual reports. Annual reports are also required to include discussion and analysis of department’s financial performance for the year, including significant changes in financial results from the budgeted financial statements.

Annual reports for the 2005-06 financial year for the relevant agencies are required to be tabled in Parliament by the end of October.

Skilled Migration
(Question No. 2482)

Senator Hurley asked the Minister for Immigration and Multicultural Affairs, upon notice, on 7 September 2006:

With reference to the independent regional (provisional) visa (subclass 495):

(1) Since its inception, how many people have accessed the 495 visa.
(2) Are specific job categories designated for people arriving under this visa.
(3) Is an English language standard prescribed for 495 visa holders: if so, what is the standard.
(4) Under what circumstances can a departmental case officer waive the International English Language Testing System.
(5) What are the existing arrangements between employers and the Government under this visa.
(6) What is the agreement between 495 visa holders and the department.
(7) What is the agreement between employee and employer under this visa.
(8) What are the consequences for 495 visa holders who fail to comply with agreements they made with their employer or the department.
(9) How many 495 visa holders have failed to keep their jobs since the inception of the visa.

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

(1) The Skilled Independent Regional (SIR) provisional visa subclass 495 was introduced on 1 July 2004. Since that date, as at 30 June 2006, 5,359 visas have been granted.
(2) Like all applicants for a General Skilled Migration (GSM) program visa, those applying for a SIR visa must nominate an occupation that is on the Skilled Occupations List (SOL) and have their skills assessed as suitable for working in that occupation by the relevant assessing authority. Only occupations with an Australian Standard Classification of Occupations (ASCO) 1-4 are on the...
SOL. These classifications cover the groupings, Managers and Administrators; Professionals; Associate Professionals and Tradespersons and related workers.

(3) Applicants for a SIR visa are required to have vocational English. That is, they need to have achieved a score of at least 5 in each of the 4 International English Language Testing System (IELTS) components – reading, writing, listening and speaking. (Regulation 495.223)

(4) Circumstances where a case officer may waive the requirement for a GSM applicant to submit the results of an IELTS test undertaken within 12 months of submitting their application include where the applicant:

- is a native born English language speaker. That is, a person whose first spoken language is English and holds a passport of one of the following countries:
  - United Kingdom (UK)
  - Canada
  - New Zealand
  - United States of America (USA)
  - Republic of Ireland; or

- has passed the Occupational English Test (OET) – as required by some professional organisations; or

- has sat an IELTS test more than 12 months but less than 2 years ago and he or she has been working full time in an English speaking country; or

- holds National Accreditation Authority for Translators and Interpreters (NAATI) as an interpreter, conference interpreter or conference interpreter (Senior).

(5) SIR visa applicants are sponsored by a participating State or Territory Government. No arrangements are made with prospective employers as part of the visa process.

(6) There is no formal agreement between the applicant and the department. The SIR visa is a provisional visa designed to provide a pathway to permanent residence for applicants who are sponsored by State and Territory governments and are willing to live and work in a defined area of Australia. Relevant areas are defined by postcode in a Gazette Notice (Item 6A1004). While there is no “agreement” as such, SIR visa applicants are aware (both from departmental material and information provided to them by the sponsoring state or territory) of the conditions they would have to meet in order to qualify for a permanent visa – that is they have lived for at least two years in a defined area and have worked for at least 12 months in a defined area.

(7) The SIR visa is not an employer sponsored visa so no agreement between employer and employee is required for the SIR visa category.

(8) There is no agreement with an employer. The SIR visa is a 3 year provisional visa. After 2 years holders can apply for a sponsored permanent visa if they have complied with the conditions attached to their visa that is they have lived in a defined area for at least 2 years and worked full-time for at least 12 months. SIR visa holders who do not comply with this requirement may not qualify for any further visa and may be required to leave Australia.

(9) The Department does not monitor individual employment outcomes for SIR visa holders. The Department manages an ongoing program of surveys designed to examine the labour market outcomes of various visa classes. Recent survey data indicates 82 per cent of SIR visa holders are employed 6 months after arrival in Australia.
Tourism
(Question No. 2493)

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

What is the basis of the Minister’s claim, published in the Australian Financial Review on 2 September 2006, that ‘Americans only want to fly on American airlines’.

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

The article entitled “So where the Bloody Hell are they…” appearing in the Australian Financial Review on 2 September 2006 was a broad discussion on the challenges facing the Australian inbound tourism industry.

The comments attributed to the former Minister for Transport and Regional Services were a general observation on travel preferences by American citizens. The comments were part of a broader statement that noted that it was unfortunate that more American airlines did not choose to take advantage of the current air services agreement between Australia and the United States of America that provides for competition on the route, with any US or New Zealand airline, along with those of a number of countries, able to commence at any time.

Israel
(Question No. 2504)

Senator Nettle asked the Minister representing the Minister for Defence, upon notice, on 21 September 2006:

(1) What training exercises have been conducted between Australia and Israel in the past 2 years.
(2) Has any defence-related equipment exported to Israel from Australia been used by the Israeli Defence Force in the recent conflict in Lebanon.
(3) For the years 2005 and 2006 to date, can a detailed list be provided of all defence-related goods (both military and dual use) supplied to Israel by the Government or Australian companies, including: (a) the exact nature of the goods; (b) the name of the manufacturer; and (c) the value of the goods.

Senator Ian Campbell—The Minister for Defence has provided the following answer to the honourable senator’s question:

(1) None.
(2) The Australian Government is not aware of whether any equipment supplied by Australia was used in the recent conflict with Hezbollah.
(3) The table below provides details of Australian exports of defence and dual-use goods listed in the Defence and Strategic Goods List, published under the Customs Act 1901. The names of the exporters have not been released due to the commercial-in-confidence nature of the information.

<table>
<thead>
<tr>
<th>Nature of Goods</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Laser Modules</td>
<td>$8.29</td>
</tr>
<tr>
<td>Converter</td>
<td>$159,301.00</td>
</tr>
<tr>
<td>Millimetre Wave Downconverter</td>
<td>$64,240.38</td>
</tr>
<tr>
<td>Millimetre Wave Downconverter</td>
<td>$63,950.48</td>
</tr>
<tr>
<td>Compact Disk &amp; CD ROM</td>
<td>$2.50</td>
</tr>
<tr>
<td>Downconverter Assembly</td>
<td>$63,909.29</td>
</tr>
</tbody>
</table>
Nature of Goods | Value
---|---
Laser Modules | $345.34
Triplex Downconverter Assembly | $11,048.91
Millimetre Wave Downconverter | $66,106.89
Downconverter Assembly | $64,268.71
Triplex Upconverter Assembly | $9,748.38
Wave Downconverter Assembly | $62,855.66
Laser Modules | $23.21
Millimetre Wave Downconverter | $64,430.59
Downconverter Assembly | $63,322.47
Converter | $64,999.33
Triplex Downconverter Assembly | $11,325.14
Downconverters | $11,230.02
Antenna | $19,815.00
Triplex Downconverter Assembly | $11,109.62
Converter | $11,346.84

2006:
Nature of Goods | Value
---|---
Triplex Downconverter Assembly | $46,553.41
Nightforce Optics | $53,477.91
Aircraft Parts | $152,680.00
Aircraft Parts | $219,750.00
Millimeter Wave Downconverter | $97,200.00
Millimeter Wave Downconverter | $65,410.49
Wave Downconverter Assembly | $65,595.89
Scopes - Rifle, Pistol | $11,394.67
Protective Ceramic Panels | $19,610.40

Tobacco Industry
(Question No. 2512)

Senator Allison asked the Minister representing the Minister for Health and Ageing, upon notice, on 27 September 2006:

With reference to the article in The Melbourne Age on 5 August 2006 ‘Big tobacco flicks cash at pub ban: How the cigarette company giants are funding clubland’s smoking fightback’:

(1) Is the Government aware of reports that hoteliers have been offered financial inducements by tobacco companies to finance open air venues and accommodate smokers once stricter indoor smoking bans are introduced in Victoria in 2007.

(2) Has the Government taken action to examine the legality of the above financial inducements; if so, what action has been taken.

(3) Has the Government taken action to explore measures to combat the moves by tobacco companies to impede the spirit of the indoor smoking bans; if so, what action has been taken.

Senator Santoro—The Minister for Health and Ageing has provided the following answer to the honourable senator’s question:

(1) The Department of Health and Ageing is aware of these reports. However, this issue is a matter for the Victorian Government.

(2) No. This is a matter for the Victorian Government.

(3) No. This is a matter for the Victorian Department of Human Services.
Tasmanian Devils
(Question No. 2546)

Senator Bob Brown asked the Minister for the Environment and Heritage, upon notice, on 9 October 2006:

With reference to the Tasmanian devil:

(1) Have off-display breeding facilities been established in Tasmania to help ensure the survival of the species; if so where and how many facilities; if not, why not.

(2) Is a breeding program to be centred in Tasmania or mainland Australia.

(3) In terms of ensuring survival, what is the difference between on-display and off-display facilities.

(4) Is there a captive breeding program in Tasmania.

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

(1) Yes. An “insurance” captive breeding program has been established in conjunction with the Australasian Regional Association of Zoological Parks and Aquaria (ARAZPA) by taking young animals from the wild (from areas without the disease) early in 2005.

These animals have been maintained since then in facilities managed by the Devil Facial Tumour Disease Program, a joint State and Commonwealth funded programme.

The facilities have been located at Maria Island, Taroona, Lauderdale and Ferntree. These animals (totalling about 40) will be transferred over the next six to eight weeks to zoos on the Australian mainland and managed under the terms of a joint ARAZPA – Tasmanian Dept of Primary Industries and Water (DPIW) Devil Captive Breeding Programme.

(2) The initial managed breeding program is to be centered on the Australian mainland. Once the facility is established, the Devil Facial Tumour Disease (DFTD) programme will work with Tasmanian wildlife park operators to seek their involvement in a managed captive breeding programme, coordinated by DPIW as back up to the Australian mainland facility.

(3) To ensure survival, Tasmanian devils need to be bred in captive conditions that successfully facilitate natural breeding, maintain natural behaviours, and avoid stereotypical captive behavioural patterns.

Such natural behaviour depends on having enclosures and trained keepers that provide for the reproductive, social and behavioural needs of the animals. This can happen regardless of whether the facilities are “on-display” or “off-display”. Most of the ARAZPA-DPIW Devil Captive Breeding Programme facilities, however, will be off-display, and some animals will sometimes be on-display.

(4) Some Tasmanian devils are bred by some wildlife park operators, however the only managed captive breeding program, that currently maximises genetic diversity by maintaining a Stud Book and providing pairing directions is that which is managed under the direction of ARAZPA. See answer to Question 2.

FEE-HELP Loans
(Question No. 2549)

Senator Wong asked the Minister representing the Minister for Education, Science and Training, upon notice, on 10 October 2006:

What percentage of FEE-HELP loans are taken out by domestic undergraduate students from higher education providers listed in ‘Table A’ of the Higher Education Support Act 2003?
Senator Vanstone—The Minister for Education, Science and Training has provided the following answer to the honourable senator’s question:

In 2005 (the latest year for which full-year data is available), 8.8% of the total value of FEE-HELP loans was taken out by domestic undergraduate students enrolled in an award course at higher education providers listed on Table A of the Higher Education Support Act 2003 as reported by those providers through the higher education student collection.

Undergraduate Students
(Question No. 2550)

Senator Wong asked the Minister representing the Minister for Education, Science and Training, upon notice, on 10 October 2006:

For each year for which figures are available, and listed by institution, how many undergraduate students enrolled in a full fee paying place at an Australian university transferred into a Commonwealth supported place in the second (or subsequent year) of their course.

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

The following table shows the number of students enrolled in a full fee-paying undergraduate course at a higher education provider in one year that subsequently enrolled in a Commonwealth Supported undergraduate place at that higher education provider. It includes all students that change from full fee-paying to Commonwealth Supported undergraduate places in either the same or a different course at the same provider. For example, a student enrolled in a fee-paying Bachelor of Business who changes to either a Commonwealth Supported Bachelor of Business or Bachelor of Science at the same provider is included in the data.

<table>
<thead>
<tr>
<th>State/Institution</th>
<th>Year of transfer</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2000</td>
</tr>
<tr>
<td>New South Wales</td>
<td></td>
</tr>
<tr>
<td>Avondale College</td>
<td>0</td>
</tr>
<tr>
<td>Charles Sturt University</td>
<td>0</td>
</tr>
<tr>
<td>Southern Cross University</td>
<td>0</td>
</tr>
<tr>
<td>The University of New England</td>
<td>0</td>
</tr>
<tr>
<td>The University of New South Wales</td>
<td>4</td>
</tr>
<tr>
<td>Victoria</td>
<td></td>
</tr>
<tr>
<td>The University of Sydney</td>
<td>2</td>
</tr>
<tr>
<td>State Sub-total</td>
<td>6</td>
</tr>
<tr>
<td>Deakin University</td>
<td>2</td>
</tr>
<tr>
<td>Monash University</td>
<td>5</td>
</tr>
<tr>
<td>RMIT University</td>
<td>0</td>
</tr>
<tr>
<td>Swinburne University of Technology</td>
<td>0</td>
</tr>
<tr>
<td>The University of Melbourne</td>
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<tr>
<td>University of Ballarat</td>
<td>0</td>
</tr>
<tr>
<td>Victoria University</td>
<td>1</td>
</tr>
<tr>
<td>State Sub-total</td>
<td>8</td>
</tr>
<tr>
<td>Queensland</td>
<td></td>
</tr>
<tr>
<td>Central Queensland University</td>
<td>1</td>
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<tr>
<td>Christian Heritage College</td>
<td>0</td>
</tr>
<tr>
<td>James Cook University</td>
<td>0</td>
</tr>
<tr>
<td>The University of Queensland</td>
<td>0</td>
</tr>
<tr>
<td>University of Southern Queens land</td>
<td>0</td>
</tr>
</tbody>
</table>

QUESTIONS ON NOTICE
The data includes bachelor’s graduate entry, bachelor’s honours, bachelor’s pass, associate degree, advanced diploma (AQF), diploma (AQF) and other award courses. The data does not include postgraduate, enabling or non-award courses.

The program that was used to extract the above statistics examined all years from 1989 to 2005. There were no students identified as having transferred to Commonwealth Supported status in the years prior to 2000.

The Department uses a combination of the higher education provider number and the student identification number to track students from one year to the next when calculating this data. We do not take into account the name or identification code of the course that the student is undertaking in either year. This table includes students who transfer to Commonwealth Supported places in either the same or other undergraduate courses at that higher education provider.

The data does not include information on students that are full fee-paying at one higher education provider and change to a Commonwealth Supported at a different provider.

### CyberKnife

*(Question No. 2555)*

Senator Allison asked the Minister representing the Minister for Health and Ageing, upon notice, on 11 October 2006:

1. Is the Minister aware of the development of new treatment technologies in the area of radiation oncology such as the CyberKnife.
2. What information does the Government have on the safety and effectiveness of this technology.
3. Has the Medical Services Advisory Committee assessed the CyberKnife for use in Australia; if so: (a) when; and (b) what was the outcome.

**Senator Santoro**—The Minister for Health and Ageing has provided the following answer to the honourable senator’s question:

1. Yes.
2. and (3) CyberKnife delivers a type of cancer treatment called stereotactic radiosurgery (SRS). SRS is in wide use in Australia – delivered by modified linear accelerator. The Medical Services Advisory Committee has not received any applications specifically for the assessment of CyberKnife for use in Australia.
Tobacco Industry
(Question No. 2556)

Senator Allison asked the Minister representing the Attorney-General, upon notice, on 11 October 2006:

(1) Has the Government considered establishing a litigation fund for individuals who wish to pursue legal claims for compensation against tobacco companies for smoking-related illnesses and deaths; if not: (a) why not; and (b) will the Government do so.

(2) Has the Government considered passing legislation similar to the Tobacco Damages and Health Care Costs Recovery Act 2000 adopted in British Columbia, which authorizes the Government of British Columbia to seek recovery of tobacco-related health care costs that have arisen as a result of the tobacco industry’s misconduct; if not: (a) why not; and (b) will the Government do so.

Senator Ellison—The Attorney-General has provided the following answer to the honourable senator’s question:

(1) No. With regard to individuals pursuing legal claims against the tobacco industry, the Department of Health and Ageing will continue to monitor legal developments in this area.

(2) No. The Australian Government is not considering drafting similar legislation. Australia has a different system of law to that of the Canadian province of British Columbia. In 2005, the Australian Competition and Consumer Commission (ACCC) obtained court-enforceable undertakings from the three tobacco companies with the largest market share in Australia, to remove ‘light’, ‘mild’, and similar descriptors from their products. The companies also agreed to pay $9 million in total to the ACCC to fund anti-smoking campaigns and programs.

The Department of Health and Ageing will continue to monitor legal developments in this area. The Australian Government is actively pursuing a range of strategies through the National Tobacco Strategy 2004-2009, to discourage people from taking up smoking and to encourage those people who already smoke to stop. These measures include education programs and campaigns, pricing measures, labelling tobacco products and banning most forms of tobacco advertising, promotion and sponsorship.